

AGENDA

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

REGULAR MEETING OF NOVEMBER 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.

CONSENT ITEMS:

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

1. [Approval of Minutes for Regular Meeting of September 21, 2022](#)
2. [Approval of Executive Officer's Expense Report](#)
3. [Ratify Payments as Reconciled and Note Cash Receipts for Months of August and September 2022](#)
4. [Consideration of: \(1\) Review of Mitigated Negative Declaration prepared by the County of San Bernardino for a General Plan Amendment to change the Land Use Category from Low Density Residential \(LDR\) to Commercial \(C\), a Zone Amendment from Single Residential 1-acre minimum Additional Agriculture \(RS-1-AA\) to General Commercial \(CG\), and a Conditional Use Permit to construct a gas station and convenience store, a car wash, a drive-thru restaurant, and a storage building on approximately 2.31 acres, as CEQA Responsible Agency for LAFCO SC#490; and \(2\) SC#490 -- City of Rialto Extraterritorial Wastewater Service Agreement \(Bloomington Hills, LLC\)](#)
5. [Consideration of: \(1\) Review of Mitigated Negative Declaration for a Minor Use Permit prepared by the County of San Bernardino to construct a gas station and convenience store with a Minor Variance to provide for a reduced front yard landscape setback on approximately 1.57 acres, as CEQA Responsible Agency for LAFCO SC#491; and \(2\) SC#491 -- City of Rialto Extraterritorial Wastewater Service Agreement \(Kareem Oil, LLC\)](#)
6. Consent Items Deferred for Discussion

PUBLIC HEARING ITEMS:

7. For LAFCO 3255 and LAFCO 3256:

A. Consideration of (1) Final Environmental Impact Report Adopted by the City of Rancho Cucamonga for the Speedway Commerce Development Project (SCH No. 2020090076), as a CEQA Responsible Agency for LAFCO 3255 and LAFCO 3256; and (2) Adoption of Findings of Fact for LAFCO 3255 and LAFCO 3256

B. Consideration of LAFCO 3255 – Sphere of Influence Amendment for the City of Rancho Cucamonga (expansion), Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), West Valley Mosquito and Vector Control District (expansion), City of Fontana (reduction), and Fontana Fire Protection District (reduction)

C. Consideration of LAFCO 3256 – Reorganization to Include Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70

8. Consideration of: (1) CEQA Exemption for LAFCO 3254 and (2) LAFCO 3254 -Reorganization to include Annexation to Running Springs Water District, Dissolution of CSA 79 and CSA 79 R-1, and Formation of CSA 70 R-52

DISCUSSION ITEMS:

9. Review and Approve LAFCO Strategic Plan
10. First Quarter Financial Review for Period July 1 through September 30, 2022
11. Review and Amend the Commission Meeting Schedule for FY 2022/23

INFORMATION ITEMS:

12. Legislative Update Report
13. Executive Officer's 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, and at the hearing.

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

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

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

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

9/22/22:as

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

REGULAR MEETING

9:00 A.M.

SEPTEMBER 21, 2022

PRESENT:

COMMISSIONERS:

Regular Member	Alternate Member
Joe Baca	Rick Denison
Jim Bagley, Chair	Jim Harvey
Kimberly Cox	Kevin Kenley
Steven Farrell	
Curt Hagman	

STAFF:

Samuel Martinez, Executive Officer
Paula de Sousa, Legal Counsel
Aleks Giragosian, Special Counsel (for Item #6)
Michael Tuerpe, Senior Analyst
Angela Schell, Commission Clerk

ABSENT:

COMMISSIONERS:

Acquanetta Warren, Vice Chair
Phill Dupper

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

ANNOUNCEMENT OF CONTRIBUTIONS

CONSENT ITEMS

- 1. Approval of Minutes for Regular Meeting of July 20, 2022 and Strategic Planning Workshop of August 17, 2022**
- 2. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card Purchases from June 23 to July 22, 2022 and July 23 to August 22, 2022.

- 3. Ratify Payments as Reconciled and Note Cash Receipts for Months of June and July 2022**

Recommendation: Ratify payments as reconciled for the months of June and July 2022 and note revenue receipts for the same period.

4. Review and Consideration of Amendments to LAFCO Conflict of Interest Code

Recommendation: Staff recommends that the Commission:

1. Review and approve the amendments to the Conflict of Interest Code for the Local Agency Formation Commission for San Bernardino County; and,
2. Adopt LAFCO Resolution No. 3354 and direct the Executive Officer to file the amended Conflict of Interest Code with the County Clerk of the Board.

5. Consent Items Deferred (none)

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

Ayes: Baca, Bagley, Cox, Denison, Farrell, Hagman.
Noes: None.
Abstain: None.
Absent: Dupper and Warren (Denison voting in her stead).

