

# **AGENDA**

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

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

### **REGULAR MEETING OF MARCH 16, 2022**

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

#### **ANNOUNCEMENT:**

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

#### **1. PUBLIC COMMENTS ON CLOSED SESSION**

#### **2. CONVENE CLOSED SESSION**

Conference Room Adjacent to Event Center Auditorium

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

#### **3. RECONVENE PUBLIC SESSION**

#### **CONSENT ITEMS:**

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

#### **4. [Approval of Minutes for Regular Meeting of February 16, 2022](#)**

#### **5. [Approval of Executive Officer's Expense Report](#)**

#### **6. [Ratify Payments as Reconciled and Note Cash Receipts for Months of January 2022](#)**

#### **7. Consent Items Deferred for Discussion**

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

#### **8. [Consideration of: \(1\) Review of Mitigated Negative Declaration for a Minor Use Permit prepared by the County of San Bernardino to establish a truck terminal—overflow trailer truck parking facility—on approximately 7 acres, as CEQA Responsible Agency for LAFCO SC#479; and \(2\) LAFCO SC#479 – City of San Bernardino Irrevocable Agreement to Annex No. 2021-367 for Sewer Service \(APN 0262-022-07\)](#)**

9. [Consideration of: \(1\) CEQA Categorical Exemption filed by the County of San Bernardino for a Minor Use Permit to re-establish a previous land use approval to allow three developed buildings on approximately 0.88 acres as CEQA Responsible Agency for LAFCO SC#480; and \(2\) SC#480 – City of Montclair Irrevocable Agreement No. 21-86-I-107 for Sewer Service \(APN 102-411-51\)](#)
10. [Service Review for the Twentynine Palms Community \(REMOVE FROM CALENDAR\)](#)
11. Preliminary Budget Review for Fiscal Year 2022-23:
  - a. [Proposed Schedule of Fees, Deposits, and Charges for Fiscal Year 2022-23](#)
  - b. [Proposed Budget for Fiscal Year 2022-23](#)

**DISCUSSION ITEMS:**

12. [Legislative Update Report](#)

**INFORMATION ITEMS:**

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

The Commission may adjourn for lunch from 12:00 to 1:30 p.m. The Commission may take action on any item listed in this Agenda whether or not it is listed for Action. In its deliberations, the Commission may make appropriate changes incidental to the above-listed proposals. Materials related to an item on this Agenda submitted to the Commission or prepared after distribution of the agenda packet will be available for public inspection in the LAFCO office at 1170 West Third Street, Unit 150, San Bernardino, during normal business hours, on the LAFCO website at [www.sbclafco.org](http://www.sbclafco.org), and at the hearing.

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

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

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

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

**DRAFT**  
**ACTION MINUTES OF THE  
LOCAL AGENCY FORMATION COMMISSION  
FOR SAN BERNARDINO COUNTY**

**REGULAR MEETING**

**9:00 A.M.**

**FEBRUARY 16, 2022**

**PRESENT:**  
**COMMISSIONERS:**

Regular Member	Alternate Member
Jim Bagley, Chair	Rick Denison
Joe Baca, Jr.	
Kimberly Cox	
James Curatalo	
Curt Hagman	
Larry McCallon	
Acquanetta Warren, Vice Chair	

**STAFF:**

Samuel Martinez, Executive Officer  
Paula de Sousa, Legal Counsel  
Michael Tuerpe, Senior Analyst  
Hannah Larsen, Analyst  
Angela Schell, Commission Clerk

**ABSENT:**  
**COMMISSIONERS:**

Dieter C. Dammeier  
Steven Farrell  
Dawn Rowe

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –  
9:02 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

**ANNOUNCEMENT OF CONTRIBUTIONS**

*Commissioner Hagman states he has a conflict of interest arising out of a financial interest with regard to Item 8 stating he lives within 1,000 feet of the project and, therefore, he will be recusing himself for that item.*

**1. PUBLIC COMMENTS ON CLOSED SESSION**

There are no comments.

**2. CONVENE CLOSED SESSION**

Conference Room Adjacent to Event Center Auditorium

Prior to convening in closed session, Legal Counsel Paula de Sousa provides an oral announcements of the matters to be discussed in closed session, as follows:

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

- Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)) – Montecito Equities, Ltd v. San Bernardino Local Agency Formation Commission, County of San Bernardino Superior Court Case No. CIVSB2029401
- Conference with Legal Counsel – Initiation of Litigation (Government Code Section 54956.9(d)(4)) – 1 Potential Case

### **3. RECONVENE PUBLIC SESSION**

Legal Counsel Paula de Sousa states there is no reportable action taken in closed session.

### **CONSENT ITEMS**

#### **4. Approval of Minutes for Regular Meeting of January 19, 2022**

#### **5. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Office's Expense for Procurement Card Purchases from December 23, 2021 to January 24, 2022

#### **6. Ratify Payments as Reconciled for the Month of December 2021 and Note Revenue Receipts**

Recommendation: Ratify payments as reconciled for the month of December 2021 and note revenue receipts for the same period.

#### **7. Consent Items Deferred for Discussion (None)**

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

Ayes: Baca, Bagley, Cox, Curatalo, Hagman, McCallon, and Warren.  
Noes: None.  
Abstain: None.  
Absent: None.

### **PUBLIC HEARING ITEMS:**

#### **8. LAFCO SC#478 – City of Chino Irrevocable Agreement to Annex for Sewer Service (APN 1023-011-51)**

After Chair Bagley announces Item 8 and prior to the Commissions consideration of Item 8, Commissioner Hagman excuses himself from the dais and leaves the meeting room, due to his previously stated conflict of interest (financial interest since his residence is within 1,000 feet of the project area) noted on the record.

Recommendation: Staff recommends that the Commission approve LAFCO SC#478 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 General Plan



- Amendment and Conditional Use Permit for a 3-story residential care facility consisting of 109 units on approximately 3.16 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 on 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 Lead 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#478 authorizing the City of Chino to extend sewer service outside its boundaries to Assessor Parcel Number 1023-011-51; and
  3. Adopt LAFCO Resolution #3345 setting forth the Commission's determinations and approval of the agreement for service outside the City of Chino's boundaries.

*Commissioner Warren moves approval of staff recommendations. Second by Commissioner Cox. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Cox, Curatalo, McCallon, and Warren.*  
*Noes: None.*  
*Abstain: Hagman (recused).*  
*Absent: None.*

Commissioner Hagman enters the meeting room and rejoins the Commission at the dais following the Commission's action.

#### **DISCUSSION ITEMS:**

**9. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for Barstow Fire Protection District and the City of Barstow (CONTINUED FROM THE NOVEMBER 17, 2021 MEETING)**

Recommendation: Staff recommends that the Commission:

1. Receive and file this report; and,
2. Cease monitoring of the City of Barstow and its subsidiary district, the Barstow Fire Protection District.

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

*Ayes: Baca, Bagley, Cox, Curatalo, Hagman, McCallon, and Warren.*  
*Noes: None.*  
*Abstain: None.*  
*Absent: None.*

**10. Review and Consider Methods on Additional Contributions towards LAFCO's Net Pension Liability**

Recommendation: The Commission modifies staff's recommendation to be:

Budget for additional contributions to SBCERA in order to pay down the Commission's share of the pension plan's net pension liability by a static amount of \$50,000 beginning with the FY 2022-23 budget with annual increases tied to the CPI for the Riverside-San Bernardino-Ontario Region, not to exceed 5%.

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

*Ayes: Baca, Bagley, Cox, Curatalo, Hagman, McCallon, and Warren.*

*Noes: None.*

*Abstain: None.*

*Absent: None.*

Commissioner Hagman leaves the dais at 10:32 am following the vote on Item 10.

**11. Review and Accept the 2021 Mapping of the Disadvantaged Unincorporated Communities for San Bernardino County**

Recommendation: Staff recommends that the Commission:

1. Approve the updated maps showing the 2021 Disadvantaged Unincorporated Communities for cities/towns;
2. Direct the Executive Officer to provide the Disadvantaged Unincorporated Communities maps to each of the respective City/Town Managers and LAFCO contact for each city/town; and,
3. Direct staff to use the same methodology and the same 2021 data to generate the Disadvantaged Unincorporated Communities for sphere of influence updates pursuant to Government Code Section 56425(e)(2), until the next data cycle is to be generated pursuant to Commission policy.

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

*Ayes: Baca, Bagley, Cox, Curatalo, McCallon and Warren.*

*Noes: None.*

*Abstain: None.*

*Absent: Hagman.*

**INFORMATION ITEMS:**

**12. Legislative Update Oral Report**

Executive Officer Samuel Martinez states that he has no update on legislation at this time. He indicates that staff is still awaiting the final changes on the CALAFCO Omnibus bill from the Assembly Local Government Committee noting that as soon as it is introduced as a bill, he will be bringing that to the Commission for its consideration.

**13. Executive Officer's Report**

Executive Officer Samuel Martinez reminds the Commission that there will be a meeting in March. He also states that staff will be attending the Morongo Valley CSD Board of Directors meeting on February 16, 2022 to present the special study that the Commission reviewed and considered at last month's meeting regarding the CSD. He concludes his report with a reminder that the Commissioners will need to submit a copy of their Form 700, which is due in April.

**14. Commissioner Comments**

Commissioner Bagley comments about the lack of timely data from SBCERA. He states, that as the Chair, he would be happy to sign a letter as a recommendation from LAFCO for more timely data from SBCERA for a more accountable process of presenting that information, not only for LAFCO but for all other agencies under LAFCO purview. He further states that this could be an action item in a future meeting. Commissioner Warren asks for clarification on whether the Commission needs to take action on Commissioner Bagley's comment.

Counsel Paula de Sousa indicates that the Commission will not be taking an action today since this was not on the agenda. She further states that the Commission can place an item on a future agenda so there can be discussion and for the Commission, if it so desires, take action or provide direction to LAFCO staff.

Commissioner McCallon makes a suggestion to have SBCERA come before the Commission and give a presentation about this particular subject. Commissioner McCallon suggests reaching out to Supervisor Rutherford, who is the County representative on SBCERA, regarding this matter.

Commissioner Bagley comments that he is happy that staff is presenting in Morongo tonight and he is glad that LAFCO is being proactive and thanks staff for their action.

**15. Public Comment.**

There is none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:50 A.M.**

ATTEST:

\_\_\_\_\_  
ANGELA SCHELL, Clerk to the Commission


LOCAL AGENCY FORMATION COMMISSION

\_\_\_\_\_  
JIM BAGLEY, 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 : MARCH 8, 2022  
FROM: SAMUEL MARTINEZ, Executive Officer   
TO: LOCAL AGENCY FORMATION COMMISSION

---

SUBJECT: AGENDA ITEM #5 – APPROVAL OF EXECUTIVE OFFICER'S  
EXPENSE REPORT

---

## **RECOMMENDATION:**

Approve the Executive Officer's Expense Report for Procurement Card Purchases from January 23, 2022 to February 22, 2022.

## **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 periods of:

- January 23, 2022 to February 22, 2022.

Staff recommends that the Commission approve the Executive Officer's expense reports as shown on the attachment.

SM/AS

Attachment



## PROCUREMENT CARD PROGRAM


## ATTACHMENT G

## MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

[illegible]

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


Cardholder (Print & Sign)	Date
Samuel Martinez 	03/08/22

Approving Official (Print & Sign)	Date
Jim Bagley	03/16/22

# 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 : MARCH 9, 2022   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

---

SUBJECT: AGENDA ITEM #6 - RATIFY PAYMENTS AS RECONCILED FOR  
THE MONTH OF JANUARY 2022 AND NOTE REVENUE RECEIPTS

---

## **RECOMMENDATION:**

Ratify payments as reconciled for the month of January 2022 and note revenue receipts for the same period.

## **BACKGROUND INFORMATION:**

Staff prepared a reconciliation of warrants issued for payments to various vendors, internal transfers for payments to County Departments, cash receipts and internal transfers for payments of deposits or other charges that cover the period of:

- January 1 through January 31, 2022

Staff recommends that the Commission ratify the payments as outlined on the attached listing and note the revenues received.



SM/MT

Attachment

**JANUARY 2022 PAYMENTS PROCESSED**

Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount
1901166080	5200 2085	01/26/22	Daily Journal	B3538920	Notice of Hearing	\$ 945.00
1901167094	5200 2085	01/27/22	Daily Journal	B3538915	Notice of Hearing	\$ 479.60
1901145593	5200 2090	01/03/22	City Comm	UNIT: 150	Air Conditioner Service Q2	\$ 345.00
1901145598	5200 2090	01/03/22	Jan Pro	80545	Janitorial Services for Office	\$ 490.00
1901145594	5200 2180	01/03/22	So Cal Edison	6433-12/2021	Electricity November	\$ 337.59
1901166084	5200 2180	01/26/22	So Cal Edison	6433-1/2021	Electricity December	\$ 497.86
1901144740	5200 2305	01/18/22	Stericycle	8000542234	Document Shredding November	\$ 19.25
1901166072	5200 2305	01/26/22	Stericycle	8000728968	Document Shredding December	\$ 19.25
1901166075	5200 2315	01/26/22	Storetrieve	0170714	Document Destruction	\$ 64.37
1901166088	5200 2400	01/26/22	Best, Best, & Krieger	925341	Legal Counsel	\$ 111.36
1901166090	5200 2400	01/26/22	Best, Best, & Krieger	925342	Legal Counsel	\$ 4,625.75
1901166213	5200 2400	01/26/22	Best, Best, & Krieger	925343	Legal Counsel	\$ 159.60
1901145602	5200 2424	01/03/22	Tom Dodson	LAFCO 21-11	Environmental Consulting	\$ 595.00
1901166077	5200 2424	01/26/22	Tom Dodson	LAFCO 21-12	Environmental Consulting	\$ 1,640.00
1901145591	5200 2445	01/03/22	Robert Aldrich	# 13	Professional Staff Support	\$ 2,325.00
1901148199	5200 2445	01/06/22	Bagley	BAGLEY1-4-2022	Admin Committee Mtg on 1-4-22	\$ 200.00
1901148201	5200 2445	01/06/22	McCallon	MCCALL1-4-2022	Admin Committee Mtg on 1-4-22	\$ 200.00
1901148203	5200 2445	01/06/22	Warren	WARREN1-4-2022	Admin Committee Mtg on 1-4-22	\$ 200.00
1901166043	5200 2445	01/26/22	Baca Jr.	BACA1-19-22	Commission Stipend 1/19/2022	\$ 200.00
1901166045	5200 2445	01/26/22	Bagley	BAGLEY1-19-2022	Commission Stipend 1/19/2022	\$ 200.00
1901166048	5200 2445	01/26/22	Cox	COX1-19-2022	Commission Stipend 1/19/2022	\$ 200.00
1901166049	5200 2445	01/26/22	Curatalo	CURATALO1-19-22	Commission Stipend 1/19/2022	\$ 200.00
1901166052	5200 2445	01/26/22	Dammeier	DIETER1-19-22	Commission Stipend 1/19/2022	\$ 200.00
1901166054	5200 2445	01/26/22	Denison	DENISON1-19-22	Commission Stipend 1/19/2022	\$ 200.00
1901166058	5200 2445	01/26/22	Hagman	HAGMAN1-19-22	Commission Stipend 1/19/2022	\$ 200.00
1901166059	5200 2445	01/26/22	McCallon	MCCALL1-19-22	Commission Stipend 1/19/2022	\$ 200.00
1901168130	5200 2445	01/31/22	Robert Aldrich	# 14	Professional Staff Support	\$ 1,575.00
1901145601	5200 2895	01/03/22	Konica Minolta	38942810	Copy Machine	\$ 365.38
1901166067	5200 2895	01/26/22	Konica Minolta	39133409	Copy Machine	\$ 111.29
1901166067	5200 2895	01/26/22	Konica Minolta	39133409	Copy Machine	\$ 365.38
1901145593	5200 2905	01/03/22	City Comm	UNIT: 150	Office Common Area Cost Q2	\$ 6,593.40
1901145593	5200 2905	01/03/22	City Comm	UNIT: 150	Office Lease Payment Q2	\$ 8,464.50
1901145603	5200 2905	01/03/22	City Comm	# TEN AM 19	Amortization Payment 19 of 20	\$ 8,448.33
1901166045	5294 2940	01/26/22	Bagley	BAGLEY1-19-2022	Commission Stipend 1/19/2022	\$ 101.79
1901166048	5294 2940	01/26/22	Cox	COX1-19-2022	Commission Stipend 1/19/2022	\$ 69.03
1901166049	5294 2940	01/26/22	Curatalo	CURATALO1-19-22	Commission Stipend 1/19/2022	\$ 28.08
1901166052	5294 2940	01/26/22	Dammeier	DIETER1-19-22	Commission Stipend 1/19/2022	\$ 27.96
1901166054	5294 2940	01/26/22	Denison	DENISON1-19-22	Commission Stipend 1/19/2022	\$ 77.69
1901144753	4070 9660	01/18/22	Hella Tsoncas		LAFCO 3250 Partial Refund of Deposits	\$ 1,600.86
1901167407	4080 9910	01/28/22	Lytle Creek Comm. Center		LAFCO 3237 Partial Refund of Deposits (1/2)	\$ 7,710.68
1901167410	4080 9910	01/28/22	Mountain Lakes		LAFCO 3237 Partial Refund of Deposits (1/2)	\$ 7,710.68
<b>TOTAL</b>						<b>\$ 58,104.68</b>




JANUARY 2022 COUNTY TRANSFERS PROCESSED									
4102182656	5200	2031	01/01/22	IT		DEC 2021 Payroll System Services (EMACS)	\$	81.60	
4102182657	5200	2032	01/01/22	IT		DEC 2021 Virtual Private Network (VPN)	\$	13.20	
4102182660	5200	2037	01/01/22	IT		DEC 2021 Dial Tone	\$	255.06	
4102182663	5200	2322	01/01/22	IT		DEC 2021 Enterprise Printing (EMACS)	\$	7.14	
4102182669	5200	2420	01/01/22	IT		DEC 2021 Wireless Device (Exchange Active Sync)	\$	17.59	
4102182670	5200	2421	01/01/22	IT		DEC 2021 Desktop Support Services	\$	1,069.20	
4102182664	5241	2410	01/01/22	IT		IT Infrastructure - Period 7	\$	556.00	
4102182667	5241	2417	01/01/22	IT		Enterprise Content Management - Period 7	\$	154.00	
4102182668	5241	2418	01/01/22	IT		Storage Tier 3 - Period 7	\$	192.00	
4102182668	5241	2418	01/01/22	IT		Storage Tier 1 - Period 7	\$	151.00	
4200089572	5200	2424	01/06/22	Clerk to the Board		NOE - LAFCO SC#477	\$	50.00	
4200090438	5200	2424	01/26/22	Clerk to the Board		NOD - LAFCO 3251	\$	50.00	
4200090506	5200	2424	01/26/22	Clerk to the Board		NOE - LAFCO SC#475	\$	50.00	
4200090507	5200	2424	01/26/22	Clerk to the Board		NOD - LAFCO SC#476	\$	50.00	
4200090591	5200	2445	01/26/22	ROV		LAFCO 3153	\$	104.27	
4200090593	5200	2445	01/26/22	ROV		LAFCO 3159	\$	104.27	
4200090594	5200	2445	01/26/22	ROV		LAFCO 3160	\$	52.14	
4200090595	5200	2445	01/26/22	ROV		LAFCO 3162	\$	104.27	
4200090596	5200	2445	01/26/22	ROV		LAFCO 3163	\$	52.14	
4200089578	5200	2310	01/05/22	Mail		Mail Services - DEL	\$	123.50	
4200089579	5200	2310	01/05/22	Mail		Mail Services - FLAT	\$	16.13	
4200089580	5200	2310	01/05/22	Mail		Mail Services - HAN	\$	629.97	
<b>TOTAL</b>							\$	-	
JANUARY 2022 CASH RECEIPTS									
4102169445	various		01/05/22			Service Contract #478	\$	3,480.00	
4102169445	4070	9800	01/05/22			Service Contract #477	\$	560.00	
4102200266	various		01/28/22			Service Contract #480	\$	3,480.00	
<b>TOTAL</b>							\$	4,040.00	
JANUARY 2022 COUNTY TRANSFERRED RECEIVED									
100706000	4030	8500	01/27/22	Treasury		QE 12/31/2021 INTEREST APPORTIONMENT	\$	1,745.74	
<b>TOTAL</b>							\$	1,745.74	
COMPLETED BY:	MICHAEL TUERPE					APPROVED BY:	SAMUEL MARTINEZ		
	Senior Analyst						Executive Officer		
									
	Date: 3/9/2022						3/9/2022		



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** MARCH 9, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
HANNAH LARSEN, LAFCO Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** AGENDA ITEM #8: LAFCO SC#479 – City of San Bernardino Irrevocable Agreement to Annex No. 2021-367 for Sewer Service (APN 0262-022-07)

---

**INITIATED BY:**

City of San Bernardino, on behalf of the property owner/developer

**RECOMMENDATION:**

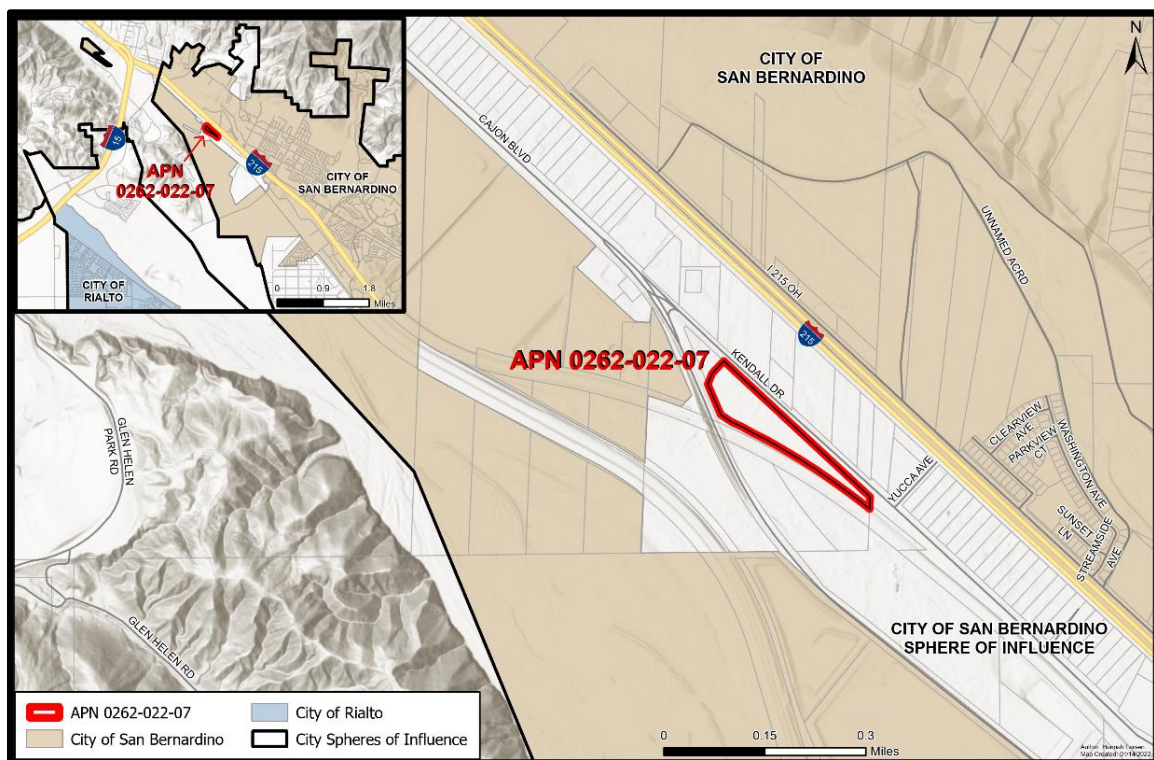
Staff recommends that the Commission approve LAFCO SC#479 by taking the following actions:

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 Minor Use Permit to establish a truck terminal—an overflow truck parking facility—on approximately seven 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#479 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number 0262-022-07; and,
3. Adopt LAFCO Resolution #3347 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 to a single parcel, Assessor Parcel Number (APN) 0262-022-07, which encompasses approximately 7.04 acres generally located on the south side of Kendall Drive, between Cajon Boulevard and Little League Drive, within the City of San Bernardino's northern sphere of influence. The map below, which is also included as Attachment #1, outlines the location and vicinity map of the contract area. In addition, Attachment #2 outlines the City's application and contract.



The County's Land Use Services Department processed and approved a Minor Use Permit to establish a truck terminal on the 7-acre parcel. The Conditions of Approval placed upon this project includes the requirement to connect to the City's sewer facilities prior to issuance of building permits (see page 10 of 13 of the Conditions of Approval). A copy of the Conditions of Approval for the project is included as Attachment #3 to this report.

Note that in May 2010, the Commission confirmed that the provision of water service by the City within the area previously served by the San Bernardino Water Utilities corporation—which includes APN 0262-022-07—is exempt from further LAFCO review through approval of LAFCO SC#352. Therefore, the provision of water service to the project is not considered as part of this authorization request.

However, the extension of sewer service will require a contract with the City for the provision of service outside its boundaries. Therefore, the City, on behalf of the property owner/developer, has requested that the Commission authorize the extension of 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 indicates that sewer service will be provided to the parcel through installation of a sewer lateral from the property and connecting to the existing 15-inch sewer main in Cajon Boulevard.

Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of services outside an agency's boundaries. The City has submitted an estimated cost of \$1,170.35 for the extension of sewer service to the parcel. Following is a table with a breakdown of the fee calculation:

Description of Fees/Charges	Cost
Sewer Treatment Capacity Charge	\$211.65
Sewer Collection Capacity Charge	\$18.70
Sewer Lateral Inspection Fee	\$415.00
Outside City Sewer Service Permit Application Fee	\$1,125.00
<b>Total</b>	<b>\$1,170.35</b>

#### **ENVIRONMENTAL DETERMINATION:**

The County prepared an Initial Study and Mitigated Negative Declaration for a Minor Use Permit to establish a truck terminal to provide overflow truck parking with 207 spaces and a guard shack on approximately 7.04 acres.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and 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 for the project 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 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 CEQA Lead Agency, has paid said fees for its environmental determination.

### **CONCLUSION:**

The development of the overflow truck parking facility approved by the County requires that it receive water and sewer service from the City of San Bernardino.

For water service, the Commission has previously confirmed that the provision of water service within the area—which includes the parcel, APN 0262-022-07—is exempt from LAFCO review. Therefore, there is no issue with the provision of water service by the City.

However, for sewer service, the property owner/developer must show proof of its ability to connect to the City's sewer infrastructure in order for the project to proceed, which—in this case—is the Commission's authorization for the agreement.

Staff has reviewed this request for authorization to provide sewer service from the City 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 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 APN 0262-022-07 since its facilities are adjacent to the project area, and there is no other existing entity available to provide this service within the area.

### **DETERMINATIONS:**

1. The project area, APN 0262-022-07, is 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. For water service, the Commission has previously confirmed that the provision of water service within the area previously served by the San Bernardino Water Utilities Corporation—which includes said parcel—is exempt from LAFCO review. Therefore, the application requests authorization to receive City of San Bernardino sewer service only.

The requirement to receive water and sewer service from the City of San Bernardino are conditions of approval placed upon the proposed project by the County Land Use Services Department. Therefore, approval of the City's request for authorization to provide sewer service is necessary in order to satisfy the condition of approval for the project.

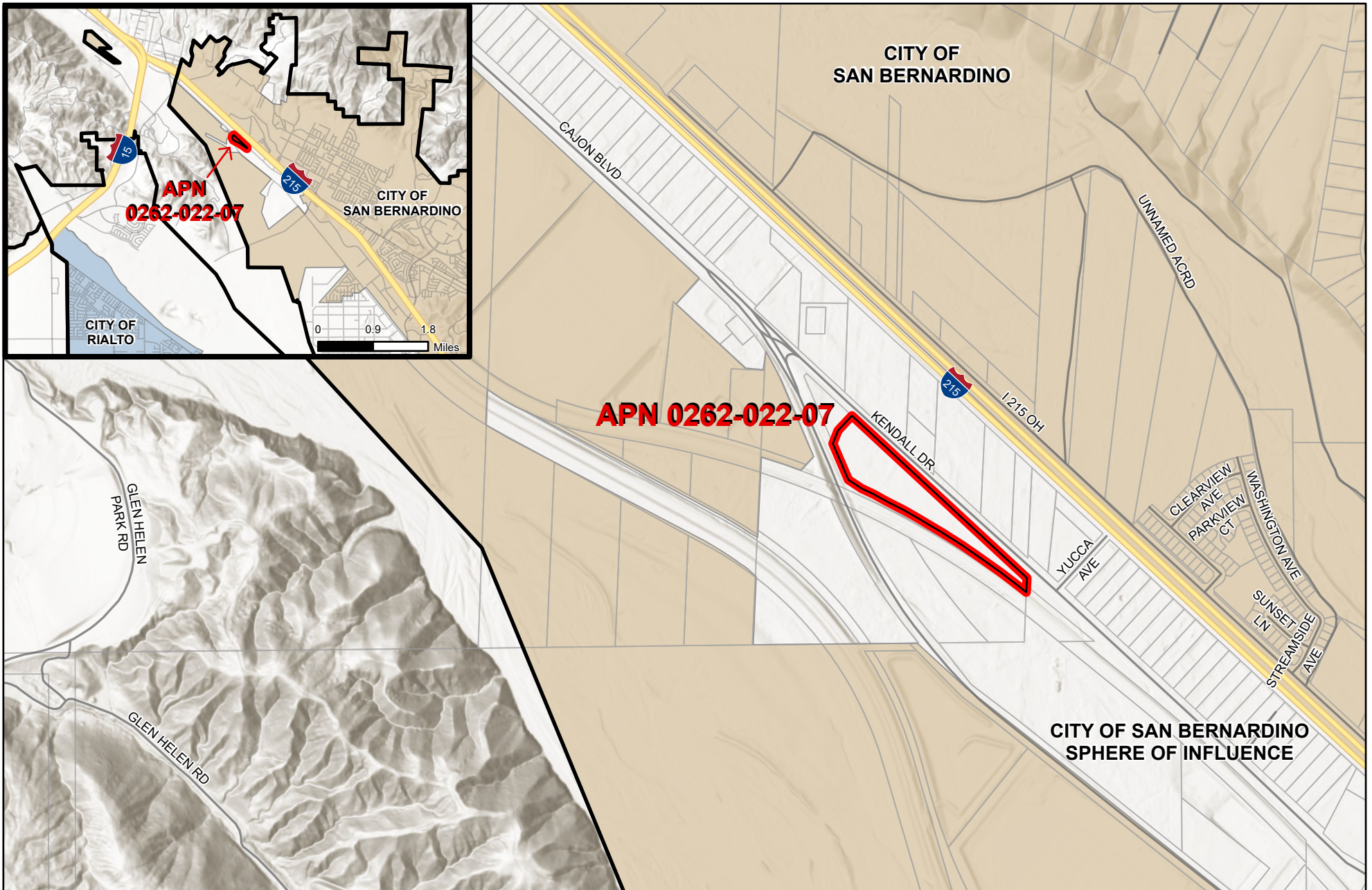
2. The City of San Bernardino's Irrevocable Agreement to Annex No. 2021-367 being considered is for the provision of sewer service to APN 0262-022-07. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner/developer and the City of San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of San Bernardino for the extension of sewer service to the parcel are identified as totaling \$1,170.35 (see table on page 3 for a breakdown of fees and charges).
4. Acting as the CEQA Lead Agency, the County prepared an environmental assessment for a Minor Use Permit to establish a truck terminal to provide overflow trailer truck parking on approximately seven 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#479, 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.

Attachments:

1. [Vicinity Map](#)
2. [City of San Bernardino's Application and Signed Irrevocable Agreement to Annex](#)
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 #3347](#)

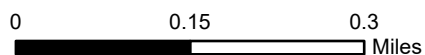




**LAFCO SC#479 – City of San Bernardino Irrevocable Agreement to Annex No. 2021-367 for Sewer Service (APN 0262-022-07)**



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



APN 0262-022-07  
 City of San Bernardino

City of Rialto  
 City Spheres of Influence

## 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: BCWR Cajon, LLC

CONTACT PERSON: Mr. Griffin Lord

MAILING ADDRESS: 500 West Newport Center Drive, Suite 630  
Newport Beach, CA 92660

PHONE: 949-375-6854

EMAIL: gslord@lordconstructors.com

ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 19425 Kendall Drive  
San Bernardino, CA 92407

CONTRACT NUMBER/IDENTIFICATION: 2019-006

PARCEL NUMBER(S): APN: 0262-022-07

ACREAGE: 7.04 From PIMS

*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 Treatment (Sewer Treatment) and

Sanitary Sewer Collection (Sewer Collection)

- (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 Cajon Blvd. fronting the Contract Parcel.

Existing SBMWD Water Reclamation Treatment Plant has available sewer treatment capacity.

Sewer lateral and connection to the 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 Lateral Connection Invoice to be paid prior to issuance of sewer lateral inspection permits.

Sewer collection and treatment fees to be added to Contract Parcel'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.

No Known time frame exists. Goals of annexation will be furthered by

Irrevocable Annexation Agreements for new sewer connections.



*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.

The annexation is being contemplated and is desired. Goals of annexation will  
be furthered by Irrevocable Annexation Agreements for new sewer connections.

Single parcel annexations are not being pursued, due to administrative costs.

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? The site is currently vacant and preparing  
to be graded to make way for a proposed truck trailer drop lot for 209 trailer spots  
on approximately 7.04 Acres.

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

The proposed development consists of a paved truck trailer drop lot for 209 trailer  
spots and will include one guard shack (Approx. 170 S.F.).

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

A proposed paved truck trailer drop lot for 209 trailer spots on approximately 7.04 Acres  
and will include one guard shack (Approx. 170 S.F.) with one restroom.

The site is currently awaiting a building permit from the County for final grading to begin.

*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 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"/>

See attached documents.

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 maintains a 15" Victaulic Clay Pipe, (VCP) sanitary sewer main in Cajon Blvd.

fronting the contract parcel. Capacity exists in this 15" 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 proposed development 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 treatment capacity and sewer collection capacity charges, as well as perform

Extension of Service by Contract  
Application Form

(FOR LAFCO USE ONLY)

inspection within the right-of-way of Cajon Blvd. during installation and  
connection of the sewer lateral to the sewer main.

- (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 Treatment Capacity Charge	\$211.65	\$211.65
Sewer Collection Capacity Charge	\$330.00/3,000sf	\$18.70
Sewer Lateral Inspection Fee	\$415.00	\$415.00
<b>Total Costs</b>		\$645.35

- (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 \$1,125.00, due upon receipt of application.

- (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.  
Policy attached. Policy was adopted by the City of San Bernardino when the  
sewer collection system was maintained by the Public Works Department. It  
is unknown if this policy has been provided to LAFCO at an earlier date.

## 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:

1/12/2022

**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

Gina Gomez



Recorded in Official Records  
San Bernardino County

Bob Dutton  
Assessor-Recorder-County Clerk

DOC # 2021-0404804

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

City of San Bernardino  
290 N. D Street  
San Bernardino, California 92401  
Attn: City Manager

09/07/2021  
01:19 PM  
SAN

14609

Titles: 1 Pages: 7

Fees:	\$0.00
Taxes:	\$0.00
CA SB2 Fee:	\$0.00
Total:	\$0.00

Exempt from Recording fee  
pursuant to Gov't Code §§ 27383, 6103

(Space above for Recorder's use)

### **IRREVOCABLE AGREEMENT TO ANNEX**

**No. 2021-367**

This Irrevocable Agreement to Annex ("Agreement"), is entered into this day of August 18, 2021; by and between BCWR CAJON, LLC, a Delaware limited liability company, Hereinafter referred to as "OWNER," and the CITY OF SAN BERNARDINO, a charter city and municipal corporation, hereafter referred to as a "CITY." OWNER and CITY may be referred to in this Agreement individually as "Party" and collectively as "Parties".

#### **RECITALS:**

WHEREAS, OWNER holds title to the unincorporated parcel, located south of the intersection of Kendall Drive and Cajon Boulevard, San Bernardino, California, and parcel is further described as follows: That portion of Block 11 of the Meyers and Barclay Subdivision, in the County of San Bernardino, State of California, as per plat recorded in Book 2, Page 32 of Maps, records of said County, described as follows: Beginning at the point of intersection of the Southeasterly line of that certain parcel of land conveyed to the State of California, by deed recorded September 07, 1937 in Book 1228, Page 214 of official records, in said recorder's office, and the Southwesterly line of that certain strip of land designated as "Former RTE. 191" on detail map of relinquishment on file in Book 3, Page 52 of State Highway Maps, in said recorder's office, said point being a point 50 feet left of engineer's station 3799.02 centerline of said former RTE. 191 shown on said detail map of relinquishment; thence along said Southeasterly line South 43°14'00" West, 135.09 feet to the most Northerly corner of that certain parcel of land firstly described in deed to the State of California recorded September 07, 1937 in Book 1231, Page 157 of official records, in said recorder's office; thence along the Easterly line of last said parcel, South 22°17'30" West, 91.87 feet to the Northeasterly line of that certain strip of land designated as "Former RTE. 31" on said detail map of relinquishment; thence South 21°52'20" East, 258.87 feet; thence along said Northeasterly line, South 56°23'51" East 475.35 feet to the Northeasterly line of the Atchison, Topeka and Santa Fe Railway Right of Way; thence Southeasterly along

said Northeasterly right of way line to the East line of said block 11; thence North Deg. 38' East along said East line to a point on said East line that is South 02°38' West, 26.34 feet from the intersection of said East line of said Block 11, with the Southwesterly line of the county road above referred to said point being the Southeasterly corner of that certain 20 foot strip of land conveyed to the State of California, by deed recorded May 15, 1937 in Book 1203, Page 418 of official records; thence North 46°46' West 1565.72 feet along the Southwesterly line of said 20 foot strip to the point of beginning. Excepting therefrom that portion conveyed to BNSF Railway Company, a Delaware Corporation, by deed recorded December 28, 2005 as instrument no. 2005-0981146 of official records with Assessor's Parcel Number(s): 0262-022-07 ("Property").

WHEREAS, the Property is within the CITY's sphere of influence; and

WHEREAS, OWNER desires to obtain CITY's sewage system and wastewater treatment plant service for the Property; and

WHEREAS, CITY's sewage system and wastewater treatment plant service could be provided to the Property 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 the Property; and

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

NOW, THEREFORE, the Parties hereto agree as follows:

**SECTION I            OWNER AGREES:**

- a. To consent to the annexation of the Property to the CITY. OWNER agrees to covenant for itself, its agents, employees, contractors, heirs, successors and assigns ("Successors") not in any way object to, protest, delay, frustrate or otherwise impede any annexation proceedings concerning the annexation of the Property to the CITY. OWNER and its Successors shall cooperate in every reasonable way with the requests of the CITY, the San Bernardino Local Agency Formation Commission ("LAFCO"), or any other public agency in any proceedings to annex the Property to the CITY. The OWNER's and its Successor's cooperation shall include, but not be limited to, the filing of all necessary applications, petitions, plans, drawings, and any other documentation or information required by the CITY, LAFCO, or any other public agency.
- 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.
- c. To pay all fees and charges and make all deposits required by the CITY to connect to and use the CITY's sewage system and wastewater treatment plant service system, and further agrees to be bound by all CITY ordinances, rules and regulations respecting the sewage system.
- d. To acknowledge that execution of this 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 the San Bernardino Municipal Code, General Plan (emphasis on the circulation plan-street section) and any rules and regulations promulgated by the Water Board of the San Bernardino Municipal Water Department relating to CITY's sewage system and wastewater treatment plant service system.
- f. To make application to LAFCO, 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 with CITY stipulating the terms and conditions under which the connection to the CITY's sewage system and wastewater treatment plant service system shall be made and maintained.
- h. OWNER acknowledges and agrees that if CITY determines that any attempted annexation fails or is unreasonably delayed because the OWNER or Successor failed to exercise good faith and best efforts to cause or assist in permitting the annexation to occur, any connection to CITY's sewage system and wastewater treatment plant service system permitted or authorized by this agreement may



be disconnected at the sole option of CITY and upon reasonable notice to the OWNER to provide for alternative service.

- i. OWNER agrees to maintain the Property in good condition and in compliance with reasonable standards. Reasonable standards are defined as the level of maintenance service necessary to keep the appearance and operation of the Property free from visible defects, deterioration, dirt and debris.
- j. OWNER shall indemnify, defend, and hold the CITY and its officials and staff harmless from any and all liability, claims, costs (including reasonable attorneys' fees), damages, expenses and causes of action resulting from any construction performed under or otherwise related to performance of this Agreement.

## **SECTION II**

### **CITY AGREES:**

- a. To allow OWNER's parcel, described hereinbefore, to connect to CITY's sewage system and wastewater treatment plant service system, subject to payment of all applicable fees and permits.

## **SECTION III**

### **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 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 to CITY's sewage system and wastewater treatment plant service system is contingent upon OWNER securing approval from LAFCO.
- d. This Agreement may be executed in counterparts.
- e. CITY and OWNER acknowledge that this Agreement is the product of mutual arms-length negotiation and drafting. Accordingly, the rule of construction which provides the ambiguities in a document shall be construed against the drafter of that document shall have no application to the interpretation and enforcement of this Agreement. In any action or proceeding to interpret or enforce this Agreement, the finder of fact may refer to any extrinsic evidence not in direct conflict with any specific provision of this Agreement to determine and give effect to the intention of the parties.
- f. This Agreement may only be amended by the written consent of all of the Parties at the time of such amendment. If either Party commences an action against the other Party arising out of or in connection with this Agreement, the

prevailing party shall be entitled to have and recover from the losing Party reasonable attorneys' fees and costs of suit, and, if CITY is awarded such attorneys' fees and costs, such award shall constitute a lien upon the Property.

- g. Failure to insist on any one occasion upon strict compliance with any of the terms, covenants or conditions hereof shall not be deemed a waiver of such term, covenant or condition, nor shall any waiver or relinquishment of any rights or powers hereunder at any one time or more times be deemed a waiver or relinquishment of such other right or power at any other time or times.
- h. This Agreement has been executed in and shall be governed by the laws of the State of California. Venue shall be in the County of San Bernardino.


**SIGNATURE PAGE TO IRREVOCABLE AGREEMENT TO ANNEX**

IN WITNESS WHEREOF, the Parties hereto have caused this agreement to be entered into as of the Effective Date set forth above.

**CITY OF SAN BERNARDINO**

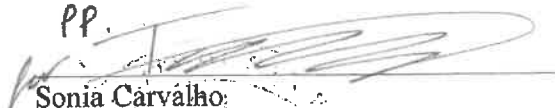

**OWNER**

*Approved By:*

  
Robert D. Field  
City Manager

BCWR Canyon, LLC  
  
Signature

GARY EVANS  
Name

PP.  
  
Sonia Carvalho  
City Attorney  
*Attested By:*  
  
Genoveva Rocha  
CMC, City Clerk

**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 Orange

On 07/23/2021 before me, Hana H. Aslan Notary Public  
(insert name and title of the officer)

personally appeared Gary Edwards  
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 Hana Aslan (Seal)



# Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

**Record Type:** Project Application

**Primary APN:** 0262022070000

**Record Status:** In Review

**Application Name:** MINOR USE PERMIT

**Description:**

MINOR USE PERMIT - PROPOSED TRUCK TERMINAL - OVERFLOW PARKING

**This document does not signify project approval.**

If the project has been approved, then an effective date and an expiration date for these conditions can be found below. This content reflects County records as at the System Date and time below.

The following conditions of approval have been imposed for the project identified below. The applicant/developer shall complete all conditions of approval stipulated in the approval letter.

Conditions of Approval are organized by project phase, then by status, and finally by department imposing the condition.

On-going conditions must be complied with at all times. For assistance interpreting the content of this document, please contact the Land Use Services Department Planning Division.

Contact information is provided at the end of this document for follow-up on individual conditions.

## Informational

### **County Fire - Community Safety**

- ☐ 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. 1. Show closest Public Hydrant on plans, indicate the distance to the hydrant from the truck parking

### **Land Use Services - Land Development**

- ☐ 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.
- ☐ 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.
- ☐ 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.



## Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

- **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.
- **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. Refer to approved WQMP maintenance section.

### **On-going**

#### **Land Use Services - Planning**

- **Development Impact Fees:** Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances
- **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
- **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.
- **Revisions:** Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
- **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.
- **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.
- **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)



## Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

- **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 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.
- **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.
- **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
- **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 are not limited to: a. FEDERAL: b. STATE: c. COUNTY: d. LOCAL:
- **GHG - Operational Standards:** The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. 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.
- **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.



## Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

□ **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.

□ **Project Location:** The Project site is located approximately 400 feet east of the intersection of Cajon Blvd. and Kendall Avenue on the south side of Kendall Drive, between the railroad tracks and Kendall Drive.

□ **Project Approval Description (CUP/MUP):** This Minor Use Permit is conditionally approved to permit 209 trailer truck parking spaces in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.





## Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

□ **Expiration:** This project permit approval shall expire and become void if it is not “exercised” within 36 months 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.

### **Public Health– Environmental Health Services**

□ **Refuse Storage and Disposal:** All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call EHS/LEA at: 1-800-442-2283.

□ **Noise Levels:** Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call EHS at 1-800-442-2283.

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

### **Prior to Land Disturbance**

#### **Outstanding**

#### **Land Use Services - Building and Safety**

- **Wall Plans:** Submit plans and obtain separate building permits for any required retaining walls.
- **Geotechnical (Soil) Report Required Before Grading:** A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.
- **Geology Report Required Before Grading:** A geology report shall be submitted to the Building and Safety Division for review and approval by the County Geologist and fees paid for the review prior to issuance of grading permits or land disturbance.

