

# **AGENDA**

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

### **REGULAR MEETING OF SEPTEMBER 16, 2020**

#### **IMPORTANT NOTICE REGARDING THE SEPTEMBER 16, 2020 COMMISSION MEETING**

The Local Agency Formation Commission for San Bernardino County (LAFCO or Commission) will conduct this meeting virtually by videoconference and/or teleconference in compliance with waivers to certain Brown Act provisions under the Governor's Executive Order N-29-20, and members of the Commission or LAFCO staff will participate in this meeting telephonically or electronically. The public may participate in the meeting by joining the meeting virtually, by phone, or viewing the meeting live, and may provide general comments and comments on specific agenda items, as described below:

#### **Instructions for Viewing or Listening to the meeting:**

Members of the public may:

- Join the virtual meeting on Zoom using the following link: <https://zoom.us/j/88647514057>
- Listen to the meeting by calling (669) 900-9128 and enter the Meeting ID: 88647514057#
- Watch the meeting via YouTube live stream using the following link: [https://www.youtube.com/channel/UCpEpEankM-uoTTa8c\\_OyV1Q](https://www.youtube.com/channel/UCpEpEankM-uoTTa8c_OyV1Q)

#### **Instructions for Making Comments and Testimony:**

If you wish to make comment on a specific agenda item or a general comment under public comment you can do so by:

- On Zoom video conference via the web or the Zoom App, click the 'Raise Hand' button when the item you wish to comment on is being discussed.
- On Zoom via phone, you can also raise your hand by pressing \*9 when the item you wish to comment on is being discussed.

Alternatively, if you wish to make written comments on specific agenda items, make general comments, or submit testimony for public hearings, you can send comments and testimony to LAFCO, limited to a maximum of 250 words, by email at [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov), online at [www.sbclafco.org/AgendaandNotices/Agendas/PublicComments.aspx](http://www.sbclafco.org/AgendaandNotices/Agendas/PublicComments.aspx), or by mail to LAFCO, 1170 West 3<sup>rd</sup> Street, Unit 150, San Bernardino, CA 92415-0490, for receipt no later than 7:30 a.m. on the meeting day. These comments and testimony will be read on to the meeting record at the appropriate time.

This change in public participation will continue until further notice and supersede any LAFCO standard public comment and testimony policies and procedures to the contrary.

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

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

## **CONSENT ITEMS:**

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

1. [Approval of Minutes for Regular Meeting of July 15, 2020](#)
2. [Approval of Executive Officer's Expense Report](#)
3. [Ratify Payments as Reconciled and Note Cash Receipts for the Months of June and July 2020](#)
4. [Review of Service Review Schedule for FY 2020-21](#)
5. [Consideration of: \(1\) CEQA Statutory Exemption for LAFCO SC#452; and \(2\) LAFCO SC#452 – City of San Bernardino Irrevocable Agreement to Annex No. 2020-003 for Sewer Service \(APNs 0268-291-32, -33, & -34\)](#)
6. [Note Receipt of Proposal Initiated by City Council Resolution—LAFCO 3243 - Reorganization to Include Annexation to the City of Fontana, the Fontana Fire Protection District, the West Valley Water District, and the San Bernardino Valley Municipal Water District, and Detachment from the San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and County Service Area 70](#)
7. Consent Items Deferred for Discussion

## **PUBLIC HEARING ITEMS:**

8. [Consideration of: \(1\) Review of Mitigated Negative Declaration Prepared by the County of San Bernardino for a gas station on Approximately 1.28 Acres, as CEQA Responsible Agency for LAFCO SC#453; and \(2\) LAFCO SC#453 – City of Redlands Pre-Annexation Agreement No. 20-51 for Water and Sewer Service \(Assessor Parcel Number 0298-412-01\)](#)
9. [Request for Reconsideration Submitted by Patrick Kaemerle \(on behalf of Inland Real Estate Group, LLC\) of the Commission's Approval of: \(1\) Final Environmental Impact Report Adopted by the City of Rancho Cucamonga for the Etiwanda Heights Neighborhood & Conservation Plan \(SCH No. 2017091027\), as CEQA Responsible Agency for LAFCO 3241; \(2\) Adoption of Facts, Findings and Statement of Overriding Considerations; and \(3\) LAFCO 3241 – Reorganization to Include Annexation to the City of Rancho Cucamonga and Detachment from County Service Area 70 \(Etiwanda Heights Neighborhood & Conservation Plan\)](#)
10. [Reorganization of Staff Composition to include:](#)
  - [Recruitment for an Analyst-GIS/Database Management](#)

- [Review and Adoption of Amendments to LAFCO Policy and Procedure Manual Section III – Human Resources](#)
- [Reclassify the Administrative Assistant](#)

**DISCUSSION ITEMS:**

11. [Update on Sustainability of the City of Adelanto, related to LAFCO 3232 – Sphere of Influence Amendment for the City of Adelanto](#)
12. [Continued Monitoring from LAFCO 3231 \(Countywide Fire Service Review\) for Barstow Fire Protection District and the City of Barstow \(TO BE CONTINUED TO THE JANUARY 20, 2021 MEETING\)](#)
13. [Continued Monitoring from LAFCO 3231 \(Countywide Fire Service Review\) for San Bernardino County Fire Protection District \(TO BE CONTINUED TO THE JANUARY 20, 2021 MEETING\)](#)
14. [Appointment of Voting Delegate and Alternate Voting Delegate for the 2020 CALAFCO Board of Directors Election and Nominations for CALAFCO Board Member](#)

**INFORMATION ITEMS:**

15. Legislative Oral Report
16. Executive Officer's Oral Report
17. 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.)
18. 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](http://www.sbclafco.org), and at the hearing.

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

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

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

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

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

**REGULAR MEETING**

**9:00 A.M.**

**JULY 15, 2020**

The Commission conducts the meeting virtually by videoconference (via Zoom) and teleconference (via Zoom phone) and broadcast live via YouTube live stream in compliance with the Governor's Executive Order N-29-20 in response to the COVID-19 pandemic.

**PRESENT:**

**COMMISSIONERS:**

<b>Regular Member</b>	<b>Alternate Member</b>
<b>Larry McCallon, Chair</b>	<b>Dieter Dammeier</b>
<b>James Bagley</b>	<b>Steven Farrell</b>
<b>Kimberly Cox</b>	<b>Rick Denison</b>
<b>Robert Lovingood</b>	<b>Janice Rutherford</b>
<b>Acquanetta Warren</b>	

**STAFF:**

**Samuel Martinez, Executive Officer  
Paula de Sousa, LAFCO Legal Counsel  
Holly Whatley, LAFCO Special Counsel (for Item 11 only)  
Michael Tuerpe, Senior Analyst  
Jeffrey Lum, LAFCO Analyst  
La Trici Jones, Clerk to the Commission  
Angela Schell, Administrative Assistant**

**ABSENT:**

**COMMISSIONERS:**

**James Curatalo, Vice Chair  
Dawn Rowe**

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

Chair McCallon makes an announcement regarding the meeting/hearing being conducted via videoconference and teleconference as well as broadcast live via YouTube in compliance with waivers to certain Brown Act provisions under the Governor's Executive Orders due to the COVID-19 Coronavirus pandemic.

**ANNOUNCEMENT OF CONTRIBUTIONS**

**1. Swear in Regular Special District Commissioner and Regular City Commissioner**

Special District Commissioner Cox and City Commissioner Warren are sworn in and the oath of office is administered.

**CONSENT ITEMS:**

The following consent items are expected to be routine and non-controversial and will be



acted upon by the Commission at one time without discussion, unless a request has been received prior to the hearing to discuss the matter.

- 2. Approval of Minutes for Regular Meeting of May 20, 2020**
- 3. Approval of Executive Officer's Expense Report**
- 4. Ratify Payments as Reconciled and Note Cash Receipts for Months of April and May 2020**
- 5. Approval of Fiscal Year 2011-12 Financial Records Destruction Pursuant to Commission Policy**
- 6. Review and Update the Catalog of Enterprise Systems per Government Code Section 6270.5**
- 7. Review and Approval of LAFCO Office Space Lease Amendment at the San Bernardino Santa Fe Depot**
- 8. Consent Items Deferred for Discussion**

*Commissioner Cox moves approval of the Consent Items. Second by Commissioner Rutherford. The motion passes with the following roll call vote:*

<i>Ayes:</i>	<i>Bagley, Cox, Farrell, Lovingood, McCallon, Rutherford, and Warren.</i>
<i>Noes:</i>	<i>None.</i>
<i>Abstain:</i>	<i>None.</i>
<i>Absent:</i>	<i>Curatalo (Farrell voting in his stead), Rowe(Rutherford voting in her stead)</i>

#### **PUBLIC HEARING ITEMS:**

- 9. LAFCO 3239 – Reorganization to Include Annexation to the City of Loma Linda and Detachment from the San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and County Service Area 70 (City-owned Parcels)**

Staff recommends that the Commission take the following actions:

1. With respect to environmental review:
  - a) Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City's Initial Study and Negative Declaration for the South Hills Preserve Annexation and Pre-Zoning for approximately 664 acres;
  - b) Determine that the City's environmental assessment and Negative Declaration are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO 3239;

- c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; and,
  - d) Direct the Executive Officer to file the Notice of Determination within five (5) days.
- 2. Approve LAFCO 3239, with the standard LAFCO terms and conditions that include the “hold harmless” clause for potential litigation costs by the applicant;
  - 3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,
  - 4. Adopt LAFCO Resolution #3310 setting forth the Commission’s determinations and conditions of approval concerning the reorganization proposal.

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

*Ayes: Bagley, Cox, Farrell, Lovingood, McCallon, Rutherford, and Warren.*  
*Noes: None.*  
*Abstain: None.*  
*Absent: Curatalo (Farrell voting in his stead), Rowe (Rutherford voting in her stead)*

**10. LAFCO 3241 – Reorganization to Include Annexation to the City of Rancho Cucamonga and Detachment from County Service Area 70 (Etiwanda Heights Neighborhood and Conservation Plan)**

Staff recommends that the Commission take 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 Rancho Cucamonga for the Etiwanda Heights Neighborhood and Conservation Plan project 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 determinations related to LAFCO 3241;
  - c. Determine that the Commission does not intend to adopt alternatives or mitigation measures for the Etiwanda Heights Neighborhood and Conservation Plan project 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. Override the Commission's policy related to concurrent city-district annexation based on fact that the concurrent annexation to the Cucamonga Valley Water District and the Inland Empire Utilities Agency (including the Metropolitan Water District of Southern California) to include the entirety of the area being annexed into the City is not necessary since the area that is outside of these agencies' boundaries is to remain rural/conservation area and will not need services from these agencies.
  3. Approve LAFCO 3241, with the standard terms and conditions that include, but are not limited to, the "hold harmless" clause for potential litigation costs, continuation of fees, charges, assessments, and the identification that the transfer of utility accounts will occur within 90 days of the recording of the Certificate of Completion.
  4. Adopt LAFCO Resolution No. 3312 setting forth the Commission's terms, conditions, findings and determinations for LAFCO 3241.

*The first 250 words of written comments from the following were read into the record by the Commission Clerk:*

*Martin A Cervantes, Esq., representing Hillside Owners LLC  
Andrew Hu  
Randall S. Guritzky, Esq, representing CraneVeyor Corporation  
Rebecca Burchett  
Anthony Cheng, representing Rancho Canyon Partners, LLC*

*Public comment was provided by:*

*Michael Smith, Principal Planner, City of Rancho Cucamonga, applicant  
representative  
Matt Burris, Deputy City Manager, City of Rancho Cucamonga, applicant  
representative  
Bo Kaemerle, representing Inland Real Estate Group, LLC  
Anthony Maricic*

*Commissioner Rutherford moves to approve staff recommendation. Second by Commissioner Lovingood. The motion passes with the following roll call vote:*

*Ayes: Bagley, Cox, Farrell, Lovingood, McCallon, Rutherford, and Warren.  
Noes: None.  
Abstain: None.*

*Absent: Curatalo (Farrell voting in his stead), Rowe (Rutherford voting in her stead)*

**11. Consideration of Approval of Impartial Analysis for LAFCO 3233A – Reorganization to Include Dissolution of County Service Area 64 and Formation of the Spring Valley Lake Community Services District Together with Formation of Zone A for Solid Waste and Street Sweeping**

Staff recommends that the Commission approve the Impartial Analysis for LAFCO 3233A – Reorganization to include Dissolution of County Service Area 64 and Formation of the Spring Valley Lake Community Services District together with Formation of Zone A for Solid Waste and Street Sweeping

*Commissioner Cox moves to approve staff recommendation. Second by Commissioner Lovingood. The motion passes with the following roll call vote:*

*Ayes: Bagley, Cox, Farrell, Lovingood, McCallon, Rutherford, and Warren.  
Noes: None.  
Abstain: None.  
Absent: Curatalo (Farrell voting in his stead), Rowe (Rutherford voting in her stead)*

**DISCUSSION ITEM:**

**12. Sustainable Agricultural Lands Conservation (SALC) Program Planning Grant Application**

Staff recommends that the Commission:

1. Authorize the Executive Officer to submit the SALC Program Planning Grant to the CA Department of Conservation.
2. Adopt Resolution No. 3311 approving the submittal of the SALC Program Planning Grant application to the CA Department of Conservation.
3. Direct staff to return to the Commission with a Memorandum of Understanding with the Inland Empire Resource Conservation District regarding roles and responsibilities.

*Commissioner Warren moves to approve staff recommendation. Second by Commissioner Farrell. The motion passes with the following roll call vote:*

*Ayes: Bagley, Cox, Farrell, Lovingood, McCallon, Rutherford and Warren  
Noes: None.  
Abstain: None.  
Absent: Curatalo (Farrell voting in his stead), Rowe (Rutherford voting in her stead)*

**13. Unaudited Year-End Financial Report for FY 2019-20 to include Transfer from Reserves to Services and Supplies**

Staff recommends that the Commission:

1. Note receipt of this report and file.
2. Approve a transfer of \$30,727 from Reserve Account 6000 (Contingencies) to Revenue Account 9970 (General Reserve) to cover the deficit.
3. Approve a transfer of \$42,500 from Reserve Account 6010 (Net Pension Liability Reserve) to Revenue Account 9990 (SBCERA Contributions) to provide budget authority for the payment to SBCERA that occurred in June 2020.

*Commissioner Bagley moves to approve staff recommendation. Second by Commissioner Warren. The motion passes with the following roll call vote:*

<i>Ayes:</i>	<i>Bagley, Cox, Farrell, Lovingood, McCallon, Rutherford and Warren</i>
<i>Noes:</i>	<i>None.</i>
<i>Abstain:</i>	<i>None.</i>
<i>Absent:</i>	<i>Curatalo (Farrell voting in his stead), Rowe (Rutherford voting in her stead)</i>

**INFORMATION ITEMS:**

**14. Legislative Report**

Executive Officer Samuel Martinez states that there is nothing to report at this time. The Legislature is still on summer recess.

**15. Executive Officer's Oral Report**

Executive Officer Samuel Martinez reminds the Commission that there will be no August meeting. He reports that the CALAFCO Annual Conference is cancelled as an in-person conference, but that it could possibly be a virtual conference. Additionally, he reports that Pamela Miller will stay with CALAFCO due to these uncertain times and noted that Jeffrey Lum will be leaving San Bernardino LAFCO to take a position with Solano LAFCO. He also asks the Commission to adjourn in memory of Bill Chiat.

**16. Commissioner Comments**

The Commissioners thanked Jeffrey Lum for his service to San Bernardino LAFCO.

Commissioner Lovingood requests for the LAFCO staff to do the service review for cemetery districts.

Commissioner Bagley requests that staff also look into the service review of park and recreation districts in light of the COVID-19 crisis.

Commissioners expressed their preference to have the CALAFCO Conference as an in-person conference instead of virtual.

**17. Comments from the Public**

There is none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS IN MEMORY OF DENNIS HANSBERGER AT 10:35 A.M.**

**ATTEST:**

\_\_\_\_\_  
LA TRICI JONES, Clerk to the Commission


**LOCAL AGENCY FORMATION COMMISSION**

\_\_\_\_\_  
LARRY McCALLON, Chair

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE :** SEPTEMBER 9, 2020   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

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

---

## **RECOMMENDATION:**

Approve the Executive Officers’ Expense Report for Procurement Card Purchases from June 23, 2020 to July 22, 2020, and July 23, 2020 to August 24, 2020.

## **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 June 23, 2020 to July 22, 2020, and July 23, 2020 to August 24, 2020.

The August 24 statement includes a purchase of a laptop and mouse for \$1,547.62. The items were lost during transport and the supplier has issued refunds. The August 24 statements shows a credit of \$35.63 for the mouse, and the credit for the laptop (\$1,511.99) should reflect in the pending September 22 statement.

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

SM/MT

Attachments

<b>Approving Official (Print &amp; Sign)</b>	<b>Date</b>
<b>Larry McCallon</b>	<b>09/16/20</b>




<b>Approving Official (Print &amp; Sign)</b>	<b>Date</b>
<b>Larry McCallon</b>	<b>09/16/20</b>

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

DATE : SEPTEMBER 9, 2020   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

---

SUBJECT: AGENDA ITEM #3 - RATIFY PAYMENTS AS RECONCILED FOR  
THE MONTHS OF JUNE AND JULY 2020 AND NOTE REVENUE  
RECEIPTS

---

## **RECOMMENDATION:**

Ratify payments as reconciled for the months of June and July 2020 and note revenue receipts for the same period.

## **BACKGROUND INFORMATION:**

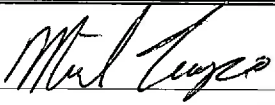

Staff has prepared a reconciliation of warrants issued for payments to various vendors, internal transfers for payments to County Departments, cash receipts and internal transfers for payments of deposits or other charges that cover the period of June 1, 2020 through June 30, 2020 and July 1, 2020 through July 31, 2020.

Staff is recommending that the Commission ratify the payments for June and July 2020 as outlined on the attached listings and note the revenues received.

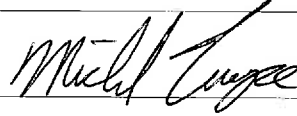

SM/MT

Attachments

MONTH OF JUNE 2020 PAYMENTS PROCESSED						
Document Number	Account	Posting Date	Activity	Reference	Vendor	Amount
1900768346	52002090	6/3/2020	JANITORIAL	72051	Jan Pro Cleaning Service Invoice 72051	490.00
1900777397	52002180	6/16/2020	ELECTRICITY	2-39-945-2309	Edison Utility Bill 6/11/2020	259.64
1900777382	52002305	6/16/2020	SHREDDING	8129866048	Shred-it invoice 8129866048	19.25
1900768951	52002315	6/4/2020	DOCUMENT STORAGE	0134922	Storetrieve Invoice 0134922	64.37
1900771456	52002400	6/9/2020	LEGAL COUNSEL	878511	BBK Inv. 878511 SAHA CIVDS1715504	855.50
1900771460	52002400	6/9/2020	LEGAL COUNSEL	878510	BBK Invoice 878510 General	2,953.60
1900777386	52002424	6/16/2020	ENVIRONMENTAL CONSULTING	LAFCO 20-5	Tom Dodson & Associates Inv. 20-5	170.00
1900771462	52002449	6/9/2020	LEGAL COUNSEL	42474	Special Counsel Inv. 42474 CSA 64	385.00
1900768949	52002895	6/4/2020	COPIER	35572724	Konica Minolta Invoice 35572724	452.33
1900769372	52942940	6/4/2020	TRAVEL	0000500540	Trip from 04/30/20 to Victorville	44.86
1900777405	40709555	6/16/2020	REFUND TO IEUA FOR SC#446	SC#446 REFUND	IN. EMP. UTIL. AGNECY	\$1,005.44
1900777409	40709555	6/16/2020	REFUND TO CITY OF RIALTO FOR SC#447	SC#447 REFUND	CITY OF RIALTO	\$1,150.33
4200054066	40809990	6/16/2020	CREDIT TOWARDS NET PENSION LIABILITY	PAYMENT	SBCERA	\$42,500.00
<b>TOTAL</b>						<b>\$50,350.32</b>
MONTH OF JUNE 2020 INTERNAL TRANSFERS PROCESSED						
4101419924	52002031	6/1/2020	PAYROLL PROCESSING	ISD BILLING	MAY 2020 Payroll System Services (EMACS)	95.25
4101440778	52002031	6/26/2020	PAYROLL PROCESSING	ISD BILLING	JUN 2020 Payroll System Services (EMACS)	31.75
4101419928	52002037	6/1/2020	PHONE	ISD BILLING	MAY 2020 Dial Tone	286.20
4101440308	52002037	6/26/2020	PHONE	ISD BILLING	JUN 2020 Dial Tone	286.20
4101410050	52002305	6/1/2020	OFFICE SUPPLIES/PROCESSING	PUR. / STAPLES	7231251989002001	4.48
4101420390	52002305	6/8/2020	OFFICE SUPPLIES/PROCESSING	PUR. / STAPLES	7231456007000001	7.84
4101420391	52002305	6/8/2020	OFFICE SUPPLIES/PROCESSING	PUR. / STAPLES	7231456007000005	1.09
4101424505	52002305	6/15/2020	OFFICE SUPPLIES/PROCESSING	PUR. / STAPLES	7231456007000002	1.73
4101419937	52002420	6/1/2020	CELL PHONE	ISD BILLING	MAY 2020 Wireless Device (Exchange Active Sync)	23.83
4101440312	52002420	6/26/2020	CELL PHONE	ISD BILLING	JUN 2020 Wireless Device (Exchange Active Sync)	23.83
4101419959	52002421	6/1/2020	TECH SUPPORT	ISD BILLING	MAY 2020 Desktop Support Services	977.76
4101440313	52002421	6/26/2020	TECH SUPPORT	ISD BILLING	JUN 2020 Desktop Support Services	977.76
4101420896	52002410	6/1/2020	IT INFRASTRUCTURE	ISD BILLING	IT Infrastructure - Period 12	934.00
4101419936	52002418	6/1/2020	DATA STORAGE	ISD BILLING	Enterprise Storage - Period 12	702.00
4101420390	52005012	6/8/2020	OFFICE SUPPLIES	PUR. / STAPLES	7231456007000001	65.31
4101420391	52505012	6/8/2020	OFFICE SUPPLIES	PUR. / STAPLES	7231456007000005	9.05
4101424505	52005012	6/8/2020	OFFICE SUPPLIES	PUR. / STAPLES	7231456007000002	14.39
4200054213	52002424	6/12/2020	ENV FILING	160-COB	NOE - LAFCO Procedure & Policy Amendments	50.00
4200054215	52002424	6/12/2020	ENV FILING	160-COB	NOE - LAFCO Fees, Deposits & Charges	50.00
4200053432	52002310	6/3/2020	MAIL	JE UPLOAD	Mail Services - FLAT	115.69
4200053443	52002310	6/3/2020	MAIL	JE UPLOAD	Mail Services - HAN	224.46
4200053456	52002310	6/3/2020	MAIL	JE UPLOAD	Mail Services - DEL	130.00
<b>TOTAL</b>						<b>\$5,012.62</b>
MONTH OF JUNE 2020 CASH RECEIPTS						
4200054760	40709555	6/15/2020	LAFCO 3216 CITY OF UPLAND	INDEMNIFICATION	CITY OF UPLAND	\$494.97
4101426614	various	6/16/2020	LAFCO 3188A CITY OF SAN BERNARDINO	COST RECOVERY	CITY OF SAN BERNARDINO	\$4,210.78
4101426614	40759930	6/16/2020	PUBLIC RECORDS REQUEST	LAFCO CHARGE	YUCAIPA VALLEY WD	\$10.00
4200053426	40809930	6/4/2020	MISC. REVENUES	REFUND	OVERAGE PAYMENT	\$105.76
<b>TOTAL</b>						<b>\$4,821.51</b>

MONTH OF JUNE 2020 INTERNAL TRANSFERRED RECEIVED						
4200054760	40709555	6/15/2020	LAFCO 3216 CITY OF UPLAND	INDEMNIFICATION	COUNTY FIRE	\$494.97
4200058531	40709800	6/25/2020	LAFCO 3233 REIMBURSEMENT OF CHARGES	COST RECOVERY	COUNTY OF S.B.	\$8,021.80
<b>TOTAL</b>						<b>\$8,516.77</b>
Completed by:				9/9/2020		
MICHAEL TUERPE, Senior Analyst				DATE		
Approved by: 				9/9/2020		
SAMUEL MARTINEZ, Executive Officer				DATE		


MONTH OF JULY 2020 PAYMENTS PROCESSED						
Document Number	Account	Posting Date	Activity	Reference	Vendor	Amount
1900806581	52002041	7/28/2020	CONFERENCE LINE	130616886	Century Link Inv. 130616886	73.36
1900793709	52002075	7/14/2020	CALAFCO DUES	2020 36	CALAFCO Dues Inv. 2020 36	10,662.00
1900793696	52002085	7/14/2020	LEGAL ADVERTISEMENT	B3373426	Daily Journal Inv. B3373426	1,385.83
1900793698	52002085	7/14/2020	LEGAL ADVERTISEMENT	B3373428	Daily Journal Inv. B3373428	995.37
1900793702	52002085	7/14/2020	LEGAL ADVERTISEMENT	B3373425	Daily Journal Inv. B3373425	831.60
1900793706	52002090	7/14/2020	JANITORIAL	72543	Jan Pro Inv. 72543	490.00
1900806562	52002180	7/28/2020	ELECTRICITY	2-39-945-2309	Edison Utility Bill 7-14-2020	399.93
1900793714	52002245	7/14/2020	PROPERTY & LIABILITY INSURANCE	68024	SDRMA Property Liability 20-21 Inv. 68024	13,292.13
1900793704	52002305	7/14/2020	EMPLOYEE BADGES	112226	Crown Connect Employee Badges Inv. 112226	297.23
1900806564	52002305	7/28/2020	DOCUMENT SHREDDING	464832	Paper Recycling & Shredding Inv. 464832	34.00
1900787887	52002315	7/2/2020	DOCUMENT STORAGE	0132940	Storetrieve Invoice 0132940	\$64.37
1900793717	52002400	7/14/2020	LEGAL COUNSEL	881279	BBK General Inv. 881279	\$161.10
1900793725	52002400	7/14/2020	LEGAL COUNSEL	881281	BBK Litigation Inv. 881281	\$60.00
1900793727	52002400	7/14/2020	LEGAL COUNSEL	881280	BBK SAHA Inv. 881280	\$120.00
1900793687	52002424	7/14/2020	ENVIRONMENTAL CONSULTANT	LAFCO 20-4	Tom Dodson LAFCO 20-4	\$1,640.00
1900806568	52002424	7/28/2020	ENVIRONMENTAL CONSULTANT	LAFCO 20-6	Tom Dodson LAFCO 20-6	\$2,350.00
1900793691	52002445	7/14/2020	ANNUAL LICENSE FOR DIGITAL ARCHIVE	15181	ECS Imaging Invoice 15181	\$1,313.00
1900801297	52002445	7/20/2020	COMMISSIONER ATTENANCE @ MEETING	BAGLEY 7-15-20	Bagley Stipend 7-15-2020	\$200.00
1900801298	52002445	7/20/2020	COMMISSIONER ATTENANCE @ MEETING	COX 7-15-20	Cox Stipend 7-15-20	\$200.00
1900801299	52002445	7/20/2020	COMMISSIONER ATTENANCE @ MEETING	CURATALO7-15-20	Curatalo stipend 7-15-2020	\$200.00
1900801300	52002445	7/20/2020	COMMISSIONER ATTENANCE @ MEETING	FARRELL 7-15-20	Farrell stipend 7-15-2020	\$200.00
1900801301	52002445	7/20/2020	COMMISSIONER ATTENANCE @ MEETING	WARREN7-15-20	Warren stipend 7-15-2020	\$200.00
1900801302	52002445	7/20/2020	COMMISSIONER ATTENANCE @ MEETING	DENISON7-15-20	Denison stipend 7-15-2020	\$200.00
1900801303	52002445	7/20/2020	COMMISSIONER ATTENANCE @ MEETING	DEITER7-15-20	Dammeier stipend 7-15-2020	\$200.00
1900801306	52002445	7/20/2020	COMMISSIONER ATTENANCE @ MEETING	LVGOOD7-15-20	Lovingood stipend 7-15-2020	\$200.00
1900801307	52002445	7/20/2020	COMMISSIONER ATTENANCE @ MEETING	MCCALL7-15-20	McCallon stipend 7-15-2020	\$200.00
1900801308	52002445	7/20/2020	COMMISSIONER ATTENANCE @ MEETING	DIETER5-20-20	Dammeier stipend 5-20-2020	\$200.00
1900793693	52002895	7/14/2020	COPIER	35763069	Konica Minolta Inv. 35763069	\$533.29
1900787885	52002905	7/2/2020	OFFICE LEASE AMORTIZATION	TEN AM 13	Tenant Amortization 13	\$8,448.33
<b>TOTAL</b>						<b>\$45,151.54</b>
MONTH OF JULY 2020 INTERNAL TRANSFERS PROCESSED						
4101462759	52002305	7/20/2020	OFFICE SUPPLIES/TRANSACTION FEE	PUR. / STAPLES	7231456007000006	3.45
4101465518	52002305	7/27/2020	OFFICE SUPPLIES/TRANSACTION FEE	PUR. / STAPLES	7231669206000001	1.76
4101462759	55405012	7/20/2020	OFFICE SUPPLIES	PUR. / STAPLES	7231456007000006	28.71
4101465518	55405012	7/27/2020	OFFICE SUPPLIES	PUR. / STAPLES	7231669206000001	14.69
4200058705	52002310	7/1/2020	MAIL	JE UPLOAD	Mail Services - DELIVERY	143.00
4200058706	52002310	7/1/2020	MAIL	JE UPLOAD	Mail Services - FLAT ENV	14.05
4200058707	52002310	7/1/2020	MAIL	JE UPLOAD	Mail Services - HANDLING	243.61
<b>TOTAL</b>						<b>\$449.27</b>
MONTH OF JULY 2020 CASH RECEIPTS						
4101462098	40709500	7/15/2020	LAFCO 3216 - UPLAND	INDEMNIFICATION	CITY OF UPLAND	\$427.75
4101462098	40709545	7/15/2020	LAFCO 3242/3 FONTANA REORG	FEES & DEPOSITS	CITY OF FONTANA	\$34,900.00
4101462098	40709545	7/15/2020	SC#453- REDLANDS	FEES & DEPOSITS	CITY OF REDLANDS	\$4,000.00
4101462098	40709555	7/15/2020	LAFCO 3216 - UPLAND	INDEMNIFICATION	CITY OF UPLAND	\$494.97
<b>TOTAL</b>						<b>\$39,822.72</b>

MONTH OF JULY 2020 INTERNAL TRANSFERRED RECEIVED						
4200058608	40709555	7/1/2020	LAFCO 3216 - UPLAND	INDEMNIFICATION	COUNTY FIRE	\$427.75
4200059594	40809970	7/28/2020	LAFCO 3216 - UPLAND	INDEMNIFICATION	COUNTY FIRE	\$1,122.84
100416032	40308500	7/27/2020	INTEREST EARNINGS	INTEREST	COUNTY TREASURY	\$2,766.69
TOTAL						\$4,317.28
Completed by:				9/9/2020		
MICHAEL TUERPE, Senior Analyst				DATE		
Approved by: 				9/9/2020		
SAMUEL MARTINEZ, Executive Officer				DATE		

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** SEPTEMBER 9, 2020  
**FROM:** SAMUEL MARTINEZ, Executive Officer   
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #4: Review of Service Review Schedule

---

## **RECOMMENDATION:**

Staff recommends that the Commission receive and file the revised service review schedule for FY 2020-21 (cemetery districts and recreation and park functions of local agencies).

## **BACKGROUND:**

LAFCOs are required by Govt. Code 56430 to conduct reviews of municipal services. This LAFCO chose to conduct its first round by community and its second round by service, countywide. The second round service reviews have been Water (2017), Wastewater (2018), and Fire/Emergency Medical Services/Dispatch (2020).

As a part of the FY 2020-21 budget, the Commission determined that subsequent service reviews occur in the following order: solid waste, street lighting, healthcare districts, parks & recreation, roads, and cemetery districts.

At the July 2020 hearing, the Commission voiced concern with cemetery districts and the recreation and park functions of local agencies. In turn, the Commission discussed an immediate service review for these functions. This staff report memorializes the Commission's direction of reordering the service review schedule with the following service reviews occurring this fiscal year: 1) cemetery district service review scheduled for the November 2020 Commission hearing, and 2) park and recreation service review anticipated for the June 2021 Commission hearing.

In light of the ongoing health and economic conditions, subsequent service reviews will be reviewed as a part of the FY 2021-22 budget in April 2021.


SM/MT



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** SEPTEMBER 9, 2020   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #5: LAFCO SC#452 – City of San Bernardino  
Irrevocable Agreement to Annex No. 2020-003 for Sewer Service  
(Assessor Parcel Numbers 0268-291-32, 0268-291-33, & 0268-291-34)

---

## **INITIATED BY:**

City of San Bernardino, on behalf of the property owners

## **RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO SC#452 by taking the following actions:

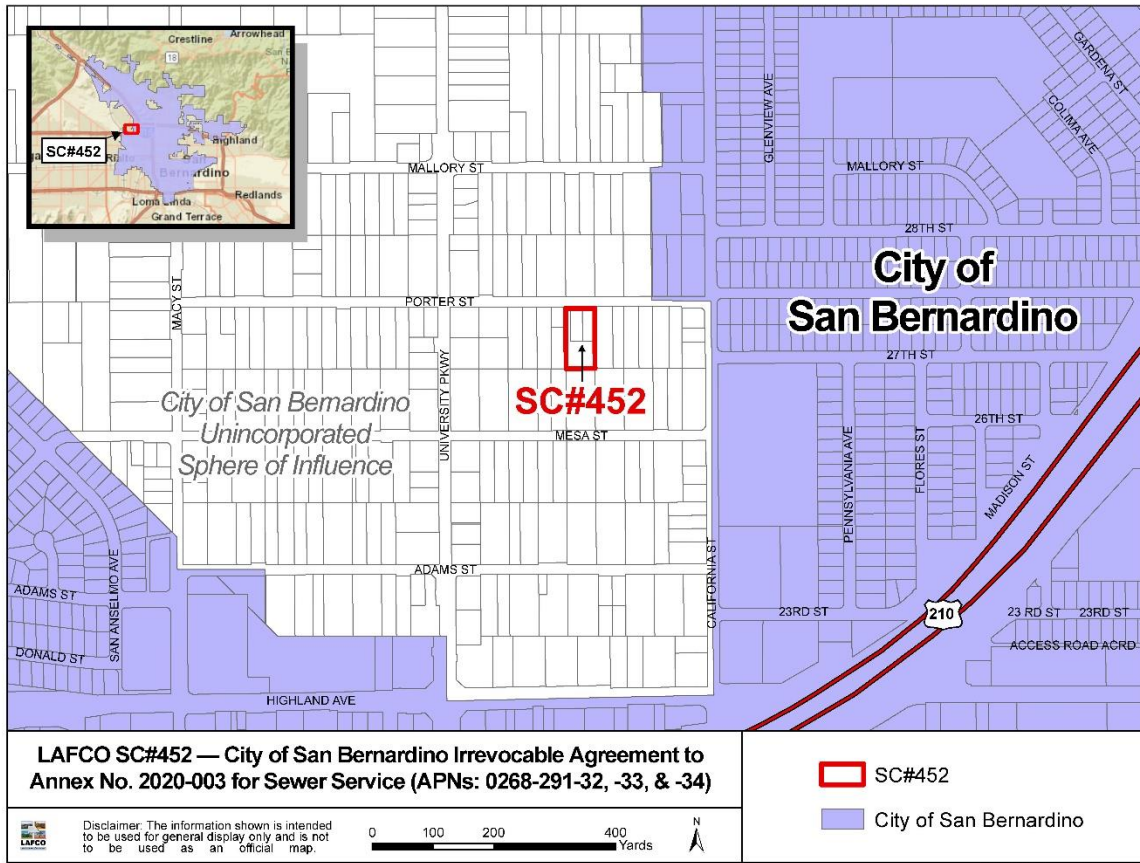
1. Certify that LAFCO SC#452 is exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC #452 authorizing the City of San Bernardino to extend sewer service outside its boundaries to three parcels, Assessor Parcel Numbers 0268-291-32, 0268-291-33, and 0268-291-34.
3. Adopt LAFCO Resolution #3314 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

## **BACKGROUND:**

The City of San Bernardino (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service. The agreement relates to three (3) adjacent parcels, Assessor Parcel Numbers (APNs) 0268-291-32, 0268-291-33, and 0268-291-34, which are generally located on the south side of Porter between State Street and California Avenue, within the City of San



Bernardino's western sphere of influence, in the community commonly known as Muscoy. The map below, which is also included as Attachment #1, provides a location and vicinity map of the site. In addition, Attachment #2 outlines the City's application including a map that provides the location of the infrastructure to be extended.



Vicinity Map

The three parcels were created through the County's approval of Tentative Parcel Map 17356, which subdivided the original parcel into three lots. The property owners intend to build single-family residences on each parcel, which require separate connections to the City's sewer facilities. Therefore, the City, on behalf of the property owners, has requested that the Commission authorize the extension of sewer service to the parcels pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

### **PLAN FOR SERVICE:**

The City's application identifies that the City would provide sewer service to the three parcels through connection to the existing 24-inch sewer main in Porter Street. Sewer laterals will be extended into each property.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside the agency's boundaries. The City has submitted an estimated cost of \$16,785 for the extension of sewer service to the three parcels. Following is a table with a detailed calculation of the fees:

Description of Fees/Charges	Cost	Total Cost
Sewer Capacity Fee	\$3,500/SFR	\$10,500
Sewer Connection Fee	\$420/Bdrm	\$5,040
Sewer Lateral Inspection Fee	\$415/lateral	\$1,245
<b>TOTAL</b>		<b>\$16,785</b>

In addition to the cost outlined above, the property owners will be responsible for the entire cost of the construction and installation of the lateral extensions from the sewer main.

#### **ENVIRONMENTAL DETERMINATION:**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has reviewed this proposal and has indicated that it is his recommendation that the review of LAFCO SC#452 is exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the out-of-agency service agreement has no potential to cause a significant adverse impact on the environment; and therefore, the proposal is exempt (under the "Common Sense Rule") from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3).

#### **CONCLUSION:**

The purpose of the service contract application is for the City to receive authorization to provide sewer service outside its boundaries via contract to the three (3) parcels that require connection to the City of San Bernardino's sewer facilities. In order for the property owners to build the proposed residences on each of the parcels, they must show proof of their ability to connect to the City of San Bernardino's sewer facilities—which is the Commission's authorization for this agreement.

Staff has reviewed this request for authorization to provide sewer service from the City of San Bernardino outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City of San Bernardino and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide sewer service to the three parcels, APNs 0268-291-32, 0268-291-33, and 0268-291-34, since its facilities are adjacent to all three parcels, and there is no other existing entity available to provide this service within the area.

**DETERMINATIONS:**

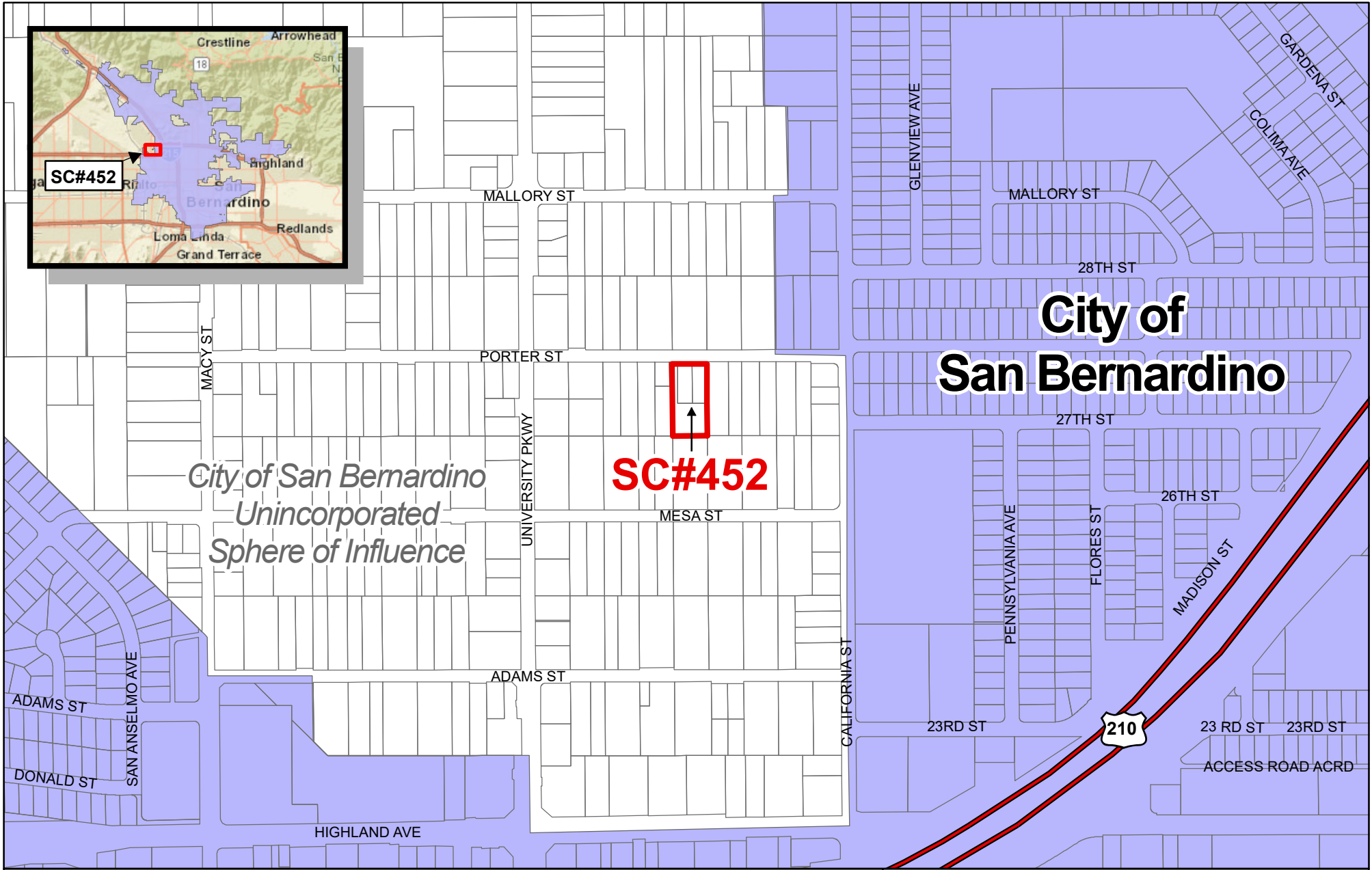
1. The parcels, identified as APNs 0268-291-32, 0268-291-33, and 0268-291-34, are within the sphere of influence assigned the City of San Bernardino and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of San Bernardino sewer service. Water service is to be provided by Muscoy Mutual Water Company.
2. The City of San Bernardino's Irrevocable Agreement to Annex No. 2020-003 being considered is for the provision of sewer service to APNs 0268-291-32, 0268-291-33, and 0268-291-34, generally located on the south side of Porter between State Street and California Avenue, within the City of San Bernardino's western sphere of influence. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request will allow the property owners and the City of San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged this project by the City of San Bernardino for the extension of sewer service are identified as totaling \$16,785 (for a breakdown of charges, see table on page 3). Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owner will be responsible for the entire costs of the construction and installation of the sewer lateral extensions.
4. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by the City of San Bernardino and recommended that this application is exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #4 to this report.

Attachments:

1. [Vicinity Map](#)
2. [City of San Bernardino's Application and Contract](#)
3. [Response from Tom Dodson and Associates](#)
4. [Draft Resolution #3314](#)

# **Vicinity Map**

**Attachment 1**



**LAFCO SC#452 — City of San Bernardino Irrevocable Agreement to Annex No. 2020-003 for Sewer Service (APNs: 0268-291-32, -33, & -34)**



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



 SC#452

 City of San Bernardino

# **City of San Bernardino's Application and Contract**

**Attachment 2**

RECEIVED

(FOR LAFCO USE ONLY)

2020 MAY -4 AM 11:45  
LOCAL AGENCY  
FORMATION COMMISSION  
**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: San Bernardino Municipal Water Department  
CONTACT PERSON: Ted Brunson  
ADDRESS: 397 Chandler Place  
San Bernardino, CA 92408  
PHONE: (909) 453-6165  
EMAIL: Ted.Brunson@sbmwd.org

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: Mr. Ramon Torrez  
CONTACT PERSON: Mr. Juan Torres  
MAILING ADDRESS: 1211 West Mesa Drive  
Rialto, CA 92376  
PHONE: (909) 510-3643  
EMAIL: Juan@JuanRTorres.com  
ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 1951, 1955, & 1957 Porter Street  
Muscoy, CA 92407  
CONTRACT NUMBER/IDENTIFICATION: 2020-003  
PARCEL NUMBER(S): 0268-291-32, 33, & 34  
ACREAGE: 0.98 acres (42,483 square feet)

*Extension of Service by Contract  
Application Form*

(FOR LAFCO USE ONLY)

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

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

Sanitary Sewer Collection (Sewer Connection)

Sanitary Sewage Treatment (Sewer Capacity)

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

Existing sanitary sewer collection mains exist within street fronting parcel.

Existing wastewater treatment plant has available treatment capacity.

Sewer lateral to connect to SBMWD sanitary sewer main to be installed by owner.

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

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

SBMWD Sewer Connection Invoice to be paid prior to issuance of permits and sewer connection.

Sewer collection and treatment fees to be added to property's SBMWD account for monthly billing.

Irrevocable Annexation Agreement was established as a required condition of connection.

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

City of San Bernardino may elect to annex contiguous portions of Muscoy over time.

No time frame exists. Goals of providing the City the future opportunity to annex will

be furthered by Irrevocable Annexation Agreements for new sewer connections.



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

---

---

---

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

Not applicable. Contract property is within Agency's sphere of influence.

---

---

---

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

Three residential lots (undeveloped).

---

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

---

---

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

Project will develop three adjacent parcels by constructing a four-bedroom single family residence on each parcel. County of San Bernardino Building and Safety has approved building plans for each proposed structure, signed and dated 06/24/2019.

Extension of Service by Contract  
Application Form

(FOR LAFCO USE ONLY)

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

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

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

10. Plan for Service:

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

SBMWD 24" VCP sanitary sewer main exists in Porter Street, fronting the contract  
property. Capacity exists in this 24" sanitary sewer main, as well as at the San  
Bernardino Water Reclamation Plant, to serve this contract property.  
Sewer lateral to be installed by owner's licensed contractor (Class A or Classes  
C-34 & C-42), from existing residence up to and including connection to existing  
sanitary sewer main. All necessary permits for excavation and pavement  
replacement to be obtained by owner's contractor with the respective governing  
agencies. SBMWD to provide sewer connection permit and certificate of paid  
sewer capacity fees, as well as perform inspection of the completed sewer lateral.

Extension of Service by Contract  
Application Form

(FOR LAFCO USE ONLY)

---

---

---

---

---

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

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
Sewer Capacity Fee	\$3,500.00/SFR	\$10,500.00
Sewer Connection Fee	\$420.00/Bdrm	\$5,040.00
Sewer Lateral Inspection Fee	\$415.00/Lateral	\$1,245.00
<b>Total Costs</b>		<b>\$16,785.00</b>

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

Outside City Sewer Service Permit Application Fee

Fee amounts to \$1,321.00, due upon receipt of SBMWD application for

sewer service. Fee was paid by project applicant on 10/07/19.

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

Not applicable.