PUBLIC HEARING ITEMS:

6. Consideration of: (1) CEQA Exemption for LAFCO 3252 and (2) LAFCO 3252 – Service Review for the Twentynine Palms Community

LAFCO Legal Counsel Paula de Sousa leaves the dais due to BB&K's disqualification from representing the Commission on the matter since BB&K also serves as general counsel for the Twentynine Palms Water District. Aleks Giragosian from Colantuono, Highsmith & Whatley, PC joins the meeting as Special Counsel to the Commission for the matter.

Recommendation: Staff recommends that the Commission take the following actions related to LAFCO 3252:

1. For environmental review, certify that the service review is exempt from environmental review and direct the Executive Officer to file the Notice of Exemption within five (5) days.
2. Accept and file the Service Review for the Twentynine Palms Community which sets for the written statements for the six determinations outlined in Government Code Section 56430 made by the Commission.
3. Should LAFCO not receive an application to reorganize cemetery services in the Twentynine Palms Community by July 1, 2023, then the Commission shall designate a sphere of influence for the Twentynine Palms Cemetery District.
4. Adopt LAFCO Resolution No. 3353 reflecting the Commission's determinations and directions as required by Government Code Section 56430 and Commission policy

The following provided comments during public comment:

*McArthur Wright, Mayor Pro Tem, City of Twentynine Palms
Matthew Shragge, General Manager, Twentynine Palms Water District*

The Commission modifies recommendation #3 to read:

3. *Should LAFCO not receive an application to reorganize cemetery services in the Twentynine Palms Community within one year of adoption Resolution No. 3353, by September 21, 2023, then the Commission shall designate a sphere of influence for the Twentynine Palms Cemetery District*

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

*Ayes: Baca, Bagley, Cox, Denison, Farrell, Hagman.
Noes: None.
Abstain: None.
Absent: Dupper and Warren (Denison voting in her stead).*

DISCUSSION ITEMS:

7. Unaudited Year-End Financial Report for Fiscal Year 2021/22

Special Counsel Aleks Giragosian leaves the dais and LAFCO Legal Counsel Paula de Sousa returns to the dais.

Recommendation: Staff recommends that the Commission Note receipt of this report and file.

No action was taken by the Commission, Chair Bagley notes receipt and file the Unaudited Year-End Financial Report for FY 2021/22.

8. Report on Strategic Planning Workshop of August 17, 2022

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

1. *Review and provide any additional input to the Action Items from the August 17, 2022 Strategic Planning Workshop.*
2. *Direct staff to return at the November 16, 2022 meeting for approval of the Commission's Strategic Plan.*
3. *Receive and File this report.*

No action was taken by the Commission, Chair Bagley notes receipt and file the report.

9. Review and Amend the Commission Meeting Schedule for FY 2022/2023

Recommendation: Staff recommends that the Commission cancel its regular meeting for October 19, 2022 and note the remaining Commission meetings for Fiscal Year 2022-23 (with options to meet on any of the assigned dark months) as follows:

- *November 16, 2022*
- *December 21, 2022 (dark)*
- *January 18, 2023*

- February 15, 2023 (dark)
- March 15, 2023
- April 19, 2023
- May 17, 2023
- June 21, 2023 (dark)

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

*Ayes: Baca, Bagley, Cox, Denison, Farrell, Hagman.
Noes: None.
Abstain: None.
Absent: Dupper and Warren (Denison voting in her stead).*

INFORMATION ITEMS:

10. Legislative Report

Recommendation: Staff recommends that the Commission note receipt of the report and file.

11. Executive Officer's Report

Executive Officer Samuel Martinez announces the hiring of the new analyst and the agreement with Hannah Larsen for her continued work and the training of the new analyst.

12. Commissioner Comments

There is none.

13. Comments from the Public

There is none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING
ADJOURNS AT 10:09 A.M.**

ATTEST:


ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

Jim Bagley, Chair

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : NOVEMBER 7, 2022
FROM: SAMUEL MARTINEZ, Executive Officer 
TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #2 – APPROVAL OF EXECUTIVE OFFICER'S
EXPENSE REPORT**

RECOMMENDATION:

Approve the Executive Officer's Expense Report for Procurement Card Purchases from August 22 to September 22, 2022 and September 23 to October 24, 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:

- August 22, 2022 to September 22, 2022; and,
- September 23, 2022 to October 24, 2022.