#### **Land Use Services - Land Development**

- **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.



## Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

- **FEMA Flood Zone:** The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C7910H dated 8/28/2008. No elevation requirements. 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.
- **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 \$750 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.
- **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.
- **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>)
- **On-site Flows:** On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
- **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.
- **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)



## Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

### Land Use Services - Planning

- **Air Quality:** Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the overflow trailer truck parking area is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures: a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities. 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday. 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion. 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour. b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 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.
- **GHG - Construction Standards:** The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.



## Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

- Grading/Land Disturbance Condition: BIO-1: Conduct a pre-construction burrowing owl survey no more than 14 days prior to construction activities, including vegetation removal, and a final survey within 24 hours prior to construction consistent with the take avoidance survey methodology outlined in the California Department of Fish and Wildlife's 2012 Staff Report on Burrowing Owl Mitigation. Should burrowing owl be found, a burrowing owl mitigation and monitoring plan would need to be developed in coordination with the County and CDFW. BIO-2: Construction activities, including vegetation removal, will be conducted outside the general bird nesting season (February 1 through August 31) to avoid impacts to nesting birds. If construction activities cannot be conducted outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required no more than three days prior to any construction activities. Should nesting birds be found, an exclusionary buffer will be established by the qualified biologist. The buffer will be clearly marked in the field by construction personnel under guidance of the qualified biologist. No construction activities will be allowed within this zone until the qualified biologist determines that the young have fledged or the nest is no longer active.
- Monument Disturbed by Grading: 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 pursuant to Section 8771(b) Business and Professions Code.
- Corner Records Required Before Grading: 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

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

### Prior to Issuance

#### Outstanding

#### Land Use Services - Building and Safety

- Temporary Use Permit: A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.
- Construction Plans: Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.



## Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

### Land Use Services - Land Development

- Road Dedication/Improvements: The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California. Kendall Drive (Major Highway Per Glen Helen Specific Plan – 104 Feet): • Road Dedication. A 2-foot foot grant of easement is required to provide a half-width right-of-way of 52 feet. • Street Improvements. Design curb and gutter with match up paving 40 feet from centerline. • Sidewalks. Design sidewalks per County Standard 109 Type "C". • Driveway Approach. Design driveway approach per San Bernardino County Standard 129B and located per San Bernardino County Standard 130.
- 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
- Utilities: Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.
- Slope Easements: Slope rights shall be dedicated, where necessary.
- 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.
- 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.
- 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.
- Regional Transportation Fee: This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the San Bernardino 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 \$1.89 per square foot for Industrial Use, which includes the 170 square foot building per the site plan dated April 1, 2021. Therefore, the estimated Regional Transportation Fees for the Project is \$321.30. The current Regional Transportation Development Mitigation Plan can be found at the following website:  
<http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>
- 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.
- 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.



## Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

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

### Land Use Services - Planning

- 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.

### Public Health– Environmental Health Services

- Water Service Verification Letter: 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 may suffice. For information, contact the Water Section at 1-800-442-2283.
- Water Purveyor: Water purveyor shall be City of San Bernardino MWD or EHS approved.
- Sewage Disposal: Method of sewage disposal shall be City of San Bernardino Muni Agency, or, if not available, an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).
- Preliminary Acoustical Information: Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 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.
- New OWTS: If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. An Alternative Treatment System, if applicable, shall be required.





## Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

- Existing Wells: 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.

### **Prior to Occupancy**

#### **Outstanding**

##### **Land Use Services - Building and Safety**

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

##### **Land Use Services - Land Development**

- 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.
- 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.
- LDD Requirements: All LDD requirements shall be completed by the applicant prior to occupancy.
- 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.
- 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.
- Road Improvements: All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.

##### **Land Use Services - Planning**

- Condition Compliance : Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.
- Installation of Improvements : All required on-site improvements shall be installed per approved plans.
- Landscaping/Irrigation: All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. Landscaping along Kendall Drive shall be consistent with the requirements of the Glen Helen Specific Plan. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
- 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").



## Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

- Occupancy Condition: Landscaping shall comply with the requirements of the Glen Helen Specific Plan, Section GH3.015 to GH3.0135. This shall include, but not be limited to, a continuous berm with uniform slope three feet above the top of the street curb, a row of shrub/hedge three feet in height planted along the backside of the berm, and informal clusters of evergreen trees.





## Conditions of Approval

**Record:** PROJ-2021-00038

**System Date:** 12/11/2021

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	<a href="http://cms.sbcounty.gov/lus/Home.aspx">http://cms.sbcounty.gov/lus/Home.aspx</a>	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	<a href="https://www.sbcounty.org/">https://www.sbcounty.org/</a>	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	<a href="http://cms.sbcounty.gov/dpw/Home.aspx">http://cms.sbcounty.gov/dpw/Home.aspx</a>	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	<a href="https://wp.sbcounty.gov/dph/programs/ehs/">https://wp.sbcounty.gov/dph/programs/ehs/</a>	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	<a href="http://www.sbclafco.org/">http://www.sbclafco.org/</a>	
	Water and Sanitation	(760) 955-9885
Special Districts	Administration, Park and Recreation, Roads, Streetlights, Television Districts, and Other	(909) 386-8800
External Agencies (Caltrans, U.S. Army, etc.)		See condition text for contact information...

# **TOM DODSON & ASSOCIATES**

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

**Physical Address:** 2150 N. Arrowhead Avenue, San Bernardino, CA 92405

**Tel:** (909) 882-3612 ♦ **Fax:** (909) 882-7015 ♦ **Email:** [tda@tdaenv.com](mailto:tda@tdaenv.com)



March 7, 2022

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

**RECEIVED**

**MAR 07 2022**

**LAFCO**  
**San Bernardino County**

Dear Sam:

LAFCO SC#479 consists of an application for Extension of Service by the City of San Bernardino to a single parcel located in the City's northern Sphere of Influence (Sphere). The specific action before the Local Agency Formation Commission (LAFCO) consists of a request by the City of San Bernardino (City) to extend sewer collection and wastewater treatment service to a proposed truck trailer drop lot on an approximate 7-acre parcel of land (APN 0262-022-07) located on the south side of Kendall Drive between Cajon Boulevard and Little League Drive. If the Commission approves LAFCO SC#479, the project can move forward with development and connect to the City's sewer collection system, which is located in Cajon Boulevard adjacent to the project site. If the Commission approves LAFCO SC#479, the project site can move forward with development through the County of San Bernardino (County). See attached map.

The County prepared an Initial Study and adopted a Mitigated Negative Declaration (MND) for this project. This document addressed the whole of the project which consists of a Minor Use Permit to establish a paved truck trailer drop lot with 209 parking spaces and a guard shack. The Notice of Determination (NOD) for this action was filed for the Mitigated Negative Declaration (MND) on January 21, 2022.

As indicated, the County prepared an Initial Study which concluded that implementation of the proposed project, would not result in significant adverse impacts to the environment and identified several mitigation measures that must be implemented. None of the measures is the direct responsibility of the Commission. Indirectly, the Commission gets involved because it must approve the extension of service agreement before the facility can be occupied. Therefore, I am recommending that the Commission consider the adopted MND as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO's decision on LAFCO SC#479.

Thus, based on a review of LAFCO SC#479 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 MND as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in December 2021, and based on a field review and review of the environmental issues in the County's document, no substantial changes in circumstances have occurred since its adoption that would require additional environmental documentation. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#479, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's Initial Study and Mitigated Negative Declaration and found them adequate for the extension of service proposal contained in LAFCO SC#479.

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 before it and finds the information substantiating the Mitigated Negative Declaration adequate for approval of the extension of service proposal contained in LAFCO SC#479.
3. The Commission should indicate that it does not intend to adopt alternatives or mitigation measures for this project. The mitigation measures required for this project will remain the responsibility of the County to implement.
4. File a new Notice of Determination with the County Clerk of the Board acting 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: Jim Morrissey  
Phone: 909-387-4234

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): N/A

Project Title: Kendall Truck Terminal Overflow Trailer Truck Parking – Minor Use Permit

Project Applicant: Lord Constructors, LLC

Project Location (include county): Northwest Approximately 400 feet east of the intersection of Cajon Blvd.  
and Kendall Drive, on the south side of Kendall Drive, between Kendall Drive and the railroad tracks, in  
the Devore area, San Bernardino County.

Project Description:

Minor User Permit to establish a truck terminal to provide overflow trailer truck parking with 207 spaces and a guard shack on approximately seven acres within the Glen Helen Specific Plan, designated SP-CI (Specific Plan-Corridor Industrial); APN: 0262-022-07; Project Number: PROJ-2021-00038.

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

described project on May 22, 2018 and has made the following determinations regarding the  
(date)  
above described project.

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

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

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

Signature (Public Agency): James Morrissey Title: Contract Planner  
Jim Morrissey

Date: 1/19/22

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

Authority cited: Sections 21083, Public Resources Code.  
Reference Section 21000-21174, Public Resources Code.

Revised 2011

CLERK OF THE  
BOARD OF SUPERVISORS  
2022 JAN 21 PM 1:25  
COUNTY OF SAN BERNARDINO  
CALIFORNIA

DATE FILED & POSTED

Posted On: 1-21-22

Removed On: 8-4-22

Receipt No: 30-01212022-063

**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>	0262-022-07	<b>USGS Quad:</b>	Devore
<b>Applicant:</b>	Lord Constructors	<b>T, R, Section:</b>	T01N, R05W, Section 2
<b>Location</b>	Approximately 400 feet east of the intersection of Cajon Blvd. and Kendall Avenue on the south side of Kendall Drive, between the railroad tracks and Kendall Drive.	<b>Thomas Bros</b>	
<b>Project No:</b>	PROJ-2021-00038	<b>Community Plan:</b>	San Bernardino
<b>Rep</b>	Gloria Loofbourrow	<b>LUZD:</b>	SP-CI (Glen Helen Specific Plan-Corridor Industrial)
<b>Proposal:</b>	A Minor Use Permit to establish a truck terminal for overflow trailer truck parking on approximately seven acres within the Glen Helen Specific Plan.	<b>Overlays:</b>	Burrowing Owl

**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:** Jim Morrissey, Contract Planner  
**Phone No:** (909) 387-4234      **Fax No:** (909) 387-3223  
**E-mail:** [Jim.Morrissey@lus.sbcounty.gov](mailto:Jim.Morrissey@lus.sbcounty.gov)

**PROJECT DESCRIPTION:**

***Summary***

The proposed Project is a truck terminal for overflow trailer truck parking on approximately seven acres on the south side of Kendall Drive, approximately 400 feet southeast of the intersection of Cajon Blvd. and Kendall Drive. Most of the property will be paved for approximately 207 parking spaces. A small guard shack will be located at the site entrance. Two vehicular access points will be provided at either end of the property allowing access to and from Kendall Drive.

***Surrounding Land Uses and Setting***

The Project Site is located along Kendall Drive that includes a variety of vacant, commercial, and residential properties. Property immediately to the northwest is vacant and the southwesterly boundary is defined by a raised railroad track. The Project Site occurs within the unincorporated

area of San Bernardino in the County of San Bernardino and has a current Policy Plan Land Use designation of SD (Special Development) and Specific Plan Zoning of CI (Corridor Industrial). All properties to the northeast of the raised railroad tracks are also SD and CI, respectively.

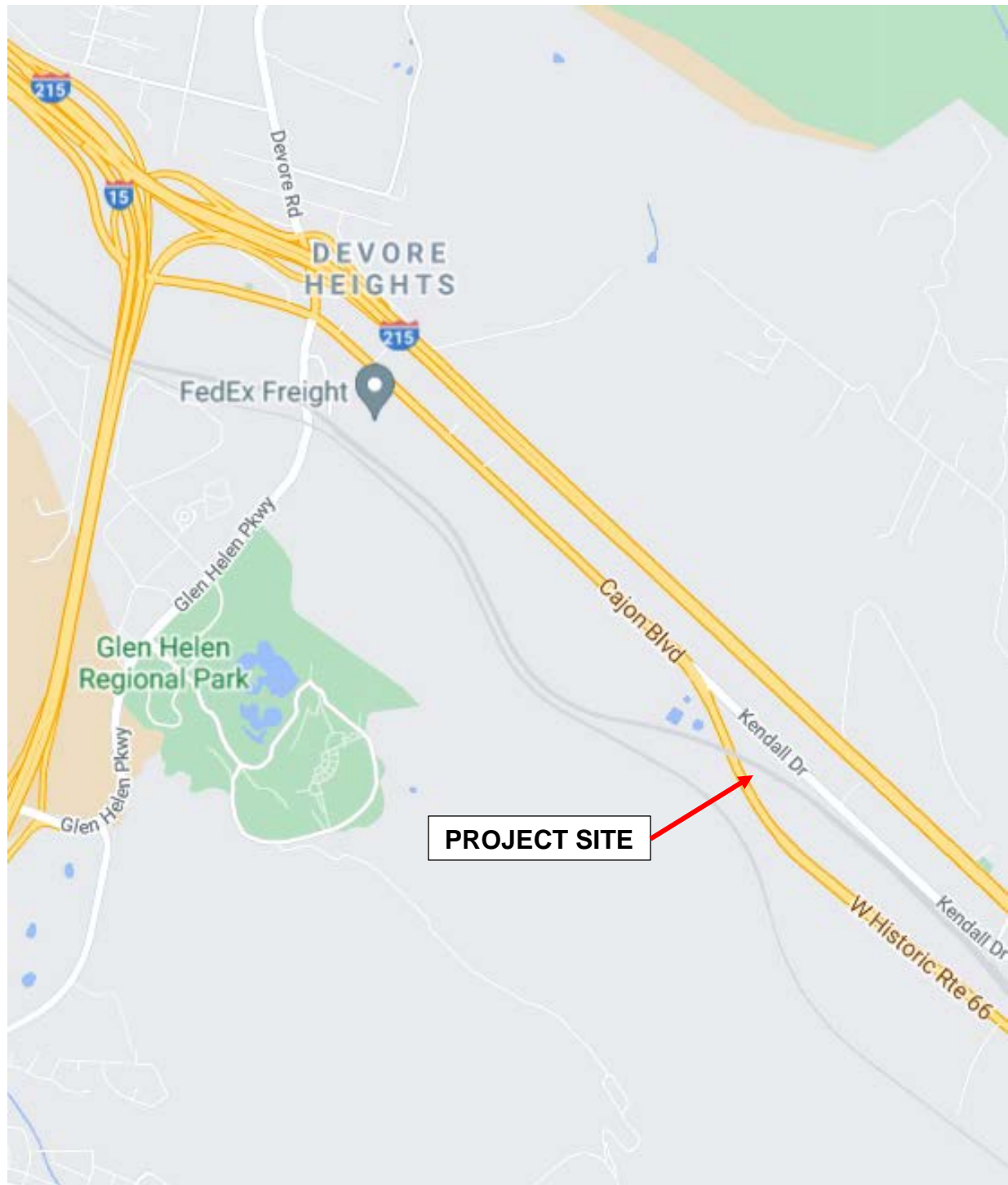
The subject property is generally flat, but slopes gradually to the southeast in a uniform manner as part of a broad alluvial fan as part of Cajon Canyon. The property has some mature trees and other native grasses on-site.



**Figure 1 Regional Location**

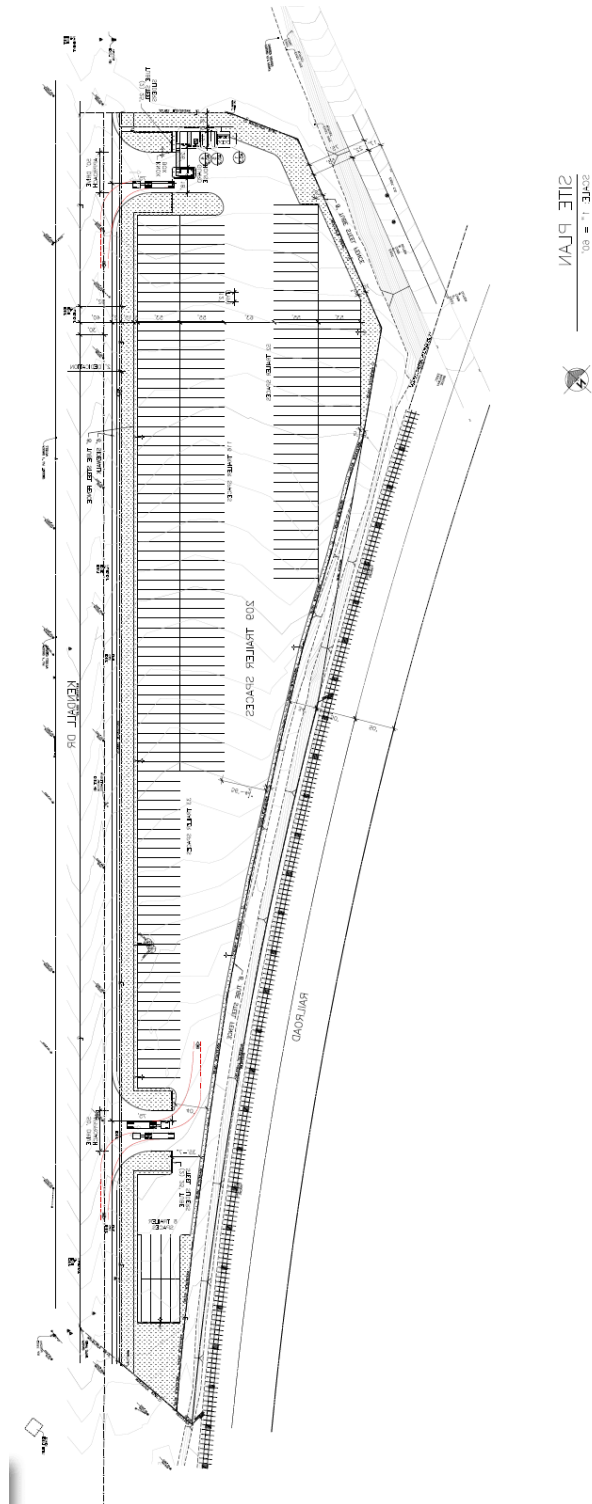


**Figure 2 Vicinity Map**





### Figure 3a – Site Plan



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

The Project Site is located in the Glen Helen Specific Plan and just to the north and east of the City of San Bernardino City Limits. The Glen Helen Specific Plan designates the property Corridor Industrial (CI) and the Countywide Plan, which is the County's General Plan, designates the property Special Development (SD). The Countywide Plan stipulates the SD District is intended for areas within a Specific Plan and Mixed Use areas in rural locations. The purpose of the SD designation is as follows:

- Allow for a combination of residential, commercial, and/or manufacturing activities that maximizes the utilization of natural and human-generated resources
- Identify areas suitable for large-scale, master planned developments
- Promote cluster-type development to provide and preserve open space
- Allow for a mix of residential, commercial, and public/quasi-public uses in rural areas
- Facilitate joint planning efforts among adjacent land owners and jurisdictions

The subject property is within the San Bernardino Sphere of Influence and has a City General Plan Land Use designation of Industrial and is also Zoned IL (Light Industrial) . Access to the site is available from Kendall Drive, which is a paved two lane roadway. The Project Site is relatively flat.

The Project Site consists of an elongated single vacant parcel. The surrounding parcels include a combination of vacant land, residential, and commercial enterprises. Primary and secondary vehicle access is proposed from Kendall Drive, with a guard house at the primary entrance.

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

**Federal:** None

**State:** None

**County of San Bernardino:** Land Use Services Department-Building and Safety, Public Health-Environmental Health Services, and Public Works.

**Regional:** South Coast Air Quality Management District

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

On April 29, 2021, the County of San Bernardino mailed notifications pursuant to SB 18 to five tribes. Table 2 – *AB 52 Consultation*, shows a summary of comments and responses provided for the Project.

**Table 2**  
**AB 52 Consultation**

<b>Tribe</b>	<b>Comment Received</b>	<b>Summary of Response</b>	<b>Conclusion</b>
Soboba Band of Mission Indians	None	None	
Gabrieleno Band of Mission Indians - Kizh Nation,	None	None	
San Gabriel Band of Mission Indians	None	None	
Morongo Band of Mission Indians	None	None	
San Manuel Band of Mission Indians	None	None	

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

**DETERMINATION:** Based on 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.

James Morrissey  
Signature: (Jim Morrissey, Contract Planner)

10/7/21  
Date

\_\_\_\_\_  
Signature: (Chris Warrick, Supervising Planner)

\_\_\_\_\_  
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 checked="" type="checkbox"/>	<input 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"/>

**SUBSTANTIATION:** (Check ☐ if project is located within the view-shed of any Scenic Route listed in the General Plan):

**San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials; Glen Helen Specific Plan**

- a) *Have a substantial adverse effect on a scenic vista?*  
**Less Than Significant Impact**

The Project Site consists of a narrow parcel located on the south side of Kendall Drive, between Kendall Drive and elevated railroad tracks. The proposed improvement would be flat with landscaping along Kendall Drive to screen the proposed project. The only structure on the property would be a small guard shack at the project entrance. The San Bernardino Countywide Plan (General Plan) Policy NR-4.1 identifies scenic vistas and natural features as prominent hillsides, ridgelines, dominant landforms, and reservoirs, which do not exist within the project area. Distant mountains exist with views of the urban valley below, including the Project site, but no unique features exist within the immediate vicinity of the Project Site. The Project Site is also within the Glen Helen Specific Plan (GH/SP). The Glen Helen Draft Environmental Impact Report (EIR) notes the Kendall Drive corridor is generally level with no unique landforms and that the “only distinctive physical feature in the area are the I-215 Freeway...” (p. 4.10-2) Since the proposed Project includes the only one small structure and truck trailer parking, no

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

- b) *Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?*

**Less Than Significant Impact**

Figure 5.1-1 County Designated Scenic Routes, as contained in the Countywide Plan, does not display any scenic routes within the area. A review of the Caltrans web site <https://dot.ca.gov/-/media/dot-media/programs/design/documents/od-county-scenic-hwys-2015-a11y.pdf> for designated scenic highways found no designated highways in the area. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- 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?*

**No Impact**

The Project Site occurs within an urbanized area and the proposed Project is a request to develop a truck trailer storage yard on property designated CI (Corridor Industrial) in the Glen Helen Specific Plan and SD (Special Development) in the Countywide Plan. The SD designation is appropriate for areas with an underlying Specific Plan. The Specific Plan also contains specific streetscape design features for various roadways, including Kendall Ave. The proposed use contains only one structure, an entry guard shack, with the balance of the area paved for trucks using the site. The proposed Project would be consistent with the Specific Plan development criteria and is adjacent to an operating railroad line and across the street from various commercial and storage related uses. Large warehouses are also located northwest of the property along Kendall Ave., approximately 1/4<sup>th</sup> mile from the property. Additional warehouse structures are also located a similar distance from the property to the southeast. Due to the low profile of the use and the surrounding improvements, no impacts are identified or anticipated, and no mitigation measures are required.

- d) *Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?*

**Less Than Significant Impact**

The proposed Project would utilize 25-foot high light poles around the perimeter of the parking area for security. While this would create a new source of lighting for the property, the County Development Code requires that illumination within the Valley portion of the County, not extend beyond the property line, so as to minimize its dispersal onto adjoining properties, as referenced in the following section:

Section 83.07.030 Glare and Outdoor Lighting - Valley Region.

(a) *Light Trespass Prohibited.* Outdoor lighting of commercial or industrial land uses shall be fully shielded to preclude light pollution or light trespass on any of the following:

- (1) An abutting residential land use zoning district;
- (2) A residential parcel; or
- (3) Public right-of-way.

(b) *Determination of Light Trespass.* A determination of light trespass shall be made through a quantitative measurement utilizing a standard yardstick (three feet x one and one-half inches). The yardstick shall be placed at the building setback line in the complainant's yard. The yardstick shall be in contact with the ground or may be raised to window level of the dwelling and in a vertical position. The person taking the measurement shall then determine if a shadow is cast by the light source, that is, the light source, yardstick, and shadow shall be in alignment. Measurements shall not be taken when there is a moon in the night sky.

(c) *Maximum Allowed Foot-candles.* Direct or indirect light from any light fixture shall not cause glare above five-tenths foot-candles when measured at the property line of a residential land use zoning district, residential parcel, or public right-of-way. Light levels shall be measured with a photoelectric photometer, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

Utilization of this standard requirement as a condition of approval would reduce potential impacts to less than significant and no mitigation measures are required.

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

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
II.	<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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 Countywide Policy Plan, 2020; California Department of Conservation Farmland Mapping and Monitoring Program;**

- 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?*

**No Impact**

The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the Project Site as "Urban and Built-Up Land" and "Other Land" in its California Important Farmland Finder. "Urban and Built-Up Land" is defined as land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures. "Other Land" is land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than 40 acres.

The subject property is designated Grazing Land. No prime farmland, unique farmland, or farmland of statewide importance occurs in or around the proposed Project area,

based upon a review of relevant State Farmland Mapping on August 15, 2021. The closest farmland noted is approximately 10 miles to the southeast. As such, the proposed Project would not convert farmland to a non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.

- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

**No Impact**

According to San Bernardino County's Interactive Agricultural Resources Map NR-5, the Project Site is not under or adjacent to any lands under a Williamson Act Contract. The proposed Project would be consistent with the County's Policy Plan and would not conflict with existing zoning for agricultural uses or lands under a Williamson Act Contract. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- 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))?*

**No Impact**

The subject property is within the Glen Helen Specific Plan and designated for Corridor Industrial. Implementation of the proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for Timberland Production. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

**No Impact**

Forest land is defined as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. The subject property is currently vacant and located within an area planned for industrial development. Warehouse uses existing to the northwest and southeast, along with a variety of other commercial uses across the street. Implementation of the proposed Project would not result in loss of forest land or conversion of forest land to non-forest use. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

- 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?*

**No Impact**

The subject property is to improved for truck storage and is currently designated for Corridor Industrial uses within the Glen Helen Specific Plan. Implementation of the proposed Project would not result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. No impacts are identified or are anticipated, and no mitigation measures are required.

**No 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 district 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 Mojave Desert Air Quality Management Plan, if applicable):*

**San Bernardino Countywide Policy Plan, 2020; Air Quality and Greenhouse Gas Emissions Impact Analysis (CalEEMod); Submitted Project Materials**

a) *Conflict with or obstruct implementation of the applicable air quality plan?*

**Less Than Significant Impact**

The subject property is located within the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) has jurisdiction over air quality issues and regulations within the SCAB. The Air Quality Management Plan (AQMP) for the basin establishes a program of rules and regulations administered by SCAQMD to obtain attainment of the state and federal air quality standards. The most recent AQMP (2016 AQMP) was adopted by the SCAQMD on March 3, 2017. The 2016 AQMP incorporates the latest scientific and technological information and planning assumptions, including transportation control measures developed by the Southern California Association of Governments (SCAG) from the 2016 Regional Transportation Plan/Sustainable Communities Strategy, and updated emission inventory methodologies for various source categories.

A project is inconsistent with the AQMP if: (1) it does not confirm with the local general plan; or (2) it uses a disproportionately large portion of the forecast growth increment. If a project proves to be inconsistent with the AQMP, project proponent can prepare a general plan amendment (GPA). The County of San Bernardino currently designates the Project Site as Corridor Industrial within the Glen Helen Specific Plan. The proposed use is consistent with this land use designation.

An evaluation of potential air quality impacts related to the buildout under the current General Plan (i.e., residential) and the Proposed Project (i.e., medium industrial) was prepared. Table 3 and Table 4 illustrate operational emissions associated with the current General Plan/Zoning designations and the Proposed Project. Construction emissions were not modeled as they are short-term in nature, and measures would be required to minimize such impacts. As shown, operational impacts resulting from either the existing General Plan/Zoning designations or the Proposed Project would exceed SCAQMD thresholds. Consequently, the Proposed Project would not result in a conflict or obstruction to the implementation of the AQMP. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

**Table 1**  
**Operational Emissions Summary**  
**(Pounds per Day)**

<b>Source</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Area	0.4	<0.0	0.02	<0.0	<0.0	<0.0
Energy	<0.0	<0.0	<0.0	<0.0	<0.0	<0.0
Mobile	1.28	8.36	16.27	0.06	4.87	1.33
<b>Totals (lbs./day)</b>	<b>1.32</b>	<b>8.36</b>	<b>16.29</b>	<b>0.06</b>	<b>4.87</b>	<b>1.33</b>
SCAQMD Threshold	55	55	550	150	150	55
<b>Significance</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.2.

- 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?*

**Less Than Significant Impact**

The Proposed Project would allow the operation of a contractor storage yard and a pallet storage yard; however, the project-related operational emissions were screened using a baseline of “no project” to represent a worst-case scenario. Construction and operational emissions were screened using California Emissions Estimator Model (CalEEMod) version 2016.3.2. The emissions incorporate Rule 402 and 403 by default as required during construction. The criteria pollutants screened for include reactive organic gases (ROG), nitrous oxides (NO<sub>x</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>). Two of the analyzed pollutants, ROG and NO<sub>x</sub>, are ozone precursors. Both summer and winter season emission levels were estimated.

The Project Site occurs in the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) has jurisdiction over air quality issues and regulations within the SCAB. The Air Quality Management Plan (AQMP) for the basin establishes a program of rules and regulations administered by SCAQMD to obtain attainment of the state and federal air quality standards. The most recent AQMP (2016 AQMP) incorporates the latest scientific and technological information and planning assumptions, including transportation control measures developed by the Southern California Association of Governments (SCAG) from the 2016 Regional Transportation Plan/Sustainable Communities Strategy, and updated emission inventory methodologies for various source categories.

Construction Emissions

Construction emissions are considered short-term, temporary emissions and were modeled with the following construction parameters: Site preparation, grading (fine and mass grading), building construction, paving, and architectural coating. The resulting emissions generated by construction of the proposed Project are shown in Table 2.

**Table 2**  
**Construction Emissions**  
**(Pounds per Day)**

<b>Source/Phase</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Site Preparation	3.27	33.68	20.48	0.04	9.98	6.02
Grading	2.03	21.45	15.94	0.03	4.10	2.44
Building Construction, Paving, and Architectural Coatings	5.31	29.78	35.16	0.06	2.19	1.56
SCAQMD Threshold	75	100	550	150	150	55
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.2

**Table 2**  
**Construction Related Local Criteria Pollutant Emissions**  
**(Pounds per Day)**

Source/Phase	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Site Preparation	33.08	19.70	9.74	5.95
Grading	20.86	15.27	3.89	2.38
Building Construction, Paving, and Architectural Coatings.	28.15	32.76	1.46	1.36
SCAQMD Threshold	270	1,746	14	8
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.2

#### Operational Emissions

The operational mobile source emissions were calculated using the Trip Generation Memo prepared by EPD Solutions, Inc., May 2021. The Trip Generation Memo determined that the proposed Project would generate approximately 575 daily trips. Emissions associated with the Proposed Project's estimated total daily trips were modeled and are listed in Table 3, which represent operational emissions.

**Table 3**  
**Operational Emissions Summary**  
**(Pounds per Day)**

Source	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area	0.4	<0.0	0.02	<0.0	<0.0	<0.0
Energy	<0.0	<0.0	<0.0	<0.0	<0.0	<0.0
Mobile	1.28	8.36	16.27	0.06	4.87	1.33
<b>Totals (lbs./day)</b>	<b>1.32</b>	<b>8.36</b>	<b>16.29</b>	<b>0.06</b>	<b>4.87</b>	<b>1.33</b>
SCAQMD Threshold	55	55	550	150	150	55
<b>Significance</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.2 Emissions.

#### Compliance with SCAQMD Rules 402 and 403

Although the Proposed Project does not exceed SCAQMD thresholds for construction emissions, the Project Proponent would be required to comply with all applicable SCAQMD rules and regulations as the SCAB is in non-attainment status for ozone and suspended particulates (PM<sub>10</sub> and PM<sub>2.5</sub>).

The Project Proponent would be required to comply with Rules 402 nuisance, and 403 fugitive dust, which require the implementation of Best Available Control Measures (BACMs) for each fugitive dust source, and the AQMP, which identifies Best Available

Control Technologies (BACTs) for area sources and point sources. The BACMs and BACTs would include, but not be limited to the following:

1. 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
  - (a) 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 activity on the site. Portions of the site that are actively being graded shall be watered regularly (2x daily) to ensure that a crust is formed on the ground surface and shall be watered at the end of each workday.
  - (b) The Project Proponent shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon.
  - (c) The Project Proponent shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.
  - (d) The Project Proponent shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

During construction, exhaust emissions from construction vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NOX and PM10 levels in the area. Although the proposed Project does not exceed SCAQMD thresholds during construction, the Applicant/Contractor would be required to implement the following conditions as required by SCAQMD:

2. To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
3. The Project Proponent shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation during construction.
4. The Project Proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.
5. All buildings on the Project Site shall conform to energy use guidelines in Title 24 of the California Administrative Code.
6. The operator shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.
7. The operator shall comply with all existing and future California Air Resources Board (CARB) and SCAQMD regulations related to diesel-fueled trucks, which may include among others: (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.

As displayed above, construction and operational emissions are below SCAQMD thresholds. The Proposed Project does not exceed applicable SCAQMD regional thresholds either during construction or operational activities. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

c) *Expose sensitive receptors to substantial pollutant concentrations?*

**Less Than Significant Impact**

The Project operational-sourced emissions would not exceed applicable regional thresholds of significance established by the SCAQMD. Additionally, project-related trips will not cause or result in CO concentrations exceeding applicable state and/or federal standards (CO "hotspots"). Project operational-source emissions would, therefore, not adversely affect sensitive receptors within the vicinity of the project. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

**Less Than Significant Impact**

The proposed Project would allow the operation of a trailer truck storage facility and the construction of a small guard shack and restroom buildings, a paved parking lot, landscaping, and fencing. Potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities. Standard construction requirements would minimize odor impacts resulting from construction activity. Any construction odor emissions generated would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction activity. In addition, the Project would continue to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the Proposed Project would be less than significant. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

**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>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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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?

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) | Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:** (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database ☒):

**San Bernardino Countywide Policy Plan Glen Helen Specific Plan; San Bernardino County Biotic Resource Overlay; Submitted Project Materials; Biological Resources Assessment; Site Visit**

- 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?

**Less Than Significant Impact with Mitigation Incorporated**

A *Biological Resources Assessment*, prepared by LSA, July 2021, undertook a site visit on June 16, 2021, and found that on-site vegetation had been disturbed by weed abatement practices and surrounding land uses. The property was nearly devoid of vegetation at the time of the field survey due to recent disking. Dominant species identified include telegraph weed (*Heterotheca grandiflora*), ripgut grass (*Bromus diandrus*), and red brome (*Bromus madritensis* ssp. *rubens*). Several scattered individual remnant native tree species also occur and include blue elderberry

(*Sambucus nigra* ssp. *caerulea*), California sycamore (*Platanus racemosa*), and birchleaf mountain mahogany (*Cercocarpus betuloides*).

Thirteen State/federally listed and/or State candidate species were evaluated for the proposed project, including the following:

- Marsh sandwort;
- Thread-leaved brodiaea;
- Salt marsh bird's-beak;
- Slender-horned spineflower;
- Santa Ana River woollystar;
- Crotch bumble bee;
- Arroyo toad;
- Southern mountain yellow-legged frog;
- Arroyo toad;
- Southwestern willow flycatcher;
- Coastal California gnatcatcher;
- Least Bell's vireo; and
- San Bernardino kangaroo rat.

Suitable habitat is absent from the subject property for 12 of these 13 species and the project will have no effects to these 12 species. Suitable habitat is present for the San Bernardino kangaroo rat. Based upon the initial findings of potential habitat, trapping for the kangaroo rat was conducted by the Project biologist for five nights, July 18 to July 23, 2021. 100 traps were set in a continuous line and baited with bird seed and wild oats. The traps were checked at midnight and dawn. No San Bernardino kangaroo rats were captured, although five rodent captures did occur. No USFWS designated critical habitat is present within the property for any of these species.

The site also contains suitable for habitat for special-status nesting birds, including the burrowing owl and California horned lark, as well as other non-special-status bird species. Nesting bird species with potential to occur within the project are protected by California Fish and Game Code Sections 3503, 3503.5, and 3800, and by the Migratory Bird Treaty Act (16 USC 703–711). These laws regulate the take, possession, or destruction of the nest or eggs of any migratory bird or bird of prey.

To avoid potential effects to the burrowing owl mitigation measures have been recommended. Completion of these measures would reduce the potential impact to less than significant. To avoid potential effects to special-status bird species (e.g., California horned lark) and other nesting bird species implementation of mitigation measures are also recommended.

***BIO-1: Conduct a pre-construction burrowing owl survey no more than 14 days prior to construction activities, including vegetation removal, and a final survey within 24 hours prior to construction consistent with the take avoidance survey methodology outlined in the California Department of Fish and Wildlife's 2012 Staff Report on Burrowing Owl Mitigation. Should burrowing owl be found, a burrowing owl mitigation and monitoring plan would need to be developed in coordination with the County and CDFW.***

**BIO-2: Construction activities, including vegetation removal, will be conducted outside the general bird nesting season (February 1 through August 31) to avoid impacts to nesting birds. If construction activities cannot be conducted outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required no more than three days prior to any construction activities. Should nesting birds be found, an exclusionary buffer will be established by the qualified biologist. The buffer will be clearly marked in the field by construction personnel under guidance of the qualified biologist. No construction activities will be allowed within this zone until the qualified biologist determines that the young have fledged or the nest is no longer active.**

- 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?*

**No Impact**

According to the *Glen Helen Specific Plan Draft Environmental Impact Report*, the major drainage courses within the area are four notable drainage courses. Two courses are unnamed, the other two are Lytle Creek and Cajon Creek. No drainage courses traverse the subject property or near the property. Development of the proposed Project would not impact the riparian vegetative community along an identified riparian habitat. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**No Impact**

No wetlands or jurisdictional areas were observed during the site visit. Therefore, the proposed Project would not have a substantial adverse effect on state or federally protected wetlands. No significant impacts are identified or anticipated, and no mitigation measures are required.

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**No Impact**

Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors provide opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. Wildlife corridors allow for the dispersal, seasonal migration, breeding, and foraging of a variety of wildlife species. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The *Biological Resources Assessment* prepared for the property identified the site as "isolated and does not support regional wildlife movement." (p. 14) As such, the Project

site and its immediate vicinity are not suitable for facilitating the movement of fish or wildlife. The site is also not considered to be a nursery site. Therefore, implementation of the proposed Project is not expected to disrupt or have any adverse effects on any migratory corridors or linkages that may occur in the general vicinity of the Project Site. No impacts are identified or anticipated, and no mitigation measures are required.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**No Impact**

The vegetation within the Project site is generally described as ruderal. Vegetation has been disturbed by weed abatement practices and surrounding land uses. The site was nearly devoid of vegetation at the time of the biological field survey due to recent disking. Dominant species identified include telegraph weed (*Heterotheca grandiflora*), ripgut grass (*Bromus diandrus*), and red brome (*Bromus madritensis* ssp. *rubens*). Several scattered individual remnant native tree species also occur and include blue elderberry (*Sambucus nigra* ssp. *caerulea*), California sycamore (*Platanus racemosa*), and birchleaf mountain mahogany (*Cercocarpus betuloides*). These trees are not subject to the County's tree preservation requirements.

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

- 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?*

**No Impact**

The Project site is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or state habitat conservation plan as discussed in the previously referenced *Biological Resources Assessment*. No impacts are identified or are anticipated, and no mitigation measures are required.

**Therefore, no significant adverse impacts are identified or anticipated with the implementation of mitigation measures.**

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 checked="" type="checkbox"/>	<input type="checkbox"/>

- |    |  |                          |                          |                                     |                          |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) | Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Disturb any human remains, including those outside of formal cemeteries?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

**San Bernardino Countywide Policy Plan, 2020; Glen Helen Specific Plan; Archaeological Records Search**

a,b) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The Glen Helen Specific Plan Draft Environmental Impact Report (DEIR) noted the subject area was highly disturbed and no historical and archaeological resources are anticipated, as noted below:

“The Cajon Corridor and Kendall Corridor are both highly disturbed by prior residential and industrial development, as well as the Cajon Landfill (Kendall Corridor). No cultural features or archaeological resources have been previously identified in these areas. Ground disturbance is pervasive throughout these planning areas and the potential for significant finds with the long-term recycling of uses to Corridor Industrial (CI), Commercial /Traveler Services (CT/S) and Special Use Area (SUA) is limited. No significant impacts to archaeological resources are anticipated.” (p. 4.9-9)

“SBR-6793H is the Atchison Topeka Santa Fe railway alignment. Segments of this railroad pass through the North Glen Helen, Devore, Cajon Corridor and Kendall Corridor subareas. Originally known as the Southern California Railroad, it was conceived as an inland alternative to the Southern Pacific. Extending from Los Angeles, Southern California tracks reached Colton in, 1882 and San Bernardino in 1883 (Robinson 1958:50). By 1884, the railroad had connected San Bernardino with San Diego via Elsinore, Temecula, and Santa Margarita Canyon. Southern California also built a railway through the Cajon Pass to Barstow, where it met the Southern Pacific line that connected Mojave and Needles. In 1885, the Santa Fe purchased the Southern California, and subsequently acquired Southern Pacific's line from Mojave to Needles. Thus, by 1885, the Santa Fe controlled the main rail artery through the San Bernardino County mining districts.” (p. 4.9-5)

The DEIR found the rail alignment would not be affected by the proposed project, as noted below.

“SBR-6793H is the Atchison Topeka & Santa Fe railway alignment, segments of which pass through the North Glen Helen, Devore, Cajon Corridor and Kendall

Corridor planning areas. The proposed project will not alter the AT&SF rail alignment and no impact will occur.” (p. 4.9-9)

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

c) *Disturb any human remains, including those outside of formal cemeteries?*  
**Less Than Significant Impact**

Construction activities, particularly placement of footings, could potentially disturb human remains interred outside of a formal cemetery. Thus, the potential exists that human remains may be unearthed during earthmoving activities associated with Project construction. If human remains are discovered during construction activities, the Project Proponent would be required to comply with the applicable provisions of California Health and Safety Code § 7050.5 as well as Public Resources Code § 5097, et. seq., which requires that if the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission, who will then identify the most likely descendants to be consulted regarding treatment and/or reburial of the remains. Mandatory compliance with these provisions of California state law would ensure that impacts to human remains, if unearthed during construction activities, would be appropriately treated. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

**Therefore, no significant adverse impacts are identified or anticipated with the implementation of mitigation measures.**

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 type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION: San Bernardino Countywide Policy Plan, 2020; CalEEMod Analysis; Submitted Materials</b>					

*Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

a) **Less Than Significant Impact**

Electricity

The proposed Project consists of a trailer truck storage facility. Trailers would be placed at the site for future use. This type of operation would consume limited electricity due to the use of only a small guard shack and restroom building. The site would be paved and have lighting installed for security purposes.

The subject property is serviced by Southern California Edison for electric power. In 2018, the Industry sector of the Southern California Edison planning area consumed 18228.339531 GWh of electricity. The proposed Project improvements would not result in a significant increase in electrical demand as property lighting and the small on-site buildings do not utilize significant electricity. Based upon the energy use tabulation in the CalEEMod air quality estimate, the estimated electricity demand for the proposal is 0.030878 GWh per year. The estimated increase in electricity demand from implementation of the Project would be insignificant when compared to the existing demand.

Natural Gas

The Proposed Project and surrounding area are serviced by Southern California Gas Company. The subject property is currently vacant. According to the California Energy Commission's Energy Report, previously referenced in County Initial Studies, the Industry Sector was responsible for 1755.124869 million Therms of natural gas consumption in the SoCalGas Planning Area in 2018. Based upon the energy use tabulation in the CalEEMod air quality estimate, the estimated natural gas demand for the proposal is 0.6 Therms, which represents an insignificant percentage to the overall demand in SoCalGas's service area. Therefore, implementation of the Project would not increase the Project Site's natural gas demand and result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*  
**No Impact**

The Proposed Project would be designed to comply with the County of San Bernardino Greenhouse Gas Emissions Reduction Plan, and the State Building Energy Efficiency Standards (Title 24). Project development would not cause inefficient, wasteful and unnecessary energy consumption, and no adverse impact would occur.

The Proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce GHG emissions. The Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, no impacts are identified or anticipated, and no mitigation measures are recommended.

**Therefore, 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>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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>



- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☐ ☐ ☐ ☒

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

**San Bernardino Countywide Policy Plan, 2020; Glen Helen Specific Plan**

- a) 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

**No Impact**

The proposed Project is a paved truck parking lot and a guard shack. No other structures are proposed. The Countywide Plan Map HZ-1, Earthquake Fault Zones, does not display a fault under the subject property. The closest identified fault is approximately  $\frac{3}{4}$  mile to the south of the subject property.

Nonetheless, the proposed Project would be required to comply with the California Building Code requirements and the Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Compliance with the California Building Codes and Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department would address potential impacts resulting from an earthquake event. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- ii) Strong seismic ground shaking?

**Less Than Significant Impact**

According to the Countywide Plan Map HZ-1, the San Jacinto Fault is closest fault zone to the subject property. As is the case for most areas of Southern California, ground shaking resulting from earthquakes associated with nearby and more distant faults may occur at the Project site. The design of any structures on-site would incorporate measures to accommodate projected seismic ground shaking in accordance with the California Building Code (CBC) and local building regulations. The CBC is designed to preclude significant adverse effects associated with strong seismic ground shaking. Compliance to the CBC would ensure potential impacts are reduced to a less than significant and the Proposed Project would not expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- iii) Seismic-related ground failure, including liquefaction?