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

## CERTIFICATION

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

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

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

*Extension of Service by Contract  
Application Form*

\_\_\_\_\_  
(FOR LAFCO USE ONLY)

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

SIGNED



NAME:

Ted Brunson

POSITION TITLE:

Development Services Manager

DATE:

04/27/2020

REQUIRED EXHIBITS TO THIS APPLICATION:

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

Please forward the completed form and related information to:

**Local Agency Formation Commission for San Bernardino County**

1170 West 3rd Street, Unit 150

San Bernardino, CA 92415-0490

PHONE: (909) 388-0480 • FAX: (909) 388-0481

Rev: krm – 8/19/2015

**SAN BERNARDINO MUNICIPAL WATER DEPARTMENT  
SEWER CONNECTION INVOICE**



Approval:	<u>Ted Brunson</u> Development Services Manager
Approval:	<u>[Signature]</u> Engineering Manager
Approval:	<u>[Signature]</u> Director of WU
Pynt Rcvd By:	_____ Customer Service

Date: April 9, 2020

Request For Information (RFI) No.: 3955

Applicant: **Mr. Ramon Torrez**  
**1211 West Mesa Drive,**  
**Rialto, CA 92376**

Service Address: **1951, 1955, & 1957 Porter Street**  
**APNs 0268-291-32, 33, & 34**

**Type of Service: New Sewer Lateral Connection**  
**Project No. 10947**  
**W.F. CATEGORY: Sewer**

Sewer Lateral

Location: **Type of Main: 24" Vitrified Clay Pipe**  
**Location of Main: Approximately 4.0 feet south of the**  
**centerline of Porter Street**

**SEWER LATERAL CONNECTION FEE:**

The San Bernardino Municipal Water Department (SBMWD) has received a Request For Information (RFI) to install and/or modify a sewer lateral at the address listed above.

Sewer Capacity Fee (\$3,500.00 / EDU)

Sewer Capacity Certificate No. TBD

Total Fee for 3.00 EDUs.....\$10,500.00

(SEWER CAPACITY FEE CODE: 85)

Sewer Connection Fee (Residential)

\$420.00 / BedRm x 12 BedRms

(3 New SFRs, 4 BedRms Ea.)

Connection Fee .....\$5,040.00

(SEWER CONNECTION FEE CODE: 101)

New Sewer Lateral Inspection Fee

\$415.00 / Lateral x 3 Laterals

Inspection Fee .....\$1,245.00

(SEWER INSPECTION FEE CODE: 72)

**Sewer Lateral Connection Fee Total.....\$16,785.00**

**TERMS OF SEWER LATERAL CONNECTION INVOICE:**

Please refer to the rules and regulations adopted by the San Bernardino Municipal Water Department Water Board for all terms of this invoice. The rules and regulations are available on line at [www.sbmwd.org](http://www.sbmwd.org) or can be picked up at the SBMWD Engineering office at 397 Chandler Place, San Bernardino, California.

All permits required by authorizing agencies shall be submitted to the SBMWD prior to the issuance of a sewer connection permit. All fees shall be paid prior to the issuance of a sewer connection permit. If the property in question is outside the SBMWD sewer service area, a City irrevocable annexation agreement must be approved and submitted to the SBMWD prior to the issuance of a sewer connection permit. If the property in question is outside the SBMWD sewer service area, the applicant must submit an application to LAFCO for the approval of the SBMWD to provide service outside our service area and submit the approved LAFCO documentation to SBMWD prior to receiving a sewer connection permit.

To ensure the timely inspection of your sewer facilities, we recommend that the payment be made as soon as possible. Please allow up to two (2) weeks lead time between application payment and the required date of inspection required for your new sewer connection installation.

This invoice and commitment to provide inspection supersedes all previous commitments and shall remain in effect for a period of ninety (90) days from date of issuance.

Due to current health concerns during the COVID-19 emergency protocols in place, both the SBMWD Customer Service and Engineering counters are closed to the public. Check payments are accepted in person via the Customer Service drop-off box at 1350 South "E" Street or by mail to SBMWD Customer Service, Post Office Box 710, San Bernardino, CA 92402. Make checks payable to the SBMWD. Credit Cards are not accepted.

For technical questions, please contact Jonathon Schoenen of the SBMWD's Engineering staff at (909) 453-6175. Once payment is made, please contact SBMWD's Engineering section at (909) 453-6175 regarding scheduling of inspection. Please reference your service address and Project Number 10947 in any communications regarding this project.

IRREVOCABLE AGREEMENT TO ANNEX

No. \_\_\_\_\_

THIS AGREEMENT, is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019; by and between JRR Development, Inc. and Ramon Torrez, hereinafter referred to as "OWNER," and the City of San Bernardino, a municipal corporation, hereafter referred to as "CITY."

WITNESSETH:

WHEREAS, OWNER holds title to the unincorporated parcel(s), located at 1951, 1955, 1957 Porter Street, California, and parcel(s) is (are) further described as follows:

Parcel Map 17356, Parcel 1, 2, & 3, as per map recorded in Book 247 of Maps, page 13, records of the County Recorder of San Bernardino County, State of California.

Assessor's Parcel Number(s): 0268-291-32, 33, & 34

WHEREAS, this (these) parcel(s) is (are) within the Zone of Influence of CITY;  
and

WHEREAS, OWNER desires to obtain sewer service for said parcel(s); and

WHEREAS, sewer service could be provided to said parcel(s) by connecting to the CITY'S sewage system; and

WHEREAS, CITY'S sewage system and wastewater treatment plant have sufficient capacity to convey and treat the sewage generated by said parcel(s); and

WHEREAS, CITY is willing to allow connection of this (these) unincorporated parcel(s) to its sewage system, due to the expectation that said parcel(s) will be annexed to the City of San Bernardino at some future date, due to the fact that the parcel(s) is (are) within CITY'S Zone of Influence.

WHEREAS, the covenants and conditions set forth herein shall create an equitable servitude upon the parcel(s), and shall be fully binding upon OWNER'S heirs, successors and assigns.

NOW, THEREFORE, the parties hereto agree as follows:

**SECTION ONE: OWNER Agrees - -**

- a. To grant irrevocable consent to annex to the City of San Bernardino at such time as the annexation may be properly approved through appropriate legal proceedings, and owner does further agree to provide all reasonable



cooperation and assistance to the CITY in the annexation proceedings. Said cooperation is contemplated to include signing any applications of consent prepared by the CITY, and submitting any evidence reasonably within the control of OWNER to the various hearings required for the annexation. Said cooperation does not include, however, any obligation on behalf of OWNER to institute any litigation of judicial proceeding whatsoever to force the annexation to the City of San Bernardino.

- b. To pay such annexation fees and costs and other municipal charges as would ordinarily be charged in the annexation of property to the CITY. Said fees shall be payable when the same becomes due and payable. (In some circumstances, these fees may be borne by CITY.)
- c. To pay all fees and charges and make all deposits required by the CITY to connect to and use the sewer, and further agrees to be bound by all CITY ordinances, rules and regulations respecting the sewage system.
- d. To acknowledge that execution of this Irrevocable Agreement to Annex is on behalf of all future heirs, successors and assigns; and that said Agreement shall be irrevocable without written consent of CITY.
- e. To comply with Chapter 13.32, of the San Bernardino Municipal code relating to discharge of materials into CITY's sewage system.
- f. To make application to the Local Agency Formation Commission, and allow CITY to make application on behalf of the Owner and pay all application fees, for approval to connect to CITY's sewage system, pursuant to Section 56133 of the Government Code.
- g. To execute a standard form Agreement (Sewer Connection and Service) with CITY stipulating the terms and conditions under which the connection shall be made and maintained.

**SECTION TWO: CITY Agrees –**

- a. To allow OWNER's parcel(s), described hereinbefore, to connect to the City of San Bernardino's sewage system, subject to payment of all applicable fees and permits.

**SECTION THREE: Be it Mutually agreed, as follows:**

- a. City Clerk for CITY shall record this agreement with the County Recorder.
- b. The benefit to the subject parcel(s) will inure to the benefit of subsequent owners, their heirs, successors, and assigns, and the agreements, conditions, and covenants contained herein shall be binding upon them and upon the land.

- c. The approval granted to connect said parcel(s) to City's Sewage is contingent upon OWNER securing approval from the Local Agency Formation commission.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective officials thereunto duly authorized.

**CITY OF SAN BERNARDINO**

**OWNER**

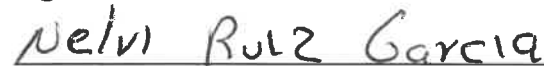
*Approved By:*



Teri Ledoux  
City Manager



Signature



Name

*Approved as to Form:*

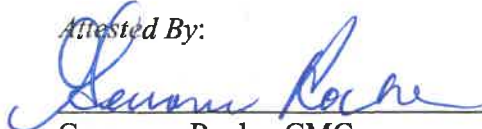
\*\*\*\**Approved Form*\*\*\*\*

Sonia Carvalho  
City Attorney



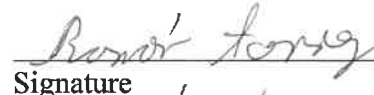
Title

*Attested By:*



Genoveva Rocha, CMC  
Acting City Clerk

**OWNER**



Signature



Name



Title

# CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of San Bernardino }

On July 13, 2020 before me, Malika C. Gardner (Notary)  
(Here insert name and title of the officer)

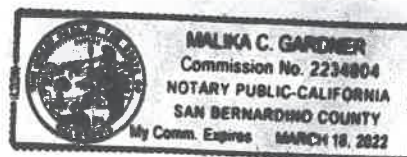
personally appeared Nelvi Ruiz Garcia,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Malika C. Gardner  
Notary Public Signature

(Notary Public Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Irrevocable agreement  
(Title or description of attached document)

to annex  
(Title or description of attached document continued)

Number of Pages 1 Document Date 07/13/2020

### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☐ Corporate Officer

(Title)

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

## INSTRUCTIONS FOR COMPLETING THIS FORM

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

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

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of RIVERSIDE )

On 07/08/2020 before me, Ramona Patricia Cardenas, Notary Public.  
(insert name and title of the officer)

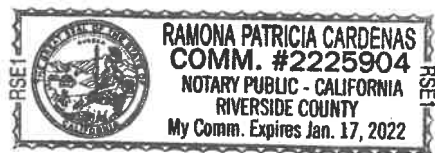
personally appeared ==RAMON TORREZ ==,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

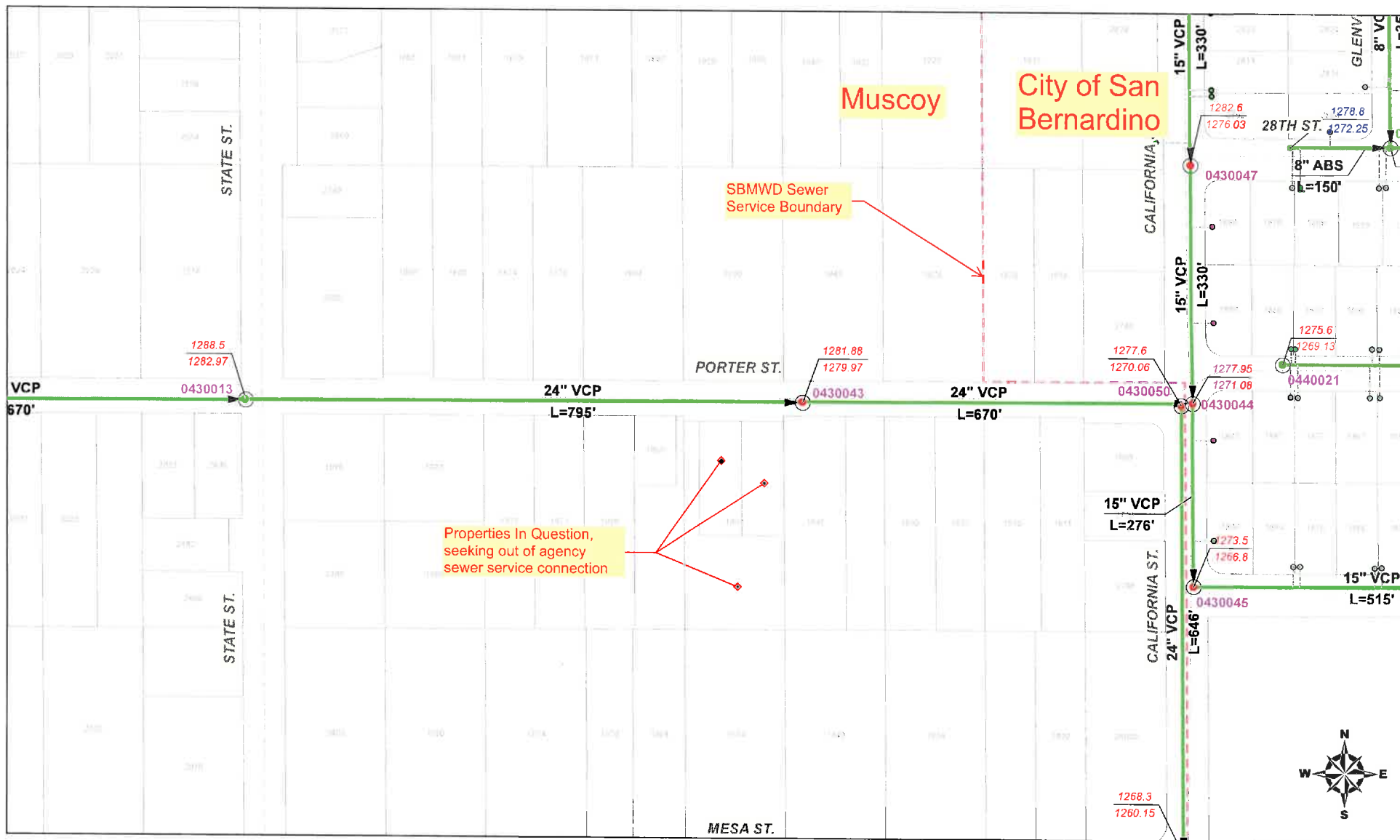
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)





**SBMWD Sewer Infrastructure in the Vicinity of 1951, 1955, & 1957 Porter Street, Muscoy**

# **Response from Tom Dodson and Associates**

**Attachment 3**

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



August 29, 2020

Mr. Samuel Martinez  
Local Agency Formation Commission  
1170 W. 3<sup>rd</sup> 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#452 for the Commission. LAFCO SC#452 would permit the City of San Bernardino to extend water service to three parcels of land located in unincorporated territory on the west side of the City in the community of Muscoy, which is in the City's western Sphere of Influence. The parcels are located on the south side of Porter Street, between University Parkway and California Street. If approved, the service extension would provide sewer service and allow a single-family residence to be built on each of the three parcels of land (APNs 0268-291-32, -33, and -34) that encompass approximately 0.98 acre. A 24" sewer main currently exists in Porter Street adjacent to the site, and laterals will be extended to serve the proposed residences. If SC#452 is approved, these future residences would be connected to City of San Bernardino Municipal Water Department's wastewater collection system and delivered to the City Wastewater Treatment Plant for treatment. Adequate capacity exists in both systems. In return, the owner makes a commitment to ultimately annex these parcels to the City. At the present time the property is noncontiguous with the City's boundary.

Based on the above proposal and the findings presented below, it appears that LAFCO SC#452 can be implemented without causing significant adverse environmental impacts. The administrative record does identify an action by the County of San Bernardino to comply with the California Environmental Quality Act (CEQA) for its approval of Tentative Parcel Map 17356. However, LAFCO will consider this extension of service contract as the CEQA lead agency because the County did not offer it an opportunity to participate in the CEQA review process. Based on the limited number of units that can ultimately be developed on the area (one unit per parcel) and a site field review, this project has no potential to cause a significant adverse impact on the environment. Therefore, I conclude that LAFCO SC#452 does not constitute a project under CEQA and adoption of the Statutory Exemption (under the "Common Sense Rule") and filing of a Notice of Exemption is the most appropriate determination to comply with the CEQA. This exemption is found in Section 15061(b)(3). The Commission can approve this review and finding for this action and I recommend that you notice LAFCO SC#452 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.

Thus, after independent review of this proposed action, the proposed sewer system extension to these parcels does not appear to have any potential to significantly alter the existing physical environment. Extending sewer service has no effect on land uses which are governed by the County. Thus, this service extension does not involve any change in the authorized end use, which will consist of three single-family residences in the near future. Since no other project is

pending or will occur as a result of approving this application, no other potential significant physical changes (cumulative) to the environment are forecast to result from this action.

Based on a review of LAFCO SC#452 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,

A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson

TD/cmc

LA-997/LAFCO SC#452 CEQA Exemp Memo



# **Draft Resolution #3314**

**Attachment 4**

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**PROPOSAL NO.: LAFCO SC#452**

**HEARING DATE: SEPTEMBER 16, 2020**

## **RESOLUTION NO. 3314**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#452 – CITY OF SAN BERNARDINO IRREVOCABLE AGREEMENT TO ANNEX NO. 2020-003 FOR SEWER SERVICE (ASSESSOR PARCEL NUMBERS 0268-291-32, 0268-291-33, and 0268-291-34)**

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

**WHEREAS**, Government Code Section 56133 requires the Local Agency Formation Commission to review and approve or deny applications for agencies to provide services outside their existing boundaries; and,

**WHEREAS**, an application for the proposed service extension in San Bernardino County was filed with the Executive Officer of this Local Agency Formation Commission in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and determined that the filings are sufficient; and,

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

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

**WHEREAS**, the public hearing by this Commission was called for September 16, 2020 at the time and place specified in the notice of public hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written protests; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the contract, in evidence presented at the hearing;

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

## RESOLUTION NO. 3314

### **DETERMINATIONS:**

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

1. The properties identified as Assessor Parcel Numbers 0268-291-32, 0268-291-33, and 0268-291-34 are within the sphere of influence assigned the City of San Bernardino and are anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of San Bernardino sewer service.
2. The City of San Bernardino's Irrevocable Agreement to Annex No. 2020-003 being considered is for the provision of sewer service to Assessor Parcel Numbers 0268-291-32, 0268-291-33, and 0268-291-34. This contract will remain in force in perpetuity or until such time as the area will be annexed. Approval of this application will allow the property owner and the City of San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged this project by the City of San Bernardino for sewer service are identified as totaling \$16,785 (a breakdown of charges is on file in the LAFCO office) for both parcels. Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owners shall bear all costs to complete improvements needed to extend the sewer service to the three parcels.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review under the "Common Sense Rule" since it has no potential to cause a significant adverse impact on the environment (Section 15061[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this proposal is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines. The Commission hereby adopts the Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

**SECTION 2. CONDITION.** The City of 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 service contract, including any reimbursement of legal fees and costs incurred by the Commission.

**SECTION 3.** The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of San Bernardino to provide sewer service to Assessor Parcel Numbers 0268-291-32, 0268-291-33, and 0268-291-34.

**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#452 – City of San Bernardino Irrevocable Agreement to Annex No. 2020-003 for Sewer Service (Assessor Parcel Numbers 0268-291-32, 0268-291-33, and 0268-291-34), has been approved.

## RESOLUTION NO. 3314

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

**AYES:**           **COMMISSIONERS:**

**NOES:**            **COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

\* \* \* \* \*

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

**I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of September 16, 2020.**


**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** SEPTEMBER 9, 2020   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #6: NOTE RECEIPT OF PROPOSAL INITIATED BY CITY COUNCIL RESOLUTION—LAFCO 3243 - REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF FONTANA, THE FONTANA FIRE PROTECTION DISTRICT, THE WEST VALLEY WATER DISTRICT, AND THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT, AND DETACHMENT FROM THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS VALLEY SERVICE ZONE AND ITS ZONE FP-5, AND COUNTY SERVICE AREA 70

---

State law requires that any proposal involving annexation to a special district that has not been filed or initiated by resolution of the district shall be placed on the next available Commission agenda as an informational item (Government Code Section 56857[a]). The City of Fontana has initiated a reorganization proposal that includes the following changes of organization/reorganization:

- Annexation to the City of Fontana and detachment from County Service Area 70 (the entire reorganization area encompassing approximately 146 acres);
- Annexation to West Valley Water District and San Bernardino Valley Municipal Water District (encompassing approximately 5 acres of the overall reorganization area); and,
- Annexation to Fontana Fire Protection District and detachment from San Bernardino County Fire Protection District, its Valley Service Zone and its Service Zone FP-5 (also encompassing approximately 5 acres of the overall reorganization area).

The purpose of the reorganization proposal is to receive municipal levels of service to a proposed warehouse facility planned within the area. A map of the reorganization area is included as an attachment to this report.

Government Code Section 56857(a) also sets in motion a 60-day time period in which the Fontana Fire Protection District (FPD), the West Valley Water District (WVWD) and/or the San Bernardino Valley Municipal Water District (Valley District) may submit a resolution of opposition to the reorganization proposal. This 60-day time period began on August 31 through notification to the Fontana FPD, WVWD and Valley District that the application had been received, and will expire on October 30.

No action is required of the Commission other than to note receipt of the proposal.

/sm

Attachments:




- 1 -- [Vicinity Map](#)
- 2 -- [City of Fontana Resolution No. 2020-074 \(Resolution of Initiation\)](#)

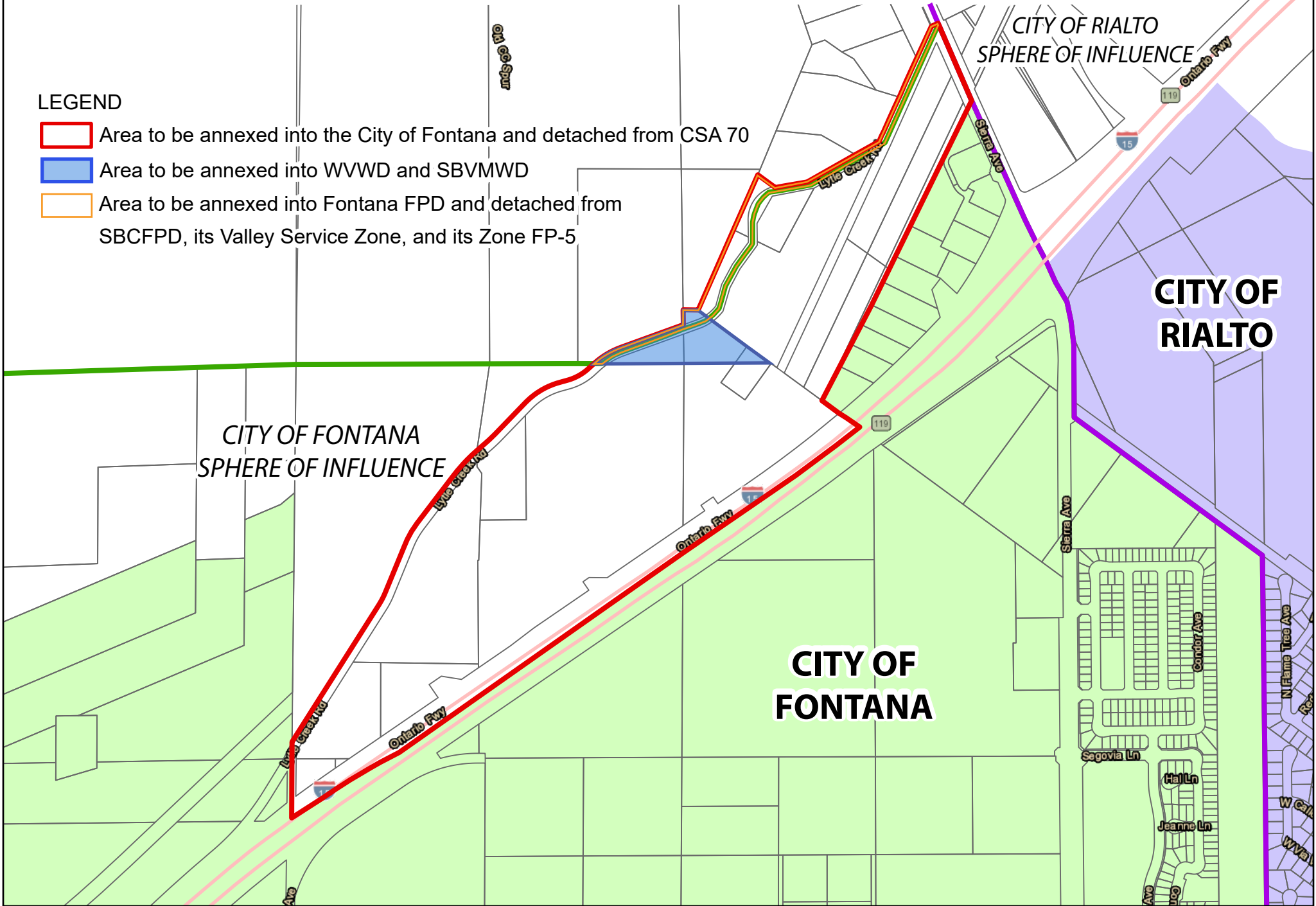
# **Vicinity Map**

**Attachment 1**

**LAFCO 3243 – Reorganization to Include Annexation to the City of Fontana, the Fontana Fire Protection District, the West Valley Water District, and Detachment from the San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5, and County Service Area 70 (I-15 Logistics Project)**

**LEGEND**

-  Area to be annexed into the City of Fontana and detached from CSA 70
-  Area to be annexed into WVWD and SBVMWD
-  Area to be annexed into Fontana FPD and detached from SBCFPD, its Valley Service Zone, and its Zone FP-5





**City of Fontana  
Resolution No. 2020-074**

**Attachment 2**

**RESOLUTION NO. 2020-074**

**A RESOLUTION OF THE CITY COUNCIL OF FONTANA REQUESTING THAT THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) INITIATE PROCEEDINGS FOR A SPHERE OF INFLUENCE AMENDMENT (EXPANSION) FOR THE CITY OF FONTANA, THE FONTANA FIRE PROTECTION DISTRICT AND THE WEST VALLEY WATER DISTRICT, AND A REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF FONTANA, THE FONTANA FIRE PROTECTION DISTRICT, THE WEST VALLEY WATER DISTRICT, AND THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT, AND DETACHMENT FROM THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS VALLEY SERVICE ZONE, AND ITS ZONE FP-5, AND COUNTY SERVICE AREA 70 GENERALLY CONSISTING OF APPROXIMATELY 152 ACRES BOUNDED BY THE I-15 FREEWAY TO THE SOUTH, LYTLE CREEK ROAD TO THE NORTH, AND SIERRA AVENUE TO THE EAST, UNDER ANNEXATION NO. 16-001 (NORTH FONTANA LYTLE CREEK ANNEXATION AREA).**

**WHEREAS**, the City of Fontana desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for the annexation of that unincorporated property that includes the North Fontana Lytle Creek Annexation Area; and

**WHEREAS**, on June 2, 2020, the Planning Commission duly conducted a noticed public hearing on Annexation No. 16-001, General Plan Amendment No. 15-005, General Plan Amendment No. 17-001, Zone Change No. 15-009, General Plan Amendment No. 20-008, Zone Change No. 20-007, Development Agreement No. 16-001, Tentative Parcel Map No. 19712 and Design Review No. 16-003, received testimony and information from any and all parties, and recommended its approval (with a 5-0 vote) to the City Council by resolution; and

**WHEREAS**, on June 23, 2020, the City Council conducted a noticed public hearing on Annexation No. 16-001, General Plan Amendment No. 15-005, General Plan Amendment No. 17-001, Zone Change No. 15-009, General Plan Amendment No. 20-008, Zone Change No. 20-007, Development Agreement No. 16-001, Tentative Parcel Map No. 19712 and Design Review No. 16-003, received testimony from any and all parties, including the staff report and attached supporting documents from the Planning Commission public hearing on June 2, 2020 as well as testimony from the project applicant and others; and

**WHEREAS**, based on the information contained in the Initial Study (Environmental Checklist) prepared for Annexation No. 16-001, General Plan Amendment No. 15-005, General Plan Amendment No. 17-001, Zone Change No. 15-

Resolution No. 2020-074

009, General Plan Amendment No. 20-008, Zone Change No. 20-007, Development Agreement No. 16-001, Tentative Parcel Map No. 19712 and Design Review No. 16-003, a Draft and Final Environmental Impact Report has been prepared and circulated for the project and has been submitted with the inclusion of a Statement of Overriding Consideration and a Mitigation Monitoring Program with a recommendation for certification by the City Council; and

**WHEREAS**, aside from the annexation to the City of Fontana, this reorganization also includes the annexation to the Fontana Fire Protection District, the West Valley Water District, and the San Bernardino Valley Municipal Water District, and detachment from the San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5, and County Service Area 70; and

**WHEREAS**, the territory proposed for reorganization is legally uninhabited and a description of the boundaries of the territory proposed to be reorganized is set forth in Exhibit A attached hereto and by this reference incorporated herein; and

**WHEREAS**, the proposed reorganization will not conflict with any sphere of influence as the proposed change includes an amendment to the spheres of influence for the City of Fontana, the Fontana Fire Protection District, and the West Valley Water District, which will make their spheres of influence consistent; and

**WHEREAS**, it is desired to provide that the proposed reorganization be subject to the standard terms and conditions:

- a. The following services and improvements will be financed by general tax revenues of the City of Fontana: police, fire, recreation, street and street tree maintenance. The following services and improvements will be financed by on-going service charges to users of said service: sewer and solid waste disposal services. The following services and improvements will be financed and installed by the owners/subdividers: sewer lines, streets and related improvements.
- b. The City of Fontana will provide the following urban services to the subject site property as they become available upon completion of the annexation process: sewer, police, planning and building inspection services; recreation and park, street and street tree maintenance; street cleaning; and
- c. The standard terms and conditions imposed by the Local Agency Formation Commission (LAFCO) for San Bernardino County.

**WHEREAS**, the reasons for this proposed annexation is to insure the orderly long-range planning and development of the area and provide for more effective municipal services to residents.

Resolution No. 2020-074

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Fontana that the Local Agency Formation Commission for San Bernardino County is hereby requested to proceed and take all actions necessary to facilitate the proposed sphere amendments/reorganization as described in Exhibit "A" according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**Section 1.** The City of Fontana acknowledges and agrees to the Local Agency Formation Commission for San Bernardino County's requirement for imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual.

**Section 2.** The City Council hereby directs and authorizes the City Clerk to forward a certified copy of this resolution to the Executive Officer for LAFCO and for the City Manager to take all actions necessary to submit a complete application for the proposed sphere amendments/reorganization to LAFCO and any other such actions as may be necessary to complete LAFCO's process.

**Section 3.** Based on the foregoing, the City Council hereby adopts a resolution to certify the Final Environmental Impact Report (State Clearing House No. 2018011008), the statement of overriding consideration, the mitigation monitoring and reporting program and adopt the resolution for the statement of facts and findings and direct staff to file the Notice of Determination.

**APPROVED AND ADOPTED** this 23<sup>rd</sup> day of June, 2020

**READ AND APPROVED AS TO LEGAL FORM:**

DocuSigned by:

*Ruben Duran*

622D5F9CCD8240C...

City Attorney

I, Tonia Lewis, City Clerk of the City of Fontana, California, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting thereof, held on the 23<sup>rd</sup> day of June, 2020 by the following vote to wit:

**AYES:** Mayor Warren, Mayor Pro Tem Armendarez, Council Members Roberts and Sandoval

**NOES:** Council Member Cothran

**ABSENT:**

**ABSTAIN:**

Resolution No. 2020-074

DocuSigned by:

*Toni Lewis*

EB0DCCE0A17754E5

City Clerk of the City of Fontana

DocuSigned by:

*Reganetta Warren*

9B478DAD890D46B

Mayor of the City of Fontana

**ATTEST:**

DocuSigned by:

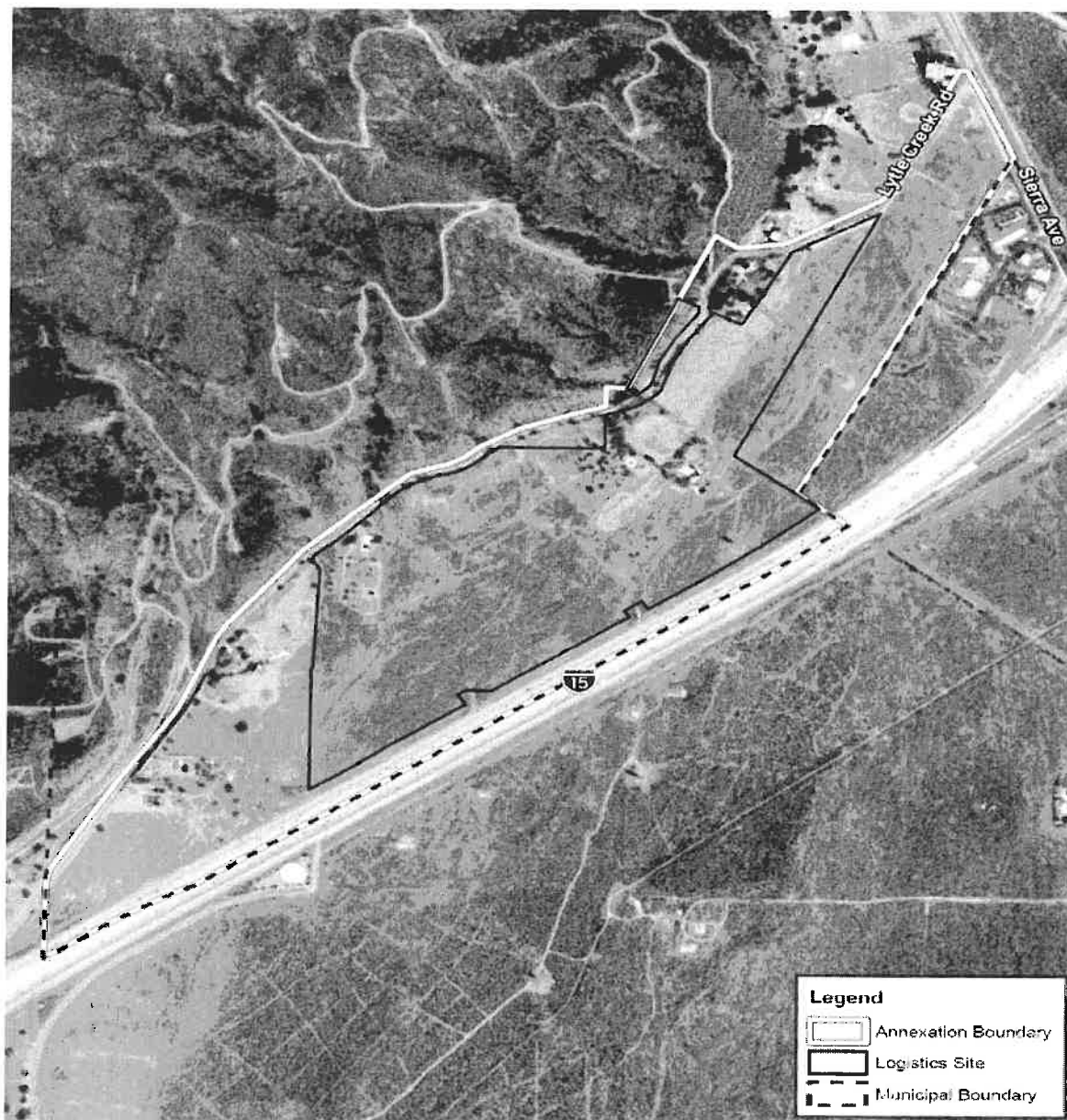
*Toni Lewis*

EB0DCCE0A17754E5

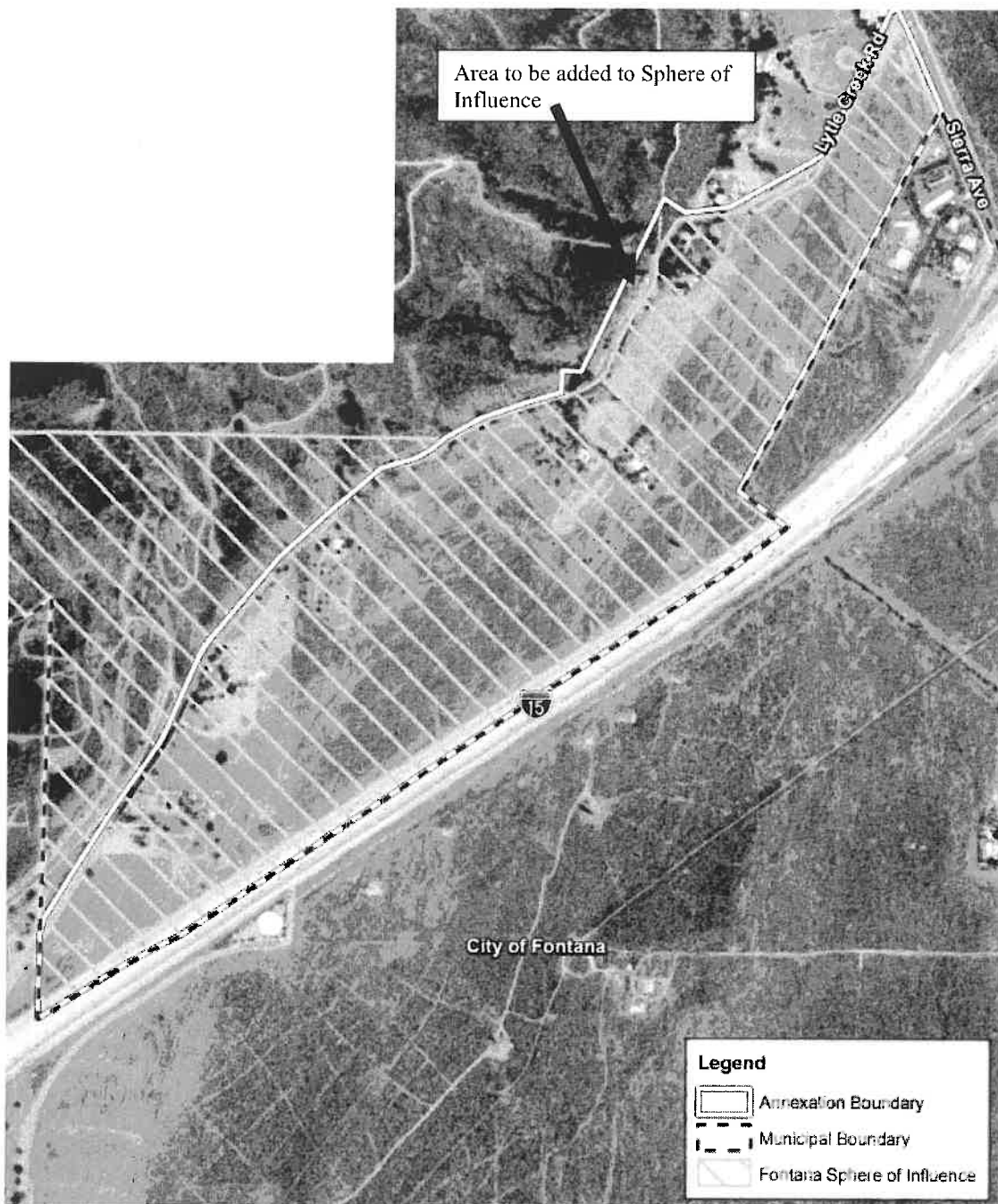
City Clerk

Resolution No. 2020-074

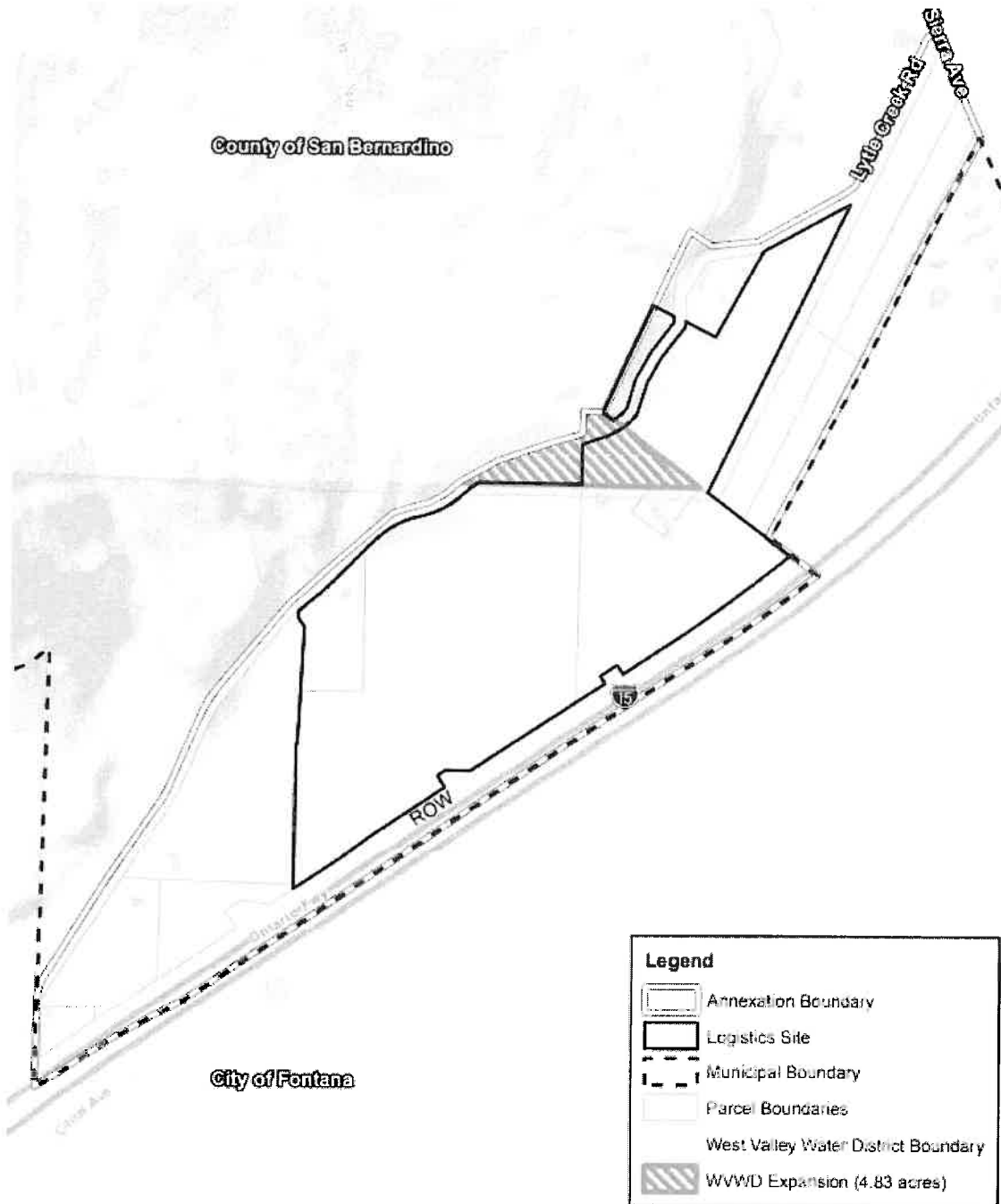
## EXHIBIT A



Resolution No. 2020-074

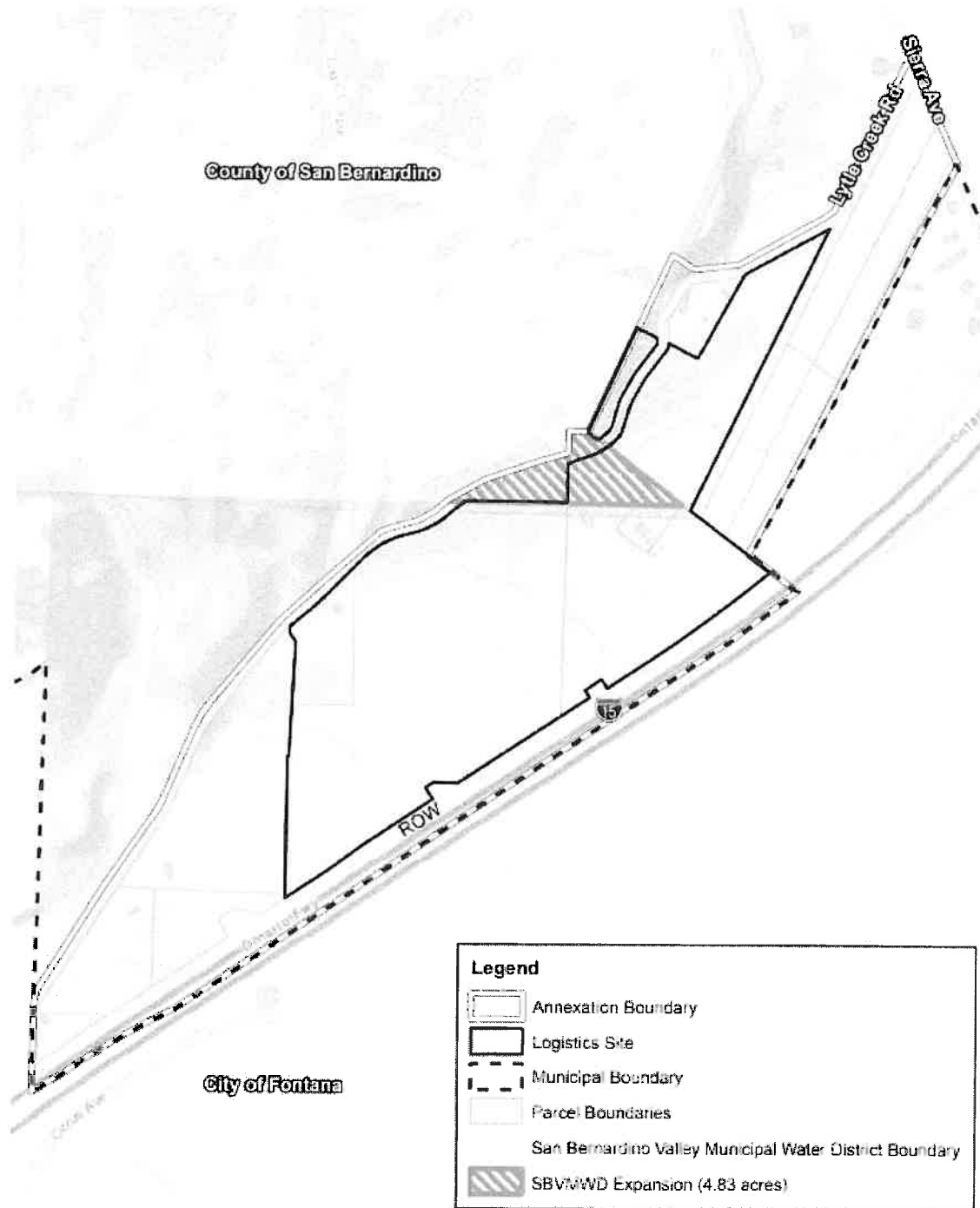


Resolution No. 2020-074





Resolution No. 2020-074



## Certificate Of Completion

Envelope Id: 0C3727294C01401F9A1A4ADF30B035AD  
 Subject: Please DocuSign: Reso 2020-074 (Part 4 - d)  
 Source Envelope:  
 Document Pages: 8  
 Certificate Pages: 5  
 AutoNav: Enabled  
 EnvelopeId Stamping: Enabled  
 Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:  
 City Clerk  
 8353 Sierra Avenue  
 Fontana, CA 92335  
 clerks@fontana.org  
 IP Address: 192.146.186.96

## Record Tracking

Status: Original  
 7/21/2020 11:39:02 AM

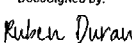
Holder: City Clerk  
 clerks@fontana.org

Location: DocuSign

## Signer Events

Ruben Duran  
 ruben.duran@bbklaw.com  
 Security Level: Email, Account Authentication  
 (None)

## Signature

DocuSigned by:  
  
 622D8F9CCD0240C...

Signature Adoption: Pre-selected Style  
 Using IP Address: 74.116.243.2

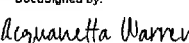
## Timestamp

Sent: 7/21/2020 11:39:10 AM  
 Viewed: 7/22/2020 7:25:11 AM  
 Signed: 7/22/2020 7:25:49 AM

## Electronic Record and Signature Disclosure:

Accepted: 7/22/2020 7:25:11 AM  
 ID: 2d06c009-c9bf-4964-a8fc-bdf88d02f296

Acquanetta Warren  
 awaren@fontana.org  
 Security Level: Email, Account Authentication  
 (None)

DocuSigned by:  
  
 9B478F9AD390046B...

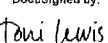
Signature Adoption: Pre-selected Style  
 Using IP Address: 99.116.41.129  
 Signed using mobile

Sent: 7/22/2020 7:25:51 AM  
 Viewed: 7/22/2020 7:34:07 AM  
 Signed: 7/22/2020 7:34:16 AM

## Electronic Record and Signature Disclosure:

Accepted: 7/22/2020 7:34:07 AM  
 ID: f4d4c2f9-1f1a-44df-907d-59789d846708

Toni Lewis  
 tlewis@fontana.org  
 City Clerk  
 City of Fontana  
 Security Level: Email, Account Authentication  
 (None)

DocuSigned by:  
  
 EBCDCFDA17754F5...