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

SM/AS

Attachment

Approving Official (Print & Sign)	Date
Jim Bagley	11/16/22



PROCUREMENT CARD PROGRAM


ATTACHMENT G

MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

[REDACTED]		Cardholder						Travel	Billing Period	
F		Samuel Martinez							9/23/22 to 10/24/2022	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX INCL
09/28/22	Frontier Comm	1	Phone Service	Communication	8900005012	52002041	\$678.34		R	
09/28/22	Thomas West	2	Law Library Updates	Law Library Updates	8900005012	52002080	\$290.54		R	
10/03/22	JM Trophies	3	Office Expense	Staff Nameplate	8900005012	52002305	\$23.93		R	
10/12/22	Zoom	4	Video Conferencing	Commission Meeting	8900005012	52002305	\$16.15		R	
10/12/22	Thomas West	5	Law Library Updates	Law Library Updates	8900005012	52002080	\$290.54		R	
10/20/22	Frontier Comm	6	Phone Service	Communication	8900005012	52002041	\$678.34			
10/20/22	Hyatt Regency	7	Hotel Rm Fee - Sam Martinez	CALAFCO Annual Conference	8900005012	52942942	\$219.61			
10/21/22	Hyatt Regency	8	Hotel Rm Fee - Steven Farrell	CALAFCO Annual Conference	8900005012	52942942	\$658.83			
10/21/22	Hyatt Regency	9	Hotel Rm Fee - Sam Martinez	CALAFCO Annual Conference	8900005012	52942942	\$469.22			
10/21/22	Hyatt Regency	10	Hotel Rm Fee - Rick Denison	CALAFCO Annual Conference	8900005012	52942942	\$469.22			
10/21/22	Hyatt Regency	11	Hotel Rm Fee - Jim Bagley	CALAFCO Annual Conference	8900005012	52942942	\$703.83			
10/21/22	Hyatt Regency	12	Hotel Rm Fee - Jim Harvey	CALAFCO Annual Conference	8900005012	52942942	\$469.22			
10/21/22	Hyatt Regency	13	Hotel Rm Fee - Michael Tuerpe	CALAFCO Annual Conference	8900005012	52942942	\$703.83			
10/21/22	Hyatt Regency	14	Hotel Rm Fee - Arturo Pastor	CALAFCO Annual Conference	8900005012	52942942	\$469.22			
10/21/22	Hyatt Regency	15	Hotel Rm Fee - Acquanetta Warren	CALAFCO Annual Conference	8900005012	52942942	\$489.22			
10/21/22	Hyatt Regency	16	Meal Cost - Steven Farrell	CALAFCO Annual Conference	8900005012	52942943	\$49.82			


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 	11/07/22

Approving Official (Print & Sign)	Date
Jim Bagley	11/16/22

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : NOVEMBER 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #3 - RATIFY PAYMENTS AS RECONCILED FOR
THE MONTHS OF AUGUST AND SEPTEMBER 2022 AND NOTE
REVENUE RECEIPTS

RECOMMENDATION:

Ratify payments as reconciled for the months of August and September 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:



- August 1 through August 31, 2022
- September 1 through September 30, 2022

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



SM/MT

Attachment

AUGUST 2022 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1901298777	5200 2090	08/03/22	Jan-Pro	2727	Jan-Pro Janitorial Svc for month of Aug	\$	588.00
1901308367	5200 2180	08/16/22	So Cal Edison	6433-8/10/22	CustAcct700099666433 SvcAcct8002108287	\$	600.46
1901299566	5200 2305	08/04/22	Select Purge	8001725533	05-10-2022 Regular Service	\$	19.25
1901299569	5200 2305	08/04/22	Select Purge	8001920931	6-28-2022 Regular Service	\$	19.25
1901299573	5200 2305	08/04/22	Select Purge	8002109367	7-26-2022 Select Purge Service	\$	34.73
1901316464	5200 2305	08/30/22	Select Purge	8000918489	Regular Service 01-18-2022	\$	19.25
1901294540	5200 2400	08/10/22	Best, Best, & Krieger	939795	BBK Litigation Inv 939795	\$	5,709.94
1901303294	5200 2400	08/10/22	Best, Best, & Krieger	939793 REVISED	NewAmt. \$548.00 Orig.Inv.939793 for \$261.69 was pd	\$	548.00
1901303297	5200 2400	08/10/22	Best, Best, & Krieger	941884	BBK Inv 941884 MVWD Sewer Power	\$	157.50
1901294542	5200 2400	08/18/22	Best, Best, & Krieger	939796	BBK Montecito Inv 939796	\$	213.20
1901314516	5200 2424	08/25/22	Tom Dodson & Associates	LAFCO 22-7R	LAFCO Projects - 2022 FY22/23	\$	267.50
1901294536	5200 2444	08/12/22	Bay Alarm	19779498	Bay Alarm Inv 220715M Acct 3856732	\$	123.00
1901313011	5200 2444	08/23/22	Warren	WARREN8-17-22	Comm Stipend Strategic Workshop 8/17/2022	\$	200.00
1901298775	5200 2445	08/03/22	Event Design Lab	03689	Live STream Broadcast for July 20 Mtg	\$	750.00
1901305391	5200 2445	08/12/22	Inland Empire RCD	SALC INVOICE # 5	Salc Inv #5 Task 1 thru 4 & SALC Match	\$	18,008.75
1901305912	5200 2445	08/15/22	CSDA	61174	Workshop Brd Member Best Practices 101	\$	2,162.76
1901312999	5200 2445	08/23/22	Baca	BACA8-17-22	Comm Stipend Strategic Workshop 8/17/2022	\$	200.00
1901313002	5200 2445	08/23/22	Bagley	BAGLEY8-17-2022	Comm Stipend Strategic Workshop 8/17/2022	\$	200.00
1901313003	5200 2445	08/23/22	Cox	COX8-17-22	Comm Stipend Strategic Workshop 8/17/2022	\$	200.00
1901313004	5200 2445	08/23/22	Dupper	DUPPER8-17-22	Comm Stipend Strategic Workshop 8/17/2022	\$	200.00
1901313005	5200 2445	08/23/22	Farrell	FARRELL8-17-22	Comm Stipend Strategic Workshop 8/17/2022	\$	200.00
1901313006	5200 2445	08/23/22	Hagman	HAGMAN8-17-2022	Comm Stipend Strategic Workshop 8/17/2022	\$	200.00
1901313007	5200 2445	08/23/22	Harvey	HARVEY8-17-22	Comm Stipend Strategic Workshop 8/17/2022	\$	200.00
1901313010	5200 2445	08/23/22	Kenley	KENLEY8-17-22	Comm Stipend Strategic Workshop 8/17/2022	\$	200.00
1901313002	5294 2940	08/23/22	Bagley	BAGLEY8-17-2022	Commissioner travel	\$	108.75
1901313003	5294 2940	08/23/22	Cox	COX8-17-22	Commissioner travel	\$	73.75
1901313005	5294 2940	08/23/22	Farrell	FARRELL8-17-22	Commissioner travel	\$	22.87
1901313007	5294 2940	08/23/22	Harvey	HARVEY8-17-22	Commissioner travel	\$	105.00
1901313010	5294 2940	08/23/22	Kenley	KENLEY8-17-22	Commissioner travel	\$	30.25
1901313011	5294 2940	08/23/22	Warren	WARREN8-17-22	Commissioner travel	\$	24.50
1901304989	5294 2941	08/11/22	CALAFCO	ANNUAL22	Calafco 2022 Annual Conf. Registration Form	\$	5,355.00
TOTAL						\$	36,741.71
AUGUST 2022 COUNTY TRANSFERS PROCESSED							
4102501264	5200 2031	08/01/22	IT		JUL 2022 Payroll System Services (EMACS)	\$	77.88
4102501297	5200 2032	08/01/22	IT		JUL 2022 Virtual Private Network (VPN)	\$	9.15
4102500803	5200 2037	08/01/22	IT		JUL 2022 Dial Tone	\$	226.72
4102481962	5200 2305	08/08/22	Purchasing		7362089049000001	\$	30.27
4102481963	5200 2305	08/08/22	Purchasing		7362307415000001	\$	2.22
4102501266	5200 2322	08/01/22	IT		JUL 2022 Enterprise Printing (EMACS)	\$	7.14
4102501267	5200 2420	08/01/22	IT		JUL 2022 Wireless Device (Exchange Active Sync)	\$	12.45
4102501267	5200 2420	08/01/22	IT		JUL 2022 Storage - Tier 3	\$	147.76
4102501267	5200 2420	08/01/22	IT		JUL 2022 Storage - Tier 1	\$	110.84
4102501267	5200 2420	08/01/22	IT		JUL 2022 Enterprise Content Management	\$	135.10
4102500808	5200 2421	08/01/22	IT		JUL 2022 Desktop Support Services	\$	802.96
4102500805	5241 2410	08/01/22	IT		IT Infrastructure - Period 2	\$	570.00
4102500806	5241 2414	08/01/22	IT		Application Maintenance & Support - Period 02	\$	673.00


4102481962	5540	5012	08/08/22	Purchasing		7362089049000001	\$	252.27
4102481963	5540	5012	08/08/22	Purchasing		7362307415000001	\$	18.51
4200102100	5200	2445	08/24/22	Auditor		Quarterly Tax Filing	\$	999.60
4200101454	5200	2310	08/10/22	IT		Mail Services - DEL	\$	169.00
4200101455	5200	2310	08/10/22	IT		Mail Services - FLAT	\$	16.52
4200101456	5200	2310	08/10/22	IT		Mail Services - HAN	\$	70.47
TOTAL							\$	4,331.86
AUGUST 2022 CASH RECEIPTS								
4102495631	various		08/11/22	Lake Arrowhead CSD		LAFCO 3260	\$	11,231.00
4102495631	various		08/11/22	City of Loma Linda		LAFCO 3259	\$	12,640.00
4102495631	various		08/11/22	City of Rialto		SC #490	\$	3,512.00
TOTAL							\$	27,383.00
AUGUST 2022 COUNTY TRANSFERRED RECEIVED								
				NONE				
TOTAL							\$	-
COMPLETED BY:	MICHAEL TUERPE			APPROVED BY:	SAMUEL MARTINEZ			
	Senior Analyst				Executive Officer			
	Date: 11/2/2022				11/2/2022			