**Less Than Significant Impact**

Areas overlying groundwater within 30 to 50 feet of the surface are considered susceptible to liquefaction hazards. According to the Countywide Plan, HZ-2 Liquefaction and Landslides, the subject property is within an area has a High potential for liquefaction. As mentioned in the response above, no structures, other than a small guard shack are proposed to monitor the movement of trucks in and out of the parking area. As such, even though the site has the potential for liquefaction, no buildings of substantial design or that represent housing or a large number of workers are proposed on the property. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

*iv) Landslides?*

**No Impact**

Landslides and slope failure can result from ground motion generated by earthquakes. Based upon a field survey of the site the only slopes that exist are associated with the adjoining railroad line that is elevated above the subject property. As such, no slopes exist that could be subject to slope instability and that could adversely affect the subject property. Therefore, no significant impacts are identified or are anticipated, and no mitigation measures are required.

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

**No Impact**

The subject property is relatively flat and is not subject to flooding, based upon Countywide Plan Map NZ-4 Flood Hazards. Grading of the site will be necessary for final paving improvements to ensure adequate soil compaction and drainage flows, but no significant amount of earthmoving is envisioned since the property is relatively flat and no building foundations are necessary. As such, the development of the proposed Project would not result in substantial soil erosion or loss of topsoil. Therefore, no significant impacts are identified or are anticipated, and no mitigation measures are required.

*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?*

**No Impact**

As noted in the previous response, the Project site is subject to liquefaction. However, due to the limited amount of site improvements proposed, it does not represent a hazard to the structural integrity of site improvements or individuals utilizing the property. No landslides are foreseen due to the relatively flat topography of the site. Therefore, no significant impacts are identified or are anticipated, and no mitigation measures are required.

*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?*

**Less Than Significant Impact**

According to material provided by the U.S. Department of Agriculture, Soil Survey Web Site, site soils consist of Soboba Stony loamy sand (SpC) and Tujunga gravelly loamy

sand (TVC). Both soil categories are listed as excessively drained and would not represent a potential for expansive soils. The printed version of the Soil Survey of San Bernardino County Southwestern Part, California 1980 noted these soil categories have low shrink-swell potential and have only slight limitations for residences. Therefore, no significant impacts are identified or are anticipated, and no mitigation measures are required.

- 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?*

**No Impact**

The Soil Survey information referenced above listed both soils as having only a slight limitation for septic tanks. However, the proposed Project would be required to connect to sewer service provided by the City of San Bernardino. The proposed use would only have one toilet to serve the existing guard shack. The City has indicated they have adequate capacity for this connection. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

**No Impact**

The San Bernardino Countywide Plan Cultural Resources Section 5.5 of the Draft EIR indicated that “the Younger Alluvium (Q) across the valley floor is too young to preserve fossil resources in the upper layers, but the deeper layers and underlying sediments have high paleontological sensitivity, as do the Miocene Marine Sediments (M).” (p. 19) As noted previously substantial excavation and recompaction of the site is unnecessary due to the type of use proposed. As such, it is unlikely paleontological resources would be uncovered on the property. Therefore, no significant impacts are identified or are anticipated, and no mitigation measures are required.

**Therefore, 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

purpose of reducing the emissions of greenhouse gases?

---

**SUBSTANTIATION:**  
***San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials; Air Quality and Greenhouse Gas Emissions Impact Analysis (CalEEMod) provided by applicant.***

---

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

**Less Than Significant Impact**

According to CEQA Guidelines Section 15064.4, when making a determination of the significance of greenhouse gas emissions, the “lead agency shall have discretion to determine, in the context of a particular project, whether to (1) use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use.” In addition, CEQA Guidelines section 15064.7 which provides that “a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts” on the condition that “the decision of the lead agency to adopt such thresholds is supported by substantial evidence.”

The Global Warming Solutions Act of 2006 requires that by the year 2020, the Greenhouse Gas (GHG) emissions generated in California be reduced to the levels of 1990. Emissions were estimated using the CalEEMod version 2016.3.2.

Many gases make up the group of pollutants that are believed to contribute to global climate change. However, three gases are currently evaluated and represent the highest concentration of GHG: Carbon dioxide (CO<sub>2</sub>), Methane (CH<sub>4</sub>), and Nitrous oxide (N<sub>2</sub>O). The Proposed Project would not generate Fluorinated gases as defined by AB 32, only the GHGs (CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O) that are emitted by construction equipment. SCAQMD provides guidance methods and/or Emission Factors that are used for evaluating a project’s emissions in relation to the thresholds. A threshold of 10,000 MTCO<sub>2</sub>E per year has been adopted by SCAQMD for industrial type projects.

In September 2011, the County adopted a Greenhouse Gas Emissions (GHG) Reduction Plan (GHG Plan). The GHG Plan presents a comprehensive set of actions to reduce the County’s internal and external GHG emissions to 15% below 2007 levels by 2020, consistent with the AB 32 Scoping Plan. GHG emissions impacts are assessed through the GHG Development Review Process (DRP) by applying appropriate reduction requirements as part of the discretionary approval of new development projects. Through its development review process the County will implement CEQA and require new development projects to quantify the project’s GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 metric tons of CO<sub>2</sub> equivalent (MTCO<sub>2</sub>e) per year is used to identify projects that require the use of Screening Tables or a project-specific technical analysis to quantify and mitigate project emissions.

As shown in Table 4, the proposed Project's emissions would not exceed the County's 3,000 MTCO<sub>2</sub>e threshold of significance. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

**Table 4**  
**Project Related Greenhouse Gas Annual Emissions**  
**(Metric Tons per Year)**

Source/Phase	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
Area <sup>1</sup>	0.1	<0.0	<0.0	0.01
Energy <sup>2</sup>	9.87	<0.0	<0.0	9.91
Mobile <sup>3</sup>	1,021.28	0.05	<0.0	1,022.53
Solid Waste <sup>4</sup>	0.43	<0.0	<0.0	0.11
Water and Wastewater <sup>5</sup>	0.18	<0.0	<0.0	0.22
Construction <sup>6</sup>	4.62	<0.0	<0.0	4.65
<b>Total GHG Emissions</b>	<b>1,036.37</b>	<b>0.05</b>	<b>&lt;0.00</b>	<b>1,037.41</b>
County Threshold	3,000			
<b>Significant</b>	<b>No</b>			

Notes:

<sup>1</sup> Area sources consist of GHG emissions from consumer products, architectural coatings, and landscaping equipment.

<sup>2</sup> Energy usage consists of GHG emissions from electricity and natural gas usage.

<sup>3</sup> Mobile sources consist of GHG emissions from vehicles.

<sup>4</sup> Waste includes the CO<sub>2</sub> and CH<sub>4</sub> emissions created from the solid waste placed in landfills.

<sup>5</sup> Water includes GHG emissions from electricity used for transport of water and processing of wastewater.

<sup>6</sup> Construction emissions amortized over 30 years as recommended in the SCAQMD GHG Working Group on November 19, 2009.

Source: CalEEMod Version 2016.3.2.

- b) *Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*  
**Less Than Significant Impact**

The proposed Project is not anticipated to conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. Any project that does not exceed 3,000 MTCO<sub>2</sub>e per year will be considered to be consistent with the County's GHG Plan and determined to have a less than significant individual and cumulative impact for GHG emissions. Therefore, no impacts are identified or anticipated, 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>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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, 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, would the project result in a safety hazard or excessive noise 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 checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION:***

***San Bernardino Countywide Policy Plan, 2007; Department of Toxic Substances Control, EnviroStor Program; Submitted Project Materials***

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*  
**Less Than Significant Impact**

The proposed Project includes the request for a Minor Use Permit to allow for the operation of a trailer truck storage facility. Hazardous or toxic materials transported in association with construction may include items such as oils, paints, and fuels. All materials required during construction would be kept in compliance with State and local regulations. With implementation of Best Management Practices (BMPs) and compliance with all applicable federal, state and local regulations including all Certified Unified Program Agency (CUPA) regulations, potential impacts to the public or the environment from the routine transport, use, or disposal of hazardous materials during construction are considered to be less than significant.

The operational activities of the trailer storage yard would not require the routine transport or use of hazardous materials. No significant adverse impacts or anticipated and no mitigation measures are required.

- 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?*

**Less Than Significant Impact**

As stated in response (a) above, hazardous or toxic materials transported in association with construction of the Proposed Project may include items such as oils, paints, and fuels. All materials required during construction would be kept in compliance with State and local regulations. Operational activities would continue to include standard maintenance (i.e., landscape upkeep, exterior painting and similar activities) involving the use of commercially available products (e.g., pesticides, herbicides, gas, oil, paint, etc.) the use of which would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental release of hazardous materials into the environment. With implementation of Best Management Practices (BMPs) and compliance with all applicable regulations, potential impacts from the use of hazardous materials is considered less than significant and no mitigation measures are required.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

**No Impact**

The closest school to the Project site is Cesar Chavez Middle School, approximately 0.75 mile to the east on the easterly side of State Highway 215. No hazardous materials would be emitted as a result of the construction and operation of the Proposed Project. Therefore, no impacts associated with emission of hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of a school are anticipated. No impacts or anticipated and no mitigation measures are required.

- 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?*

**No Impact**

The subject property was not found on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 by the California Department of Toxic

Substances Control's EnviroStor data management system, based upon an on-line review of the Web Site August 18, 2021. The closest identified site involved groundwater contamination located approximately 2.5 miles to the southeast, as part of the Bunker Hill Ground Water Basin. EnviroStor tracks cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues. No hazardous materials sites are located within or near the vicinity of the Project Site. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

- 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, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*  
**Less Than Significant Impact**

The subject property is located approximately 10 miles from the San Bernardino International Airport. As shown on the San Bernardino Countywide Plan Map HZ-9 Airport Safety & Planning Areas, the Project is over eight miles from the boundary of the Airport Safety Review Area. The site is within an area designated AR4 Low-Altitude/High Speed Military Airspace on Map HZ-9. Due to the low height of the proposed structures and non-permanent occupancy status of individuals at a campground, the effect of the periodic flyovers would not represent a hazard. The Project Site is not located within the vicinity of a private or public airstrip. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*  
**No Impact**

The closest designated evacuation route to the subject property is Interstate 215, based upon a review of the Countywide Plan PP-2 Evacuation Routes. Kendall Drive and Cajon Blvd. also provide adjacent accessible routes away from the property. Therefore, operations and construction of the proposed Project would not interfere with the use of these routes during an evacuation. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Furthermore, the subject property does not contain any emergency facilities. Project operations at the site would not interfere with an adopted emergency response or evacuation plan. No impacts are identified or anticipated, and no mitigation measures are required.

- g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*  
**Less Than Significant Impact**



As identified by San Bernardino Countywide Policy Plan, HZ-5 Fire Hazards Severity Zones, the subject property and surrounding area are located within a designated Very High Fire hazard. Proposed on-site improvements are minimal with only a paved parking lot and a small guard shack. The guard shack would be required to comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department.

Due to the existence of only a small guard shack and the purpose of the use is to store empty truck trailers, the proposed Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. No significant adverse impacts are identified or are anticipated, 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>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 checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |     |  |                          |                          |                                     |                          |
|-----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
|     | or provide substantial additional sources of runoff; or  |                          |                          |                                     |                          |
| 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> |

#### **SUBSTANTIATION:**

#### ***San Bernardino Countywide Policy Plan, 2020; Project WQMP; Submitted Project Materials;***

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

#### **Less Than Significant Impact**

The proposed Project would disturb more than one-acre and therefore would be subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one-acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into storm water systems, and to develop and implement a SWPPP.

The purpose of a SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of storm water associated with construction activities; and 2) identify, construct and implement storm water pollution control measures to reduce pollutants in storm water discharges from the construction site during and after construction.

A revised preliminary Water Quality Management Plan (WQMP) prepared by Land Development Design Company, dated August 20, 2021, and submitted to the County for review on September 3, 2021, is available for inspection at the County of San Bernardino Land Use Services Department and is summarized below. The Project proponent is responsible for the implementation of the provisions of the WQMP and will ensure that the plan is amended as appropriate to reflect up-to-date conditions of the site consistent with the County's Municipal Storm Water Management Program and the intent of the NPDES Permit for San Bernardino County and the incorporated cities of San Bernardino County within the Santa Ana Region.

Implementation of the proposed Project would dramatically increase the impervious surface of property, due to its current undisturbed condition. Utilizing information contained in the WQMP, the amount of water traversing the site, along with the amount of impervious surface, drawdown rate based upon soil conditions, and runoff coefficient, the computed design capture volume necessary is 37,291 cubic feet. The applicant has proposed a retention area at the southerly end of the parking lot volume of 37,508

cubic feet, which exceeds the projected incremental increase in runoff from the property. As such, the proposed Project would not generate additional drainage flows during peak periods for downstream properties. The site runoff will be conveyed primarily by surface flow within the site to the drainage inlet that will feed the underground pipe retention/infiltration system. Based upon the amount of volume capture of runoff and the design of the infiltration system to ensure pollutants do not discharge downstream, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

**Less Than Significant Impact**

The Project site is within the San Bernardino Valley Municipal Water District (SBVMWD) service area. The SBVMD covers about 325 square miles and has developed a cooperative recharge program that is being successfully implemented to help replenish groundwater, using the State Water Project and local runoff.

The additional structures and site improvements are not anticipated to substantially increase the Project Site's water demand, and therefore would not result in a substantial adverse effect on groundwater supplies. The Project site is currently undeveloped and does not interfere with any groundwater recharge operations. The proposed Project design is intended to retain stormwater flows during peak periods at a rate that exceeds the projected runoff rate from the property in its current condition. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- 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;*

**Less Than Significant Impact**

As noted in the WQMP the site drains to the south. This general pattern will not be altered with implementation of the Proposed Project. Site runoff will be conveyed by surface flow to a drainage inlet that feeds an underground pipe retention/infiltration system. The site is relatively flat and borders portions of two streets. The easterly side of the site is a raised railroad track bed that precludes discharges to the west. Full retention of the amount of stormwater runoff is proposed with the site design infiltration system. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;*

**Less Than Significant Impact**

As noted in subsection a) above, the design volume of the infiltration basin at the southerly end of the site exceeds the projected runoff volume for the property. As such,

the proposed Project is not anticipated to substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- 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*  
**Less Than Significant Impact**

As stated in the WQMP, the proposed infiltration basin is anticipated to achieve a complete on-site retention of site's capture design volume. As such, with adherence to the respective WQMPs, the proposed Project is not anticipated to create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- iv) *Impede or redirect flood flows?*  
**Less Than Significant Impact**

The subject property is not within an identified flood hazard area. The previously referenced WQMP indicated the drainage area that collect flows from at least a portion of the site is 312,553 cubic feet. The projected runoff volume for the Project site based upon the proposed design features and site characteristics will be captured by the proposed infiltration basin at the southerly end of the property. Therefore, with adherence to the WQMP, the proposed Project is not anticipated to impede or redirect flood flows. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*  
**Less Than Significant Impact**

Tsunamis are large waves generated in open bodies of water by fault displacement due to major ground movement. Due to the Project Site's distance from the Pacific Ocean, tsunamis are not potential hazards in the vicinity of the Project Site. As shown on the San Bernardino Countywide Policy Plan Map HZ-4 Flood Hazards, the subject property is not within a 100 (Zone A) or 500 year (Zone X) flood plain. Therefore, the risk of release of pollutants of by flood, seiche, or tsunami is considered low. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*  
**Less Than Significant Impact**

The WQMP prepared as part of this proposal complies with the requirements of the San Bernardino County and the NPDES Areawide Stormwater Program. The proposed Project would adhere to each PWQMP's BMPs, regional and local water quality control

and/or sustainable groundwater management plans. Therefore, no significant impacts are identified or anticipated, 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>XI.</b>	<b>LAND USE AND PLANNING – Would the project:</b>				
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 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 Countywide Policy Plan, 2020; Submitted Project Materials***

a), b) *Physically divide an established community?*

*Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

**No Impact**

The Project site is located within the Glen Helen Specific Plan and has a land use category of Corridor Industrial. The Project site is a narrow strip of land wedged between Kendall Drive and ATSF railroad line. The railroad line is elevated above the property and creates a barrier to the southwest. As such, development of the subject property would not divide an established community.

The area is not within an area identified for mitigating environmental effects nor is it part of a Critical Habitat area, based upon a review of critical habitats identified by the California Department of Fish and Wildlife on August 20, 2021. The property was evaluated as part of the adoption of the Glen Helen Specific Plan. The Specific Plan Draft Environmental Impact Report noted that:

“The Cajon Corridor and Kendall Corridor are both highly disturbed by prior residential and industrial development, as well as the Cajon Landfill (Kendall Corridor). No cultural features or archaeological resources have been previously identified in these areas. Ground disturbance is pervasive throughout these

planning areas and the potential for significant finds with the long-term recycling of uses to Corridor Industrial (CI), Commercial /Traveler Services (CT/S) and Special Use Area (SUA) is limited. No significant impacts to archaeological resources are anticipated.” (p. 4.9-9)

**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>XII. MINERAL RESOURCES – Would the project:</b>					
a)	Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
<b>SUBSTANTIATION:</b> (Check <input type="checkbox"/> if project is located within the Mineral Resource Zone Overlay):					
<b>San Bernardino Countywide Policy Plan, 2020; California Department of Conservation, Mineral Land Classification</b>					

- a) *Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?*  
**Less Than Significant Impact**

According to the California Department of Conservation, Mineral Land Classification map, the Project Site occurs in the Southwestern San Bernardino Valley region, specifically in Open File Report 1994-0008. As shown on the report, the Project Site and immediate vicinity occur within Mineral Resource Zone 2 (MRZ-2). This zone is defined as an area that contains identified mineral deposits. However, the subject property is of limited size, relatively narrow in configuration, and adjacent to an operating railroad line. Commercial and industrial uses are located on parcels in the area, including along Kendall Drive, across the street from the proposed uses. The property configuration and surrounding uses are not compatible with mineral resource extraction. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- 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?*

### Less Than Significant Impact

The Project Site occurs in an area designated as Mineral Resource Zone 2 (MRZ-2). The State *Guidelines for Classification of and Designation of Mineral Lands* defines MRZ-2 as an area that contains identified mineral deposits. However, the parcel configuration is relatively narrow and elongated. In addition, the Project Site currently has a land use designation of Corridor Industrial. Approval of the Minor Use Permit would authorize the use of the property for truck trailer storage. The Project Site is not located within a planning area designated for mining. Therefore, the Proposed Project would not result in the loss of availability of a locally important mineral resource recovery site. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

<b>Issues</b>	<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 – Would the project result in:</b>				
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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>San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials</b>				

- 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?*

**Less Than Significant Impact**

Noise can be measured in the form of a decibel (dB), which is a unit for describing the amplitude of sound. The predominant rating scales for noise in the State of California are the Equivalent Continuous Sound Level ( $L_{eq}$ ), and the Community Noise Equivalent Level (CNEL), which are both based on the A-weighted decibel (dBA). The  $L_{eq}$  is the average of the sound level energy for a one-hour period and employs an A-weighted decibel correction that corresponds to the optimal frequency response of the human ear. The CNEL is based upon 24 one-hour  $L_{eq}$  measurements.

The background ambient noise levels in the Project study area are dominated by the transportation-related noise associated with the adjacent surface streets, background industrial land use consistent, and the adjoining railroad line.

Sensitive receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. To describe the potential off-site Project noise levels, three noise sensitive residential receiver locations in the vicinity of the Project site were identified. The receiver locations are described below and shown on Figure 4.

The Glen Helen Draft Environmental Impact Report (DEIR), prepared in Year 2000, evaluated rail noise through the area. The DEIR contained the following assumptions to model existing train noise.

“Operations were assumed to include 75 freight trains with an average length of 100 rail cars. Half of these operations were assumed to occur at night. All operations were assumed to use five diesels. Trains were assumed to average 30 mph. Rails are continuous welded and a whistle board is displayed for Glen Helen Parkway/Devore Road and Institution Road/Palm Avenue. These data were modeled using the Wyle Method to determine the ambient noise generated by railroad operations through the speck plan area. The model predicts that these operations would produce an Ldn value of approximately 80.0 dBA as measured at a distance of 500 feet. In the absence of a whistle post, a noise level of 70.2 dBA Ldn is projected. (Note that while the Wyle Method determines Ldn rather than CNEL, these two values are within 1 dBA of each other and any slight differences will not change the outcome of the analysis.) These value change by approximately 4.5 dBA per every doubling of the distance.” (p. 4.5-7)

“Additionally, railroad operations are not expected to remain static and for the purposes of his analysis an increase of 50 percent is assumed to occur by the year 2020. This increase will increase existing railroad noise by approximately 2 dBA Ldn. At that point in time, the 65 dBA Ldn level would occur at a distance of about 6,800 feet from any whistle crossings and about 1,465 feet from the remainder of the line. Any sensitive land uses as outlined in Table 4.5-4 could be subject to significant noise impacts.” (4.5-21)



It is not expected that the amount of noise generated by the movement of trailers into and out of the property would cause notable noise levels that would be unusual for an industrial area, also considering its proximity to an operating railroad line. As such, the existing noise levels occurring periodically during the day would exceed the noise level standards for Industrial uses of Leq (dBA) 70).

- b) *Generation of excessive groundborne vibration or groundborne noise levels?*  
**Less Than Significant Impact**

County Development Code Section 83.01.090, Vibration, establishes standards for acceptable vibration levels: temporary construction, maintenance, repair, or demolition activities between 7 a.m. and 7 p.m. are exempt from this vibration limit, except on Sundays and federal holidays, when construction is prohibited. Potential impacts due to noise would be short-term and temporary during construction. Vehicle/truck use during Project operation are also exempt from the County vibration standards. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- 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?*  
**No Impact**

The Project Site is located over eight miles northwest of San Bernardino International Airport Safety Review Area, as displayed on San Bernardino Countywide Plan HZ-9 Airport Safety and Planning Areas. The Project Site is not located within the vicinity of a private or public airstrip. Therefore, no impacts are identified or anticipated, 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>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 type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Displace substantial numbers of existing people or housing, necessitating the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

construction of replacement housing  
elsewhere?

**SUBSTANTIATION:**

**San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials**

- 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)?*

**No Impact**

The proposed Project is the development of a trailer truck storage facility and a small guard shack, and trash enclosure, and does not involve construction of new homes nor would it induce unplanned population growth by creating new jobs. Construction activities would be temporary and would not attract new employees to the area. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

**No Impact**

The Project site is unimproved. Implementation of the proposed Project would not displace existing residents or require construction of replacement housing. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**Therefore, no 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>
---------------	---	---	----------------------------------	----------------------

**XV. PUBLIC SERVICES**

- 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:*****San Bernardino Countywide Policy Plan 2020; Glen Helen Specific Plan; Submitted Project Materials***

- 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?*

**Less Than Significant Impact**

The Project site is located between two San Bernardino County Fire Stations: Devore Station No. 2, located approximately 1.9 miles to the northwest, at 1511 Devore Road; and Station No. 232, located approximately 1.4 miles to the southeast, at 6065 North Palm Avenue. Response times in the range of five to eight minutes are considered maximum in the case of structural fires. A longer response time will result in the loss of most of the structural value. Fire station organization, physical/environmental conditions, distance, grade and road conditions affect response times.

Due to the storage of trailer trucks at the facility and the small size of the guard shack, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

*Police Protection?*

**Less Than Significant Impact**

Personnel organization, distance, grade and road conditions as well as other physical factors influence response times by law enforcement. The unincorporated portions of San Bernardino County within the Glen Helen Specific Plan area are served by the San Bernardino's County Sheriff Department (SBCSD). Response times to the area are depended upon the type of calls for service. The SBCSD reviews staffing needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection. Minimal demand for service at the site is expected due to the type of use proposed and the non-operational characteristics of the stored trailers. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

*Schools?*

**No Impact**

The Project site is within the San Bernardino Unified School District boundaries. Construction activities would be temporary and would not result in any population

growth. During site operations, only one employee would be stationed on-site, beyond the periodic flow of individual truck drivers. Therefore, the proposed Project would not draw any new residents to the region that would require expansion of existing schools or additional schools. Collection of applicable development impact fees would occur, consist with the requirements of State law, but no impacts are expected related to school facilities and no mitigation measures are required.

*Parks?*

**No Impact**

The Proposed Project would allow for the operation of a trailer truck storage facility. Such a use would not induce residential development nor increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of any facilities would result. Operation of the proposed Project would place no demands on parks, because it would not involve the construction of housing and would involve only the temporary introduction of a few employees into the area. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

*Other Public Facilities?*

**No Impact**

The proposed Project would not result in an increased residential population or a significant increase in the work force as the Project involves the development of a truck trailer storage facility. Therefore, implementation of the proposed Project would not adversely affect other public facilities or require the construction of new or modified facilities. No impacts are identified or anticipated, and no mitigation measure is 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>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 type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

recreational facilities which might have an adverse physical effect on the environment?

**SUBSTANTIATION:**

**San Bernardino Countywide Policy Plan 2020; Glen Helen Specific Plan; Submitted Project Materials**

- 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?*

**No Impact**

The proposed Project involves the establishment of a trailer truck storage facility. One employee would staff the guard shack and others would bring the trailers to the property. Therefore, the proposed Project would not lead to substantial physical deterioration of recreational facilities. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- 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?*

**No Impact**

The proposed Project involves the establishment of a trailer truck storage facility. The proposed Project does not include the construction or expansion of recreational facilities to meet demands of residential development. Therefore, no impacts are identified or anticipated, 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>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?

☐ ☐ ☒ ☐

- |    |   |                          |                          |                                     |                                     |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) | Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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:*****San Bernardino Countywide Policy Plan; Trip Generation Assessment; Project Application Materials***

- a,b) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?*  
**Less Than Significant Impact**

A *Trip Generation and VMT Screening Analysis*, dated May 5, 2021, was prepared for the Project by Environment Planning Development Solutions. The report is available for review at the County of San Bernardino Land Use Services Department and is summarized herein. The purpose of the assessment was to determine whether additional traffic analysis was necessary for the proposed Project based on the County's Transportation Impact Study Guidelines. The trip generation rates used for the analysis were not based upon information collected by the Institute of Transportation Engineers (ITE), as provided in their Trip Generation Manual (10<sup>th</sup> Edition, 2017), because the ITE Manual does not provide trip generation rates for trailer storage lots. In lieu of this information the applicant utilized data from the following existing facilities:

- 1450 W. Dominguez Street, Long Beach, CA, 161 Trailer Parking Spaces (TPS)
- 21900 S. Alameda Street, Long Beach, CA, 176 TPS
- 2201 S. Santa Fe Avenue, Compton, CA, 181 TPS
- 1601 S. Anderson Avenue, Compton, CA, 183 TPS

The lot at 21900 S. Alameda Street is the most similar to the proposed project as it has a similar, although slightly lower, number of trailer parking spaces and the only building on-site is a guard shack. This lot had the lowest overall trip generation rate per TPS but had the highest percentage of 3 and 4+-axle trucks. The trip generation analysis has been prepared using the average trip rates for all four sites, which is higher than the 21900 S. Alameda Street lot. However, the vehicle mix from the 21900 S. Alameda Street lot was used, as the lot characteristics are most similar to the proposed Project. These assumptions result in a higher overall trip generation than application of the average trip rates and average vehicle mix together.

The proposed Project is expected to generate 575 daily trips, of which 482 are truck trips and 93 are passenger vehicles, including 40 trips during the AM peak hour and 42

trips during the PM peak hour. When a passenger car equivalent (PCE) factor is applied to the trip generation to account for heavy vehicles, the Project would generate 1,339 daily PCE trips, including 93 PCE trips during the AM peak hour and 98 PCE trips during the PM peak hour. The County of San Bernardino Transportation Impact Study Guidelines indicates projects that generate 100 or more trips during any peak hour have the potential to create a traffic impact and would be required to prepare a TIS. Based on the maximum peak hour trip generation of 42 trips (98 PCE trips) during the PM peak hour, the proposed Project should not be required to prepare a Traffic Impact Assessment (TIA).

The proposed Project is anticipated to generate 24 trip-ends per day (2-way trips), with one (1) trip generated during the AM peak hour and 4 trips generated during the PM peak hour. Per the County's traffic study guidelines, a project may be required to prepare a traffic study if the project generates 100 or more peak hour trips without consideration of pass-by trips during any peak hour. However, the proposed Project is projected to generate fewer than 50 peak hour trips. As such, a traffic impact analysis was not required for the proposed Project based on the County's traffic study guidelines. Therefore, the proposed Project does not conflict with an applicable plan, ordinance, or policy establishing measure of effectiveness for the performance of the circulation system. No impacts are identified or are anticipated, and no mitigation measures are required.

- c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

**No Impact**

The Project site is relatively flat and adjoins a straight street with good line of sight visibility. The Project does not include a geometric design feature or incompatible use that would substantially increase hazards. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- d) *Result in inadequate emergency access?*

**Less Than Significant Impact**

As required by the County, the Project would provide two driveways with a minimum width of 26 feet to allow for emergency access. The Proposed Project would be subject to any conditions required by the San Bernardino County Fire Department to maintain adequate emergency access. Therefore, no significant impacts are identified or anticipated, 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>
---------------	---	---	----------------------------------	----------------------

#### **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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

#### **SUBSTANTIATION:**

***San Bernardino Countywide Policy Plan, 2020; Cultural Historical Resources Information System (CHRIS), South Central Coastal Information Center, California State University, Fullerton; Submitted Project Materials***

- a) *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;*

#### **Less Than Significant Impact**

The Glen Helen Specific Plan Draft Environmental Impact Report (DEIR) noted the Atchison Topeka Santa Fe railway alignment as an historical feature, as noted below.

“SBR-6793H is the Atchison Topeka Santa Fe railway alignment. Segments of this railroad pass through the North Glen Helen, Devore, Cajon Corridor and Kendall Corridor subareas. Originally known as the Southern California Railroad, it was conceived as an inland alternative to the Southern Pacific. Extending from Los Angeles, Southern California tracks reached Colton in, 1882 and San Bernardino in 1883 (Robinson 1958:50). By 1884, the railroad had connected San Bernardino with San Diego via Elsinore, Temecula, and Santa Margarita Canyon. Southern California also built a railway through the Cajon Pass to Barstow, where it met the Southern Pacific line that connected Mojave and Needles. In 1885, the Santa Fe purchased the Southern California, and subsequently acquired Southern Pacific's



line from Mojave to Needles. Thus, by 1885, the Santa Fe controlled the main rail artery through the San Bernardino County mining districts.” (p. 4.9-5)

The DEIR also found the rail alignment would not be affected by the proposed project, as noted below.

“SBR-6793H is the Atchison Topeka & Santa Fe railway alignment, segments of which pass through the North Glen Helen, Devore, Cajon Corridor and Kendall Corridor planning areas. The proposed project will not alter the AT&SF rail alignment and no impact will occur.” (p. 4.9-9)

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

- b) *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?*

**No Impact**

On June 16, 2021, the County of San Bernardino distributed notification via e-mail pursuant to AB52 to the following five tribes: Gabrieleno Band of Mission Indians - Kizh Nation, San Gabriel Band of Mission Indians, Soboba Band of Luiseño Indians, Morongo Band of Mission Indians, and San Manuel Band of Mission Indians. No comments were received as of August 31, 2021. As such, no significant adverse impacts are identified or are anticipated, 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>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 telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

<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)	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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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:***

***San Bernardino Countywide Policy Plan, 2020; San Bernardino Valley Municipal District Urban Water Management Plan 2015; Submitted Project Materials; Glen Helen Specific Plan***

- 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 telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

**Less Than Significant Impact**

The Project area is currently within the San Bernardino Municipal Water Department service area for water and sewer service, SoCal Gas for gas, SoCal Edison for electricity and Verizon for phone services. At present, a sewer pipeline traverses Cajon Blvd. near the property. If a septic system is not allowed, as may be the case due to the limited use of the property, connection to that line or an alternative line may be required. According to information provided by the Municipal Department, the applicant would need to annex to the City's system to receive sewer treatment. The existing treatment plant facilities have a capacity of 33 million gallons per day. Due to the limited use of the property, treatment plant capacity would not be affected by this Project. The Districts Urban Water Management Plan (UWMP) anticipates adequate water supply even in multiple dry years. Other utility services are available to nearby properties and can be extended to the site. Therefore, any extension of services or their increased use would

require some extension of existing facilities, but their limited use on the property due to the proposed trailer truck storage operation would not be significant. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- b) *Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?*

**Less Than Significant Impact**

The Project Site is currently served by the San Bernardino Municipal Water Department, but is within the overall District boundary of the San Bernardino Valley Municipal Water District (SBVMWD). According to the District's Urban Water Management Plan (UWMP), which incorporates the City of Rialto, West Valley Water District, City of Colton, Riverside Highland Water Company, City of Loma Linda, City of Redlands, Yucaipa Valley Water District, East Valley Water District, and San Bernardino Municipal Water District service area, the District covers about 325 square miles in southwestern San Bernardino County. The 2015 San Bernardino Valley Regional Urban Water Management Plan (UWMP), amended June 2017, estimates water supplies are adequate during normal, dry and multiple dry years between 2020 and 2040. Since the Water Department currently serves the Project area and most of projected site demand would occur from irrigation of site landscaping, implementation of the proposal would not lead to a substantial increase in water demand. Water supplies would therefore be sufficient to serve the proposed Project and reasonably foreseeable future development. No significant impacts are identified or anticipated, and no mitigation measures are required.

- 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?*

**Less Than Significant Impact**

As noted previously in subsection a) above, the San Bernardino Municipal Water Department would serve the project site. The Department currently has wastewater pipeline in Cajon Blvd., but the applicant would need to annex to the system to receive wastewater treatment services. Utilization of an on-site septic system could potentially occur, but would be subject to approval of the Water Department and County Environmental Health Services. If the municipal system is utilized, treatment plant capacity would not be adversely affected due to the limited use of the property, with only one toilet for an on-site guard. As such, no impacts are identified or anticipated, and no mitigation measures are required.

- 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?*

**Less Than Significant Impact**

The Project Site is currently within the refuse collection area of Burrtec Waste Industries. Solid waste generated at the Project Site is disposed of at either the San Bernardino County Mid-Valley Landfill (36-AA-0055), or other active landfills as necessary. Burrtec's operators determine the final disposal location on a case-by-case basis. The Mid-Valley Landfill has a maximum throughput of 2,000 tons per day, an expected

operational life through 2045, and a remaining capacity of 61,219,377 cubic yards, as of June 2019. The proposed Project involves a trailer truck storage facility, with little solid waste generated on-site. No additional demand on waste services is anticipated. The Project would be served by a landfill with sufficient permitted capacity to accommodate its solid waste disposal needs. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

**Less Than Significant Impact**

The County of San Bernardino Solid Waste Management Division reviews and approves all new construction projects that require a Construction and Demolition Solid Waste Management Plan (waste management plan). A project's waste management plan consists of two parts which are incorporated into the Conditions of Approval (COA's) by the County of San Bernardino Solid Waste Management Division. As part of the plan, proposed projects are required to estimate the amount of tonnage to be disposed and diverted during construction. Disposal/diversion receipts or certifications are required as a part of that summary.

The mandatory requirement to prepare a Construction and Demolition Solid Waste Management Plan would ensure that impacts related to construction waste would be less than significant. The proposed Project would comply with all federal, State, and local statutes and regulations related to solid waste. Solid waste produced during the construction phase or operational phase of the proposed Project would be disposed of in accordance with all applicable statutes and regulations. Therefore, no significant adverse impacts are identified or anticipated, 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>XX.</b>	<b>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 checked="" type="checkbox"/>	<input 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 Countywide Policy Plan 2020; Glen Helen Specific Plan; Submitted Project Materials**

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*  
**No Impact**

The routes nearest to the Project Site that are paved and suitable in the event of an evacuation are Kendall Drive and Cajon Boulevard. The closest designated evacuation route is Interstate 215, which is parallel with the property just to the east. Access to Interstate 215 is available approximately 1.5 miles to the north and south of the property. Therefore, operations and construction of the Proposed Project would not interfere with the use of these routes during an evacuation. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Furthermore, the Project Site does not contain any emergency facilities. Continued operations at the Project site would not interfere with an adopted emergency response or evacuation plan. Existing driveways would be maintained for ingress/egress and no new driveways are proposed. No impacts are identified or anticipated, and no mitigation measures are required.

- 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?*

**Less Than Significant Impact**

The Project site is relatively flat and located within a commercial industrial corridor with warehouses and general commercial and industrial related uses. Fire safety areas are prone to wildfires and require additional development standards. The Project site and its vicinity are located within a very high fire hazard area, as displayed on the San Bernardino Countywide Plan Map HZ-5 Fire Hazard Severity Zone.

The Project site would be developed with as a trailer truck storage facility, with a small guard shack that would house one individual. The property would be primarily paved as a parking lot for the storage of trailers. Although wildfire hazards exist within the area, the area has a significant level of urban development and minimal vegetation, except for annual grasses on some properties. As such, the risk to persons or property

is minimal. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- 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?*

**No Impact**

The Project site would be developed with a trailer storage facility and a small guard shack, with an associated restroom. Associated landscaping and fencing is proposed. The proposed Project does not include the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Therefore, no impacts are identified, and no mitigation measures are required.

- 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?*

**No Impact**

The Project site and its immediate vicinity are relatively flat, therefore post-fire slope instability related to flooding or landslides is not anticipated to affect the subject property. The implementation of associated storm water BMPs will ensure that the proposed Project appropriately conveys storm water runoff without affecting upstream or downstream drainage characteristics. As a result, the proposed Project would not expose people or uses to significant risks, such as downslope flooding or landslides. No significant impacts are identified or anticipated, and no mitigation measures are required.

**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>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?

- 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)? ☐ ☐ ☒ ☐
- c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☒ ☐
- 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?*

**Less Than Significant Impact**

Thirteen State/federally listed and/or State candidate species were evaluated for the proposed project. Suitable habitat is absent from the subject property for 12 of the 13 species and the Project will have no effects to these 12 species. Suitable habitat is present for the San Bernardino kangaroo rat. Based upon the initial findings of potential habitat, trapping for the kangaroo rat was conducted by the Project biologist for five nights, July 18 to July 23, 2021. 100 traps were set in a continuous line and baited with bird seed and wild oats. The traps were checked at midnight and dawn. No San Bernardino kangaroo rats were captured, although five rodent captures did occur. No USFWS designated critical habitat is present within the property for any of these species.

The site also contains suitable for habitat for special-status nesting birds, including the burrowing owl and California horned lark, as well as other non-special-status bird species. Nesting bird species with potential to occur within the project are protected by California Fish and Game Code Sections 3503, 3503.5, and 3800, and by the Migratory Bird Treaty Act (16 USC 703–711). These laws regulate the take, possession, or destruction of the nest or eggs of any migratory bird or bird of prey.

To avoid potential effects to the burrowing owl mitigation measures have been recommended. Completion of these measures would reduce the potential impact to less than significant. To avoid potential effects to special-status bird species (e.g., California horned lark) and other nesting bird species implementation of mitigation measures have been recommended and are noted in the Section IV, Biological

Resources. Therefore, implementation of the proposed Project and associated mitigation measures, although necessary to address potential impacts, would not 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, or substantially reduce the number or restrict the range of a rare or endangered plant or animal.

The Glen Helen Specific Plan Draft Environmental Impact Report (DEIR) noted the subject area was highly disturbed and no historical and archaeological resources are anticipated. The *Cultural Resources Assessment* noted the historical existence of the Atchison Topeka Santa Fe railway alignment and the fact the proposed Project would not affect the rail alignment. As such, the *Cultural Resources Assessment* found the Project would not adversely affect important examples of the major periods of California history or prehistory.

- 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)?*

**Less Than Significant Impact**

Cumulative impacts are defined as two or more individual affects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor, but collectively significant, developments taking place over a period. The CEQA Guidelines, Section 15130 (a) and (b), generally state:

- (a) Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.
- (b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

As concluded in the *Trip Generation and VMT Screening Analysis*, the proposed Project is anticipated to generate 93 daily trips, which is below the County threshold levels for analysis and, as such, would not be cumulatively considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Similarly, the pollutant emissions from the proposed Project are below SCAQMD thresholds and therefore, the proposed Project would be in compliance SCAQMD's AQMP. In addition, greenhouse gas emissions from the Proposed Project are below County thresholds. Therefore, air quality and greenhouse gas impacts would not be cumulatively considerable.

Impacts associated with the proposed Project would not be considered individually or cumulatively adverse or considerable. Impacts identified in this Initial Study have been



found to be less than significant impact based upon the completion of individual studies for biological resources, air quality and greenhouse gases, and trip generation and prior evaluations for historical and cultural resources. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- c) *Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?*

**Less Than Significant Impact**

The Project site is not located in an area that is susceptible to geologic hazards, with the exception of ground shaking during a geological event. Only one individual would be housed within the guard shack. Site paving and a small guard shack and toilet facilities would be constructed. Therefore, implementation of the proposed Project would not have environmental effects that would cause substantial adverse effects on human beings. At a minimum, the Project will be required to meet the conditions of approval for the project to be implemented, including recommended mitigation measures that would be incorporated as conditions of approval. It is anticipated that all such conditions of approval will further ensure that no potential for adverse impacts will be introduced by construction activities, and current or future land uses authorized by the Project approval. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

## **MITIGATION MEASURES/CONDITIONS OF APPROVAL**

Any mitigation measures, which are not “self-monitoring”, shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval. Condition compliance will be verified by existing procedures. (CCRF)

***BIO-1: Conduct a pre-construction burrowing owl survey no more than 14 days prior to construction activities, including vegetation removal, and a final survey within 24 hours prior to construction consistent with the take avoidance survey methodology outlined in the California Department of Fish and Wildlife’s 2012 Staff Report on Burrowing Owl Mitigation. Should burrowing owl be found, a burrowing owl mitigation and monitoring plan would need to be developed in coordination with the County and CDFW.***

***BIO-2: Construction activities, including vegetation removal, will be conducted outside the general bird nesting season (February 1 through August 31) to avoid impacts to nesting birds. If construction activities cannot be conducted outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required no more than three days prior to any construction activities. Should nesting birds be found, an exclusionary buffer will be established by the qualified biologist. The buffer will be clearly marked in the field by construction personnel under guidance of the qualified biologist. No construction activities will be allowed within this zone until the qualified biologist determines that the young have fledged or the nest is no longer active.***

## **GENERAL REFERENCES**

California Department of Conservation, California Important Farmland Finder.  
<https://maps.conservation.ca.gov/agriculture/#webmaps>

California Department of Conservation, Mineral Land Classification map, Open File Report 1994-0008.

California Department of Resources Recycling and Recovery (CalRecycle), Solid Waste Facilities, <https://www.calrecycle.ca.gov/>

California Department of Transportation, Scenic Highways  
<https://dot.ca.gov/-/media/dot-media/programs/design/documents/od-county-scenic-hwys-2015-a11y.pdf>

California Department of Toxic Substances Control, EnviroStor Database.  
<https://www.envirostor.dtsc.ca.gov/public/>

California Energy Commission, California Energy Consumption Database. Accessed January 29, 2020 from <https://ecdms.energy.ca.gov/Default.aspx>

County of San Bernardino. Development Code.  
<http://cms.sbcounty.gov/lus/Planning/DevelopmentCode.aspx>

County of San Bernardino. Countywide Plan, 2020. <http://countywideplan.com/>

County of San Bernardino. Fire Stations. <https://sbcfire.org/firestations/>

*Glen Helen Specific Plan Draft Environmental Impact Report*, November 2000, Michael Brandman Associates.

*Soil Survey of San Bernardino County Southwestern Part, California 1980*, U.S. Department of Agriculture.

San Bernardino Valley Municipal Water District. 2015 Urban Water Management Plan. Amended June 2017. <https://www.sbvmd.com/home/showdocument?id=4196>

California Department of Conservation, Mineral Land Classification map, Open File Report 1994-0008

### **PROJECT-SPECIFIC REFERENCES**

*Air Quality and Greenhouse Gas Emissions Impact Analysis*, Vista Environmental, May 31, 2021.

*Biological Resources Assessment*, LSA, July 2021.

Custom Soil Resource Report for San Bernardino County Southwestern Part, California, August 15, 2021.

*Preliminary Water Quality Management Plan*, Land Development Design Company, LLC; August 20, 2021.

*San Bernardino Kangaroo Rat Survey Results*, LSA, August 3, 2021.

Trip Generation and VMT Screening Analysis Memo, Environment Planning Development Solutions, Inc., May 5, 2021.

# **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#479**

**HEARING DATE: MARCH 16, 2022**

## **RESOLUTION NO. 3347**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#479 – CITY OF SAN BERNARDINO IRREVOCABLE AGREEMENT TO ANNEX NO. 2021-367 FOR SEWER SERVICE (APN 1023-011-51)**

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

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

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

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

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

**WHEREAS**, the public hearing by this Commission was called for March 16, 2022 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. 3347

### **DETERMINATIONS:**

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

1. The project area, Assessor Parcel Number 0262-022-07, is 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.

For water service, the Commission has previously confirmed that the provision of water service within the area previously served by the San Bernardino Water Utilities Corporation—which includes the parcel associated with the proposed TPM, APN 0262-022-07—is exempt from further LAFCO review (LAFCO SC#352). Therefore, the application requests authorization to receive City of San Bernardino sewer service only.

The requirement to receive water and sewer service from the City of San Bernardino are conditions of approval placed upon the proposed overflow truck parking facility project. Therefore, approval of the City of San Bernardino's request for authorization to provide sewer service is necessary in order to satisfy said conditions of approval for the project.

2. The City of San Bernardino's Irrevocable Agreement to Annex No. 2021-367 being considered is for the provision of sewer service to Assessor Parcel Number 0262-022-07. 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 San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of San Bernardino for the extension of sewer service to the parcel are identified as totaling \$1,170.35 (a breakdown of charges is on file in the LAFCO office).
4. Acting as the CEQA Lead Agency, the County of San Bernardino, as a function of its review for a Minor Use Permit to establish a truck terminal to provide overflow trailer truck parking on approximately seven 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, its staff, and its 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 its 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. 3347

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 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 Number 0262-022-07.