Signature Adoption: Pre-selected Style  
 Using IP Address: 76.218.56.24

Sent: 7/22/2020 7:34:18 AM  
 Viewed: 7/22/2020 8:12:17 AM  
 Signed: 7/22/2020 8:12:51 AM

## Electronic Record and Signature Disclosure:

Not Offered via DocuSign

## In Person Signer Events

## Signature

## Timestamp

## Editor Delivery Events

## Status

## Timestamp

## Agent Delivery Events

## Status

## Timestamp

## Intermediary Delivery Events

## Status

## Timestamp

## Certified Delivery Events


## Status

## Timestamp

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** SEPTEMBER 9, 2020   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #8: LAFCO SC#453 – City of Redlands Pre-Annexation Agreement No. 20-51 for Water and Sewer Service (Assessor Parcel Number 0298-412-01)

---

## **INITIATED BY:**

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

## **RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO SC#453 by taking the following actions:

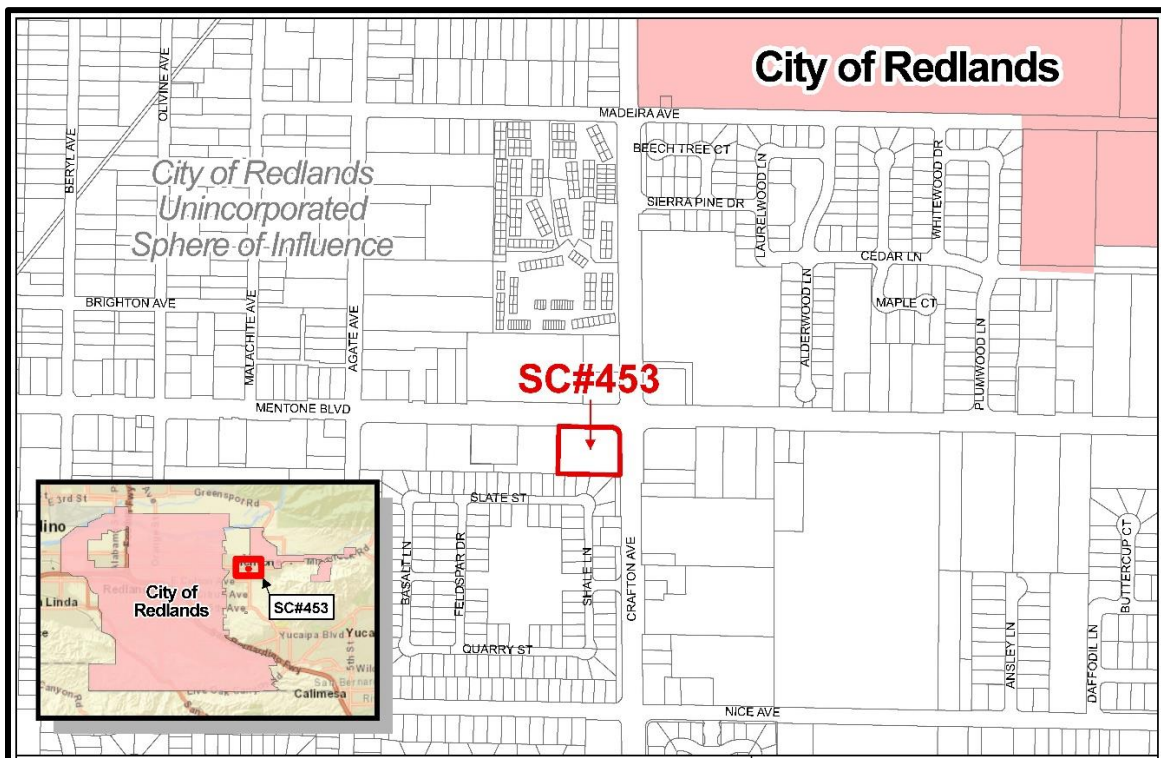
1. For environmental review as a responsible agency:
  - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Conditional Use Permit for the development of a gas station, convenience store and car wash on approximately 1.28 acres, and found them to be adequate for Commission use;
  - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
  - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA

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

2. Approve LAFCO SC #453 authorizing the City of Redlands to extend water and sewer service outside its boundaries to Assessor Parcel Number 0298-412-01.
3. Adopt LAFCO Resolution #3315 setting forth the Commission's determinations and approval of the agreement for service outside the City of Redlands' boundaries.

### **BACKGROUND:**

The City of Redlands (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend water and sewer service to a parcel, Assessor Parcel Number ("APN") 0298-412-01, which encompasses approximately 1.28 acres and is generally located on the southwest corner of Mentone Boulevard and Crafton Avenue, within the City of Redlands' eastern sphere of influence, in the unincorporated Mentone community. The map below outlines the location of the contract area and Attachment # 1 also provides a location and vicinity map of the site along with a map outlining the location of the infrastructure to be extended.



Vicinity Map

In February 2020, the County Land Use Services Department processed and approved a Conditional Use Permit for the development of a gas station with a 2,920 square-foot convenience store and a 4,419 square foot car wash building on the 1.28-acre project site. The Conditions of Approval placed upon this project includes the requirement to connect to the City of Redlands' water and sewer facilities prior to issuance of building permits (see Conditions 99, 100, 102, and 103) and require LAFCO approval of said out-of-agency connections (Condition 106). A copy of the conditions of approval for the project are included as Attachment #3 to this report.

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

### **PLAN FOR SERVICE:**

The City's application (included as Attachment #2 to this report) identifies that water service will be provided through connection to the existing 12-inch water main in Crafton Avenue. A water lateral will be extended into the property. Sewer service will be provided through connection to the existing 8-inch sewer main that is also in Crafton Avenue. A sewer lateral will also be extended into the property.

Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of service outside an agency's boundaries. The provisions of the City's Measure U require that the property owner/developer pay the "sums equivalent to the City's development impact fees" as a condition for access to water and sewer service. The categories of fees to be charged this project by the City of Redlands for the extension of water and sewer service are identified in the City's Development Requirements for OSC 19-51 dated June 18, 2020, Item A3 (included as a part of Attachment #2). As a commercial development, the actual fees will not be available until an actual request for water and sewer service is made by the property owner/developer and final plans are submitted to the City. Payment of these fees are required prior to connection to the City's water and/or sewer facilities.

In addition, the property owner/developer will be responsible for the entire cost of the construction and installation of the lateral extensions from the water and sewer mains.

### **ENVIRONMENTAL DETERMINATION:**

The County prepared an Initial Study and Mitigated Negative Declaration (SCH #2019079019) for a Conditional Use Permit to develop a gas station, convenience store and car wash on approximately 1.28 acres.

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

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

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

### **CONCLUSION:**

The development of the gas station approved by the County of San Bernardino requires that it receive water and sewer service from the City of Redlands. In order for the project to proceed and for the property owner/developer to pull building permits, said property owner/developer must show proof of its ability to connect to the City of Redlands' water and sewer infrastructure – which is the Commission's authorization for the agreement.

Staff has reviewed this request for authorization to provide water and sewer service from the City of Redlands outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City of Redlands and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide water and sewer service to APN 0298-412-01 since its facilities are adjacent to the parcel, and there is no other existing entity available to provide these services within the area.

### **DETERMINATIONS:**

1. The parcel, identified as APN 0298-412-01, is within the sphere of influence assigned the City of Redlands and is anticipated to become a part of that City

sometime in the future. The application requests authorization to receive City of Redlands water and sewer service.

2. The City of Redlands Pre-Annexation Agreement No. 20-51 being considered is for the provision of water and sewer service to APN 0298-412-01, generally located at the southwest corner of Mentone Boulevard and Crafton Avenue, within the City of Redlands' eastern sphere of influence in the unincorporated Mentone community. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner/developer and the City of Redlands to proceed in finalizing the contract for the extension of water and sewer service.
3. The categories of fees to be charged this project by the City of Redlands for the extension of water and sewer service are identified in the City's Development Requirements for OSC 19-51 dated June 18, 2020, Item A3. Payment of these fees are required prior to connection to the City's water and sewer facilities. In addition, the property owner/developer will be responsible for the entire costs of the construction and installation of the water/sewer lateral extensions to the property.
4. During the period from July 2019 to February 2020, acting as the CEQA lead agency, the County prepared an environmental assessment for a Conditional Use Permit to develop a gas station, convenience store and car wash on approximately 1.28 acres. The County's environmental assessment indicates that the project would not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project.

LAFCO's environmental consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and recommends that, if the Commission approves LAFCO SC#453, the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as CEQA responsible agency. The Commission will not be adopting alternatives or additional mitigation measures, as these are the responsibility of the County and/or others and are considered self-mitigating through implementation of the Conditions of Approval. Attachment #4 to this report includes a copy of Mr. Dodson's response and recommendation regarding the Commission's environmental review and the necessary actions to be taken.

SM/MT

Attachments:

1. [Vicinity Map and Map of the Contract Area](#)
2. [City of Redlands' Application and Signed Contract](#)

3. [County's Conditions of Approval for the Project](#)
4. [Response from Tom Dodson and Associates including the County's Mitigated Negative Declaration](#)
5. [Draft Resolution #3315](#)



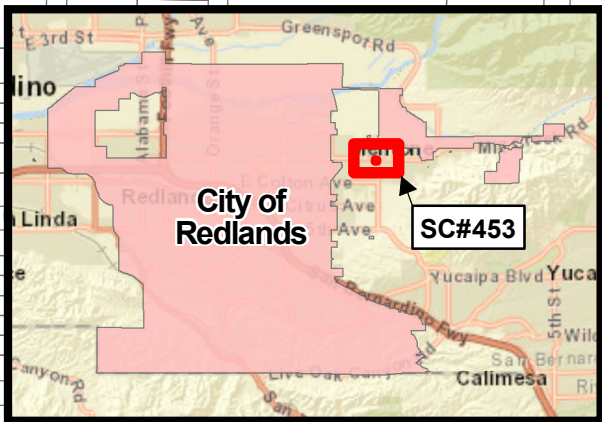
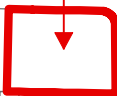
# **Vicinity Map and Map of the Contract Area**

**Attachment 1**

# City of Redlands

*City of Redlands  
Unincorporated  
Sphere of Influence*

**SC#453**



## LAFCO SC#453 — City of Redlands Pre-Annexation Agreement No. 20-51 for Water and Sewer Services (APN: 0298-412-01)



SC#453



City of Redlands



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

0 2.5 5 10 Miles







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

**Attachment 2**

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

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

**AGENCY TO EXTEND SERVICE:**

AGENCY NAME: CITY OF REDLANDS  
CONTACT PERSON: ROSS WITTMAN  
ADDRESS: 35 CATON STREET, STE. 13A  
REDLANDS CA 92373  
PHONE: 909.798.7524 x1  
EMAIL: RWITTMAN@CITYOFREDLANDS.ORG

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: RAMZI DUCHMAN  
CONTACT PERSON: RAMZI DUCHMAN  
MAILING ADDRESS: 523 E. PAYSON STREET  
GLENDORE CA 91740  
PHONE: 909.618.4480  
EMAIL: RDUCHMAN@MSN.COM  
ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: SOUTHWEST CORNER OF  
CRAFTON AVENUE AND MONTONE BOULEVARD  
CONTRACT NUMBER/IDENTIFICATION: OSC 20-51  
PARCEL NUMBER(S): 0298-411-97 (PARCELS 1-4)  
ACREAGE: \_\_\_\_\_

Extension of Service by Contract  
Application Form

(FOR LAFCO USE ONLY)

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

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

WATER AND SEWER SERVICE WILL BE PROVIDED TO  
THE DEVELOPMENT

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

A PRE-ANNEXATION AGREEMENT HAS BEEN SIGNED  
BY THE APPLICANT.

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

A PROJECTED TIMEFRAME IS UNKNOWN DUE TO THE  
AMOUNT OF EXISTING DEVELOPMENT SURROUNDING  
THE PROPOSED DEVELOPMENT

Extension of Service by Contract  
Application Form

(FOR LAFCO USE ONLY)

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

---

---

---

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

---

---

---

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

*THE CURRENT PROPERTY IS VACANT*

---

---

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

---

---

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

*THE PROPOSED PROJECT IS FOR A GAS STATION AND*

*CAR WASH.*

---

---



Extension of Service by Contract  
Application Form

(FOR LAFCO USE ONLY)

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

Tentative Tract Map / Parcel Map  
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)

☐  
☐  
☐  
☐  
☐  
☐  
☒

PROJECT WILL BE DEVELOPED THROUGH THE  
COUNTY OF SAN BERNARDINO

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

10. Plan for Service:

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

THERE IS AN EXISTING 12" WATER MAIN AND 8"  
SEWER MAIN IN CRAFTON AVENUE THE APPLICANT  
WILL TIE INTO



(FOR LAFCO USE ONLY)

---

---

---

---

---

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

- NOT APPLICABLE

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

Not Applicable

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

## CERTIFICATION

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

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

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

*Extension of Service by Contract  
Application Form*

\_\_\_\_\_  
(FOR LAFCO USE ONLY)

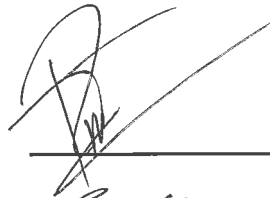
I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this evaluation of service extension to the best of my ability, and that the facts, statement and information presented herein are true and correct to the best of my knowledge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

SIGNED

NAME:

POSITION TITLE:

DATE:



Ross Wittman

SENIOR PROJECT MANAGER

JUNE 20, 2020

REQUIRED EXHIBITS TO THIS APPLICATION:

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

Please forward the completed form and related information to:

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

**REDLANDS MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT  
DEVELOPMENT REQUIREMENTS  
OSC NO. 19-51**

**Date:** June 18, 2020  
**Applicant:** Dughman Development  
**Location:** Southwest Corner of Mentone Boulevard and Crafton Avenue (0298-412-01)  
**Project Description:** New Convenience Store, Gas Station, and Car Wash

The following is a list of Municipal Utilities and Engineering Department requirements which must be fulfilled prior to establishment of water and sewer service connections for the property known as (APN 0298-412-01) located at the southwest corner of Mentone Boulevard and Crafton Avenue in Mentone, an unincorporated area of San Bernardino County.

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

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

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

4. Install reduced pressure principle backflow devices as required by City Engineer.
5. Although this project will have an on-going inspection throughout construction, a final inspection for all water and sewer improvements must be scheduled by developer to certify that these improvements comply with City specifications.

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

1. Cash cleanup deposit shall be submitted (\$1,000.00). Deposit will be reimbursed after the work is completed and accepted by the City upon written request.

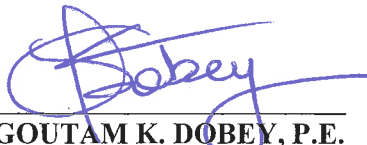
2. Section 4216/4217 of the Government Code requires a Dig Alert Identification Number be issued before a "Permit to Excavate" will be valid. For your Dig Alert Identification Number, call Underground Service Alert toll free, 1-800-227-2600, two (2) working days prior to conducting any excavation.
3.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

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

1. All requirements as described in Sections A and B of these conditions of approval shall be met.
2. All work shall be completed to the satisfaction of the City Engineer (RMC Section 13.62.050) (RMC Section 13.58.200).
3. All as-built plans (D-20162, D-60479, and F-1176) shall be delivered to the Municipal Utilities and Engineering Department for review and approval.

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

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



**GOUTAM K. DOBEY, P.E.**  
Engineering Manager



**DONALD YOUNG, P.E., P.M.P.**  
One Stop Permit Manager

  
Initial



Electronically  
Recorded in Official Records  
County of San Bernardino  
Bob Dutton  
Assessor-Recorder-County Clerk

Recording requested by  
and when recorded mail to:

**DOC# 2020-0170883**

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

05/22/2020  
08:01 AM  
SAN  
H6313

Titles: 1 Pages: 8

Fees	\$35.00
Taxes	\$0.00
CA SB2 Fee	0.00
<b>Total</b>	<b>\$35.00</b>

## AGREEMENT FOR ANNEXATION AND PROVISION FOR CITY UTILITY SERVICES

This Agreement for Annexation and Provision of City Utility Services ("Agreement") is made and entered into this 19<sup>th</sup> day of May, 2020 by and between the City of Redlands, a municipal corporation organized and existing under the laws of the State of California ("City") and Abdullah Dughman, an individual ("Property Owner"). City and Property Owner are sometimes individually referred to herein as a "Party" and, together, as the "Parties."

### RECITALS

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

WHEREAS, California case law, including but not limited to, *Dateline Builders, Inc. v. City of Santa Rosa* (1983) 146 Cal. App. 3d, 520 and *County of Del Norte v. City of Crescent City* (1999) which state in relevant part that it is not against the law or public policy for a city or county to use utilities as a tool to manage growth, provides that a city has no obligation, and may use its sole discretion, to extend utility services outside its corporate boundaries; and

WHEREAS, Property Owner owns a vacant parcel of land generally located at the at southeast corner of Mentone Boulevard and Crafton Avenue and identified as county of San Bernardino Assessor's Parcel Number 0298-412-01-0000 ("Property") in the unincorporated area of the county of San Bernardino within the City's sphere of influence, has made a request and application to City to receive water service for property located in the unincorporated area of the county of San Bernardino, and has provided evidence satisfactory to City that Property Owner is the fee owner of the Property; and

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

Recording requested by  
and when recorded mail to:

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

## AGREEMENT FOR ANNEXATION AND PROVISION FOR CITY UTILITY SERVICES

This Agreement for Annexation and Provision of City Utility Services ("Agreement") is made and entered into this 19<sup>th</sup> day of May, 2020 by and between the City of Redlands, a municipal corporation organized and existing under the laws of the State of California ("City") and Abdullah Dughman, an individual ("Property Owner"). City and Property Owner are sometimes individually referred to herein as a "Party" and, together, as the "Parties."

### RECITALS

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

WHEREAS, California case law, including but not limited to, *Dateline Builders, Inc. v. City of Santa Rosa* (1983) 146 Cal. App. 3d, 520 and *County of Del Norte v. City of Crescent City* (1999) which state in relevant part that it is not against the law or public policy for a city or county to use utilities as a tool to manage growth, provides that a city has no obligation, and may use its sole discretion, to extend utility services outside its corporate boundaries; and

WHEREAS, Property Owner owns a vacant parcel of land generally located at the at southeast corner of Mentone Boulevard and Crafton Avenue and identified as county of San Bernardino Assessor's Parcel Number 0298-412-01-0000 ("Property") in the unincorporated area of the county of San Bernardino within the City's sphere of influence, has made a request and application to City to receive water service for property located in the unincorporated area of the county of San Bernardino, and has provided evidence satisfactory to City that Property Owner is the fee owner of the Property; and

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

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

5. Payment of Fees. Concurrent with City's extension of services to the Property, Property Owner shall pay to City, as a condition of receiving such services in accordance with the voter-approved amendment to the City's General Plan known as Measure "U," a sum equivalent to all City capital improvement and other development fees which would be applicable to the Property if the Property was developed within City limits at the time of provision of the services.

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

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

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

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

10. Indemnity and Cost of Litigation.

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



known by him or her must have materially affected his or her settlement with the debtor."

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

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

CITY OF REDLANDS

PROPERTY OWNER

By:   
Paul W. Foster, Mayor

By:  5/11/2020  
Abdullah Dughman, Owner  
**ABDALLAH DUGHMAN**

ATTEST:

  
Jeanne Donaldson, City Clerk

Please See Attached For  
California Civil Code  
Section 1189 Compliant  
Acknowledgment

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

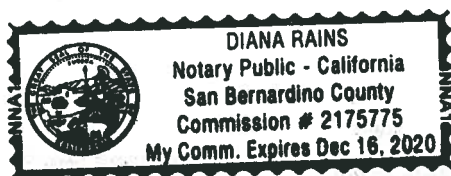
State of California

County of San Bernardino }

On May 21, 2020 before me, Diana Rains, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Paul W. Foster and Jeanne Donaldson  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



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

WITNESS my hand and official seal.

Place Notary Seal and/or Stamp Above

Signature Diana Rains  
Signature of Notary Public

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Agreement for Annexation & Provision of City Utility

Document Date: \_\_\_\_\_ Number of Pages: Services

Signer(s) Other Than Named Above: \_\_\_\_\_

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

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On May 11, 2020

before me, Jennifer Arevalo, Notary Public

Here Insert Name and Title of the Officer

personally appeared Abdallah Dughman

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



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

WITNESS my hand and official seal.

Place Notary Seal and/or Stamp Above

Signature

Jennifer Arevalo  
Signature of Notary Public

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Agreement for Annexation & Provision for City Utility Serv.

Document Date: 5/11/2020

Number of Pages: 3

Signer(s) Other Than Named Above: no other signer

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

Signer's Name: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Partner – ☐ Limited ☐ General

☐ Individual

☐ Attorney in Fact

☐ Individual

☐ Attorney in Fact

☐ Trustee

☐ Guardian of Conservator

☐ Trustee

☐ Guardian of Conservator

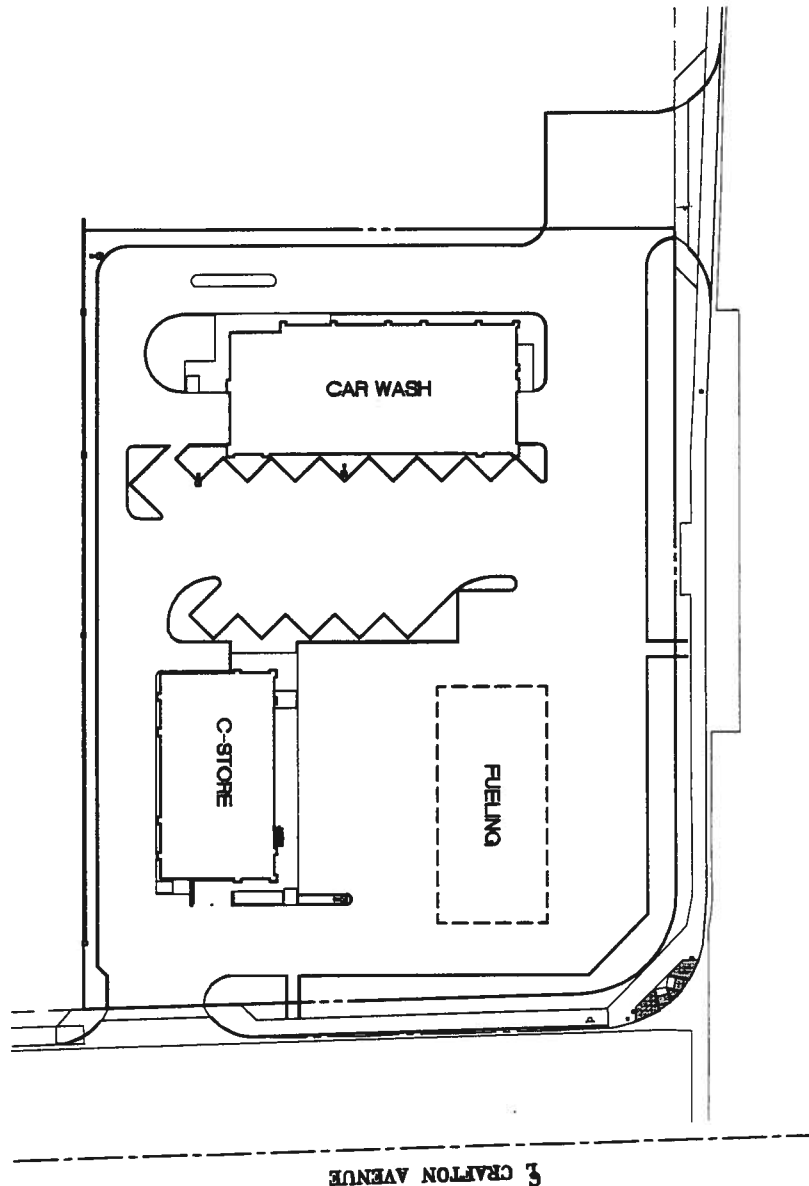
☐ Other: \_\_\_\_\_

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

# EXHIBIT A



## EXHIBIT A PROJECT

W. MENTONE BOULEVARD

E CRAFTON AVENUE

### LEGAL DESCRIPTION:

PARCELS 1,2,3 AND 4 INCLUSIVE OF PARCEL MAP NO 13643 IN THE CITY OF MENTONE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 154 OR PARCEL MAPS, PAGES 19 AND 20, OFFICIAL OF SAN BERNARDINO COUNTY, CALIFORNIA.

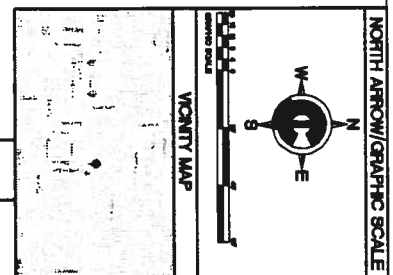


EXHIBIT A	PROJECT	S.W. COR. MENTONE BLVD. • CRAFTON AVE MENTONE, CA. 92359
	SITE PLAN	
	DATE	04/27/19
	BY	J. J. CORREIA
100770	100770	
100770	100770	



CJC Design, Inc. Design Planning Permitting	22415 Le Patis Avenue, Suite 202, Torrance, CA 90507
	Tel: (714) 609-8844
	Fax: (714) 609-8844
	www.cjcdesign.com

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			

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

**Attachment 3**



## Land Use Services Department Planning

Terri Rahhal  
Director

February 21, 2020

**Effective Date: March 3, 2020**

**Expiration Date: March 3, 2023**

Ramzi Dughman  
523 E. Payson Street  
Glendora, CA 91740

**RE: A CONDITIONAL USE PERMIT (CUP) FOR THE DEVELOPMENT OF A GAS STATION/CAR WASH AND CONVENIENCE STORE ON THE SOUTHWEST CORNER OF CRAFTON AVENUE AND MENTONE BOULEVARD (HWY 38) IN THE COMMUNITY OF MENTONE, WITHIN THE CITY OF REDLANDS SPHERE OF INFLUENCE APN: 0298-412-01; PROJECT NUMBER: P201900107.**

Dear Mr. Dughman:

On February 20, 2020, the above referenced project was approved by the County Planning Commission, subject to completion of the attached Conditions of Approval. The proposed project is found to be in conformance with the County General Plan Policies, and the standards of the County Development Code. The effective date of this approval is March 3, 2020.

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

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

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

Should you need additional information, please contact me directly by phone at (909) 387-3067 or by email at [Anthony.DeLuca@lus.sbcounty.gov](mailto:Anthony.DeLuca@lus.sbcounty.gov).

Sincerely,

Anthony DeLuca, Senior Planner  
AD/cw/lb

Enclosure: Conditions of Approval  
Condition Compliance Release Forms

### BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD  
First District

JANICE RUTHERFORD  
Second District

DAWN ROWE  
Third District

CURT HAGMAN  
Chairman, Fourth District

JOSIE GONZALES  
Vice Chair, Fifth District

Gary McBride  
Chief Executive Officer

## **CONDITIONS OF APPROVAL**

Convenience Store/Gas Station and Car Wash  
Conditional Use Permit

### **GENERAL REQUIREMENTS**

Ongoing and Operational Conditions

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

1. Project Approval Description. A Conditional Use Permit (CUP) to construct and operate a 2,920 square-foot convenience store, a 3,100 square foot gas station canopy with six fueling station islands, and a 4,419 square foot car wash building with a 100-foot car wash tunnel on approximately 1.28 acres. Assessor's Parcel Number: 0298-412-01; Project No. P201900107.

This Project is approved to be constructed and operated in compliance with the San Bernardino County Code (SBCC) and the General Commercial/Sign Control (CG/SCp) land use district, California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the Conditions of Approval contained herein, the approved site plan and all other approved reports.

2. Project Location. The Project site is located at the southwest corner of Crafton Avenue and Mentone Boulevard (HWY 38) in the Community of Mentone, within the City of Redlands Sphere of Influence.
3. Revisions. Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

5. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either:
  - a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
  - b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)

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

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

6. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
7. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
8. Project Account. The Project account number is P201900107. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the developer shall deposit additional funds to maintain or return the account to a positive balance. The developer is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
9. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
  - Grading Permits: a copy of the signed CCRF for grading/land disturbance.
  - Building Permits: a copy of the signed CCRF for building permits.
  - Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
  - a) FEDERAL: N/A;
  - b) STATE: Santa Ana RWQCB, SCAQMD, California Department of Fish and Wildlife, Caltrans

*Mitigation Measures are in Italics*



- c) COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor, and
- d) LOCAL: City of Redlands

12. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:

- a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
- b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
- c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
- d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
- e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
- f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
- g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
- h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
- i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
- j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
- k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and “No Parking”, “Carpool”, and “Fire Lane” designations.
- l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including “No Parking” designations and “Fire Lane” designations.

13. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.

14. Lighting. Lighting shall comply with Table 83-7 “Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region” of the County’s Development Code (i.e. “Dark Sky” requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum

*Mitigation Measures are in Italics*

obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

15. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
16. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
17. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
18. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
19. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
  - All construction equipment shall be muffled in accordance with manufacturer's specifications.
  - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
  - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
20. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:
  - a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.
  - b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.
  - c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval.
  - d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

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

21. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and "developer" shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and

“developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.

22. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

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

23. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
24. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
25. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
26. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
27. Continuous BMP Maintenance. The property owner/“developer” is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to ensure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
28. BMP Enforcement. In the event the property owner/“developer” (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or “developer”, including administrative costs, attorney’s fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

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

29. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at 1-800-442-2283.
30. The Onsite Wastewater Treatment System (OWTS) shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper or qualified service provider. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.
31. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least one (1) time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least two (2) times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: 1-800-442-2283.

**COUNTY FIRE DEPARTMENT–Community Safety Division (909)386-8400**

32. Construction Permits. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes

*Mitigation Measures are in Italics*

invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

33. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.[F01]
34. Additional Requirements. In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. [F01A]
35. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400.

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

36. Prior to sign off by this agency, the operator must update disclosure information using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov>. For additional information please contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

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

37. Franchise Hauler Service Area. This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec-Empire Disposal).
38. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
39. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
40. Mandatory Commercial Organics Recycling. As of January 1, 2017, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of organic waste per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

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

41. Project vehicles shall not back up into the project site nor shall they back out into the public roadway.

---

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

The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311****Tribal Cultural Resources Discovery Protocol and Treatment:**

42. *In the event that archaeological materials are encountered during construction, all construction work should be halted and a qualified archaeologist consulted to determine the appropriate treatment of the discovery (California Code of Regulations, Title 14, Chapter 3, Section 15064.5(f)). Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), as well as the Gabrieleno Band of Mission Indians-Kizh Nation shall be contacted, as detailed within TCR-1 and TCR-2, regarding any pre-contact/contact-era/historic finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.*

*If significant cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.*

Monitoring: *Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undocumented archaeological resources.*

*[Mitigation/Monitoring Measure CUL-1b: Prior to Grading/Planning]*

43. *In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to the California Public Resources Code § 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the NAHC, which will determine and notify an MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD will have the opportunity to offer recommendations for the disposition of the remains.*

Monitoring: *Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undiscovered human remains.*

*[Mitigation/Monitoring Measure CUL-2c: Prior to Grading/Planning]*

44. *The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), as well as the Gabrieleno Band of Mission Indians-Kizh Nation shall be contacted, as detailed in CUL-1b, of any pre-contact/contact-era/historic cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.*

*[Mitigation Measure TCR-1: Prior to Grading/Planning]*

*Mitigation Measures are in Italics*

45. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

*[Mitigation Measure TCR-2: Prior to Grading/Planning]*

46. Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

*It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).*

*[Mitigation Measure: General Requirements/Prior to Grading/Planning]*

47. Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.
48. Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.
49. Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the

*Mitigation Measures are in Italics*

material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

50. Kizh-Gabrieleno Procedures for burials and funerary remains: *If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.*
51. Treatment Measures: *Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.*
- Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.*
52. Professional Standards: *Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.*
53. GHG – Construction Standards. *The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:*
- a) *Implement the approved Coating Restriction Plans.*
  - b) *Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.*
  - c) *Grading plans shall include the following statements:*

- “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”
- “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”
- d) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
- e) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
- f) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

54. Air Quality. Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates [PM<sub>10</sub> and PM<sub>2.5</sub> (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:

- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
  - 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
  - 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
  - 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed twenty-five (25) miles per hour.
- b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NO<sub>x</sub> and PM<sub>10</sub> levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:
  - 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
  - 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

55. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

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

56. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.

*Mitigation Measures are in Italics*



57. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls

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

58. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
59. FEMA Flood Zone. The project is located within Flood Zone X-Shaded according to FEMA Panel Number 06071C8730J dated 9/2/2016 and will require the lowest floor of structure to be elevated 1 feet above highest adjacent ground in compliance with SBC regulations. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
60. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
61. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
62. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)
63. Regional Board Permit. Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
64. On-Site Flows. On-site flows need to be directed to drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
65. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>
66. WQMP Inspection Fee. The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

**COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190**

67. Fire Flow. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety.[F05B]

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

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

Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:

- a) Monuments set to mark property lines or corners;
- b) Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
- c) Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey

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

69. The project area has a high probability of containing vectors. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at 1-800-442-2283.

---

**PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed:

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

70. Architecture. Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.

71. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.

72. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.

73. Noise. *The Project Proponent shall construct a minimum three (3)-foot high parapet wall on the roof of the convenience store building to reduce noise levels due to roof-top air conditioning units at nearby noise-sensitive receiver locations.*

*All windows shall be well fitted, well weather-stripped assemblies and shall have a minimum, standard sound transmission class (STC) ratings of 27 for the Project building.*

*All exterior doors shall be well weather-stripped and have minimum STC ratings of 25. Well-sealed perimeter gaps around the doors are essential to achieve the optimal STC rating.*

*At any penetrations of exterior walls by pipes, ducts, or conduits, the space between the wall and pipes, ducts, or conduits shall be caulked or filled with mortar to form an airtight seal.*

*Mitigation Measures are in Italics*

74. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.

- a. Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended:
  - Incorporate dual paned or other energy efficient windows,
  - Incorporate energy efficient space heating and cooling equipment,
  - Incorporate energy efficient light fixtures, photocells, and motion detectors,
  - Incorporate energy efficient appliances,
  - Incorporate energy efficient domestic hot water systems,
  - Incorporate solar panels into the electrical system,
  - Incorporate cool roofs/light colored roofing,
  - Incorporate other measures that will increase energy efficiency.
  - Increase insulation to reduce heat transfer and thermal bridging.
  - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
- b. Plumbing. All plumbing shall incorporate the following:
  - All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
  - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
  - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- c. Lighting. Lighting design for building interiors shall support the use of:
  - Compact fluorescent light bulbs or equivalently efficient lighting.
  - Natural day lighting through site orientation and the use of reflected light.
  - Skylight/roof window systems.
  - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
  - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
  - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d. Building Design. Building design and construction shall incorporate the following elements:
  - Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
  - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
  - Roofing materials shall have a solar reflectance index of 78 or greater.
  - All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
  - Energy Star or equivalent appliances shall be installed.

- A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units.
  - e. Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
  - f. Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
  - g. Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
  - h. Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.
75. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:
- a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
  - b. All sign lighting shall not exceed 0.5 foot-candle.
  - c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
  - d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
76. Lot Merger. Merger of lots 1, 2, 3 and 4 to create one (1) 1.28 acre parcel shall be filed under separate application.

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

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

78. Temporary Use Permits: A Temporary Use Permit (T.U.P.) for the use of an office trailer if necessary will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.

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

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

- **Mentone Boulevard (State Highway 38 – 104')**

- Caltrans Review. Obtain comments for access requirements and working in their right-of-way.

- **Crafton Avenue (Major Highway – 104')**

- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
  - Sidewalks. Design sidewalks per County Standard 109 Type "C".
  - Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
  - Driveway Approach. Design driveway approach per County Standard 129B (W=24' min – 34' max), and located per San Bernardino County Standard 130.

80. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

81. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

82. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

83. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.

84. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.

85. Slope Easements. Slope rights shall be dedicated, where necessary.

86. Turnarounds. Turnarounds at dead end streets shall be in accordance with the requirements of the County Department of Public Works and Fire Department.

87. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.

*Mitigation Measures are in Italics*

88. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
89. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
90. Slope Tests. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
91. Caltrans Review. Obtain comments from Caltrans for access requirements and working within their right-of-way.
92. Two Access Points. A minimum two points of ingress/egress are required or alternative approved by County Fire Department.
93. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Redlands Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$15.23 per square foot for Commercial Use, which includes the 2,920 square foot building, 3,100 square foot canopy and 4,419 square foot car wash per the site plan dated 8/28/2018.

Therefore, the estimated Regional Transportation Fees for the Project is \$158,985.97. The current Regional Transportation Development Mitigation Plan can be found at the following website: <http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

#### **COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8400**

94. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]
95. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1 IF43]
96. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall installed on the nearest street comet to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. Standard 901.4.4 [F72]
97. Access. The development shall have a minimum of two (2) points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1

##### **Single Story Road Access Width:**

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

##### **Multi-Story Road Access Width:**

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

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

98. Construction and Demolition Waste Management Plan (CWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall

*Mitigation Measures are in Italics*

list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued.

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

99. Water purveyor shall be **City of Redlands** or EHS approved.
100. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address will suffice. For information, contact the Water Section at 1-800-442-2283.
101. If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.
102. Method of sewage disposal shall be City of Redlands, or, if not available, EHS approved onsite wastewater treatment system (OWTS).
103. Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).
104. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to EHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
105. Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
106. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either:
- Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or,
  - Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.
107. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.



108. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact EHS Vector Section at 1-800-442-2283.
109. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 800-442-2283.

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

110. Sight distance for the north driveway shall be evaluated and approved prior to issuance of building permits.
111. Improvements: Pursuant to the Geometric Plan dated 10/18/2019, the Site Plan dated 10/28/2019, and the final traffic study report dated 12/03/2019, the Applicant shall design their street improvement plans to include the following:

Mentone Blvd.

- Curb Median. Construct a raised median along Mentone Blvd. extending from Crafton Ave. to the west approximately 540 feet.
- Driveway. The driveway located on Mentone Blvd (State Route 38) shall be a right in/right out only.
- Extend the eastbound right turn lane on Mentone Blvd for proper storage as well as any and all appropriate improvements to safely and properly transition traffic per Caltrans recommendations. (State Route 38).
- Extend the eastbound left turn lane to 250 feet on Mentone Blvd. (State Route 38).

Crafton Ave.

- Two -Way Left-Turn. Provide a two-way left-turn median of sufficient length per standards along Crafton Ave. for left turn access to the project site. Additional improvements and striping shall be required as needed to safely and properly transition traffic.
  - Stripe a second southbound through lane from Crafton Ave south to match exiting at Marble Ln.
112. *Construct a raised curb median for right-in/right-out driveway at parcel 5 along Mentone Blvd (SR-38), per Caltrans standards. [Mitigation Measure: Caltrans]*
  113. *Obtain Caltrans Encroachment Permit for work required in Caltrans right of way.*
  114. *Provide a two-way left turn along Crafton Avenue into the project site at Driveway “B” as Identified in the Traffic Impact Study prepared by David Evans and Associates.*
  115. *Stripe the second southbound through lane along Crafton Avenue.*

---

**PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

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

116. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number P201900107.
  117. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, “Glare and Outdoor Lighting” (i.e. “Dark Sky Ordinance”).
  118. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
  119. Landscaping/Irrigation. All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion
- Mitigation Measures are in Italics*



verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.

120. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
121. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met.

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

122. Local Area Transportation Fee Plan. This project falls within the Redlands Area Transportation Facilities Fee Plan. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. These fees are subject to change. [http://www.sbcounty.gov/dpw/transportation/transportation\\_planning.asp](http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp)
123. The applicant shall construct, at 100% cost to the applicant all roadway improvements as shown on their approved street improvement plans. This shall include any software and/or hardware to implement the approved signal coordination plan.

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

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

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

126. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
127. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
128. Caltrans Approval. Obtain approval from Caltrans for access requirements and working within their right-of-way.
129. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
130. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
131. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

#### **COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8400**

132. Commercial Addressing. Commercial - Large facility Addressing. Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 %) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F83]

133. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan. Standard 901.4. [F93]
134. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8400 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.[F94]
135. Material Identification Placards. The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan. Standard 704. [F95]
136. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]
137. Inspection by the Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for the "fire final".[F03]
138. Primary Access Paved. Prior to building permits being Issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be Installed as specified In the General Requirement conditions (Fire # F-9), including width, vertical clearance and turnouts, If required. [F89].
139. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, Industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85].

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

140. Construction and Demolition Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste.

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

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

*[Mitigation Measure HAZ-1 (a-c): General Requirement/Prior to Occupancy/Hazardous Material Division]*

142. *Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to existing UST systems. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8464.*

*[Mitigation Measure HAZ-2 (a-c): General Requirement/Prior to Occupancy/Hazardous Material Division]*

143. *Facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a).*

*[Mitigation Measure HAZ-3 (a-c): General Requirement/Prior to Occupancy/Hazardous Material Division]*

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

144. *Install “silence package” at the blower to further reduce noise.*

*[Mitigation Measure NOI-1(a): General Requirement/Prior to Occupancy/Environmental Health Services]*

145. *Enhance 6’ CMU block wall between properties with vegetation to further reduce noise as well as visual character.*

*[Mitigation Measure NOI-2(a): General Requirement/Prior to Occupancy/Environmental Health Services]*

**END OF CONDITIONS**

**Response from Tom Dodson  
and Associates including  
the County's Mitigated  
Negative Declaration**

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



August 28, 2020

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

Dear Sam:

LAFCO SC#453 consists of a proposal by the City of Redlands (City) to extend water and sewer service to a site of about 1.28 acres generally located at the southwest corner of Crafton Avenue and Mentone Boulevard, within the City's eastern sphere of influence. The area proposed to receive water and sewer service through an out-of-area service agreement is being developed as a Gas Station with a Convenience Store and Car Wash and other supporting facilities. The site will be developed in accordance with Conditional Use Permit (CUP) which was approved on February 20, 2020 by the County of San Bernardino (County). The County also adopted a Mitigated Negative Declaration (MND) and filed the Notice of Determination on February 25, 2020 for the project. If the Commission approves LAFCO SC#453, the project site can be developed with the above referenced project.

As indicated, the County prepared an Environmental Assessment/Initial Study and adopted a Mitigated Negative Declaration (MND) for this project. The extension of water and sewer service by the City is required for the CUP's implementation. A water main and sewer main are located in Crafton Avenue (along the project's frontage) and laterals from both mains will need to be extended to the project site. Based on the surrounding level of development as determined by a site visit and the adjacent water and wastewater system connections, a minimal potential exists to induce growth from the extension of water and sewer mains to the proposed development site.

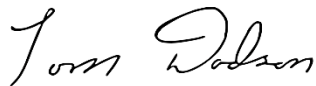
The County prepared MND Study which concluded that implementation of the proposed project would not result in significant adverse environmental impacts to the environment with implementation of numerous mitigation measures (such as air quality). These mitigation measures must be implemented under the County's jurisdiction. Therefore, I am recommending that the Commission consider the adopted Mitigated Negative Declaration as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO SC#453.

Based on a review of LAFCO SC#453 and the pertinent sections of CEQA and the State CEQA Guidelines, I believe it is appropriate for the Commission's CEQA environmental determination to cite the County's Mitigated Negative Declaration as adequate environmental documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in 2020. Based on a field review and review of the environmental issues in the County's document, I could not identify any substantial changes in circumstances that may have occurred since its adoption that would require additional environmental documentation. The County's Notice of Determination was filed on February 25, 2020. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#453, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's Mitigated Negative Declaration/Initial Study and found them adequate for the extension of service decision.
2. The Commission needs to indicate that it has considered the Mitigated Negative Declaration and environmental effects, as outlined in the Initial Study, prior to reaching a decision on the project and finds the information substantiating the Mitigated Negative Declaration adequate for approval of the extension of service decision.
3. The Commission should indicate that it does not intend to adopt alternatives or mitigation measures for this project. Mitigation measures were required for this project and it will remain the responsibility of the County to implement these measures.
4. File a Notice of Determination with the San Bernardino County Clerk of the Board as a CEQA Responsible Agency.

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

Sincerely,

A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson

TD/cmc

# Notice of Determination

**To:**

☐ Office of Planning and Research  
U.S. Mail: \_\_\_\_\_ Street Address: \_\_\_\_\_  
P.O. Box 3044 1400 Tenth St., Rm 113  
Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ Clerk of the Board  
County of: San Bernardino  
Address: 385 North Arrowhead Avenue, Second Floor  
San Bernardino, CA 92415-0130

**From:**

Public Agency: San Bernardino County, LUSD  
Address: 385 North Arrowhead Ave, First Floor San  
Bernardino, CA 92415-0187

Contact: Anthony DeLuca  
Phone: 909-387-3067

Lead Agency (if different from above): \_\_\_\_\_

Address: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): 2019079019

Project Title: Ramzi Express/Convenience Store, Car Wash, Gas Station

Project Applicant: Ramzi Dughman

Project Location (include county): SWC Mentone Blvd and Crafton Ave, Mentone, CA, San Bernardino  
County

**Project Description:**

A Conditional Use Permit (CUP) for the development of a gas station/car wash, and convenience store on the southwest corner of Crafton Avenue and Mentone Boulevard (Hwy 38)

This is to advise that the San Bernardino County has approved the  
(☒ Lead Agency or ☐ Responsible Agency)

above described project on February 20, 2020 and has made the following determinations.

1. The project [ ☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☒ A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ ☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ ☐ was ☒ was not] adopted for this project.
5. A statement of Overriding Considerations [ ☐ was ☒ was not] adopted for this project.
6. Findings [ ☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final record of project approval and the Negative Declaration are available to the General Public at:

385 N. Arrowhead Ave., San Bernardino, CA 92415

Signature (Public Agency): Anthony DeLuca Title: Senior Planner

Date: 2/20/2020

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

Authority cited: Sections 21083, Public Resources Code.

Reference Section 21000-21174, Public Resources Code.

DATE FILED & POSTED

Posted On: 2/25/20

Removed On: 4/8/20

Receipt No: 20-02252020-112

Revised 2011

CLERK OF THE  
BOARD OF SUPERVISORS  
2020 FEB 21 PM 2:20  
COUNTY OF SAN BERNARDINO  
CALIFORNIA

# SAN BERNARDINO COUNTY

## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

### ENVIRONMENTAL CHECKLIST FORM

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

#### **PROJECT LABEL:**

<b>APNs:</b>	0298-411-97	<b>USGS Quad:</b>	Yucaipa
<b>Applicant:</b>	Ramzi Dughman 523 E. Payson Street Glendora, CA 91740	<b>Lat/Long:</b>	34°04'10.00"N, -117°07'22.74"W
		<b>T, R, Section:</b>	T 01S R 02W SEC 19
<b>Project No:</b>	P201900107	<b>Community Plan:</b>	Mentone
<b>Staff:</b>	Anthony DeLuca, Senior Planner	<b>LUZD:</b>	CG-SCp
<b>Rep</b>	N/A	<b>Overlays:</b>	Biotic – Burrowing Owl
<b>Proposal:</b>	A Minor Use Permit (MUP) for the development of a gas station/car wash, and convenience store on the southwest corner of Crafton Avenue and Mentone Boulevard (HWY 38) in the community of Mentone, within the City of Redlands Sphere of Influence.		

#### **PROJECT CONTACT INFORMATION:**

**Lead agency:** County of San Bernardino  
Land Use Services Department  
385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0182

**Contact person:** Anthony DeLuca, Senior Planner  
**Phone No:** (909) 387-3067 **Fax No:** (909) 387-3223  
**E-mail:** [Anthony.DeLuca@lus.sbcounty.gov](mailto:Anthony.DeLuca@lus.sbcounty.gov)

#### **PROJECT DESCRIPTION:**

##### ***Summary***

A Minor Use Permit (MUP) for the development of a gas station/car wash, and convenience store on the southwest corner of Crafton Avenue and Mentone Boulevard (Hwy 38) in the community of Mentone, within the City of Redlands Sphere of Influence; the property is assigned the Assessor Parcel Number: 0298-411-97

##### ***Surrounding Land Uses and Setting***

Land uses on the project site and surrounding parcels are governed by the San Bernardino County General Plan/Development Code. The following table lists the existing land uses and zoning districts. The property is zoned General Commercial-Sign Control primary. The property to the north is zoned the same and consists of a mini storage facility and a convenience store. A retail establishment to the east is also zoned General Commercial-Sign Control primary. To the



west is a vacant lot with the same zoning as the subject property, and to the south is a residential development zoned Multiple Residential.