SEPTEMBER 2022 PAYMENTS PROCESSED							
Document Number	Account		Posting Date	Vendor	Invoice	Reference	Amount
1901328532	5200	2085	09/20/22	Daily Journal	B3618588	Daily Journal Inv B3618588 Hi-Desert Star	\$ 207.06
1901324548	5200	2090	09/13/22	Jan Pro Cleaning	90213	Jan Pro Cleaning Svc Mo. of Sept 2022	\$ 588.00
1901324550	5200	2090	09/13/22	R-Plumbing	UNIT 150	R-Plumbing Charge Replace Kitch & Restroom Faucets	\$ 417.38
1901324545	5200	2180	09/13/22	So Cal Edison	6433-9-9-22	Custacct700099666433 SvcAcct8002108287	\$ 740.99
1901320939	5200	2315	09/07/22	SvcPeriod8/01/ to 8/31 StoragePeriod	0183577	SvcPeriod8/01/ to 8/31 StoragePeriod 9/1 to 9/30	\$ 64.37
1901327852	5200	2400	09/19/22	Best, Best, & Krieger	942250	Legal Counsel	\$ 1,497.60
1901320828	5200	2424	09/07/22	LAFCO Projects	LAFCO 22-8	LAFCO Projects - 2022 FY22/23 SALC Grant	\$ 150.00
1901327847	5200	2445	09/19/22	Pamela Miller	2022-0909-02	LAFCO Workshop, August	\$ 3,381.18
1901327850	5200	2445	09/19/22	Hannah Larsen	#1	7/31/2022-8/30/2022 Tasks Various Projects	\$ 850.00
1901330633	5200	2445	09/22/22	Baca	BACA9-21-22	Baca Stipend 9/21/22 meeting	\$ 200.00
1901330634	5200	2445	09/22/22	Bagley	BAGLEY9-21-22	Bagley Stipend 9/21/22 meeting	\$ 200.00
1901330635	5200	2445	09/22/22	Cox	COX9-21-22	Cox Stipend 9/21/22 meeting	\$ 200.00
1901330636	5200	2445	09/22/22	Denison	DENISON9-21-22	Denison Stipend 9/21/22 meeting	\$ 200.00
1901330637	5200	2445	09/22/22	Farrell	FARRELL9-21-22	Farrell stipend 9/21/22 meeting	\$ 200.00
1901330638	5200	2445	09/22/22	Hagman	HAGMAN9-21-22	Hagman stipend 9/21/22 meeting	\$ 200.00
1901330640	5200	2445	09/22/22	Harvey	HARVEY9-21-22	Harvey stipend 9/21/22 meeting	\$ 200.00
1901330641	5200	2445	09/22/22	Kenley	KENLEY9-21-22	Kenley stipend 9/21/22 meeting	\$ 200.00
1901308368	5200	2895	09/13/22	Konica Minolta	40465928	Inv 40465928	\$ 65.00
1901308368	5200	2895	09/13/22	Konica Minolta	40465928	Inv 40465928	\$ 365.38
1901324556	5200	2895	09/13/22	Konica Minolta	40651310	Inv 40651310	\$ 321.87
1901324556	5200	2895	09/13/22	Konica Minolta	40651310	Inv 40651310	\$ 365.38
1901320831	5200	2905	09/07/22	IVDA	1431	Monthly rent for using Auditorium Sept 2022	\$ 405.00
1901330634	5294	2940	09/22/22	Bagley	BAGLEY9-21-22	Bagley Stipend 9/21/22 meeting	\$ 108.75
1901330635	5294	2940	09/22/22	Cox	COX9-21-22	Cox Stipend 9/21/22 meeting	\$ 73.75
1901330636	5294	2940	09/22/22	Denison	DENISON9-21-22	Denison Stipend 9/21/22 meeting	\$ 83.00
1901330637	5294	2940	09/22/22	Farrell	FARRELL9-21-22	Farrell stipend 9/21/22 meeting	\$ 22.87
1901330640	5294	2940	09/22/22	Harvey	HARVEY9-21-22	Harvey stipend 9/21/22 meeting	\$ 105.00
1901330641	5294	2940	09/22/22	Kenley	KENLEY9-21-22	Kenley stipend 9/21/22 meeting	\$ 30.25
1901328527	4080	9910	09/20/22	City of Twentynine Palms		Refund for Service Review	\$ 9,299.00
TOTAL							\$ 20,741.83
SEPTEMBER 2022 COUNTY TRANSFERS PROCESSED							
4102539664	5200	2031	09/01/22	IT		AUG 2022 Payroll System Services (EMACS)	\$ 51.92
4102539665	5200	2032	09/01/22	IT		AUG 2022 Virtual Private Network (VPN)	\$ 13.29
4102539667	5200	2037	09/01/22	IT		AUG 2022 Dial Tone	\$ 226.72
4102539670	5200	2322	09/01/22	IT		AUG 2022 Enterprise Printing (EMACS)	\$ 7.14
4102539674	5200	2420	09/01/22	IT		AUG 2022 Wireless Device (Exchange Active Sync)	\$ 12.45
4102539674	5200	2420	09/01/22	IT		AUG 2022 Storage - Tier 3	\$ 147.76
4102539674	5200	2420	09/01/22	IT		AUG 2022 Storage - Tier 1	\$ 110.84
4102539674	5200	2420	09/01/22	IT		AUG 2022 Enterprise Content Management	\$ 135.10
4102539675	5200	2421	09/01/22	IT		AUG 2022 Desktop Support Services	\$ 802.96
4102539671	5241	2410	09/01/22	IT		IT Infrastructure - Period 3	\$ 570.00
4102539672	5241	2414	09/01/22	IT		Application Maintenance & Support - Period 03	\$ 673.00
4200103164	5200	2115	09/27/22	IT		Server	\$ 678.00
4200102850	5200	2310	09/13/22	Mail		Mail Services - DEL	\$ 194.35
4200102852	5200	2310	09/13/22	Mail		Mail Services - FLAT	\$ 4.43
4200102853	5200	2310	09/13/22	Mail		Mail Services - HAN	\$ 113.75
TOTAL							\$ 3,741.71