**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#479 – City of San Bernardino Irrevocable Agreement to Annex No. 2021-367 for Sewer Service (APN 0262-022-07), 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 March 16, 2022.**


**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** MARCH 9, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
HANNAH LARSEN, LAFCO Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** AGENDA ITEM #9: LAFCO SC#480 – City of Montclair Irrevocable Agreement No. 21-86-I-107 for Sewer Service (APN 1012-411-51)

---

**INITIATED BY:**

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

**RECOMMENDATION:**

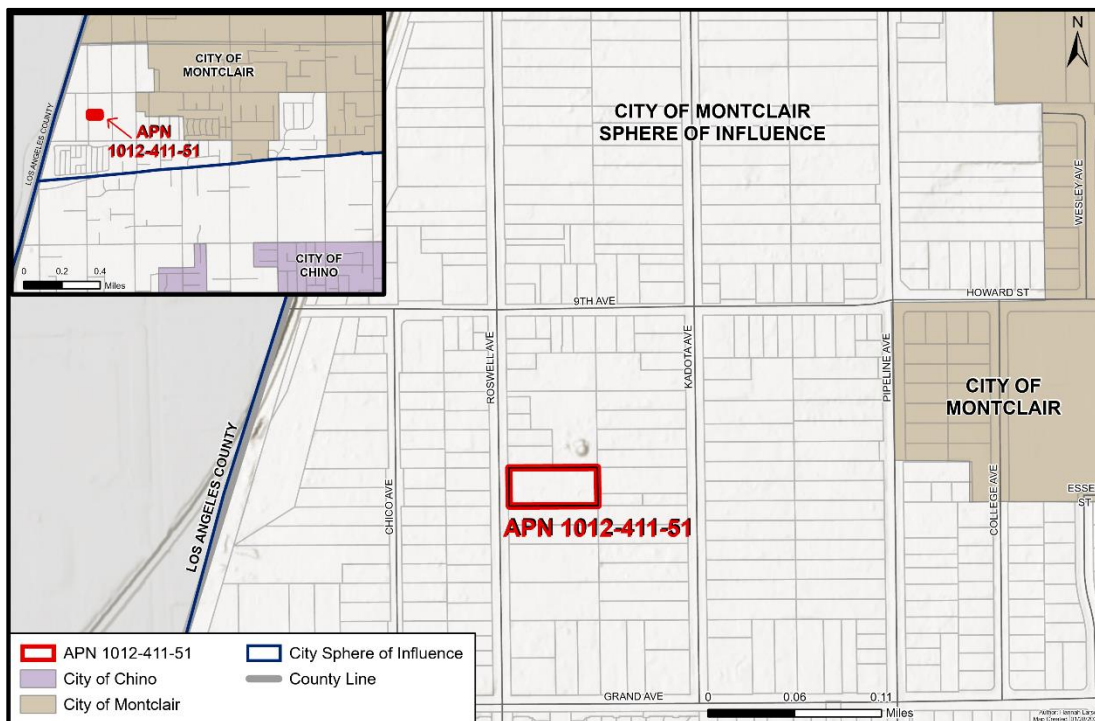
Staff recommends that the Commission approve LAFCO SC#480 by taking the following actions:

1. For environmental review as a responsible agency:
  - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the Notice of Exemption filed by the County of San Bernardino for a Minor Use Permit to re-establish a previous land use approval to allow three developed buildings, to include a two-story 3,000 square-foot office building and two pre-fabricated metal buildings totaling 7,000 square feet on approximately 0.88-acres;
  - b. Determine that Commission has considered the minimal environmental effects caused by approval of the service extension request and finds the information substantiating the Notice of Exemption adequate for its authorization of the out-of-agency service agreement;
  - c. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project and that no mitigation measures were required for this project; however, Conditions of Approval were adopted, which are the responsibility of the County to implement; and,

- d. Direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC #480 authorizing the City of Montclair to extend sewer service outside its boundaries to Assessor Parcel Number 1012-411-51; and,
3. Adopt LAFCO Resolution #3348 setting forth the Commission's determinations and approval of the agreement for service outside the City of Montclair's boundaries.

**BACKGROUND:**

The City of Montclair (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 to a single parcel, Assessor Parcel Number (APN) 1012-411-51, which encompasses approximately 0.88 acres along Roswell Avenue (11185 Roswell Avenue) generally located on the east side of Roswell Avenue between 9<sup>th</sup> and Grand Avenues, within the City of Montclair's southwestern sphere of influence. The map below, which is also included as Attachment #1, outlines the location and vicinity map of the contract area.



The County's Land Use Services Department processed and approved a Minor Use Permit to re-establish a previous land use approval for a two-story 3,000 square-foot office building and two pre-fabricated metal buildings totaling 7,000 square feet on an approximately 0.88-acre parcel. The Conditions of Approval placed upon this project includes the requirement to either connect to the City's sewer facilities prior to issuance of building permit (see



Conditions 65, 67, and 68). A copy of the Conditions of Approval for the project is included as Attachment #3 to this report.

Therefore, the City, on behalf of the property owner/developer, has requested that the Commission authorize the extension of 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) indicates that sewer service will be provided through connection to the existing sewer main in Roswell Avenue through connection of a 4-inch sewer lateral line from the property to the existing 8-inch sewer main in Roswell Avenue.

Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of services outside an agency's boundaries. The City of Montclair has submitted an estimated cost of \$6,181.84 for the extension of sewer service to the parcel. Following is a table with a breakdown of the fee calculation:

Description of Fees/Charges	Cost
Inland Empire Utilities Agency (IEUA) Connection Fee per Equivalent Dwelling Unit (EDU)	\$3,931.53
City of Montclair EDU Fee (10% of IEUA Connection Fee)	\$392.67
City of Montclair Connection Fee	\$1,648.64
City Engineering/Construction Permit	\$209.00
<b>Total</b>	<b>\$6,181.84</b>

The total fee noted above does not include the County Permit and Inspection Fee and the Construction Cost. The property owner/developer will bear all costs for the sewer lateral extension from the existing sewer main to the property.

#### **ENVIRONMENTAL DETERMINATION:**

The County approved a Minor Use Permit to re-establish a previous land use approval to allow three developed buildings, to include a two-story 3,000 square-foot office building and two pre-fabricated metal buildings totaling 7,000 square feet on approximately 0.88 acres. In approving the Minor Use Permit, the County adopted a Categorical Exemption (Class 3) based on compliance with Section 15303 of the State CEQA Guidelines.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Notice of Exemption for the proposed project. Mr. Dodson's analysis indicates

that the County's Notice of Exemption is 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 Notice of Exemption filed for the project and found them to be adequate for Commission use;
- b) Determine that Commission has considered the minimal environmental effects caused by approval of the service extension request and finds the information substantiating the Notice of Exemption adequate for its authorization of the out-of-agency service agreement;
- c) Determine that the Commission does not intend to adopt alternatives or mitigation measures for the project, and that no mitigation measures were required for this project; however, Conditions of Approval were adopted, which are the responsibility of the County to implement; and,
- d) Direct the Executive Officer to file the Notice of Exemption within five (5) days with the County Clerk of the Board of Supervisors, as CEQA Responsible Agency.

### **CONCLUSION:**

The Conditions of Approval for the two-story 3,000 square-foot office building and two pre-fabricated metal buildings totaling 7,000 square feet on the 0.88-acre parcel requires that it connect to the City's sewer facilities. In order for the project to proceed, the property owner/developer must show proof of its ability to connect to the City's sewer infrastructure – which is the Commission's authorization for the agreement.

Staff has reviewed this request for authorization to provide sewer service from the City of Montclair 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 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 APN 1012-411-51 since its facilities are adjacent to the proposed project, and there is no other existing entity available to provide these services within the area at this time.

### **DETERMINATIONS:**

1. The project area, identified as APN 1012-411-51, is within the sphere of influence assigned the City and is anticipated to become a part of that City sometime in the future. Water service will be provided by the Monte Vista Water District, whose boundary already overlays the project area.

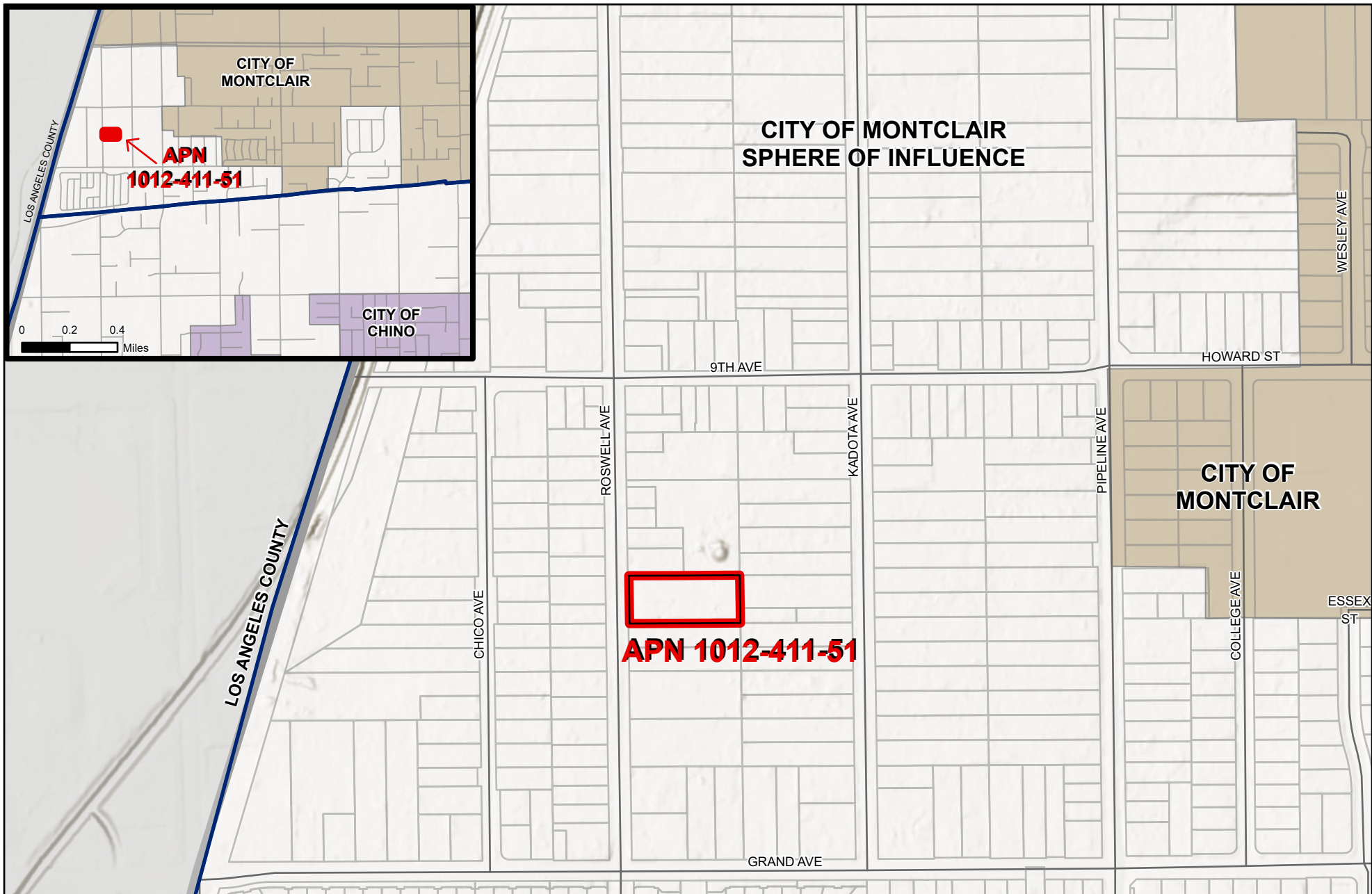
The application requests authorization to receive City sewer service. The requirement is a condition of approval placed upon the proposed project by the County Land Use Services Department. Therefore, approval of the City's request for authorization to provide sewer service is necessary in order to satisfy the condition of approval for the project.

2. The City's Irrevocable Agreement to Annex No. 21-86-I-107 being considered is for the provision of sewer service to APN 1012-411-51. 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 to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City for the extension of sewer service to the parcel are identified as totaling \$6,181.84 (see table on page 3 for a breakdown of fees and charges). In addition, the property owner/developer will be responsible for the entire costs of the construction and installation of the sewer lateral extension.
4. Acting as the CEQA Lead Agency, the County filed a Notice of Exemption for the proposed project. In approving the Minor Use Permit, which does not exceed 10,000 square feet of commercial facilities, the County adopted a Categorical Exemption (Class 3) based on compliance with Section 15303 of the State CEQA Guidelines.

LAFCO's environmental consultant, Tom Dodson and Associates, has reviewed the County's Notice of Exemption (Categorical Exemption) filed for the proposed project and indicates that the County's Notice of Exemption is adequate for the Commission's use as CEQA Responsible Agency. The Commission will not be adopting alternatives or mitigation measures. No mitigation measures were required for this project; however, Conditions of Approval were included that will be the responsibility of the County to implement. A copy of Mr. Dodson's response is included as Attachment #4 to this report.

Attachments:

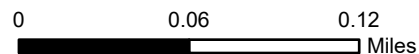
1. [Vicinity Map](#)
2. [City of Montclair's Application Including Copy of Irrevocable Agreement to Annex](#)
3. [County's Conditions of Approval for the Minor Use Permit](#)
4. [Response from Tom Dodson and Associates](#)
5. [Draft Resolution #3348](#)



**LAFCO SC#480 – City of Montclair Irrevocable Agreement  
to Annex No. 21-86-I-107 (APN 1012-411-51)**



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



- APN 1012-411-51
- City of Chino
- City of Montclair

- City Sphere of Influence
- County Line

**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 Montclair

CONTACT PERSON: Monica Heredia, Public Works Director

ADDRESS: 5111 Benito Street  
Montclair, CA 91763

PHONE: 909/625-9441

EMAIL: [mheredia@cityofmontclair.org](mailto:mheredia@cityofmontclair.org)

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: Pomona Hershey Properties LLC

CONTACT PERSON: Erik Peterson (Coordinator)

MAILING ADDRESS: 401 E. Columbia Avenue.  
Pomona, CA 91767

PHONE: (909-625-3916

EMAIL: \_\_\_\_\_

ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 11185 Roswell Street  
Pomona, CA 91766

CONTRACT NUMBER/IDENTIFICATION: Irrevocable Annexation Agreement No. 21-86-I-107

PARCEL NUMBER(S): 1012-411-51-0000

ACREAGE: 0.88-acre

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

- (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.

NO.

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

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

The Irrevocable Annexation Agreement would permit the owner of the subject property, located in unincorporated County territory, to connect to the existing office building to the existing sewer main in Roswell Avenue. The sewer main is owned by the City of Montclair, who would allow a connection to its line if requested. With this agreement, the property owner will be required to annex the property in question to the City when feasible at a future date.

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.

The time frame for annexing the area that includes this property is unknown at this time.

- (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.

The annexation of properties within the City's Sphere of Influence has not been a key area of focus of the City in recent years due to economic and other pressing priorities.

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 subject property is currently developed with 3,000 square foot office building, two pre-fabricated warehouse structures on an .88-acre lot.

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

N/A

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.

N/A

8. Are there any land use entitlements/permits involved in the agreement/contract?  
☒ YES ☒ 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 checked="" 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"/>

N/A.

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.

LAFCO is the responsible agency for filing the Notice of Exemption (NOE).

10. Plan for Service:

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

The Owner desires to connect the office building to the existing sanitary sewer line in Roswell Avenue. The sewer line in Roswell Avenue is owned and maintained

by the City of Montclair. The City is allowing the connection to said sanitary sewer system subject to the agreement that property be annexed to the City at the earliest possible time.

If approved, the owner will construct a 4-inch sewer lateral line(s) from the subject site to connect with the existing 8-inch sewer line in the public street. The new lateral line from the existing development to the City sewer line will be approximately 50 to 60 feet in length. The existing private sewer system (septic tanks) would be properly abandoned per the California Plumbing Code. Cost for constructing said lateral line and payment for building permits and sewer connection fees would be borne entirely by the property owner and is unknown at this time.

- (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>
Inland Empire Utilities Agency (IEUA) Connection Fee per Equivalent Dwelling Unit (EDU)	\$3,931.53	<b>\$3,931.53</b>
City of Montclair EDU Fee (10% of IEUA Connection Fee)	\$392.67	<b>\$392.67</b>
City of Montclair Connection Fee	\$ 1,648.64	<b>\$ 1,648.64</b>
City Engineering / Construction Permit	\$209.00	<b>\$209.00</b>
County Permit and Inspection Fee	Unknown	<b>Unknown</b>
Construction Cost	Unknown	<b>Unknown</b>
<b>Total Known Costs</b>	<b>\$ 6,181.84</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).

None

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

N/A

11. Does the City/District have any policies related to extending service(s) outside its



boundary? ☒ YES ☐ NO. If yes, has a copy been provided to LAFCO?  
☒ 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.


N/A

## CERTIFICATION

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

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

SIGNED



NAME:

Michael Diaz

POSITION TITLE:

Director of Community Development

DATE:

January 5, 2021

### REQUIRED EXHIBITS TO THIS APPLICATION:

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

Please forward the completed form and related information to:

Local Agency Formation Commission  
215 North D Street, Suite 204  
San Bernardino, CA 92415-0490  
PHONE: (909) 383-9900 • FAX: (909) 383-9901

**Recording Requested by:**

Silvia Gutierrez  
City of Montclair

**When Recorded Mail To:**

Silvia Gutiérrez  
Associate Planner  
City of Montclair  
5111 Benito Street, P.O. Box 2308  
Montclair, CA 91763

**This Space for Recorder's Use Only**

---

**FREE RECORDING PURSUANT TO GOVERNMENT CODE §27383**

**AGREEMENT NO. 21-86-I-107  
AN IRREVOCABLE ANNEXATION AGREEMENT  
WITH THE CITY OF MONTCLAIR  
AND  
POMONA HERSHEY PROPERTIES, LLC  
FOR  
11185 ROSWELL AVENUE  
POMONA, CA 91766  
(APN 1012-411-51-0000)**

**AGREEMENT NO. 21-86-I-107**

**AN IRREVOCABLE AGREEMENT TO ANNEX  
TO THE CITY OF MONTCLAIR**

POMONA HERSHEY PROPERTIES, A CALIFORNIA LIMITED LIABILITY COMPANY  
11185 ROSWELL, POMONA, CA 91766-3955 (APN 1012-411-51-0000)

This agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, between Pomona Hershey Properties, LLC, hereinafter referred to as "Owner," and the City of Montclair hereinafter referred to as "City."

**WHEREAS**, Owner is the legal property owner of the real property located at 11185 Roswell, Pomona, CA 91766-3955, the land referred to herein below as referenced by the San Bernardino County Tax Assessor Parcel Number (APN) 1011-411-51-0000, shown as Exhibit "A" attached and is further described as follows:

LOT 44 OF POMONA HOMES ACRES, AS PER MAP RECORDED IN BOOK  
25 PAGE 1 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF  
SAN BERNARDINO COUNTY

**WHEREAS**, the subject property is approximately 0.88-acres in total size, and located within unincorporated San Bernardino County and the Sphere of Influence of the City of Montclair; and

**WHEREAS**, the County zoning designation for the site is "Community Industrial (IC);" and

**WHEREAS**, on May 21, 2021, the County of San Bernardino approved Minor Use Project No. PROJ-2020-00103 allowing the development of a 3,000 square foot office building, two pre-fabricated warehouse structures, for total development size of 7,000 square feet, and associated site improvements which are currently under construction; and

**WHEREAS**, the Owner is required and desires to connect the property to the sanitary sewer system in the Roswell Avenue roadway, which is owned and maintained by the City of Montclair; and

**WHEREAS**, the City is willing to allow a connection to said sanitary sewer system if a request is made at the earliest possible time to annex to the City of Montclair; and

**WHEREAS**, Owner desires to annex to the City of Montclair; and

**WHEREAS**, the City intends to pursue annexation of Owner's property, but said annexation would cause a delay in connecting to said sewer line, which would create a substantial hardship for Owner of said property; and,

**WHEREAS**, the agreements, conditions, and covenants contained herein are made for the direct benefit of the land subject to this Agreement and described herein and shall

create an equitable servitude upon the land and operate as a covenant running with the land for the benefit of the Owner of the land and his/her heirs, successors, and assigns.

**NOW, THEREFORE**, the parties do agree as follows:

1. Owner does hereby give irrevocable consent to annex to the City of Montclair 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 the Owner to the various hearings required for the annexation. Said cooperation does not include, however, any obligation on behalf of the Owner to institute any litigation of judicial proceeding whatsoever to force annexation to the City.

2. The City of Montclair does hereby agree to allow a connection of said property to the sewer line owned by the City of Montclair, which is located in Roswell Avenue, at such time as all applicable permits have been obtained and associated fees have been paid.

3. Owner agrees 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 the City.)

4. Owner shall pay all fees and charges and make all deposits required by the City to connect to and use the sewer, and Owner agrees to be bound by all City ordinances, rules, and regulations with respect to the sewer system. Owner agrees to pay monthly sewer charges beginning on the date this agreement is approved by the City Council.

5. Owner shall be responsible for the maintenance and repair of the sewer lateral from the building, and/or structure to which the sewer lateral is connected to the public sewer main in the street or City easement. This responsibility includes both the portion of the sewer lateral on private property and the portion located beneath the street up to the point where the lateral connects to the public sanitary sewer main. Property owner's responsibilities include maintenance and repair of the lateral, overflow cleanup, and damages to sewer main and/or pavement. The City may respond and take corrective action in the event of a sewage overflow from a lateral where there is an immediate threat to health or safety. However, the property owner shall be responsible for all costs incurred by the City.

6. Owner shall install any and all future improvements upon said property to the City's standards, except that the County standard(s) shall apply when more restrictive than the City standard(s).

7. Owner shall execute this agreement on behalf of himself, his heirs, successors, and assigns, and said agreement shall be irrevocable without the prior written consent of both parties hereto.


8. The benefit and responsibilities to the subject property shall inure to the benefit and responsibilities 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.

9. This agreement shall be recorded with the Office of the Recorder of the County of San Bernardino.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed the day and year first above written.

CITY:

**CITY OF MONTCLAIR, CALIFORNIA**

  
William A. Ruh, Mayor Pro Tem

Date: 20 December 2021

OWNER(S):

**POMONA HERSHEY PROPERTIES, LLC**

  
Stephen H. Holmes, Owner


Date: 12/21/21

**ATTEST:**

  
Andrea M. Myrick, City Clerk

Date: 12-20-2021

**APPROVED AS TO FORM:**

  
Diane E. Robbins, City Attorney

Date: 12-20-21

## 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 DECEMBER 21, 2021 before me, MARINE KHACHERYAN (NOTARY PUBLIC)  
(insert name and title of the officer)

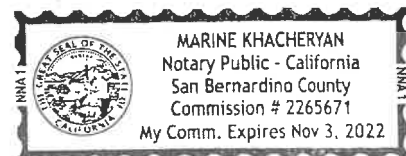
personally appeared STEPHEN H. HOLMES,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their 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 [Signature]

(Seal)



[illegible]

Brenda E. Younglove  
NOTARY PUBLIC

**BRENDA E. YOUNGBLOOD**  
**COMM. # 2300385**  
**NOTARY PUBLIC - CALIFORNIA**  
**SAN BERNARDINO COUNTY**  
**My Comm. Expires August 5, 2023**

**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.

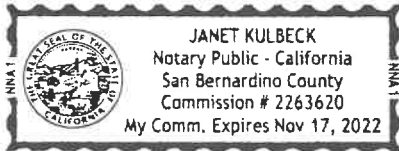
State of California

County of San Bernardino }

On December 20, 2021 before me, Janet Kulbeck Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared William A. Ruh & Andrea M. Myrick  
Name(s) of Signer(s)

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



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

WITNESS my hand and official seal.

Signature Janet Kulbeck  
Signature of Notary Public

Place Notary Seal and/or Stamp Above

**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 NO. 21-86-I-107

Document Date: December 20, 2021 Number of Pages: \_\_\_\_\_

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

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

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

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

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian 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: \_\_\_\_\_





## Land Use Services Department Planning

Terri Rahhal  
Director

June 1, 2021

Effective Date: June 7, 2021

Expiration Date: June 7, 2024

APPLICANT:

Erik Peterson  
401 E. Columbia Avenue  
Pomona, CA 91767

**RE: MINOR USE PERMIT APPLICATION TO RE-ESTABLISH A PREVIOUS LAND USE APPROVAL, TO ALLOW THREE DEVELOPED BUILDINGS, TO INCLUDE A TWO-STORY, 3,000-SQUARE FOOT OFFICE BUILDING, AND TWO PRE-FABRICATED METAL BUILDINGS, TOTALING 7,000 SQUARE FEET, TO BE FINALED, LOCATED AT 11185 ROSWELL AVENUE, IN THE COMMUNITY INDUSTRIAL (IC) ZONING DISTRICT, IN MONTCLAIR; 4TH SUPERVISORIAL DISTRICT; APN: 1012-411-51; PROJECT NUMBER: PROJ-2020-00103.**

Dear Mr. Peterson,

**On May 27, 2021**, the above referenced application was approved by the Zoning Administrator, subject to completion of the attached Conditions of Approval. The proposed project is found to be in conformance with the County Wide Plan policies and the County Development Code. The effective date of this approval is **June 7, 2021**. This approval shall expire and become void on **June 7, 2024** if it is not exercised pursuant to the conditions of approval. The applicant shall ascertain and comply with all applicable requirements of Federal, State, County and Local Agencies.

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

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

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

If you have any questions regarding this approval, you can reach me directly at (909) 601-4667 or via e-mail at [Aron.Liang@lus.sbcounty.gov](mailto:Aron.Liang@lus.sbcounty.gov)

Sincerely,

*Aron Liang*

Aron Liang, Senior Planner  
AL/drp/lb

Enclosure: Attachment A – Conditions of Approval  
Attachment B – Approved Site Plan  
Attachment C – Condition Compliance Release Forms

### BOARD OF SUPERVISORS

COL. PAUL COOK (RET.)  
First District

JANICE RUTHERFORD  
Second District

DAWN ROWE  
Vice Chair, Third District

CURT HAGMAN  
Chairman, Fourth District

JOE BACA, JR.  
Fifth District

Leonard X. Hernandez  
Chief Executive Officer

# Conditions of Approval



**Record:** PROJ-2020-00103  
**APN:** 1012-411-51

**Zoning Administrator Date:** May 27, 2021  
**Application Name:** Minor Use Permit

## On-going and Operational Conditions

### LAND USE SERVICES – Planning Division

1. Project Description. The County conditionally approves the proposed Minor Use Permit to re-establish a previous land use approval, to allow three developed buildings, which include a two-story, 3,000-square foot office building, and two pre-fabricated metal buildings, totaling 7,000 square feet, to be finished, on a .88-acre parcel, in the Community Industrial (IC) zoning district, in compliance with the San Bernardino County Code (SBCC), California Building Codes, San Bernardino County Fire Code, California Fire Code, the Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations and landscape plans).
2. Project Location. The Project site is located at 11185 Roswell Avenue, in the Community Industrial (IC) zoning district.
3. Conditions of Approval: The developer shall provide a copy of the approved conditions and the site plan to every current and future commercial tenant, lessee, and any future property owner to facilitate compliance with these conditions of approval and continuous use requirements for the Project Site with APN: 1012-411-51 and Project Number: PROJ-2020-00103.

4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "indemnities" (herein collectively the County's elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence" or "willful misconduct" within the meaning of Civil Code §2782.

5. Development Impact Fees: Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
6. 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.
7. 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.
8. Revisions: Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
9. Construction Hours: Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in

# Conditions of Approval



**Record:** PROJ-2020-00103  
**APN:** 1012-411-51

**Zoning Administrator Date:** May 27, 2021  
**Application Name:** Minor Use Permit

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.

10. Expiration. This project permit approval shall expire and become void if it is not “exercised” within three years of the effective date of this approval, unless an extension of time is granted. The permit is deemed exercised when either
- The permittee has commenced actual construction or alteration under a validly issued Building Permit, or
  - The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a Building Permit. [SBCC §86.06.060]

Occupancy of completed structures and operation of the approved exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:

- Building and Safety does not issue construction permits for all or part of the project or the construction permits expire before the completion of the structure and the final inspection approval.
- The County determines the land use to be abandoned or non-conforming.
- The County determines that the land use is not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

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

11. 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)
12. 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 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.
13. 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.
14. 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.
15. 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 are not limited to: a. FEDERAL: none. b. STATE: Regional Water Quality Control Board (RWQCB- Santa Ana Region. c. COUNTY: Land Use Services – Planning/Building and Safety/Code Enforcement/Land Development, County Fire, Environmental Health Services, and Public Works. d. REGIONAL: South Coast Air Quality Management District. e. LOCAL: City of Montclair.
16. 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,

# Conditions of Approval



**Record:** PROJ-2020-00103  
**APN:** 1012-411-51

**Zoning Administrator Date:** May 27, 2021  
**Application Name:** Minor Use Permit

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.

17. **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.
18. **Project Account:** The Project account number is PROJ-2020-00103. 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.
19. **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 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.



# Conditions of Approval



**Record:** PROJ-2020-00103  
**APN:** 1012-411-51

**Zoning Administrator Date:** May 27, 2021  
**Application Name:** Minor Use Permit

## **LAND USE SERVICES - Land Development - Drainage**

20. 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.
21. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
22. 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.
23. 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.
24. 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.
25. 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.

## **DEPARTMENT OF PUBLIC WORKS – Traffic Division**

26. Vehicle Movements: Project vehicles shall not back up into the project site nor shall they back out into the public roadway.
27. Access. The access point to the facility shall remain unobstructed at all times, except a driveway access gate which may be closed after normal working hours.

## **PUBLIC HEALTH– Environmental Health Services**

28. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least **2** times per week, or as often as 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 EHS/LEA at: 1-800-442-2283.
29. Noise Level. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call EHS at 1-800-442-2283.

## **DEPARTMENT OF PUBLIC WORKS - Solid Waste Management Division**

30. 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).

# Conditions of Approval



Record: PROJ-2020-00103  
APN: 1012-411-51

Zoning Administrator Date: May 27, 2021  
Application Name: Minor Use Permit

31. 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 2176.
32. 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 are required 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.
33. Mandatory Commercial Organics Recycling. As of January 1, 2019, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of solid waste per week to recycle their organic waste. 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.

## Prior to Grading/Land Disturbance

### LAND USE SERVICES – Planning Division

34. AQ – Operational Standards. The developer shall implement the following air quality measures, during operation of the approved land use: All on-site equipment and vehicles (off-road/ on-road), shall comply with the following:
  - a) County Diesel Exhaust Control Measures [SBCC § 83.01.040 (c)]. Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use. All engines shall not idle more than five minutes in any one-hour period on the project site. This includes all equipment and vehicles.
  - b) On-site electrical power connections shall be provided.
  - c) All transportation refrigeration units (TRU's) shall be provided electric connections, when parked on-site.
  - d) The loading docks shall be posted with signs providing the telephone numbers of the building facilities manager and the California Air Resources Board to report violations.
35. AQ – Coating Restriction Plan. The developer shall submit for review and obtain approval from County Planning of a Coating Restriction Plan (CRP), consistent with SCAQMD guidelines and a signed letter agreeing to include in any construction contracts/subcontracts a condition that the contractors adhere to the requirements of the CRP. The CRP measures shall be following implemented to the satisfaction of County Building and Safety:
  - a) Architectural coatings with Reactive Organic Compounds (ROC) shall not have content greater than 100 g/l.
  - b) Architectural coating volume shall not exceed the significance threshold for ROG, which is 75 lbs. /day and the combined daily ROC volume of architectural coatings and asphalt paving shall not exceed the significance threshold for ROC of 75 lbs. per day.
  - c) High-Volume, Low Pressure (HVL) spray guns shall be used to apply coatings.
  - d) Precoated/natural colored building materials, water-based or low volatile organic compound (VOC) coatings shall be used, if practical.
  - e) Comply with SCAQMD Rule 1113 on the use or architectural coatings
36. AQ – 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 vehicle and equipment emissions and other impacts to air quality by implementing the following measures and submitting documentation of compliance: The developer/construction contractors shall do the following:
  - a) Provide documentation prior to beginning construction demonstrating that the project will comply with all SCAQMD regulations including 402, 403, 431.1, 431.2, 1113 and 1403.
  - b) Each contractor shall certify to the developer prior to construction-use that all equipment engines are properly maintained and have been tuned-up within last 6 months.

# Conditions of Approval



**Record:** PROJ-2020-00103  
**APN:** 1012-411-51

**Zoning Administrator Date:** May 27, 2021  
**Application Name:** Minor Use Permit

- c) Each contractor shall minimize the use of diesel-powered vehicles and equipment through the use of electric, gasoline or CNG-powered equipment. All diesel engines shall have aqueous diesel filters and diesel particulate filters.
  - d) All gasoline-powered equipment shall have catalytic converters.
  - e) Provide onsite electrical power to encourage use of electric tools.
  - f) Minimize concurrent use of equipment through equipment phasing.
  - g) Provide traffic control during construction to reduce wait times.
  - h) Provide on-site food service for construction workers to reduce offsite trips.
  - i) Implement the County approved Dust Control Plan (DCP)
37. **AQ – Dust Control Plan.** The developer shall prepare, submit for review and obtain approval from County Planning of both a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a signed letter agreeing to include in any construction contracts/subcontracts a requirement that project contractors adhere to the requirements of the DCP. The DCP shall include the following requirements:
- a) Exposed soil shall be kept continually moist to reduce fugitive dust during all grading and construction activities, through application of water sprayed a minimum of two times each day.
  - b) During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall cease until wind speeds no longer exceed 25 mph.
  - c) Storage piles that are to be left in place for more than three working days shall be sprayed with a non-toxic soil binder, covered with plastic or revegetated.
  - d) Storm water control systems shall be installed to prevent off-site mud deposition.
  - e) All trucks hauling dirt away from the site shall be covered.
  - f) Construction vehicle tires shall be washed, prior to leaving the project site.
  - g) Rumble plates shall be installed at construction exits from dirt driveways.
  - h) Paved access driveways and streets shall be washed and swept daily when there are visible signs of dirt track-out.
  - i) Street sweeping shall be conducted daily when visible soil accumulations occur along site access roadways to remove dirt dropped or tracked-out by construction vehicles. Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday and after street sweeping.

## **LAND USE SERVICES - Land Development – Drainage**

38. **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.
39. **FEMA Flood Zone:** The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8615H dated 8/28/2008. No elevation requirements. The requirements may change based on the most current Flood Map prior to issuance of grading permit.
40. **Topo Map:** A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
41. **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.
42. **On-site Flows:** On-site flows need to be directed to the nearest drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
43. **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>

# Conditions of Approval



**Record:** PROJ-2020-00103  
**APN:** 1012-411-51

**Zoning Administrator Date:** May 27, 2021  
**Application Name:** Minor Use Permit

44. WQMP Inspection. The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

## **DEPARTMENT OF PUBLIC WORKS – Surveyor**

45. 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 pursuant to Section 8771(b) Business and Professions Code.
46. 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.

## **Prior to Issuance of Building Permit**

## **LAND USE SERVICES – Planning Division**

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

## **LAND USE SERVICES – Building and Safety Division**

48. Expired Building Permits: All expired building permits shall be renewed and constructions plans submitted accordingly for review by Building and Safety Division.
49. Construction Plans: Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

## **LAND USE SERVICES - Land Development – Roads**

50. 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.

### **Roswell Avenue (Local Road with Variation– 66')**

- Street Improvements. Design curb and gutter with match up paving 22 feet from centerline.
  - Sidewalks. Design sidewalks per County Standard 109 Type “C”.
  - Driveway Approach. Design driveway approach per 2010 Caltrans Driveway Standard Detail A87A (W=24' min – 34' max) and located per San Bernardino County Standard 130.
51. 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



# Conditions of Approval



**Record:** PROJ-2020-00103  
**APN:** 1012-411-51

**Zoning Administrator Date:** May 27, 2021  
**Application Name:** Minor Use Permit

Public Works and in accordance with the General Plan, Circulation Element.

52. 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.
53. 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.
54. 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.
55. 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.
56. Slope Easements. Slope rights shall be dedicated, where necessary.
57. Turnarounds. Turnarounds at dead end streets shall be in accordance with the requirements of the County Department of Public Works and Fire Department.
58. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
59. 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.
60. 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.
61. 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.
62. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Montclair 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 \$2.79 per square foot for Industrial Use, which includes the Office building 1,500 sq ft, Warehouse #1 3,000 sq ft & Warehouse #2 4,000 sq ft totaling 8,500 sq ft per the site plan dated 07/13/2018.

Therefore, the estimated Regional Transportation Fees for the Project is \$23,715. The current Regional Transportation Development Mitigation Plan can be found at the following website:

<http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

## **PUBLIC HEALTH – Environmental Health Services**

63. Water Purveyor. Water purveyor shall be Monte Vista Water District, or EHS approved.

# Conditions of Approval



**Record:** PROJ-2020-00103  
**APN:** 1012-411-51

**Zoning Administrator Date:** May 27, 2021  
**Application Name:** Minor Use Permit

64. Existing Wells. 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.
65. Sewage Disposal. Method of sewage disposal shall be the City of Montclair, or if not available, EHS approved onsite wastewater treatment system (OWTS).
66. Water Service Verification Letter. 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 may suffice.
67. Sewer Service Verification Letter. 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).
68. Water and 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:
  1. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or,
  2. 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.
69. Preliminary Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 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.

## **CITY OF MONTCLAIR – Montclair Fire Department**

70. Jurisdiction. Contact Monte Vista Water District at 909.624.0035 and make arrangements to supply all three building with water designated for the fire protection systems.

## **Prior to Issuance of Final Inspection/Occupancy**

### **LAND USE SERVICES - Planning**

71. 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).
72. Landscaping/Irrigation: All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
73. Installation of Improvements: All required on-site improvements shall be installed per approved plans.
74. Fees Paid: Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use

# Conditions of Approval



**Record:** PROJ-2020-00103  
**APN:** 1012-411-51

**Zoning Administrator Date:** May 27, 2021  
**Application Name:** Minor Use Permit

by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ- 2020-00055.

## **LAND USE SERVICES - Building and Safety Division**

75. Prior to occupancy. All Department/Division requirements and sign-offs shall be completed.

## **LAND USE SERVICES - Land Development - Drainage**

76. 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.
77. 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 - Land Development - Roads**

78. LDD Requirements: All LDD requirements shall be completed by the applicant prior to occupancy.
79. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
80. 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.
81. 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.
82. 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.

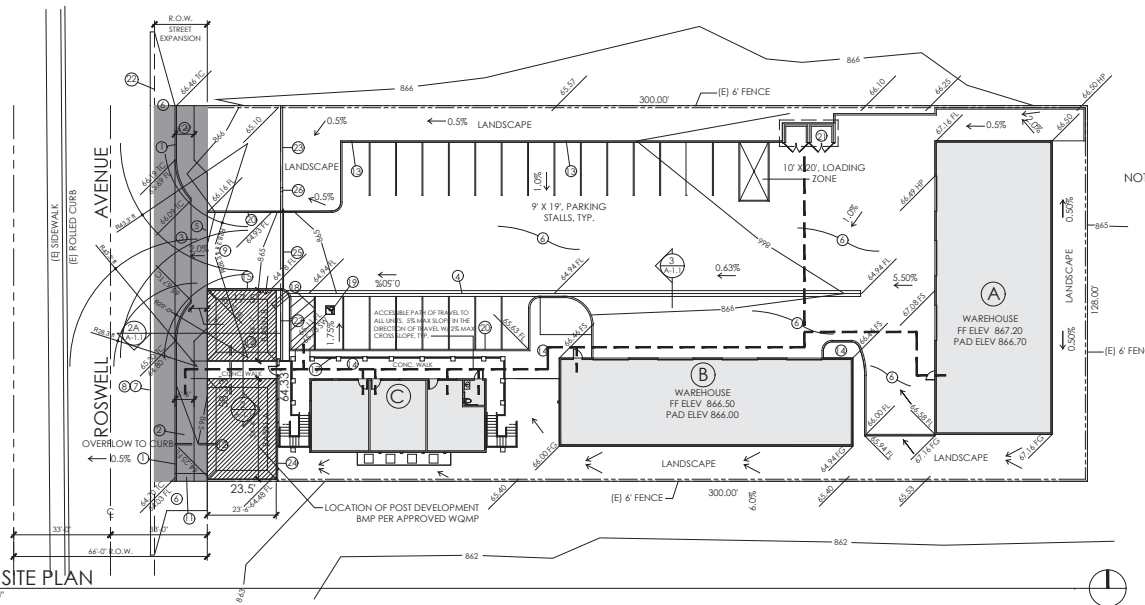
## **CITY OF MONTCLAIR – Montclair Fire Department**

83. Fire Sprinkler. Hire a C-16 Licensed fire sprinkler engineer to inspect the existing systems for code compliance and to install three fire sprinkler risers, one at each building, once the fire water supply lines are installed.
84. Fire Alarm. Hire a C-10 licensed fire alarm contractor to design and install a central monitored fire alarm system to protect all three buildings.

## **CITY OF MONTCLAIR – Montclair Planning Division.**

85. Irrevocable Annexation Agreement. This project lies within the City of Montclair Sphere of Influence; therefore, an Irrevocable Annexation Agreement with the City of Montclair is required. All public right-of-way improvements (i.e., curb, gutter, sidewalk, drive approach, light poles [if any]), shall be completed and installed in concurrence with the processing of the Irrevocable Annexation Agreement with the City.
86. Sewer Annexation Agreement. Submit verification proof that the County's Roadwork/Encroachment Permit has been obtained, along with the Irrevocable Annexation Agreement, in order to proceed with the sewer annexation agreement.

## **END OF CONDITIONS**



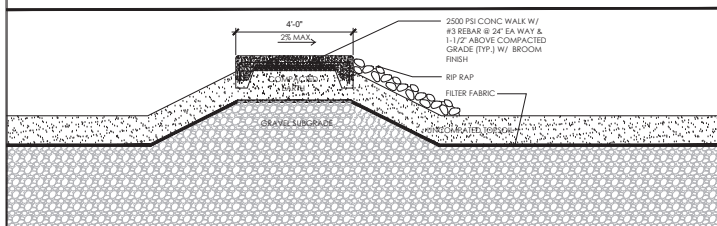
# 1 MASTER SITE PLAN

SCALE: 1" = 20'-0"

LOT AREA: 38,400 SF  
LOT COVERAGE: 8,500 SF (22%)

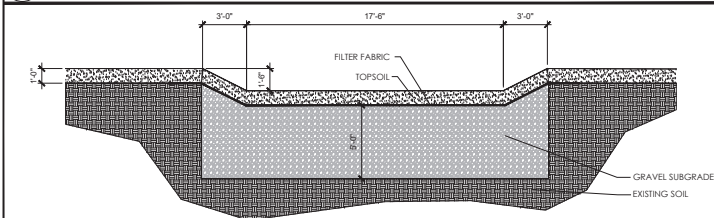
PARKING: 22 SPACES: (1) PER 200 SF OFFICE = 15 SPACES  
(1) PER 1000 SF WAREHOUSE = 7 SPACES

22 SPACES PROVIDES PLUS (1) LOADING AREA AND (1) VAN ACCESSIBLE



# 2 DRAINAGE BASIN @ CONCRETE WALKWAY

SCALE: 1/2" = 1'-0"



# 2A DRAINAGE BASIN

N.T.S.

(A) OCC: F2, 4,000 SF PREFABRICATED METAL WAREHOUSE, 1 STORY

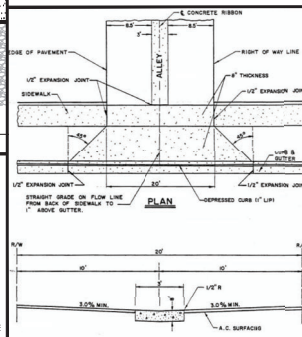
(B) OCC: F2, 3,000 SF PREFABRICATED METAL WAREHOUSE, 1 STORY

(C) OCC: B, 3,000 SF, TWO STORY, TYPE V, NON-RATED OFFICE BUILDING, 1,500 SF PER FLOOR.

AASHTO SINGLE UNIT TRUCK DESIGN FOR SU-30, LARGEST VEHICLE TO BE USED ON SITE.

## NOTES:

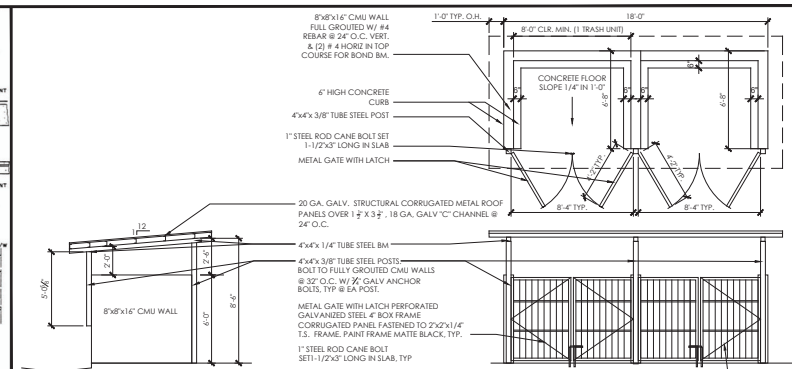
1. PROJECT VEHICLES SHALL NOT BACK OUT INTO PUBLIC R.O.W.
2. THE ACCESS POINT TO THE FACILITY SHALL REMAIN UNOBSTRUCTED AT ALL TIMES, EXCEPT A DRIVEWAY ACCESS GATE WHICH MAY BE CLOSED AFTER NORMAL WORKING HOURS.