Existing Land Use and Land Use Zoning Districts		
Location	Existing Land Use	Land Use Zoning District
<b>Project Site</b>	Vacant	CG-SCp
North	Self-Storage and Service Station	CG-SCp
South	Single Family Residential Subdivision	RM
East	Commercial	CG-SCp
West	(2) Single Family Residences	CG-SCp

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

The site is located on the southwest corner of Mentone Boulevard (Hwy 38), and Crafton Avenue, in the community of Mentone. The proposed project consists of a 2,920 square foot convenience store, a 3,100 square foot gas pump canopy and a 4,419 square foot car wash on 1.3 acres. The project is located within the City of Redlands Sphere of Influence and is zoned General Commercial-Sign Control primary (CG-SCp) per the County of San Bernardino Development Code. The project site is generally flat with slopes less than 5% with minimal native vegetation, and no known animal habitats, or historical features. There are no defined watercourses on the site.

***Site Photographs***



**Figure 1 View North from Property**



**Figure 2 View South into Property**

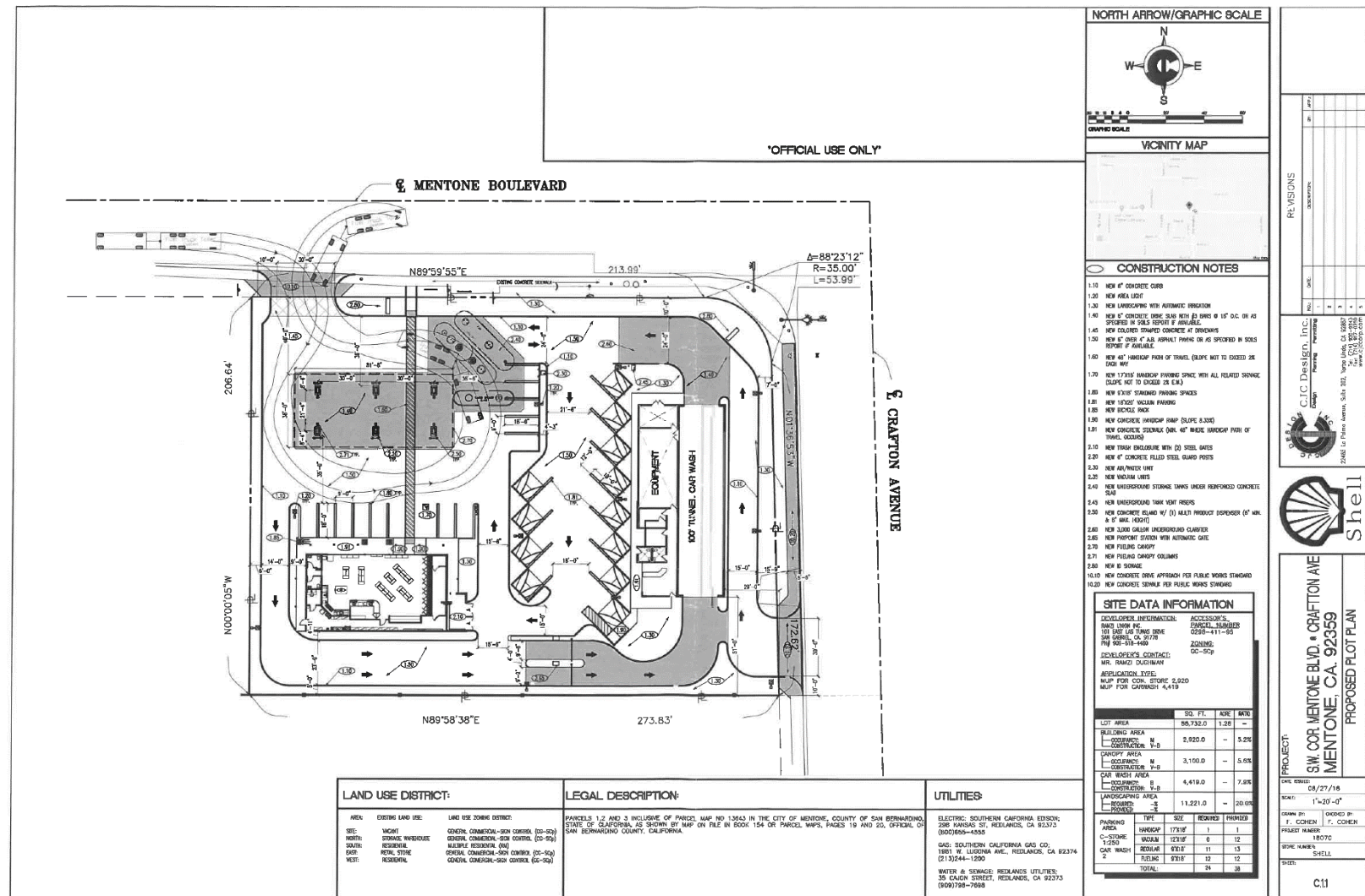


**Figure 3 View East from Property**



**Figure 4 View West from Property**





### Figure 5 Site Plan

### **ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES**

Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement.):

Federal: N/A

State of California: CA Fish & Wildlife, SCAQMD

County of San Bernardino: Land Use Services – Building and Safety, Traffic, Land Development Engineering – Roads/Drainage; Public Health – Environmental Health Services; Public Works, Surveyor; and County Fire

Local: City of Redlands

### **CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES**

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun? The required notification of affected tribes has occurred. Consultation was not requested at this time, however standard language regarding mitigation of inadvertent discovery of tribal cultural resources including human remains has been provided for future development on the site.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

### **EVALUATION FORMAT**

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 20 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

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

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized as being either self- monitoring or as requiring a Mitigation Monitoring and Reporting Program.

#### **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below will be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	<a href="#">Aesthetics</a>	<input type="checkbox"/>	<a href="#">Agriculture and Forestry Resources</a>	<input type="checkbox"/>	<a href="#">Air Quality</a>
<input type="checkbox"/>	<a href="#">Biological Resources</a>	<input checked="" type="checkbox"/>	<a href="#">Cultural Resources</a>	<input type="checkbox"/>	<a href="#">Energy</a>
<input type="checkbox"/>	<a href="#">Geology/Soils</a>	<input type="checkbox"/>	<a href="#">Greenhouse Gas Emissions</a>	<input checked="" type="checkbox"/>	<a href="#">Hazards &amp; Hazardous Materials</a>
<input type="checkbox"/>	<a href="#">Hydrology/Water Quality</a>	<input type="checkbox"/>	<a href="#">Land Use/Planning</a>	<input type="checkbox"/>	<a href="#">Mineral Resources</a>
<input checked="" type="checkbox"/>	<a href="#">Noise</a>	<input type="checkbox"/>	<a href="#">Population/Housing</a>	<input type="checkbox"/>	<a href="#">Public Services</a>
<input type="checkbox"/>	<a href="#">Recreation</a>	<input checked="" type="checkbox"/>	<a href="#">Transportation</a>	<input checked="" type="checkbox"/>	<a href="#">Tribal Cultural Resources</a>
<input type="checkbox"/>	<a href="#">Utilities/Service Systems</a>	<input type="checkbox"/>	<a href="#">Wildfire</a>	<input checked="" type="checkbox"/>	<a href="#">Mandatory Findings of Significance</a>


**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

<input type="checkbox"/>	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature: (prepared by Anthony De Luca, Senior Planner)

7-3-19  
Date

  
Signature: (Chris Warrick, Supervising Planner)

7-3-19  
Date

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>I. AESTHETICS</b> – Except as provided in Public Resources Code Section 21099, would the project:					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b> (Check <input type="checkbox"/> if project is located within the view-shed of any Scenic Route listed in the General Plan): <b>San Bernardino General Plan, 2007; Submitted Project Materials</b>					

- a) **Less than Significant Impact.** The proposed project is located within an area where surrounding lands are developed with commercial as well as residential uses. An existing six (6) foot wall on the south boundary where the project is adjacent to residential use will remain. Given the height of the project, there would be minimal obstruction to the north from the rear of these residences. The project will have a less than significant impact.
- b) **No Impact.** The site is not adjacent to a state scenic highway. There are no protected trees, rock outcroppings, or historic buildings on the project site; therefore, the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings.
- c) **No Impact.** The proposed project would not substantially degrade the existing visual character of the site and its surroundings. The proposed commercial use is similar in scale and character as the existing commercial uses in the immediate vicinity of the site, and is not in conflict with existing zoning. The conditions of approval will include requirements for the development to comply with all County Development Codes and ordinances. The proposed project would have a less than significant impact on the existing visual character and quality of the site and its surroundings.



- d) **Less than Significant Impact.** All proposed development must comply with SBCC Chapter 83.13 Sign Regulations and SBCC§ 83.07.030 “Glare and Outdoor Lighting – Valley Region”, which includes light trespass onto abutting residential properties, shielding, direction, and type. Adherence will result in a less than significant impact.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>II.</b>	<b>AGRICULTURE AND FORESTRY RESOURCES</b> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** (Check ☐ if project is located in the Important Farmlands Overlay):  
**San Bernardino County General Plan, 2007; California Department of Conservation Farmland Mapping and Monitoring Program; Submitted Project Materials**

- a) **No Impact.** The California Department of Conservation, Farmland Mapping and Monitoring Program, is responsible with mapping Prime Farmland, Unique Farmland, Farmland of Statewide Importance, and Farmland of Local Importance (Farmland) across the state. This site is designated as "Urban Built Up Land" land surrounded by the same in the area. As proposed the project would not convert Farmland to non-agricultural use. There will be no impact.
- b) **No Impact.** The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. The proposed project area is not under a Williamson Act contract. There is no impact and no further analysis is warranted. No impact is expected.
- c) **No Impact.** The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The proposed project area has never been designated as forest land or timberland because the site is within the valley region which does not contain forested lands. There will be no impact.
- d) **No Impact.** The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. The proposed project site is within the valley region of the county and does not contain forested lands. There is no impact and no further analysis is warranted. There will be no impact.
- e) **No Impact.** The proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. The proposed project site does not contain forested lands. There is no impact and no further analysis is warranted. There will be no impact.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>III. AIR QUALITY</b> - Where available, the significance criteria established by the applicable air quality management or air pollution control district might be relied upon to make the following determinations. Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Expose sensitive receptors to substantial pollutant concentrations?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION:** *(Discuss conformity with the South Coast Air Quality Management Plan, if applicable): Air Quality and Greenhouse Gas Impact Analysis, LSA Associates, Inc., April 2019 (Appendix A); California Emissions Estimator Model (CalEEMod; Version 2016.3.2); Southern California Air Quality Management District 2017 (SCAQMD); San Bernardino County General Plan, 2007; Submitted Project Materials*

- a) **No Impact.** A project is consistent with a regional Air Quality Management Plan (AQMP) if it does not exceed the SCAQMD daily threshold or cause a significant impact on air quality, or if the project is already included in the AQMP projection. Emissions with regional effects during project construction, calculated with the CalEEMod; Version 2016.3.2, would not exceed criteria pollutant thresholds established by the South Coast Air Quality Management District (SCAQMD). Compliance with SCAQMD Rules and Regulations during construction would reduce construction-related air quality impacts from fugitive dust emissions and construction equipment emissions. Construction emissions for the proposed project would not exceed the localized significance thresholds (LSTs) at the closest existing residences south of the project site.

Pollutant emissions from project operation, also calculated with CalEEMod, would not exceed the SCAQMD criteria pollutant thresholds. LSTs would not be exceeded by long-term emissions from project operations. Historical air quality data show that existing carbon monoxide (CO) levels for the project area and the general vicinity do not exceed either federal or State ambient air quality standards. The proposed project would not result in substantial increases in CO concentrations at intersections in the project vicinity that would result in the exceedance of federal or State CO concentration standards.

The proposed use is consistent with the County's zoning designation for the project site and its surrounding area, which is consistent with the County's General Plan. The County's General Plan is consistent with the Southern California Association of Governments (SCAG) Regional Comprehensive Plan Guidelines and the SCAQMD Air Quality Management Plan (AQMP). Thus, the proposed project would be consistent with the regional AQMP.

- b) **No Impact.** SCAQMD has established daily emissions thresholds for construction and operation of a proposed project in the Basin. The emissions thresholds were established based on the attainment status of the Basin with regard to air quality standards for specific criteria pollutants. Because the concentration standards were set at a level that protects public health within an adequate margin of safety (SCAQMD 2017), these emissions thresholds are regarded as conservative and would overstate an individual project's contribution to health risks.

CEQA significance thresholds for construction and operational emissions established for the Basin are shown in **Table 1** below.

Emissions Source	Table 1: Pollutant Emissions Threshold (lbs/day)					
	VOC	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>x</sub>
Construction Activities	75	100	550	150	55	150
Operation Activities	55	55	550	150	55	150
CO: carbon monoxide lbs/day: pounds per day NO <sub>x</sub> : nitrogen oxides PM <sub>10</sub> : particulate matter less than 10 microns in size			PM <sub>2.5</sub> : particulate matter less than 2.5 microns in size SCAQMD: South Coast Air Quality Management District SO <sub>x</sub> : sulfur oxides VOC: volatile organic compounds			

**Source:** SCAQMD. Air Quality Significance Thresholds. Website: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf> (accessed April 2019).

Projects in the Basin with construction- or operation-related emissions that exceed any of their respective emission thresholds would be considered significant under SCAQMD guidelines. These thresholds, which SCAQMD developed and that apply throughout the Basin, apply as both project and cumulative thresholds. If a project exceeds these standards, it is considered to have a project-specific and cumulative impact.

- c) **Less than Significant Impact.** SCAQMD published its Final Localized Significance Threshold (LST) Methodology in June 2003 and updated it in July 2008 (SCAQMD 2008), recommending that all air quality analyses include an assessment of both construction and operational impacts on the air quality of nearby sensitive receptors. LSTs represent the maximum emissions from a project site that are not expected to result in an exceedance of the NAAQS or the CAAQS for CO, NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. LSTs are based on the ambient concentrations of that pollutant within the project Source Receptor Area (SRA) and the distance to the nearest sensitive receptor. For this project, the appropriate SRA is the East San Bernardino Valley area (SRA 35).

The LST Methodology uses look-up tables based on site acreage to determine the significance of emissions for CEQA purposes. Based on the SCAQMD recommended methodology and the construction equipment planned, no more than 1 acre would be disturbed on any one day; thus, the 1-acre LSTs have been used for construction emissions. On-site operational emissions would occur from stationary and mobile sources. Because the project operation area would be less than 1-acre, the 1-acre thresholds would apply during project operations.

Sensitive receptors include residences, schools, hospitals, and similar uses that are sensitive to adverse air quality. The closest residences are within 20 feet (6 meters) from the southern boundary of construction. SCAQMD LST Methodology specifies, "Projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters." **Table 2** and **Table 3** below show that the localized significance thresholds for project construction and operational emissions would not be exceeded for the existing residences near the project.

Emissions Source Construction	Table 2: Construction Localized Impact Analysis (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Construction Emissions	10.31	8.14	1.40	0.96
Localized Significance Threshold (LST)	118	750	4	4
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Emissions Source Operation	Table 3: Operational Localized Impact Analysis (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Operation Emissions	1.5	2.3	0.4	0.1
Localized Significance Threshold (LST)	118	750	1	1
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

- d) **Less than Significant Impact.** Construction: Heavy-duty equipment in the project area during construction would emit odors, primarily from the equipment exhaust. However, the construction activity would cease to occur after construction is completed. No other sources of objectionable odors have been identified for the proposed project, and no mitigation measures are required. SCAQMD Rule 402 regarding nuisances states: "A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property." The proposed uses are not anticipated to emit any objectionable odors. Therefore, objectionable odors posing a health risk to potential on-site and existing off-site uses would not occur as a result of the proposed project.

Operation: The gas station could release localized odors; however, all the gasoline dispensers would be equipped with vapor recovery systems. In addition, such odors in general would be confined mainly to the project site and would readily dissipate. Therefore, objectionable odors affecting a substantial number of people would not occur as a result of the project. The impacts associated with odors would be less than significant and no mitigation measures are required.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>					
a)	Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on state or federally protected wetlands as (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ☐ ☐ ☐ ☒
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? ☐ ☐ ☐ ☒

**SUBSTANTIATION:**

(Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database ☐): **Biological Resources Assessment, LSA Associates, Inc. April 2019; San Bernardino County General Plan, 2007 (Appendix B); Submitted Project Materials; Focused Survey for Desert Tortoise and Mojave Ground Squirrel Habitat Assessment, RCA Associates, Inc. and Phoenix Ecological Consulting on 03/16/2009, updated 2018**

- a) **No Impact.** City and County General Plans and development ordinances may include regulations or policies governing biological resources. For example, policies may include tree preservation, locally designated species survey areas, local species of interest, and significant ecological areas. The project site does not have trees or shrubs that could provide nesting habitat for birds; nor does it contain suitable habitat for burrowing owl. The project will not conflict with local policies or ordinances related to biological resources. The project is not within an adopted Habitat Conservation Plan area. The project will not have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- b) **No Impact.** This project will not have a substantial adverse effect on any 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 US Fish and Wildlife Service because no such habitat has been identified or is known to exist on the project site. There are no defined watercourses on the site.
- c) **No Impact.** This project will not 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, because the project is not within an identified protected wetland. There are no defined watercourses on the site.
- d) **No Impact.** This project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, because there are no such corridors or nursery sites within or near the project site. The required building setbacks and maximum lot coverage requirements will allow for sufficient migration through the site.

- e) **No Impact.** The existing vegetation does not include trees or any plant species that are considered rare. This project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There will be no impact.
- f) **No Impact.** This project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plan has been adopted in the area of the project site. There will be no impact.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>V. CULTURAL RESOURCES - Would the project:</b>					
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Disturb any human remains, including those outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** (Check if the project is located in the Cultural ☐ or Paleontological ☐ Resources overlays or cite results of cultural resource review):  
**Cultural Resources Assessment, LSA Associates, April 2019 (Appendix C); San Bernardino County General Plan, 2007; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials**

- a) **No Impact.** On April 4, 2019, the cultural resources records search was conducted for the project area by the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. It included a review of all recorded historic and prehistoric archaeological sites within one mile of the project, as well as a review of known cultural resource survey and excavation reports. In addition, the California State Historic Property Data File (HPD), which includes the National Register of Historic Places (National Register), California Historical Landmarks (CHL), and California Points of Historical Interest (CPHI), was searched.

Data from the SCCIC indicate there have been 23 cultural resource studies previously conducted within one mile of the proposed project, none of which included the project area. Although no resources were documented within the project area, 29 resources have been recorded within one mile, including a historic period Native American camp site/cemetery, foundations and refuse scatters, water conveyance features, groves, road segments, and built environment properties.



- b) **Less than Significant Impact with Mitigation.** On March 29, 2019, LSA Archaeologist Riordan Goodwin completed an intensive pedestrian survey of the project parcel. The property was surveyed in systematic parallel transects spaced by approximately 10 meters (approximately 35 feet). Special attention was paid to areas of exposed soil for surface artifacts and features and rodent burrows for evidence of archaeosols. The purpose of this survey was to identify and document, prior to the beginning of ground-disturbing activities, any cultural resources and thus also to identify any area(s) that might be sensitive for buried cultural resources. Sparse modern refuse was noted on the surface at the edges the project parcel. Soils are silty alluvium. Compliance with mitigation measure **CUL-1b** described below, and monitoring recommendations would reduce impacts to archaeological resources to less than significant.
- c) **Less than Significant Impact with Mitigation.** The project area is located in the vicinity of a 19th century agricultural worker's camp and cemetery constructed by Native Americans. Therefore, sensitivity for undocumented subsurface resources related to Native American Tribal cultural heritage within the project area may be inferred. Compliance with mitigation measure **CUL-2c** described below, and monitoring recommendations would reduce impacts to the inadvertent discovery of human remains to less than significant.

**Mitigation/Monitoring Measures:**

**CUL 1b:** In the event that archaeological materials are encountered during construction, all construction work should be halted and a qualified archaeologist consulted to determine the appropriate treatment of the discovery (California Code of Regulations, Title 14, Chapter 3, Section 15064.5(f)). Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within **TCR-1 and TCR-2**, regarding any pre-contact/contact-era/historic finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

If significant cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

**Monitoring:** Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undocumented archaeological resources.

**CUL 2c:** In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the NAHC, which will determine and notify an MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall

complete the inspection within 48 hours of notification by the NAHC. The MLD will have the opportunity to offer recommendations for the disposition of the remains.

**Monitoring:** Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undiscovered human remains.

**Therefore, no impacts are identified or anticipated and no mitigation measures are required.**

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>VI. ENERGY – Would the project:</b>					
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** *San Bernardino County General Plan, 2007; Renewable Energy and Conservation Element of the General Plan 2017; California Energy Commission Title 24*

- a) **Less than Significant Impact.** Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays. The proposed project will be conditioned to comply with GHG operational standards during temporary construction. Adherence would ensure that there would not be a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
- b) **Less than Significant Impact.** The County of San Bernardino adopted a Renewable Energy and Conservation Element (RECE) as part of the County's General Plan August 8, 2017. The proposed project would be required to meet Title 24 Energy Efficiency requirements. Adherence would ensure that the project would not conflict with or obstruct the recently adopted RECE or any other state or local plan for renewable energy or energy efficiency.

**Therefore, no impacts are identified or anticipated and no mitigation measures are required.**

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>VII. GEOLOGY AND SOILS - Would the project:</b>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** (Check ☐ if project is located in the Geologic Hazards Overlay District): **San Bernardino County General Plan, 2007; Submitted Project Materials; California Building Code; Public Resources Code; Environmental Hazards Report, Property I.D. March 15, 2018; Preliminary Soils Investigation, Soil Exploration Company, Inc., November 5, 2018**

- a) i) **Less than Significant Impact.** The project site is not located within an official earthquake fault zone or within a quarter of a mile of a mapped fault however, all of Southern California is subject to major earthquake activity. In terms of proximity to an active fault the impact can be considered less than significant.  
  
ii) **Less than Significant Impact.** The subject property is within an area that is subject to severe ground shaking as is most of Southern California. Adherence to California Building Code Seismic Design Standards, Chapter 16: *Structural Design* help to assure a less than significant impact.  
  
iii) **Less than Significant Impact.** The project site is not located in an area of high liquefaction susceptibility however, adherence to California Building Code Seismic Design Standards, Chapter 16: *Structural Design* would further assure a less than significant impact due to liquefaction.  
  
iv) **No Impact.** The project site is in a generally level area of the Valley and is not in close proximity to hillsides, foothills or mountains that could have the potential to slide during a ground disturbing event such as an earthquake. There would be no impact.
- b) **Less than Significant Impact.** The near surface sandy soils may be subject to water erosion. Positive drainage should be provided around the perimeter of all structures and all foundations toward streets or approved drainage devices to minimize water infiltrating into the underlying natural and engineered fill soils. Erosion control plans and grading plans will be required to be submitted, approved, and implemented for the proposed development. A less than significant impact is expected.
- c) **Less than Significant Impact.** The project is not identified as being located on a geologic unit or soil that has been identified as being unstable or having the potential to result in on- or off- site landslide, lateral spreading, subsidence, liquefaction, or collapse based on the Soils Investigation performed by Soils Exploration Company in November 2018. Impacts would thus be less than significant.
- d) **Less than Significant Impact.** The project site is not located in an area that has been identified by the County Building and Safety Geologist as having the potential for expansive soils. According to the Soils Investigation performed by Soils Exploration Company in November 2018, the expansion index of the existing soils on the project is very low. The impact would be less than significant.
- e) **Less than Significant Impact.** According to the Soils Investigation performed by Soils Exploration Company in November 2018, the project site has soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. The County Environmental Health Services Department will require a percolation test prior to onsite wastewater treatment system installation. Therefore, no significant adverse impacts expected.

**No significant impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VIII. GREENHOUSE GAS EMISSIONS – Would the project:</b>					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

***SUBSTANTIATION: Air Quality and Greenhouse Gas Impact Analysis, LSA Associates, Inc., April 2019 (Appendix A); California Emissions Estimator Model (CalEEMod; Version 2016.3.2); Southern California Air Quality Management District 2017 (SCAQMD); San Bernardino County General Plan, 2007; Submitted Project Materials***

- a) **Less than Significant Impact.** Construction and operation of the proposed project would generate Greenhouse Gas (GHG) emissions, with the majority of energy consumption (and associated generation of GHG emissions) occurring during the project's operation. Typically, more than 80 percent of the total energy consumption takes place during the use of buildings and less than 20 percent of energy is consumed during construction. The following activities associated with the proposed project could directly or indirectly contribute to the generation of GHG emissions.

**Construction Activities:** During construction of the project, GHGs would be emitted through the operation of construction equipment and from worker and vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs (e.g., CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O). Furthermore, CH<sub>4</sub> is emitted during the fueling of heavy equipment.

**Gas, Electricity, and Water Use:** Natural gas use results in the emission of two GHGs: CH<sub>4</sub> (the major component of natural gas) and CO<sub>2</sub> (from the combustion of natural gas). Electricity use can result in GHG production if the electricity is generated by combusting fossil fuel. California's water conveyance system is energy-intensive. Water-related electricity use is 48 terawatt hours per year and accounts for nearly 20 percent of California's total electricity consumption.

**Solid Waste Disposal:** Solid waste generated by the project could contribute to GHG emissions in a variety of ways. Landfilling and other methods of disposal use energy for transporting and managing the waste, and they produce additional GHGs to varying degrees. Landfilling, the most common waste management practice, results in the release of CH<sub>4</sub> from the anaerobic decomposition of organic materials. CH<sub>4</sub> is 28 times more potent a GHG than CO<sub>2</sub>. However, landfill CH<sub>4</sub> can also be a source of energy. In addition, many materials in landfills do not decompose fully and the carbon that remains is sequestered in the landfill and not released into the atmosphere.

**Motor Vehicle Use:** Transportation associated with the proposed project would result in GHG emissions from the combustion of fossil fuels in daily automobile and truck trips.

GHG emissions related to temporary construction activities are detailed in **Table 4** below.

Construction Phase	Table 4: GHG Emissions: Total Temporary Construction Emissions			Total Emissions per Phase (MT CO <sub>2</sub> e/year)
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	
Site Preparation	0.46	0.0001	0	0.47
Grading	1.15	0.0002	0	1.16
Building Construction	61.20	0.0167	0	61.62
Paving	2.85	0.0007	0	2.87
Architectural Coatings	0.69	0.0001	0	0.69
Total Emissions for Entire Construction Process				66.80
<b>Total Construction Emissions Amortized over 30 years</b>				<b>2.23</b>

**Operational Activities:** Mobile source emissions of GHGs would include project-generated vehicle trips associated with on-site facilities and customers/visitors to the project site. Area source emissions would be associated with activities including landscaping and maintenance of proposed land uses, natural gas for heating, and other sources. Increases in stationary source emissions would also occur at off-site utility providers as a result of demand for electricity, natural gas, and water by the proposed project. As shown in **Table 5**, the project will result in GHG emissions of 2,035 MT CO<sub>2</sub>e/yr, which is lower than the County DRP review standard of 3,000 MT CO<sub>2</sub>e/yr.

Long-term operational greenhouse Gas Emissions are represented in **Table 5** below.

Source	Table 5: Pollutant Emissions (MT/yr)					
	Bio-CO <sub>2</sub>	NBio-CO <sub>2</sub>	Total CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
Area	0	<0.01	<0.01	0	0	<0.01
Energy	0	48.59	48.59	<0.01	<0.01	48.78
Mobile	0	1,966.90	1,966.90	0.15	0	1,970.62
Waste	3.43	0	3.43	0.20	0	8.49
Water	0.34	5.59	5.93	0.03	<0.01	7.06
<b>Total Project Emissions</b>	<b>3.77</b>	<b>2,021.08</b>	<b>2,024.85</b>	<b>0.38</b>	<b>0</b>	<b>2,034.95</b>
Bio-CO <sub>2</sub> : biologically generated CO <sub>2</sub> CH <sub>4</sub> = MT/yr: metric tons per year methane CO <sub>2</sub> : carbon dioxide CO <sub>2</sub> e: carbon dioxide equivalent N <sub>2</sub> O: nitrous oxide NBio-CO <sub>2</sub> : non-biologically generated CO <sub>2</sub> SCAQMD: South Coast Air Quality Management District						

- b) **No Impact.** A project's incremental contribution to a cumulative GHG effect is not cumulatively considerable if the project complies with the requirements in a previously adopted plan or mitigation program under specified circumstances. In 2011, the County adopted the GHG Emissions Reduction Plan, and in 2016, the County adopted the GHG DRP. The GHG Emissions Reduction Plan qualifies as a plan for the reduction of GHG emissions pursuant to the State CEQA Guidelines, and the DRP is a guideline for the GHG Emissions Reduction Plan. The DRP identifies local GHG performance standards that need to be applied to the project. The proposed project incorporates all performance standards as design features. **Table 6** below details the project design features that are necessary to ensure consistency with applicable local reduction measures of the GHG Emissions Reduction Plan. With implementation of these project design features, the project would be consistent with the GHG Emissions Reduction Plan. Therefore, through consistency with a qualified Climate Action Plan (CAP), the project would generate GHG emissions that would have a less significant impact.

<b>Table 6 County of San Bernardino GHG Emissions Reduction Plan and Development Review Process Consistency Analysis</b>	
<b>Performance Standard</b>	<b>Consistency Analysis</b>
<b>Energy</b>	
<p><b>3.a) Meet Title 24 Energy Efficiency requirements implemented July 1, 2014.</b> The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended January 24, 2013; Cool Roof Coatings performance standards as amended January 24, 2013):</p> <ul style="list-style-type: none"> <li>• Incorporate dual-paned or other energy-efficient windows,</li> <li>• Incorporate energy-efficient space heating and cooling equipment,</li> <li>• Incorporate energy-efficient light fixtures, photocells, and motion detectors,</li> <li>• Incorporate energy-efficient appliances,</li> <li>• Incorporate energy-efficient domestic hot water systems,</li> <li>• Incorporate solar panels into the electrical system,</li> <li>• Incorporate cool roofs/light colored roofing,</li> <li>• Incorporate other measures that will increase energy efficiency,</li> <li>• Increase insulation to reduce heat transfer and thermal bridging,</li> </ul>	<p><b>Consistent.</b> The proposed project would comply with the requirements of the 2016 California Building Energy Efficiency Standards (Title 24, Part 6), which is more stringent than the 2014 Title 24 as specified in the GHG Emissions Reduction Plan. The requirements include measures to incorporate energy-efficient building design features detailed in Subchapter 3 (Nonresidential Mandatory Requirements), Section 120.7 (Mandatory Insulation Requirements) and Section 120.8 (Nonresidential Building Commissioning).</p>

<ul style="list-style-type: none"> <li>Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.</li> </ul>	
<p><b>3.c) Lighting.</b> Lighting design for building interiors shall support the use of:</p> <ul style="list-style-type: none"> <li>Compact fluorescent light bulbs or equivalently efficient lighting.</li> <li>Natural day lighting through site orientation and the use of reflected light.</li> <li>Skylight/roof window systems.</li> <li>Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.</li> <li>A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.</li> <li>Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.</li> </ul>	
<p><b>3.d) Building Design.</b> Building design and construction shall incorporate the following elements:</p> <ul style="list-style-type: none"> <li>Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.</li> <li>Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.</li> <li>Roofing materials shall have a solar reflectance index of 78 or greater.</li> <li>All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.</li> <li>Energy Star or equivalent appliances shall be installed.</li> <li>A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units.</li> </ul>	
<b>Water</b>	
<p><b>3.b) Plumbing.</b> All plumbing shall incorporate the following:</p> <ul style="list-style-type: none"> <li>All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.</li> </ul>	<p><b>Consistent.</b> The proposed project will install water-efficient irrigation systems and devices, low-flow plumbing fixtures, water-efficient car wash fixtures, and drought-tolerant landscaping.</p>



<ul style="list-style-type: none"> <li>• Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.</li> <li>• All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.</li> </ul>	
<p><b>3.f) Irrigation.</b> The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.</p>	
<p><b>Solid Waste</b></p>	
<p><b>1.a) Waste Stream Reduction.</b> The developer shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.</p>	<p><b>Consistent.</b> The proposed project will comply with California Green Building Standards Code requirements. At least 50 percent of all nonhazardous construction waste generated by the proposed project (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) will be recycled and/or salvaged.</p>
<p><b>3.g) Recycling.</b> Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.</p>	
<p><b>Transportation</b></p>	
<p><b>1.b) Vehicle Trip Reduction.</b> The developer shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride-sharing vehicles, designating adequate passenger loading and unloading for ride-sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.</p>	<p><b>Consistent.</b> The proposed project will provide commute trip reduction materials to employees. Because the proposed project is a gas station with car wash, customer bicycling, ride-sharing, and transit would not be applicable.</p>
<p><b>3.h) Transportation Demand Management (TDM) Program.</b> The project shall include</p>	

<p>adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter-mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.</p>	
<p><b>Area Source</b></p>	
<p><b>1.d) Landscape Equipment.</b> The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.</p>	<p><b>Consistent.</b> The proposed project will provide drought-tolerant landscaping, and use electric-powered landscape maintenance equipment where possible.</p>
<p><b>3.e) Landscaping.</b> The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.</p>	
<p><b>Education</b></p>	
<p><b>1.c) Provide Educational Materials.</b> The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. The developer shall also provide to all tenants and require that the tenants shall display in their stores current transit route information for the project area in a visible and convenient location for employees and customers. The specific transit routes displayed shall include Omni Trans Route 8, San Bernardino-Mentone-Yucaipa.</p>	<p><b>Consistent.</b> The proposed project will provide waste reduction and recycling materials to employees and customers. Because the proposed project is a gas station with car wash, the transit routes materials are not applicable.</p>

Source: County of San Bernardino Greenhouse Gas Emissions Reduction Plan. Adopted September 2011.  
 County of San Bernardino Greenhouse Gas Emissions Development Review Processes. Updated March 2015.  
 Compiled by LSA (April 2019).

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** *Environmental Hazards Report, Property I.D. March 15, 2018; Preliminary Soils Investigation, Soil Exploration Company, INC. November 5, 2018; San Bernardino County General Plan, 2007; Submitted Project Materials*

- a) **Less than Significant Impact with Mitigation.** Through mitigation, the project would have a less than significant impact to the public or the environment through the routine transport, use, or disposal of hazardous materials. All such uses proposed on-site in the will be subject to permit and inspection by the Hazardous Materials Division of the County Fire Department and in some instances additional land use review.
- b) **Less than Significant Impact with Mitigation.** Through mitigation, the project would have a less than significant impact to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the

environment. The use and storage of all hazardous materials is subject to permit and inspection by the Hazardous Materials Division of the County Fire Department.

- c) **Less than Significant Impact with Mitigation.** Through mitigation, emissions and handling of hazardous or acutely hazardous materials, or substances, would have a less than significant impact on any existing or proposed schools that are within a quarter mile from the project site. The nearest schools are, Mentone Elementary, approximately one tenth of a mile northeast of the project site, and Redlands East Valley High School approximately 0.70 miles southwest of the project site.
- d) **No Impact.** The project site is not included on the San Bernardino County list of hazardous materials sites compiled pursuant to Government Code 65962.5 and therefore, will not create a significant hazard to the public or environment.
- e) **Less than Significant Impact.** The project site is located within 2 miles of an FAA approved landing facility; Redlands Municipal Airport. The property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations, such as noise, vibration, or odors. Per the California Code of Regulations Section 5006, the level of noise acceptable to a reasonable person residing in the vicinity of an airport is established as a community noise equivalent level (CNEL) value of 65 dB.
- f) **No Impact.** The project site is not within the vicinity or approach/departure flight path of a private airstrip. Therefore there will be no impact.
- g) **No Impact.** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the project has adequate access from two or more directions.

### Mitigation Measures

**HAZ-1 (a-c).** Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for an exemption from hazardous material permitting requirements: Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank Permit. Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>

**HAZ-2 (a-c).** Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to existing UST systems. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8401.

**HAZ-3 (a-c).** Facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112.3 and CHSC 25270.4.5(a).

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>X. HYDROLOGY AND WATER QUALITY - Would the project:</b>					
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i.	result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii.	substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii.	create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv.	impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** *Preliminary Water Quality Management Plan, Anacal Engineering February 2, 2019; Hydrology and Hydraulic Calculations, Anacal Engineering, April 4, 2019; San Bernardino County General Plan, 2007; Submitted Project Materials*

- a) **Less than Significant Impact.** The project will not violate any water quality standards or waste discharge requirements because the on-site waste water treatment systems must be approved by the County Environmental Health Services based on requirements by the Santa Ana Region Water Quality Control Board.

- b) **No Impact.** 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, because the project will be served by the City of Redlands, which has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of this project.
- c) **Less than Significant Impact.** The existing drainage flowed to neighboring lots. The proposed design allows drainage to flow away from the neighboring lots and filtration through underground retention basins. Underground chambers will be incorporated into construction to help treat water. Proposed alterations to the existing drainage pattern of the site will benefit current and future developments in the area.
  - i. Based on the Project Specific Water Quality Management Plan (PWQMP), and Hydrology Report both prepared by Anacal Engineering, implementation of the proposed drainage improvements for the site would not result in substantial erosion or siltation on- or off-site.
  - ii. Although impervious surfaces will be added to the site, implementation of the proposed drainage improvements as outlined in the PWQMP and Hydrology Report would reduce impacts due to increased surface runoff and would not result in flooding on or offsite
  - iii. The proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; based on the findings of the PWQMP and Hydrology Report prepared by Anacal Engineering.
  - iv. The proposed design would redirect flows allowing drainage to flow away from the neighboring lots and filtration through underground retention basins. Underground chambers will be incorporated into construction to help treat water. Proposed alterations to the existing drainage pattern of the site will benefit current and future developments in the area. No streams or rivers have been identified onsite. LID/BMPs will provide direction of surface runoff in a manner which would prevent flooding on or off-site.
- d) **No Impact.** The project will not substantially alter any 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 off-site because the project does not propose any alteration to a drainage pattern, stream or river. There are no defined watercourses on the site.
- e) **No Impact.** The proposed development will not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems because the drainage of the residences will be handled by the natural drainage courses on the property. County Public Works has reviewed the proposed project drainage and has determined that the existing and proposed systems are adequate to handle anticipated flows. There will be adequate capacity in the local and regional drainage systems, so that downstream properties are not negatively impacted by any increases or changes in volume, velocity or direction of storm water flows originating from or altered by the project.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
---------------	---	---	----------------------------------	----------------------

**XI. LAND USE AND PLANNING - Would the project:**

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Physically divide an established community?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION: San Bernardino County General Plan, 2007; Submitted Project Materials**

- a) **No Impact.** The project will not physically divide an established community, because the project is a logical and orderly extension of the planned land uses and development that are established within the surrounding area. The proposed project will create a commercial development that conforms to the existing General Commercial (CG) land use district, which allows for such development.
- b) **No Impact.** 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 because the project is consistent with all applicable land use policies and regulations of the County Development Code, and General Plan. The project complies with all hazard protection, resource preservation, and land-use-modifying Overlay District regulations.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
---------------	---	---	----------------------------------	----------------------

**XII. MINERAL RESOURCES - Would the project:**

- |    |  |                          |                          |                                     |                          |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) | Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION:** (Check ☒ if project is located within the Mineral Resource Zone Overlay): **San Bernardino County General Plan, 2007; Submitted Project Materials; California Department of Conservation: Mineral Land Classification Maps**

- a) **Less than Significant Impact.** The project site lies within the Mineral Resources Zone-2 (MRZ-2) within the San Bernardino County Production-Consumption (P-C) Region. These are areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. Aggregate production takes place within this region. The subject property is within one mile of mining operations (Seven Oaks Dam Impervious-Sand and Gravel Open Pit-Reclaimed), abandoned mining operations, and within a quarter mile of a mine site identified by the U.S. Geological Survey. The proposed project would not interfere with current mining operations.
- b) **Less than Significant Impact.** The proposed project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The project site lies within the Mineral Resources Zone (MRZ-2) where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIII. NOISE</b> - Would the project result in:					
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b> (Check if the project is located in the Noise Hazard Overlay District <input type="checkbox"/> or is subject to severe noise levels according to the General Plan Noise Element <input type="checkbox"/> ): <b>Noise Assessment, GMEP Engineers, October 22, 2018; San Bernardino County General Plan, 2007; Submitted Project Materials</b>					

- a) **Less than Significant Impact with Mitigation.** The subject site consists of a proposed car wash tunnel, a convenience store, and several fuel dispensers. The major noise source would be the blower for the car wash. Residential (noise sensitive) land uses at the south side of the property are approximately 60 feet from the entrance to the car



wash. The blowers would be placed at the end of the tunnel or exit which is approximately another 100 feet to the north. There is an existing 6' CMU wall on the south property line separating the two land districts. Noise at this end of the property would need to be mitigated as directed by the County Development Code. The noise level at the property line would be required to be less than 55 dBA during the hours of 7 am and 10 pm, and 50 dBA between 10 pm and 7 am. The car wash operating hours are proposed to be 7 am to 7pm, and 6 am to 11 pm for the gas station, and convenience store, 7 days a week. Mitigation measures below would ensure that noise generated from operation of the proposed development would be reduced to less than significant and would comply with the County Development Code.

- b) **Less than Significant Impact.** The project will not create exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels. The project is required to comply with the vibration standards of the County Development Code. No vibration exceeding these standards is anticipated to be generated by the proposed uses.
- c) **Less than Significant Impact.** The proposed project is within 2 miles of the Redlands Municipal Airport, but not within the Airport Safety Review Area. Also, there are no private airstrips within the project vicinity. There will be a less than significant impact.

#### **Mitigation Measures**

**NOI-1 (a).** Install "silence package" at the blower to further reduce noise.

**NOI-2 (a).** Enhance 6' CMU block wall between properties with vegetation to further reduce noise as well as visual character.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIV. POPULATION AND HOUSING - Would the project:</b>					
a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

***SUBSTANTIATION: San Bernardino County General Plan, 2007; Submitted Project Materials.***

- a) **Less than Significant Impact.** The project will not induce substantial population growth in an area either directly or indirectly. As a proposed commercial development, the project could attract more people to the area in search of the services provided by the project but is in an area that is highly developed and would not be expected to induce population growth or the development of new homes or roads.

- b) **No Impact.** The proposed use will not displace any housing units, necessitating the construction of replacement housing because no housing units are proposed to be demolished as a result of this proposal.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XV. PUBLIC SERVICES</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION: San Bernardino County General Plan, 2007; Submitted Project Materials***

- a) **Less than Significant Impact.** The proposed project will not result substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks, or other public facilities. The proposed development will increase property tax revenues to provide a source of funding that is sufficient to offset any increases in the anticipated demands for public services generated by this project. Public services will be provided by the City of Redlands as the project is within the city's sphere and is required to provide an agreement for possible future annexation.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVI. RECREATION</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION: San Bernardino County General Plan, 2007; Submitted Project Materials**

- a) **Less than Significant Impact.** This project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- b) **Less than Significant Impact.** This project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment, because the type of project proposed will not result in an increased demand for recreational facilities.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVII. TRANSPORTATION – Would the project:</b>				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION: Traffic Impact Study, David Evans and Associates, May 7, 2019; San Bernardino County General Plan, 2007; Submitted Project Materials**

- a) **Less than Significant Impact with Mitigation.** The future development may cause an increase in traffic. Local roads are currently operating at a level of service at or above the standard established by the County General Plan. The property is located within the Mentone Community Plan as well as the Regional Transportation Facilities Fee Plan for the City of Redlands Sphere of Influence. The developer will be required to contribute to that plan before building permits are issued. Fees collected by the plan will be used for road improvements and maintenance within the plan area.
- b) **Less than Significant Impact with Mitigation.** According to the Traffic Study prepared for the project, the existing plus project conditions at all of the study intersections are anticipated to operate at acceptable level of service (LOS) utilizing the existing and proposed intersection geometrics. County Public Works – Traffic Division has reviewed the traffic generation of the proposed project and anticipates that traffic service will remain at an LOS of “B” at the intersection of Mentone Blvd and Crafton Avenue during AM and PM peak hours, a LOS “C” at the driveway proposed on Mentone Blvd during AM and PM peak hours, and a LOS “B” at the proposed driveway on Crafton Avenue during peak AM and PM hours.
- c) **No Impact.** The project will not substantially increase hazards due to a design feature or incompatible uses because the project site is adjacent to an established road that is accessed at points with good site distance and properly controlled intersections. There are no incompatible uses proposed by the project that will impact surrounding land uses.
- d) **Less than Significant Impact.** The proposed project will provide two points of access to the site. One driveway on Mentone Blvd (Driveway “A”, full access), and one driveway on Crafton Avenue (Driveway “B”, entrance only). The project will not result in inadequate access for emergency purposes.

**Mitigation Measures**

**TRA-1 (a-b):** Extend eastbound right turn lane on Mentone Boulevard.

**TRA-2 (a-b):** Provide a two-way left turn along Crafton Avenue into the project site at Driveway “B” as Identified in the Traffic Impact Study prepared by David Evans and Associates.

**TRA-3 (a-b):** Stripe the second southbound through lane along Crafton Avenue.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
---------------	---------------------------------------	---	------------------------------	------------------

**XVIII. TRIBAL CULTURAL RESOURCES**

- a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- |     |  |                          |                                     |                          |                          |
|-----|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| i)  | Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) | A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION:** *Cultural Resources Assessment, LSA Associates, April 2019; San Bernardino County General Plan, 2007; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials*

Assembly Bill (AB) 52 took effect on July 1, 2015. AB 52 requires a lead agency to make best efforts to avoid, preserve, and protect tribal cultural resources.

Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Public Resources Code section 21082.3(c) also contains provisions specific to confidentiality.

Prior to the release of the CEQA document for a project, AB 52 requires the lead agency to initiate consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested the lead agency, in writing, to be informed by the lead agency through formal notification of proposed project in the geographic area that is traditionally and through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

Tribal consultation request letters were sent to the San Manuel Band of Mission Indians, Morongo Band of Mission Indians, Colorado River Indian Tribes, and Twenty-Nine Palms Band of Mission Indians. The San Manuel, and Gabrieleno tribes requested consultation. The Morongo tribe differed to the San Manuel tribe. No comments were received from the Colorado River Indian Tribe or the Twenty-Nine Palms Band of Mission Indians. Consultation with the San Manuel tribe took place on June 13, 2019. Consultation with the Gabrieleno Tribe is ongoing. Concerns for disturbance of culturally significant finds were minimal as it was discovered that the site contained several feet of fill material that was not native to the site. Language was

provided by the tribal representative, and added as mitigation for the inadvertent discovery of tribal cultural resources.

- a) **Less than Significant Impact with Mitigation.** A records search conducted in coordination with the Cultural Resources Assessment prepared by LSA Associates found that there were no listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) within the project site. However, two sites related to Native American cultural heritage were recorded within one-mile of the project site which give the project some potential for subsurface features, artifacts, and residues. In their conclusion summary of the Cultural Resource Assessment, LSA recommends monitoring of earthmoving activities by a qualified archaeologist to mitigate potential impacts to undocumented archaeological resources. Adherence to mitigation measures TCR-1 and TCR-2 will reduce any impacts to tribal cultural resources to a less than significant level.
- b) **Less than Significant Impact with Mitigation.** The project proponent shall consider the significance of any possible resource to a California Native American tribe. With required mitigation and/or monitoring requested by tribes with ancestral interest in the project area, the impact will be reduced to a less than significant level.