SEPTEMBER 2022 CASH RECEIPTS							
4102541138	various	09/20/22	City of Rialto		SC #491	\$	3,512.00
4102541138	9930	09/20/22	SDRMA		Refund, excess workers' comp	\$	178.89
TOTAL						\$	3,690.89
SEPTEMBER 2022 COUNTY TRANSFERRED RECEIVED							
			NONE				
TOTAL						\$	-
COMPLETED BY: MICHAEL TUERPE				APPROVED BY: SAMUEL MARTINEZ			
Senior Analyst				Executive Officer			
Date: 11/2/2022				11/2/2022			

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: NOVEMBER 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #4: LAFCO SC#490 – City of Rialto Extraterritorial
Wastewater Service Agreement (Bloomington Hills, LLC)

INITIATED BY:

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

RECOMMENDATION:

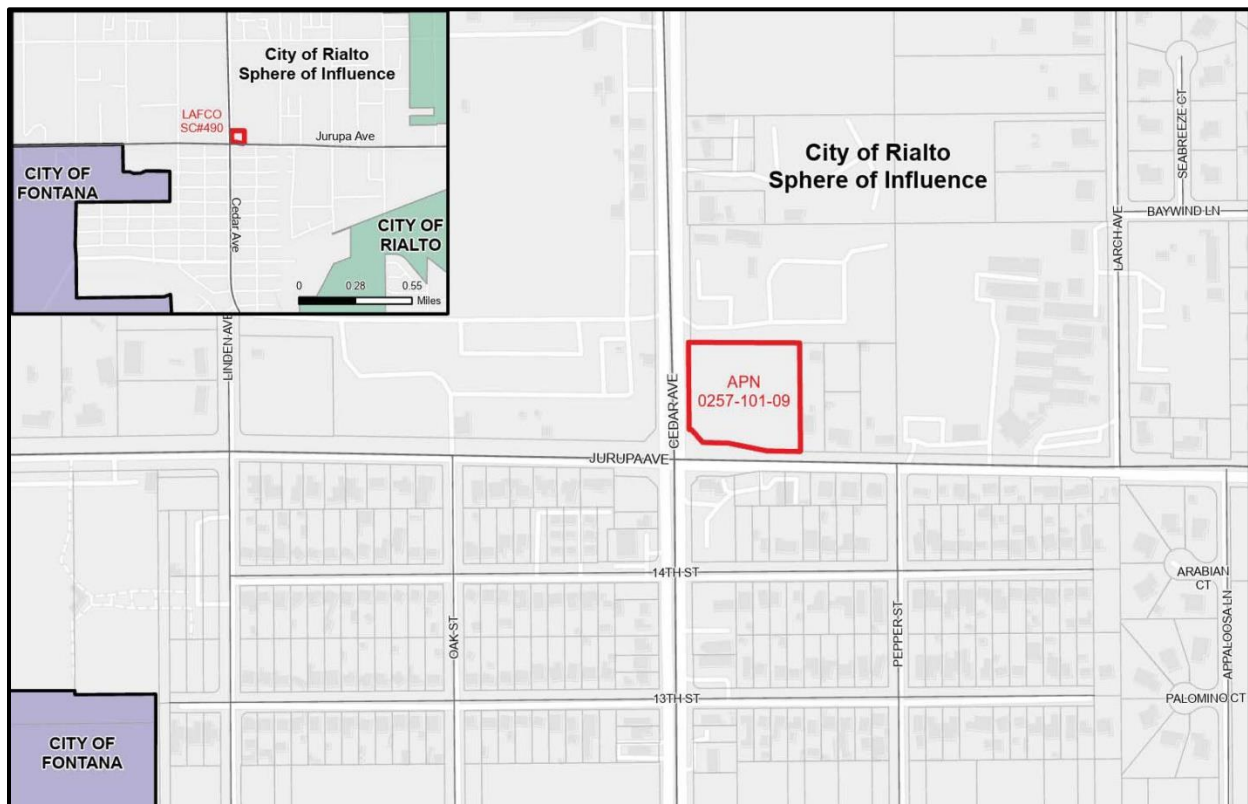
Staff recommends that the Commission approve LAFCO SC#490 by taking the following actions:

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 (SCH #2021010107) prepared by the County of San Bernardino for a Conditional Use Permit, Policy Plan Amendment, and Zone Amendment to construct a gas station and convenience store, a car wash, a drive-thru restaurant, and a storage building on approximately 2.31 acres, and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
 - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA Lead Agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.

2. Approve LAFCO SC#490 authorizing the City of Rialto to extend wastewater service outside its boundaries to Assessor Parcel Number 0257-101-09; and,
3. Adopt LAFCO Resolution #3355 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

BACKGROUND:

The City of Rialto (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend wastewater service to a single parcel, Assessor Parcel Number (APN) 0257-101-09, which encompasses approximately 2.31 acres generally located at the southeast corner of Cedar and Jurupa Avenues, within the City of Rialto's southern 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, including a map that provides the location of the infrastructure to be extended.



In June 2021, the County approved a Conditional Use Permit, Policy Plan Amendment, and Zone Amendment to construct a gas station and convenience store, a car wash, a drive-thru restaurant, and a storage building on the 2.31-acres 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 Conditions 101 and 102 of the Conditions of Approval). 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 wastewater 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 wastewater service will be provided by constructing a privately-owned sewer lift station on site and a 4-inch force main in Cedar Avenue to connect to the existing 27-inch sewer main in Santa Ana 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 has submitted an estimated cost of \$101,648.40 for the extension of wastewater service to the parcel. Following is a table with a breakdown of the fee calculation:

Sewer Treatment Fees	Unit Measure	Unit	Rate	Extra-territorial Rate	Total
Car Wash	TSF	2.63	\$19,237.27	1.3	\$65,772.23
Storage Building	TSF	2.24	\$206.96	1.3	\$602.67
Gas Station/Convenience Store	TSF	5.27	\$990.22	1.3	\$6,784.00
Drive Thru Restaurant	Per Seat	50	308.70		\$20,065.50
Sewer Collection Fees					
Retail/Service/Industrial Space	LLF	720	\$9.00	1.3	\$8,424.00
				Total	\$101,648.40

In addition, the property owner/developer will be responsible for the construction costs related to the installation of the sewer lift station and force main.

ENVIRONMENTAL DETERMINATION:

The County prepared an Initial Study and Mitigated Negative Declaration (SCH #2021010107) for a Policy Plan Amendment to change the Land Use Category from Low Density Residential (LDR) to Commercial (C), a Zone Amendment from Single Residential 1-acre minimum Additional Agriculture (RS-1-AA) to General Commercial (CG), and a Conditional Use Permit to construct a 5,000 sq. ft. convenience store and service station

with four fueling islands with a 5,318 sq. ft. canopy, a 2,634 sq. ft. car wash, a 2,550 sq. ft. drive thru restaurant, and a 2,244 sq. ft. storage building on approximately 2.31 acres.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Initial Study 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) Indicate that the Commission, its staff, and Environmental Consultant have independently reviewed the County's Initial Study and Mitigated Negative Declaration and found them adequate for the Commission's use in its decision authorizing the extension of service contained in LAFCO SC#490.
- 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 gas station facility (including a convenience store, car wash, drive-thru restaurant, and storage building) approved by the County requires that it receive wastewater service from the City of Rialto. In order for the proposed development 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 this agreement.

Staff has reviewed this request for authorization to provide wastewater service from the City of Rialto outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide sewer service to APN 0257-101-09 since its facilities are in close proximity 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 0257-101-09, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future. Water service will be provided by the West Valley Water District, whose boundary already overlays the project area.

The requirement for wastewater service connection to the City is a condition of approval placed upon the project by the County. Therefore, approval of the City's request for authorization to provide wastewater service is necessary in order to satisfy the condition of approval for the project.