NOTES:  
1. CONCRETE RIBBON SHALL BE CONSTRUCTED OF CLASS "B" CONCRETE.  
2. ASPHALT CONCRETE SHALL HAVE A MINIMUM THICKNESS OF TWO INCHES.

# 3 GUTTER DETAIL

N.T.S.



# 4 TRASH ENCLOSURE

1/4" = 1'-0"

## DRAINAGE CAPTURE STATISTICS

IMPERVIOUS:  
BUILDINGS: 8,500 SF  
HARDSCAPE: 19,168 SF  
TOTAL: 27,668 SF

% IMPERVIOUS = 27668/ 38,400 = .72 = 72%

DESIGN CAPTURE VOLUME: 2,897 CU FT  
TOTAL RETENTION VOLUME: 3,776 CU FT

## NOTES:

1. CONSTRUCT 8" CURB & GUTTER PER CO. STD 115
2. CONSTRUCT SIDEWALK PER CO. STD 109, TYPE C
3. CONSTRUCT DRIVEWAY PER CO. STD 129B
4. CONSTRUCT CONCRETE GUTTER
5. 4" TRENCH DRAIN WITH TRAFFIC RATED GRATE
6. CONSTRUCT 4" AC PAVEMENT OVER 6" CLASS 2 AGG. BASE
7. SAWCUT AND REMOVE EXISTING PAVEMENT AS NECESSARY FEATHER A MINIMUM OF 2 FT.
8. PAVE AND MATCH EXISTING PAVEMENT AS NECESSARY, FEATHER A MIN. OF 2 FT.
9. RECONSTRUCT DRIVEWAY PER MOD. CO. STD. 128A
10. INSTALL 4" WHITE EDGELINE STRIPE PER CALTRANS MANUAL FIG. 6-6 DETAIL 27B (AS SHOWN) FOR NORTHBOUND TRAFFIC.
11. CONSTRUCT CURB OUTLET STRUCTURE PER CO. STD 210 (S-3.0) STD 34+66
12. CONSTRUCT 18" DEEP WQMP BASIN. (SEE DETAIL 3)
13. INSTALL 6" CONCRETE CURB, TYP.
14. CONSTRUCT SIDEWALK 4" THICK CLASS "B" CONC.
15. CONSTRUCT 6" MOWSTRIP TO ALLOW STORM WATER TO FLOW INTO BASIN
16. CONSTRUCT 6" CURB TO SERVE AS WHEEL STOPS
17. INSTALL METAL VAN ACCESSIBLE PARKING SIGN
18. CONSTRUCT 9 FT VAN ACCESSIBLE PARKING AND 8 FT LOADING AISLE PER CBC 1129B, 4(2)
19. CONSTRUCT HC PAVEMENT SYMBOL PER SEC 1129 B.S.
20. CONSTRUCT 6" CURB AND GUTTER PER CITY OF S.B. STD 200
21. CONSTRUCT CMU TRASH ENCLOSURE (3) SIDES W/ MTL GATES FOR (2) DUMPSTERS
22. (E) EDGE OF PAVEMENT
23. 6" HIGH CMU WALL PER COUNTY STANDARDS
24. 6" HIGH METAL FENCE
25. 6" HIGH METAL AUTOMATIC ROLLING GATE
26. 16" X 8" DRAIN INLET INTO DRAINAGE BASIN

APPROVED BY THE  
COUNTY PLANNING  
DIVISION  
PROJ-2020-00103  
May 27, 2021

Effective date: June 7, 2021  
Expiration date: June 7, 2024

Aron Liang

cedg

ARCHITECTURE//  
BUILD//  
LANDSCAPE//

401 E. COLUMBIA AVE.  
POMONA, CA 91767

909.625.3916  
info@cedgarchitects.com  
info@cedgarchitects.com

STAMP



CONSULTANTS

## PROJECT

ABLE IRON WORKS  
11185 ROSWELL AVENUE  
MONTCLAIR, CA 91763  
APN: 1012411140000

## PLAN PREPARED

CEDES ARCHITECTS  
401 E. COLUMBIA AVENUE  
POMONA, CA 91767  
TEL: 909.625.3916

## MASTER SITE PLAN

## REVISIONS

Δ CORRECTIONS 12-8-2020

DATE: 7/13/2018

SCALE: AS NOTED

JOB NO: 180301

DWN BY: CCW

CHK BY: EGP

SHEET NO.

A-1.1



## CONDITION COMPLIANCE RELEASE FOR LAND DISTURBANCE/GRADING PERMITS

This project may require land to be disturbed and/or grading to be conducted as part of the development process. In many instances, reviewing agencies have imposed certain requirements on your project that must be completed prior to land disturbance and/or prior to grading. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned pre-grading/land disturbance requirements to your project.

A release must be obtained from the agencies circled below:

1. Planning Division/Land Use Svcs. Dept.
2. Public Works - Surveyor
3. Land Development Engineering/Drainage

Coordinate the completion of all pre-grading/land disturbance conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization.

### FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the disturbance of land and/or issuance of grading permits. If the pre-grading/land disturbance conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____			_____		
_____			_____		
_____			_____		

**APN:** 1012-411-51  
**Applicant:** Erik Peterson  
**Community:** Montclair / 4th Supervisorial District  
**Location:** 11185 Roswell Avenue  
**Project No:** PROJ-2020-00103/MUP  
**Staff:** Aron Liang, Senior Planner

**Rep:** Erik Peterson  
**Proposal:** Minor Use Permit to re-establish a previous land use approval, to allow three developed buildings, a two-story, 3,000-square foot office building, and two pre-fabricated metal buildings, totaling 7,000 square feet, to be finished, on a .88-acre parcel, in the Community Industrial (IC) zoning district.

### To Building and Safety:

Planning Division verifies all land disturbance conditions and requirements are complete.  
Grading permit may be issued.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





## CONDITION COMPLIANCE RELEASE FOR BUILDING PERMITS

This project requires building permits as part of the development process. In many instances, reviewing agencies have imposed certain requirements on your project that must be completed prior to issuance of those permits. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned prebuilding permit requirements to your project.

A release must be obtained from the agencies circled below:

1. Environmental Health Services
2. Building & Safety Div./Land Use Svcs. Dept.
3. Montclair Fire Dept.-Fire
4. Planning Division/Land Use Svcs. Dept.
5. Land Development Engineering/Roads

Coordinate the completion of all prebuilding permit conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization.

### FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the issuance of building permits. If the prebuilding permit conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____			_____		
_____			_____		
_____			_____		
_____			_____		

<b>APN:</b>	1012-411-51
<b>Applicant:</b>	Erik Peterson
<b>Community:</b>	Montclair / 4th Supervisorial District
<b>Location:</b>	11185 Roswell Avenue
<b>Project No:</b>	PROJ-2020-00103/MUP
<b>Staff:</b>	Aron Liang, Senior Planner
<b>Rep:</b>	Erik Peterson
<b>Proposal:</b>	Minor Use Permit to re-establish a previous land use approval, to allow three developed buildings, a two-story, 3,000-square foot office building, and two pre-fabricated metal buildings, totaling 7,000 square feet, to be finished, on a .88-acre parcel, in the Community Industrial (IC) zoning district.

To Building and Safety:  
Planning Division verifies all conditions and requirements are complete.  
Building permits may be issued.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## CONDITION COMPLIANCE RELEASE FOR OCCUPANCY/USE

This project requires authorization to occupy and/or use the project. In addition to the final clearance granted by Building and Safety, other reviewing agencies may have imposed certain requirements on your project that must be completed prior to issuance of said clearance. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned pre-occupancy/pre-use requirements to your project.

A release must be obtained from the agencies underlined below:

1. Montclair Fire Department
2. Land Development Engineering/Roads
3. City of Montclair – Planning Division
4. Planning Division/Land Use Svcs. Dept.
5. Land Development Engineering/Drainage
6. Building & Safety Div./Land Use Svcs. Dept.

Coordinate the completion of all pre-occupancy/pre-use conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization.

### FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the occupancy/use of the proposal. If the pre-occupancy/pre-use conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____			_____		
_____			_____		
_____			_____		
_____			_____		

**APN:** 1012-411-51  
**Applicant:** Erik Peterson  
**Community:** Montclair / 4th Supervisorial District  
**Location:** 11185 Roswell Avenue

**Project No:** PROJ-2020-00103/MUP  
**Staff:** Aron Liang, Senior Planner

**Rep:** Erik Peterson

**Proposal:** Minor Use Permit to re-establish a previous land use approval, to allow three developed buildings, a two-story, 3,000-square foot office building, and two pre-fabricated metal buildings, totaling 7,000 square feet, to be finished, on a .88-acre parcel, in the Community Industrial (IC) zoning district.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# TOM DODSON & ASSOCIATES

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

*Physical Address:* 2150 N. Arrowhead Avenue, San Bernardino, CA 92405

*Tel:* (909) 882-3612 ♦ *Fax:* (909) 882-7015 ♦ *Email:* [tda@tdaenv.com](mailto:tda@tdaenv.com)



March 7, 2022

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

**RECEIVED**  
**MAR 07 2022**  
**LAFCO**  
**San Bernardino County**

Dear Sam:

LAFCO SC#480 consists of an application for Extension of Service by the City of Montclair to a single parcel located in the City's southwestern Sphere of Influence (Sphere). The specific action before the Local Agency Formation Commission (LAFCO) consists of a request by the City of Montclair (City) to extend sewer collection service to an existing office building and two supporting structures on an approximate 0.88-acre parcel of land (APN 1012-411-51) located on the east side of Roswell Avenue between 9<sup>th</sup> and Grand Avenues. If the Commission approves LAFCO SC#480, the project facilities can be re-occupied and connect to the City's sewer collection system, which is located in Roswell Avenue adjacent to the project site. If the Commission approves LAFCO SC#480, the project site can move forward with development through the County of San Bernardino (County). See attached map.

The County prepared a Notice of Exemption (NOE, May 27, 2021) for this project. This document addressed the whole of the project which consists of a Minor Use Permit to re-establish a previous land use approval for the structures located on the site. The NOE for this action was filed on May 27, 2021. As indicated, the County prepared a NOE utilization of the existing facilities on the property, would not result in significant adverse impacts to the environment. The Commission gets involved because it must approve the extension of service agreement before the facility can be occupied. Therefore, I am recommending that the Commission consider the adopted NOE as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO's decision on LAFCO SC#480.

Thus, based on a review of LAFCO SC#480 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 NOE as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in 2021, and based on a field review and review of the environmental issues in the County's document, no substantial changes in circumstances have occurred since its adoption that would require additional environmental documentation. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#480, acting as a CEQA Responsible Agency:

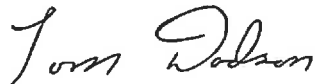
1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's Notice of Exemption and found it adequate for the extension of service proposal contained in LAFCO SC#480.
2. The Commission needs to indicate that it has considered the NOE prior to reaching a decision on the project before it and finds the information substantiating the NOE adequate for approval of the extension of service proposal contained in LAFCO SC#480.



3. The Commission should indicate that it does not intend to adopt alternatives or mitigation measures for this project. No mitigation measures were required for this project, and the County will implement the Conditions of Approval established with approval of the Minor Use Permit.
4. File a new Notice of Exemption with the County Clerk of the Board acting 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 cursive script that reads "Tom Dodson".

Tom Dodson

TD/cmc

LAFCO SC#480 Resp Agency Letter

# Notice of Exemption

CLERK OF THE  
BOARD OF SUPERVISORS

To: ☐ Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

From: San Bernardino County 2021 MAY 27 AM 9:52  
Land Use Services Department  
Planning Division  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415-0187  
COUNTY OF SAN BERNARDINO  
POMONA, CA

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

## Project Description

APN: 1012-411-51  
APPLICANT: Erik Peterson  
PROPOSAL: A Minor Use Permit to re-establish a previous land use approval, to allow three developed buildings, which include a two-story, 3,000-square foot office building, and two pre-fabricated metal buildings, totaling 7,000 square feet, to be finalized, on a .88-acre parcel, in the Community Industrial (IC) Zoning District.  
PROJECT #: PROJ-2020-00103  
COMMUNITY: Montclair  
LOCATION: 11185 Roswell Avenue

## Applicant

Erik Peterson

Name

401 E. Columbia Avenue  
Address

Pomona, CA 91767

909.973.7282  
Phone

## Representative

Same as Applicant

Name

Same as above

Address

Aron Liang, Senior Planner  
Lead Agency Contact Person

909.601.4672

Area Code/Telephone Number

Exempt Status: (check one)

- ☐ Ministerial [Sec. 21080(b)(1); 15268];  
☐ Declared Emergency [Sec. 21080(b)(3); 15269(a)];  
☐ Emergency Project [Sec. 21080(b)(4); 15269(b)(c)];  
☐ Categorical Exemption. State type and section number: \_\_\_\_\_  
☐ Statutory Exemptions. State code number: \_\_\_\_\_

☒ Other Exemption: 15303 (c) of the CEQA Guidelines, which exempts new construction or conversion of small structures, including commercial buildings less than 10,000 square feet in floor area in urbanized areas.

Reasons why project is exempt: The proposed project is exempt pursuant to CEQA Section 15303 (c) for projects that are new construction or conversion of small structures, not involving significant amounts of hazardous materials and not exceeding 10,000 square feet in floor area. The exemption adopted for this project reflects the County's independent judgement in making this determination.

*Aron Liang*  
Signature

Senior Planner  
Title

5.27.2021  
Date

☒ Signed by Lead Agency ☐ Signed by Applicant  
Date received for filing at OPR: \_\_\_\_\_

Land Use Services Department - Revised December 2020

DATE FILED & POSTED

Posted On: 05/27/2021

Removed On: 07/09/2021

Receipt No: 36-05272021-316

# 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#480**

**HEARING DATE: MARCH 16, 2022**

## **RESOLUTION NO. 3348**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#480 – CITY OF MONTCLAIR IRREVOCABLE AGREEMENT NO. 21-86-I-107 FOR SEWER SERVICE (APN 1012-411-51)**

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

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

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

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

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

**WHEREAS**, the public hearing by this Commission was called for March 16, 2022 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. 3348

### **DETERMINATIONS:**

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

1. The project area, Assessor Parcel Number 1012-411-51, is within the sphere of influence assigned the City of Montclair and is anticipated to become a part of that City sometime in the future.

Water service will be provided by the Monte Vista Water District.

The application requests authorization to receive City of Montclair's sewer service for a two-story office building and two pre-fabricated metal buildings, which is a condition of approval placed upon this project. Therefore, approval of the City of Montclair's request for authorization to provide sewer service is necessary in order to satisfy said condition of approval for the project.

2. The City of Montclair's Irrevocable Agreement to Annex No. 21-86-I-107 being considered is for the provision of sewer service to Assessor Parcel Number 1012-411-51. 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 Montclair to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Montclair for the extension of sewer service to the parcel are identified as totaling \$6,181.84 (a breakdown of charges is on file in the LAFCO office). In addition, the property owner/developer will be responsible for the entire costs of the construction and installation of the sewer lateral extension.
4. Acting as the CEQA Lead Agency, the County filed a Notice of Exemption for the proposed Project. In approving the Minor Use Permit, which does not exceed 10,000 square feet of commercial facilities, the County adopted a Categorical Exemption (Class 3) based on compliance with Section 15303 of the State CEQA Guidelines.

The Commission certifies that it has reviewed and considered the County's Notice of Exemption (Categorical Exemption) filed for the proposed project prior to reaching a decision on the service contract extension and finds the information adequate for its use in making a decision on the service extension as a CEQA Responsible Agency. The Commission further finds that it does not intend to adopt alternatives or mitigation measures for this project; however, Conditions of Approval were adopted, which is the responsibility of the County to implement.

The Commission 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 Montclair 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.

**RESOLUTION NO. 3348**

**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 Montclair to provide sewer service to Assessor Parcel Number 1012-411-51.

**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#480 – City of Montclair Irrevocable Agreement No. 21-86-I-107 for Sewer Service (APN 1012-411-51), 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 March 16, 2022.

**DATED:**


---

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** MARCH 9, 2022   
**FROM:** MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** AGENDA ITEM #10: Service Review for the Twentynine Palms Community (REMOVE FROM CALENDAR)

---

**INITIATED BY:**

City of Twentynine Palms

**RECOMMENDATION:**

Staff recommends that the Commission remove the Service Review for the Twentynine Palms Community from the calendar.

**BACKGROUND:**

In September 2021, the City Council for the City of Twentynine Palms unanimously adopted a resolution requesting that LAFCO conduct a review of municipal services for the Twentynine Palms community (City of Twentynine Palms, Twentynine Palms Water District, and Twentynine Palms Public Cemetery District). In November 2021, the Commission accepted the City's service review request and initiated said service review.

Currently, the community is working towards a municipal wastewater system. In order to not interfere with the cooperation phase of this program, the City requests that the Commission move the service review to a subsequent hearing.

Attached to this staff report is a letter from the City outlining its request.

LAFCO staff anticipates presentation of the service review at either the May 18 or June 15 Commission meeting.

Attachment

**CITY OFFICES:**  
6136 ADOBE ROAD  
TWENTYNINE PALMS, CA 92277  
(760) 367-6799  
Fax (760)367-4890  
www.29palms.org



**COUNCILMEMBERS**  
Karmollette O'Gilvie, Mayor  
McArthur Wright, Mayor Pro Tem  
Steven Bilderain  
Joel Klink  
Daniel L Mintz, Sr.

**CITY MANAGER**  
Frank J. Luckino, MPA

March 8, 2022

Mr. Samuel Martinez, Executive Officer

In September 2021, the City Council for the City of Twentynine Palms unanimously adopted a resolution requesting that LAFCO conduct a review of municipal services for the Twentynine Palms community (City of Twentynine Palms, Twentynine Palms Water District, and Twentynine Palms Public Cemetery District). In November 2021, LAFCO accepted the City's application and initiated a service review.

Currently, the community is working towards a municipal wastewater system. In order to not interfere with the cooperation phase of this program, the City requests that the Commission move the service review to a subsequent hearing.


Sincerely,

Frank J. Luckino  
City Manager

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** MARCH 9, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #11(a) – Proposed Schedule of Fees, Deposits, and Charges for FY 2022/23

---

## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions related to the Proposed Schedule of Fees, Deposits and Charges for Fiscal Year 2022/23:

1. Review the proposed amendments and provide staff with direction on changes, corrections, or modifications to be included.
2. Direct staff to forward the Proposed Schedule of Fees, Deposits, and Charges for FY 2022/23 to the County, all Cities/Towns, and all Independent Special Districts for their review and comments pursuant to Government Code Section 56383.
3. Schedule the final review and adoption of the Schedule of Fees, Deposits, and Charges for the May 18, 2022 hearing.

## **BACKGROUND:**

The Commission has established a schedule of fees, deposits, and charges for the processing of proposals and the conduct of proceedings under its purview as allowed by law. This staff report presents the Commission with recommendations for amendments to its current Schedule of Fees, Deposits, and Charges ("Schedule"). The revised Schedule is included as an attachment to this report. Based upon the requirements of Government Code Section 56383 (which references Section 66016), any change to the Schedule requires that a review and comment period be provided and that a public hearing be held with the opportunity for comment by the public. Today's review opens this process.

The Proposed Schedule has fees for Jurisdictional Changes (page 2 of the attachment) and Service Contracts (page 6) increasing by 3.0%. For 2021, the CPI for the Riverside-San Bernardino-Ontario area was 7.9%. However, the Commission's historical practice is to



increase Fees with the annual CPI not to exceed 3.0%. Therefore, this proposed Schedule recommends an increase to Fees of 3.0%.

This report does not recommend any changes to Deposits (services provided by consultants) or Charges (e.g. reproduction) because these costs are passed directly onto the applicant and the current deposits and charges are adequate at this time.

**CONCLUSION:**

At this hearing staff requests the Commission provide staff with any changes, corrections, or additions to the Schedule of Fees, Deposits, and Charges. Should the Commission have any changes/modifications, staff would then modify the FY 2022/23 Proposed Budget accordingly.

Staff will forward the proposed Schedule to the County, the Cities and Towns, and the Independent Special Districts for their review and comment as required by Govt. Code §56383. Any comments received will be reviewed with the Commission at the final budget hearing scheduled for May 18, 2022 when the adoption of the Schedule will be considered.

SM/MT

Attachment:

Draft Schedule of Fees, Deposits, and Charges for FY 2022/23 (track change format)

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

## SCHEDULE OF FEES, DEPOSITS, AND CHARGES EFFECTIVE JULY 1, ~~2021~~ 2022

The submission of an application to the Local Agency Formation Commission ("LAFCO") is not officially accepted for processing until the filing fees and deposits have been received (Gov't. Code §56383). Filing Fees are for the Commission's and staff's costs. Deposits are for the recovery of outside costs for such items as LAFCO Legal Counsel, environmental review, individual notification, and protest proceedings, etc. In addition, certain fees and charges are required at the conclusion of the application process and must be received prior to its official completion.

### Financial Policies for Application Processing

Refer to Attachment A for the Commission's policies related to waivers and reductions of processing fees, filing fee refund if an application is withdrawn, indemnification, and responsibility for payment of special legal counsel costs. The Indemnification Policy is identified below.

#### Indemnification Policy

It is the policy of this Commission that for any application submitted for a change of organization or reorganization, a sphere of influence amendment, or a review of an out-of-agency service contract/agreement, the applicant and/or the real party in interest shall agree to defend, indemnify, and hold harmless San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them. A real party in interest includes the landowner and/or a registered voter of an application subject property.

### Annual Review and Adjustment

The Fees are adjusted annually to increase with the Consumer Price Index, not to exceed five percent. Deposits and Charges relate to outside professional services and supplies and are evaluated annually.

### Table of Contents

<u>Section 1.</u>	Proposals – Application Submission and Processing
<u>Section 2.</u>	Proposals – Completion Fees and Charges
<u>Section 3.</u>	Out-of-Agency Service Contracts
<u>Section 4.</u>	Reproduction Charges
<u>Attachment A.</u>	Financial Policies for Application Processing

## Section 1. Proposals - Application Submission and Processing

FEE AND DEPOSITS SUMMARY			
Type of Proposal	Fee	Deposits*	Total
Annexation, Detachment, Reorganization involving solely annexations and/or detachments	See Annexation/ Detachment Chart	\$4,000	
<p><i>The fees identified in Chart 1 shall be assessed for each area of consideration within the proposal. A single area means any separate geographical area requiring a legal description. A "single area" does not include two areas that are contiguous only at a point, or two or more areas that are contiguous to an existing boundary of a city or district but not to each other.</i></p> <p><i>See Attachment A for automatic waivers or reductions in the Fee regarding: correcting boundary alignment problem; annexation/detachment with concurrent sphere of influence amendment; city island annexations under §56375.3; readjustments of agency boundaries due to roadway realignment.</i></p>			

### Annexation/Detachment Chart

Valley and Mountain Region				
	Under 20 acres	20 – 150 acres	151 – 300 acres	Over 300 acres
City	<del>\$ 6,480</del> \$6,674	<del>\$ 8,640</del> \$8,899	<del>\$ 10,800</del> \$11,124	<del>\$ 10,800</del> plus \$11,124 \$1 per acre over 300 acres
District	<del>\$ 5,400</del> \$5,562	<del>\$ 7,020</del> \$7,231	<del>\$ 8,640</del> \$8,899	<del>\$ 8,640</del> plus \$8,899 \$1 per acre over 300 acres
Desert Region (North and South Desert)				
	Under 100 acres	100-640 acres	641-1,920 acres	Over 1,920 acres
City	<del>\$ 6,480</del> \$6,674	<del>\$ 8,640</del> \$8,899	<del>\$ 10,800</del> \$11,124	<del>\$ 10,800</del> plus \$11,124 \$1 per acre over 1,920 acres
District	<del>\$ 5,400</del> \$5,562	<del>\$ 7,020</del> \$7,231	<del>\$ 8,640</del> \$8,899	<del>\$ 8,640</del> plus \$8,899 \$1 per acre over 1,920 acres

Sphere of Influence Amendment	<del>\$5,562</del> \$5,400	\$4,000	<del>\$ 9,400</del>	\$9,562
District: Dissolution, Merger, or Establishment of Subsidiary District(s)	<del>\$5,562</del> \$5,400	\$4,000	<del>\$ 9,400</del>	\$9,562
District: Formation or Consolidation	<del>\$16,686</del> \$16,200	\$4,000	<del>\$ 20,200</del>	\$20,686
District: Activation/Divestiture of Functions and/or Services	<del>\$8,343</del> \$8,100 each function/service	\$4,000	<del>\$ 12,100</del>	\$12,343
City: Consolidation	<del>\$22,248</del> \$21,600	\$4,000	<del>\$ 25,600</del>	\$26,248
City: Incorporation or Disincorporation	<del>\$22,248</del> \$21,600	\$54,000	<del>\$ 75,600</del>	\$26,248
Reorganization <i>For a reorganization that involves changes other than annexations and detachments, the fee will be based upon the components of the reorganization.</i>	Sum of Components	\$4,000		

San Bernardino LAFCO  
Schedule of Fess, Deposits, and Charges  
July 1, ~~2021~~  
**2022**

**\*DEPOSITS BREAKDOWN**

Applicants shall be required to reimburse the Commission for all charges and costs in excess of the deposits outlined below. Reimbursement to LAFCO shall be required prior to issuance of the Commission's Certificate of Completion for jurisdictional changes or issuance of the Commission's resolution for sphere of influence amendments/updates. If charges billed to LAFCO are less than the amount of deposit, the balance will be refunded to the applicant or applied to other categories where excess charges have been incurred.

<b>Legal Counsel (\$250 non-refundable, \$1,750 deposit)</b>	<b>\$2,000</b>
<p><i>It is the policy of this Commission that the costs for Special Counsel due to a representation conflict shall be the responsibility of the applicant. Additionally, as a condition of approval of any action taken by LAFCO, the proponents shall be required to defend, indemnify and hold harmless LAFCO or its agents, officers, and employees from any claim, action, or proceeding against LAFCO or its agents, officers, and employees to attack, set aside, void, or annul the approval of LAFCO concerning the proposal or any action relating to, or arising out of, such approval when such action is brought within the applicable statute of limitations. Refer to <u>Policy and Procedure Manual, Section II, Chapter 2</u>.</i></p>	
<b>Individual Notice (\$250 non-refundable, \$750 deposit)</b>	<b>\$1,000</b>
<p>(1) Individual Mailed Notice or (2) Publication of Display Ad in lieu of Individual Notice</p> <p><i>In cases where the noticing would involve mailing more than 1,000 notices, the Commission may waive the individual notice requirement and direct its staff to publish a 1/8th page display ad in a newspaper of general circulation within the area. Refer to <u>Policy and Procedure Manual, Section IV, Chapter 1, Policy 9</u>.</i></p> <p><i>By policy, individual notice to landowners and registered voters shall not be waived for city island annexations filed pursuant to Government Code Section 56375.3, even if it includes more than 1,000 notices.</i></p>	
<p><b>Proposals Extending an Existing Special Tax</b></p> <p><i>Should a proposal require individual notice due to the extension of an existing special tax, the proponent will be required to submit a deposit for the direct costs such as: (1) the County Assessor to compile the mailing list, (2) outside printing to produce the printed notices, (3) and County Mail for shipping and handling. Please contact the LAFCO office for the estimated deposit cost.</i></p>	<b>Actual Cost</b>
<b>Environmental Review (\$250 non-refundable, \$750 deposit)</b>	<b>\$1,000</b>
<p><i>All applicants shall be required to pay the full costs of the Commission's Environmental Consultant's review regardless whether the Commission is the lead or responsible agency as defined under CEQA.</i></p>	
Preparation of Negative Declaration/Mitigated Negative Declaration	<b>Additional \$15,000</b>
Preparation of an Environmental Impact Report (EIR)	<b>Additional \$25,000</b>
<p>If the proposal requires that LAFCO prepare a Negative Declaration/Mitigated Negative Declaration or EIR as CEQA lead agency, the CA Dept. of Fish and Wildlife (DFW) CEQA Environmental Document Filing Fees are required to be paid at the time LAFCO files the Notice of Determination with the Clerk of the Board of the affected County. The applicant will be notified of the appropriate fees, which must be received by LAFCO prior to the Commission hearing. Contact the LAFCO office for the current DFW filing fees.</p>	

San Bernardino LAFCO  
Schedule of Fess, Deposits, and Charges  
July 1, ~~2021~~  
**2022**

<b>Protest Proceeding, if applicable (\$250 non-refundable, \$1,250 deposit)</b>	<b>\$1,500</b>
<i>Deposit required within 30 days of Commission approval of action. The Protest Hearing will not be set until deposit has been paid. Applicants shall be required to reimburse the Commission for any protest proceeding costs in excess of the deposit. Reimbursement to LAFCO shall be required prior to issuance of the Certificate of Completion. If charges billed to LAFCO are less than the amount of the deposit, the balance of the fee will be refunded to the applicant or applied to other categories where excess charges have been incurred.</i>	
Proposals Extending an Existing Special Tax <i>Should a proposal require individual notice due to the extension of an existing special tax, the proponent will be required to submit a deposit for the direct costs such as: (1) the County Assessor to compile the mailing list, (2) outside printing to produce the printed notices, (3) and County Mail for shipping and handling. Please contact the LAFCO office for the estimated deposit cost.</i>	Actual Cost

**ADDITIONAL FEES AND DEPOSITS**

<b>Comprehensive Fiscal Analysis for Incorporation or Disincorporation, Deposit</b>	<b>\$50,000</b>
<i>A \$50,000 deposit is required at the time the application is submitted. Applicants shall be required to reimburse the Commission for all costs associated with the preparation of the Comprehensive Fiscal Analysis in excess of the deposit prior to the scheduling of the Commission hearing. If the charges billed to LAFCO for the preparation of the required document are less than the amount of the deposit, the balance will be refunded to the applicant or applied to other categories where excess charges have been incurred.</i>	
<b>State Controller's Fiscal Review for Incorporations, Deposit</b>	<b>\$25,000</b>
<i>A \$25,000 deposit is required at the time a Request for State Controller Review is submitted. All costs in excess of this amount will be the responsibility of the Requestor for payment. Any balance remaining after payments are made to the State will be refunded to the Requestor of Review.</i>	
<b>Verification of Petition Signatures by Registrar of Voters Office, Deposit</b>	<b>\$200</b>
<i>A \$200 deposit from the applicants is required at the time of petition submission. This amount will be refunded upon certification of the petition and determination of billable charges. The charges assessed by the Registrar of Voters Office to verify petition signatures shall be payable by the affected entity in the same manner as the verification of initiative petition signatures is billed.</i>	
<b>Request for Reconsideration of LAFCO Decision or Environmental Determination, Fee</b>	<b>\$2,500</b>
<i>Should a reconsideration request require individual notice due to the extension of a special tax, then the proponent will be required to submit a deposit for the direct costs to produce and mail the individual notices.</i>	
<b>Workshop Request, Deposit</b>	<b>\$1,000</b>
<i>Proponents of actions pending Commission review may request that a Commission workshop be held in their area. If the Commission agrees to conduct such a workshop session, the Commission may require reimbursement of all costs associated with that session by the proponents, subject to a deposit.</i>	
<b>Request for Extension of Time to Complete Change of Organization Proceedings (Gov't. Code Section 57001)</b>	<b>\$1,100</b>

## Section 2. Proposals - Completion Fees and Charges

Following Commission approval of an action, the following fees or charges may be required. LAFCO staff will notify the applicant at the time the Commission's resolution is forwarded which of the following fees or charges is applicable to the proposal:

- A. County Geographic Information Management System (GIMS) Processing, required prior to issuance of the Certificate of Completion for jurisdictional changes or issuance of the Commission's resolution for sphere of influence amendments/updates:

1. Changes requiring an update to current sphere or boundaries of participating agencies  
(Fees identified below will be assessed for each area of consideration. The definition of area is provided under Processing Fees on Page 2.)

<u>Acreage</u>	<u>Primary Charge</u>	<u>Additional Agency</u>
0 to 100.99 acres	\$400	\$ 85
101.00 to 640.99 acres	\$550	\$110
641.00 to 2,560.99 acres	\$825	\$150
over 2,560 acres	\$1,100	\$175

2. Incorporation, Formation, or placement of a new agency boundary or sphere into the LAFCO-maintained GIMS system \$3,000

(The fees for incorporations or formations can be deferred until the new City/Town or District receives its first revenues. A request for deferral shall be made to the Executive Officer.)

- B. At the time the Certificate of Completion is forwarded to the State Board of Equalization (SBE), application types listed under Item A - Processing Fees Subsections 1 through 7 (except for Spheres of Influence), are charged a processing fee pursuant to SBE's adopted Fee Schedule (Government Code Section 54902.5). The fees listed below, as identified by SBE, are current as of January 1, 2011. LAFCO staff will notify the applicant of the appropriate fees:

Single Area Charges:	
Less than 1 acre	\$300
1.00 - 5.99 acres	\$350
6.00 - 10.99 acres	\$500
11.00 - 20.99 acres	\$800
21.00 - 50.99 acres	\$1,200
51.00 - 100.99 acres	\$1,500
101.00 - 500.99 acres	\$2,000
501.00 - 1,000.99 acres	\$2,500
1,001.00 - 2,000.99 acres	\$3,000
2,001.00 acres and above	\$3,500

(Additional types of charges are outlined in the State Board of Equalization Fee Schedule. LAFCO staff will notify the applicant of the appropriate fees.)

---

---

### Section 3. Out-of-Agency Service Contract

FEE AND DEPOSITS SUMMARY			
Type of Service Contract	Fee	Deposits*	Total
Contracts involving developments such as: subdivisions/tracts as defined by the Subdivision Map Act (five or more units), Specific Plans	<del>\$ 5,400</del> \$5,562	\$2,400	<del>\$ 7,800</del> \$7,962
Contracts involving the development of units requiring only a parcel map as defined by the Subdivision Map Act (up to four units)	<del>\$ 1,080</del> \$1,112 per connection	\$2,400	<del>\$ 3,480</del> to \$6,720
Any contract for fire protection services outside a public agency's jurisdictional boundaries pursuant to Govt. Code Section 56134	<del>\$ 5,400</del> \$5,562	\$2,400	<del>\$ 7,800</del> \$7,962
Contracts to provide services outside a sphere of influence pursuant to Govt. Code Section 56133.5	<del>\$ 1,080</del> \$1,112	\$2,400	<del>\$ 3,480</del> \$3,512
Contract Requiring Approval pursuant to Govt. Code Section 56133 (c)	<del>\$ 1,080</del> \$1,112	\$2,400	<del>\$ 3,480</del> \$3,512
Development-Related Request for Exemption from Govt. Code Section 56133, requires noticed Commission hearing	<del>\$ 2,429</del> \$2,502	\$0	<del>\$ 2,429</del> \$2,502
Non-development-related (Administrative Review from Executive Officer): (1) Out-of-Agency Service Contract (City or District) or (2) Exemption from Govt. Code Section 56133 as Authorized by Commission Policy	<del>\$ 560</del> \$577	\$0	<del>\$ 560</del> \$577

\$3,512  
to  
\$6,848

#### \*DEPOSITS BREAKDOWN

Applicants shall be required to reimburse the Commission for all charges and costs in excess of the deposits outlined below. Reimbursement to LAFCO shall be required prior to issuance of the Commission's resolution for service contracts. If charges billed to LAFCO are less than the amount of deposit, the balance will be refunded to the applicant or applied to other categories where excess charges have been incurred.

<b>Legal Counsel</b> (\$250 non-refundable, \$450 deposit)	<b>\$700</b>
<i>It is the policy of this Commission that the costs for Special Counsel due to a representation conflict shall be the responsibility of the applicant. Additionally, as a condition of approval of any action taken by LAFCO, the proponents shall be required to defend, indemnify and hold harmless LAFCO or its agents, officers, and employees from any claim, action, or proceeding against LAFCO or its agents, officers, and employees to attack, set aside, void, or annul the approval of LAFCO concerning the proposal or any action relating to, or arising out of, such approval when such action is brought within the applicable statute of limitations. Refer to <u>Policy and Procedure Manual, Section II, Chapter 2.</u></i>	
<b>Individual Notice</b> (\$250 non-refundable, \$750 deposit)	<b>\$1,000</b>
(1) Individual Mailed Notice or (2) Publication of Display Ad in lieu of Individual Notice <i>In cases where the noticing would involve mailing more than 1,000 notices, the Commission may waive the individual notice requirement and direct its staff to publish a 1/8th page display ad in a newspaper of general circulation within the area. Refer to <u>Policy and Procedure Manual, Section IV, Chapter 1, Policy 9.</u></i>	
<b>Environmental Review</b> (\$250 non-refundable, \$450 deposit)	<b>\$700</b>



San Bernardino LAFCO  
Schedule of Fess, Deposits, and Charges  
July 1, ~~2021~~  
**2022**

<i>All applicants shall be required to pay the full costs of the Commission's Environmental Consultant's review regardless whether the Commission is the lead or responsible agency as defined under CEQA.</i>	
Preparation of Negative Declaration/Mitigated Negative Declaration	Additional \$15,000
Preparation of an Environmental Impact Report (EIR)	Additional \$25,000
If the proposal requires that LAFCO prepare a Negative Declaration/Mitigated Negative Declaration or EIR as CEQA lead agency, the CA Dept. of Fish and Wildlife (DFW) CEQA Environmental Document Filing Fees are required to be paid at the time LAFCO files the Notice of Determination with the Clerk of the Board of the affected County. The applicant will be notified of the appropriate fees, which must be received by LAFCO prior to the Commission hearing. Contact the LAFCO office for the current DFW filing fees.	

---



---

## Section 4. Reproduction Charges

- |    |  |              |
|----|--|--------------|
| A. | Charges for Purchase of Paper Copies, per page   |              |
|    | (1) from paper materials (requests in excess of 10 pages)                                      | 10 cents     |
|    | (2) from existing digital data (requests in excess of 20 pages)                                | 5 cents      |
| B. | Charges for Purchase of Digital Data   |              |
|    | (1) placement of materials on digital medium   | \$10         |
|    | (2) scan copies of paper materials (if applicable), per page                                   | 5 cents      |
| C. | DVD Copy of Commission Hearing<br>(available if production services are utilized for hearings) | \$25 per DVD |
| D. | Preparation of Transcript of Hearing   | Actual Cost  |

(Those requesting a transcript of a Commission hearing will be notified of the estimated cost for preparation. The Requestor will be required to provide a deposit in the amount of the estimated cost. All costs in excess of the deposit amount will be the responsibility of the Requestor for payment. Any balance remaining after final charges are determined will be refunded to the Requestor.)

---



---

Attachment A:  
Policy and Procedure Manual, Section II, Chapter 2: Financial Policies for  
Application Processing



## **CHAPTER 2: FINANCIAL POLICIES FOR APPLICATION PROCESSING**

**1. LAFCO FEE WAIVER/REDUCTION PROVISIONS** *(Adopted June 10, 1981 (effective July 1, 1981); Amended March 20, 1996, July 18, 2001, May 17, 2006, May 16, 2007, and November 20, 2013)*

**A. AUTOMATIC WAIVERS**

For proposals that correct a boundary alignment problem (i.e., a divided assessor's parcel or inadvertent exclusion), the Annexation, Detachment, or Reorganization filing fee will be automatically waived. All required deposits (anticipated direct costs for legal counsel, environmental review, and registered voter/landowner notification) including any completion fees/deposits applicable will be charged at full cost.

For reorganization proposals that require a concurrent sphere of influence amendment (expansion and/or reduction) and reorganization (annexation and/or detachment) for the same area, the Sphere of Influence Update/Service Review filing fee will be automatically waived - provided the reorganization/sphere proposal does not exceed 100 acres. The Annexation, Detachment, or Reorganization filing fee including all required deposits and any completion fees/deposits applicable will be charged at full cost.

Compliance with any of these automatic waiver conditions is to be determined by the LAFCO Executive Officer, who is authorized to notify the applicant(s) involved.

**B. AUTOMATIC REDUCTIONS**

City annexations of island areas that comply with Government Code Section 56375.3 will be assessed one-half of the LAFCO filing fee for each area of consideration. All required deposits and any completion fees/deposits applicable will be charged at full cost.

The readjustment of agency boundaries as a result of the realignment of a roadway will be reduced to a single Annexation, Detachment, or Reorganization filing fee per entity involved no matter how many changes or separate areas are included in the proposal. All required deposits and any completion fees/deposits applicable will be charged.

Compliance to any of the automatic reduction conditions is to be determined by the LAFCO Executive Officer, who is authorized to notify the applicant(s) involved.

C. REQUEST FOR WAIVER OR REDUCTION OF FEES (to be reviewed and approved by the Commission):

Any applicant may request for a waiver or reduction of the LAFCO filing fee to be charged. The request must be submitted in writing and accompany the submission of the application to the LAFCO Executive Officer. The request shall include a justification for the request and the fee(s) it is requesting to be waived or the dollar amount of fees being reduced. The Executive Officer shall present the waiver/reduction request for Commission review on the consent calendar at the next regular hearing. The Commission may waive/reduce the filing fee if it determines that payment would be detrimental to the public interest pursuant to Government Code Section 56383(d). A waiver/reduction of fees is limited to those costs incurred by the Commission in processing the proposal. The Commission may authorize a waiver or reduction of the LAFCO filing fee based upon the special circumstances of the proposal, if any. Processing of the application shall be held in abeyance until a decision is rendered by the Commission regarding the request for fee waiver/reduction.

2. **LAFCO FILING FEE REFUND** (*Originally Adopted May 21, 1991 as part of the Fee Schedule; Added to Policy Manual on May 17, 2006; Amended August 21, 2013; August 17, 2016; April 15, 2020*)

If withdrawal of an application is requested, the LAFCO Filing Fee paid for processing will be refunded in the following manner:

- A. Following issuance of the Notice of Filing: 50% refund.
- B. Following issuance of the Certificate of Filing (change of organization/reorganization) or Department Review Committee process (sphere of influence amendment): no refund.

**PROCEDURES:**

Deposits are subject to individual refund procedures outlined on the Schedule of Fees, Deposits, and Charges.

3. **INDEMNIFICATION** (*Adopted May 19, 1993; effective June 1, 1993; Amended May 17, 2006, Amended August 19, 2015; August 17, 2016*)

It is the policy of this Commission that for any application submitted for a change of organization or reorganization, a sphere of influence amendment, or a review

of an out-of-agency service contract/agreement, the applicant and/or the real party in interest shall agree to defend, indemnify, and hold harmless San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them. A real party in interest includes the landowner and/or a registered voter of an application subject property.

PROCEDURES:

- A. Acknowledgement of LAFCO Indemnification Requirement:
  - 1. When a public agency adopts a resolution of application to initiate an application for a change of organization or reorganization, a sphere of influence amendment, or a fire protection contract, the resolution shall include a provision acknowledging the Commission's requirement for indemnification as outlined in this Manual.
  - 2. When a state agency or a real party of interest initiates an application for a change of organization or reorganization, a sphere of influence amendment, or a fire protection contract, the written request shall include a statement acknowledging the Commission's requirement for indemnification as outlined in this Manual.
- B. In signing the certification on the Application form, on any of the supplement forms or on the Application for Extension of Service by Contract form, the person signing acknowledges the Commission's requirement for indemnification as outlined in this Manual.
- C. The Commission shall impose a condition within its resolution of approval that requires the applicant and/or the real party of interest to defend, indemnify, and hold harmless the Commission, its agents, officers, attorneys, and its employees from any claims, actions or proceedings against them to attack, set aside, void, or annul such approval.
- D. The Executive Officer shall promptly notify the applicant or real party of interest of any legal action brought challenging the Commission's action, and the Commission, its agents, officers, attorneys, and employees shall cooperate fully in the defense of that action.
- E. The applicant may provide their own counsel in the defense of the action taken, or the applicant may elect to use the services of San Bernardino LAFCO Counsel in that defense. In the latter case, the Executive Officer may require a deposit of funds sufficient to cover the anticipated expense of the litigation.

**4. RESPONSIBILITY FOR PAYMENT OF SPECIAL LEGAL COUNSEL COSTS**  
*(Adopted May 17, 2006, Amended August 19, 2015)*

It is the policy of this Commission that the costs for Special Counsel shall be the responsibility of the applicant subject to the following determinations:

- A. If Special Counsel is required due to a representation conflict with the applicant of the proposal, the applicant shall be responsible for all Special Counsel charges.
- B. If Special Counsel is required due a representation conflict outside the control of the applicant, the applicant shall be responsible for paying the regular San Bernardino LAFCO Legal Counsel hourly rate. The balance of Special Counsel costs will be the responsibility of the Commission.

**PROCEDURES:**

The adopted procedure for the Responsibility for Payment of Special Legal Counsel Costs Policy is as follows:


Once a determination has been made pursuant to Commission Policy for Waiver of LAFCO Legal Counsel Conflicts of Interest that Special Counsel is required, the following procedure shall be followed:

- A. The Executive Officer shall promptly notify the proponents of the proposal that Special Counsel is required.
- B. An item shall be placed on the next available Commission Agenda to approve the contract for Special Counsel and to determine the method for apportioning the cost to the applicant.
- C. Once a determination is made regarding the apportionment of the cost, the Executive Officer may require a deposit of the estimated costs for Special Counsel.
- D. All Special Counsel costs that are the responsibility of the applicant shall be paid prior to issuance of the Certificate of Completion.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** MARCH 9, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #11(b) – Proposed Budget and Work Plan for Fiscal Year 2022/23

---

## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions:

1. Adopt the Proposed Budget and Work Plan for FY 2022/23 as presented by staff.
2. Direct staff to forward the adopted Proposed Budget, as may be modified at this hearing, to all the independent special districts, cities/towns, and the County for their comment pursuant to Government Code Section 56381.
3. Schedule a public hearing for May 18, 2022 for formal:
  - a. Approval of the amendment to the Policy and Procedure Manual for Salaries and Benefits; and,
  - b. Adoption of the Final Budget for FY 2022/23.
4. Authorize the Executive Officer to commence recruitment to fill a staff position due to the retirement of the LAFCO Clerk, not to exceed \$7,000 in total costs.