**Tribal comments received include protocol, and procedures in the event human remains or other cultural resources are discovered once the properties are sold and subsequently developed. These comments are incorporated into the projects final conditions of approval.**

#### **Mitigation Measures**

**TCR-1:** The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact/contact-era/historic cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

**TCR-2:** Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>					
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |    |  |                          |                          |                                     |                                     |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
|    | telecommunications facilities, the construction or relocation of which could cause significant environmental effects?  |                          |                          |                                     |                                     |
| b) | Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) | Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) | Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) | Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

***SUBSTANTIATION: County of San Bernardino General Plan 2007; Submitted Project Materials***

- a) **No Impact.** The proposed project does not exceed wastewater treatment requirements of the Regional Water Quality Control Board, Santa Ana Region, as determined by County Public Health – Environmental Health Services.
- b-c) **No Impact.** The proposed project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. The proposed project will have sufficient water supplies available to serve the project from existing entitlements and resources, as the City of Redlands has given assurance that it has adequate water service capacity and wastewater capacity to serve the projected demand for the project, in addition to the provider's existing commitments.
- d) **No Impact.** The proposed project will have sufficient water supplies available to serve the project from existing entitlements and resources, as the City of Redlands has given assurance that it has adequate water service capacity to serve the projected demand for the project, in addition to the provider's existing commitments.
- e) **Less than Significant Impact.** This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec-Empire Disposal). The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176. A Construction Waste Management Plan will be prepared in two parts to show adequate handling of waste materials; disposal, reuse, or recycling

as required by the County Department of Public Works Solid Waste Management Department.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XX. WILDFIRE:</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

***SUBSTANTIATION: County of San Bernardino General Plan 2007; Bear Valley Community Plan; Submitted Project Materials***

- a) **No Impact.** The proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, there will be no impact.
- b) **No Impact.** The proposed project is not within a Fire Hazard Severity Zone. According to the Countywide Plan Policy Map HZ-5, the subject parcel is within an urban un-zoned area of the county. Implementation of the proposed Project will not cause a significant impact due to slope, prevailing winds, and other factors, exacerbate wildfire risks, thereby exposing project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire.
- c) **No Impact.** The proposed Project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities). The project is not expected to exacerbate fire risk that may result in temporary or ongoing impacts to the environment.



- d) **No Impact.** The proposed Project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE:</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less than Significant Impact.** The project site does not have trees or shrubs that could provide nesting habitat for birds; nor does it contain suitable habitat for burrowing owl. The project will not conflict with local policies or ordinances related to biological resources. The project is not within an adopted Habitat Conservation Plan area. The project will not have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- b) **Less than Significant Impact.** The project does not have impacts that are individually limited, but cumulatively considerable. The sites of projects in the area to which this project would add cumulative impacts have either existing or planned infrastructure that is sufficient for all planned uses. These sites either are occupied or are capable of absorbing such uses without generating any cumulatively significant impacts.

- c) **Less than Significant Impact.** The project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, as there are no such impacts identified by the studies conducted for this project or identified by review of other sources or by other agencies.

All potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region, the local community or its inhabitants. At a minimum, the project will be required to meet the conditions of approval for the project to be implemented. It is anticipated that all such conditions of approval will further insure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the project approval.

#### **MITIGATION/MONITORING MEASURES:**

**CUL 1b:** In the event that archaeological materials are encountered during construction, all construction work should be halted and a qualified archaeologist consulted to determine the appropriate treatment of the discovery (California Code of Regulations, Title 14, Chapter 3, Section 15064.5(f)). Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within **TCR-1 and TCR-2**, regarding any pre-contact/contact-era/historic finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

If significant cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

**Monitoring:** Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undocumented archaeological resources.

**CUL 2c:** In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the NAHC, which will determine and notify an MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD will have the opportunity to offer recommendations for the disposition of the remains.

**Monitoring:** Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undiscovered human remains.

**HAZ-1 (a-c).** Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for an exemption from hazardous material permitting requirements: Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank Permit. Application for one or more

of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>

**HAZ-2 (a-c).** Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to existing UST systems. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8401.

**HAZ-3 (a-c).** Facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112.3 and CHSC 25270.4.5(a).

**NOI-1 (a).** Install “silence package” at the blower to further reduce noise.

**NOI-2 (a).** Enhance 6’ CMU block wall between properties with vegetation to further reduce noise as well as visual character.

**TRA-1 (a-b):** Extend eastbound right turn lane on Mentone Boulevard.

**TRA-2 (a-b):** Provide a two-way left turn along Crafton Avenue into the project site at Driveway “B” as Identified in the Traffic Impact Study prepared by David Evans and Associates.

**TRA-3 (a-b):** Stripe the second southbound through lane along Crafton Avenue.

**TCR-1:** The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact/contact-era/historic cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

**TCR-2:** Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

## **GENERAL REFERENCES**

California Department of Conservation, California Geological Survey, Mineral Resources and Mineral Hazards

County of San Bernardino 2007 Development Code

County of San Bernardino Geologic Hazards Overlays Map

County of San Bernardino Hazard Overlay Map

County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998.

County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995.

San Bernardino County General Plan, 2007.

San Bernardino County General Plan, 2007; Environmental Impact Report

County of San Bernardino, Greenhouse Gas Emissions Reduction Plan, January 6, 2012.

County of San Bernardino, *San Bernardino County Storm Water Program, Model Water Quality Management Plan Guidance*.

County of San Bernardino Road Planning and Design Standards.

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map.

South Coast Air Quality Management District, CEQA Air Quality Handbook, November 1993.

U.S. Department of Agriculture, Natural Resources Conservation Service. Web Soil Survey. Available at <http://websoilsurvey.nrcs.usda.gov/>

## **PROJECT-SPECIFIC REFERENCES**

Air Quality and Greenhouse Gas Analysis, LSA Associates Inc., April 2019

Biological Resource Assessment, LSA Associates Inc., April 2019

Cultural Resources Assessment, LSA Associates Inc., April 2019

Mandatory Residential Disclosure Report, Environmental Hazards Report, Property I.D., March 15, 2018

Noise Assessment, GMEP Engineers, October 22, 2018

Preliminary Hydrology and Hydraulic Calculations, Anacal Engineering Co., April 2019

Preliminary Water Quality Management Plan, Anacal Engineering Co., February 2, 2019

Soil Investigation and Infiltration Tests Report, Soil Exploration Company, Inc., November 5, 2018

South Central Coast Information Center, California State University, Fullerton

Traffic Impact Study, David Evans and Associates Inc., May 15, 2019

## **Draft Resolution #3315**

**Attachment 5**

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**PROPOSAL NO.: LAFCO SC#453**

**HEARING DATE: SEPTEMBER 16, 2020**

## **RESOLUTION NO. 3315**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#453 – CITY OF REDLANDS PRE-ANNEXATION AGREEMENT NO. 20-51 FOR WATER AND SEWER SERVICE (ASSESSOR PARCEL NUMBER 0298-412-01)**

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

**WHEREAS**, Government Code Section 56133 requires the Local Agency Formation Commission to review and approve or deny applications for agencies to provide services outside their existing boundaries; and,

**WHEREAS**, an application for the proposed service extension in San Bernardino County was filed with the Executive Officer of this Local Agency Formation Commission in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and determined that the filings are sufficient; and,

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

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

**WHEREAS**, the public hearing by this Commission was called for September 16, 2020 at the time and place specified in the notice of public hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written protests; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the contract, in evidence presented at the hearing;

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

## RESOLUTION NO. 3315

### **DETERMINATIONS:**

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

1. The property identified as Assessor Parcel Number 0298-412-01 is within the sphere of influence assigned the City of Redlands and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Redlands' water and sewer service for a proposed gas station with a convenience store and car wash. The requirement to connect to the City's water and sewer facilities are required conditions of approval for the project. Therefore, approval of the City of Redlands' request for authorization to provide water and sewer service is necessary in order to satisfy said conditions of approval for the project.
2. The City of Redlands' Pre-Annexation Agreement No. 20-51 being considered is for the provision of water and sewer service to Assessor Parcel Number 0298-412-01. This contract will remain in force in perpetuity or until such time as the area will be annexed. Approval of this application will allow the property owner/developer and the City of Redlands to proceed in finalizing the contract for the extension of water and sewer service.
3. The categories of fees to be charged this project by the City of Redlands for the extension of water and sewer service are identified in the City's Development Requirements for OSC 19-51 dated June 18, 2020, Item A3 (on file in the LAFCO office). Payment of these fees are required prior to connection to the City's water and sewer facilities. In addition, the property owner shall bear all costs to complete improvements needed to extend the water and sewer service to the property.
4. During the period from July 2019 to February 2020, acting as the CEQA lead agency, the County of San Bernardino, as a function of its review for a Conditional Use Permit to develop a gas station, convenience store and car wash on approximately 1.28 acres, prepared an environmental assessment and adopted a Mitigated Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County's Initial Study and Mitigated Negative Declaration have been reviewed by the Commission's staff and Environmental Consultant who have found them to be adequate for the service contract decision.

The Commission certifies that it has reviewed and considered the County's Mitigated Negative Declaration and environmental effects as outlined in the Initial Study prior to reaching a decision on the service contract and finds the information substantiating the Mitigated Negative Declaration is adequate for its use in making a decision as a CEQA responsible agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for this project as all changes, alterations and mitigation measures are within the responsibility and jurisdiction of the County and/or others, and are self-mitigating through implementation of the Conditions of Approval.

## RESOLUTION NO. 3315

The Commission, as a responsible agency, finds that proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as the CEQA lead agency. The Commission directs its Executive Officer to file a Notice of Determination within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

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

**SECTION 3.** The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of Redlands to provide water and sewer service to Assessor Parcel Number 0298-412-01.

**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#453 – City of Redlands Pre-Annexation Agreement No. 20-51 for Water and Sewer Service (Assessor Parcel Number 0298-412-01), has been approved.

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

**AYES:**           **COMMISSIONERS:**

**NOES:**            **COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

\* \* \* \* \*

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

**I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of September 16, 2020.**

**DATED:**


**SAMUEL MARTINEZ**  
Executive Officer



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** SEPTEMBER 9, 2020   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #9: Request for Reconsideration Submitted by Patrick Kaemerle (on behalf of Inland Real Estate Group, LLC) of the Commission's Approval of LAFCO 3241 – Reorganization to Include Annexation to the City of Rancho Cucamonga and Detachment from County Service Area 70 (Etiwanda Heights Neighborhood and Conservation Plan)

---

## **RECOMMENDATION:**

Deny the Request for Reconsideration submitted by Mr. Kaemerle (on behalf of the Inland Real Estate Group, LLC) of the Commission's approval of LAFCO 3241 as outlined in LAFCO Resolution No. 3312 and proceed with the protest proceedings for LAFCO 3241.

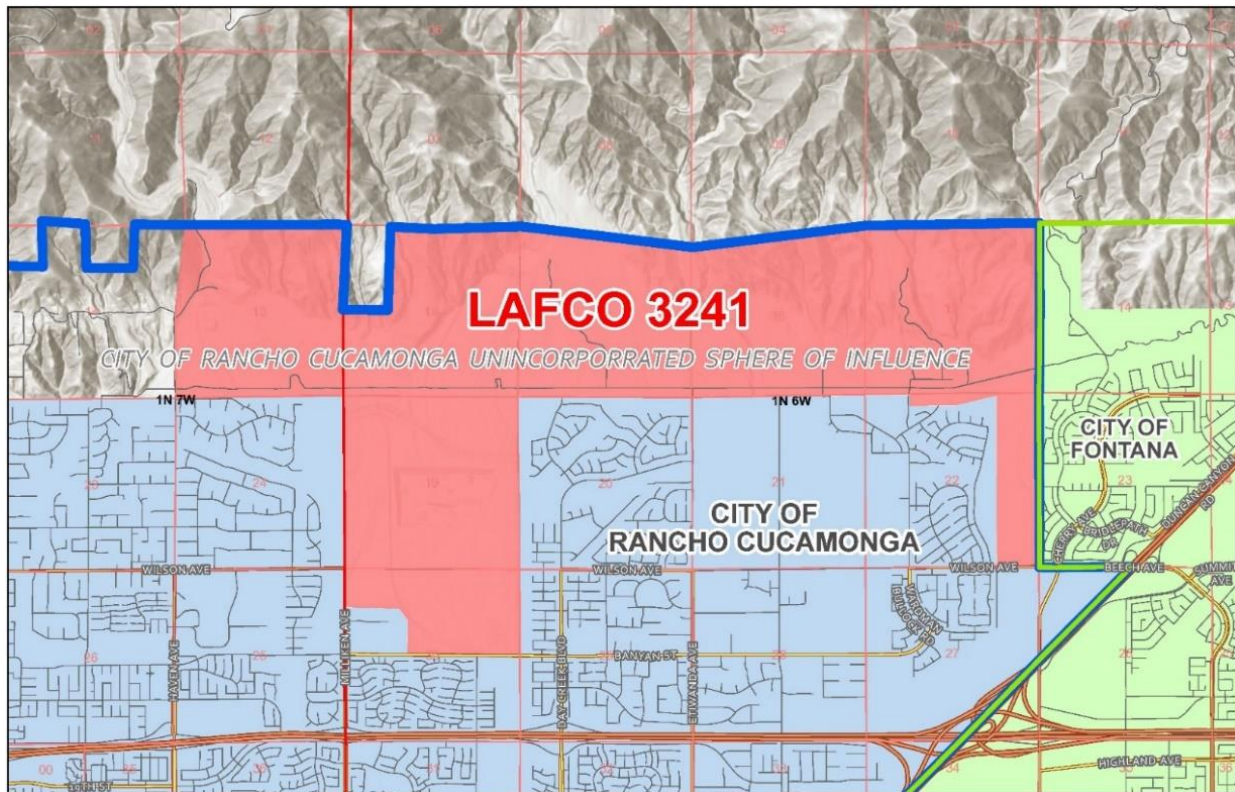
## **BACKGROUND:**

State law allows a procedure whereby any person or affected agency may request reconsideration of a Commission resolution making determinations (Government Code Section 56895). The law provides that such a request must be submitted within 30 days of the adoption of the Commission's resolution making determinations; that it specifies the specific modifications to the resolution being requested; and that it outlines what new facts or different facts that could not have been presented previously are claimed to warrant the reconsideration. In addition, Commission policy supplements these requirements by adding that "Request for reconsideration will be granted only when the petitioner can present some compelling new evidence or show that significant factors relative to the situation were overlooked or have changed."

On August 14, 2020, Mr. Patrick Kaemerle, on behalf of the Inland Real Estate Group, LLC, a property owner within LAFCO 3241, submitted a request for reconsideration (a copy of the request is included as Attachment #1) for the reorganization proposal that includes annexation to the City of Rancho Cucamonga—LAFCO 3241—approved by the Commission at its July 15, 2020 hearing by adopting Resolution No. 3312 (included as

Exhibit A to Attachment #1) (the “Request for Reconsideration”). The Request for Reconsideration was submitted timely within the mandatory 30-day period specified by State law. A copy of Government Code Section 56895 regarding reconsideration is included as Attachment #2, and a copy of the Commission’s Policy and Procedure related to Requests for Reconsideration is included as Attachment #3.

The following information provides a summary of the issues Mr. Kaemerle raised in the Request for Reconsideration as support for reconsideration, along with the staff responses related to each of those issues. The Commission will need to consider the issues and responses and determine whether the Request for Reconsideration presents “new or different facts” and presents “compelling new evidence” or “show that significant factors relative to the situation were overlooked or have changed” in conformance with adopted Commission policies and State law to warrant granting reconsideration. A map of the area involved in LAFCO 3241 is shown below:



LAFCO 3241 Vicinity Map

#### **ISSUES FOR RECONSIDERATION:**

The Request for Reconsideration indicates that “critical factors in the Commission’s decision were overlooked and not considered or not adequately understood, erroneously leading to approval of LAFCO 3241.”

**1. First, Mr. Kaemerle questions the County Assessor's valuation of the exempt parcels (parcels exempt from assessment by the County) within LAFCO 3241.**

During the processing of the proposal, LAFCO staff requested the County Assessor's office to provide land values for the exempt parcels within LAFCO 3241, for protest purposes, pursuant to Government Code Section 56126 (see request included as Attachment #4). Government Code Section 56126 reads as follows:

*"Upon request by the executive officer or the clerk of any county or district, the assessor of any city, county, or district shall furnish estimated assessed valuations, determined by the same methods and valuations used in preparing the last equalized assessment roll, in both of the following cases:*

*(a) Where real property is owned by a public agency and no assessed value for that real property is shown on the roll.*

*...*

*Any of these estimates shall be conclusively presumed to be assessed values for the purpose of this division, but shall be given no force or effect for other purposes."*

In addition Government Code Section 56710(a) governs the method for how the Assessor is to assess such land:

*"The assessed value to be given land exempt from taxation or owned by a public agency shall be determined by the county assessor, at the request of the executive officer, in the same amount as the county assessor would assess that land, if the land were not exempt from taxation or owned by a public agency."*

Based on LAFCO staff's request, the Assessor's office provided its response on the land values for the exempt parcels, which were made a part of Determination #2 to Resolution No. 3312 (see pages 3 and 4 of Exhibit A to Attachment #1). The County Assessor's office provided a statement on how it determined the land values for the exempt parcels (see email response included as Attachment #5).

Again, the Executive Officer's role was to request the County Assessor to provide land values for the exempt lands within LAFCO 3241, for its use in determining valuation of protest for the protest proceedings for LAFCO 3241. In response, the County Assessor's office provided the requested information, which was made available to the Commission at the July 2020 Hearing and made a part of Resolution No. 3312.

Based on the above information, including the noted Attachments, with regard to the valuation of the exempt parcels, the Request for Reconsideration presents no "new or different facts that could not have been presented previously," no "compelling new evidence," or showing that "significant factors relative to the situation were overlooked or have changed" to warrant a reconsideration of Resolution No. 3312.

**2. Mr. Kaemerle also makes the assertion that portions of letters opposing LAFCO 3241 were not read in full into the record and, therefore, a thorough review of all relevant information was not considered by the Commission.**

The Commission's Notice of Hearing (as published in the newspaper), the Notice to Landowners and Registered Voters within the area, as well as the Agenda Notice that is posted on the Commission's website, clearly identify how one can provide comment including participating in the Zoom meeting and providing comments when the item is being discussed as well as providing written comments, limited to a maximum of 250 words, which are then read into the record at the appropriate time (see Attachment #6).

One written comment was received prior to the publication of the staff report. Said comment letter was, in fact, included as an attachment to the staff report presented to the Commission at its July hearing.

All other written comments that were received after the publication of the staff report—sent via email to [lafoo@lafoo.sbcounty.gov](mailto:lafoo@lafoo.sbcounty.gov), regular mail, or via the online comment page—were read into the record, the first 250 words of each written comment. Mr. Kaemerle's letter was the only written comment that was not read into the record at his request since he opted to speak into the record during the hearing. It must be noted, however, that all written comments received prior to 5:00 pm the day before the hearing, including Mr. Kaemerle's letter, were provided to all Commission members via email (see Attachments #7a and #7b) and were also posted on the Agenda Page of the Commission's website (see Attachment #8).

Two comments were received after 5:00 pm the day before the hearing. Ms. Rebecca Burchett's email/letter and Mr. Anthony Cheng's email were sent at 7:01 pm and 10:36 pm on Tuesday, July 14, 2020, respectively. The morning of the hearing, before the opening of office hours, staff checked their emails and date stamped the emails with times of 7:42 am and 7:41 am, respectively. At the hearing, the first 250 words of Ms. Burchett and Mr. Cheng's written comments were read into the record and were also posted on the Agenda Page of the Commission's website together with the rest of the written comments received.

The Commission's requirements for providing comments was clearly outlined in the published notice, the notice that was sent to landowners and registered voters within LAFCO 3241, as well as the agenda that is posted on the Commission's website. LAFCO staff took the liberty to email the Commission with copies of all written comments that were received by the end of the day prior to the hearing in order to give the Commission the opportunity to review said written comments beforehand, instead of just listening to them being read into the record.

Based on the above information, including the noted Attachments, with regard to comment letters and comments from the public, the Request for Reconsideration presents no "new or different facts that could not have been presented previously,"

no “compelling new evidence,” or showing that “significant factors relative to the situation were overlooked or have changed” to warrant a reconsideration of Resolution No. 3312.

**3. “LAFCO 3241 is patently unfair and inequitable to Hillside Owners.”**

The issue raised by Mr. Kaemerle pertains to the Transfer of Development Rights (TDR) Program that the City, as part of its approval of the Etiwanda Heights Neighborhood and Conservation Plan (Specific Plan), included a TDR program for the Rural/Conservation Area of the Specific Plan.

In considering a proposal, the Commission is required to include information on land use(s) in its review of a proposal. However, the Commission is prohibited from regulating land use and from imposing any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements pursuant to Government Code Section 56375(a)(6).

As outlined in the staff report presented to the Commission at its July hearing, information was provided on the existing uses and the current land use designations within LAFCO 3241 including the City’s pre-zone designations for the Rural/Conservation Area and the Neighborhood Area of the Specific Plan, as well as information on this TDR program that would provide an incentive and a mechanism for land owners within the Rural/Conservation Area to sell the development potential of their lands to developers in the Neighborhood Area. In addition, LAFCO staff also provided the Commission with a copy of the Specific Plan as an attachment to the staff report, which the Specific Plan outlines the TDR program in detail.

Again, the Commission is precluded from directly regulating land use. However, information on land use designations, including the TDR program, was provided to the Commission and discussed at length at its July hearing.

Based on the above information, the Request for Reconsideration presents no “new or different facts that could not have been presented previously,” no “compelling new evidence,” or showing that “significant factors relative to the situation were overlooked or have changed” to warrant a reconsideration of Resolution No. 3312.

**4. “The Hillside Owners are being forced, against their will, to become part of the city, but are getting no city-district utility services in return.”**

The issue raised by Mr. Kaemerle pertains to the Commission’s action overriding its policy related to concurrent city-district annexation of all community-based agencies and the services provided within the Rural/Conservation Area.

As outlined in the staff report presented to the Commission at its July hearing, it was noted that the Rural/Conservation Area is being set aside for conservation and, therefore, will not require municipal services from either the Cucamonga Valley Water District or the Inland Empire Utilities Agency (including the Metropolitan Water

District of Southern California). For this reason, the Commission took the action to override its policy related to the concurrent annexation of all community-based agencies. However, the City's certified Plan for Service outlines its ability to provide its range of services for the entire reorganization area, including the Rural/Conservation Area (i.e. fire protection services through its subsidiary district, the Rancho Cucamonga Fire Protection District, that already serves the area; law enforcement services through the City's contract with the County Sheriff's Department, etc.) This information was provided to the Commission and discussed at its July hearing.

Based on the above information, the Request for Reconsideration presents no "new or different facts that could not have been presented previously," no "compelling new evidence," or showing that "significant factors relative to the situation were overlooked or have changed" to warrant a reconsideration of Resolution No. 3312.

**5. "LAFCO 3241 contains very detailed information for the Neighborhood Area... The Hillside area has nothing planned."**

The issue raised by Mr. Kaemerle again pertains to the Specific Plan information adopted by the City.

As noted earlier, the Commission is required to include land use information in its review of a proposal but is precluded from directly regulating land use.

Information on the Specific Plan was outlined in the staff report presented to the Commission at its July hearing. LAFCO staff also provided the Commission with a copy of the Specific Plan as an attachment to the staff report that, in fact, provide specific development standards for the Rural/Conservation Area as well as existing trail network, trail types, and a Trail Master Plan for the Rural/Conservation Area. In addition, LAFCO staff also provided the Commission with a copy of the City's environmental assessment prepared for the project that provide additional information on the project. Again, this information was provided to the Commission and discussed at its July hearing.

Based on the above information, the Request for Reconsideration presents no "new or different facts that could not have been presented previously," no "compelling new evidence," or showing that "significant factors relative to the situation were overlooked or have changed" to warrant a reconsideration of Resolution No. 3312.

**6. "The land values assigned by the County Assessor at the request of LAFCO, to the Public Parcels are grossly inflated."**

The issue raised by Mr. Kaemerle pertains again to the County Assessor's valuation of the exempt parcels in comparison with the parcels assessed by the County. Mr. Kaemerle also requested a breakdown of the land values for all the parcels currently assessed by the County.

The County Assessor indicated that the assessed valuation that it prepared for the exempt parcels reflect the prescribed method in accordance with the Revenue and Taxation Code for preparing the annual roll. It also noted that the Southern California Edison parcels are assessed annually by the State Board of Equalization.

The evaluation of protest for LAFCO 3241, which is considered an uninhabited territory (less than 12 registered voters), is determined based on the current assessed value of land within the area. The assessed valuation of land is tied to when one acquires a property. In other words, identical properties can have vastly different land values – one whose ownership has remained the same from 30 or 40 years ago and those lands that have recently been purchased.

As noted in Determination #2 to Resolution No. 3312, the total land value identified for all the parcels assessed by the County is \$22,593,649. Attachment #9 provides a listing of all the parcels assessed by the County and the land value currently assigned for each parcel. The total value matches the total value in the staff report and in Resolution No. 3312.

Based on the above information, including the noted Attachment, the Request for Reconsideration presents no “new or different facts that could not have been presented previously,” no “compelling new evidence,” or showing that “significant factors relative to the situation were overlooked or have changed” to warrant a reconsideration of Resolution No. 3312.

## **CONCLUSION:**

It is the staff’s position that the Request for Reconsideration submitted by Mr. Kaemerle has not met the requirements for granting reconsideration under both State law and Commission policy. This is because, as outlined above, the Request for Reconsideration presents no “new or different facts that could not have been presented previously,” no “compelling new evidence,” or showing that “significant factors relative to the situation were overlooked or have changed” to warrant a reconsideration of Resolution No. 3312. On that basis, in the staff view, Commission policy and State law direct that the Request for Reconsideration not be granted. Therefore, the staff’s recommendation is that the Commission deny the request.

/sm

Attachments:

1. [Request for Reconsideration Letter from Patrick Kaemerle, on behalf of the Inland Real Estate Group, LLC, Dated August 14, 2020](#)
  - [Exhibit A – LAFCO Resolution No. 3312 Approving LAFCO 3241](#)
  - [Exhibit B – Mr. Kaemerle’s Letter to the Commission Dated July 11, 2020](#)
  - [Exhibit C – Additional Comment Letters Addressed to the Commission](#)
  - [Exhibit D – County Land Use Designation Research](#)



- [Exhibit E – Parcel Detail Printouts](#)
- 2. [Government Code Section 56895](#)
- 3. [Commission’s Policy and Procedure Related to Requests for Reconsideration](#)
- 4. [Request for Values of Exempt Properties Dated June 25, 2020](#)
- 5. [Response from the County Assessor on the Land Values for the Exempt Parcels](#)
- 6. [Notice of Hearing, Notice to Landowners/Registered Voters within LAFCO 3241, and Agenda Notice](#)
- 7. Email(s) Sent to Commissioners Regarding Written Comments Received
  - A. [July 14, 2020, sent at 1:07 PM](#)
  - B. [July 14, 2020, sent at 5:20 PM](#)
- 8. [LAFCO Webpage for July 15, 2020 Agenda](#)
- 9. [Listing of Land Values for Parcels Assessed by the County](#)



**Request for Reconsideration Letter  
from Patrick Kaemerle,  
on behalf of the  
Inland Real Estate Group, LLC,  
Dated August 14, 2020**

**Attachment 1**

LOCAL AGENCY  
FORMATION COMMISSION

This Request for Reconsideration is based on the fact that critical factors in the Commission's decision were overlooked and not considered or not adequately understood, erroneously leading to approval of LAFCO 3241. For example, at the time of the hearing there was inadequate time and opportunity to challenge the Assessor's valuations of publicly-held, previously-exempt parcels ("Public Parcels"). Those valuations have now been accepted as accurate by the

Commission. In fact, they are way off the mark and need to be analyzed in detail against the privately-owned Hillside parcel ("Private Parcels") valuations. In addition, critical portions of letters opposing LAFCO 3241 were not read in full into the record and at least in one case, were not physically included in the record and reviewed by the Commissioners prior to voting on LAFCO 3241 (Letter of Becky Burchett, for example, included in Exhibit "C"). A full and thorough review of all relevant opposition facts and issues needs to be undertaken by LAFCO. These issues are far too important to the private owners of hillside property ("Hillside Owners") and there is far too much money at stake for a "rubber stamp" approval.

**LAFCO 3241 is patently unfair and inequitable to Hillside Owners.** I have been a licensed California Real Estate Broker for 29 years, specializing in land investment, development and sales, specifically in the Inland Empire (Rancho Cucamonga/Fontana/Rialto area). Under LAFCO 3241, the City of Rancho Cucamonga is taking and transferring development rights from the Hillside Owners to allow for the construction of 3000 homes and 180,000 sq. ft. of commercial construction to the Southerly 790 acres ("Neighborhood Area"). The development is not possible without such a transfer of rights and dedication of the Private Parcels as open space. This is resulting in a huge diminution in value to the Hillside Owners' properties. When Inland purchased its property, County zoning allowed it 1 Dwelling Unit ("DU") per acre (Exhibit "D" attached and incorporated herein). The value of Inland's property is in excess of \$1,000,000. Under LAFCO 3241, its parcel will be down-zoned to 1 DU/ 10 acres, with no guaranty of being able to develop anything as LAFCO 3241 caps development and requires "clustering" of homes. After factoring development costs per city standards, Inland's property will have zero value, or very nominal value as mitigation property. Mitigation value is likely in the range of (\$4,000-\$8,000 per acre (\$25,000-35,000 total) for the parcel. I know this because I am currently representing a seller that is in escrow with a large home builder to sell a mitigation parcel in San Bernardino County (Fontana sphere of influence), very close by, just east of LAFCO 3241, for \$8,000 per acre. Even with that price, the buyer recently informed me that they likely will not complete the purchase.

**The Hillside Owners are being forced, against their will, to become part of the city, but are getting no city-district utility services in return.** They will have no water service, no sewer service and no power. In fact, in LAFCO 3241 Section 2

on Page 2, the Commission specifically overrides its standing policy requiring concurrent city-district annexation and simply dismisses it as unnecessary with no discussion at the hearing.

**LAFCO 3241 contains very detailed information for the Neighborhood area**, with unit types/mixes, commercial area specifications, road/circulation plans, parking and walking trail information, etc. **The Hillside area has nothing planned.** No road, circulation or fire plans, no planned community amenities such as parks, walking and horse trails, etc. It is grossly unfair to the Hillside Owners to take their development rights away, all for the massive benefit of the Neighborhood Area as well as to plan the Neighborhood Area in detail, and leave the Hillside owners to guess as to what development standards and costs will be. On this basis alone, LAFCO 3241 should be denied.

**The land values assigned by the County Assessor at the request of LAFCO, to the Public Parcels are grossly inflated.** The Assessor has assessed the Public Parcels cumulatively at \$35,013,797 and the Private Parcels at \$24,763,577. Even a cursory look reveals results that cannot be supported. County Service Area 120 (known as the North Etiwanda Preserve), was donated to the County of San Bernardino in 1998 by the State of California as mitigation requirement for the 210-freeway construction. It is exempt from property tax and can never be sold. Shockingly it was assessed last month at a cumulative value in excess of \$23,000,000. It is simply in error. It has no value. Even if one were to assess minimal value to the Preserve, it would at best be consistent with property located within the hillside area, owned by Henderson Creek Properties, as a nearby mitigation project. Two of its parcels, 80 acres (APN 1087-041-01) is assessed at \$55,543 (\$694 per acre) and 94.27 acres (APN 1087-061-01) is assessed at \$66,269 (\$703 per acre). This is in stark contrast to the Service Area 120 properties recent assessment at approximately \$34,000 per acre. It simply is incorrect, and not even close.

Likewise, the Southern California Edison Parcels ("SCE Parcels) have a cumulative value of \$11,310,000. When you look at the assessed valuation of neighboring Private Parcels compared to SCE Parcels, you see the absurdity of these valuations (See Notations/property data collectively attached and incorporated herein as Exhibit "E"). The SCE parcels will likewise never be sold, but if they were to be valued they would need to be evaluated based on very little to no development

possibility, probably in the range of mitigation property, \$4,000-\$8,000 per acre. Instead, they are valued at an average rate of \$85,445 per acre.

The Service Area 120 properties and the SCE properties jointly make up \$34,586,675 or the \$35,013,797 or 98.8% of the Public Parcels' assessment. They are way off base.

The Assessor is also not comparing apples to apples. Many of the privately-owned parcels used for comparison were purchased long ago and are now worth substantially more. The Assessor is often comparing 20-30 year-old assessments of Private Parcels with highly suspect "assessments" of the Public Parcels from last month. This is a hugely important issue that LAFCO needs to analyze and get right.

One thing that would help in that regard is for LAFCO to itemize the Private Parcels that are the subject of LAFCO 3241 in the same way that it did the Public Parcels. This needs to be completed to assure its accuracy. Instead, LAFCO states a total assessment for all Private Parcels as \$24,763,577. Based on my survey of the assessed value of those properties, I believe the current assessed value is higher than that figure but, without an itemized list similar to that of the Public Parcels, we cannot know for sure.

For all of the foregoing reasons, I urge LAFCO to take a serious and in-depth look at LAFCO 3241, I am confident once this analysis is done, the Commissioners will agree with me and vote to deny it.

Sincerely,



Patrick Kaemerle, Esq.

**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 3241**

**HEARING DATE: JULY 15, 2020**

**RESOLUTION NO. 3312**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3241 - REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF RANCHO CUCAMONGA AND DETACHMENT FROM COUNTY SERVICE AREA 70 (ETIWANDA HEIGHTS NEIGHBORHOOD AND CONSERVATION PLAN).** The reorganization area encompasses approximately 4,085 acres, which generally includes the northern unincorporated sphere of influence for the City of Rancho Cucamonga easterly of Haven Avenue. The area is bordered by the natural extension of Haven Avenue on the west, parcel lines along the San Bernardino National Forest boundary on the north, parcel lines (City of Fontana boundary) on the east, and a combination of parcel lines, Wilson Avenue, Wilson Street and Milliken Avenue (City of Rancho Cucamonga boundary) on the south, within the City of Rancho Cucamonga's existing northern sphere of influence.

**On motion of Commissioner Rutherford, duly seconded by Commissioner Lovingood, 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,

## RESOLUTION NO. 3312

**WHEREAS**, the public hearing by this Commission was called for July 15, 2020 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:**

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

**Condition No. 2.** The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3241.

**Condition No. 3.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Rancho Cucamonga (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 Rancho Cucamonga shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

**Condition No. 5.** 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.

**Condition No. 6.** The date of issuance of the Certification of Completion shall be the effective date of the reorganization.

**SECTION 2.** The Commission determines to override its policy related to concurrent city-district annexation based on fact that the concurrent annexation to the Cucamonga Valley Water District and the Inland Empire Utilities Agency (including the Metropolitan Water District of Southern California) to include the entirety of the area being annexed into the City is not necessary since the area that is outside of these agencies' boundaries is to remain rural/conservation area and will not need services from these agencies.

## RESOLUTION NO. 3312

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

1. The reorganization area is legally uninhabited containing 10 registered voters as certified by the Registrar of Voters as of May 13, 2020.
2. The County Assessor's Office has determined that the total assessed value of land and improvements within the reorganization area is \$24,763,577 (land--\$22,593,649; improvements--\$2,169,928) as of February 26, 2020.

Pursuant to the provisions of Government Code Section 56126, the County Assessor's office has been requested to assign a land value for protest purposes to the exempt lands within the reorganization boundary. The values for these publicly held lands are listed separately as shown below for each of the individual parcels:

Landowner Name	Assessor Parcel Number	Land Value Assigned for Protest Purposes Only
City of Rancho Cucamonga	0225-091-03	\$0
County of San Bernardino	1087-051-08	\$0
	1087-061-17	\$100,000
County Service Area 120	0201-281-06	\$87,861
	0226-061-63	\$13,488
	0226-082-08	\$279,005
	0226-082-20	\$63,961
	0226-082-21	\$209,916
	1087-051-04	\$338,040
	1087-051-05	\$6,872,341
	1087-051-16	\$256,865
	1087-051-18	\$10,451,793
	1087-051-19	\$286,562
	1087-061-02	\$4,150,860
County Service Area 70 Improv Zone 0	1087-061-03	\$196,117
Cucamonga County Water District	0201-033-36	\$0
	0201-281-18	\$0
Government Land	0201-281-02	\$25,000
	0201-281-04	\$50,000
	0201-281-17	\$25,000
Inland Empire Resource Conservation District	0226-061-16	\$173,189
	0226-061-62	\$54,122
Metropolitan WD of Southern California	0226-082-19	\$0
San Bernardino County Flood Control District	0201-033-35	\$0
	0201-033-37	\$0
	0201-033-38	\$0
	0201-281-19	\$0
	0201-281-22	\$0
	0225-091-05	\$0
	0225-091-06	\$0
	0225-092-01	\$0
	1087-051-13	\$0
	1087-051-14	\$0



# RESOLUTION NO. 3312

	1087-061-13	\$0
	1087-071-01	\$0
	1087-071-02	\$0
	1087-071-03	\$0
	1087-071-04	\$0
	1087-071-05	\$0
	1087-071-06	\$0
	1087-071-07	\$0
	1087-071-08	\$0
	1087-071-09	\$0
	1087-071-10	\$0
	1087-071-11	\$0
	1087-071-12	\$0
	1087-071-13	\$0
	1087-071-14	\$0
	1087-071-18	\$0
	1087-071-19	\$0
	1087-071-20	\$0
United States Of America (USDA)	1087-051-03	\$69,677
Southern California Edison Company	0201-281-13	\$2,000,000
	0226-082-30	\$1,062,000
	1087-051-11	\$2,448,000
	1087-051-12	\$3,985,000
	1087-051-24	\$1,815,000
Total Exempt Land Value		\$35,013,797

3. The reorganization area is within the sphere of influence assigned the City of Rancho Cucamonga.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in the *Inland Valley Daily Bulletin*, 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 (126) and registered voters (10) within the reorganization area (totaling 136 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 Rancho Cucamonga pre-zoned the reorganization area through its approval of the Etiwanda Heights Neighborhood and Conservation Plan (EHNCP) with the following underlying specific plan zone/sub-zone designations: for the Rural/Conservation Area -- Rural-Hillside, Rural-Open Space, Rural-Conservation, and Rural-Flood Control/Utility Corridor; for the Neighborhood Area -- Neighborhood Estate, Neighborhood General 1, Neighborhood General 2, Shops and Restaurants, and an overlay -- Camino Overlay.

## RESOLUTION NO. 3312

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") recently adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3241 is nearby the I-15 Freeway, which is part of the RTP-SCS's regional express lane network that will be adding two express lanes in each direction for completion by 2040. The Sustainable Communities Strategy include strategies such as prioritizing infill and redevelopment of underutilized land to accommodate new growth, increase amenities and connectivity in existing neighborhoods, which approval of LAFCO 3241 will support.
8. The City and the Rancho Cucamonga Fire Protection District are currently in the process of preparing a revised Local Hazard Mitigation Plan (prior version: January 2013) as well as a Community Wildfire Protection Plan. These plans will identify threats from wildfires and other natural and human-caused hazards and will recommend specific strategies and actions to proactively decrease these threats before disasters occur. Information contained in the Safety Element of the City's General Plan was provided to the Commission. San Bernardino County Fire Protection District also had 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 Rancho Cucamonga for its approval of the Etiwanda Heights Neighborhood and Conservation Plan (EHNCP) project (SCH No. 2017091027). 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 Rancho Cucamonga 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 3241 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.

## RESOLUTION NO. 3312

The Commission hereby adopts the Facts, Findings and Statement of Overriding Considerations regarding the environmental effects of the reorganization. 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 Rancho Cucamonga 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, West Valley Mosquito and Vector Control District, Cucamonga Valley Water District (portion) and its Improvement Districts, Inland Empire Utilities Agency (portion) and its Improvement Districts, Metropolitan Water District of Southern California (portion), Rancho Cucamonga Fire Protection District (city subsidiary district), County Service Area 120 (portion), 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 Rancho Cucamonga 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 Rancho Cucamonga 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.
13. The reorganization area can benefit from the availability and extension of municipal services from the City of Rancho Cucamonga as evidenced by the Plan for Service certified by the City.
14. This proposal will assist the City of Rancho Cucamonga's ability to achieve its fair share of the regional housing needs as it proposes the addition of 2,700 (up to 3,000) residential units.

## RESOLUTION NO. 3312

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 Rancho Cucamonga and the reorganization and adjacent unincorporated areas (2020 data):

Demographic and Income Comparison	City of Rancho Cucamonga (%)	Reorganization Area and Adjacent Unincorporated Area (%)
Race and Ethnicity		
• African American Alone	9.0 %	3.4 %
• American Indian Alone	0.7 %	1.0 %
• Asian Alone	13.6 %	16.3 %
• Pacific Islander Alone	0.3 %	0 %
• Hispanic Origin (Any Race)	45.0 %	27.1 %
Median Household Income	\$93,308	\$83,160

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 and the City of Rancho Cucamonga 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 4.** 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 5.** 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.

**SECTION 6.** The Commission hereby directs that, following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer is hereby directed to initiate protest proceedings in compliance with this resolution and State law (Part 4, commencing with Government Code Section 57000) and set the matter for consideration of the protest proceedings, providing notice of hearing pursuant to Government Code Sections 57025 and 57026.

**SECTION 7.** Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth his determination on the levels of protest filed and not withdrawn

**RESOLUTION NO. 3312**

and setting forth the action on the proposal considered.

**SECTION 8.** Upon adoption of the final resolution by the Executive Officer, either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

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

<b>AYES:</b>	<b>COMMISSIONERS:</b>	Bagley, Cox, Lovingood, McCallon, Rutherford, Warren and Farrell
<b>NOES:</b>	<b>COMMISSIONERS:</b>	None
<b>ABSTAIN:</b>	<b>COMMISSIONERS:</b>	None
<b>ABSENT:</b>	<b>COMMISSIONERS:</b>	Rowe (Rutherford voting in her stead), Curatalo (Farrell voting in his stead)

\*\*\*\*\*

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

I, **SAMUEL MARTINEZ**, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of July 15, 2020.

**DATED:** July 16, 2020

  
\_\_\_\_\_  
**SAMUEL MARTINEZ**  
Executive Officer



## LEGAL DESCRIPTION

LAFCO 3241 - ANNEXATION TO THE CITY OF RANCHO CUCAMONGA  
AND DETACHMENT FROM COUNTY SERVICE AREA 70

THOSE PORTIONS OF SECTIONS 15, 16, 17, 18, 19, 22 & 30, TOWNSHIP 1 NORTH, RANGE 6 WEST, AND SECTION 13, TOWNSHIP 1 NORTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

**BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 13;**

THENCE, (1) SOUTH 89°09'57" WEST 1288.14 FEET ALONG THE SOUTH LINE OF SAID SECTION 13, ALSO BEING THE BOUNDARY LINE OF THE CITY OF RANCHO CUCAMONGA PER LAFCO 1608 DATED NOVEMBER 30, 1977;

THENCE, CONTINUING ALONG SAID SOUTH LINE, BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 1608, (2) SOUTH 89°11'29" WEST 3842.76 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 13;

THENCE, LEAVING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 1608, (3) NORTH 00°21'17" WEST 2624.73 FEET ALONG THE WEST LINE OF SAID SECTION 13 TO THE WEST QUARTER CORNER OF SAID SECTION 13;

THENCE, CONTINUING ALONG THE WEST LINE OF SAID SECTION 13, (4) NORTH 06°41'02" EAST 2678.88 FEET TO THE NORTHWEST CORNER OF SAID SECTION 13;

THENCE, (5) NORTH 89°49'12" EAST 2484.62 FEET ALONG THE NORTH LINE OF SAID SECTION 13 TO THE NORTH QUARTER CORNER OF SAID SECTION 13;

THENCE, CONTINUING ALONG SAID NORTH LINE OF SAID SECTION 13, (6) NORTH 89°49'12" EAST 2484.62 FEET TO THE NORTHEAST CORNER OF SAID SECTION 13;

THENCE, (7) SOUTH 03°20'47" WEST 2608.74 FEET ALONG THE EAST LINE OF SAID SECTION 13 TO THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 18;

THENCE, (8) SOUTH 89°32'38" EAST 1377.83 FEET ALONG SAID SOUTH LINE TO THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 18;

THENCE, (9) NORTH 02°08'31" EAST 2547.05 FEET ALONG SAID EAST LINE TO THE NORTH LINE OF SAID SECTION 18;

THENCE, (10) SOUTH 86°58'00" EAST 1322.56 FEET ALONG THE NORTH LINE OF SAID SECTION 18 TO THE NORTH QUARTER CORNER OF SAID SECTION 18;

THENCE, CONTINUING ALONG THE NORTH LINE OF SAID SECTION 18, (11) NORTH 88°19'37" EAST 2658.07 FEET TO THE NORTHEAST CORNER OF SAID SECTION 18;

THENCE, (12) SOUTH 83°09'38" EAST 2639.29 FEET ALONG THE NORTH LINE OF SAID SECTION 17 TO THE NORTH QUARTER CORNER OF SAID SECTION 17;

THENCE, CONTINUING ALONG SAID NORTH LINE, (13) SOUTH 82°57'27" EAST 2644.06 FEET TO THE NORTHEAST CORNER OF SAID SECTION 17;

THENCE, (14) NORTH 82°51'56" EAST 2643.47 FEET ALONG THE NORTH LINE OF SAID SECTION 16 TO THE NORTH QUARTER CORNER OF SAID SECTION 16;

THENCE, CONTINUING ALONG SAID NORTH LINE, (15) NORTH 82°51'56" EAST 2719.93 FEET TO THE NORTHEAST CORNER OF SAID SECTION 16;

THENCE, (16) NORTH 89°06'02" EAST 2633.09 FEET ALONG THE NORTH LINE OF SAID SECTION 15 TO THE NORTH QUARTER CORNER OF SAID SECTION 15;

THENCE, CONTINUING ALONG SAID NORTH LINE, (17) NORTH 89°04'59" EAST 2652.51 FEET TO THE NORTHEAST CORNER OF SAID SECTION 15, SAID CORNER ALSO BEING THE CITY OF FONTANA BOUNDARY PER LAFCO 2281 DATED MAY 14, 1985;

THENCE, (18) SOUTH 00°15'57" EAST 2625.94 FEET ALONG THE EAST LINE OF SAID SECTION 15, ALSO BEING THE CITY OF FONTANA BOUNDARY, TO THE EAST QUARTER CORNER OF SAID SECTION 15;

THENCE, CONTINUING ALONG THE EAST LINE OF SAID SECTION 15, ALSO BEING THE CITY OF FONTANA BOUNDARY, (19) SOUTH 00°18'28" WEST 2627.50 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 15;

THENCE, (20) SOUTH 00°04'59" WEST 2630.48 FEET ALONG THE EAST LINE OF SAID SECTION 22, ALSO BEING THE CITY OF FONTANA BOUNDARY, TO THE EAST QUARTER CORNER OF SAID SECTION 22;

THENCE, CONTINUING ALONG THE EAST LINE OF SAID SECTION 22, ALSO BEING THE CITY OF FONTANA BOUNDARY, (21) SOUTH 00°11'29" EAST 2625.77 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 22 AND THE CITY OF RANCHO CUCAMONGA BOUNDARY PER SAID LAFCO 1608;

THENCE, LEAVING THE CITY OF FONTANA BOUNDARY, (22) SOUTH 89°26'30" WEST 1326.53 FEET ALONG THE SOUTH LINE OF SAID SECTION 22, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 22 AND CITY OF RANCHO CUCAMONGA BOUNDARY PER LAFCO 2505 DATED JANUARY 30, 1989;

THENCE, LEAVING LAFCO 1608, (23) NORTH 00°06'23" WEST 2628.03 FEET ALONG THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2505 TO THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 22;

THENCE, CONTINUING ALONG SAID WEST LINE, BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2505, (24) NORTH 00°01'49" EAST 2590.57 FEET;

THENCE, (25) SOUTH 76°32'53" WEST 1264.11 FEET ALONG THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2505;

THENCE, CONTINUING ALONG THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2505, (26) SOUTH 89°40'14" WEST 1420.60 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SECTION 22, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY PER LAFCO 2964 DATED DECEMBER 20, 2004;

THENCE, LEAVING LAFCO 2505, (27) NORTH 00°00'00" EAST 330.01 FEET ALONG SAID EAST LINE, BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2964, TO THE NORTH LINE OF SAID SECTION 22, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2964;

THENCE, (28) SOUTH 89°40'13" WEST 1325.06 FEET ALONG SAID NORTH LINE, BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2964, TO THE NORTHWEST CORNER OF SAID SECTION 22;

THENCE, (29) SOUTH 89°14'45" WEST 1325.07 FEET ALONG THE NORTH LINE OF SAID SECTION 21, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2964, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21 AND LAFCO 2970A DATED APRIL 18, 2005;

THENCE, LEAVING LAFCO 2964 AND CONTINUING ALONG THE NORTH LINE OF SAID SECTION 21, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2970A, (30) SOUTH 89°14'45" WEST 1325.08 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 21;

THENCE, CONTINUING ALONG THE NORTH LINE OF SAID SECTION 21, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2970A, (31) SOUTH 89°14'53" WEST 2650.72 FEET TO THE NORTHWEST CORNER OF SAID SECTION 21 AND LAFCO 2879 DATED FEBRUARY 1, 2002;

THENCE, LEAVING LAFCO 2970A, (32) NORTH 89°29'50" WEST 2657.41 FEET ALONG THE NORTH LINE OF SAID SECTION 20, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2879, TO THE NORTH QUARTER CORNER OF SAID SECTION 20;

THENCE, CONTINUING ALONG THE NORTH LINE OF SAID SECTION 20, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2879, (33) NORTH 89°29'20" WEST 2658.37 FEET TO THE NORTHWEST CORNER OF SAID SECTION 20;

THENCE, (34) SOUTH 00°15'41" EAST 2636.56 FEET ALONG THE WEST LINE OF SAID SECTION 20, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2879, TO THE WEST QUARTER CORNER OF SAID SECTION 20 AND LAFCO 2864 DATED DECEMBER 4, 2000;

THENCE, LEAVING LAFCO 2879 AND CONTINUING ALONG THE WEST LINE OF SAID SECTION 20, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2864, (35) SOUTH 00°15'25" EAST 2636.28 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 20;

THENCE, (36) SOUTH 00°24'22" EAST 2617.18 FEET ALONG THE EAST LINE OF SAID SECTION 30, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2864, TO A LINE PARALLEL WITH AND DISTANT 40 FEET NORTH OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY PER LAFCO 2317 DATED APRIL 3, 1985;

THENCE, LEAVING LAFCO 2864, (37) NORTH 89°34'51" WEST 2655.16 FEET ALONG SAID PARALLEL LINE, BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2317, TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30, ALSO BEING ON A LINE PARALLEL WITH AND DISTANT NORTH, 40 FEET OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30, BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2317;

THENCE, (38) NORTH 89°34'46" WEST 810.26 FEET ALONG SAID PARALLEL LINE, BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2317, TO THE CITY OF RANCHO CUCAMONGA BOUNDARY PER LAFCO 2872 DATED MARCH 27, 2001;

THENCE, LEAVING LAFCO 2317, (39) NORTH 00°20'16" WEST 1044.98 FEET ALONG THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2872;

THENCE, CONTINUING ALONG THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2872, (40) NORTH 34°10'55" WEST 420.69 FEET;



THENCE, CONTINUING ALONG THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 2872, (41) NORTH 89°34'46" WEST 1662.86 FEET TO THE WEST LINE OF SAID SECTION 30 AND SAID LAFCO 1608;

THENCE, LEAVING LAFCO 2872, (42) NORTH 00°20'16" WEST 1212.90 FEET ALONG THE WEST LINE OF SAID SECTION 30, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 1608, TO THE NORTHWEST CORNER OF SAID SECTION 30;


THENCE, (43) NORTH 00°19'35" WEST 2641.58 FEET ALONG THE WEST LINE OF SAID SECTION 19, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 1608, TO THE WEST QUARTER CORNER OF SAID SECTION 19;

THENCE, CONTINUING ALONG THE WEST LINE OF SAID SECTION 19, ALSO BEING THE CITY OF RANCHO CUCAMONGA BOUNDARY AND LAFCO 1608, (44) NORTH 00°20'34" WEST 2634.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 4085.26 ACRES MORE OR LESS.

SEE EXHIBIT "B" ATTACHED AND MADE A PART THEREOF.

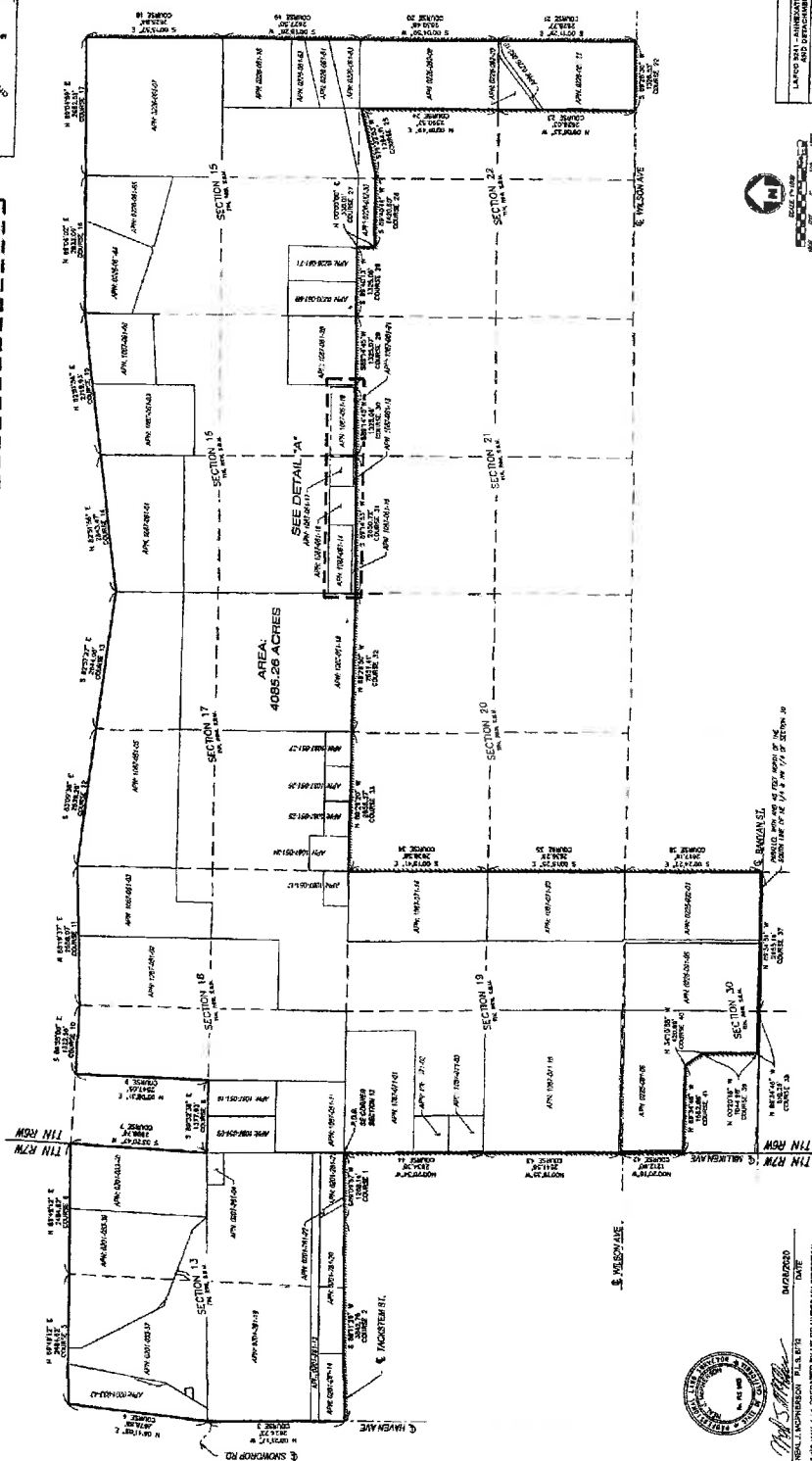
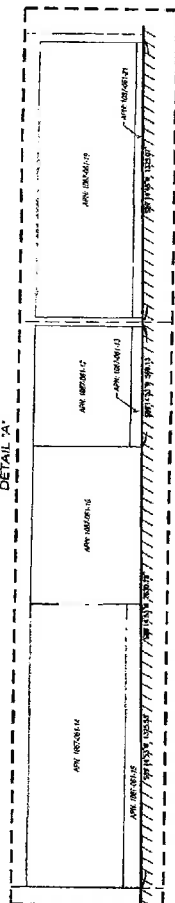
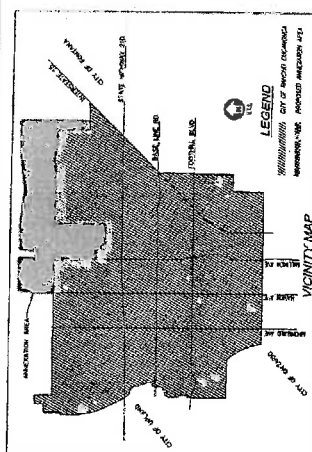


  
NEAL JACOB MCPHERSON  
LICENSED LAND SURVEYOR 8892

4/28/2020  
DATE

FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY

DETAIL "A"

[illegible]

REPORTED SOURCES:  
CITY OF GASTON, CLARK  
BRIEF POLICE INSPECTOR AND DETECTIVE

**SURVEYOR'S NOTES:**

THE FOLLOWING IS A SUMMARY OF THE INFORMATION CONTAINED IN THE ABOVE-REFERENCED DOCUMENTS:

04/28/2020 DATE  
NEAL J. MCNERSON P.L.S.B.12

<b>EXHIBIT "B"</b>					
LAFCD 8241 - ANNEXATION TO THE CITY OF RANCHO CUCAMONRA AND DETACHMENT FROM CITY SERVICE AREA 7C					
CITY: RANCHO CUCAMONRA	COUNTY: SAN DIEGO	DISTRICT: NA	SHEET: 1	OF 1	TOTAL SHEETS: 1
DATE: 04-29-2013					
<p><b>WestLAND</b> Group, Inc.</p> <p>Local Employees: 134 Employees: 205          1000 La Jolla Village Drive, Suite 100          San Diego, CA 92161          Phone: 619-594-1100 Fax: 619-594-1101          Email: info@westlandgroup.com</p>					

**Patrick Kaemerle, Esq.**  
 18012 Cowan - Suite 208  
 Irvine, CA 92614  
 949-510-1919  
[bokaemerle@cox.net](mailto:bokaemerle@cox.net)

**RECEIVED**  
**JUL 13 2020**  
**LAFCO**  
 San Bernardino County

July 11, 2020

Local Agency Formation Commission  
 Samuel Martinez, Executive Officer  
 215 N. D Street, Suite 204  
 San Bernardino, CA 92415-0490

Via Email: [smartinez@lafco.sbcounty.gov](mailto:smartinez@lafco.sbcounty.gov);  
[lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
 Via overnight mail: GLS

**Re: Agenda Item #10: LAFCO 3241 - July 15, 2020**

Local Agency Formation Commission Members:

I represent inland Real Estate Group, LLC ("Inland"). Inland is the owner of a 4.35-acre parcel of land (APN 0226-061-57) subject to this proposed annexation. I submit the following in opposition to LAFCO 3241 and request that this letter be incorporated into the official record and transcript of Agenda Item #10: LAFCO 3241, to be heard at LAFCO on July 15, 2020.

LAFCO 3241 was initiated by the City of Rancho Cucamonga and proposes the annexation of 4085 acres from San Bernardino County to the City of Rancho Cucamonga as necessary for the Etiwanda Heights Neighborhood and Conservation Plan (the "Plan"). The Plan is patently unfair and inequitable to the private owners of hillside property, that make up the majority of the 3603-acre "Rural/Conservation area" ("Hillside Owners"). Of the 4085 acres proposed for annexation....88.2% of the land being annexed is from the Rural/Conservation area. The other 11.8% of the land is located in the "Neighborhood Area" of the Plan and is owned the County, not private parties.

The majority of Hillside Owners are against the annexation. You would not know this from reading the City or the LAFCO publications, indicating that the community is overwhelmingly in support of it. This is not true and has not been true from the beginning of the planning process. Under the Plan, the City of Rancho Cucamonga is taking and transferring development rights from the Hillside Owners for the substantial benefit of the Neighborhood Area.

The City's initial plan called the North Eastern Sphere Annexation Plan ("NESAP") proposed to turn the entire hillside area into open space/conservation area. Many of the hillside owners including Inland vehemently opposed that on a variety of grounds, including but not limited to, alleging that the city was effectively taking their property without paying any compensation whatsoever. The argument fell on deaf ears and the City plowed forward. After several hearings where these same arguments were made by property owners, the City changed course and attempted to pacify the Hillside Owners by claiming it will allow minimal development, either 1 dwelling unit ("DU")/10 ac. or 1 DU/2 ac, among other open space designations. it is

very much in doubt whether any development will actually be allowed, or if allowed, if it will be economically feasible. As stated in the write-up of the July 8, 2020, LAFCO Agenda Item #10: LAFCO 3241, at Page 7, **"The rest of the Plan area, the Rural/Conservation Area, is being set aside for conservation. The Rural/Conservation Area will be subject to standards and strategies intended to conserve and manage the area as open space..."**

The property owned by Inland is going from development rights of 1 DU/1 ac. under the County General Plan to 1 DU/10 ac. under the Plan. One might conclude that Inland retains a fraction of the value of its land, but in reality, it is losing all or virtually all of the value. Its property will be worthless as a development site, even if allowed to develop one home, as the development costs will make development untenable. As mitigation property or some sort of development rights transfer, the value will be nominal. Mitigation property value in the area ranges from \$4,000-8,000 per acre.

Inland has over \$500,000 invested in its property. Its value was in the range of \$1.2M with the 1DU/1 ac. County zoning. Many owners in the Hillside area have several million dollars invested in their land that will be lost if LAFCO 3241 is adopted. The total cumulative property value that will be lost by the Hillside Owners will be several tens of millions of dollars.

The Plan contains very detailed information for the Neighborhood area, with unit types/mixes, commercial area specifications, road/circulation plans, parking and walking trail information, etc. The Hillside area has nothing planned. No road, circulation or fire plans, no planned community amenities such as parks, walking and horse trails, etc. It is patently unfair and inequitable to the Hillside Owners to take their development rights at the expense of the Neighborhood area as well as to plan the Neighborhood Area in detail, and leave the Hillside owners to fend for themselves, and guess as to what development standards and costs will be.

In order to try and garner the support of the Hillside owners, Matt Burris, Deputy City Manager for the City of Rancho Cucamonga, said in open public hearings, that the Development standards for the Hillside/Rural Conservation 3603 acres will be consistent with the County standards that have dictated past development, County Improvement level 1.

He stated that hillside owners would not be held to city development standards. The Rural/Conservation Area would be kept very rural with no curb, gutter, city utilities, and not subject to the city development standards of the Neighborhood Area. He expressed that those owners that want to remain "off the grid" with no public utilities, without city street standards, including, street width, curb, gutter, etc., would be allowed to build consistent with County standards.

This put some Hillside owners at ease, but it is very suspiciously 180 degrees different than statements contained in the write-up of the July 8, 2020, LAFCO Agenda Item #10: LAFCO 3241, and other statements. The LAFCO Agenda #10 write-up (last paragraph of page 5) says "EHNCAP applies the city's General Plan land uses, proposed for this area ten years ago, applying stronger Hillside design standards to undeveloped land and providing for no more than 100 new homes in the Rural/ Conservation Area." Further, Prior City publications regarding NESAP

and the Plan state that future hillside development **"will be subject to the City's development review process and all applicable development standards."** Clearly the city's multiple public representations on the record regarding development comparable to County standards is not their true intent. In reality, there are currently no standards adopted for development of the Rural/Conservation Area. It is strongly suspected that the City will make development of the Hillside area so costly and burdensome, that development of any sites will be impracticable.

As stated in the Conclusion of the write-up of the July 8, 2020, LAFCO Agenda Item #10: LAFCO 3241, at Page 17, states that the Etiwanda Heights Neighborhood and Conservation Plan was "developed with meaningful outreach to the community and extensive public participation." I attended those meetings. While meetings were held and the public did speak at the various hearings, the vast majority of those speaking were against the Plan. Those voices were largely ignored. **However, the end result for the Plan was never in doubt and the Plan's success was pre-determined between the County of San Bernardino and the City of Rancho Cucamonga, who planned and coordinated at every turn, long before any public hearings.** The Plan may have evolved over time to pacify the hillside owners and those surrounding the development, but the end result, a very densely developed and extraordinarily profitable "Neighborhood area", made possible at the massive monetary loss and on the backs of the "Rural/Conservation Area" owners, was a foregone conclusion.

The bottom line is, the City of Rancho Cucamonga and County of San Bernardino stand to profit to the tune of hundreds of millions of dollars. The Neighborhood area will likely be sold to a Master developer, expectedly in excess of \$500,000,000. Utility fees and Development fees on 3000 units plus the commercial development area will likely exceed \$200,000,000-\$400,000,000 dollars. Ongoing property tax revenue will be in the likely range of \$25,000,000 - \$40,000,000 dollars annually, in perpetuity.

For obvious reasons, the City of Rancho Cucamonga and the County of San Bernardino are both extremely motivated to see this annexation take place, regardless of the severe damage and economic loss it causes the Hillside Owners.

**For the foregoing reasons, I strongly urge the voting members of LAFCO to vote "No" and deny Agenda Item #10: LAFCO 3241.**

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Kaemerle".

Patrick Kaemerle, Esq.

Schell, Angela

RECEIVED

**From:** Becky Burchett <[REDACTED]>  
**Sent:** Tuesday, July 14, 2020 7:01 PM  
**To:** Schell, Angela  
**Cc:** Roy Burchett  
**Subject:** Comments to be read at meeting on July 15, 2020 in Opposition to LAFCO 3241  
**Attachments:** R. Burchett\_Comments on LAFCO 3241\_to be read at meeting on July 15, 2020.docx  
**Importance:** High

2020 JUL 15 AM 7:42

LOCAL AGENCY  
FORMATION COMMISSION

July 14, 2020

To: LAFCO HEARING July 15, 2020

From: Rebecca Burchett, PO Box 760, La Verne CA 91750

RE: OPOSITION TO APPROVAL of Agenda item: LAFCO 3241, City of Rancho Cucamonga (the city) Reorganization (EHNCP):

My name is Rebecca Burchett. I am one of the private landowners whose property the city is salivating to annex. (APN # 1087-061-07-0000). My partners and I are *all* opposed to LAFCO 3241 for *many* reason. Some of which are :

**A) IT WOULD PREJUDICIALLY INFLICT ECONOMIC LOSS AND HARDSHIP ON PRIVATE PROPERTY OWNERS BY;**

- 1) Robbing us of our ascribed densities and development potentials & giving them to the city's maximum density, multi-million dollar 790 acre development without any financial compensation.
- 2) Condemning our properties to *extremely limited* building rights and prejudicially denying even basic services to our properties including
  - a. **WATER & UTILITIES!** By overriding the Commissions own policy requiring concurrent annexation of all community based-agencies.
  - b. **NO ROADS Planned.** Not even for *access roads* to our properties. Or any plans at all!
- 3) Resulting in a HUGE financial gain to the city & county, and a HUGE LOSS to we property owners. This is discriminatory.

**B) THE LAND VALUE DETERMINATIONS ASSIGNED BY CO. ASSESSORS OFFICE FOR PROTEST PURPOSES ARE DELIBERATELY WEIGHTED IN FAVOR OF THE CITY AND COUNTY:**

- 1) The disparate values stated of just \$24,763,577 for privately owned land, as opposed to "Assigned" values of \$35,013,797 to tax exempt lands is lacking transparency and documentation.
- 2) As an example **County Service Area 120 \_aka, the North Etiwanda Preserve**, established by SANBAG in 1998, and primarily financed by endowments is *alone valued in excess of \$23,000,000 "for protest purposes"*. Where are the land purchase documentations to support this high value for endowed lands?
- 3) And why is a 22 year old existing, established county nature preserve even included in the city's annexation scheme? Why, pray tell, does that need to be in the city's "local control"?

The San Bernardino County current and existing land designation for this area is *more than sufficient* for "rural living" and "open space" preservation, without denying property owners their existing rights. Or causing them financial harm. The city's argument for control via annexation of our private properties does not hold water. (Again NO WATER for anyone but "the neighborhood!")

This scheme is unfair. We do not want our properties annexed into the city of Rancho. Even if you had asked us we would have said NO. Do NOT take our land or our land rights!

Sincerely,

*Rebecca Burchett*

**Becky Burchett, Pres.**

**Sunbelt USA, Inc.**

**909-593-0500**

**PO Box 760, La Verne, CA 91750**

RECEIVED

JUL 13 2020

LAFCO  
San Bernardino County

Tom Grahn  
Associate Planner  
City of Rancho Cucamonga  
10500 Civic Center Drive  
Rancho Cucamonga, CA 91730

To Mr. Grahn and Planning Staff,

I am the owner of the BPEA, LLC, co-owner of three parcels of land located in the County of San Bernardino (APN 0226-061-57) and within the city of Rancho Cucamonga's proposed "North Easter Sphere Annexation Project (NESPA)". The three parcels of note are:

- o 0201-033-39-0-000
- o 0201-033-40-0-000
- o 0201-021-05-0-000

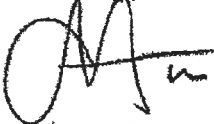
While I am unable to attend any public meetings or discussions on the proposed annexation, I want to join the other owners within the proposed "conservation priority area" in voicing our strong opposition to the annexation and conversion of our properties to open space and deem the proposed plan an attempted taking without compensation.

I hope this issue can be addressed amicably. However, I am prepared to take any legal means necessary, including but not limited to filing a lawsuit against the city to restrain and enjoin the city from pursuing this project and a suit for monetary damages.

I ask that this letter of opposition be included into the public record.

Thank you.

Sincerely,



Andrew Hu  
Partner



**LAW OFFICES OF RANDALL S. GURITZKY**

1524 N. Potrero Avenue  
South El Monte, CA 91733  
Telephone & Facsimile: (626) 580-3275  
Cel: (626) 315-3417  
Email: [randall.guritzky@gmail.com](mailto:randall.guritzky@gmail.com)

RECEIVED

JUL 13 2020

LAFCO

San Bernardino County

July 13, 2020

Email: [smartinez@lafco.sbcounty.gov](mailto:smartinez@lafco.sbcounty.gov)

Email: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)

RE: LAFCO ANNEXATION MEETING 7-15-2020

CRANEVEYOR CORP.

APN#s: 0226-061-026-0-000 & 0226-061-028-0-000

Dear Sir/Madam:

CraneVeyor Corp. has been advised that LAFCO amended the final report to the annexation commission July 10, 2020, with 7/8 date. The new document reverses all previous development promises made to us regarding our properties. LAFCO's apparent new goal is a total of 100 homes on our private properties-preferably clustered on our 3300 acres-a density of 1 per 33 acres while retaining their 4000+ unit development on the county property of 1200 acres below. The majority of your property and CraneVeyor's is now zoned flood control-a loss of 90% of our densities.

CraneVeyor **OBJECTS** and casts a **NO** vote to the proposed action for the July 15, 2020 meeting. CraneVeyors own 2 properties totaling 30+ acres, parcels referenced above. CraneVeyor considers this a wrongful taking and inverse condemnation case as 90% of our lots have been eliminated. CraneVeyor stands to lose its entire investment money, millions of dollars, plus taxes you have paid over the last 10 years. CraneVeyor considers this city/county project to be a collusive attempt to gather a large windfall in violation of the Brown Act as the project was fully outlined in its inception in 2017 without prior advertised meetings by the county. Lastly, the county has restricted CraneVeyor's access to the property for 3+ years.

CraneVeyor will take all legal action to enforce its rights and remedies as to this proposed wrongful taking of its property.

Sincerely,

  
Randall S. Guritzky, Esq.

# OFFICE OF THE ASSESSOR

222 W Hospitality Lane  
San Bernardino, CA 92415-0311  
(909) 387-8307 • 1 (877) 885-7654  
www.SBCounty.gov/arc



BOB DUTTON

Assessor-Recorder-County Clerk

## APPOINTMENT OF AGENT

O W N E R	Full Legal Name of Owner <u>CRANEVEYOR CORP.</u>			
	Mailing Address	City	State	Zip Code
	Physical Address	City	State	Zip Code
	Contact Person and Title <u>RANDALL S. GUNTZKY</u> Telephone Number <u>[REDACTED]</u>			
P R O P E R T Y	<input checked="" type="checkbox"/> All property listed for this owner in San Bernardino County <input checked="" type="checkbox"/> All Real property listed for this owner in San Bernardino County <input checked="" type="checkbox"/> All Business and Personal Property listed for this owner in San Bernardino County <input type="checkbox"/> Other: _____			
	<input checked="" type="checkbox"/> General power to represent the owner in property tax matters concerning this property. <input type="checkbox"/> The Agent has specific powers listed below: <input type="checkbox"/> Filing of Assessor's forms <input type="checkbox"/> File Assessment Appeal applications and represent owner at appeal hearings for the assessment year: _____ (please indicate year to be appealed) and to provide me a copy of the assessment appeal application filed on my behalf. <input type="checkbox"/> Receive confidential information <input type="checkbox"/> Negotiate and resolve assessment matters <input type="checkbox"/> Change mailing address of all my property tax notices and other communications for this property, including appraisal notices, appraisal review board orders and hearing notices, tax bills, and collection notices Note: These notices can affect your legal rights. The affected offices are not required by law to send you duplicate copies. <input type="checkbox"/> Other: _____			
A G E N T S	Agent's Name: <u>RANDALL S. GUNTZKY</u>			
	Mailing Address	City	State	Zip Code
	Physical Address	City	State	Zip Code
	Contact Person and Title <u>Attorney &amp; Authorized Agent</u> Telephone Number <u>[REDACTED]</u>			

Authorization

Signature of Owner, a partner, or LLC Manager/Corporation Officer whom the Board of Directors has designated in writing to sign on behalf of the Corporation.

GREGORY BISCHOFF, President

Please print the Name and Title of the person above.

6/4/2020  
Date

Schell, Angela

RECEIVED

From: Anthony Cheng <[REDACTED]>  
Sent: Tuesday, July 14, 2020 10:36 PM  
To: Martinez, Samuel; Schell, Angela  
Subject: OPPOSED TO LAFCO ANNEXATION 4231: APN 1087-051-20-0-000

2020 JUL 15 AM 7:41

LOCAL AGENCY  
FORMATION COMMISSION

July 13, 2020

[smartinez@lafco.sbcounty.gov](mailto:smartinez@lafco.sbcounty.gov)

[lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)

RE: LAFCO ANNEXATION MEETING JULY 15, 2020 (PROPOSAL 3241)  
RANCHO CANYON PARTNER, LLC  
APN 1087-051-20-0-000

Dear Sir/Madam:

We are the landowner of the abovementioned 12.18-acre parcel of raw land that wraps around the water tank at the top of Day Creek Blvd. Our property is within the boundary of LAFCO annexation proposal 3241 and **WE ARE OPPOSED TO THIS LAFCO PROPOSAL.**

We have been advised that LAFCO amended the final report to the annexation commission, resulting in a reversal of previous zoning and development promises made to landowners in the project area. LAFCO's apparent new goal for a total of only 100 homes on our collective private properties comprised of 3,300 acres yields a density of a mere 1 per 33 acres. Meanwhile, the proposal allows an over 4,000 unit development on county owned property of 1,200 acres immediately below us.

This is clearly a case of inverse condemnation that virtually eliminates all development value in our property while allowing the city/county project to make a windfall of profits at our demise. We invested to purchase the land in 2006 and have paid significant property taxes over the last 14 years. We are currently being assessed a land value of over \$1.2 Million, which will become close to \$0 given the proposed density restriction in the annexation proposal. We have not received any of the required notices as stipulated under the Brown Act, and in fact, we have not even been able to access our own property given the county has locked public access for over three years.

We have no choice but to take legal action against this proposed wrongful devaluation and taking of our property.

Sincerely,

Anthony Cheng  
Principal of Anthem Development, LLC,  
Managing Member of Rancho Canyon Partners, LLC

---

**Anthony Cheng**  
Principal

**anthem DEVELOPMENT, LLC**

1721 W Garvey Ave, Suite H, Alhambra, CA 91803

T (626) 282-2929 | F (626) 408-6699 | M (626) 354-8353

[anthony@anthemdev.com](mailto:anthony@anthemdev.com)

PRIVILEGED/CONFIDENTIAL INFORMATION may be contained in this message. The information in this e-mail correspondence is intended for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, duplication, distribution, or the taking of any action in reliance on this correspondence is strictly prohibited. If you received this correspondence in error, please notify the sender by reply e-mail, phone or fax and destroy any and all copies of the correspondence.

RECEIVED

JUL 13 2020

LAFCO

San Bernardino County

Telephone

(909) 307-9590

Facsimile

(909) 307-9580

LAW OFFICES OF MARTIN A. CERVANTES

*Martin A. Cervantes, Attorney at Law*

1710 Plum Lane

Suite A

Redlands, California 92374

E-Mail: [mac@cervanteslaw.org](mailto:mac@cervanteslaw.org)

July 13, 2020

To: Local Agency Formation Commission

From: Martin A. Cervantes, Esq., Attorney for Hillside Owners LLC (Private Property Owners)

Subject: Agenda Item No. 11, LAFCO 3241

Purpose: **Opposition to Recommended Approval of LAFCO 3241**  
Date of Hearing: July 15, 2020  
Time of Hearing: 10:00 a.m.

LAFCO 3241 should not be approved because it invites, and will result in, an **inverse condemnation** proceeding because the proposed zoning for the privately-owned properties that will constitute the rural/conservation area (hereinafter "Hillside Owners LLC") renders the properties (believed to be identified at page 5 of the staff report, paragraph 4, as "rural/conservation") substantially without value.

The reason for the above assertion is due to the transfer of densities from the Hillside Owners LLC to the currently owned county property (identified as "neighborhood area", but currently a rock pit, on page 5, paragraph 4 of the staff report), and proposed to be annexed into the city where about 800 acres will be fully developed with private property densities.

Currently the LLC owners have densities allowing for full development. Under LAFCO 3241 densities would be taken and private properties would become "rural/conservation" rendering those private properties unreasonably valueless.

Over the past ten years or more, the Hillside Owners LLC have appeared and opposed at least three different proposals, all on the same basis that the zoning densities would be taken from them and it would render their property values substantially diminished. Once again, this LAFCO 3241 proposal, attempts to do the same thing.

The staff report supporting Item 11 is misleading because it omits discussion at page five of density transfers and fails to mention the long running battle the private property owners have had to protect densities. Nothing has changed, Hillside Owners LLC is requesting that you not approve Item 11.

Thank you.

## Martinez, Samuel

---

**From:** Anthony Maricic <[REDACTED]>  
**Sent:** Tuesday, July 14, 2020 2:07 PM  
**To:** Martinez, Samuel  
**Subject:** COMMENTS BY HILLSIDE OWNERS LLC  
**Attachments:** Scan0280.pdf; Scan0279.pdf; Scan0278.pdf; Scan0277.pdf

Pursuant to our conversation with you last month we are issuing a group memo, The owners and their info are on the protest form which was the only document we found to promptly put our information on. It is not an acceleration of the process but merely the evidence of 21 owners in our group that have a united opinion.

To: Commissioners of LAFCO

We are owners in the affected area and are requesting a NO vote on the annexation. We have participated in the process of this action for 3 years and find that the city and county have abdicated all of the promises they made us in the final documents to you.

We see the process as a collusive and rigged project where the county and the city are developing a project for their own profit. They are the institutors of the project, the planners, the recipients of the income and they run the court with an agency that they fund. In addition two of the commissioners are county Supervisors and another is related to a Rancho Cucamonga City Council member. To top it the LAFCO agents and the county have asked its own assessor to reassess the values of their properties (currently assessed as 0) to a level that would trump all of our votes.

The project is an aberration and probably unlawful. The participants should recuse themselves due to conflict of interest.

## LAND USE DESIGNATION (ZONING) RESEARCH

Zoning Research Fee: \$5.25 per parcel

Applicant Complete:

Name of Requestor: \_\_\_\_\_

Job Site Address: \_\_\_\_\_

APN: 226-061-57

Subject of Request: \_\_\_\_\_

County Staff Complete:

Map Numbers: FH 21 Index No.: \_\_\_\_\_Parcel Size: 4.35 AC Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

Official Land Use District (Zoning): RC AG RL RS RM

CO CN CR CH CG CS IC IR IN FW PD \_\_\_\_\_ Planning Area \_\_\_\_\_

Definition of Symbol: FW/PD 1/1Improvement Level: 1 2 3 4 5

Applicable Overlays: AA AP AR1 AR2 AR3 AR4 AH BR CR No Map

FS1 FS2 FS3 FP1 FP2 FP3 GH MR NE PR SR SCMap Act Violation? Appears legal on our maps. A violation is indicated.Date Completed: 4/6/05 Technician: Jaquie Bryant

This form is intended to provide only the most basic information concerning General Plan Land Use District Designation (zoning) information. More in-depth questions concerning development, construction, allowing uses and required application processes need to be directed to a Land Use Technician, along with a copy of the completed form, at one of the Public Service Counters or Planning Department locations listed below:

Building & Safety (only)  
477 Summit Blvd.  
Big Bear Lake, CA 92315  
(909) 866-0170

Building & Safety (only)  
57407 29 Palms Outer Hwy. South  
Yucca Valley, CA 92284  
(760) 228-5430

Building & Safety (only)  
26010 State Hwy. 189  
Twin Peaks, CA 92391  
(909) 336-0640

Building & Safety and Planning  
15505 Civic Drive  
Victorville, CA 92392  
(760) 241-7691/Building & Safety  
(760) 243-8245/Planning

Building & Safety and Planning  
385 N. Arrowhead Avenue  
San Bernardino, CA 92415  
(909) 387-8311/Building & Safety  
(909) 387-4131/Planning

**NOTE:** Not all offices are open from 8:00 a.m. to 5:00 p.m. Please call to ascertain office hours before going into an office. If you need to see a representative from Planning, please call for an appointment in order to save you time.



Southern California Edison Company  
91737

## Property Details

APN: 0201-281-13-0000  
San Bernardino County

### Owner Information

Primary Owner: SOUTHERN CALIFORNIA EDISON  
COMPANY

Secondary Owner:

Mail Address: 2 INNOVATION WAY # 2ND  
POMONA CA 91768

Site Address: 91737

Assessor Parcel Number: 0201-281-13-0000

Census Tract:

Tract Number:

Lot Number:

Legal description: District: 08 Abbreviated Description: DIST:08 CITY:CITY OF CHINO HILLS SEC/TWN/RNG/MER:SEC 13  
TWP 1N RNG 7W (MAP 148 36 67C PAR NO 1) THAT PTN OF S 1/2 S 1/2 SEC 13 TP 1N R 7W LYING  
WITHIN A STRIP OF LAND 150 FT WIDE THE SLY LI OF SD City/Muni/Twp: CITY OF CHINO HILLS

### Property Characteristics

Bedrooms:

Year Built:

Pool:

Bathrooms:

Square Feet:

Lot Size: 17.664 AC

Partial Baths:

Number of Units: 0

No of Stories:

Total Rooms:

Garage:

Fire Place:

Property Type: Commercial Vacant Land

Building Style:

Owner  
Exclusions:

Use Code: Vacant Land (General)

Zoning:

### Latest Arm's Length Sale Information

Sale Date:

Document #:

Sale Amount: N/A

Seller:

Sale Type:

Cost/SF: N/A

### Assessment & Tax Information

Assessed Value: 0\*

Land Value:

Imp. Value:

Homeowner  
Exemption:

% Improvement:

Tax Amount:

Tax Status:

Tax Year: 2019

Tax Rate Area: 52-043

Tax Account ID:

\*EXEMPT  
ASSESSED AT \$2,000,000 (\$113,224/ACRE)  
FOR PURPOSES OF LAFco 3241





Southern California Edison Company  
4931 Wardman Bullock Rd, Etiwanda, CA 91739

## Property Details

APN: 0226-082-30-0000  
San Bernardino County

### Owner Information

Primary Owner: SOUTHERN CALIFORNIA EDISON  
COMPANY

Secondary Owner:

Mail Address: 2 INNOVATION WAY # 2ND  
POMONA CA 91768

Site Address: 4931 WARDMAN BULLOCK RD  
ETIWANDA CA 91739

Assessor Parcel Number: 0226-082-30-0000

Census Tract: 0020.22

Tract Number:

Lot Number:

Legal description: District: 08 Abbreviated Description: DIST:08 CITY:BARSTOW UNIFIED MAP 148 36 176 PAR 2 EX MNL  
RTS RESERVATION OF RECORD City/Muni/Twp: BARSTOW UNIFIED

### Property Characteristics

Bedrooms:

Year Built:

Pool:

Bathrooms:

Square Feet:

Lot Size: 20.4 AC

Partial Baths:

Number of Units: 0

No of Stories:

Total Rooms:

Garage:

Fire Place:

Property Type: Commercial Vacant Land

Building Style:

Owner  
Exclusions:

Use Code: Industrial-Vacant Land

Zoning:

### Latest Arm's Length Sale Information

Sale Date:

Document #:

Sale Amount: N/A

Seller:

Sale Type:

Cost/SF: N/A

### Assessment & Tax Information

Assessed Value: 0\*

Land Value:

Imp. Value:

Homeowner  
Exemption:

% Improvement:

Tax Amount:

Tax Status:

Tax Year: 2019

Tax Rate Area: 70-007

Tax Account ID:

\* EXEMPT  
ASSESSED AT \$1,062,000 (52,059/Ac.)  
FOR PURPOSES OF LAFCO 3421



So Calif Edison Co  
91739

## Property Details

APN: 1087-051-11-0000  
San Bernardino County

### Owner Information

Primary Owner: **SO CALIF EDISON CO**

Mail Address:

Secondary Owner:

Site Address:

91739

Assessor Parcel Number: **1087-051-11-0000**

Census Tract:

Tract Number:

Lot Number:

Legal description: **District: 08 Abbreviated Description: DIST:08 CITY:BARSTOW UNIFIED MAP 148 36 67D PAR 3**  
**City/Muni/Twp: BARSTOW UNIFIED**

### Property Characteristics

Bedrooms:

Year Built:

Pool:

Bathrooms:

Square Feet:

Lot Size: **40 AC**

Partial Baths:

Number of Units: **0**

No of Stories:

Total Rooms:

Garage:

Fire Place:

Property Type: **Commercial Vacant Land**

Building Style:

Owner  
Exclusions:

Use Code: **Vacant Land (General)**

Zoning:

### Latest Arm's Length Sale Information

Sale Date:

Document #:

Sale Amount: **N/A**

Seller:

Sale Type:

Cost/SF: **N/A**

### Assessment & Tax Information

Assessed Value: **\*0**

Land Value:

Imp. Value:

Homeowner  
Exemption:

% Improvement:

Tax Amount:

Tax Status:

Tax Year: **2019**

Tax Rate Area: **70-023**

Tax Account ID:

**\* EXEMPT**  
**ASSESSED at \$2,448,000 (\$61,200/Ac.)**  
**for purposes of LAFCO 3241**



Southern California Edison Company  
91739

## Property Details

APN: 1087-051-12-0000  
San Bernardino County

### Owner Information

Primary Owner: SOUTHERN CALIFORNIA EDISON  
COMPANY

Secondary Owner:

Mail Address:

Site Address:

91739

Assessor Parcel Number: 1087-051-12-0000

Census Tract:

Tract Number:

Lot Number:

Legal description: District: 08 Abbreviated Description: DIST:08 CITY:BARSTOW UNIFIED MAP 148 36 67E PARCEL NO 1  
LAND CHG FOR 89 PG 5 City/Muni/Twp: BARSTOW UNIFIED

### Property Characteristics

Bedrooms:

Year Built:

Pool:

Bathrooms:

Square Feet:

Lot Size: 78.536 AC

Partial Baths:

Number of Units: 0

No of Stories:

Total Rooms:

Garage:

Fire Place:

Property Type: Commercial Vacant Land

Building Style:

Owner  
Exclusions:

Use Code: Vacant Land (General)

Zoning:

### Latest Arm's Length Sale Information

Sale Date:

Document #:

Sale Amount: N/A

Seller:

Sale Type:

Cost/SF: N/A

### Assessment & Tax Information

Assessed Value: \*0

Land Value:

Imp. Value:

Homeowner  
Exemption:

% Improvement:

Tax Amount:

Tax Status:

Tax Year: 2019

Tax Rate Area: 70-023

Tax Account ID:

\* EXEMPT  
ASSESSED AT \$3,985,000 (\$50,741/Ac.)  
FOR PURPOSES OF LAFCO 3241



Southern California Edison Company  
91739

## Property Details

APN: 1087-051-24-0000  
San Bernardino County

### Owner Information

Primary Owner: SOUTHERN CALIFORNIA EDISON  
COMPANY

Secondary Owner:

Mail Address:

Site Address: 91739

Assessor Parcel Number: 1087-051-24-0000

Census Tract:

Tract Number:

Lot Number:

Legal description: District: 08 Abbreviated Description: DIST:08 CITY:BARSTOW UNIFIED SEC/TWN/RNG/MER:SEC 17  
TWP 1N RNG 6W THAT PTN W 1/2 SW 1/4 SW 1/4 SEC 17 TP 1N R 6W LYING S OF A LI PARALLEL  
WITH AND 300 FT N MEAS AT R/A FROM N LI OF A 450 FT City/Muni/Twp: BARSTOW UNIFIED

### Property Characteristics

Bedrooms:

Year Built:

Pool:

Bathrooms:

Square Feet:

Lot Size: 12.1 AC

Partial Baths:

Number of Units: 0

No of Stories:

Total Rooms:

Garage:

Fire Place:

Property Type: Commercial Vacant Land

Building Style:

Owner  
Exclusions:

Use Code: Vacant Land (General)

Zoning:

### Latest Arm's Length Sale Information

Sale Date:

Document #:

Sale Amount: N/A

Seller:

Sale Type:

Cost/SF: N/A

### Assessment & Tax Information

Assessed Value: \$0

Land Value:

Imp. Value:

Homeowner  
Exemption:

% Improvement:

Tax Amount:

Tax Status:

Tax Year: 2019

Tax Rate Area: 70-023

Tax Account ID:

\* EXEMPT  
ASSESSED AT \$1,815,000 (\$150,000/AC)  
FOR PURPOSES OF LAFCD 32411



County Service Area 120 Special Districts Department  
4686 East Ave, Etiwanda, CA 91739

## Property Details

APN: 1087-061-02-0000  
San Bernardino County

### Owner Information

Primary Owner: **COUNTY SERVICE AREA 120  
SPECIAL DISTRICTS  
DEPARTMENT**

Secondary Owner:

Mail Address: **157 W 5TH ST # 2ND  
SAN BERNARDINO CA 92415**

Site Address: **4686 EAST AVE  
ETIWANDA CA 91739**

Assessor Parcel Number: **1087-061-02-0000**

Census Tract: **0020.22**

Tract Number:

Lot Number:

Legal description: **District: 08 Abbreviated Description: DIST:08 CITY:RANCHO CUCAMONGA SEC/TWN/RNG/MER:SEC  
16 TWP 1N RNG 6W N 1/2 SW 1/4 AND S 1/2 S 1/2 NW 1/4 SEC 16 TP 1N R 6W City/Muni/Twp: RANCHO  
CUCAMONGA**

### Property Characteristics

Bedrooms:

Year Built:

Pool:

Bathrooms:

Square Feet:

Lot Size: **121.811 AC**

Partial Baths:

Number of Units: **0**

No of Stories:

Total Rooms:

Garage:

Fire Place:

Property Type: **Residential Vacant Land**

Building Style:

Owner  
Exclusions:

Use Code: **Residential-Vacant Land**

Zoning:

### Latest Arm's Length Sale Information

Sale Date: **09/08/2017**

Document #: **2017-0371087**

Sale Amount: **N/A**

Seller: **COUNTY SERVICE  
AREA 70  
IMPROVEMENT  
ZONE**

Sale Type:

Cost/SF:

### Assessment & Tax Information

Assessed Value: **0\***

Land Value:

Imp. Value:

Homeowner  
Exemption:

% Improvement:

Tax Amount:

Tax Status:

Tax Year: **2019**

Tax Rate Area: **70-023**

Tax Account ID:

**\* EXEMPT**  
**ASSESSED AT \$ 4,150,860 (\$34,077/AC.)**  
**FOR PURPOSES OF LAFCO 3241**



County Service Area 120 Special Districts Department  
91739

## Property Details

APN: 1087-051-05-0000  
San Bernardino County

### Owner Information

Primary Owner: COUNTY SERVICE AREA 120  
SPECIAL DISTRICTS  
DEPARTMENT

Secondary Owner:

Mail Address: 157 W 5TH ST # 2ND  
SAN BERNARDINO CA 92415

Site Address: 91739

Assessor Parcel Number: 1087-051-05-0000

Census Tract:

Tract Number:

Lot Number:

Legal description: District: 08 Abbreviated Description: DIST:08 CITY:BARSTOW UNIFIED SEC/TWN/RNG/MER:SEC 17  
TWP 1N RNG 6W THAT PTN SEC 17 TP 1N R 6W WHICH LIES N OF LI PARALLEL WITH AND DISTANT  
NLY 3300 FT FROM S BNDRY SD SEC 243.66 AC M/L EX City/Muni/Twp: BARSTOW UNIFIED

### Property Characteristics

Bedrooms:

Year Built:

Pool:

Bathrooms:

Square Feet:

Lot Size: 200.33 AC

Partial Baths:

Number of Units: 0

No of Stories:

Total Rooms:

Garage:

Fire Place:

Property Type: Commercial Vacant Land

Building Style:

Owner  
Exclusions:

Use Code: Rural/Agricultural - Vacant Land

Zoning:

### Latest Arm's Length Sale Information

Sale Date: 09/08/2017

Document #: 2017-0371087

Sale Amount: N/A

Seller: COUNTY SERVICE  
AREA 70  
IMPROVEMENT  
ZONE

Sale Type:

Cost/SF:

### Assessment & Tax Information

Assessed Value: 0\*

Land Value:

Imp. Value:

Homeowner  
Exemption:

% Improvement:

Tax Amount:

Tax Status:

Tax Year: 2019

Tax Rate Area: 70-023

Tax Account ID:

\* EXEMPT

ASSESSED AT \$6,872,341

(\$34,305/AC.)