## **SUMMARY:**

Staff's goals for this budget are to: (1) fund statutory regulations, (2) maintain Commission operations, and (3) maintain the apportionment across-the-board. As with prior years, the Executive Officer and the Administrative Committee discussed the budget process, staff's goals and position, and the Committee's goals and position. The Proposed Budget includes a COLA to Salaries and Benefits, a dual appointment of the Clerk position for five months for training purposes due to Angie Schell's planned retirement, scheduling of eight meetings with one workshop, and maintains the apportionment.

The past two years have been challenging for agencies, recovery is strong in some sectors, solid in others, and fair in the rest - albeit with inflation. Nonetheless, the statutory mandates for service delivery continued.

There are three circumstances continuing for the coming year.

- First, with a reduction in sales taxes, some cities are seeking ways to provide more efficient and more effective delivery means.
- Second, the housing crises remains which most likely will result in annexations to cities as well as out-of-agency service contracts.
- Third, the pension systems incurred significant losses since 2018/19 and 2019/20<sup>1</sup>, resulting in additional employer contributions to the retirement systems. LAFCO has a role to play in all of these scenarios. All the while, we need to remain cognizant of the local agencies that contribute to LAFCO's net operating costs—specifically the smaller agencies.

## Report Organization

<b>Narratives</b> (staff recommendations, discussions)	
Work Plan	Page 2
Salaries and Benefits	Page 4
Services and Supplies	Page 6
Trust Transfers	Page 10
Reserves	Page 11
Revenues	Page 12
<b>Account Details</b> (detail of each account to include: account description, charge measurement, identification of increase or decrease, and detail cost)	
General Ledger with Prior Year Actuals	Attachment #1
Salaries and Benefits	Attachment #2
Services and Supplies	Attachment #3
Revenues	Attachment #4

## WORK PLAN

This is the second year where the budget includes a proposed work plan, which would prioritize the work of the Commission and staff and guide the budget. The work plan is shown on the next page. The priorities are categorized as Continual, High, Medium, and Low. Each function is categorized as Statutory, Budgetary, or Administrative. The two columns on the right are the summary and details of each program or project. For example, following the Statutory functions (Continual and High), the first Medium Priority is to maintain the apportionment.

---

<sup>1</sup> Although significant gains in the markets occurred in 2020/21 which have lowered LAFCO's retirement contribution rates significantly for 2022/23.

Priority	Function	Program/Project	Description and Key Issues
1 <b>LAFCO Mission</b>	Statutory	Proposals	LAFCO's core function is to process changes of organization & sphere amendments
2	Statutory	Service Contracts	LAFCO is the authority to process and approve extra-territorial services
3 <b>High</b>	Statutory	Service Review: Healthcare Districts	Review of all healthcare districts
4	Statutory	Service Review: Countywide Streetlights	Review of streetlight service
5	Statutory	Service Review: Countywide Park and Recreation	Review of all local park and recreation agencies
6	Administrative	Training	Train new Clerk with 5 month overlap with current Clerk
7	Statutory	Annual Audit	Coordinate independent auditor's review of financial statements
8 <b>Medium</b>	Budgetary	Maintain Apportionment	Maintain apportionment
9	Liability	Net Pension Liability Reserve	Fund per Commission direction
10	Liability	Compensated Absences	Fully fund per Commission policy
11	Liability	Salary Reserve	Fund one-tenth of a pay period per Commission policy
12	Budgetary	General Reserve	Increase General Reserves by \$25,000 to \$200,000
13	Administrative	SALC Grant: Map Prime Ag Lands & Formulate Policies	At its December 2020 meeting, the Department of Conservation awarded the Sustainable Agricultural Lands Conservation (SALC) grant to LAFCO. Tasks include mapping, stakeholder meetings, policy writing, and grant administration
14	Administrative	Review and Comment on Agency Plans	Review and comment on draft changes/updates to city and county general plans
15	Administrative	Review and Comment on Environ. Documents	Review and comment on draft environmental documents prepared pursuant to CEQA
16	Administrative	Commission Workshop	Conduct a workshop for Commissioners to discuss LAFCO's role, vision, policies, and priorities
17	Administrative	Governance Training Program	Governance Training Program is back from pandemic hiatus. Two sessions scheduled for FY 2022/23.
18	Administrative	CALAFCO	Participate in CALAFCO through Board, Leg Committee, and Annual Workshop & Conference
19	Administrative	Association of So Cal LAFCOs	Participate in So Cal LAFCO Group through Board and staff committees & positions
20 <b>Low</b>	Administrative	Policy Manual Update	Periodic review and update of the Policy and Procedure Manual
21	Budgetary	Contingency Reserve	Contribute an additional \$5,000 for a balance of \$30,000
22	Administrative	Local Agency Directory	Revise the publication identifying and summarizing local government agencies subject to LAFCO oversight
23	Administrative	Internal Databases	Revise two databases: mailing list and proposal log
24	Administrative	Fiscal Indicators Program	The program is currently in hiatus. Portions of the program are incompatible with the current website, and portions of the program will be incompatible with the new website. Staff and the Admin Committee propose to revamp the program. In addition to a current and viable platform, improvements would include new design, mobile access, and replacement of certain indicators with more representative indicators.
25	Budgetary	Provide a COLA to Salaries	Propose COLA of 3.0% for FY 22/23. Although inflation is greater than 3.0%, this is the ceiling per historical budget practice.

## **SALARIES AND BENEFITS**

The current fiscal year includes the following staffing structure: Executive Officer, Senior Analyst, LAFCO Analyst-GIS/Database, and Clerk to the Commission/Office Manager. The current Clerk, Angie Schell, is planning to retire in January and this budget includes an overlap of the position for five months for training purposes.

Additionally, the Commission contracts with Robert Aldrich for supplemental staffing services and uses temporary services when needed (both paid from Services and Supplies). This budget includes retention of the current staffing model, with supplemental staffing used for the service reviews and clerical support when needed.

### **Compensation and Benefit Changes**

LAFCO generally mirrors the salary schedule and benefits provided in the County's Exempt Compensation Plan as identified in the LAFCO Policy and Procedure Manual and contracts with the County to administer the benefits for its employees, with exceptions as identified in the Policy and Procedure Manual.

This budget proposes the following policy amendment:

Provide a 3.0% COLA for all employees. Inflation for Calendar Year 2021 was 7.9% for our region. The Commission's practice is for COLA not to exceed 3.0%.

Should the Commission support this proposed change, then staff would present the related amendment to the Policy and Procedure Manual to the Commission at the May 18 hearing, when it reviews and adopts the final budget.

At this time the County has not yet provided any proposed changes to its Exempt Compensation Plan to LAFCO. Staff will review such changes when presented and discuss them with the Administrative Committee if warranted.

### **FY 2022/23 Highlights**

Attachment #2 to this report includes a detail of each account to include: account description, charge measurement, identification of increase or decrease, and total cost. The content below contains highlights for FY 2022/23 and forecasts for two years.

Earnable Compensation (Account 1010) totals \$480,213 and includes:

- 3.0% COLA for all employees;
- One-step increase for three eligible employees;
- 2.0% longevity pay for those employees with 15 years of service - three employees;
- Leave cashouts as permitted by policy (Note: leave cashouts reduce the compensated absences liability);



The retirement rates, with increases, approved by the retirement board for FY 22/23 are:

- Tier 1. Decreases 11.07% from 39.92% to 35.50%
- Tier 2. Decreases 13.40% from 34.99% to 30.30%.

The rates from the past five years are shown below.

<b>Tier 1</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Employer Rate	37.03	38.02	35.76	39.92	35.50
Increase over prior year (% points)	2.50	0.99	-2.26	4.16	-4.42
Increase over prior year (%)	7.24%	2.67%	-5.94%	11.63%	-11.07%
<b>Tier 2</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Employer Rate	34.30	35.61	33.24	34.99	30.30
Increase over prior year (% points)	4.21	1.31	-2.37	1.75	-4.69
Increase over prior year (%)	13.99%	3.82%	-6.66%	5.26%	-13.40%

#### **FY 2023/24 and 2024/25 Forecasts**

The forecast for FY 2023/24 (Year 2 of this budget) includes retention of the staffing model recommended in this budget, with a COLA to salaries.

The forecast for FY 2024/25 (Year 3) calculates a COLA for salaries for four employees.

## SERVICES AND SUPPLIES

Generally, services and supplies include payments for: proposal processing, Commission-approved programs and projects, and costs associated with running a government agency. Attachment #3 to this report includes a detail of each account to include: account description, charge measurement, identification of increase or decrease, and total cost. The remainder of this section contains highlights for FY 2022/23.

### Proposal Processing

The current year has seen a return in application submissions. Further, staff has been coordinating with agencies regarding many likely and potential applications for the next fiscal year. The Commission continues to outsource its environmental processing through its contract with Tom Dodson and Associates.

### Programs and Projects

#### Governance Training

Governance Training Program is back from pandemic hiatus. Below is the schedule beginning May 2022. The total cost for the budget is \$5,000.

- |               |  |
|---------------|--|
| • Spring 2022 | Board Member Part 1: New Board Member Governance         |
| • Fall 2022   | LAFCO 101  |
| • Spring 2023 | Board Member Part 2: Board and District Liability Issues |

#### Commission Workshop

The Commission workshop IS for Commissioners to discuss LAFCO's role, vision, policies, and priorities. The workshop facilitator is typically an outsider who has familiarity with LAFCO. The last workshop was held in January 2019. At that workshop, the Commission reviewed its role and responsibilities, including a reflection on some of its previous accomplishments. It then examined its purpose and contributions to the community as well as a discussion on some of its desired outcomes in the future, including strategies for the next few years.

Due to the turnover in commissioners since January 2019, this budget includes a workshop conducted in a dark month in the winter, following the CALAFCO Conference in October.

#### Service Reviews

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, except where a community review or special study is warranted. The second round service reviews have been:

- Water Conservation in the Valley Region (2015)
- Daggett, Newberry, and Yermo CSDs (2016)
- Morongo Valley CSD (2016)
- Countywide Water (2017)
- Countywide Wastewater (2018)
- Countywide Fire/Emergency Medical Services/Dispatch (2020)
- Countywide Public Cemetery Districts (2021)
- Morongo Valley CSD Special Study (2022)
- Twentynine Palms Community, request by the City of Twentynine Palms (scheduled for May 2022)

Per the Commission service review schedule approved July 2020, the subsequent order of reviews are: (1) park and recreation, (2) solid waste, (3) street lighting, (4) healthcare districts, and (5) roads.

However, changing circumstances warrants moving healthcare districts and streetlighting up the schedule. For healthcare districts, the Little Hoover Commission identified systemic concerns regarding healthcare districts, but the Commission delayed this service review due to the pandemic because health agencies were facing extraordinary burdens. With the pandemic ending, this service review should return towards the top. For streetlighting, staff has met with the County Public Works Department (to include Special Districts) regarding streetlights. This service is ripe for a review which would include options for alternate service delivery.

The revised order would be: (1) healthcare districts, (2) streetlighting, (3) park and recreation, (4) solid waste, and (5) roads.

### Fiscal Indicators

In 2014 LAFCO advanced the use of audits and implemented an online Financial Indicators program. The purpose of the program is to provide more robust information on the financial condition of local agencies within San Bernardino County which will allow for better understanding of where an agency has been. Additionally, LAFCO uses the information in conducting state-mandated service reviews as a means to make the required determination of the financial ability of an agency to provide services.

The program is currently in hiatus. Portions of the program are incompatible with the current website, and portions of the program will be incompatible with the new website. Staff and the Admin Committee propose to revamp the program. In addition to a current and viable platform, improvements would include new design, mobile access, and replacement of certain indicators with more relevant indicators. Although there are nominal costs related to services and supplies, costs for this program mainly relate to LAFCO staff time.

Staff anticipates that the new website will be live by July. Subsequently, staff will move forward with the revamp of the Fiscal Indicators program.

### Sustainable Agricultural Lands Conservation (SALC) Program and Grant

At its December 2020 meeting, the Department of Conservation awarded the Sustainable Agricultural Lands Conservation (SALC) grant to LAFCO. The program funds strategies related to establishing and implementing goals, policies, and objectives to support the economic viability of the local agricultural sector. It also supports planning processes to identify and designate priority lands for conservation and development. Tasks include mapping, stakeholder meetings, policy writing, and grant administration.

#### *Accomplishments to Date:*

- Reviewed existing agriculture policies in Chino, Ontario, Rancho Cucamonga, Loma Linda, and Highland
- Prepared an RFP for an Ag Facilitator Consultant
- Discussed Urban Agriculture Stakeholder Group project needs with Ag Facilitator Consultant, Onside Partners
- Developed a survey and flyer for the Urban Agriculture Stakeholder Group
- Developed a survey to assess producers' familiarity with ag policies and their outlook on agriculture in the Inland Empire for the next 10 years
- Created a template for the Regional Priority Plan
- Development of an engaging and interactive story map
- Developed a survey for determining the demand for mitigation in the Inland Empire and utilize the questions to facilitate the conversation during our meetings with cities
- Developed preliminary list of partners and organizations for the Urban Agriculture Stakeholder Group

The Proposed Budget does not include expenditures or revenues associated with this project or the grant. Staff will return at a subsequent hearing for the appropriate budget adjustments.

### **Agency Costs**

In addition to processing proposals and conducting programs and projects, there are costs associated with running a government agency. The Commission continues to outsource its conduct of the annual audit with an independent auditor, Davis Farr LLP, processing of its accounting operations through the County Auditor's office, and the maintenance of computer systems through the County's IT.

Highlights for the year include:

- Account 2125 Inventoriable Equipment. No inventoriable equipment is budgeted for purchase this or next fiscal year.
- Account 2245 Other Insurance. Liability insurance is purchased through the Special District Risk Management Authority (SDRMA). The quote for the year is \$14,340.

- Account 2405 Auditing. A joint RFP was issued in 2020 with the other Southern California LAFCOs, and Davis Farr LLP was chosen. The contract cost for the 2021-22 audit is \$8,715.
- Account 2445 Other Professional Services. In this account is an allocation of \$45,000 for Robert Aldrich's supplemental staffing for the service reviews.
- Account 2905 Rent. The lease for use of the Norton Regional Event Center expires June 2023.
- Ongoing costs associated with being at the Train Depot are as follows:

<u>Account 2905 Rent.</u> Office Lease	\$ 57,024
<u>Account 2090 Building Expense.</u> HVAC & janitorial	\$ 7,380
<u>Account 2180 Electricity.</u>	\$ 6,000
<b>Total</b>	<b>\$ 70,404</b>

Amortization of costs related to the office refurbishment five years ago has matured. Thus, the Commission will no longer have to make amortization payments to SBCTA of roughly \$34,000 related to the office retrofit.

---

## TRUST TRANSFERS

### The Process

This category of accounts isolates the additional payments made to SBCERA, the retirement association. The reason for the payment processing under Trust Transfer is that LAFCO and SCBERA both are trust agencies of the County Treasury.

### Review of Net Pension Liability

The Commission has been making additional contributions to SBCERA as a credit towards LAFCO's net pension liability (NPL) and credit with earnings based on the Plan's market value investment return every year. Previously the Commission used amortization as its additional payment method. At its February 2022 meeting, the Commission revised its additional payment method to be:

*Budget for additional contributions to SBCERA in order to pay down the Commission's share of the pension plan's net pension liability by a static amount of \$50,000 beginning with the FY 2022-23 budget with annual increases tied to the CPI for the Riverside-San Bernardino-Ontario Region, not to exceed 5%.*

The figure below shows the annual activity since the Governmental Accounting Standards Board pronounced GASB 68, effective FY 2012/13.

Pay Here Measurement (Budget) Year	Reflect NPL Here Audit Year	Net Pension Liability			
		Begin NPL	Actuary Increase	LAFCO Additional Contribution	End NPL
2012/13	2013/14				581,103
2013/14	2014/15	581,103	3,628		584,731
2014/15	2015/16	584,731	96,716		681,447
2015/16	2016/17	681,447	87,726		769,173
2016/17	2017/18	769,173	95,787		864,960
2017/18	2018/19	864,960	20,287		885,247
2018/19	2019/20	885,247	273,317	(184,963)	973,601
2019/20	2020/21	973,601	273,739	(42,500)	1,204,840
2020/21	2021/22	1,204,840	TBD	(43,852)	TBD
2021/22	2022/23		TBD	(50,163)	TBD
2022/23	2023/24			(50,000)	

### The Rates

Previous additional payments resulted in LAFCO being the only SBCERA member to experience a reduction in the contribution rate for FY 2020/21. This budget year the rates decreased 12% on average and are the lowest in five years.

## RESERVES

At this time, the Commission has two Committed Reserves and two Assigned Reserves.

### **Committed Reserves** (constrained to specific purposes)

Compensated Absences – The budget adds an additional \$5,000 to this account to fund the increase in compensated absences. The increase is due to natural increases.

Salaries for Extra Pay Period - Since the County pay schedule is every two weeks, rather than twice a month, the result is an additional pay period every ten years. This reserve funds the next occurrence, which would take place in 2031/32. The annual budgets include a 1/10<sup>th</sup> contribution, beginning with last year's budget (\$3,000).

### **Assigned Reserves** (intended for specific purposes or general use)

Contingency – The Contingency Reserve is not defined in the Policy and Procedure Manual. Instead, it has been the Commission's practice to fund a Contingency Reserve for unanticipated expenses. The budget includes an additional \$5,000.

General – The General Reserve is for any purpose, but is generally the reserve for special legal matters or special needs. The budget includes an additional \$25,000 towards this reserve.

### **Summary**

Below are the estimated balances on June 30, 2022 and funding summary of the reserve accounts.

Reserve Account	June 30, 2022 (est.)	FY 2022-23	
		Increase	Ending
<b>Compensated Absences</b>	152,095	5,000	<b>157,095</b>
<b>Salary for Extra Pay Period</b>	3,000	3,000	<b>6,000</b>
<b>Contingency</b>	25,000	5,000	<b>30,000</b>
<b>General</b>	175,000	25,000	<b>200,000</b>

## REVENUES

Attachment #4 to this report includes a detail of each account to include: account description, charge measurement, identification of increase or decrease, and total cost. The remainder of this section contains highlights for FY 2022/23.

### Proposal Activity (Accounts 8545-9800)

Fees, charges, and deposits ordinarily involve the appropriate LAFCO filing fee and deposits for the recovery of the outside costs, for such items as LAFCO Legal Counsel, environmental review, Registrar of Voters, individual notification, etc.

The current year has seen a return in application submissions. Further, staff has been coordinating with agencies regarding many likely and potential applications for the next fiscal year.

### Apportionment (Account 8842)

Government Code Section 56381 requires that the net costs for LAFCO be apportioned equally to those seated on the Commission: the County, the 24 Cities, and the 51 Independent Special Districts within the county. The proposed apportionment to each group is \$363,499 – no change in apportionment.

Further, due to the alternative funding formula for independent special districts, the small districts would benefit most from no increase.

The County Auditor will be required to apportion this amount on July 1, 2022 pursuant to the requirements of law and Commission policies. Staff will circulate the apportionment schedule to the agencies when received by the County Auditor.

### Interest and Other Revenues

LAFCO participates in the County's interest pool and is apportioned interest receipts quarterly.

Cost recovery for proposals and service contracts is not addressed in the budget due to its speculative nature.

---

#### Attachments:

1. [General Ledger](#)
2. [Salaries and Benefits Detail](#)
3. [Services and Supplies Detail](#)
4. [Revenues Detail](#)



## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 19-20	ACTUAL YEAR-END FY 20-21	PROJECTED YEAR-END FY 21-22	PROPOSED FY 22-23 Year 1	FORECAST FY 23-24 Year 2	FORECAST FY 24-25 Year 3
					Retirement		
					No Amortization		
	<b>SALARIES AND BENEFITS</b>						
1010	Earnable Compensation	481,359	437,453	429,802	480,213	454,856	468,502
1030	Auto and Cell Phone Allowances	9,735	9,450	9,188	9,275	9,100	9,100
1035	Overtime		3	-			
1045	Termination Payment		1,839	-			
1110	General Member Retirement	184,013	155,303	171,970	166,721	160,244	165,052
1130	Survivors Benefits	176	140	119	106	95	97
1200	Medical Premium Subsidy	56,704	44,613	45,869	58,179	53,323	54,923
1205	Long-Term Disability	1,110	945	978	1,087	1,035	1,066
1207	Vision Care Insurance	779	603	616	700	623	642
1215	Dental Insurance Subsidy	1,240	891	870	1,106	984	1,013
1222	Short-Term Disability	5,642	4,743	4,863	5,367	5,099	5,252
1225	Medicare	5,805	5,127	4,977	6,039	6,303	6,492
1235	Workers' Compensation (see Account 2245)		2,534				
1240	Life Insurance & Medical Trust Fund	9,714	9,238	13,301	13,665	13,893	14,310
1305	Medical Reimbursement Plan	3,900	2,859	3,840	5,971	5,132	5,286
1314	457/401a Contribution	2,850	2,849	2,964	3,247	3,146	3,241
1315	401k Contribution	37,060	30,506	29,381	32,190	32,451	33,425
	<b>TOTAL SALARIES &amp; BENEFITS</b>	<b>\$ 800,085</b>	<b>\$ 709,096</b>	<b>\$ 718,737</b>	<b>\$ 783,866</b>	<b>\$ 746,284</b>	<b>\$ 768,399</b>
	Staffing (Full time equivalent units)	5.0	4.5	4.5	4.5	4.0	4.0
	<b>SERVICES AND SUPPLIES</b>						
2031	Payroll System Services (County IT)	794	694	653	884	902	920
2032	Virtual Private Network (County IT)		350	145	158	162	165
2033	Network Labor Services (County IT)		1,006	-	-	-	-
2037	Dial Tone (County IT)	3,434	3,061	2,466	3,061	3,122	3,184
2041	Data Line	7,592	8,552	8,292	8,400	8,568	8,739
2043	Electronic Equipment Maintenance (County IT)	-	-	-	-	-	-
2075	Membership Dues	11,822	12,144	18,437	12,769	13,024	13,285
2076	Tuition Reimbursement	999	999	1,999	2,000	2,040	2,081

## Attachment #1

## Budget Spreadsheets

ACCT.	ACCOUNT NAME	ACTUAL YEAR-END FY 19-20	ACTUAL YEAR-END FY 20-21	PROJECTED YEAR-END FY 21-22		PROPOSED FY 22-23 Year 1	FORECAST FY 23-24 Year 2	FORECAST FY 24-25 Year 3
#								
						Retirement		
						No Amortization		
2080	Publications	2,758	3,483	2,917		3,408	3,476	3,545
2085	Legal Notices	12,361	18,240	11,255		20,000	20,400	20,808
2090	Building Expense	7,672	7,260	7,260		7,380	7,528	7,678
2115	Software	-	4,933	10,589		2,283	2,329	2,375
2135	Utilities	2,557	-	-		-	-	-
2180	Electricity	5,206	4,335	5,031		6,000	6,120	6,242
2245	Other Insurance	12,683	12,027	21,807		19,274	19,659	20,053
2305	General Office Expense	3,117	9,359	2,349		1,584	1,616	1,648
2308	Credit Card Clearing Account	677	79	(378)		-	-	-
2310	Postage - Direct Charge	11,150	5,792	4,540		5,716	5,830	5,947
2315	Records Storage	1,134	837	772		772	788	804
2322	Enterprise Printing (County IT)		90	86		86	87	89
2323	Reproduction Services	1,074	560	250		500	510	520
2335	Temporary Services	-	2,487	2,940		1,500	1,530	1,561
2400	Legal Counsel	39,798	34,148	139,622		40,800	42,024	43,285
2405	Auditing	21,365	8,445	8,070		11,915	12,153	12,396
2410	IT Infrastructure (County IT)	11,252	9,673	3,629		586	598	610
2415	Countywide Cost Allocation Program (COWCAP)	13,328	4,581	8,752		-	-	-
2416	Enterprise Printing (County IT)	31	-	19		-	-	-
2417	Enterprise Content Management (County IT)		1,886	1,866		1,848	1,885	1,923
2418	Data Storage Services (County IT)	8,457	4,842	4,476		4,116	4,198	4,282
2420	Wireless Device Access (County IT)	286	211	193		211	215	220
2421	Desktop Support Services (County IT)	15,171	11,994	10,157		12,830	13,087	13,349
2424	Environmental Consultant	20,796	15,474	10,345		8,230	8,395	8,562
2444	Security Services	691	642	492		492	502	512
2445	Other Professional Services	63,255	39,509	53,348		101,092	103,114	105,177
2449	Outside Legal (Litigation & Special Counsel)	7,453	275	-		-	-	-
2450	Systems Development Charges (County IT)			5,823		7,764	7,919	8,078
2460	Aerial Imagery (County IT)	3,000	3,000	7,250		3,000	3,060	3,121
2895	Rent/Lease Equipment (copier)	5,776	1,786	4,698		5,100	5,202	5,306

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 19-20	ACTUAL YEAR-END FY 20-21	PROJECTED YEAR-END FY 21-22	PROPOSED FY 22-23 Year 1	FORECAST FY 23-24 Year 2	FORECAST FY 24-25 Year 3
					Retirement		
					No Amortization		
2905	Office/Hearing Chamber Rental	97,951	93,535	96,142	60,669	62,489	63,739
2940	Private Mileage	3,427	-	1,096	3,596	3,668	3,742
2941	Conference/Training	5,305	375	2,355	5,490	5,600	5,712
2942	Hotel	5,926	-	3,355	12,350	12,597	12,849
2943	Meals	744	-	500	1,200	1,224	1,248
2945	Air Travel	1,592	-	200	800	816	832
2946	Other Travel	773	-	75	300	306	312
5012	Transfer to County (Staples & Microsoft)	2,732	1,227	6,673	6,689	6,823	6,959
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>\$ 414,139</b>	<b>\$ 327,891</b>	<b>\$ 470,547</b>	<b>\$ 384,854</b>	<b>\$ 393,566</b>	<b>\$ 401,858</b>
<b>TOTAL EXPENDITURES</b>		<b>\$ 1,214,223</b>	<b>\$ 1,036,988</b>	<b>\$ 1,189,284</b>	<b>\$ 1,168,720</b>	<b>\$ 1,139,850</b>	<b>\$ 1,170,257</b>
	<b>TRUST TRANSFERS</b>						
9990	SBCERA Additional Payment	42,500	43,852		50,000	52,500	55,125
<b>TOTAL TRUST TRANSFERS</b>		<b>\$ 42,500</b>	<b>\$ 43,852</b>	<b>\$ -</b>	<b>\$ 50,000</b>	<b>\$ 52,500</b>	<b>\$ 55,125</b>
<b>TOTAL APPROPRIATION</b>		<b>\$ 1,256,723</b>	<b>\$ 1,080,840</b>	<b>\$ 1,189,284</b>	<b>\$ 1,218,720</b>	<b>\$ 1,192,350</b>	<b>\$ 1,225,382</b>

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 19-20	ACTUAL YEAR-END FY 20-21	PROJECTED YEAR-END FY 21-22		PROPOSED FY 22-23 Year 1	FORECAST FY 23-24 Year 2	FORECAST FY 24-25 Year 3
						Retirement		
						No Amortization		
	RESERVES (Increases)							
6000	Contingency (Assigned)			6,400		5,000	5,000	5,000
6025	General (Assigned)			25,000		25,000	25,000	25,000
6030	Compensated Absences (Committed)	12,769	32,477	9,452		5,000	5,000	5,000
6035	Salary for Extra Pay Period (Committed)			3,000		3,000	3,000	3,000
TOTAL RESERVES (Increases)		\$ 12,769	\$ 32,477	\$ 43,852		\$ 38,000	\$ 38,000	\$ 38,000

## Attachment #1

## Budget Spreadsheets

ACCT #	ACCOUNT NAME	ACTUAL YEAR-END FY 19-20	ACTUAL YEAR-END FY 20-21	PROJECTED YEAR-END FY 21-22	PROPOSED FY 22-23 Year 1	FORECAST FY 23-24 Year 2	FORECAST FY 24-25 Year 3
	Use of Money:						
8500	Interest	16,325	7,512	5,822	10,000	12,500	15,000
	Mandatory Contribution from Governments:						
8842	Apportionment	1,090,497	1,120,497	1,090,497	1,090,497	1,090,497	1,117,759
					0.0%	0.0%	2.5%
	Fees and Deposits (Current Services):						
9545	Individual Notice Deposit	7,429	6,032	8,500	9,000	9,000	9,000
9555	Legal Services Deposit	18,404	15,650	13,500	12,000	12,000	12,000
9595	Protest Hearing Deposit	-	10,595	4,000	3,000	3,000	3,000
9655	Digital Mapping Fee	1,605	4,760	595	2,735	2,735	2,735
9660	Environmental Deposits	10,245	11,328	7,500	7,800	7,800	7,800
9800	LAFCO Fee	93,422	48,278	62,459	71,044	73,176	75,371
	<b>Total Fees and Deposits</b>	<b>131,105</b>	<b>96,643</b>	<b>96,554</b>	<b>105,579</b>	<b>107,711</b>	<b>109,906</b>
	<b>OTHER REVENUES</b>						
9560	Indemnification Recovery						
9910	Prior Year Activity (refunds, collections)						
9930	Miscellaneous	580	158	1,242			
9970	Carryover of Fund Balance		1,123	96,575	50,644	19,642	20,716
9973	Stale-dated Checks	38	60				
	<b>TOTAL OTHER REVENUES</b>	<b>618</b>	<b>1,341</b>	<b>97,817</b>	<b>50,644</b>	<b>19,642</b>	<b>20,716</b>
	<b>TOTAL REVENUES</b>	<b>\$ 1,238,544</b>	<b>\$ 1,225,993</b>	<b>\$ 1,290,690</b>	<b>\$ 1,256,720</b>	<b>\$ 1,230,350</b>	<b>\$ 1,263,381</b>

## Attachment #2

## Salaries and Benefits Detail

Account		Charge Measurement	Rate Inc/Dec	Total
1010	<b>Earnable Compensation</b>	Per Salary Schedule	Increasing 9.7%	\$ 480,213
	<i>Includes dual appointment of clerk for 5 months, step increases (3 employees), 2% longevity pay for those with 15 yrs (3 employees), leave cashouts, 3% COLA (all).</i>			
1030	<b>Auto &amp; Phone Allowances</b>	Auto Allowance (\$300 per pay period)	--	\$ 9,275
		Mobile Phone Allowance (\$50 per pay period)	--	
	<i>Executive Officer auto and phone allowances, per Benefit Plan.</i>			
1110	<b>General Member Retirement</b>	Tier 1: Decrease from 39.92% to 35.30%	Decreasing 11.6%	\$ 166,721
		Tier 2: Decrease from 34.99% to 30.30%	Decreasing 13.4%	
	<i>Contributions to retirement plan. Per SBCERA and Retirement Board adopted rates.</i>			
1130	<b>Survivors Benefits</b>	\$0.91 per pay period per employee	--	\$ 106
	<i>The survivor benefit is provided by SBCERA in lieu of Social Security's death benefits since members do not participate in Social Security. General members pay a contribution each pay period to fund this benefit.</i>			
1200	<b>Medical Premium Subsidy</b>	\$594.04 per period (employee +2): 2 employees	Increasing 3.0%	\$ 58,179
		\$423.33 per period (employee +1): 2 employees	Increasing 3.0%	
		\$268.76 per period (employee +0): 1 employee	Increasing 3.0%	
	<i>A subsidy is provided to offset employee medical premiums.</i>			
1205	<b>Long-Term Disability</b>	0.24% of Base Pay	--	\$ 1,087
	<i>Long-term disability insurance.</i>			
1207	<b>Vision Insurance</b>	\$5.99 per employee per period	Increasing 3.6%	\$ 700
	<i>Vision insurance.</i>			
1215	<b>Dental Insurance Subsidy</b>	\$9.46 per employee per period	--	\$ 1,106
	<i>A subsidy is provided to offset employee dental premiums.</i>			
1222	<b>Short-Term Disability</b>	Short-term disability insurance (1.12% of Base Pay)	--	\$ 5,367
		FMLA program charge (\$1.57 per employee per period)	Increasing 2.5%	
	<i>Short-term disability insurance &amp; admin cost for family medical leave.</i>			
1225	<b>Medicare</b>	1.412% of Earnable Compensation	--	\$ 6,039
	<i>Contribution to Social Security Medicare for those entering after 1985 (4 employees).</i>			
1235	<b>Workers' Compensation</b>	1.07% of Base Pay	--	\$ -
	<i>Purchased thorough Special Districts Management Authority (SDRMA), a joint powers authority. Paid in a comprehensive SDRMA bill under Account 2245.</i>			
1240	<b>Life Insurance &amp; Med Trust Fund</b>	Life Insurance (\$1.69 per employee per period)	Increasing 3.6%	\$ 13,665
		Variable Life Insurance (\$623 for 2 employees)	--	
		Retirement Medical Trust Fund (\$13,503 for 3 employees)	--	
	(1) Life Insurance is a benefit for all employees.			
	(2) Employees may purchase Variable Life Insurance, which has an employer contribution (2 employees).			
	(3) LAFCO contributes to a Retirement Medical Trust Fund for employees with over 5 years of service (3 employees).			

## Attachment #2

## Salaries and Benefits Detail

Account		Charge Measurement	Rate Inc/Dec	Total
1305	Medical Reimbursement Plan	Medical Reimbursement (up to \$40 per employee/period)	--	\$ 5,971
		Healthy Lifestyles (gym, \$324 per employee - 3)	--	
1314	457/401a Contribution	1% match for Executive Officer, 0.5% for all others	--	\$ 3,247
	<i>LAFCO matches employee contributions to the 457 savings plan of the County up to 0.5% for Groups B and C, and 1% for Group A (Executive Officer).</i>			
1315	401k Contribution	8% match for Group A & B, 6% match for Group C	--	\$ 32,190
	<i>LAFCO matches employee contributions to the 401(k) savings plan of the County up to 8% for Groups A and B, and up to 4% for Group C (new hires except for EO).</i>			
<b>TOTAL SALARIES AND BENEFITS</b>				<b>\$ 783,866</b>

## Attachment #3

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
2031	<b>Payroll System Services (County IT)</b>	\$6.80 per pay period (26 periods), per employee (5)	--	\$ 884.00
	<i>Maintenance, support, and enhancements for County's payroll system and infrastructure.</i>			
2032	<b>Virtual Private Network (County IT)</b>	\$6.60 per month per user (2 users)	--	\$ 158.40
	<i>Use of the County's VPN for remote data access.</i>			
2033	<b>Network Labor Services (County IT)</b>	No activity	--	\$ -
	<i>County IT labor for the network.</i>			
2037	<b>Dial Tone (County IT)</b>	\$28.34 per line (9) per month	--	\$ 3,060.72
	<i>Phone line. Includes support services.</i>			
2041	<b>Data Line</b>	\$700 per month	--	\$ 8,400.00
	<i>Fiber optic data line from Verizon.</i>			
2043	<b>Electronic Equipment Maintenance (County IT)</b>	No activity		\$ -
	<i>County ISD services for data line installation.</i>			
2075	<b>Membership Dues</b>	CSDA: \$1,482	--	\$ 12,769.00
		CALAFCO: \$11,287	Increasing 4.9%	
	<i>Membership in Professional Associations.</i>			
2076	<b>Tuition Reimbursement</b>	Two employees at max reimbursement	No change	\$ 2,000.00
	<i>Pursuant to the LAFCO Benefits Plan, employees can be reimbursed for up to \$1,000 for approved tuition, course/seminar or degree related expenses, and membership dues in professional organizations.</i>			
2080	<b>Publications</b>	CA Land Use & Planning Law: \$101.00	--	\$ 3,407.72
		CA Annotated Code Books: \$269/month	Increasing 7.6%	
		Longtin's CA Land Use: \$78.60	--	
	<i>Purchase or subscription to professional publications related to LAFCO study areas.</i>			
2085	<b>Legal Notices</b>	General paper: \$1,000 per hearing (8 meetings & 1 workshop)	--	\$ 20,000.00
		Local Paper: \$1,000 per hearing (8 meetings)	--	
		Vacancy notices: \$1,500 each (0 notice)	--	
		Protest hearing: \$1,000 per hearing (3 hearings)	--	
	<i>Legal and policy requirement for notices: hearing, protest hearing, public member vacancy, etc... An eighth-page display ad in general newspapers is required for the countywide service reviews and when advertisement is authorized in-lieu of individual landowner and/or registered voter notice.</i>			
2090	<b>Building Expense</b>	HVAC: \$375 per quarter	Increasing 8.7%	\$ 7,380.00
		Janitorial: \$490 per month	--	
	<i>Ongoing maintenance of the staff office.</i>			
2115	<b>Software</b>	Laserfische archiving: \$1,313.00 annual	--	\$ 2,283.00
		Adobe license for office, annual, (\$900)		
		Microsoft license for one laptop, \$70 annual		
	<i>Purchases, subscriptions, and updates of software and online programs, to include digital archiving software for LAFCO to maintain its records in perpetuity per Government Code Section 56382.</i>			
2135	<b>Utilities</b>	No activity		\$ -
	<i>For miscellaneous utility charges</i>			
2180	<b>Electricity</b>	\$600 per month	Decreasing 16%	\$ 6,000.00
	<i>LAFCO is responsible for electricity payments while located at the train depot.</i>			
2245	<b>Other Insurance</b>	Annual Insurance (\$14,340)	Increasing 5%	\$ 19,274.00
		Workers' Compensation (\$4,934)	--	



## Attachment #3

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
	<i>Liability insurance (property, general, personal, employment, benefits, auto) errors and omissions, and employee dishonesty coverage, as well as Workers' Comp. Purchased through the Special District Risk Management Authority (SDRMA).</i>			
2305	<b>General Office Expense</b>	Petty Cash Reimbursement: \$250 per quarter (\$1,000)	--	\$ 1,584.00
		Paper shredding: \$204	--	
		Zoom subscription for meetings (\$20 per month)	--	
		Vimeo subscription for digital archive of meetings (\$240/yr)		
		Printer cartridges:\$400	--	
	<i>Niche and random items for the office. See Account 5012 for Office Supplies per contract pricing.</i>			
2308	<b>Credit Card Clearing Account</b>			\$ -
	<i>Clearing account for credit card issued to the Executive Officer. All charges post to this account temporarily with charges then transferred to the appropriate accounts.</i>			
2310	<b>Postage - Direct Charge</b>	Months with meetings (8): \$400 per month	--	\$ 5,716.00
		Months with no meetings (4): \$200 per month	--	
		Mail delivery: \$6.50 per stop (22 per month)	--	
	<i>On avg. USPS rates increasing 10%. County mail handling increasing 18%. LAFCO implementing more digital circulation as cost savings, which reduce costs overall.</i>			
2315	<b>Records Storage</b>	\$64 per month	--	\$ 772.44
	<i>Off-site retention of records. Gov Code 56382 mandates LAFCO to maintain its records in perpetuity.</i>			
2322	<b>Enterprise Printing (County IT)</b>	\$10.71 per month	Increasing 50%	\$ 85.68
	<i>County printing of payroll documents.</i>			
2323	<b>Reproduction Services</b>	\$500 estimate based on prior year		\$ 500.00
	<i>Printing activity outside of the LAFCO office (County Printing Services, Kinkos, etc.).</i>			
2335	<b>Temporary Services</b>	\$25 per hour, per contract rate	--	\$ 1,500.00
	<i>Use of temporary services for clerical support.</i>			
2400	<b>Legal Counsel</b>			\$ 40,800.00
		Months with meetings (8): \$4,000 per month	Increasing 3.0%	
		Months with no meetings (5): \$1,500 per month	Increasing 3.0%	
	<i>Contract with Best, Best, and Krieger for general and special counsel. Costs related to a proposal are recoverable pursuant to Commission policy. Payments received for cost recovery are deposited into Revenue Account 9555.</i>			
2405	<b>Auditing</b>	SBCERA costs for GASB 67 & 68: \$3,018	--	\$ 11,915.00
		Independent auditor: \$8,715	Increasing 5%	
	<i>Contract with Davis Farr LLP for independent auditing services. SBCERA is required to determine the unfunded liability for its participants and by legislative action can charge for that requirement.</i>			
2410	<b>IT Infrastructure (County IT)</b>	\$117.21 per month per email address (5 addresses)	--	\$ 586.05
	<i>Support of computer/server systems, email, wide area network, internet access, IT security, virus protection, help desk, and data center.</i>			
2415	<b>Countywide Cost Allocation Program (COWCAP)</b>	Per the County COWCAP publication	--	\$ -
	<i>The County Auditor charges for county-related costs incurred in the prior year.</i>			
2416	<b>Enterprise Printing (County IT)</b>	Per print impression, annual estimate	--	\$ -
	<i>Printing from County's enterprise server related to payroll.</i>			
2417	<b>Enterprise Content Management (County IT)</b>	\$154 per month, based on storage allocation	Decreasing 1.9%	\$ 1,848.00
	<i>High-speed enterprise data storage services, including data backup and recovery.</i>			

## Attachment #3

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
2418	<b>Data Storage Services (County IT)</b>	\$403 per month, based on storage allocation	Decreasing 14.9%	\$ 4,116.00
	<i>High-speed general data storage services, including data backup and recovery.</i>			
2420	<b>Wireless Device Access (County IT)</b>	\$17.59 per month, per user (1 user)	--	\$ 211.08
	<i>Phone sync to County email.</i>			
2421	<b>Desktop Support Services (County IT)</b>	\$133.65 per month, per computer (8 computers)	--	\$ 12,830.40
	<i>County tech support &amp; monitoring for computers and applications.</i>			
2424	<b>Environmental Consultant</b>	Consultant work, per contracted rate, 11 reviews	--	\$ 8,230.00
		File with County Clerk, 15 actions, \$50 each	--	
	<i>The Commission contracts with an independent consultant, Tom Dodson and Associates, for the environmental assessment associated with its proposals. Most environmental consultant costs are billable under the Commission's existing fee schedule. Payments received for cost recovery are deposited into Revenue Account 9660.</i>			
2444	<b>Security Services</b>	\$123 per quarter	--	\$ 492.00
	<i>Maintain and monitor the security system.</i>			
2445	<b>Other Professional Services</b>	Surveyor proposal review: \$450 each proposal (7)	--	\$ 101,092.40
		Commissioner stipend: \$200 per meeting (8 + 1 workshop)	--	
		Commissioner stipend: \$200 per committee mtg (4)		
		ROV: \$100.60 per hour (11)	--	
		Bob Aldrich for staffing: \$75/hr	--	
		County processing of quarterly taxes: \$1,000/quarter	--	
		County work on apportionment: \$8,534	Increasing 5%	
		Video recording of meetings: \$750 per meeting (8)	--	
		Commissioner stipend for SoCal LAFCO: \$200 per mtg. (4)	--	
		Commissioner Workshop		
		Governance Training Program for Local Agencies	--	
	<i>This account is for outside services to assist in processing applications and service reviews as well as conducting Commission hearings. Staffing support from Bob Aldrich will correspond with proposal activity levels. Governance training will include two courses.</i>			
2449	<b>Outside Legal (Litigation &amp; Special Counsel)</b>	Per special counsel rate		\$ -
	<i>Legal services conducted through special contract for either litigation or when a conflict of interest waiver is not granted. For proposals not initiated by the Commission, the applicant agrees to indemnify the Commission against legal costs. Payments received for cost recovery are deposited into Revenue Account 9660.</i>			
2450	<b>Systems Development Charges (County IT)</b>	Estimate of 60 hours at \$129.40/hr		\$ 7,764.00
	<i>Maintenance and Support of LAFCO website.</i>			
2460	<b>Aerial Imagery (County IT)</b>	Aerial Imagery \$1,000 per user (3)	--	\$ 3,000.00
	<i>Generation &amp; maintenance of digitized maps &amp; aerial images, access to County's parcel &amp; street layers.</i>			
2895	<b>Rent/Lease Equipment (copier)</b>	\$425 per month	--	\$ 5,100.00
	<i>LAFCO implementing more digital circulation as cost savings.</i>			
2905	<b>Office/Hearing Chamber Rental</b>	Meeting Facility: \$405 per meeting (8 + 1 workshop)	--	\$ 60,669.00
		Amortization Payment: (no longer)	decrease of \$33K	
		Office Lease: \$4,752 monthly	--	
	<i>Use of Norton Conference Center for meetings and office lease.</i>			
2940	<b>Private Mileage</b>	ESRI Conference San Diego	--	\$ 3,596.45
		Employee travel, misc.: \$55	--	

## Attachment #3

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
		CALAFCO Conf. Orange County	--	
		CALAFCO Staff Workshop (unknown location)	--	
		Commissioner So Cal participation, 4 trips: \$220	--	
		Commissioner Meetings (8 + 1 workshop)	--	
	<i>Commissioners and staff private auto mileage at the IRS rate, excluding the Executive Officer.</i>			
2941	Conference/Training	CALAFCO Staff Workshop (unknown): 1 staff (credit for 3)	--	\$ 5,490.00
		CALAFCO Conference Orange \$570 each (9)	--	
	<i>The CALAFCO Staff Workshop location is unknown. 4 staff attending with a credit for 3.</i>			
	<i>The CALAFCO Conference will be held in Orange, with 7 Commissioners and 2 staff budgeted.</i>			
2942	Hotel	CALAFCO/So Cal participation: \$200 per night (4)	--	\$ 12,350.00
		ESRI Conference San Diego: (2 staff)	--	
		CALAFCO Conf. Orange., \$250/night, 9 people, 3 nights	--	
		CALAFCO Staff Workshop (unknown), 4 staff	--	
	<i>Hotel charges for Commissioners and staff on LAFCO business.</i>			
2943	Meals	Staff travel: \$50	--	\$ 1,200.00
		ESRI Conference San Diego (2 staff)	--	
		CALAFCO Conference Orange \$350 for 9 people	--	
		CALAFCO Staff Workshop (unknown), 4 staff	--	
		So Cal participation - Staff: \$50/trip (2)	--	
		So Cal participation - Commissioner: \$50/trip (2)	--	
	<i>Meal charges for Commissioners and staff on LAFCO business. Per diem max \$50/day.</i>			
2945	Air Travel	CALAFCO participation: \$200/trip (4)		\$ 800.00
	<i>Airfare on Southwest Airlines for approved travel to Sacramento.</i>			
2946	Other Travel	CALAFCO participation: \$75/trip (4)		\$ 300.00
	<i>Miscellaneous travel charges such as parking and taxi charges.</i>			
5012	Transfer to County (Staples & Microsoft)	Staples supplies: \$300 per month	--	\$ 6,689.00
		Microsoft Licenses		
TOTAL SERVICES AND SUPPLIES				\$ 384,854.34

## Attachment #4


## Revenues Detail

Account		Charge Measurement	Rate Inc/Dec	Total
8500	<b>Interest</b>	County Interest Pool returns	Variable	\$ 10,000
	<i>LAFCO participates in the County's interest pool and is apportioned interest receipts quarterly.</i>			
8842	<b>Apportionment</b>		--	\$ 1,090,497
	<i>Govt Code §56381 requires that the net costs for LAFCO be apportioned equally to those seated on the Commission: the County, the 24 Cities, and the 51 Independent Special Districts within the County of San Bernardino. The proposed apportionment to the County, Cities, and Independent Special Districts is \$363,499 each. The County Auditor will be required to apportion this amount on July 1, 2022 pursuant to the requirements of law and Commission policies.</i>			
8545	<b>Individual Notice Deposit</b>	\$1,000 deposit	--	\$ 9,000
	<i>This account is for landowner and registered voter notification requirements. This \$1,000 deposit is applied to proposals and development-related service contract less refunds. Should a proposal require individual notice due to the extension of a special tax, then the proponent will be required to submit a deposit for the direct costs to produce and mail the individual notices.</i>			
9555	<b>Legal Services Deposit</b>	\$2,000 for proposals; \$700 for applicable service contracts	--	\$ 12,000
	<i>This account is for deposits for legal services which are calculated at \$2,000 for proposals and \$700 for service contracts requiring a hearing.</i>			
9595	<b>Protest Hearing Deposit</b>	\$1,500 each	--	\$ 3,000
	<i>The account is for deposits related to the processing of the protest hearing which are calculated at \$1,500 each. Should a proposal require individual notice due to the extension of a special tax, then the proponent will be required to submit a deposit for the direct costs to produce and mail the individual notices.</i>			
9655	<b>Digital Mapping Fee</b>	LAFCO Fee Schedule, based on acreage	--	\$ 2,735
	<i>This account is for receipt of revenue to recover the costs associated with the County's digital maps for sphere or boundary changes, maintenance and updates. The charge is based upon the acreage of each consideration area.</i>			
9660	<b>Environmental Deposit</b>	\$1,000 for proposals; \$750 for applicable service contracts	--	\$ 7,800
	<i>Deposits for environmental review processing are calculated at \$1,000 for proposals and \$750 for service contracts requiring a hearing.</i>			
9800	<b>LAFCO Fee</b>	LAFCO Fee Schedule, based on region and acreage	Increasing w/ CPI	\$ 71,044
	<i>Revenues in this account are based on anticipated activity and conservatively calculated at the median annexation filing fee for the activity identified above.</i>			
9560	<b>Indemnification Recovery</b>		--	\$ -
	<i>This is new account that will segregate legal cost recovery that was previously credited to Account 9555.</i>			
9910	<b>Prior Year Activity</b>		--	\$ -
	<i>This account refunds deposits submitted by applicants less costs incurred for activity which carry over from one year to another.</i>			
9930	<b>Miscellaneous Revenue</b>		--	\$ -
	<i>This account is for revenues received for duplication of CDs, DVDs, paper copies, and other miscellaneous receipts.</i>			
9970	<b>Carryover of Fund Balance</b>		--	\$ 53,144
	<i>Carryover of earned funds and unearned funds (proposals still being processed)</i>			
<b>TOTAL REVENUES</b>				\$ 1,259,220

# 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: MARCH 9, 2022   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

---

SUBJECT: AGENDA ITEM #12: LEGISLATIVE REPORT

---

## **RECOMMENDATION:**

Staff recommends that the Commission:

1. Receive and file the Legislative Report;
2. Indicate its support for AB 2957 (Assembly Local Government Committee) related to the annual CALAFCO sponsored Omnibus bill;
3. Indicate its support for SB 938 (Hertzberg) which seeks to amend and consolidate the protest provisions; and,
4. Provide direction to staff on legislation of interest or future actions, if any, and authorize the Chairman to sign letters identifying these positions and direct staff to forward said letters to the appropriate recipients.