FOR PURPOSES OF LAFCO 3241



Henderson Creek Properties Llc  
Etiwanda Ave, Rancho Cucamonga, CA 91739

## Property Details

APN: 1087-041-01-0000  
San Bernardino County

### Owner Information

Primary Owner: **HENDERSON CREEK  
PROPERTIES LLC**

Secondary Owner:

Mail Address: **29932 MORONGO PL  
LAGUNA NIGUEL CA 92677**

Site Address: **ETIWANDA AVE  
RANCHO CUCAMONGA CA 91739**

Assessor Parcel Number: **1087-041-01-0000**

Census Tract:

Tract Number:

Lot Number:

Legal description: **District: 08 Abbreviated Description: DIST:08 CITY:BARSTOW UNIFIED SEC/TWN/RNG/MER:SEC 8  
TWP 1N RNG 6W E 1/2 SE 1/4 SEC 8 TP 1N R 6W 80 AC City/Muni/Twp: BARSTOW UNIFIED**

### Property Characteristics

Bedrooms:

Year Built:

Pool:

Bathrooms:

Square Feet:

Lot Size: **80 AC**

Partial Baths:

Number of Units: **0**

No of Stories:

Total Rooms:

Garage:

Fire Place:

Property Type: **Residential Vacant Land**

Building Style:

Owner  
Exclusions:

Use Code: **Residential-Vacant Land**

Zoning:

### Latest Arm's Length Sale Information

Sale Date: **03/30/2011**

Document #: **2011-0127689**

Sale Amount: **N/A**

Seller: **ETIWANDA  
MITIGATION LAND  
INC**

Sale Type:

Cost/SF:

### Assessment & Tax Information

Assessed Value: **\$55,543**

Land Value: **\$55,543**

Imp. Value:

Homeowner  
Exemption:

% Improvement:

Tax Amount: **\$751.37**

Tax Status: **Delinquent: 2018,2019**

Tax Year: **2019**

Tax Rate Area: **70-029**

Tax Account ID:



Henderson Creek Properties Llc  
4374 East Ave, Etiwanda, CA 91739

## Property Details

APN: 1087-061-01-0000  
San Bernardino County

### Owner Information

Primary Owner: **HENDERSON CREEK  
PROPERTIES LLC**

Secondary Owner:

Mail Address: **29932 MORONGO PL  
LAGUNA NIGUEL CA 92677**

Site Address: **4374 EAST AVE  
ETIWANDA CA 91739**

Assessor Parcel Number: **1087-061-01-0000**

Census Tract:

Tract Number:

Lot Number:

Legal description: **District: 08 Abbreviated Description: DIST:08 CITY:BARSTOW UNIFIED SEC/TWN/RNG/MER:SEC 16  
TWP 1N RNG 6W NW 1/4 SEC 16 TP 1N R 6W EX S 1/2 S 1/2 SD NW 1/4 City/Muni/Twp: BARSTOW  
UNIFIED**

### Property Characteristics

Bedrooms:

Year Built:

Pool:

Bathrooms:

Square Feet:

Lot Size: **94.272 AC**

Partial Baths:

Number of Units: **0**

No of Stories:

Total Rooms:

Garage:

Fire Place:

Property Type: **Commercial Vacant Land**

Building Style:

Owner  
Exclusions:

Use Code: **Private Preserve, Open Space-Vacant Land (Forest Land,  
Conservation)**

Zoning:

### Latest Arm's Length Sale Information

Sale Date: **03/30/2011**

Document #: **2011-0127689**

Sale Amount: **N/A**

Seller: **ETIWANDA  
MITIGATION LAND  
INC**

Sale Type:

Cost/SF:

### Assessment & Tax Information

Assessed Value: **\$66,269**

Land Value: **\$66,269**

Imp. Value:

Homeowner  
Exemption:

% Improvement:

Tax Amount: **\$1,228.32**

Tax Status: **Delinquent: 2018,2019**

Tax Year: **2019**

Tax Rate Area: **70-023**

Tax Account ID:





Warm Springs Investments Ltd

## Property Details

APN: 1087-051-02-0000  
San Bernardino County

### Owner Information

Primary Owner: **WARM SPRINGS INVESTMENTS LTD**

Secondary Owner:

Mail Address: **3161 MICHELSON DR STE 425  
IRVINE CA 92612**

Site Address:

Assessor Parcel Number: **1087-051-02-0000**

Census Tract:

Tract Number:

Lot Number:

Legal description: **District: 08 Abbreviated Description: DIST:08 CITY:BARSTOW UNIFIED SEC/TWN/RNG/MER:SEC 18  
TWP 1N RNG 6W E 1/2 W 1/2 AND W 1/2 E 1/2 SEC 18 TP 1N R 6W EX SW 1/4 SE 1/4 280 AC  
City/Muni/Twp: BARSTOW UNIFIED**

### Property Characteristics

Bedrooms:

Year Built:

Pool:

Bathrooms:

Square Feet:

Lot Size: **280 AC**

Partial Baths:

Number of Units: **0**

No of Stories:

Total Rooms:

Garage:

Fire Place:

Property Type: **Residential Vacant Land**

Building Style:

Owner  
Exclusions:

Use Code: **Residential-Vacant Land**

Zoning:

### Latest Ann's Length Sale Information

Sale Date:

Document #:

Sale Amount: **N/A**

Seller:

Sale Type:

Cost/SF: **N/A**

### Assessment & Tax Information

Assessed Value: **\$549,224**

Land Value: **\$549,224**

Imp. Value:

Homeowner  
Exemption:

% Improvement:

Tax Amount: **\$5,856.45**

Tax Status: **Current**

Tax Year: **2019**

Tax Rate Area: **70-023**

Tax Account ID:



APN 1087-051-05  
COUNTY SERVICE AREA 120  
\$6,872,341  
200.33 AC.

APN 1087-051-18  
COUNTY SERVICE AREA 120  
\$10,451,793

APN 1087-051-12  
SOUTHERN CALIF. EDISON  
\$3,985,000  
78.536 AC.

APN 1087-061-02  
COUNTY SERVICE AREA 120  
\$4,150,860  
121.811 AC.

CUNNINGHAM  
APN 1067-061-04  
\$188,647  
47.4 AC.  
(+ HOUSE)





# **Government Code Section 56895**

**Attachment 2**

## Government Code Section 56895

(a) When a commission has adopted a resolution making determinations, any person or affected agency may file a written request with the executive officer requesting amendments to or reconsideration of the resolution. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration. If the request is filed by a school district that received notification pursuant to Section 56658, the commission shall consider that request at a public hearing.

(b) Notwithstanding Section 56106, the deadlines set by this section are mandatory. The person or agency shall file the written request within 30 days of the adoption of the initial or superseding resolution by the commission making determinations. If no person or agency files a timely request, the commission shall not take any action pursuant to this section.

(c) Upon receipt of a timely request, the executive officer shall not take any further action until the commission acts on the request.

(d) Upon receipt of a timely request by the executive officer, the time to file any action, including, but not limited to, an action pursuant to Section 21167 of the Public Resources Code and any provisions of Part 4 (commencing with Section 57000) governing the time within which the commission is to act shall be tolled for the time that the commission takes to act on the request.

(e) The executive officer shall place the request on the agenda of the next meeting of the commission for which notice can be given pursuant to this subdivision. The executive officer shall give notice of the consideration of the request by the commission in the same manner as for the original proposal. The executive officer may give notice in any other manner as he or she deems necessary or desirable.

(f) At that meeting, the commission shall consider the request and receive any oral or written testimony. The consideration may be continued from time to time but not to exceed 35 days from the date specified in the notice. The person or agency that filed the request may withdraw it at any time prior to the conclusion of the consideration by the commission.

(g) At the conclusion of its consideration, the commission may approve with or without amendment, wholly, partially, or conditionally, or disapprove the request. If the commission disapproves the request, it shall not adopt a new resolution making determinations. If the commission approves the request, with or without amendment, wholly, partially, or conditionally, the commission shall adopt a resolution making determinations that shall supersede the resolution previously issued.

(h) The determinations of the commission shall be final and conclusive. No person or agency shall make any further request for the same change or a substantially similar change, as determined by the commission.

(i) Notwithstanding subdivision (h), clerical errors or mistakes may be corrected pursuant to Section 56883.

**Commission's Policy and  
Procedure Related to  
Requests for Reconsideration**

**Attachment 3**

**7. REQUESTS FOR RECONSIDERATION** (*Adopted January 24, 1979; Amended April 9, 1980, June 8, 1983, May 18, 1988, August 29, 1990 and legislatively amended January 1, 2001.*)

Requests for reconsideration will be granted only when the petitioner can present some compelling new evidence, or show that significant factors relative to the situation were overlooked or have changed. The request shall be submitted in writing to the Executive Officer within thirty (30) days of the Commission's decision. No request shall be deemed filed unless appropriate filing fees are submitted. In the event multiple requests for reconsideration are filed, the Executive Officer will divide a single reconsideration fee among the various petitioners for reconsideration.

**PROCEDURE:**

Upon receipt of a legally filed request for reconsideration, the Executive Officer shall place the request on the agenda of the next Commission meeting for which notice can be provided. At the hearing, the Executive Officer will present the staff report and recommendations to the Commission and respond to questions. The Commission will then allow submission of any oral or written testimony on the issue; however, at the Chair's discretion, time limits may be placed on those wishing to provide an oral presentation. At the close of the hearing, the Commission may take one of the following actions:

- A. The Commission may approve the request, and adopt a resolution superseding the resolution previously issued;
- B. The Commission may deny the request; or
- C. The Commission may continue the hearing for a maximum of seventy (70) days.

**Request for Values of Exempt  
Properties Dated June 25, 2020**

**Attachment 4**

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE :** JUNE 25, 2020   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** DIANA TICKEMYER, Chief Appraiser, County Assessor's Office

---

**SUBJECT: REQUEST FOR VALUE OF EXEMPT PROPERTIES**

---

LAFCO is currently processing an annexation proposal from the City of Rancho Cucamonga which proposes to annex several parcels that includes the City's northern unincorporated sphere of influence easterly of Haven Avenue. A copy of the map and legal description is attached for your information. This proposal combines exempt and privately held property and a value for protest provision needs to be applied. In keeping with the provisions of Government Code Section 56126, LAFCO is requesting that your office provide estimated land values for the following parcels:

CITY OF RANCHO CUCAMONGA	022509103
COUNTY OF SAN BERNARDINO	108705108 108706117
COUNTY SERVICE AREA 120	020128106 022606163 022608208 022608220 022608221 108705104 108705105 108705116 108705118 108705119 108706102
COUNTY SERVICE AREA 70 IMPROV ZONE 0	108706103
CUCAMONGA COUNTY WATER DISTRICT	020103336 020128118
GOVERNMENT LAND	020128102 020128104 020128117
INLAND EMPIRE RESOURCE CONSERVATION	022606116 022606162
METRO WATER DIST/SO CALIF	022608219



SAN BERNARDINO CO FLOOD CONTROL DIST	020103335
	020103337
	020103338
	020128119
	020128122
	022509105
	022509106
	022509201
	108705113
	108705114
	108706113
	108707101
	108707102
	108707103
	108707104
	108707105
	108707106
	108707107
	108707108
	108707109
	108707110
	108707111
	108707112
	108707113
	108707114
	108707118
	108707119
	108707120
UNITED STATES OF AMERICA (USDA)	108705103
SOUTHERN CALIFORNIA EDISON COMPANY	020128113
	022608230
	108705111
	108705112
	108705124

The Commission hearing for this proposal is currently scheduled for July 15<sup>th</sup>; therefore, a response to this request needs to be received no later than July 7<sup>th</sup> to be included in the staff report. Should you have any questions on this request, or the area of consideration, please contact me at 909-388-0480. Thank you for your assistance.

cc: Chris Wilhite, Assistant Assessor

**Response from the County  
Assessor on the Land Values  
for the Exempt Parcels**

**Attachment 5**

## Martinez, Samuel

---

**From:** Tickemyer, Diana - ARC  
**Sent:** Thursday, August 27, 2020 4:47 PM  
**To:** Martinez, Samuel  
**Cc:** Wilhite, Chris - ARC  
**Subject:** RE: Request for Value of Exempt Properties within LAFCO 3241

Hi Sam,

Regarding the Assessor's reported values, the assessments reflect the prescribed method in accordance with the Revenue and Taxation Code for preparing the annual roll. Methods used for LAFCO 3241 include prior established base year values factored to the current roll year and in some cases current market values where a base year value was not established.

The values for the SCE owned parcels are State assessed and were provided by the State Board of Equalization (BOE). State assessed properties are not subject to the provisions of Proposition 13 and are assessed annually by the BOE.

Please let me know if you need anything further.

Sincerely,

*Diana Tickemyer*



**Notice of Hearing,  
Notice to Landowners/Registered  
Voters within LAFCO 3241, and  
Agenda Notice**

**Attachment 6**

# Inland Valley Daily Bulletin

(formerly The Daily Report)  
9616 Archibald Avenue Suite 100  
Rancho Cucamonga, CA 91730  
909-987-6397  
legals@inlandnewspapers.com

5005702

CALIFORNIA NEWSPAPER SERVICE BUREAU -  
SB/CTY  
PO BOX 60460  
LOS ANGELES, CA 90060

FILE NO. 3373426

## PROOF OF PUBLICATION (2015.5 C.C.P.)

### STATE OF CALIFORNIA County of San Bernardino

I am a citizen of the United States, I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation printed and published daily for the City of Ontario, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, on the date of August 24, 1951, Case Number 70663. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

06/24/2020

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at Rancho Cucamonga, San Bernardino Co., California, on this 29th day of June, 2020.

*Eva Alnida*

Signature



\* A 0 0 0 0 5 4 4 3 5 3 3 \*

(Space below for use of County Clerk Only)

Legal No. 0011392858

### NOTICE OF HEARING

Notice is hereby given that the Local Agency Formation Commission for San Bernardino County will hold a public hearing:

JULY 15, 2020

Via VIDEOCONFERENCE/TELECONFERENCE and/or LIVE STREAM

The Local Agency Formation Commission for San Bernardino County (LAFCO or Commission) will conduct this meeting virtually by videoconference and/or teleconference in compliance with the Governor's Executive Order N-29-20. The public may participate in the meeting by joining the meeting virtually, by phone, or viewing the meeting live:

- Join the virtual meeting on Zoom using the following link: <https://zoom.us/j/81870859765>
- Listen to the meeting by calling (669) 900-9128 and enter the Meeting ID: 81870859765#
- Watch the meeting via YouTube live stream using the following link: [https://www.youtube.com/channel/UCpEpEankM-uoTTa8c\\_OyV1Q](https://www.youtube.com/channel/UCpEpEankM-uoTTa8c_OyV1Q)

The public may provide general comments and comments on specific agenda items, as described below:

- On Zoom video conference via the web or the Zoom App, click the 'Raise Hand' button when the item you wish to comment on is being discussed.
- On Zoom via phone, you can also raise your hand by pressing \*9 when the item you wish to comment on is being discussed.

Alternatively, if you wish to make written comments on specific agenda items, make general comments, or submit testimony for public hearing items, you can send comments and testimony to LAFCO, limited to a maximum of 250 words, by email at [lafoo@lafoo.sbcounty.gov](mailto:lafoo@lafoo.sbcounty.gov), online at [www.sbclafoo.org/AgendaandNotices/Agendas/PublicComments.aspx](http://www.sbclafoo.org/AgendaandNotices/Agendas/PublicComments.aspx), or by mail to LAFCO, 1170 West 3rd Street, Unit 150, San Bernardino, CA 92415-0490, for receipt no later than 7:30 a.m. on the meeting day. These comments and testimony will be read on to the meeting record at the appropriate time.

9:00 A.M. - Convene Regular Meeting

#### PUBLIC HEARING ITEMS:

11. Consideration of: (1) Final Environmental Impact Report Adopted by the City of Rancho Cucamonga for the Etiwanda Heights Neighborhood & Conservation Plan (SCH No. 2017091027), as CEQA Responsible Agency for LAFCO 3241; (2) Adoption of Facts, Findings and Statement of Overriding Considerations; and (3) LAFCO 3241 - Reorganization to Include Annexation to the City of Rancho Cucamonga and Detachment from County Service Area 70 (Etiwanda Heights Neighborhood & Conservation Plan)

The proposed reorganization area encompasses 4,085 +/- acres and generally includes the northern unincorporated sphere of influence for the City of Rancho Cucamonga easterly of Haven Avenue. The area is bordered by the natural extension of Haven Avenue on the west, parcel lines along the San Bernardino National Forest boundary on the north, parcel lines (City of Fontana boundary) on the east, and a combination of parcel lines, Wilson Avenue, Wilson Street and Milliken Avenue (City of Rancho Cucamonga boundary) on the south. The area includes the project known as the Etiwanda Heights Neighborhood and Conservation Plan (Specific Plan).



# LAFCO

**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

**COMMISSIONERS**

JIM BAGLEY  
Public Member

DR. KIMBERLY COX  
Special District

JAMES V. CURATALO, Vice Chair  
Special District

ROBERT A. LOVINGOOD  
Board of Supervisors

LARRY McCALLON, Chair  
City Member

DAWN ROWE  
Board of Supervisors

ACQUANETTA WARREN  
City Member

**ALTERNATES**

DIETER C. DAMMEIER  
Public Member

RICK DENISON  
City Member

STEVEN FARRELL  
Special District

JANICE RUTHERFORD  
Board of Supervisors

**EXECUTIVE OFFICER**

SAMUEL MARTINEZ

**LEGAL COUNSEL**

PAULA DE SOUSA

## NOTICE TO LANDOWNERS AND REGISTERED VOTERS WITHIN LAFCO 3241

June 23, 2020

Dear Landowner and/or Registered Voter:

RE: LAFCO 3241 – Reorganization to Include Annexation to the City of Rancho Cucamonga and Detachment from County Service Area 70 (Etiwanda Heights Neighborhood & Conservation Plan)

This Notice is to advise you that the Local Agency Formation Commission (LAFCO) for San Bernardino County will hold a public hearing to consider a proposal to annex lands into the City of Rancho Cucamonga that includes your property and/or where you reside in the unincorporated area of the City of Rancho Cucamonga's sphere of influence. The meeting at which this matter will be considered will be held:

**Wednesday, July 15, 2020, 9:00 a.m.**

**Via VIDEOCONFERENCE/TELECONFERENCE and/or LIVE STREAM**

LAFCO will conduct this meeting virtually by videoconference and/or teleconference in compliance with the Governor's Executive Order N-29-20. The public may participate in the meeting by joining the meeting virtually, by phone, or viewing the meeting live:

- Join the virtual meeting on Zoom using the following link:  
<https://zoom.us/j/81870859765>
- Listen to the meeting by calling (669) 900-9128 and enter the Meeting ID: 81870859765#
- Watch the meeting via YouTube live stream using the following link:  
[https://www.youtube.com/channel/UCpEpEankM-uoTTa8c\\_OyV1Q](https://www.youtube.com/channel/UCpEpEankM-uoTTa8c_OyV1Q)

**You may provide comments on this item as described below:**

- On Zoom video conference via the web or the Zoom App, click the 'Raise Hand' button when this item is being discussed.
- On Zoom via phone, you can also raise your hand by pressing \*9 when this item is being discussed.

Alternatively, if you wish to make written comments on this item, you can send comments and testimony to LAFCO, limited to a maximum of 250 words, by email at [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov), online at [www.sbclafco.org/AgendaandNotices/Agendas/PublicComments.aspx](http://www.sbclafco.org/AgendaandNotices/Agendas/PublicComments.aspx), or by mail to LAFCO, 1170 West 3rd Street, Unit 150, San Bernardino, CA 92415-0490, for receipt no later than 7:30 a.m. on the meeting day. These comments and testimony will be read on to the meeting record at the appropriate time.

**PROJECT LOCATION:** The reorganization proposal (LAFCO 3241) encompasses approximately 4,085 acres and generally includes the northern unincorporated sphere of influence for the City of Rancho Cucamonga easterly of Haven Avenue. The area is bordered by the natural extension of Haven Avenue on the west, parcel lines along the San Bernardino National Forest boundary on the north, parcel lines (City of Fontana boundary) on the east, and a combination of parcel lines, Wilson Avenue, Wilson Street and Milliken Avenue (City of Rancho Cucamonga boundary) on the south. The area includes the project known as the Etiwanda Heights Neighborhood and Conservation Plan.

**PROJECT DESCRIPTION:** The proposed reorganization has been initiated by resolution of the City Council of the City of Rancho Cucamonga. The purpose of this reorganization proposal is to annex the entirety of the unincorporated area of the Etiwanda Heights Neighborhood and Conservation Plan, which is a specific plan that designates the southern portion of the Plan encompassing approximately 790 acres as Neighborhood Area comprising of a variety of neighborhoods and neighborhood-serving shops/restaurants while the northern portion of the Plan encompassing approximately 3,603 acres is designated as Rural/Conservation Area that promote conservation in order to protect the foothills from patchwork development as well as to conserve the foothills' unique habitat resources.

The annexation proposal is to provide municipal-level services, particularly within the Neighborhood Area, through the City of Rancho Cucamonga and its related service providers. Upon annexation, the area will receive City services such as law enforcement, park and recreation, animal control and other municipal-type services. Other current service providers for the Neighborhood Area are the Cucamonga Valley Water District (water and wastewater collection), the Inland Empire Utilities Agency (wastewater treatment). There will be no change in jurisdiction for the Inland Empire Resource Conservation District and the Rancho Cucamonga Fire Protection District (fire protection and emergency medical response service provider).

A map of the reorganization area is attached. If you have any questions regarding the annexation process or this notice, please contact the LAFCO staff at (909) 388-0480, at our mailing address—1170 West 3rd Street, Unit 150, San Bernardino, CA 92415-0490, or by email at [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov). The staff report for this item will be available for review on the LAFCO Website ([www.sbclafco.org](http://www.sbclafco.org)) at approximately 8:00 a.m. on Thursday, July 9, 2020.

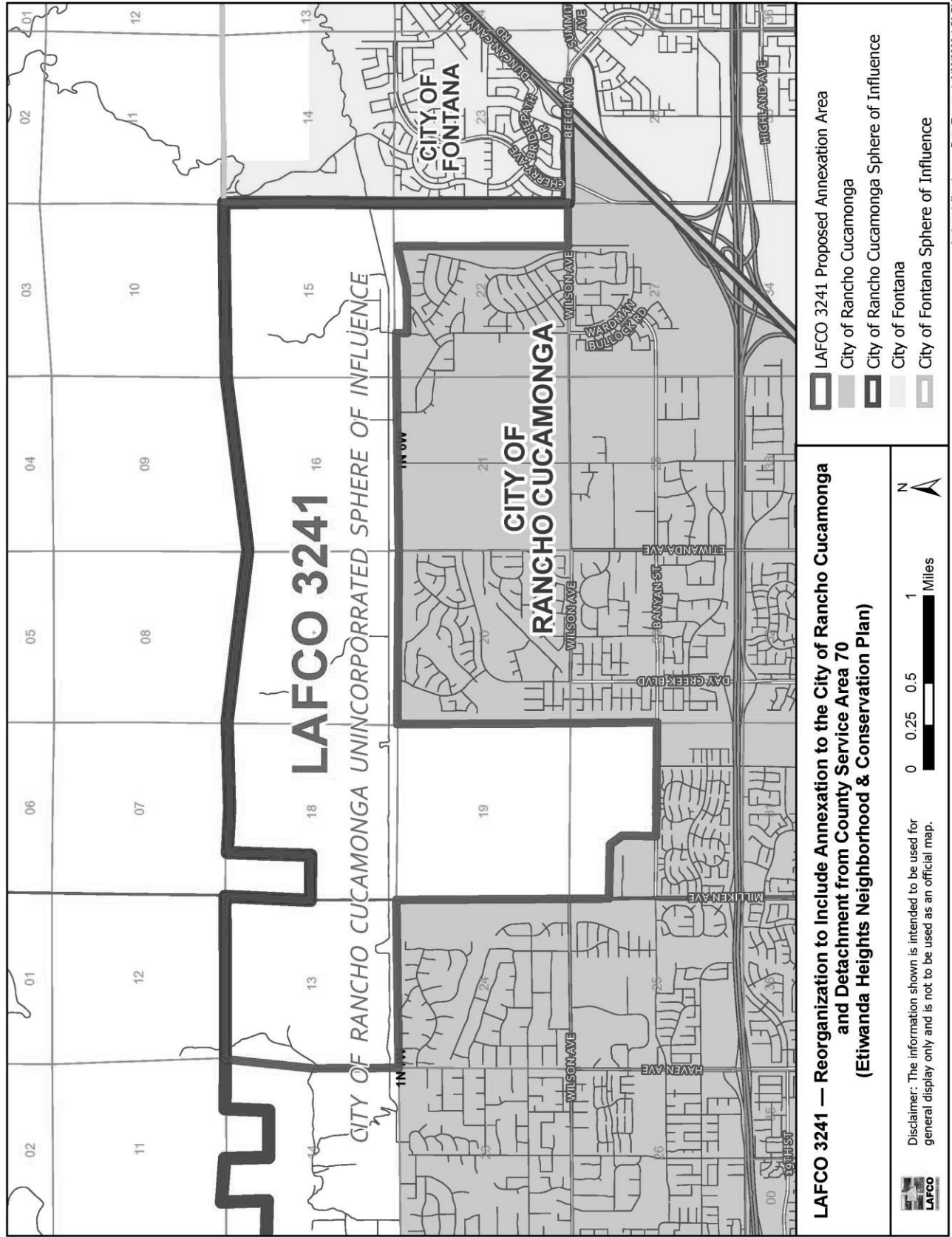
For background information on the Etiwanda Heights Neighborhood and Conservation Plan and/or questions on the services to be provided from the City of Rancho Cucamonga, please contact either Matt Burris, Deputy City Manager, at (909) 774-4201 or his email at [Matt.Burris@cityofrc.us](mailto:Matt.Burris@cityofrc.us) or Michael Smith, Principal Planner, at (909) 774-4317 or his email at [Michael.Smith@cityofrc.us](mailto:Michael.Smith@cityofrc.us). Both can also be reached by mail at 10500 Civic Center Drive, Rancho Cucamonga, CA 91730.

Sincerely,



SAMUEL MARTINEZ  
Executive Officer

cc: Matt Burris, Deputy City Manager, City of Rancho Cucamonga  
Michael Smith, Principal Planner, City of Rancho Cucamonga





# **AGENDA**

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

### **REGULAR MEETING OF JULY 15, 2020**

#### **IMPORTANT NOTICE REGARDING THE JULY 15, 2020 COMMISSION MEETING**

The Local Agency Formation Commission for San Bernardino County (LAFCO or Commission) will conduct this meeting virtually by videoconference and/or teleconference in compliance with waivers to certain Brown Act provisions under the Governor's Executive Order N-29-20, and members of the Commission or LAFCO staff will participate in this meeting telephonically or electronically. The public may participate in the meeting by joining the meeting virtually, by phone, or viewing the meeting live, and may provide general comments and comments on specific agenda items, as described below:

#### **Instructions for Viewing or Listening to the meeting:**

Members of the public may:

- Join the virtual meeting on Zoom using the following link: <https://zoom.us/j/81870859765>
- Listen to the meeting by calling (669) 900-9128 and enter the Meeting ID: 81870859765#
- Watch the meeting via YouTube live stream using the following link: [https://www.youtube.com/channel/UCpEpEankM-uoTTa8c\\_OyV1Q](https://www.youtube.com/channel/UCpEpEankM-uoTTa8c_OyV1Q)

#### **Instructions for Making Comments and Testimony:**

If you wish to make comment on a specific agenda item or a general comment under public comment you can do so by:

- On Zoom video conference via the web or the Zoom App, click the 'Raise Hand' button when the item you wish to comment on is being discussed.
- On Zoom via phone, you can also raise your hand by pressing \*9 when the item you wish to comment on is being discussed.

Alternatively, if you wish to make written comments on specific agenda items, make general comments, or submit testimony for public hearings, you can send comments and testimony to LAFCO, limited to a maximum of 250 words, by email at [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov), online at [www.sbclafco.org/AgendaandNotices/Agendas/PublicComments.aspx](http://www.sbclafco.org/AgendaandNotices/Agendas/PublicComments.aspx), or by mail to LAFCO, 1170 West 3<sup>rd</sup> Street, Unit 150, San Bernardino, CA 92415-0490, for receipt no later than 7:30 a.m. on the meeting day. These comments and testimony will be read on to the meeting record at the appropriate time.

This change in public participation will continue until further notice and supersede any LAFCO standard public comment and testimony policies and procedures to the contrary.

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

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

1. Swear in Regular Special District Commissioner and Regular City Commissioner

**CONSENT ITEMS:**

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

2. Approval of Minutes for Regular Meeting of May 20, 2020
3. Approval of Executive Officer's Expense Report
4. Ratify Payments as Reconciled and Note Cash Receipts for Months of April and May 2020
5. Approval of Fiscal Year 2011-12 Financial Records Destruction Pursuant to Commission Policy
6. Review and Update the Catalog of Enterprise Systems per Government Code Section 6270.5
7. Review and Approval of LAFCO Office Space Lease Amendment at the San Bernardino Santa Fe Depot
8. Consent Items Deferred for Discussion

**PUBLIC HEARING ITEMS:**

9. Consideration of: (1) Negative Declaration prepared by the City of Loma Linda for Annexation P19-064 and Pre-Zone P19-067, as CEQA Responsible Agency for LAFCO 3239; and (2) LAFCO 3239 – Reorganization to Include Annexation to the City of Loma Linda and Detachment from the San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and County Service Area 70 (City-owned Parcels)
10. Consideration of: (1) Final Environmental Impact Report Adopted by the City of Rancho Cucamonga for the Etiwanda Heights Neighborhood & Conservation Plan (SCH No. 2017091027), as a CEQA Responsible Agency for LAFCO 3241; (2) Adoption of Facts, Findings and Statement of Overriding Considerations; and (3) LAFCO 3241 – Reorganization to Include Annexation to the City of Rancho Cucamonga and Detachment from County Service Area 70 (Etiwanda Heights Neighborhood & Conservation Plan)
11. Adoption of Impartial Analysis for LAFCO 3233A – Reorganization to Include Dissolution of County Service Area 64 and Formation of the Spring Valley Lake

Community Services District Together with the Formation of Zone A for Solid Waste and Streetsweeping

**DISCUSSION ITEMS:**

12. Sustainable Agricultural Lands Conservation Program (SALC) Planning Grant Application
13. Unaudited Year-End Financial Report for Fiscal Year 2019-20 to include Transfer from Reserves to Services and Supplies

**INFORMATION ITEMS:**

14. Legislative Oral Report
15. Executive Officer's Oral Report
16. 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.)
17. 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](http://www.sbclafco.org), and at the hearing.

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

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

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

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

6/15/20:

**Email Sent July 14, 2020 at 1:07 PM  
to Commissioners Regarding  
Written Comments Received**

**Attachment 7a**

## **Martinez, Samuel**

---

**From:** Martinez, Samuel  
**Sent:** Tuesday, July 14, 2020 1:07 PM  
**Cc:** 'Paula de Sousa'  
**Subject:** Comments Related to LAFCO 3241  
**Attachments:** Comment Letters and Written Comments for LAFCO 3241.pdf

Good Afternoon Commissioners,

Attached are additional comment letters and/or written comments received following the publication of the staff report for LAFCO 3241.

Some of these were specifically provided as written comment to be read into the record for the item. Per the Agenda notice instructions, the public can “make written comments on specific agenda items, make general comments, or submit testimony for public hearings... limited to a maximum of 250 words...”, which “will be read on to the meeting record at the appropriate time.” Therefore, only the first 250 words of the written comments will be read at the hearing.

However, these are being provided to you in advance of tomorrow’s meeting and will be made a part of the administrative record. These are also being posted on the agenda page as supplemental information.

Thanks,  
Sam

### **Samuel Martinez**

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

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

Phone: 909-388-0480

Fax: 909-388-0481

[www.sbclafco.org](http://www.sbclafco.org)

#### **CONFIDENTIALITY NOTICE:**

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

RECEIVED

JUL 13 2020

LAFCO  
San Bernardino County

Tom Grahn  
Associate Planner  
City of Rancho Cucamonga  
10500 Civic Center Drive  
Rancho Cucamonga, CA 91730

To Mr. Grahn and Planning Staff,

I am the owner of the BPEA, LLC, co-owner of three parcels of land located in the County of San Bernardino (APN 0226-061-57) and within the city of Rancho Cucamonga's proposed "North Easter Sphere Annexation Project (NESPA)". The three parcels of note are:

- 0201-033-39-0-000
- 0201-033-40-0-000
- 0201-021-05-0-000

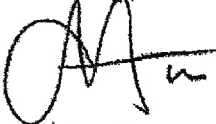
While I am unable to attend any public meetings or discussions on the proposed annexation, I want to join the other owners within the proposed "conservation priority area" in voicing our strong opposition to the annexation and conversion of our properties to open space and deem the proposed plan an attempted taking without compensation.

I hope this issue can be addressed amicably. However, I am prepared to take any legal means necessary, including but not limited to filing a lawsuit against the city to restrain and enjoin the city from pursuing this project and a suit for monetary damages.

I ask that this letter of opposition be included into the public record.

Thank you.

Sincerely,



Andrew Hu  
Partner

**Martinez, Samuel**

---

**From:** Constance Bredlau <[REDACTED]>  
**Sent:** Sunday, July 12, 2020 11:52 AM  
**To:** Martinez, Samuel  
**Subject:** Statement at Annexation Meeting

**RECEIVED**  
**JUL 13 2020**  
**LAFCO**  
**San Bernardino County**

**To: LAFCO BOARD ANNEXATION 3241**

I own three parcels in the annexation area and I am against the annexation and my properties being zoned down to one lot per parcel which would render my property worthless.

This annexation is a city/county collusive private development on county owned land to enhance their coffers while bankrupting the values of our properties by using our private lands as mitigation/open recreation for their project.

At the first public hearing in 2017 there was already a project planned and drawings offered. It was obvious that these plans and meetings were in violation of the Brown Act and Breach of Contract on the county's part since we are under their jurisdiction. I plan to litigate on the basis of inverse condemnation.

Roy G. Bredlau.

**Patrick Kaemerle, Esq.**  
18012 Cowan - Suite 208  
Irvine, CA 92614  
949-510-1919  
[bokaemerle@cox.net](mailto:bokaemerle@cox.net)

**RECEIVED**  
**JUL 13 2020**  
**LAFCO**  
San Bernardino County

July 11, 2020

Local Agency Formation Commission  
Samuel Martinez, Executive Officer  
215 N. D Street, Suite 204  
San Bernardino, CA 92415-0490

Via Email: [smartinez@lafco.sbcounty.gov](mailto:smartinez@lafco.sbcounty.gov);  
[lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
Via overnight mail: GLS

**Re: Agenda Item #10: LAFCO 3241 - July 15, 2020**

Local Agency Formation Commission Members:

I represent Inland Real Estate Group, LLC ("Inland"). Inland is the owner of a 4.35-acre parcel of land (APN 0226-061-57) subject to this proposed annexation. I submit the following in opposition to LAFCO 3241 and request that this letter be incorporated into the official record and transcript of Agenda Item #10: LAFCO 3241, to be heard at LAFCO on July 15, 2020.

**LAFCO 3241 was initiated by the City of Rancho Cucamonga and proposes the annexation of 4085 acres from San Bernardino County to the City of Rancho Cucamonga as necessary for the Etiwanda Heights Neighborhood and Conservation Plan (the "Plan"). The Plan is patently unfair and inequitable to the private owners of hillside property, that make up the majority of the 3603-acre "Rural/Conservation area" ("Hillside Owners"). Of the 4085 acres proposed for annexation....88.2% of the land being annexed is from the Rural/Conservation area. The other 11.8% of the land is located in the "Neighborhood Area" of the Plan and is owned the County, not private parties.**

The majority of Hillside Owners are against the annexation. You would not know this from reading the City or the LAFCO publications, indicating that the community is overwhelmingly in support of it. This is not true and has not been true from the beginning of the planning process. Under the Plan, the City of Rancho Cucamonga is taking and transferring development rights from the Hillside Owners for the substantial benefit of the Neighborhood Area.

The City's initial plan called the North Eastern Sphere Annexation Plan ("NESAP") proposed to turn the entire hillside area into open space/conservation area. Many of the hillside owners including Inland vehemently opposed that on a variety of grounds, including but not limited to, alleging that the city was effectively taking their property without paying any compensation whatsoever. The argument fell on deaf ears and the City plowed forward. After several hearings where these same arguments were made by property owners, the City changed course and attempted to pacify the Hillside Owners by claiming it will allow minimal development, either 1 dwelling unit ("DU")/10 ac. or 1 DU/2 ac, among other open space designations. It is



very much in doubt whether any development will actually be allowed, or if allowed, if it will be economically feasible. As stated in the write-up of the July 8, 2020, LAFCO Agenda Item #10: LAFCO 3241, at Page 7, **"The rest of the Plan area, the Rural/Conservation Area, is being set aside for conservation. The Rural/Conservation Area will be subject to standards and strategies intended to conserve and manage the area as open space..."**

The property owned by Inland is going from development rights of 1 DU/1 ac. under the County General Plan to 1 DU/10 ac. under the Plan. One might conclude that Inland retains a fraction of the value of its land, but in reality, it is losing all or virtually all of the value. Its property will be worthless as a development site, even if allowed to develop one home, as the development costs will make development untenable. As mitigation property or some sort of development rights transfer, the value will be nominal. Mitigation property value in the area ranges from \$4,000-8,000 per acre.

Inland has over \$500,000 invested in its property. Its value was in the range of \$1.2M with the 1DU/1 ac. County zoning. Many owners in the Hillside area have several million dollars invested in their land that will be lost if LAFCO 3241 is adopted. The total cumulative property value that will be lost by the Hillside Owners will be several tens of millions of dollars.

The Plan contains very detailed information for the Neighborhood area, with unit types/mixes, commercial area specifications, road/circulation plans, parking and walking trail information, etc. The Hillside area has nothing planned. No road, circulation or fire plans, no planned community amenities such as parks, walking and horse trails, etc. It is patently unfair and inequitable to the Hillside Owners to take their development rights at the expense of the Neighborhood area as well as to plan the Neighborhood Area in detail, and leave the Hillside owners to fend for themselves, and guess as to what development standards and costs will be.

In order to try and garner the support of the Hillside owners, Matt Burris, Deputy City Manager for the City of Rancho Cucamonga, said in open public hearings, that the Development standards for the Hillside/Rural Conservation 3603 acres will be consistent with the County standards that have dictated past development, County Improvement level 1. He stated that hillside owners would not be held to city development standards. The Rural/Conservation Area would be kept very rural with no curb, gutter, city utilities, and not subject to the city development standards of the Neighborhood Area. He expressed that those owners that want to remain "off the grid" with no public utilities, without city street standards, including, street width, curb, gutter, etc., would be allowed to build consistent with County standards.

This put some Hillside owners at ease, but it is very suspiciously 180 degrees different than statements contained in the write-up of the July 8, 2020, LAFCO Agenda Item #10: LAFCO 3241, and other statements. The LAFCO Agenda #10 write-up (last paragraph of page 5) says "EHNC applies the city's General Plan land uses, proposed for this area ten years ago, **applying stronger Hillside design standards to undeveloped land and providing for no more than 100 new homes in the Rural/ Conservation Area.**" Further, Prior City publications regarding NESAP

and the Plan state that future hillside development **"will be subject to the City's development review process and all applicable development standards."** Clearly the city's multiple public representations on the record regarding development comparable to County standards is not their true intent. In reality, there are currently no standards adopted for development of the Rural/Conservation Area. it is strongly suspected that the City will make development of the Hillside area so costly and burdensome, that development of any sites will be impracticable.

As stated in the Conclusion of the write-up of the July 8, 2020, LAFCO Agenda Item #10: LAFCO 3241, at Page 17, states that the Etiwanda Heights Neighborhood and Conservation Plan was "developed with meaningful outreach to the community and extensive public participation." I attended those meetings. While meetings were held and the public did speak at the various hearings, the vast majority of those speaking were against the Plan. Those voices were largely ignored. **However, the end result for the Plan was never in doubt and the Plan's success was pre-determined between the County of San Bernardino and the City of Rancho Cucamonga, who planned and coordinated at every turn, long before any public hearings.** The Plan may have evolved over time to pacify the hillside owners and those surrounding the development, but the end result, a very densely developed and extraordinarily profitable "Neighborhood area", made possible at the massive monetary loss and on the backs of the "Rural/Conservation Area" owners, was a foregone conclusion.

The bottom line is, the City of Rancho Cucamonga and County of San Bernardino stand to profit to the tune of hundreds of millions of dollars. The Neighborhood area will likely be sold to a Master developer, expectedly in excess of \$500,000,000. Utility fees and Development fees on 3000 units plus the commercial development area will likely exceed \$200,000,000- \$400,000,000 dollars. Ongoing property tax revenue will be in the likely range of \$25,000,000 - \$40,000,000 dollars annually, in perpetuity.

For obvious reasons, the City of Rancho Cucamonga and the County of San Bernardino are both extremely motivated to see this annexation take place, regardless of the severe damage and economic loss it causes the Hillside Owners.

**For the foregoing reasons, I strongly urge the voting members of LAFCO to vote "No" and deny Agenda Item #10: LAFCO 3241.**

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Kaemerle".

Patrick Kaemerle, Esq.

LAW OFFICES OF MARTIN A. CERVANTES

*Martin A. Cervantes, Attorney at Law*

1710 Plum Lane  
Suite A  
Redlands, California 92374

E-Mail: [mac@cervanteslaw.org](mailto:mac@cervanteslaw.org)

July 13, 2020

RECEIVED

JUL 13 2020

LAFCO  
San Bernardino County

Telephone  
(909) 307-9590  
Facsimile  
(909) 307-9580

To: Local Agency Formation Commission

From: Martin A. Cervantes, Esq., Attorney for Hillside Owners LLC (Private Property Owners)

Subject: **Agenda Item No. 11, LAFCO 3241**

Purpose: **Opposition to Recommended Approval of LAFCO 3241**  
Date of Hearing: July 15, 2020  
Time of Hearing: 10:00 a.m.

LAFCO 3241 should not be approved because it invites, and will result in, an **inverse condemnation** proceeding because the proposed zoning for the privately-owned properties that will constitute the rural/conservation area (hereinafter "Hillside Owners LLC") renders the properties (believed to be identified at page 5 of the staff report, paragraph 4, as "rural/conservation") substantially without value.

The reason for the above assertion is due to the transfer of densities from the Hillside Owners LLC to the currently owned county property (identified as "neighborhood area", but currently a rock pit, on page 5, paragraph 4 of the staff report), and proposed to be annexed into the city where about 800 acres will be fully developed with private property densities.

Currently the LLC owners have densities allowing for full development. Under LAFCO 3241 densities would be taken and private properties would become "rural/conservation" rendering those private properties unreasonably valueless.

Over the past ten years or more, the Hillside Owners LLC have appeared and opposed at least three different proposals, all on the same basis that the zoning densities would be taken from them and it would render their property values substantially diminished. Once again, this LAFCO 3241 proposal, attempts to do the same thing.

The staff report supporting Item 11 is misleading because it omits discussion at page five of density transfers and fails to mention the long running battle the private property owners have had to protect densities. Nothing has changed, Hillside Owners LLC is requesting that you not approve Item 11.

Thank you.

**LAW OFFICES OF RANDALL S. GURITZKY**

1524 N. Potrero Avenue

South El Monte, CA 91733

Telephone & Facsimile: (626) 580-3275

Cel: (626) 315-3417

Email: [randall.guritzky@gmail.com](mailto:randall.guritzky@gmail.com)

RECEIVED

JUL 13 2020

LAFCO

San Bernardino County

July 13, 2020

Email: [smartinez@lafco.sbcounty.gov](mailto:smartinez@lafco.sbcounty.gov)

Email: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)

RE: LAFCO ANNEXATION MEETING 7-15-2020

CRANEVEYOR CORP.

APN#s: 0226-061-026-0-000 & 0226-061-028-0-000

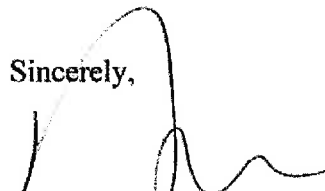
Dear Sir/Madam:

CraneVeyor Corp. has been advised that LAFCO amended the final report to the annexation commission July 10, 2020, with 7/8 date. The new document reverses all previous development promises made to us regarding our properties. LAFCO's apparent new goal is a total of 100 homes on our private properties-preferably clustered of our 3300 acres-a density of 1 per 33 acres while retaining their 4000+ unit development on the county property of 1200 acres below. The majority of your property and CraneVeyor's is now zoned flood control-a loss of 90% of our densities.

CraneVeyor **OBJECTS** and casts a **NO** vote to the proposed action for the July 15, 2020 meeting. CraneVeyors own 2 properties totaling 30+ acres, parcels referenced above. CraneVeyor considers this a wrongful taking and inverse condemnation case as 90% of our lots have been eliminated. CraneVeyor stands to lose its entire investment money, millions of dollars, plus taxes you have paid over the last 10 years. CraneVeyor considers this city/county project to be a collusive attempt to gather a large windfall in violation of the Brown Act as the project was fully outlined in its inception in 2017 without prior advertised meetings by the county. Lastly, the county has restricted CraneVeyor's access to the property for 3+ years.

CraneVeyor will take all legal action to enforce its rights and remedies as to this proposed wrongful taking of its property.

Sincerely,



Randall S. Guritzky, Esq.

**Email Sent July 14, 2020 at 5:20 PM  
to Commissioners Regarding  
Written Comments Received**

**Attachment 7b**

## Martinez, Samuel

---

**From:** Martinez, Samuel  
**Sent:** Tuesday, July 14, 2020 5:20 PM  
**Cc:** 'Paula de Sousa'  
**Subject:** Comment Letter with Attachments Related to LAFCO 3241  
**Attachments:** Comment Letter and Attachments.pdf

Good Afternoon Commissioners,

An additional comment letter (with attachments) was received this afternoon and is being provided to you in advance of tomorrow's meeting. This will also be added to the agenda page as supplemental information.

Thanks,  
Sam

### **Samuel Martinez**

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

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

Phone: 909-388-0480

Fax: 909-388-0481

[www.sbclafco.org](http://www.sbclafco.org)

#### CONFIDENTIALITY NOTICE:

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

## Martinez, Samuel

---

**From:** Anthony Maricic <[REDACTED]>  
**Sent:** Tuesday, July 14, 2020 2:07 PM  
**To:** Martinez, Samuel  
**Subject:** COMMENTS BY HILLSIDE OWNERS LLC  
**Attachments:** Scan0280.pdf; Scan0279.pdf; Scan0278.pdf; Scan0277.pdf

Pursuant to our conversation with you last month we are issuing a group memo, The owners and their info are on the protest form which was the only document we found to promptly put our information on. It is not an acceleration of the process but merely the evidence of 21 owners in our group that have a united opinion.

To: Commissioners of LAFCO

We are owners in the affected area and are requesting a NO vote on the annexation. We have participated in the process of this action for 3 years and find that the city and county have abdicated all of the promises they made us in the final documents to you.

We see the process as a collusive and rigged project where the county and the city are developing a project for their own profit. They are the institutors of the project, the planners, the recipients of the income and they run the court with an agency that they fund. In addition two of the commissioners are county Supervisors and another is related to a Rancho Cucamonga City Council member. To top it the LAFCO agents and the county have asked its own assessor to reassess the values of their properties (currently assessed as O) to a level that would trump all of our votes.

The project is an aberration and probably unlawful. The participants should recuse themselves due to conflict of interest.

22-1

28



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (attach required authorization):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

319. William L DATE June 9, 2020  
Signature: [Signature] Date: 6-9-2020

\* MAP, PROPERTY SHEET ATTACHED \*

BOTH 319



22-2  
①

28



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

I & KAI LIN  
(Name)

RANCHO CUCAMONGA FOOTHILLS  
(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

0226-061-70-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (attach required authorization):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

DATE

June 9, 2020

Signature: [Signature]

Date: 6-9-2020

\* MAP PROPERTY SHEET ATTACHED \*

BORISIN!

24-1

28



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

\* SHARON  
Alexander & Sharon Cunningham  
(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

1087-061.04-0000

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (attach required authorization):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

Signature

Sharon Cunningham  
Alexander Cunningham

Date: 7-12-2020

\* MAP PROPERTY SHEET ATTACHED \*

\* BOM Sign

24-2

28



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (**attach required authorization**):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

Signature: Sharon Cunningham

Date: 7-12-2020

\* MAP, PROPERTY SHEET ATTACHED \*

Both Sign!



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (*exactly as it appears on voter records to permit verification*) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

HENDERSON CREEK PROPERTIES  
(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

1087-041-01-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (**attach required authorization**):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

(Signature)

(Date)

5/23/20

\* MAP PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241.  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (*exactly as it appears on voter records to permit verification*) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

HENDERSON CREEK PROPERTIES  
(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

1087-041-06-0006  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (**attach required authorization**):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

Signature:

Ruth L. [Signature]

Date:

5/23/20

\* MAP PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name) \_\_\_\_\_

(Street Address) \_\_\_\_\_

(City, State and Zip) \_\_\_\_\_

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

BREDIAU FAMILY TRUST % ROY BREDIAU  
(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

0201-281-10-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (attach required authorization):

(Name) \_\_\_\_\_

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

Signature:

Roy Brediau

Date: 7-24-2000

\* MAP, PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name) \_\_\_\_\_

(Street Address) \_\_\_\_\_

(City, State and Zip) \_\_\_\_\_

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

BREDAN FAMILY TRUST  
(Name) \_\_\_\_\_

\_\_\_\_\_  
(Street Address or designation sufficient to readily identify the property)

\_\_\_\_\_  
(City, State and Zip)

0226-061-27-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (**attach required authorization**):

(Name) \_\_\_\_\_

(Street Address or designation sufficient to readily identify the property) \_\_\_\_\_

(City, State and Zip) \_\_\_\_\_

Assessor's Parcel Number(s) \_\_\_\_\_

Signature: Ray Bredan

Date: 7-29-00

\* MAP, PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

LAURENCE & JODY ENRIGHT  
(Name)

[Redacted]  
(Street Address or designation sufficient to readily identify the property)

[Redacted]  
(City, State and Zip)

0226-061-33-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (**attach required authorization**):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

(Assessor's Parcel Number(s))

Signature: Jody Enright

Date: 6/17/20

\* MAP, PROPERTY SHEET ATTACHED \*





LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

LAWRENCE AND JODY ENRIGHT  
(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

00226-061-20-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (**attach required authorization**):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

Signature: Jody Enright

Date: 6/17/20

BOTH SIGN

\* MAP, PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
 215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
 Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
 (LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

JENNY SHAW  
 (Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

0201-281-09-0000  
 Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (attach required authorization):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

Signature: [Signature]

Date: 6-8-2020

\* MAP, PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

WILLIAM & LOCI LARSON.  
(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

1087-061-08-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (attach required authorization):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

BOTH SIGN!