## **BACKGROUND:**

Attachment #1 is the CALAFCO Daily Legislative Report for Wednesday, March 9, 2022 outlining the current status of all bills considered to be of importance to LAFCO shown as either a Priority 1, Priority 2, or Priority 3 bills. The following are the bills that LAFCO staff recommends support from the Commission:

- **AB 2957 (Assembly Local Government Committee) – Local Government: reorganization**

AB 2957, included as Attachment #2, is the annual Assembly Local Government Committee Omnibus bill that provides for non-substantive, technical changes/corrections to the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000. CALAFCO is supporting the inclusion of three items for this year's Omnibus bill and is

working to include two additional items that will be amended into the bill before it is heard by the Assembly Local Government Committee (hearing date not set – sometime before the end of April).

Currently, the bill includes the following amendments:

1. While the term “successor agency” is utilized throughout the Act (most notably for the dissolution a special district), the term is not defined in the “Definitions” section in the beginning of the Act. The proposal would add a definition of the term “successor agency” to the “Definitions” section of the Act.

**56078.5 Successor Agency” means the local agency the Commission designates to wind up the affairs of a dissolved district.**

2. In Section 56102, the words “be completed and in existence” would be replaced with the words “take effect.” The existing language is awkwardly phrased, and the proposed language is clearer.

**56102.** For the purpose of any action to determine or contest the validity of any change or organization or reorganization, the change of organization or reorganization shall be deemed to ~~be completed and in existence~~ take effect upon the date of execution of the certificate of completion.

3. An “application” and a “proposal” are two distinctly different things in CKH. Section 56017.2(a) defines “Application” for a change of organization/reorganization to mean “A resolution of application or petition initiating a change of organization or reorganization with supporting documentation as required by the commission or executive officer.” Section 56069 defines a “Proposal” to mean “a desired change of organization or reorganization initiated by a petition or by resolution of application of a legislative body or school district for which a certificate of filing has been issued.” An “application” becomes a “proposal” only once a certificate of filing has been issued. The references to “proposal” in Sections 56553(a), 56654(a),(b) and (c), and 56658(b)(1) and (b)(2) are incorrect and should be referencing an “application”. The problem would be resolved by replacing the incorrect references to “proposal” with the correct references to “application”.

**56653(a).** ~~If a proposal~~ an application for a change of organization or reorganization is submitted pursuant to this part, the applicant shall submit a plan for providing services within the affected territory.

**56654(a).** ~~A proposal~~ An application for a change of organization or a reorganization may be made by the adoption of a resolution of application by the legislative body of an affected local agency, except as provided in subdivision (b).

**56654(b).** Notwithstanding Section 56700, ~~a proposal~~ an application for a change of organization that involves the exercise of new or different functions or classes of services, or the divestiture of the power to provide particular functions

or classes of services, within all or part of the jurisdictional boundaries of a special district, shall only be initiated by the legislative body of that special district in accordance with Sections 56824.10, 56824.12, and 56824.14.

**56654(c).** At least 21 days before the adoption of the resolution, the legislative body may give mailed notice of its intention to adopt a resolution of application to the commission and to each interested agency and each subject agency. The notice shall generally describe the **proposal application** and the affected territory.

**56658(b)(1).** Immediately after receiving an application and before issuing a certificate of filing, the executive officer shall give mailed notice that the application has been received to each affected local agency, the county committee on school district organization, and each school superintendent whose school district overlies the affected territory. The notice shall generally describe the **proposal application** and the affected territory. The executive officer shall not be required to give notice pursuant to this subdivision if a local agency has already given notice pursuant to subdivision (c) of Section 56654.

**56658(b)(2).** It is the intent of the Legislature that **a proposal an application** for incorporation or disincorporation shall be processed in a timely manner. With regard to an application that includes an incorporation or disincorporation, the executive officer shall immediately notify all affected local agencies and any applicable state agencies by mail and request the affected agencies to submit the required data to the commission within a reasonable timeframe established by the executive officer. Each affected agency shall respond to the executive officer within 15 days acknowledging receipt of the request. Each affected local agency and the officers and departments thereof shall submit the required data to the executive officer within the timelines established by the executive officer. Each affected state agency and the officers and departments thereof shall submit the required data to the executive officer within the timelines agreed upon by the executive officer and the affected state departments.

Recommendation:

Staff recommends that the Commission adopt a support position for AB 2957 and direct staff to forward its letter of support (draft copy included as Attachment #3) to Assemblymember Aguiar-Curry (Chair of the Committee), Committee members, CALAFCO, and to our San Bernardino County Legislative Delegation.

- **SB 938 (Hertzberg) – The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.**

SB 938, included as Attachment #4, was introduced by Senator Hertzberg. The bill seeks to consolidate various sections of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 addressing protest proceedings into one section of the Act,

make conforming changes, and remove obsolete provisions. The author plans to amend the bill to change the protest threshold for a Commission-initiated dissolution of a special district, from the current ten-percent (10%) to twenty-five percent (25%), consistent with a dissolution proposal for which a proposal has been filed with LAFCO.

In 2017, the Little Hoover Commission released a report reviewing the state's 58 LAFCOs and recommended several measures to strengthen their oversight of special districts. Notably, the report highlighted a complicated and inconsistent set of rules for the dissolution or consolidation of a special district. If a LAFCO initiates an action, the action must go to a public vote if only 10 percent of the district's constituents protest; for a non-LAFCO initiation of the very same action, a public vote is only required if 25 percent of the affected constituents protest the action. As noted in the SB 938 Fact Sheet (Attachment #5), these contrasting thresholds "make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCO. Further, they serve as a deterrent for LAFCO to initiate action even if meaningful efficiencies in the provision of public services could be achieved, or if a district is failing to meet its statutory requirements."

Following the Little Hoover Commission report, CALAFCO formed a working group of stakeholders to discuss the consolidation and dissolution process. The working group included several individuals representing CALAFCO, several representatives of the California Special Districts Association (CSDA), a representative of the County Supervisors Association of California (CSAC), a representative of the League of California Cities, and the staff consultants to the Senate Governance & Finance Committee and the Assembly Local Government Committee.

Consistent with agreements made in this three-year effort, SB 938, as proposed to be amended, creates specific conditions under which a LAFCO may initiate dissolution of a special district with a 25 percent protest threshold:

- Determinations for the proposed action must be documented in a Municipal Service Review and presented at a 21-day noticed public hearing;
- The district in question must be granted a minimum 12-month remediation period and an opportunity to provide a progress report to the LAFCO prior to taking any action;
- A second 21-day public hearing must be held to determine if the identified issues are mitigated, resulting in the LAFCO either terminating the dissolution, or moving forward under the standard protest hearing process outlined in existing law with a public notice period of 60 days."

*Recommendation:*

Staff recommends that the Commission adopt a support position for SB 938 and direct staff to forward its letter of support (draft copy included as Attachment #6) to Senator Hertzberg, CALAFCO, and to our San Bernardino County Legislative Delegation.



**CONCLUSION:**

If there are other pieces of legislation that Commissioners are aware of that should be brought to the attention of CALAFCO or you wish staff to review in more detail, please provide the bill number reference and we will be happy to bring it back to the Commission for review.

Staff will be happy to answer any questions prior to or at the hearing.

Attachments:

1. [CALAFCO Daily Legislative Report – Dated March 9, 2022](#)
2. [Assembly Bill 2957](#)
3. [AB 2957 Support Letter](#)
4. [Senate Bill 938](#)
5. [SB 938 CALAFCO Fact Sheet](#)
6. [SB 938 Support Letter](#)

# CALAFCO Daily Legislative Report as of Wednesday, March 09, 2022

1

## **AB 2957 (Committee on Local Government) Local government: reorganization.**

**Current Text:** Introduced: 3/2/2022 [html](#) [pdf](#)

**Introduced:** 3/2/2022

**Status:** 3/3/2022-From printer. May be heard in committee April 2.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

### **Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires that an applicant seeking a change of organization or reorganization to submit a plan for providing services within the affected territory. Current law requires a petitioner or legislative body desiring to initiate proceedings to submit an application to the executive officer of the local agency formation commission, and requires the local agency formation commission, with regard to an application that includes an incorporation, to immediately notify all affected local agencies and any applicable state agency, as specified. This bill would define the term "successor agency," for these purposes to mean the local agency a commission designates to wind up the affairs of a dissolved district.

### **Attachments:**

[LAFCo Support letter template](#)

[CALAFCO Support letter](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** This is the annual Omnibus bill sponsored by CALAFCO. As introduced it makes 3 minor, technical non-substantive changes in CKH: (1) Replaces "to be completed and in existence" with "take effect" under GCS 56102; (2) Adds GCS 56078.5: "Successor Agency" means the local agency the Commission designates to wind up the affairs of a dissolved district; and (3) Replaces "proposals" with "applications" within GCS 56653(a), 56654(a), (b), and (c), and 56658(b)(1) and (b)(2).

CALAFCO support letter and LAFCo support letter template are in the attachments section.

## **SB 938 (Hertzberg D) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.**

**Current Text:** Introduced: 2/8/2022 [html](#) [pdf](#)

**Introduced:** 2/8/2022

**Status:** 2/16/2022-Referred to Com. on GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

### **Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under current law, in each county there is a local agency formation commission that oversees these changes of organization and reorganization. With a specified exception, current law provides for protest proceedings for a change of organization or reorganization following adoption of a resolution making certain determinations by the commission, as provided. Current law sets forth required procedures for the commission following a protest hearing depending on the nature of the conducting authority, as defined, the type of change of organization or reorganization, and the results of the protest proceeding. The bill would reorganize and consolidate the above-described procedures. The bill would make conforming changes and remove obsolete provisions.

**Attachments:**

[SB 938 LAFCo support letter template](#)

[SB 938 CALAFCO Support letter](#)

[SB 938 CALAFCO Fact Sheet](#)

[SB 938 Author Fact Sheet](#)

**Position:** Sponsor

**Subject:** CKH General Procedures, Other

**CALAFCO Comments:** CALAFCO is the sponsor of this bill. SB 839 represents a collaborative three-year effort (by an 18-member working group) to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold. In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), CALAFCO initiated a working group of stakeholders in early 2019 to discuss the protest process for dissolutions of special districts.

The bill's current format (dated 2/8/22) represents the restructuring of existing protest provisions scattered throughout CKH. There have been some minor technical language added for clarifications. These changes are all minor in nature (by legislative standards).

The bill will be amended to reflect the newly designed process that codifies the ability for LAFCo to initiate a district dissolution at 25% protest threshold. The conditions under which this can occur include one or more of the following, any/all of which must be documented via determinations in a Municipal Service Review (MSR):

1. The agency has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies;
2. The agency spent public funds in an unlawful or reckless manner inconsistent with the principal act or other statute governing the agency and has not taken any action to prevent similar future spending;
3. The agency has consistently shown willful neglect by failing to consistently adhere to the California Public Records Act and other public disclosure laws the agency is subject to;
4. The agency has failed to meet the minimum number of times required in its governing act in the prior calendar year and has taken no action to remediate the failures to meet to ensure future meetings are conducted on a timely basis;
5. The agency has consistently failed to perform timely audits in the prior three years, or failed to meet minimum financial requirements under Government Code section 26909 over the prior five years as an alternative to performing an audit, or the agency's recent annual audits show chronic issues with the agency's fiscal controls and the agency has taken no action to remediate the issues.

The proposed process is:

1. LAFCo to present the MSR in a 21-day noticed public hearing. At that time the LAFCo may choose to adopt a resolution of intent to dissolve the district. The resolution shall contain a minimum 12-month remediation period.
2. The district will have a minimum of 12 months to remediate the deficiencies.
3. Half-way through the remediation period, the district shall provide LAFCo a written report on the progress of their remediation efforts. The report is to be placed on a LAFCo meeting agenda and presented at that LAFCo meeting.
4. At the conclusion of the remediation period, LAFCo conducts another 21-day noticed public hearing to determine if district has remedied deficiencies. If the district has resolved issues, commission rescinds the resolution of intent to dissolve the district and the matter is dropped. If not, commission adopts a resolution making determinations to dissolve the district.
5. Standard 30-day reconsideration period.
6. Protest proceedings at 25% threshold can be noticed with a required 60-day protest period.
7. Protest hearing is held and amount of qualified protests determined based on 25% threshold. LAFCo either orders dissolution, election, or termination.

As this bill - when amended - adds requirements for LAFCos and districts, it will likely be keyed fiscal (for now it is not). An author fact sheet and CALAFCO fact sheet are posted in our attachments section as well as the CALAFCO Support letter and LAFCo support letter template.

**SB 1490 (Committee on Governance and Finance) Validations.****Current Text:** Introduced: 2/28/2022 [html](#) [pdf](#)**Introduced:** 2/28/2022**Status:** 3/1/2022-From printer.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would enact the First Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Position:** Watch**Subject:** LAFCo Administration**CALAFCO Comments:** This is the first of three annual validating acts.**SB 1491 (Committee on Governance and Finance) Validations.****Current Text:** Introduced: 2/28/2022 [html](#) [pdf](#)**Introduced:** 2/28/2022**Status:** 3/1/2022-From printer.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would enact the Second Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Position:** Watch**Subject:** LAFCo Administration**CALAFCO Comments:** This is the second of three annual validating acts**SB 1492 (Committee on Governance and Finance) Validations.****Current Text:** Introduced: 2/28/2022 [html](#) [pdf](#)**Introduced:** 2/28/2022**Status:** 3/1/2022-From printer.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would enact the Third Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Position:** Watch**Subject:** LAFCo Administration**CALAFCO Comments:** This is the third of three annual validating acts.**AB 1640 (Ward D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.****Current Text:** Introduced: 1/12/2022 [html](#) [pdf](#)**Introduced:** 1/12/2022**Status:** 1/20/2022-Referred to Com. on NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Calendar:**

3/21/2022 2:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, RIVAS, LUZ,  
Chair

**Summary:**

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency

to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Existing law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks.

**Attachments:**

[AB 1640 Author Fact](#)

**Subject:** Climate Change

**CALAFCO Comments:** This bill is a follow up and very similar to AB 897 (2021). The bill would authorize eligible entities, as defined (including LAFCo), to establish and participate in a regional climate network, as defined. The bill would authorize a regional climate network to engage in activities to address climate change, as specified. Further, it requires a regional climate network to develop a regional climate adaptation and resilience action plan and to submit the plan to OPR for review, comments, and certification. The bill would require OPR to: (1) encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks; (2) develop and publish guidelines on how eligible entities may establish regional climate networks and how governing boards may be established within regional climate networks by 7-1-23; and (3) provide technical assistance to regions seeking to establish a regional climate network, facilitate coordination between regions, and encourage regions to incorporate as many eligible entities into one network as feasible.

The difference between this bill and AB 897 is this bill removes requirements for OPR to develop guidelines and establish standards and required content for a regional climate adaptation and resilience action plan (to be produced by the network), and removes some specified technical support requirements by OPR. Those requirements were covered in SB 170, a budget trailer bill from 2021.

The bill is author-sponsored and keyed fiscal. An author fact sheet is included in our attachments area.

**AB 1773 (Patterson R) Williamson Act: subvention payments: appropriation.**

**Current Text:** Introduced: 2/3/2022 [html](#) [pdf](#)

**Introduced:** 2/3/2022

**Status:** 2/10/2022-Referred to Coms. on AGRI. and L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

The Williamson Act, also known as the California Land Conservation Act of 1965, authorizes a city or county to enter into contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation. Existing law sets forth procedures for reimbursing cities and counties for property tax revenues not received as a result of these contracts and continuously appropriates General Fund moneys for that purpose. This bill, for the 2022–23 fiscal year, would appropriate an additional \$40,000,000 from the General Fund to the Controller to make subvention payments to counties, as provided, in proportion to the losses incurred by those counties by reason of the reduction of assessed property taxes. The bill would make various findings in this regard.

**Attachments:**

[AB 1773 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Ag Preservation - Williamson

**CALAFCO Comments:** AB 1773 resurrects funding the Williamson Act for the 2022-2023 budget year. The Williamson Act was created to preserve open space and conserve agricultural land. For many years, the state funded the Act at around \$35-\$40 million per year. This funding ceased during the recession, and has not been reinstated since. AB 1773 would allocate \$40 million from the General Fund to the Williamson Act for the purpose of subvention payments.

The bill is author-sponsored, has a general-fund appropriation, and is keyed fiscal. An author fact sheet is posted in our attachments section.

**AB 1944 (Lee D) Local government: open and public meetings.**

**Current Text:** Introduced: 2/10/2022 [html](#) [pdf](#)

**Introduced:** 2/10/2022

**Status:** 2/18/2022-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing.

**Attachments:**

[AB 1944 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill would delete the requirement that an individual participating in a Brown Act meeting remotely from a non-public location must disclose the address of the location. If the governing body chooses to allow for remote participation, it must also provide video streaming and offer public comment via video or phone.

The bill is author sponsored and keyed fiscal. The author's fact sheet is posted in our attachments area.

**AB 2081 (Garcia, Eduardo D) Municipal water districts: water service: Indian lands.**

**Current Text:** Introduced: 2/14/2022 [html](#) [pdf](#)

**Introduced:** 2/14/2022

**Status:** 2/24/2022-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Te Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, until January 1, 2023, under specified circumstances, to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district and requires the local agency formation commission to approve such an application. This bill would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2025.

**Attachments:**

[AB 2081 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** This bill extends the sunset date created in AB 1361 (2017). Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also

authorizes a district, under specified circumstances, to apply to the applicable LAFCo to provide this service of water to Indian lands, as defined, that are not within the district and requires the LAFCo to approve such an application. This bill extends the sunset date from January 1, 2023 to January 1, 2025.

CALAFCO opposed AB 1361 in 2017 as the process requires LAFCo to approve the extension of service, requires the district to extend the service, and does not require annexation upon extension of service. CALAFCO reached out to the author's office requesting information as to the reason for the extension and we have not been given a reason.

The bill is keyed fiscal. An author fact sheet is included in the attachments area.

**AB 2449 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.**

**Current Text:** Introduced: 2/17/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Status:** 3/3/2022-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill authorizes the use of teleconferencing without noticing and making available to the public teleconferencing locations if a quorum of the members of the legislative body participate in person from a singular location that is noticed and open to the public and require the legislative body to offer public comment via video or phone.

CALAFCO reached out to the author's office for information and we've not yet heard back. The bill is not keyed fiscal.

**AB 2647 (Levine D) Local government: open meetings.**

**Current Text:** Introduced: 2/18/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Status:** 2/19/2022-From printer. May be heard in committee March 21.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

The Ralph M. Brown Act requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates or post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill seeks to amend the law to make clear that writings that have been distributed to a majority of a local legislative body less than 72 hours before a meeting can be posted online in order to satisfy the law.

The bill is sponsored by the League of Cities and is not keyed fiscal.

**SB 852 (Dodd D) Climate resilience districts: formation: funding mechanisms.**

**Current Text:** Introduced: 1/18/2022 [html](#) [pdf](#)

**Introduced:** 1/18/2022

**Status:** 2/7/2022-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 31. Noes 6.) Joint Rule 55 suspended. (Ayes 31. Noes 6.)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law authorizes certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. Existing law provides for the financing of these activities by, among other things, the issuance of bonds serviced by property tax increment revenues, and requires the authority to adopt a community revitalization and investment plan for the community revitalization and investment area that includes elements describing and governing revitalization activities. This bill would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would define "eligible project" for these purposes.

**Attachments:**

[SB 852 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Special District Principle Acts

**CALAFCO Comments:** This bill creates the Climate Resilience Districts Act. The bill completely bypasses LAFCo in the formation and oversight of these new districts because the districts are primarily being created as a funding mechanism for local climate resilience projects (as a TIF or tax increment finance district - for which LAFCos also have no involvement).

The bill authorizes a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill defines "eligible project" to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified. The bill authorizes a district created pursuant to these provisions to have boundaries that are identical to the boundaries of the participating entities or within the boundaries of the participating entities. The bill also authorizes specified local entities to adopt a resolution to provide property tax increment revenues to the district. The bill would also authorize specified local entities to adopt a resolution allocating other tax revenues to the district, subject to certain requirements. The bill would provide for the financing of the activities of the district by, among other things, levying a benefit assessment, special tax, property-related fee, or other service charge or fee consistent with the requirements of the California Constitution. It requires 95% of monies collected to fund eligible projects, and 5% for district administration. The bill would require each district to prepare an annual expenditure plan and an operating budget and capital improvement budget, which must be adopted by the governing body of the district and subject to review and revision at least annually.

Section 62304 details the formation process, Section 62305 addresses the district's governance structure, and 62307 outlines the powers of the district.

This bill is sponsored by the Local Government Commission and is keyed fiscal. A fact sheet is included in our attachments section.

**SB 1100 (Cortese D) Open meetings: orderly conduct.**

**Current Text:** Introduced: 2/16/2022 [html](#) [pdf](#)

**Introduced:** 2/16/2022

**Status:** 3/8/2022-Set for hearing March 17.



Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### Calendar:

3/17/2022 Upon adjournment of Session - John L. Burton Hearing Room (4203)  
SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

#### Summary:

Would authorize the members of the legislative body conducting a meeting to remove an individual for willfully interrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning, either by the presiding member of the legislative body or a law enforcement officer, that the individual is disrupting the proceedings and a request that the individual curtail their disruptive behavior or be subject to removal. The bill would similarly require a warning before clearing a meeting room for willful interruptions by a group or groups. The bill would define "willfully interrupting" to mean intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law. The term would include failure to comply with a reasonable regulation adopted in accordance with existing law after a warning and request in accordance with the bill, as applicable. By establishing new requirements for local legislative bodies, this bill would impose a state-mandated program.

#### Attachments:

[SB 1100 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill would authorize the removal of an individual from a public meeting who is "willfully interrupting" the meeting after a warning and a request to stop their behavior. "Willfull interrupting" is defined as intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law.

The bill is author-sponsored and keyed fiscal. An author fact sheet is posted in our attachments section.

#### **AB 897 (Mullin D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.**

**Current Text:** Amended: 7/14/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 7/14/2021

**Status:** 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### Summary:

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

#### Attachments:

[CALAFCO Support July 2021](#)

[AB 897 Fact Sheet](#)

**Position:** Support

**Subject:** Climate Change

**CALAFCO Comments:** As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so.

This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the bill.

As amended 4/19/21: There is no longer a requirement for OPR to include in their guidelines how a regional climate network may develop their plan: it does require ("may" to "shall") a regional climate network to develop a regional climate adaptation plan and submit it to OPR for approval; adds requirements of what OPR shall publish on their website; and makes several other minor technical changes.

As amended 7/1/21, the bill now explicitly names LAFCo as an eligible entity. It also adjusts several timelines for OPR's requirements including establishing boundaries for the regional climate networks, develop guidelines and establish standards for the networks, and to make recommendations to the Legislature related to regional adaptation. Give the addition of LAFCo as an eligible entity, CALAFCO is now in support of the bill.

Amendments of 7/14/21, as requested by the Senate Natural Resources & Water Committee, mostly do the following: (1) Include "resilience" to climate adaptation; (2) Prioritize the most vulnerable communities; (3) Add definitions for "under-resourced" and "vulnerable" communities; (4) Remove the requirement for OPR to establish geographic boundaries for the regional climate networks; (5) Include agencies with hazard mitigation authority and in doing so also include the Office of Emergency Services to work with OPR to establish guidelines and standards required for the climate adaptation and resilience plan; and (6) Add several regional and local planning documents to be used in the creation of guidelines.

2/24/22 UPDATE: It appears this bill is being replaced with AB 1640 (Ward, Mullin, etc.). CALAFCO will keep this bill on Watch and follow the new bill.

**AB 903 (Frazier D) Los Medanos Community Healthcare District.**

**Current Text:** Amended: 4/19/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 4/19/2021

**Status:** 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/19/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district's territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the

district's health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

**Position:** Watch

**CALAFCO Comments:** This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

The amendment on 4/5/21 was just to correct a typo in the bill.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

The bill did not pass out of Senate Governance & Finance Committee and will not move forward this year. It may be acted on in 2022.

2022 UPDATE: Given Member Frazier is no longer in the Assembly and the appellate court overturned the lower court's decision, it is likely the bill will not move forward. CALAFCO will retain WACTH on the bill.

**AB 975 (Rivas, Luz D) Political Reform Act of 1974: statement of economic interests and gifts.**

**Current Text:** Amended: 5/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 5/18/2021

**Status:** 2/1/2022-In Senate. Read first time. To Com. on RLS. for assignment.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and files the original with the Commission. This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission.

**Position:** Watch

**Subject:** FPPC

**CALAFCO Comments:** As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

The amendment on 4/21/21 just corrects wording (technical, non-substantive change).

The amendments on 5/18/21 clarify who is to file a statement of economic interest to include candidates (prior text was office holders).

UPDATE AS OF 2/24/22 - The author's office indicates they are moving forward with the bill this

year and are planning amendments. They are not clear what those amendments will be so CALAFCO will retain a WATCH position on the bill.

**AB 1195 (Garcia, Cristina D) Drinking water.**

**Current Text:** Amended: 5/24/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 5/24/2021

**Status:** 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was N.R. & W. on 6/9/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.

**Attachments:**

[CALAFCO Letter of Concern - April 2021](#)

[AB 1195 Fact Sheet](#)

**Position:** Watch With Concerns

**Subject:** Water

**CALAFCO Comments:** As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

As amended on 5-24-21, the bill changes the water rights provision now requiring approval by the water Board; uses the definitions of "at risk system" and "at risk domestic well" found in SB 403 (Gonzalez) as well as the 3,300 connect cap; requires the commissioner appointed by the board to be from the local area; requires the commissioner to do certain things prior to completing the regional plan; and requires the commissioner to apply to LA LAFCo for extension of service, consolidation or dissolution as appropriate. The bill also creates a pilot program for LA LAFCo giving them the authority to take action rather than the water board, providing it is within 120 days of receipt of a completed application. If the LAFCo fails to take action within that time, the matter goes to the water board for their action.

The pilot program also gives LA LAFCo the authority to approve, approve with conditions or deny the application; further giving LAFCo authority to consider consolidation or extension of service with a local publicly owned utility that provides retail water, a private water company or mutual; the bill also waives protest proceedings, gives the LAFCo authority to address governance structure and CEQA is waived, provides full LAFCo indemnification and funding.

There are still issues with the proposed technical advisory board section of the bill, and questions about timing of some of the processes. CALAFCO continues to work with the author and speakers' offices as well as other stakeholders on ongoing amendments.

The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

THIS IS NOW A 2-YEAR BILL.

UPDATE AS OF 2/10/22 - According to the author's office, the author is not intending to move the bill forward at this time. CALAFCO will continue to WATCH and monitor the bill. As a result, the bill was downgraded from a P-1 to a P-3.

**AB 1935 (Grayson D) Resource conservation districts: formation.**

**Current Text:** Introduced: 2/10/2022 [html](#) [pdf](#)

**Introduced:** 2/10/2022

**Status:** 2/18/2022-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law authorizes the formation of a resource conservation district in accordance with prescribed procedures for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities. Under current law, a proposal to form a district may be made by a petition of registered voters, as specified. Current law requires, within 30 days after the date of filing a petition, the executive officer of the local agency formation commission to cause the petition to be examined and prepare a certificate of sufficiency, as provided. Current law authorizes, within 15 days after a notice of insufficiency, the chief petitioners to file with the executive officer a supplemental petition, as provided. Current law requires, within 10 days after the date of filing a supplemental petition, the executive officer to examine the supplemental petition and certify in writing the results of their examination. This bill would increase the amount of time, from 30 to 45 days after the date of filing a petition, for the executive officer of the local agency formation commission to cause the petition to be examined and prepare a certificate of sufficiency.

**Position:** Placeholder - Spot Bill

**Subject:** LAFCo Administration

**CALAFCO Comments:** According to the author's office, this is a spot bill and the topic will change. CALAFCO was unaware of the bill prior to introduction.

**AB 2041 (Garcia, Eduardo D) California Safe Drinking Water Act: primary drinking water standards: compliance.**

**Current Text:** Introduced: 2/14/2022 [html](#) [pdf](#)

**Introduced:** 2/14/2022

**Status:** 2/24/2022-Referred to Com. on E.S. & T.M.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Calendar:**

3/22/2022 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

**Summary:**

Would require the State Water Resources Control Board to take specified actions if the state board adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

**Attachments:**

[AB 2041 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** This bill would require the SWRCB to take specified actions if the SWRCB adopts a primary drinking water standard with a compliance period for which public water systems

are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

CALAFCO reached out to the author's office for information on the bill and has not heard back. The bill is keyed fiscal. An author fact sheet is attached.

**SB 12 (McGuire D) Local government: planning and zoning: wildfires.**

**Current Text:** Amended: 7/1/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 7/1/2021

**Status:** 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was H. & C.D. on 6/24/2021)(May be acted upon Jan 2022)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

**Position:** Watch

**Subject:** Growth Management, Planning

**CALAFCO Comments:** UPDATE 2/24/22: According to the author's office, they do plan to move this bill forward in 2022 and no other details are available at this time.

**SB 418 (Laird D) Pajaro Valley Health Care District.**

**Current Text:** Chaptered: 2/4/2022 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Last Amended:** 1/24/2022

**Status:** 2/4/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 1, Statutes of 2022.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would create the Pajaro Valley Health Care District, as specified, except that the bill would authorize the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors.

**Position:** Watch

**Subject:** Special District Principle Acts

**CALAFCO Comments:** Gut and amended on 1/14/22, this bill forms the Pajaro Valley Health Care District within Santa Cruz and Monterey counties. The formation, done by special legislation, bypasses the LAFCo process, with language explicitly stating upon formation, LAFCo shall have authority. The bill requires that within 5 years of the date of the first meeting of the Board of Directors of the district, the board of directors shall divide the district into zones. The bill would require the district to notify Santa Cruz LAFCo when the district, or any other entity, acquires the Watsonville Community Hospital. The bill requires the LAFCo to order the dissolution of the district if the hospital has not been acquired by January 1, 2024 through a streamlined process, and requires the district to notify LAFCo if the district sells the Watsonville Community Hospital to another entity or stops providing health care services at the facility, requiring the LAFCo to dissolve the district under those circumstances in a streamlined process.

Given the hospital has filed bankruptcy and this is the only hospital in the area and serves

disadvantaged communities and employs a large number of people in the area, the bill has an urgency clause.

Several amendments were added on 1/24/22 by the ALGC and SGFC all contained within Section 32498.7.

CALAFCO worked closely with the author's office, Santa Cruz County lobbyist and the Santa Cruz and Monterey LAFcos on this bill. We have requested further amendments which the Senator has agreed to take in a follow-up bill this year. Those amendments include requiring Santa Cruz LAFco to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFco for the first 3 years, Santa Cruz LAFco conducting a special study on the district after 3 years, and representation from both counties on the governing board.

The bill is sponsored by the Pajaro Valley Healthcare District Project and is not keyed fiscal.

**SB 969 (Laird D) Pajaro Valley Health Care District.**

**Current Text:** Amended: 3/2/2022 [html](#) [pdf](#)

**Introduced:** 2/10/2022

**Last Amended:** 3/2/2022

**Status:** 3/2/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law creates the Pajaro Valley Health Care District, as specified, and authorizes the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors. Current law requires, within 5 years of the date of the first meeting of the Board of Directors of the Pajaro Valley Health Care District, the board of directors to divide the district into zones and number the zones consecutively. Current law requires the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to govern any organizational changes for the district after formation. Current law requires the district to notify the County of Santa Cruz local agency formation commission (LAFco) when the district, or any other entity, acquires the Watsonville Community Hospital. Existing law requires the LAFco to dissolve the district under certain circumstances. This bill would require the LAFco to develop and determine a sphere of influence for the district within one year of the district's date of formation, and to conduct a municipal service review regarding health care provision in the district by December 31, 2025, and by December 31 every 5 years thereafter.

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** This bill is a follow up to SB 418 (Laird) and contains some of the amendments requested by CALAFCO and Monterey and Santa Cruz LAFcos. As introduced the bill requires Santa Cruz LAFco to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFco for the first 2 years, Santa Cruz LAFco conducting a Municipal Service Review on the district every 5 years with the first being conducted by 12-31-25. Our final requested amendment, ensuring representation from both counties on the governing board, is still being worked on and not reflected in the introduced version of the bill.

**SB 1449 (Caballero D) Unincorporated areas.**

**Current Text:** Introduced: 2/18/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Status:** 2/22/2022-From printer.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would state the intent of the Legislature to establish the policy of the state to ensure that the living standards within unincorporated areas of the state are consistent with standards of cities within the same county and funding mechanisms to support the financial investments required by cities and counties to accomplish this goal.

**Position:** Placeholder - Spot Bill

**Subject:** Other

**CALAFCO Comments:** This is currently a spot bill. According to the author's office, they are working on state funding to incentivize annexation of inhabited territory (when the VLF was taken away, so too was any financial incentive to annex inhabited territory). For many years bills have been run to reinstate funding, none of which have ever successfully passed. There is no other information available on this bill at this time. CALAFCO will continue conversations with the author's office as this is an important topic for LAFcos. (The bill will remain a P-3 until amended.)

**SB 1489 (Committee on Governance and Finance) Local Government Omnibus Act of 2022.**

**Current Text:** Introduced: 2/28/2022 [html](#) [pdf](#)

**Introduced:** 2/28/2022

**Status:** 3/1/2022-From printer.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law sets forth requirements for the passage of city ordinances. Current law requires ordinances to be read in full either at the time of introduction or passage except when, after reading the title, further reading is waived by regular motion adopted by majority vote of the legislative body. This bill would provide that a reading of the title or ordinance is not required if the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or passage.

**Position:** Watch

**CALAFCO Comments:** This is the Senate Governance & Finance Committee annual omnibus bill.

Total Measures: 24

Total Tracking Forms: 24

3/9/2022 12:47:24 PM



**ASSEMBLY BILL**

**No. 2957**

---

**Introduced by Committee on Local Government**

March 2, 2022

---

An act to amend Sections 56102, 56653, 56654, and 56658 of, and to add Section 56078.5 to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2957, as introduced, Committee on Local Government. Local government: reorganization.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Existing law requires that an applicant seeking a change of organization or reorganization to submit a plan for providing services within the affected territory.

Existing law requires a petitioner or legislative body desiring to initiate proceedings to submit an application to the executive officer of the local agency formation commission, and requires the local agency formation commission, with regard to an application that includes an incorporation, to immediately notify all affected local agencies and any applicable state agency, as specified.

This bill would define the term “successor agency,” for these purposes to mean the local agency a commission designates to wind up the affairs of a dissolved district. This bill would also make clarifying changes to the above provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 56078.5 is added to the Government  
2 Code, to read:  
3 56078.5. "Successor Agency" means the local agency the  
4 commission designates to wind up the affairs of a dissolved district.  
5 SEC. 2. Section 56102 of the Government Code is amended  
6 to read:  
7 56102. For the purpose of any action to determine or contest  
8 the validity of any change of organization or reorganization, the  
9 change of organization or reorganization shall be deemed to ~~be~~  
10 ~~completed and in existence~~ *take effect* upon the date of execution  
11 of the certificate of completion.  
12 SEC. 3. Section 56653 of the Government Code, as amended  
13 by Section 1 of Chapter 43 of the Statutes of 2017, is amended to  
14 read:  
15 56653. (a) ~~If a proposal~~ *an application* for a change of  
16 organization or reorganization is submitted pursuant to this part,  
17 the applicant shall submit a plan for providing services within the  
18 affected territory.  
19 (b) The plan for providing services shall include all of the  
20 following information and any additional information required by  
21 the commission or the executive officer:  
22 (1) An enumeration and description of the services currently  
23 provided or to be extended to the affected territory.  
24 (2) The level and range of those services.  
25 (3) An indication of when those services can feasibly be  
26 extended to the affected territory, if new services are proposed.  
27 (4) An indication of any improvement or upgrading of structures,  
28 roads, sewer or water facilities, or other conditions the local agency  
29 would impose or require within the affected territory if the change  
30 of organization or reorganization is completed.  
31 (5) Information with respect to how those services will be  
32 financed.  
33 (c) (1) In the case of a change of organization or reorganization  
34 initiated by a local agency that includes a disadvantaged,  
35 unincorporated community as defined in Section 56033.5, a local

1 agency may include in its resolution of application for change of  
2 organization or reorganization an annexation development plan  
3 adopted pursuant to Section 99.3 of the Revenue and Taxation  
4 Code to improve or upgrade structures, roads, sewer or water  
5 facilities, or other infrastructure to serve the disadvantaged,  
6 unincorporated community through the formation of a special  
7 district or reorganization of one or more existing special districts  
8 with the consent of each special district's governing body.

9 (2) The annexation development plan submitted pursuant to this  
10 subdivision shall include information that demonstrates that the  
11 formation or reorganization of the special district will provide all  
12 of the following:

13 (A) The necessary financial resources to improve or upgrade  
14 structures, roads, sewer, or water facilities or other infrastructure.  
15 The annexation development plan shall also clarify the local entity  
16 that shall be responsible for the delivery and maintenance of the  
17 services identified in the application.

18 (B) An estimated timeframe for constructing and delivering the  
19 services identified in the application.

20 (C) The governance, oversight, and long-term maintenance of  
21 the services identified in the application after the initial costs are  
22 recouped and the tax increment financing terminates.

23 (3) If a local agency includes an annexation development plan  
24 pursuant to this subdivision, a local agency formation commission  
25 may approve the proposal for a change of organization or  
26 reorganization to include the formation of a special district or  
27 reorganization of a special district with the special district's  
28 consent, including, but not limited to, a community services district,  
29 municipal water district, or sanitary district, to provide financing  
30 to improve or upgrade structures, roads, sewer or water facilities,  
31 or other infrastructure to serve the disadvantaged, unincorporated  
32 community, in conformity with the requirements of the principal  
33 act of the district proposed to be formed and all required formation  
34 proceedings.

35 (4) Pursuant to Section 56881, the commission shall include in  
36 its resolution making determinations a description of the annexation  
37 development plan, including, but not limited to, an explanation of  
38 the proposed financing mechanism adopted pursuant to Section  
39 99.3 of the Revenue and Taxation Code, including, but not limited

1 to, any planned debt issuance associated with that annexation  
2 development plan.

3 (d) This section shall not preclude a local agency formation  
4 commission from considering any other options or exercising its  
5 powers under Section 56375.

6 (e) This section shall remain in effect only until January 1, 2025,  
7 and as of that date is repealed.

8 SEC. 4. Section 56653 of the Government Code, as amended  
9 by Section 2 of Chapter 43 of the Statutes of 2017, is amended to  
10 read:

11 56653. (a) If ~~a proposal~~ *an application* for a change of  
12 organization or reorganization is submitted pursuant to this part,  
13 the applicant shall submit a plan for providing services within the  
14 affected territory.

15 (b) The plan for providing services shall include all of the  
16 following information and any additional information required by  
17 the commission or the executive officer:

18 (1) An enumeration and description of the services currently  
19 provided or to be extended to the affected territory.

20 (2) The level and range of those services.

21 (3) An indication of when those services can feasibly be  
22 extended to the affected territory, if new services are proposed.

23 (4) An indication of any improvement or upgrading of structures,  
24 roads, sewer or water facilities, or other conditions the local agency  
25 would impose or require within the affected territory if the change  
26 of organization or reorganization is completed.

27 (5) Information with respect to how those services will be  
28 financed.

29 (c) This section shall become operative on January 1, 2025.

30 SEC. 5. Section 56654 of the Government Code is amended  
31 to read:

32 56654. (a) ~~A proposal~~ *An application* for a change of  
33 organization or a reorganization may be made by the adoption of  
34 a resolution of application by the legislative body of an affected  
35 local agency, except as provided in subdivision (b).

36 (b) Notwithstanding Section 56700, ~~a proposal~~ *an application*  
37 for a change of organization that involves the exercise of new or  
38 different functions or classes of services, or the divestiture of the  
39 power to provide particular functions or classes of services, within  
40 all or part of the jurisdictional boundaries of a special district, shall

1 only be initiated by the legislative body of that special district in  
2 accordance with Sections 56824.10, 56824.12, and 56824.14.

3 (c) At least 21 days before the adoption of the resolution, the  
4 legislative body may give mailed notice of its intention to adopt  
5 a resolution of application to the commission and to each interested  
6 agency and each subject agency. The notice shall generally describe  
7 the ~~proposal~~ *application* and the affected territory.

8 (d) Except for the provisions regarding signers and signatures,  
9 a resolution of application shall contain all of the matters specified  
10 for a petition in Section 56700 and shall be submitted with a plan  
11 for services prepared pursuant to Section 56653.

12 SEC. 6. Section 56658 of the Government Code is amended  
13 to read:

14 56658. (a) Any petitioner or legislative body desiring to initiate  
15 proceedings shall submit an application to the executive officer of  
16 the principal county.

17 (b) (1) Immediately after receiving an application and before  
18 issuing a certificate of filing, the executive officer shall give mailed  
19 notice that the application has been received to each affected local  
20 agency, the county committee on school district organization, and  
21 each school superintendent whose school district overlies the  
22 affected territory. The notice shall generally describe the ~~proposal~~  
23 *application* and the affected territory. The executive officer shall  
24 not be required to give notice pursuant to this subdivision if a local  
25 agency has already given notice pursuant to subdivision (c) of  
26 Section 56654.

27 (2) It is the intent of the Legislature that ~~a proposal~~ *an*  
28 *application* for incorporation or disincorporation shall be processed  
29 in a timely manner. With regard to an application that includes an  
30 incorporation or disincorporation, the executive officer shall  
31 immediately notify all affected local agencies and any applicable  
32 state agencies by mail and request the affected agencies to submit  
33 the required data to the commission within a reasonable timeframe  
34 established by the executive officer. Each affected agency shall  
35 respond to the executive officer within 15 days acknowledging  
36 receipt of the request. Each affected local agency and the officers  
37 and departments thereof shall submit the required data to the  
38 executive officer within the timelines established by the executive  
39 officer. Each affected state agency and the officers and departments  
40 thereof shall submit the required data to the executive officer within

1 the timelines agreed upon by the executive officer and the affected  
2 state departments.

3 (3) If a special district is, or as a result of a proposal will be,  
4 located in more than one county, the executive officer of the  
5 principal county shall immediately give the executive officer of  
6 each other affected county mailed notice that the application has  
7 been received. The notice shall generally describe the proposal  
8 and the affected territory.

9 (c) Except when a commission is the lead agency pursuant to  
10 Section 21067 of the Public Resources Code, the executive officer  
11 shall determine within 30 days of receiving an application whether  
12 the application is complete and acceptable for filing or whether  
13 the application is incomplete.

14 (d) The executive officer shall not accept an application for  
15 filing and issue a certificate of filing for at least 20 days after giving  
16 the mailed notice required by subdivision (b). The executive officer  
17 shall not be required to comply with this subdivision in the case  
18 of an application which meets the requirements of Section 56662  
19 or in the case of an application for which a local agency has already  
20 given notice pursuant to subdivision (c) of Section 56654.

21 (e) If the appropriate fees have been paid, an application shall  
22 be deemed accepted for filing if no determination has been made  
23 by the executive officer within the 30-day period. An executive  
24 officer shall accept for filing, and file, any application submitted  
25 in the form prescribed by the commission and containing all of  
26 the information and data required pursuant to Section 56652.

27 (f) When an application is accepted for filing, the executive  
28 officer shall immediately issue a certificate of filing to the  
29 applicant. A certificate of filing shall be in the form prescribed by  
30 the executive officer and shall specify the date upon which the  
31 proposal shall be heard by the commission. From the date of  
32 issuance of a certificate of filing, or the date upon which an  
33 application is deemed to have been accepted, whichever is earlier,  
34 an application shall be deemed filed pursuant to this division.

35 (g) If an application is determined not to be complete, the  
36 executive officer shall immediately transmit that determination to  
37 the applicant specifying those parts of the application which are  
38 incomplete and the manner in which they can be made complete.

39 (h) Following the issuance of the certificate of filing, the  
40 executive officer shall proceed to set the proposal for hearing and

1 give published notice thereof as provided in this part. The date of  
2 the hearing shall be not more than 90 days after issuance of the  
3 certificate of filing or after the application is deemed to have been  
4 accepted, whichever is earlier. Notwithstanding Section 56106,  
5 the date for conducting the hearing, as determined pursuant to this  
6 subdivision, is mandatory.

O



# 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.sbcilafco.org

**COMMISSIONERS**

JOE BACA, Jr.  
Board of Supervisors

JIM BAGLEY, Chair  
Public Member

DR. KIMBERLY COX  
Special District

JAMES V. CURATALO  
Special District

CURT HAGMAN  
Board of Supervisors

LARRY McALLON  
City Member

ACQUANETTA WARREN, Vice Chair  
City Member

**ALTERNATES**

DIETER C. DAMMEIER  
Public Member

RICK DENISON  
City Member

STEVEN FARRELL  
Special District

DAWN ROWE  
Board of Supervisors

**EXECUTIVE OFFICER**

SAMUEL MARTINEZ

**LEGAL COUNSEL**

PAULA DE SOUSA

March 16, 2022

Honorable Cecilia Aguiar-Curry, Chair  
Assembly Local Government Committee  
California State Assembly  
1021 O Street, Room Suite 6350  
Sacramento, CA 95814

RE: Support of AB 2957: Local Government Committee Omnibus Bill

Dear Chair Aguiar-Curry:

The Local Agency Formation Commission for San Bernardino County (LAFCO) is pleased to support the Assembly Local Government Committee Bill AB 2957, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of LAFCOs. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. AB 2957 makes minor technical corrections to language used in the Act. The San Bernardino LAFCO is grateful to your Committee members and staff, and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee's authorship and support of this bill, and your support of the mission of LAFCOs.

Yours sincerely,

JIM BAGLEY  
Chair

cc: Members, Assembly Local Government Committee (ALGC)  
Jimmy MacDonald, Consultant, ALGC  
William Weber, Consultant, Assembly Republican Caucus  
Rene LaRoche, Executive Director, CALAFCO  
San Bernardino County Legislative Delegation



**Introduced by Senator Hertzberg**  
(Coauthor: Assembly Member Mayes)

February 8, 2022

---

An act to amend Sections 56824.14, 57075, 57077.1, 57077.2, 57077.3, 57077.4, and 57090 of, to add Sections 57077.5 and 57077.6 to, to add Chapter 4.5 (commencing with Section 57091) to Part 4 of Division 3 of Title 5 of, and to repeal Sections 57076, 57107, and 57113 of, the Government Code, and to amend Section 116687 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 938, as introduced, Hertzberg. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under existing law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization.

With a specified exception, existing law provides for protest proceedings for a change of organization or reorganization following adoption of a resolution making certain determinations by the commission, as provided. Existing law sets forth required procedures for the commission following a protest hearing depending on the nature of the conducting authority, as defined, the type of change of organization or reorganization, and the results of the protest proceeding.

The bill would reorganize and consolidate the above-described procedures. The bill would make conforming changes and remove obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 56824.14 of the Government Code is  
2 amended to read:

3 56824.14. (a) The commission shall review and approve with  
4 or without amendments, wholly, partially, or conditionally, or  
5 disapprove proposals for the establishment of new or different  
6 functions or class of services, or the divestiture of the power to  
7 provide particular functions or class of services, within all or part  
8 of the jurisdictional boundaries of a special district, after a public  
9 hearing called and held for that purpose. The commission shall  
10 not approve a proposal for the establishment of new or different  
11 functions or class of services within the jurisdictional boundaries  
12 of a special district unless the commission determines that the  
13 special district will have sufficient revenues to carry out the  
14 proposed new or different functions or class of services except as  
15 specified in paragraph (1).

16 (1) The commission may approve a proposal for the  
17 establishment of new or different functions or class of services  
18 within the jurisdictional boundaries of a special district where the  
19 commission has determined that the special district will not have  
20 sufficient revenue to provide the proposed new or different  
21 functions or class of services, if the commission conditions its  
22 approval on the concurrent approval of sufficient revenue sources  
23 pursuant to Section 56886. In approving a proposal, the  
24 commission shall provide that if the revenue sources pursuant to  
25 Section 56886 are not approved, the authority of the special district  
26 to provide new or different functions or class of services shall not  
27 be established.

28 (2) Unless otherwise required by the principal act of the subject  
29 special district, or unless otherwise required by Section ~~57075~~ or  
30 ~~57076~~, 57075, the approval by the commission for establishment  
31 of new or different functions or class of services, or the divestiture

1 of the power to provide particular functions or class of services,  
2 shall not be subject to an election.

3 (b) At least 21 days prior to the date of that hearing, the  
4 executive officer shall give mailed notice of the hearing to each  
5 affected local agency or affected county, and to any interested  
6 party who has filed a written request for notice with the executive  
7 officer. In addition, at least 21 days prior to the date of that hearing,  
8 the executive officer shall cause notice of the hearing to be  
9 published in accordance with Section 56153 in a newspaper of  
10 general circulation that is circulated within the territory affected  
11 by the proposal proposed to be adopted.

12 (c) The commission may continue from time to time any hearing  
13 called pursuant to this section. The commission shall hear and  
14 consider oral or written testimony presented by any affected local  
15 agency, affected county, or any interested person who appears at  
16 any hearing called and held pursuant to this section.

17 SEC. 2. Section 57075 of the Government Code is amended  
18 to read:

19 ~~57075. In the case of registered voter districts or cities, where~~  
20 ~~Where~~ a change of organization or reorganization consists solely  
21 of annexations, detachments, the exercise of new or different  
22 functions or class of services or the divestiture of the power to  
23 provide particular functions or class of services within all or part  
24 of the jurisdictional boundaries of a special district, or any  
25 combination of those proposals, the commission, not more than  
26 30 days after the conclusion of the hearing, shall make a finding  
27 regarding the value of written protests filed and not withdrawn,  
28 ~~and take one of the following actions, except as provided in~~  
29 ~~subdivision (b) of Section 57002: take the action set forth in either~~  
30 ~~subdivision (a) of Section 57091, in the case of registered voter~~  
31 ~~districts or cities, or subdivision (b) of Section 57091, in the case~~  
32 ~~of landowner-voter districts.~~

33 ~~(a) In the case of inhabited territory, take one of the following~~  
34 ~~actions:~~

35 ~~(1) Terminate proceedings if a majority protest exists in~~  
36 ~~accordance with Section 57078.~~

37 ~~(2) Order the change of organization or reorganization subject~~  
38 ~~to confirmation by the registered voters residing within the affected~~  
39 ~~territory if written protests have been filed and not withdrawn by~~  
40 ~~either of the following:~~

1     (A) At least 25 percent, but less than 50 percent, of the registered  
2 voters residing in the affected territory.

3     (B) At least 25 percent of the number of owners of land who  
4 also own at least 25 percent of the assessed value of land within  
5 the affected territory.

6     (3) Order the change of organization or reorganization without  
7 an election if paragraphs (1) and (2) of this subdivision do not  
8 apply.

9     (b) In the case of uninhabited territory, take either of the  
10 following actions:

11     (1) Terminate proceedings if a majority protest exists in  
12 accordance with Section 57078.

13     (2) Order the change of organization or reorganization if written  
14 protests have been filed and not withdrawn by owners of land who  
15 own less than 50 percent of the total assessed value of land within  
16 the affected territory.

17     SEC. 3. Section 57076 of the Government Code is repealed.

18     57076. In the case of landowner-voter districts, where a change  
19 of organization or reorganization consists solely of annexations  
20 or detachments, the exercise of new or different functions or class  
21 of services or the divestiture of the power to provide particular  
22 functions or class of services within all or part of the jurisdictional  
23 boundaries of a special district, or any combination of those  
24 proposals, the commission, not more than 30 days after the  
25 conclusion of the hearing, shall make a finding regarding the value  
26 of written protests filed and not withdrawn, and take one of the  
27 following actions, except as provided in subdivision (b) of Section  
28 57002:

29     (a) Terminate proceedings if a majority protest exists in  
30 accordance with Section 57078.

31     (b) Order the change of organization or reorganization subject  
32 to an election within the affected territory if written protests that  
33 have been filed and not withdrawn represent either of the following:

34     (1) Twenty-five percent or more of the number of owners of  
35 land who also own 25 percent or more of the assessed value of  
36 land within the territory.

37     (2) Twenty-five percent or more of the voting power of  
38 landowner voters entitled to vote as a result of owning property  
39 within the territory.

1 ~~(e) Order the change of organization or reorganization without~~  
2 ~~an election if written protests have been filed and not withdrawn~~  
3 ~~by less than 25 percent of the number of owners of land who own~~  
4 ~~less than 25 percent of the assessed value of land within the~~  
5 ~~affected territory.~~

6 SEC. 4. Section 57077.1 of the Government Code is amended  
7 to read:

8 57077.1. (a) If a change of organization consists of a  
9 dissolution, the commission shall order the dissolution without  
10 confirmation of the voters, except if the proposal meets the  
11 requirements of subdivision (b), the commission shall order the  
12 dissolution subject to confirmation of the voters.

13 (b) The commission shall order the dissolution subject to the  
14 confirmation of the voters as follows:

15 (1) If the proposal was not initiated by the commission, and if  
16 a subject agency has not objected by resolution to the proposal,  
17 the commission has found that protests meet ~~one of the following~~  
18 *the applicable* ~~protest thresholds; thresholds set forth in Section~~  
19 *57093.*

20 ~~(A) In the case of inhabited territory, protests have been signed~~  
21 ~~by either of the following:~~

22 ~~(i) At least 25 percent of the number of landowners within the~~  
23 ~~affected territory who own at least 25 percent of the assessed value~~  
24 ~~of land within the territory.~~

25 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
26 ~~of residing within, or owning land within, the affected territory.~~

27 ~~(B) In the case of a landowner-voter district, that the territory~~  
28 ~~is uninhabited and that protests have been signed by at least 25~~  
29 ~~percent of the number of landowners within the affected territory~~  
30 ~~owning at least 25 percent of the assessed value of land within the~~  
31 ~~territory.~~

32 (2) If the proposal was not initiated by the commission, and if  
33 a subject agency has objected by resolution to the proposal, written  
34 protests have been submitted ~~as follows: that meet the applicable~~  
35 *protest thresholds set forth in Section 57094.*

36 ~~(A) In the case of inhabited territory, protests have been signed~~  
37 ~~by either of the following:~~

38 ~~(i) At least 25 percent of the number of landowners within any~~  
39 ~~subject agency within the affected territory who own at least 25~~  
40 ~~percent of the assessed value of land within the territory.~~

1     (ii) ~~At least 25 percent of the voters entitled to vote as a result~~  
2 ~~of residing within, or owning land within, any subject agency~~  
3 ~~within the affected territory.~~

4     (B) ~~In the case of a landowner-voter district, that the territory~~  
5 ~~is uninhabited and protests have been signed by at least 25 percent~~  
6 ~~of the number of landowners within any subject agency within the~~  
7 ~~affected territory, owning at least 25 percent of the assessed value~~  
8 ~~of land within the subject agency.~~

9     (3) If the proposal was initiated by the commission, and  
10 regardless of whether a subject agency has objected to the proposal  
11 by resolution, written protests have been submitted that meet the  
12 requirements of Section ~~57113~~. 57077.6.

13     (c) Notwithstanding subdivisions (a) and (b) and Sections 57102  
14 and 57103, if a change of organization consists of the dissolution  
15 of a district that is consistent with a prior action of the commission  
16 pursuant to Section 56378, 56425, or 56430, the commission may  
17 do either of the following:

18     (1) If the dissolution is initiated by the district board,  
19 immediately approve and order the dissolution without an election  
20 or protest proceedings pursuant to this part.

21     (2) If the dissolution is initiated by an affected local agency, by  
22 the commission pursuant to Section 56375, or by petition pursuant  
23 to Section 56650, order the dissolution after holding at least one  
24 noticed public hearing, and after conducting protest proceedings  
25 in accordance with this part. Notwithstanding any other law, the  
26 commission shall terminate proceedings if a majority protest exists  
27 in accordance with Section 57078. If a majority protest is not  
28 found, the commission shall order the dissolution without an  
29 election.

30     SEC. 5. Section 57077.2 of the Government Code is amended  
31 to read:

32     57077.2. (a) If the change of organization consists of a  
33 consolidation of two or more districts, the commission shall order  
34 the consolidation without confirmation by the voters, except that  
35 if the proposal meets the requirements of subdivision (b), the  
36 commission shall order the consolidation subject to confirmation  
37 of the voters.

38     (b) The commission shall order the consolidation subject to the  
39 confirmation of the voters as follows:

1 (1) If the commission has approved a proposal submitted by  
2 resolution of a majority of the members of the legislative bodies  
3 of two or more local agencies pursuant to Section 56853, and the  
4 commission has found that protests meet ~~one of the following~~ *the*  
5 *applicable protest thresholds; thresholds set forth in Section 57093.*

6 (A) ~~In the case of inhabited territory, protests have been signed~~  
7 ~~by either of the following:~~

8 (i) ~~At least 25 percent of the number of landowners within the~~  
9 ~~territory subject to the consolidation who own at least 25 percent~~  
10 ~~of the assessed value of land within the territory.~~

11 (ii) ~~At least 25 percent of the voters entitled to vote as a result~~  
12 ~~of residing within, or owning land within, the territory.~~

13 (B) ~~In the case of a landowner-voter district, the territory is~~  
14 ~~uninhabited and protests have been signed by at least 25 percent~~  
15 ~~of the number of landowners within the territory subject to the~~  
16 ~~consolidation, owning at least 25 percent of the assessed value of~~  
17 ~~land within the territory.~~

18 (2) If the commission has approved a proposal not initiated by  
19 the commission and if a subject agency has not objected by  
20 resolution to the proposal, written protests have been submitted  
21 that meet the requirements specified in subparagraph (A) or (B)  
22 of paragraph (1); *applicable protest thresholds set forth in Section*  
23 *57093.*

24 (3) If the proposal was not initiated by the commission, and if  
25 a subject agency has objected by resolution to the proposal, written  
26 protests have been submitted ~~as follows:~~ *that meet one of the*  
27 *protest thresholds set forth in Section 57094.*

28 (A) ~~In the case of inhabited territory, protests have been signed~~  
29 ~~by either of the following:~~

30 (i) ~~At least 25 percent of the number of landowners within any~~  
31 ~~subject agency within the affected territory who own at least 25~~  
32 ~~percent of the assessed value of land within the territory.~~

33 (ii) ~~At least 25 percent of the voters entitled to vote as a result~~  
34 ~~of residing within, or owning land within, any subject agency~~  
35 ~~within the affected territory.~~

36 (B) ~~In the case of a landowner-voter district, the territory is~~  
37 ~~uninhabited, and protests have been signed by at least 25 percent~~  
38 ~~of the number of landowners within any subject agency within the~~  
39 ~~affected territory, owning at least 25 percent of the assessed value~~  
40 ~~of land within the subject agency.~~

(4) If the commission has approved a proposal initiated by the commission, and regardless of whether a subject agency has objected to the proposal by resolution, written protests have been submitted that meet the requirements of Section ~~57113~~: 57077.6.

SEC. 6. Section 57077.3 of the Government Code is amended to read:

57077.3. (a) If a proposal consists of a reorganization not described in Section 57075, ~~57076~~, 57077, 57077.4, or 57111, the commission shall order the reorganization without confirmation by the voters except that if the reorganization meets the requirements of subdivision (b), the commission shall order the reorganization subject to confirmation of the voters.

(b) The commission shall order the reorganization subject to confirmation of the voters as follows:

(1) If the commission has approved a proposal submitted by resolution of a majority of the members of the legislative bodies of two or more local agencies pursuant to Section 56853, and the commission has found that protests meet ~~one of the following~~ *the applicable protest thresholds: thresholds set forth in Section 57093*.

~~(A) In the case of inhabited territory, protests have been signed by either of the following:~~

~~(i) At least 25 percent of the number of landowners within the affected territory who own at least 25 percent of the assessed value of land within the territory.~~

~~(ii) At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, the affected territory.~~

~~(B) In the case of a landowner-voter district, that the territory is uninhabited, and that protests have been signed by at least 25 percent of the number of landowners within the affected territory, owning at least 25 percent of the assessed value of land within the territory.~~

(2) If the commission has approved a proposal not initiated by the commission, and if a subject agency has not objected by resolution to the proposal, a written protest has been submitted that meets ~~the requirements specified in subparagraph (A) or (B) of paragraph (1):~~ *the applicable protest thresholds set forth in Section 57093*.

(3) If the commission has approved a proposal not initiated by the commission, and if a subject agency has objected by resolution



1 to the proposal, written protests have been submitted as follows:  
2 *that meet one of the protest thresholds set forth in Section 57094.*

3 ~~(A) In the case of inhabited territory, protests have been signed~~  
4 ~~by either of the following:~~

5 ~~(i) At least 25 percent of the number of landowners within any~~  
6 ~~subject agency within the affected territory who own at least 25~~  
7 ~~percent of the assessed value of land within the territory.~~

8 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
9 ~~of residing within, or owning land within, any subject agency~~  
10 ~~within the affected territory.~~

11 ~~(B) In the case of a landowner-voter district, the territory is~~  
12 ~~uninhabited, and protests have been signed by at least 25 percent~~  
13 ~~of the number of landowners within any subject agency within the~~  
14 ~~affected territory, owning at least 25 percent of the assessed value~~  
15 ~~of land within the subject agency.~~

16 (4) If the commission has approved a proposal initiated by the  
17 commission, and regardless of whether a subject agency has  
18 objected to the proposal by resolution, written protests have been  
19 submitted that meet the requirements of Section ~~57113~~. 57077.6.

20 ~~(e) This section shall not apply to reorganizations governed by~~  
21 ~~Sections 56853.5 and 56853.6.~~

22 SEC. 7. Section 57077.4 of the Government Code is amended  
23 to read:

24 57077.4. (a) If a reorganization consists of the dissolution of  
25 one or more districts and the annexation of all or substantially all  
26 the territory to another district not initiated pursuant to Section  
27 56853 or by the commission pursuant to Section 56375, the  
28 commission shall order the reorganization without confirmation  
29 by the voters except that if the reorganization meets the  
30 requirements of subdivision ~~(b)~~, (b) or (c), the commission shall  
31 order the reorganization subject to confirmation by the voters.

32 (b) The commission shall order the reorganization subject to  
33 confirmation by the ~~voters as follows: voters, if written protests~~  
34 ~~have been submitted that meet the applicable protest thresholds~~  
35 ~~set forth in Section 57094.~~

36 ~~(1) In the case of inhabited territory, protests have been signed~~  
37 ~~by either of the following:~~

38 ~~(A) At least 25 percent of the number of landowners within any~~  
39 ~~subject agency within the affected territory who own at least 25~~  
40 ~~percent of the assessed value of land within the territory.~~

1 ~~(B) At least 25 percent of the voters entitled to vote as a result~~  
2 ~~of residing within, or owning land within, any subject agency~~  
3 ~~within the affected territory.~~

4 ~~(2) In the case of a landowner-voter district, the territory is~~  
5 ~~uninhabited, and protests have been signed by at least 25 percent~~  
6 ~~of the number of landowners within any subject agency within the~~  
7 ~~affected territory, owning at least 25 percent of the assessed value~~  
8 ~~of land within the subject agency.~~

9 ~~(3) If~~

10 ~~(c) The commission shall order the reorganization subject to~~  
11 ~~confirmation by the voters if the reorganization has been initiated~~  
12 ~~by the commission pursuant to Section 56375, 56375 and protests~~  
13 ~~have been submitted that meet the requirements of Section 57113.~~  
14 ~~57077.6.~~

15 SEC. 8. Section 57077.5 is added to the Government Code, to  
16 read:

17 57077.5. (a) In any resolution ordering a merger or  
18 establishment of a subsidiary district, the commission shall approve  
19 the change of organization without an election except that if the  
20 change of organization meets the requirements of subdivision (b),  
21 the commission shall order the change of organization subject to  
22 confirmation of the voters.

23 (b) The commission shall order the change of organization  
24 subject to confirmation of the voters within any subject agency as  
25 follows:

26 (1) If the proposal was not initiated by the commission, and if  
27 a subject agency has not objected by resolution to the proposal,  
28 the commission has found that protests meet the applicable protest  
29 thresholds set forth in Section 57093.

30 (2) If the proposal was not initiated by the commission, and if  
31 a subject agency has objected by resolution to the proposal, written  
32 protests have been submitted that meet the applicable protest  
33 thresholds set forth in Section 57094.

34 (3) If the proposal was initiated by the commission, and  
35 regardless of whether a subject agency has objected to the proposal  
36 by resolution, written protests have been submitted that meet the  
37 requirements of Section 57077.6.

38 (c) Notwithstanding subdivision (a) or (b), the commission shall  
39 not order the merger or establishment of a subsidiary district  
40 without the consent of the subject city.

SEC. 9. Section 57077.6 is added to the Government Code, to read:

57077.6. Notwithstanding Section 57102, 57108, or 57111, for any proposal that was initiated by the commission pursuant to subdivision (a) of Section 56375, the commission shall forward the change of organization or reorganization for confirmation by the voters if the commission finds written protests have been submitted that meet the applicable protest thresholds set forth in Section 57094.

SEC. 10. Section 57090 of the Government Code is amended to read:

57090. (a) Except as otherwise provided in subdivision (b), if proceedings are terminated, either by majority protest as provided in Sections ~~57075, 57076~~, 57075 and 57077, or if a majority of voters do not confirm the change of organization or reorganization as provided in Section 57179, no substantially similar proposal for a change of organization or reorganization of the same or substantially the same territory may be filed with the commission within two years after the date of the certificate of termination if the proposal included an incorporation or city consolidation and within one year for any other change of organization or reorganization.

(b) The commission may waive the requirements of subdivision (a) if it finds these requirements are detrimental to the public interest.

SEC. 11. Chapter 4.5 (commencing with Section 57091) is added to Part 4 of Division 3 of Title 5 of the Government Code, to read:

#### CHAPTER 4.5. PROTEST THRESHOLDS

57091. (a) For purposes of Section 57075, relating to annexations, detachments, and latent powers, in the case of registered voter districts or cities:

(1) For inhabited territory, the commission shall take one of the following actions:

(A) Terminate proceedings if a majority protest exists in accordance with Section 57078.

(B) Order the change of organization or reorganization subject to confirmation by the registered voters residing within the affected

territory if written protests have been filed and not withdrawn by either of the following:

(i) At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.

(ii) At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory.

(C) Order the change of organization or reorganization without an election if subparagraphs (A) and (B) of this paragraph do not apply.

(2) For uninhabited territory, the commission shall take either of the following actions:

(A) Terminate proceedings if a majority protest exists in accordance with Section 57078.

(B) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

(b) For purposes of Section 57075, in the case of landowner-voter districts, the commission shall take one of the following actions:

(1) Terminate proceedings if a majority protest exists in accordance with Section 57078.

(2) Order the change of organization or reorganization subject to an election within the affected territory if written protests that have been filed and not withdrawn represent either of the following:

(A) Twenty-five percent or more of the number of owners of land who also own 25 percent or more of the assessed value of land within the affected territory.

(B) Twenty-five percent or more of the voting power of landowner voters entitled to vote as a result of owning property within the affected territory.

(3) Order the change of organization or reorganization without an election if written protests have been filed and not withdrawn by less than 25 percent of the number of owners of land who own less than 25 percent of the assessed value of land within the affected territory.

57092. For purposes of Sections 57077.1, relating to dissolution, 57077.2, relating to consolidation, 57077.3, relating to reorganization, 57077.4, relating to dissolution and annexation,

1 and 57077.5, relating to merger or establishment of a subsidiary  
2 district, the following protest thresholds shall apply:

3 (a) In the case of inhabited territory, protests have been signed  
4 by either of the following:

5 (1) At least 25 percent of the number of landowners within the  
6 affected territory who own at least 25 percent of the assessed value  
7 of land within the affected territory.

8 (2) At least 25 percent of the voters entitled to vote as a result  
9 of residing within, or owning land within, the affected territory.

10 (b) In the case of a landowner-voter district, that the territory  
11 is uninhabited and that protests have been signed by at least 25  
12 percent of the number of landowners within the affected territory  
13 owning at least 25 percent of the assessed value of land within the  
14 affected territory.

15 57093. For proposals not initiated by the commission and where  
16 a subject agency has objected by resolution to the proposal, for  
17 purposes of Sections 57077.1, relating to dissolution, 57077.2,  
18 relating to consolidation, 57077.3, relating to reorganization,  
19 57077.4, relating to dissolution and annexation, and 57077.5,  
20 relating to merger or establishment of a subsidiary district, the  
21 following protest thresholds shall apply:

22 (a) In the case of inhabited territory, protests have been signed  
23 by either of the following:

24 (1) At least 25 percent of the number of landowners within any  
25 subject agency within the affected territory who own at least 25  
26 percent of the assessed value of land within the affected territory.

27 (2) At least 25 percent of the voters entitled to vote as a result  
28 of residing within, or owning land within, any subject agency  
29 within the affected territory.

30 (b) In the case of a landowner-voter district, that the territory  
31 is uninhabited and protests have been signed by at least 25 percent  
32 of the number of landowners within any subject agency within the  
33 affected territory, owning at least 25 percent of the assessed value  
34 of land within the subject agency.

35 57094. For purposes of Section 57077.6, relating to proposals  
36 initiated by the commission, the following protest thresholds shall  
37 apply:

38 (a) In the case of inhabited territory, protests have been signed  
39 by either of the following:

(1) At least 10 percent of the number of landowners within any subject agency within the affected territory who own at least 10 percent of the assessed value of land within the territory. However, if the number of landowners within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the landowners who own at least 25 percent of the assessed value of land within the affected territory of the subject agency.

(2) At least 10 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory. However, if the number of voters entitled to vote within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the voters entitled to vote.

(b) In the case of a landowner-voter district, the territory is uninhabited and protests have been signed by at least 10 percent of the number of landowners within any subject agency within the affected territory, who own at least 10 percent of the assessed value of land within the territory. However, if the number of landowners entitled to vote within a subject agency is less than 300, protests shall be signed by at least 25 percent of the landowners entitled to vote.

SEC. 12. Section 57107 of the Government Code is repealed.

~~57107. (a) In any resolution ordering a merger or establishment of a subsidiary district, the commission shall approve the change of organization without an election except that if the change of organization meets the requirements of subdivision (b), the commission shall order the change of organization subject to confirmation of the voters.~~

~~(b) The commission shall order the change of organization subject to confirmation of the voters within any subject agency as follows:~~

~~(1) If the proposal was not initiated by the commission, and if a subject agency has not objected by resolution to the proposal, the commission has found that protests meet one of the following protest thresholds:~~

~~(A) In the case of inhabited territory, protests have been signed by either of the following:~~

~~(i) At least 25 percent of the number of landowners within the affected territory who own at least 25 percent of the assessed value of land within the territory.~~

1 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
2 ~~of residing within, or owning land within, the affected territory.~~

3 ~~(B) In the case of a landowner-voter district, that the territory~~  
4 ~~is uninhabited and that protests have been signed by at least 25~~  
5 ~~percent of the number of landowners within the affected territory~~  
6 ~~owning at least 25 percent of the assessed value of land within the~~  
7 ~~territory.~~

8 ~~(2) If the proposal was not initiated by the commission, and if~~  
9 ~~a subject agency has objected by resolution to the proposal, written~~  
10 ~~protests have been submitted as follows:~~

11 ~~(A) In the case of inhabited territory, protests have been signed~~  
12 ~~by either of the following:~~

13 ~~(i) At least 25 percent of the number of landowners within any~~  
14 ~~subject agency within the affected territory who own at least 25~~  
15 ~~percent of the assessed value of land within the territory.~~

16 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
17 ~~of residing within, or owning land within, any subject agency~~  
18 ~~within the affected territory.~~

19 ~~(B) In the case of a landowner-voter district, that the territory~~  
20 ~~is uninhabited and protests have been signed by at least 25 percent~~  
21 ~~of the number of landowners within any subject agency within the~~  
22 ~~affected territory, owning at least 25 percent of the assessed value~~  
23 ~~of land within the subject agency.~~

24 ~~(3) If the proposal was initiated by the commission, and~~  
25 ~~regardless of whether a subject agency has objected to the proposal~~  
26 ~~by resolution, written protests have been submitted that meet the~~  
27 ~~requirements of Section 57113.~~

28 ~~(e) Notwithstanding subdivision (a) or (b), the commission shall~~  
29 ~~not order the merger or establishment of a subsidiary district~~  
30 ~~without the consent of the subject city.~~

31 SEC. 13. Section 57113 of the Government Code is repealed.

32 ~~57113. Notwithstanding Section 57102, 57108, or 57111, for~~  
33 ~~any proposal that was initiated by the commission pursuant to~~  
34 ~~subdivision (a) of Section 56375, the commission shall forward~~  
35 ~~the change of organization or reorganization for confirmation by~~  
36 ~~the voters if the commission finds either of the following:~~

37 ~~(a) In the case of inhabited territory, protests have been signed~~  
38 ~~by either of the following:~~

39 ~~(1) At least 10 percent of the number of landowners within any~~  
40 ~~subject agency within the affected territory who own at least 10~~

1 percent of the assessed value of land within the territory. However,  
2 if the number of landowners within a subject agency is less than  
3 300, the protests shall be signed by at least 25 percent of the  
4 landowners who own at least 25 percent of the assessed value of  
5 land within the territory of the subject agency.

6 (2) ~~At least 10 percent of the voters entitled to vote as a result~~  
7 ~~of residing within, or owning land within, any subject agency~~  
8 ~~within the affected territory. However, if the number of voters~~  
9 ~~entitled to vote within a subject agency is less than 300, the protests~~  
10 ~~shall be signed by at least 25 percent of the voters entitled to vote.~~

11 (b) ~~In the case of a landowner-voter district, the territory is~~  
12 ~~uninhabited and protests have been signed by at least 10 percent~~  
13 ~~of the number of landowners within any subject agency within the~~  
14 ~~affected territory, who own at least 10 percent of the assessed value~~  
15 ~~of land within the territory. However, if the number of landowners~~  
16 ~~entitled to vote within a subject agency is less than 300, protests~~  
17 ~~shall be signed by at least 25 percent of the landowners entitled to~~  
18 ~~vote.~~

19 SEC. 14. Section 116687 of the Health and Safety Code is  
20 amended to read:

21 116687. (a) For purposes of this section, the following terms  
22 have the following meanings:

23 (1) “District” means the Sativa-Los Angeles County Water  
24 District.

25 (2) “Commission” means the Local Agency Formation  
26 Commission for the County of Los Angeles.

27 (b) To provide affordable, safe drinking water to disadvantaged  
28 communities, the state board shall order the district to accept  
29 administrative and managerial services, including full management  
30 and control, from an administrator selected by the state board, as  
31 prescribed in Section 116686, except that the state board is not  
32 required to conduct a public meeting as described in paragraph (2)  
33 of subdivision (b) of Section 116686.

34 (c) (1) Upon the appointment of an administrator, all of the  
35 following apply:

36 (A) Notwithstanding Article 1 (commencing with Section  
37 30500) of Chapter 1 of Part 3 of Division 12 of the Water Code,  
38 the district’s board of directors shall surrender all control to the  
39 appointed administrator and shall thereafter cease to exist.



1 (B) The members of the board of directors of the district shall  
2 have no standing to represent the district's ratepayers, and a  
3 member of the board of directors shall have no claim for benefits  
4 other than those the member actually received while a member of  
5 the board of directors.

6 (C) Any action by the board of directors to divest the district of  
7 its assets shall be deemed tampering with a public water system  
8 pursuant to Section 116750 and is subject to the criminal penalties  
9 provided for in that section.

10 (2) Within 90 days of the appointment of an administrator, the  
11 Controller shall perform a desk audit or financial review of the  
12 district. The state board shall exercise its legal authority to facilitate  
13 the desk audit or financial review, including, but not limited to,  
14 its authority to take possession of the district's financial records.

15 (3) Any decision by the commission about the dissolution or  
16 consolidation of the district is not subject to the provisions of  
17 ~~Section 57113~~ 57077.6 of the Government Code, nor to any other  
18 requirement for a protest proceeding or election. The commission  
19 shall not impose any condition on the successor agency that  
20 requires a protest proceeding or an election, as described in Part  
21 4 (commencing with Section 57000) and Part 5 (commencing with  
22 Section 57300) of Division 3 of Title 5 of the Government Code,  
23 respectively.

24 (4) If the commission approves a dissolution of the district  
25 initiated by the commission, a successor agency designated in the  
26 dissolution by the commission, in consultation with the  
27 commission, may solicit proposals, evaluate submittals, and select  
28 any public water system to be the receiving water system and  
29 subsume all assets, liabilities, adjudicated water rights,  
30 responsibilities, and service obligations to provide retail water  
31 service to existing and future ratepayers within the former territory  
32 of the district. The successor agency shall represent the interests  
33 of the public and the ratepayers in the former territory of the  
34 district.

35 (d) The state board may provide additional funding to the  
36 administrator or the Water Replenishment District of Southern  
37 California or the successor agency designated by the commission  
38 for urgent infrastructure repairs to the public water system of the  
39 district without regard to the future ownership of any facilities  
40 affected by this funding. For purposes of this section, "urgent

1 infrastructure repairs” are those that are immediately necessary to  
2 protect the public health, safety, and welfare of those served by  
3 the district.

4 (e) If the district is consolidated with a receiving water system  
5 as prescribed in Sections 116682 and 116684, the subsumed  
6 territory of the district may include both unincorporated territory  
7 of the County of Los Angeles and incorporated territory of the  
8 City of Compton.

9 (f) (1) Any administrator appointed pursuant to subdivision  
10 (b), any successor agency to the district designated by the  
11 commission to take over the district, any receiving operator of a  
12 public water system that provides service to the territory of the  
13 district, any water corporation that acquires the district, and the  
14 commission shall not be held liable for claims by past or existing  
15 district ratepayers or those who consumed water provided through  
16 the district concerning the operation and supply of water from the  
17 district during the interim operation period specified in subdivision  
18 (g) for any good faith, reasonable effort using ordinary care to  
19 assume possession of the territory of, to operate, or to supply water  
20 to the ratepayers within the territory of, the district.

21 (2) Any administrator appointed pursuant to subdivision (b),  
22 any successor agency to the district designated by the commission  
23 to take over the district, any receiving operator of a public water  
24 system that provides service to the territory of the district, any  
25 water corporation that acquires the district, and the commission  
26 shall not be held liable for claims by past or existing district  
27 ratepayers or those who consumed water provided through the  
28 district for any injury that occurred prior to the commencement of  
29 the interim operation period specified in subdivision (g).

30 (g) (1) Notwithstanding subdivision (d) of Section 116684, for  
31 any successor agency to the district designated by the commission  
32 to take over the district, any receiving operator of a public water  
33 system that provides service to the territory of the district, or any  
34 water corporation that acquires the district, the interim operation  
35 period shall commence upon the execution of an agreement or  
36 designation by the commission to provide water services to the  
37 district and shall end one year later. Upon the showing of good  
38 cause, the interim operation period shall be extended by the  
39 commission for up to three successive one-year periods at the  
40 request of an entity described in this paragraph.

1     (2) For the administrator appointed pursuant to subdivision (b),  
2 the interim operation period commences upon being appointed by  
3 the state board and ends when a successor agency has been  
4 designated by the commission to provide water service to  
5 ratepayers of the district, when a receiving water agency is  
6 consolidated with or extends service to ratepayers of the district,  
7 when a water corporation acquires the district with the approval  
8 of the Public Utilities Commission, or when the administrator's  
9 obligation to provide interim administrative and managerial  
10 services has otherwise ended.

O



# The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: Protest Proceedings

**FACT SHEET:**  
**SB 938 (HERTZBERG)**

## **BACKGROUND**

LAFcos are independent regulatory commissions created by the Legislature to control the boundaries of cities, county service areas, and most special districts. The purpose of LAFcos includes the discouragement of urban sprawl, the preservation of agricultural and open space lands, and the encouragement of the orderly formation and development of local agencies. In an effort to better meet these obligations, the duties and authority of LAFcos were significantly modified by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (AB 2838, Hertzberg). Chief among the act's provisions is the authority for LAFcos to conduct Municipal Service Reviews, which, among other things, provide information to guide districts in performance improvement. These reviews can serve as a catalyst for LAFcos to initiate district consolidations or dissolutions.



In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), the California Association of Local Agency Formation Commissions (CALAFCO) initiated a working group of stakeholders in early 2019 to discuss the protest process for consolidations and dissolutions of special districts.

The statutes related to protest provisions and the disparate protest thresholds established for LAFco-initiated actions (10 percent) and all other initiated actions (25 percent) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFco. Further, they serve as a deterrent for LAFco to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

## **The working group agreed on three main deliverables:**



*First was to review the **protest provisions** within the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act) for relevance and to delete any obsolete provisions, which was accomplished through AB 1581 (2021).*



*The second deliverable was to **redraft existing scattered protest code sections** within The Act into a single code section to simplify the reading of the code section.*



*The final—and most challenging—deliverable was to **examine the differing protest thresholds** relating to LAFco-initiated actions and all other initiated actions.*





## **AFTER CONSIDERABLE NEGOTIATION, THE WORKING GROUP GAVE CONSENSUS ON THE FOLLOWING CHANGES TO CKH:**



The redrafting of existing protest code sections into one main section to simplify the reading of the section, and to add minor, non-substantive clarifications;



Create specific circumstances under which a LAFCo may initiate dissolution of a district with a 25% protest threshold, with determinations documented in a Municipal Service Review and presented at a 21-day noticed public hearing;



Allow for a minimum 12-month remediation period for the district with a progress report provided by the district to the LAFCo halfway through the remediation period; and



A second 21-day noticed public hearing to determine if the identified issues have been mitigated, which would result in the LAFCo either terminating the dissolution or moving forward with the dissolution using 25% protest threshold under the standard protest hearing process already in statute, with a public notice period of 60 days.



The overarching goal of these changes is to ensure that LAFCOs have the tools they need to carry out their statutory obligations to ensure orderly and functioning local government services and to create greater consistency in the statute.

## **SUMMARY**

SB 938 represents a collaborative three-year effort to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold.

## **CONTACT:**

**CALAFCO:**  
**Pamela Miller**  
pmiller@calafco.org  
916-442-6536

**Jean Kinney Hurst**  
Hurst Brooks Espinosa, LLC  
jkh@hbeadvocacy.com  
916-803-4754

**Senator Hertzberg:**  
**Martin Bui**  
martin.bui@sen.ca.gov  
916-651-4018



# 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**

JOE BACA, Jr.  
Board of Supervisors

JIM BAGLEY, Chair  
Public Member

DR. KIMBERLY COX  
Special District

JAMES V. CURATALO  
Special District

CURT HAGMAN  
Board of Supervisors

LARRY McALLON  
City Member

ACQUANETTA WARREN, Vice Chair  
City Member

**ALTERNATES**

DIETER C. DAMMEIER  
Public Member

RICK DENISON  
City Member

STEVEN FARRELL  
Special District

DAWN ROWE  
Board of Supervisors

**EXECUTIVE OFFICER**

SAMUEL MARTINEZ

**LEGAL COUNSEL**

PAULA DE SOUSA

March 16, 2022

Honorable Robert Hertzberg  
California State Senate  
1021 O Street, Room 8610  
Sacramento, CA 95814

RE: Support of SB 938: The Cortese-Knox-Hertzberg Local  
Government Reorganization Act of 2000: protest proceedings:  
procedural consolidation.

Dear Senator Hertzberg:

The Local Agency Formation Commission for San Bernardino County (LAFCO) is pleased to join the California Association of Local Agency Formation Commissions (CALAFCO) in support of your bill, SB 938, which makes changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act). SB 938 represents a collaborative three-year effort led by CALAFCO to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which LAFCO may initiate dissolution of a district at the 25% protest threshold (the latter of which are proposed and pending amendments).

The statutes related to protest provisions and the disparate protest thresholds established for LAFCO-initiated actions (10%) and all other initiated actions (25%) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCO. Further, they serve as a deterrent for LAFCO to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

As introduced, the bill represents the redraft of existing protest statutes with some minor technical clarifications added. The pending proposed amendments from CALAFCO allow LAFCOs to initiate dissolution of a district at the 25% protest threshold under specific circumstances. All of this work is in response to a recommendation made in the 2017 Little Hoover Commission report after a year-long study (Special Districts: Improving Oversight and Transparency) and the formation of a working group by CALAFCO of stakeholders in early 2019. The intent was to examine the protest process for consolidations and dissolutions of special districts, and after three years of work (delayed due to the pandemic), the working group came to consensus on the redraft of existing protest statutes (representative of SB 938 as introduced) and a new process that allows LAFCOs to initiate dissolution of a district at the 25% protest threshold under specific circumstances (pending amendment into SB 938).

The overarching goal of these changes is to ensure that LAFCOs have the tools we need to carry out our statutory obligations to ensure orderly and functioning local government services and to create greater consistency in the statute. The specific circumstances under which a dissolution may be initiated are more than reasonable and the subsequent process includes three noticed public hearings, a minimum 12-month remediation period, and a 60-day protest period, all of which are extremely practical. Additionally, the proposed process for LAFCO-initiated actions at the 25% protest threshold applies only to dissolutions, making the scope of use exceptionally narrow.

SB 938 makes much needed and long-awaited improvements to The Act through the restructure and clarification of existing protest provisions, and addition of a fair and appropriate process that offers LAFCOs additional tools necessary to effectively fulfill their statutory obligations.

We thank you for your authorship of this critical legislation and for continuing your long support of the work of LAFCOs. For all these reasons, we are pleased to support SB 938.

Yours sincerely,

JIM BAGLEY  
Chair

cc: Members, Senate Governance and Finance Committee  
Anton Favorini-Csorba, Consultant, Senate Governance and Finance Committee  
Ryan Eisberg, Consultant, Senate Republican Caucus  
Rene LaRoche, Executive Director, CALAFCO  
San Bernardino County Legislative Delegation