Signature:

W & L Larson

Date:

7/1/2000

\* MAP, PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388 0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (*exactly as it appears on voter records to permit verification*) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

WOON MENDIOLA 91757  
(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

0201-021-03-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (*attach required authorization*):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

Signature: A. A. Ached

Date: \_\_\_\_\_

\* MAP, PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (*exactly as it appears on voter records to permit verification*) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

WUON MENDIOLA.  
(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

0201-033-40-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (*attach required authorization*):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

Signature: AAArched

Date: \_\_\_\_\_

\* MAP, PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (*exactly as it appears on voter records to permit verification*) within the boundary of the proposed change of organization:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

WOON MENDIOLA  
(Name)

\_\_\_\_\_  
(Street Address or designation sufficient to readily identify the property)

\_\_\_\_\_  
(City, State and Zip)

0201-033-39-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (**attach required authorization**):

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street Address or designation sufficient to readily identify the property)

\_\_\_\_\_  
(City, State and Zip)

\_\_\_\_\_  
Assessor's Parcel Number(s)

Signature: Alfred

Date: \_\_\_\_\_

\* MAP, PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (attach required authorization):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

Signature: [Signature]

Date: 7/2/02

\* MAP, PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (*exactly as it appears on voter records to permit verification*) within the boundary of the proposed change of organization:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

MFL LAND TRUST #2  
(Name)

\_\_\_\_\_  
(Street Address or designation sufficient to readily identify the property)

\_\_\_\_\_  
(City, State and Zip)

0201-281-07-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (**attach required authorization**):

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street Address or designation sufficient to readily identify the property)

\_\_\_\_\_  
(City, State and Zip)

\_\_\_\_\_  
Assessor's Parcel Number(s)

Signature: [Signature]

Date: 4/1/10

\* MAP, PROPERTY SHEET ATTACHED \*





LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

MFL LAND TRUST #1  
(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

0201-281-05-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (attach required authorization):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

Signature: [Signature]

Date: [Signature]

\* MAP, PROPERTY SHEET ATTACHED \*

20  
③



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name) \_\_\_\_\_  
(Street Address) \_\_\_\_\_  
(City, State and Zip) \_\_\_\_\_

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

MIN M. TRUST Shay Q. Trust  
(Name) \_\_\_\_\_  
\_\_\_\_\_  
(Street Address or designation sufficient to readily identify the property)  
\_\_\_\_\_  
(City, State and Zip)  
1087-051-29-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (attach required authorization):

(Name) \_\_\_\_\_  
(Street Address or designation sufficient to readily identify the property)  
(City, State and Zip)  
Assessor's Parcel Number(s)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\* MAP, PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241.  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

HENDERSON CREEK PROPERTIES  
(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

1087-061-01-0000  
Assessor's Parcel Number(s)

☐ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (**attach required authorization**):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

Signature: Ruth T. B. / B. /

Date: 5/23/20

\* MAP, PROPERTY SHEET ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241.  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

CRANEVEYOR CORPORATION  
(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

0226-061-26-0000  
Assessor's Parcel Number(s)

☒ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (**attach required authorization**):

RANDALL S. GURSKY, ESQ  
(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

0226-061-26-0000  
Assessor's Parcel Number(s)

Signature: [Signature]

Date: 06-12-2020

\* MAP DOTAED TO CLERT ATTACHED \*



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

## Written Protest Form

I am opposed to the LAFCO proposal known as 3241  
(LAFCO Proposal No.)

Check all that apply:

☐ I am a **REGISTERED VOTER** at the following address (exactly as it appears on voter records to permit verification) within the boundary of the proposed change of organization:

(Name)

(Street Address)

(City, State and Zip)

☒ I am a **LANDOWNER** of the following property within the boundary of the proposed change of organization:

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

☒ I am an **AGENT** authorized to protest on behalf of the landowner, with respect to the property within the proposed change of organization (attach required authorization):

(Name)

(Street Address or designation sufficient to readily identify the property)

(City, State and Zip)

Assessor's Parcel Number(s)

Signature: 

Date: 06-12-2020

# OFFICE OF THE ASSESSOR

222 W Hospitality Lane  
San Bernardino, CA 92415-0311  
(909) 387-8307 • 1 (877) 885-7654  
www.SBCounty.gov/arc



BOB DUTTON

Assessor-Recorder-County Clerk

## APPOINTMENT OF AGENT

O W N E R	Full Legal Name of Owner <u>CRANEVEYOR CORP.</u>			
	Mailing Address	City	State	Zip Code
	Physical Address	City	State	Zip Code
	Contact Person and Title <u>RANDALL S. GUMITZKY</u> Telephone Number <u>[REDACTED]</u>			
P R O P E R T Y	<input checked="" type="checkbox"/> All property listed for this owner in San Bernardino County <input checked="" type="checkbox"/> All Real property listed for this owner in San Bernardino County <input checked="" type="checkbox"/> All Business and Personal Property listed for this owner in San Bernardino County <input type="checkbox"/> Other: _____			
	<input checked="" type="checkbox"/> General power to represent the owner in property tax matters concerning this property. <input type="checkbox"/> The Agent has specific powers listed below: <input type="checkbox"/> Filing of Assessor's forms <input type="checkbox"/> File Assessment Appeal applications and represent owner at appeal hearings for the assessment year: _____ (please indicate year to be appealed) and to provide me a copy of the assessment appeal application filed on my behalf. <input type="checkbox"/> Receive confidential information <input type="checkbox"/> Negotiate and resolve assessment matters <input type="checkbox"/> Change mailing address of all my property tax notices and other communications for this property, including appraisal notices, appraisal review board orders and hearing notices, tax bills, and collection notices Note: These notices can affect your legal rights. The affected offices are not required by law to send you duplicate copies. <input type="checkbox"/> Other: _____			
A G E N T	Agent's Name: <u>RANDALL S. GUMITZKY</u>			
	Mailing Address	City	State	Zip Code
	Physical Address	City	State	Zip Code
	Contact Person and Title <u>Attorney &amp; Authorized Agent</u> Telephone Number <u>[REDACTED]</u>			

Authorization

Gregory Bischoff  
Signature of Owner, a partner, or LLC Manager/Corporation Officer whom the Board of Directors has designated in writing to sign on behalf of the Corporation.

6/2/2020  
Date

GREGORY BISCHOFF, President

Please print the Name and Title of the person above.

**LAFCO Webpage for  
July 15, 2020 Agenda**

**Attachment 8**







**9:00 A.M. —CALL TO ORDER—FLAG SALUTE**

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



1. Swear in Regular Special District Commissioner and Regular City Commissioner

**CONSENT ITEMS:**

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


2.  Approval of Minutes for Regular Meeting of May 20, 2020
3.  Approval of Executive Officer's Expense Report
4.  Ratify Payments as Reconciled and Note Cash Receipts for Months of April and May 2020
5.  Approval of Fiscal Year 2011-12 Financial Records Destruction Pursuant to Commission Policy
6.  Review and Update the Catalog of Enterprise Systems per Government Code Section 6270.5
7.  Review and Approval of LAFCO Office Space Lease Amendment at the San Bernardino Santa Fe Depot
8. Consent Items Deferred for Discussion

**PUBLIC HEARING ITEMS:**



9.  Consideration of: (1) Negative Declaration prepared by the City of Loma Linda for Annexation P19-064 and Pre-Zone P19-067, as CEQA Responsible Agency for LAFCO 3239; and (2) LAFCO 3239 – Reorganization to Include Annexation to the City of Loma Linda and Detachment from the San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and County Service Area 70 (City-owned Parcels)
10.  Consideration of: (1) Final Environmental Impact Report Adopted by the City of Rancho Cucamonga for the Etiwanda Heights Neighborhood & Conservation Plan (SCH No. 2017091027), as a CEQA Responsible Agency for LAFCO 3241; (2) Adoption of Facts, Findings and Statement of Overriding Considerations; and (3) LAFCO 3241 – Reorganization to Include Annexation to the City of Rancho Cucamonga and Detachment from County Service Area 70 (Etiwanda Heights Neighborhood & Conservation Plan)



Comments Received for LAFCO 3241 Following Publication of the Staff Report

11.  Adoption of Impartial Analysis for LAFCO 3233A – Reorganization to Include Dissolution of County Service Area 64 and Formation of the Spring Valley Lake Community Services District Together with the Formation of Zone A for Solid Waste and Street Sweeping

**DISCUSSION ITEMS:**

12.  Sustainable Agricultural Lands Conservation Program (SALC) Planning Grant Application
13.  Unaudited Year-End Financial Report for Fiscal Year 2019-20 to include Transfer from Reserves to Services and Supplies

**INFORMATION ITEMS:**

14. Legislative Oral Report
15. Executive Officer's Oral Report
16. 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.)
17. 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.)



# **Listing of Land Values for Parcels Assessed by the County**

**Attachment 9**

**PARCELS ASSESSED BY THE COUNTY (TAX STATUS 1)**  
**Effective as of June 8, 2020**

ASSESSOR PARCEL NUMBER	TAX STATUS	LAND VALUE
020103332	1	\$ 900.00
020103339	1	\$ 1,344,972.00
020103340	1	\$ 1,136,360.00
020103343	1	\$ 610,195.00
020103344	1	\$ 219,783.00
020128105	1	\$ 63,672.00
020128107	1	\$ 63,672.00
020128108	1	\$ 3,358.00
020128109	1	\$ 150,714.00
020128110	1	\$ 63,240.00
020128114	1	\$ 4,101.00
020128116	1	\$ 82,431.00
020128120	1	\$ 9,108.00
020128121	1	\$ 3,984.00
022606103	1	\$ 314.00
022606107	1	\$ -
022606120	1	\$ 416,716.00
022606126	1	\$ 441,825.00
022606127	1	\$ 32,801.00
022606128	1	\$ 151,265.00
022606133	1	\$ 518,464.00
022606147	1	\$ 969,008.00
022606156	1	\$ 4,199.00
022606157	1	\$ 343,633.00
022606161	1	\$ 12,097.00
022606164	1	\$ 152,365.00
022606165	1	\$ 198,074.00
022606166	1	\$ 228,547.00
022606167	1	\$ 182,841.00
022606168	1	\$ 1,174,263.00
022606169	1	\$ 937,679.00
022606170	1	\$ 1,314,938.00
022606171	1	\$ 890,188.00
022606173	1	\$ 770,935.00
022606174	1	\$ 125,569.00
022606175	1	\$ 2,432.00
022606176	1	\$ 202,100.00

**PARCELS ASSESSED BY THE COUNTY (TAX STATUS 1)**  
**Effective as of June 8, 2020**

ASSESSOR PARCEL NUMBER	TAX STATUS	LAND VALUE
022606177	1	\$ 133,637.00
022606178	1	\$ 579.00
108705102	1	\$ 549,224.00
108705106	1	\$ 26.00
108705107	1	\$ 26.00
108705109	1	\$ 254,690.00
108705110	1	\$ 248,888.00
108705117	1	\$ 2,944.00
108705120	1	\$ 1,231,904.00
108705121	1	\$ 2,826.00
108705122	1	\$ 1,873,539.00
108705123	1	\$ 729,696.00
108705125	1	\$ 37,980.00
108705126	1	\$ 192,182.00
108705127	1	\$ 143,515.00
108706101	1	\$ 66,269.00
108706104	1	\$ 30,592.00
108706105	1	\$ 188,989.00
108706106	1	\$ 82,710.00
108706107	1	\$ 174,294.00
108706108	1	\$ 276,499.00
108706109	1	\$ 3,130.00
108706110	1	\$ 551,096.00
108706111	1	\$ 6,983.00
108706112	1	\$ 331,790.00
108706114	1	\$ 41,909.00
108706115	1	\$ 102,293.00
108706116	1	\$ 14,509.00
108706118	1	\$ 1,167,329.00
108706119	1	\$ 450,841.00
108706120	1	\$ 748,672.00
108706121	1	\$ 127,345.00
<b>TOTAL</b>		<b>\$ 22,593,649.00</b>

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** SEPTEMBER 9, 2020  
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #10: Reorganization of Staff Composition to include:

- Recruitment for an Analyst-GIS/Database Management
  - Review and Adoption of Amendments to LAFCO Policy and Procedure Manual Section III – Human Resources
  - Reclassify the Administrative Assistant
- 

Staff recommends that the Commission take the following actions.

1. For the unfilled Analyst-GIS/Database Management position:
  - a. Authorize recruitment to fill the position.
  - b. Authorize the Executive Officer to sign a contract with an employment/recruitment firm for an amount not to exceed \$5,000, following review by LAFCO Legal Counsel.
2. Modify the Policy and Procedure Manual Section III – Human Resources, Chapter 5 – Benefits Plan:
  - a. Policy 1B – Benefit Plan Groups (new category for new employees).
  - b. Policy 8A – 401K Savings Plan (reduction for new employees).
3. For Angie Schell's position of Administrative Assistant (Range 42):
  - a. Reclassify to Clerk (Range 50) in order for compensation to be commensurate with duties performed.

- b. Enter the Clerk position with a two-step increase at Step 8 of Range 50 pursuant to Policy and Procedure Manual Section III – Human Resources, Chapter 2 – Employment, Policy 4E – Promotions.
  - c. Retroactively enter Range 50 effective September 14, 2020, the start of a pay period.
4. Approve LAFCO Draft Resolution No. 3316.

**BACKGROUND:**

Within a two-week span, the Clerk to the Commission and the Analyst-GIS/Database Management have left San Bernardino LAFCO for other opportunities, which leaves the staffing composition with three full-time employees (Executive Officer, Senior Analyst, and Administrative Assistant). Concurrently, we are experiencing health and economic emergencies, and it is unknown as to when these emergencies will cease. Given the uncertainties, an opportunity exists to reorganize the staffing for this agency while continuing to meet its mission and goals as well as proposal processing and service reviews.

**STAFFING:**

Analyst/GIS/Database position

Instead of filling the two vacant positions, staff's position is to fill one position and contract for the other. It would be wiser to fill the technical position, Analyst-GIS/Database Management, for two reasons. First, contracting for GIS is more expensive than contracting administrative functions. Second, GIS/Database duties are more challenging and time consuming for the remaining three staff to absorb in comparison with the Administrative Assistant duties. This staff report recommends that the Commission authorize the recruitment of the Analyst-GIS/Database Management position. The job description is included as Attachment #1.

Benefits for New Employees

Additionally, staff reviewed the salaries and benefits that the Policy and Procedure Manual affords to the Analyst-GIS/Database Management position. Salaries are comparable to other LAFCO GIS positions, with San Bernardino LAFCO being on a 14-step scale to allow for a variable beginning salary as well as annual growth. As for benefits, cost savings can be realized by reducing the deferred compensation package. Staff recommends that the Commission modify the benefits package offered to new employees, except for the Executive Officer, by reducing the 401(k)-employer match from 8% to 4% of earned compensation (Group C). The revised LAFCO grouping would be as follows:

- Group A     Executive Officer
- Group B     All SB LAFCO employees not in Groups A or C
- Group C     Employees hired after September 16, 2020,  
                 except for the Executive Officer

The recommended changes to the Policy and Procedure Manual are included as Attachment #2.

#### Clerk and Administrative Assistant

With two fewer full-time people currently in the office, the Administrative Assistant, Angie Schell, has assumed additional duties. In reviewing the job descriptions available, the duties assumed are in line with the Clerk position. Therefore, this report recommends that Angie Schell's position of Administrative Assistant (Range 42) reclassify to Clerk (Range 50) in order for compensation to be commensurate with duties performed. The Clerk job description is included as Attachment #3. Ms. Schell would receive a two-step increase (pursuant to Policy) and enter at Step 8 of 14.

At this time, Ms. Schell plans to retire in March 2023. The gap to be filled by her departure will be met either by hiring of an Administrative Assistant or Deputy Clerk\_(to be groomed as a potential candidate for the Clerk position) or by hiring a Clerk (a dual appointment, allowed by Commission policy, of at least six months for training). The Commission's future financial resources and staffing needs will determine the course of action.

#### Supplemental Staffing

As for the duties and functions of the Administrative Assistant position, these would be met via a temporary employment firm (as needed) and absorption by the other four staff members. Additionally, Robert Aldrich, who has provided supplemental staffing to this LAFCO for roughly four years, will provide his services for the cemetery district and park and recreation service reviews. However, Mr. Aldrich will be moving from Southern California and his future availability to support this LAFCO may lessen.

#### Staffing Model for FY 2020-21

The table below shows the authorized positions for this agency, status of each position, and a summary of the recommended actions.

Position	Current Status		Recommended Action
Executive Officer	Filled		
Assistant Executive Officer		Unfilled	
Senior Analyst (Analyst III)	Filled		
Project Manager (Analyst II)		Unfilled	
Analyst/GIS/Database (Analyst I)		Unfilled, recently separated	Authorize recruitment
Clerk to the Commission/ Office Manager		Unfilled, recently separated	Reclassify Angie Schell from Admin Assistant to Clerk
Administrative Assistant	Filled		Remain unfilled

Staff recommends that the Commission take the actions identified on pages 1 and 2 of this staff report.

SM/MT

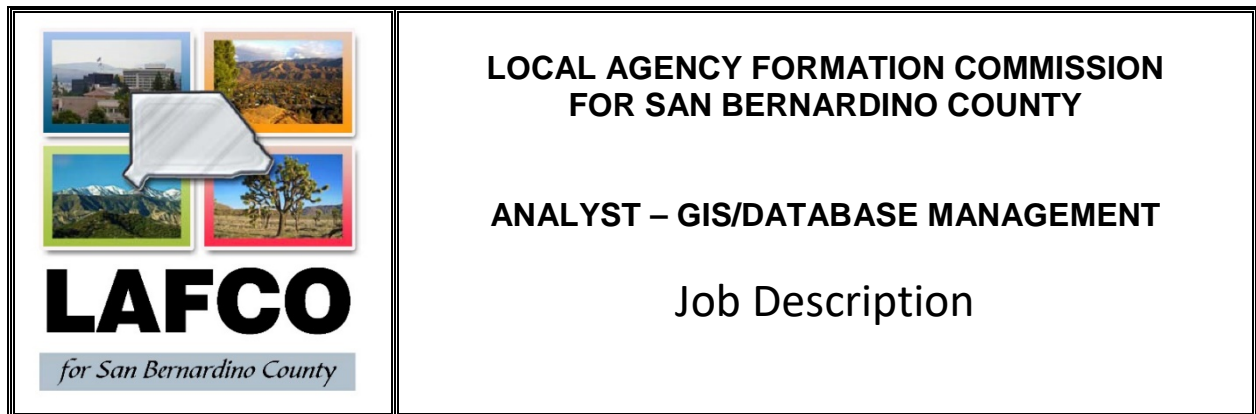
Attachments:

1. [Analyst-GIS/Database Management Job Description](#)
2. [Exhibit A to Draft Resolution No. 3316](#)
3. [Draft Resolution No. 3316](#)

# **Analyst-GIS/Database Management Job Description**

**Attachment 1**





## THE JOB:

The Local Agency Formation Commission (LAFCO) for San Bernardino County is an independent agency established by State law to regulate boundaries for cities and special districts, to plan the ultimate service areas for all local agencies, and provide for service reviews of agencies within San Bernardino County. Under general supervision, perform a variety of activities and operations associated with Geographical Information Systems (GIS) and database development and maintenance, using standard GIS tools and other products. In addition, the position may be required to perform project support in the areas of research, data entry, writing, and website management.

## DUTIES AND RESPONSIBILITIES:

Duties are primarily focused on GIS data and mapping utilizing standard GIS tools and utilities to create and maintain geodatabase layers and map production. The position also requires researching a variety of source documents to verify data accuracy and completeness, including the use of GIS software to geo-reference maps and generate standard GIS products, i.e. multi-layer data integration and analysis, demographic analysis, and other analytical reports. Work assigned involves proficiency in the use of standard GIS software, tools and utilities to carry out assignments. Other duties may include communication with other agencies or individuals to obtain research information. Provide proposal research and analysis on routine applications for jurisdictional change and/or out-of-agency service reviews. Assist in the preparation of research for reports and/or presentations to the Local Agency Formation Commission.

## MINIMUM QUALIFICATIONS:

Bachelor's degree in GIS, geography, engineering, computer science or environmental science **OR** equivalent work experience which would have provided the required level of knowledge and abilities involving the use of standard GIS software, tools, utilities and other database applications. Must be somewhat familiar with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

## SPECIFIC SKILLS:

Position requires excellent research and organization skills plus strong analytical skills. Position requires experience in using ArcGIS software and the use of other computer programs, i.e., spreadsheets, word-processing, database and program management software. Knowledge of website content management a plus.

**Exhibit A to  
Draft Resolution No. 3316**

**Attachment 2**

## **Section III – Human Resources Policies and Procedures**

### **CHAPTER 5: BENEFITS PLAN**

*(Benefit Plan Consolidated with Section III - Human Resources Policies and Procedures on August 19, 2015)*

#### **1. INTRODUCTION**

##### **A. ADMINISTRATION OF BENEFITS**

San Bernardino LAFCO has contracted with the County of San Bernardino to administer the benefits for SB LAFCO employees equivalent to those provided to County “Exempt” employees. When questions arise, employees will first contact the SB LAFCO payroll person. If additional information is required, employees will contact the Human Resources Employee Benefits and Services Division Chief or designee.

##### **B. BENEFIT PLAN GROUPS**

For the purpose of this Benefits Plan, employees shall be divided into the following groups: *(Amended October 22, 2014, [September 16, 2020](#))*

- (1) Group A. Executive Officer
- (2) Group B. All SB LAFCO Employees not in Groups A or C
- (3) Group C. [Employees hired after September 16, 2020, except for the Executive Officer](#)  
~~Administrative Assistant~~  
~~(hired after September 17, 2014)~~

8. **SALARY SAVINGS PLANS**

- A. 401K PLAN (*Amended August 17, 2005; May 16, 2007; August 20, 2008; June 16, 2011; September 16, 2020*)

Biweekly contributions of SB LAFCO employees to the County's 401(k) Defined Contribution Plan will be matched by a SB LAFCO contribution on the basis of two times the employee's contribution. The biweekly contributions of employees in Groups A and B of up to four percent of biweekly base salary will be matched by a SB LAFCO contribution of two times the employee's contribution, not to exceed eight percent of an employee's biweekly base salary.

The biweekly contributions of employees in Group C to the County's 401(k) Defined Contribution Plan of up to ~~three~~-two percent of biweekly base salary will be matched by a SB LAFCO contribution of two times the employee's contribution. The SB LAFCO contribution shall not exceed ~~six~~-four percent of an employee's biweekly base salary.

...

# **Draft Resolution No. 3316**

**Attachment 3**

# 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

---

## RESOLUTION NO. 3316

### A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, AMENDING SECTION III (HUMAN RESOURCES) OF ITS POLICY AND PROCEDURE MANUAL

On Wednesday, September 16, 2020, on motion of \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:

**SECTION 1.** The Local Agency Formation Commission for San Bernardino County, State of California (hereafter shown as "LAFCO"), hereby finds and determines that it wishes to amend Section III (Human Resources) of its Policy and Procedure Manual.

**SECTION 2.** The Local Agency Formation Commission for San Bernardino County therefore determines, resolves and orders that:

1. The Policy and Procedure Manual, Section III (Human Resources), Chapter 5 (Benefits Plan), is hereby amended as follows:
  - a. Policy 1B (Benefit Plan Groups)
  - b. Policy 8A (401k Savings Plan)
2. The amended policies of Section III (Human Resources) of the Policy and Procedure Manual attached to this resolution as Exhibit "A" and incorporated herein by reference, is adopted and approved.

**SECTION 3.** The Executive Officer of LAFCO is ordered to certify the passage of this resolution and to cause a copy of the amended Policy and Procedure Manual to be posted on the LAFCO Website, and a certified copy of this resolution to be forwarded to the County Administrative Office and County Human Resources Department for implementation.

**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. 3316

ABSENT: COMMISSIONERS:

.....

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

I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of September 16, 2020.


DATED:

\_\_\_\_\_  
SAMUEL MARTINEZ  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE :**        **SEPTEMBER 9, 2020**   
**FROM:**        **MICHAEL TUERPE, Senior Analyst**  
**TO:**            **LOCAL AGENCY FORMATION COMMISSION**

---

**SUBJECT:    AGENDA ITEM 11: 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:

1. Receive and file this report.
2. Schedule an update for the City for the January 2021 meeting, unless otherwise directed by the Commission.

## **BACKGROUND:**

As an outgrowth from LAFCO's 2017 Countywide Service Review for Water (LAFCO 3187) and its 2018 Countywide Service Review for Wastewater (LAFCO 3190), the Commission initiated a sphere of influence amendment for the City of Adelanto ("City") to determine the appropriate sphere of influence for the City.

At its April 2019 hearing, the Commission reduced the sphere for the City of Adelanto by approximately 8.4 square miles, and directed staff to return with periodic updates on the City's sustainability. The updates to the Commission were at its January 2020 and April 2020 meetings.

At the January meeting, the Commission directed staff to provide a more detailed staff report and presentation on the City's finances to include the deficiencies and weaknesses outlined in the audits. At the April meeting, the City presented information on its audit completions, internal controls, financial position, and financial stability measures. For the next update, this staff report, the Commission directed the City to return with a presentation to include:



- The current cash balances of the major funds.
- Update on lawsuits.
- The City's plan should the proposed financial stability measures not occur.

**SEPTEMBER 2020 UPDATE:**

For this update, at the meeting the City will present an update on the status of audit completions, financial position, update on lawsuits, and financial stability measures. The City's presentation was not available by publication of this staff report. Therefore, staff will provide a copy of the presentation to the Commission when received as well as make it available on the agenda page for this month's meeting.

Before the pandemic, it was staff's position that the City was making strides to come into compliance, and that continued monitoring was warranted. At the April update, the Commission and staff expressed immediate concerns regarding the City's sustainability. Therefore, it is hoped that a frank presentation and discussion results in a good understanding of the City's financial position and sustainability.


At this time, staff recommends that the Commission schedule another update for the City for the January 2021 LAFCO hearing. Staff also reminds the Commission that it can initiate a focused service review for the City at any time.

MT/

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE :** SEPTEMBER 9, 2020   
**FROM:** MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** AGENDA ITEM 12: Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for Barstow Fire Protection District and the City of Barstow (TO BE CONTINUED TO THE JANUARY 20, 2021 MEETING)

---

## **RECOMMENDATION:**

Staff recommends that the Commission continue this item to the January 20, 2021 meeting.

## **BACKGROUND:**

As an outgrowth from LAFCO's February 2020 Countywide Fire Service Review (LAFCO 3231), the Commission directed staff to return at its September 2020 meeting with an update on the sustainability of the Barstow Fire Protection District and its parent agency, the City of Barstow.


Due to the current pandemic and fire-related matters stressing the staff resources of fire agencies, the City of Barstow/Barstow FPD request that the Commission continue this update to its January 20, 2021 meeting. LAFCO staff agrees with request for continuance for these reasons.

MT/

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE :** SEPTEMBER 9, 2020   
**FROM:** MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** AGENDA ITEM 13: Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for San Bernardino County Fire Protection District (TO BE CONTINUED TO THE JANUARY 20, 2021 MEETING)

---

## **RECOMMENDATION:**

Staff recommends that the Commission continue this item to the January 20, 2021 meeting.

## **BACKGROUND:**

As an outgrowth from LAFCO's February 2020 Countywide Fire Service Review (LAFCO 3231), the Commission directed staff to return at its September 2020 meeting with an update on the sustainability of the San Bernardino County Fire Protection District.

LAFCO staff requests that the Commission continue this update to its January 20, 2021 meeting for the following reasons:


1. The current pandemic and fire-related matters are stressing the staff resources of fire agencies.
2. Item 12 on this month's agenda is a similar update for the Barstow Fire Protection District, which is requesting continuance to January 2021.
3. Instead of continuing to the November meeting, Measure U on the November 3 election proposes to repeal County Fire's special tax for its Service Zone FP-5. Should the measure be successful, a January update would give County Fire and the County ample time to provide a proper sustainability update to the Commission.

MT/

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** SEPTEMBER 9, 2020   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #14: Appointment of Voting Delegate and Alternate Voting Delegate for the 2020 CALAFCO Board of Directors Election and Nominations for CALAFCO Board Member

---

## **RECOMMENDATION:**

Staff recommends that the Commission:

1. Select Commission Chair Larry McCallon as voting delegate (and Jim Curatalo as alternate voting delegate) to cast this Commission's vote for CALAFCO Board Member election and any items for the Annual Business Meeting, should CALAFCO have one; and,
2. For CALAFCO Board Member election nomination/selection:
  - Option 1 – If any of our City and/or a Public member Commissioner from this Commission is interested to serve on the CALAFCO Board of Directors, nominate said City and/or Public member Commissioner and direct the voting delegate to select this LAFCO's nominated City and/or Public Member as the Southern Region representatives to the CALAFCO Board of Directors; or,
  - Option 2 – Direct the voting delegate to select the incumbents Cheryl Brothers (Orange LAFCO) for the City Member Seat and David West (Imperial LAFCO) for the Public Member Seat as the Southern Region representatives to the CALAFCO Board of Directors.

## **BACKGROUND:**

The 2020 CALAFCO Annual Conference was originally scheduled for October 21-23, 2020, in Monterey. However, due to the ongoing pandemic, the CALAFCO Board decided to cancel this year's (in-person) conference. In addition, after careful consideration, the

CALAFCO Board unanimously voted against holding a virtual conference. Instead, CALAFCO is considering having a series of courses for the educational and professional development needs of the LAFCO community.

The CALAFCO Annual Conference typically includes the recognition of excellence within the LAFCO community through the annual Achievement Awards, as well as elections for CALAFCO Board of Directors conducted during the regional caucuses.

### **CALAFCO Achievement Awards**

Since the in-person conference has been cancelled, the CALAFCO Board voted to postpone the Achievement Awards this year. The Awards Committee will use this time to review and revise the awards program including streamlining categories and selection criteria as well as the nomination process. Given no awards this year, the 2021 awards will allow for recognition of work done in 2020 and 2021.

### **Board of Directors Nomination and Selection**

Likewise, given there will be no in-person conference, the 2020 Board of Directors elections will be an electronic (email) ballot. Since there will be no caucus, there is no ability to nominate a candidate from the floor; therefore, all nominations must be received by the September 22, 2020 deadline.

#### *Voting Delegate:*

CALAFCO will still need the name of this Commission's voting delegate (and alternate) as the ballot will be emailed directly to the voting delegate (or alternate). The voting delegate (alternate) will also cast votes on behalf of this Commission in case a virtual Annual Business Meeting takes place. Right now, no decision has been made on whether to have an Annual Business Meeting. If an Annual Business Meeting is to take place, it will be held virtually and scheduled for the same date and time the in-person one would have occurred, which is October 22 at 9 am.

LAFCO staff is recommending that the Commission designate:

- Chair Larry McCallon as the voting delegate; and,
- Vice Chair Jim Curatalo as the alternate voting delegate.

#### *Nomination and Selection of Candidates for Board of Directors:*

Nominations are now being accepted for the CALAFCO Board of Directors. As outlined in the attached memo from CALAFCO, there are two positions on the CALAFCO Board of Directors representing the southern region whose terms are expiring this year. The first position is for the City member, currently occupied by Commissioner Cheryl Brothers from Orange LAFCO. Commissioner Brothers has indicated her desire to

continue in this position. The second position is for the Public member, currently occupied by Commissioner David West from Imperial LAFCO. Commissioner West has also indicated his desire to continue in this position.

If any of this Commission's City or Public members are interested in serving on CALAFCO and wish to be nominated for either the City or Public member seat, LAFCO staff is recommending that the Commission nominate the interested Commissioner for either the City or Public member seat on the CALAFCO Board of Directors.

Staff will be happy to answer any questions prior to or at the hearing on the proposed nomination(s).

/sm

Attachment: [CALAFCO Election Update Dated July 7, 2020](#)  
[CALAFCO Nomination Packet for 2020-21 Board of Directors Dated June 19, 2020](#)

July 7, 2020

**To:** Local Agency Formation Commission  
Members and Alternate Members

**From:** Shiva Frentzen, Committee Chair  
CALAFCO Board Election Committee  
CALAFCO Board of Directors



**RE: IMPORTANT UPDATE - Elections for 2020/2021 CALAFCO Board of Directors**

As you know, nominations are now open for the fall elections of the CALAFCO Board of Directors. Please refer to the announcement and nomination packet sent out to you on June 19, 2020 for details on which seats are open and other important information.

In that announcement we advised you that if we are unable to have an in-person annual conference due to the COVID-19 pandemic, the elections will be conducted by all mail ballot. **As the in-person annual conference has been cancelled, the 2020 Board of Directors elections will be an electronic ballot procedure.**

- ✓ We will use the timelines outlined in CALAFCO policies as detailed in the June 19 announcement with some slight modifications as provided below.
- ✓ CALAFCO still needs the name of your voting delegate. Please also provide their title and email address as the ballot will be emailed directly to your voting delegate. The voting delegate will also cast votes on behalf of your LAFCo at whatever virtual annual business meeting we may have.

Since there will be no caucus, there is no ability to nominate a candidate from the floor. All nominations must come from the nomination packets submitted and acknowledged as received by the deadline of September 22, 2020 at 5:00 p.m.

**Please inform your Commission that the CALAFCO Election Committee is accepting nominations until Tuesday, September 22, 2020 at 5:00 p.m. and that this is the only way to get your name on the ballot and be considered for election.**

The election committee and CALAFCO staff will meet virtually the morning of October 22 for purposes of tabulating the results and certifying the election. All election documents will be available for member LAFCo inspection upon request.

- **June 19** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 22** – Completed Nomination packet due
- **September 22** – Voting delegate name and email address due to CALAFCO
- **October 7** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 7** – Distribution of ballots by email to voting delegate
- **October 21** – Ballots due to CALAFCO by 4:00 p.m. – **NO LATE BALLOTS WILL BE ACCEPTED**
- **October 22** – Elections tabulated by the Elections Committee and an announcement made to the membership

Please direct any questions you have about the election process to Executive Director Pamela Miller at [pmiller@calafco.org](mailto:pmiller@calafco.org) or by calling her at 916-442-6536; or to the Election Committee Chair Shiva Frentzen at [sfrentzen@calafco.org](mailto:sfrentzen@calafco.org) or by calling her at 530-621-5390.



June 19, 2020

**To:** Local Agency Formation Commission  
Members and Alternate Members

**From:** Shiva Frentzen, Committee Chair  
CALAFCO Board Election Committee  
CALAFCO Board of Directors



**RE: Nominations for 2020/2021 CALAFCO Board of Directors**

Nominations are now open for the fall elections of the CALAFCO Board of Directors. Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal and operational issues that affect us all. The Board meets four to five times each year at alternate sites around the state. Any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat.

CALAFCO's Election Committee is accepting nominations for the eight (8) seats noted below on the CALAFCO Board of Directors. There are two (2) open in each region as follows:

**Central Region**

County Member  
District Member

**Southern Region**

City Member  
Public Member

**Northern Region**

City Member  
Public Member

**Coastal Region**

County Member  
District Member

The election will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 22, 2020 at the Hyatt Regency in Monterey, CA. *If we are unable to have an in-person annual conference due to the COVID-19 pandemic, the elections will be conducted by all mail ballot. This means there will be no nominations from the floor as part of the usual caucus procedures.*

**Please inform your Commission that the CALAFCO Election Committee is accepting nominations for the above-cited seats until *Tuesday, September 22, 2020 at 5:00 p.m.***

Incumbents are eligible to run for another term. Nominations received by September 22 will be included in the Election Committee's Report and will be on the ballot. The Report will be distributed to LAFCo members no later than October 7, 2020 and ballots made available to Voting Delegates at the Annual Conference. Nominations received after this date will be returned; however, nominations will be permitted from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting an electronic ballot will be made available if requested in advance. **The ballot request must be made no later than Tuesday, September 22, 2020. Completed absentee ballots must be returned by 8:00 a.m., Monday, October 19, 2020.**

*Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate's Resume Form or provide the specified information in another format other than a resume. Commissions may also include a letter of recommendation or resolution in support of their nominee.*

**The nomination forms and materials must be received by the CALAFCO Executive Director no later than Tuesday, September 22, 2020 at 5:00 p.m.** Here is a summary of the deadlines for this year's nomination process:

- **June 23** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 22** – Completed Nomination packet due
- **September 22** – Request for an absentee/electronic ballot due
- **September 22** – Voting delegate name due to CALAFCO
- **October 7** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 7** – Distribution of requested absentee/electronic ballots.
- **October 19** – Absentee ballots due to CALAFCO
- **October 22** – Elections

Returning the nomination form prior to the deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received should there be multiple candidates. Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Please send e-mails with forms and materials to [info@calafco.org](mailto:info@calafco.org). Alternatively, nomination forms and materials can be mailed or faxed to the address or fax number below. Please forward nominations to:

CALAFCO Election Committee c/o Executive Director  
California Association of Local Agency Formation Commissions  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, California 95814  
FAX: 916-442-6535  
EMAIL: [info@calafco.org](mailto:info@calafco.org)

Questions about the election process can be sent to the Chair of the Committee, Shiva Frentzen, at [sfrentzen@calafco.org](mailto:sfrentzen@calafco.org) or by calling her at 530-621-5390. You may also contact CALAFCO Executive Director Pamela Miller at [pmiller@calafco.org](mailto:pmiller@calafco.org) or by calling 916-442-6536.

Members of the 2020/2021 CALAFCO Election Committee are:

Shiva Frentzen, Chair <a href="mailto:sfrentzen@calafco.org">sfrentzen@calafco.org</a>	El Dorado LAFCo (Central Region) 530-621-5390
David Couch <a href="mailto:dcouch@cityofarcata.org">dcouch@cityofarcata.org</a>	Humboldt LAFCo (Northern Region) 530-242-1112
Jo MacKenzie <a href="mailto:jmackenzie@calafco.org">jmackenzie@calafco.org</a>	San Diego LAFCo (Southern Region) 858-614-7755
Tom Murray <a href="mailto:tmurray@calafco.org">tmurray@calafco.org</a>	San Luis Obispo LAFCo (Coastal Region) 805-781-5795

Attached please find a copy of the CALAFCO Board of Directors Nomination and Election Procedures as well as the current listing of Board Members and corresponding terms of office.

*Please consider joining us!*

Enclosures

# Board of Directors Nomination and Election Procedures and Forms

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

## 1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.<sup>8</sup>
- b. The Board shall appoint one of the members of the Election Committee to serve as Chairman. The CALAFCO Executive Officer shall appoint a CALAFCO staff member to serve as staff for the Election Committee in cooperation with the CALAFCO Executive Director.<sup>8</sup>
- c. Each region shall designate a regional representative to serve as staff liaison to the Election Committee.<sup>8</sup>
- d. Goals of the Committee are to provide oversight of the elections process and to encourage and solicit candidates by region who represent member LAFCOs across the spectrum of geography, size, and urban suburban and rural population if there is an open seat for which no nominations papers have been received close to the deadline.<sup>8</sup>

## 2. ANNOUNCEMENT TO ALL MEMBER LAFCOs:

- a. No later than three months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:<sup>8</sup>
  - i. A statement clearly indicating which offices are subject to the election.
  - ii. A regional map including LAFCOs listed by region.
  - iii. The dates by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Elections Committee action."<sup>8</sup>
  - iv. The names of the Election Committee members with the Committee Chairman's LAFCo address and phone number, and the names and contact information for each of the regional representatives.<sup>8</sup>
  - v. The address to send the nominations forms.
  - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
- b. No later than four months before the annual membership meeting, the Election Committee Chairman shall send an announcement to the Executive Director for distribution to each member LAFCo and for publication in the newsletter and on the web site. The announcement shall include the following:<sup>8</sup>

### Key Timeframes for Nominations Process

Days*	
90	Nomination announcement
30	Nomination deadline
14	Committee report released

\*Days prior to annual membership meeting

- i. A statement clearly indicating which offices are subject to the election.
  - ii. The specific date by which all nominations must be received by the Election Committee. Nominations received after the closing dates shall be returned to the proposing LAFCo marked "Received too late for Election Committee action."<sup>8</sup>
  - iii. The names of the Election Committee members with the Committee Chair's LAFCo address and phone number, and the names and contact information for each of the regional representatives.<sup>8</sup>
  - iv. Requirement that nominated individual must be a commissioner or alternate commissioner from a member in good standing within the region.
- c. A copy of these procedures shall be posted on the web site.

### **3. THE ELECTION COMMITTEE:**

- a. The Election Committee and the regional representatives have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.<sup>8</sup>
- b. At the close of the nominations the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated seats. Caucus elections must be held prior to the annual membership meeting at the conference. The Executive Director or assigned staff along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the staff and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.<sup>8</sup>
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.<sup>8</sup>
- f. Post the candidate statements/resumes organized by region on a bulletin board near the registration desk.
- g. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election.<sup>8</sup>
- h. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.<sup>8</sup>

**4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING<sup>6</sup>**

Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCOs requesting an electronic ballot shall do so in writing no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the executive director no later than three days prior to the annual meeting.
- e. LAFCOs voting under this provision may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCOs voting under this provision may only vote for the candidates nominated by the Election Committee and may not vote in any run-off elections.<sup>8</sup>

**5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:**

- a. The Election Committee Chairman, another member of the Election Committee or the Chair's designee (hereafter called the Presiding Officer) shall:<sup>8</sup>
  - i. Review the election procedure with the membership.
  - ii. Present the Election Committee Report (previously distributed).
  - iii. Call for nominations from the floor by category for those seats subject to this election:
    1. For city member.
    2. For county member.
    3. For public member.
    4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy.
- e. The Presiding Officer shall then conduct the election:
  - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
    1. Name the nominees and offices for which they are nominated.
    2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.

- ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
  - 1. Poll the LAFcos in good standing by written ballot.
  - 2. Each LAFco in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
  - 3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.<sup>8</sup>
  - 4. With assistance from CALAFco staff, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
  - 1. The nominee receiving the majority<sup>6</sup> of votes cast is elected.
  - 2. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).<sup>6</sup>
  - 3. In case of tie votes<sup>6</sup>:
    - a. A second run-off election shall be held with the same two nominees.
    - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.
  - 4. In the case of two vacancies, any candidate receiving a majority of votes cast is elected.<sup>6</sup>
    - a. In the case of no majority for either vacancy, the three nominees receiving the three highest number of votes cast shall face each other in a run-off election.
    - b. In the case of no majority for one vacancy, the two nominees receiving the second and third highest number of votes cast shall face each other in a run-off election.
    - c. In the event of a tie, a second run-off election shall be held with the tied nominees. If there remains a tie after the second run-off election the winner shall be determined by a draw of lots.

## **6. ADDITIONAL PROCEDURES**

- a. For categories where there are more candidates than vacancies, names will be listed in the order nominated.
- b. The Election Committee Chair shall announce and introduce all Board Members elected at the Regional Caucuses at the annual business meeting.<sup>8</sup>
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFco may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after

election of new board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

## **7. LOSS OF ELECTION IN HOME LAFCo**

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

## **8. FILLING BOARD VACANCIES**

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

*These policies and procedures were adopted by the CALAFCO Board of Directors on 12 January 2007 and amended on 9 November 2007<sup>1</sup>, 8 February 2008<sup>2</sup>, 13 February 2009<sup>3</sup>, 12 February 2010<sup>4</sup>, 18 February 2011<sup>5</sup>, 29 April 2011<sup>6</sup>, 11 July 2014<sup>7</sup> and 27 October 2017<sup>8</sup>. They supersede all previous versions of the policies.*

# **CALAFCO Regions**

## **FOUR REGIONS**



The counties in each of the four regions consist of the following:

**Northern Region**

Butte  
Colusa  
Del Norte  
Glenn  
Humboldt  
Lake  
Lassen  
Mendocino  
Modoc  
Nevada  
Plumas  
Shasta  
Sierra  
Siskiyou  
Sutter  
Tehama  
Trinity  
Yuba

**CONTACT:** Steve Lucas  
Butte LAFCo  
slucas@buttecounty.net

**Southern Region**

Orange  
Los Angeles  
Imperial  
Riverside  
San Bernardino  
San Diego

**CONTACT:** Gary Thompson  
Riverside LAFCo  
gthompson@lafco.org

**Coastal Region**

Alameda  
Contra Costa  
Marin  
Monterey  
Napa  
San Benito  
San Francisco  
San Luis Obispo  
San Mateo  
Santa Barbara  
Santa Clara  
Santa Cruz  
Solano  
Sonoma  
Ventura

**CONTACT:** Martha Poyatos  
San Mateo LAFCo  
mpoyatos@smcgov.org

**Central Region**

Alpine  
Amador  
Calaveras  
El Dorado  
Fresno  
Inyo  
Kern  
Kings  
Madera  
Mariposa  
Merced  
Mono  
Placer  
Sacramento  
San Joaquin  
Stanislaus  
Tulare  
Tuolumne  
Yolo

**CONTACT:** Christine Crawford, Yolo LAFCo  
christine.crawford@yolocounty.org



# Board of Directors 2020/2021 Nominations Form

## *Nomination to the CALAFCO Board of Directors*

In accordance with the Nominations and Election Procedures of CALAFCO,

\_\_\_\_\_ LAFCo of the \_\_\_\_\_ Region

Nominates \_\_\_\_\_

for the (check one)    ☐ City    ☐ County    ☐ Special District    ☐ Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual  
Membership Meeting of the Association.

\_\_\_\_\_  
LAFCo Chair

\_\_\_\_\_  
Date

### **NOTICE OF DEADLINE**

Nominations must be received by **September 22, 2020**  
at 5:00 p.m. to be considered by the Election Committee.  
Send completed nominations to:  
CALAFCO Election Committee  
CALAFCO  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, CA 95814

## Board of Directors 2020/2021 Candidate Resume Form

Nominated By: \_\_\_\_\_ LAFCo Date: \_\_\_\_\_

Region (please check one): ☐ Northern ☐ Coastal ☐ Central ☐ Southern

Category (please check one): ☐ City ☐ County ☐ Special District ☐ Public

Candidate Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Office \_\_\_\_\_ Mobile \_\_\_\_\_

e-mail \_\_\_\_\_

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

**NOTICE OF DEADLINE**

Nominations must be received by **September 22, 2020**  
at 5:00 p.m. to be considered by the Election Committee.  
Send completed nominations to:  
CALAFCO Election Committee  
CALAFCO  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, CA 95814

<b>CALAFCO Board Members 2019-20</b> (as of June 19, 2020)		
<b>Board Member Name</b>	<b>LAFCo - Region</b>	<b>Type</b> (Term Expires)
Cheryl Brothers	Orange - <i>Southern</i>	City (2020)
Bill Connelly - <b>Treasurer</b>	Butte - <i>Northern</i>	County (2021)
David Couch	Humboldt - <i>Northern</i>	District (2021)
Shiva Frentzen	El Dorado - <i>Central</i>	County (2020)
Blake Inscore	Del Norte - <i>Northern</i>	City (2020)
Gay Jones	Sacramento - <i>Central</i>	District (2020)
Michael Kelley – <b>Vice Chair</b>	Imperial - <i>Southern</i>	County (2021)
Michael McGill - <b>Chair</b>	Contra Costa - <i>Coastal</i>	District (2020)
Jo MacKenzie	San Diego - <i>Southern</i>	District (2021)
Margie Mohler	Napa - <i>Coastal</i>	City (2021)
Tom Murray	San Luis Obispo - <i>Coastal</i>	Public (2021)
Anita Paque - <b>Secretary</b>	Calaveras - <i>Central</i>	Public (2021)
Jane Parker	Monterey - <i>Coastal</i>	County (2020)
Daniel Parra	Fresno - <i>Central</i>	City (2021)
Josh Susman	Nevada - <i>Northern</i>	Public (2020)
David West	Imperial - <i>Southern</i>	Public (2020)