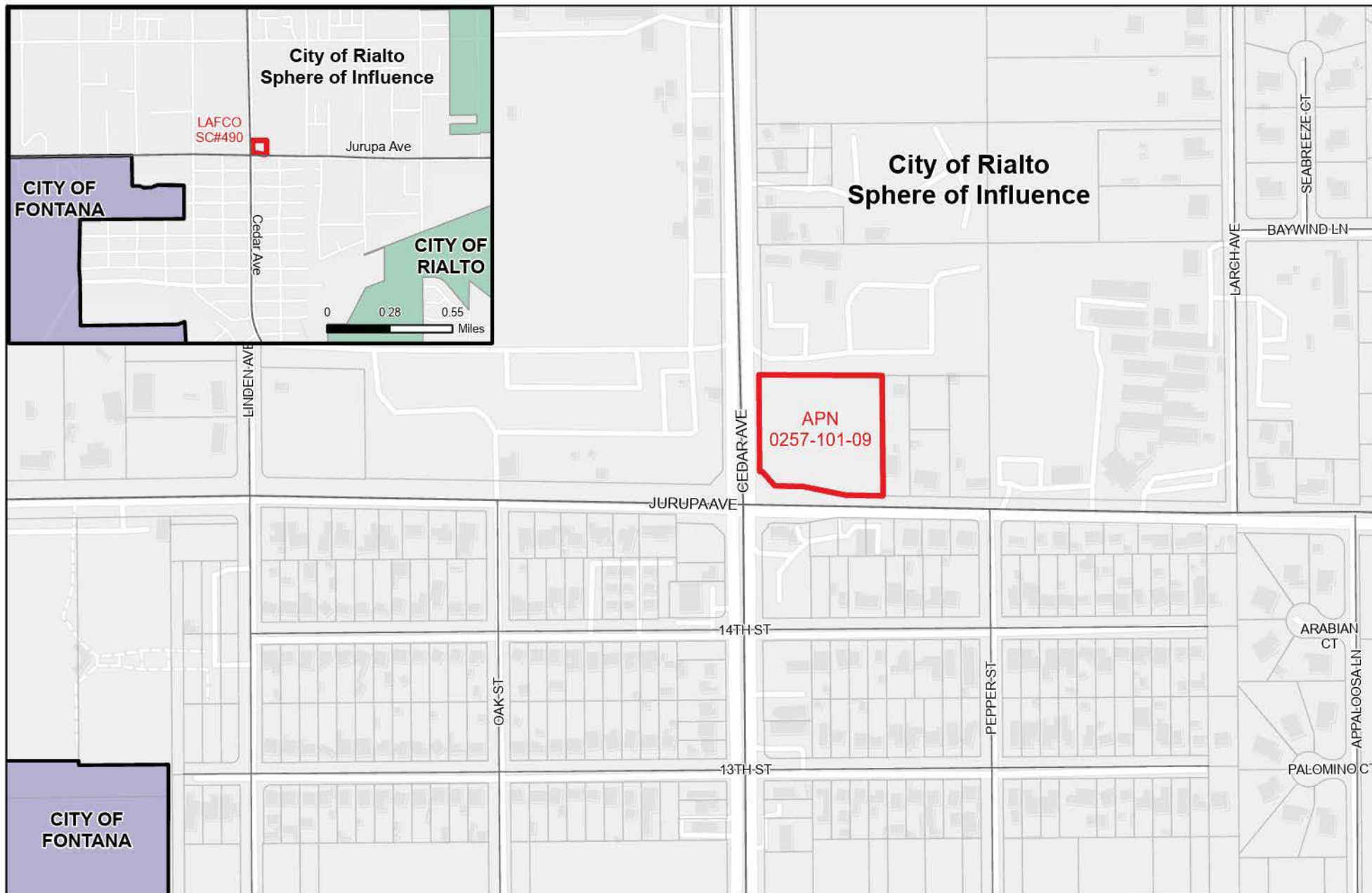
2. The City of Rialto's Extraterritorial Wastewater Service Agreement between the City of Rialto and Bloomington Hills, LLC being considered is for the provision of wastewater service to APN 0257-101-09. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner/developer and the City of Rialto to proceed in finalizing the contract for the extension of wastewater service.
3. The fees charged by the City of Rialto for the extension of wastewater service to the parcel are identified as totaling \$101,648.40 (see table on page 3 for a breakdown of fees and charges).
4. During the period from January 2021 to June 2021, acting as the CEQA Lead Agency, the County prepared an environmental assessment for a Conditional Use Permit, Policy Plan Amendment, and Zone Amendment to construct a gas station and convenience store, a car wash, a drive-thru restaurant, and a storage building on approximately 2.31 acres. The County's environmental assessment indicates that the project would not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and recommends that, if the Commission approves LAFCO SC#490, the County's Initial Study and Mitigated Negative Declaration prepared for the project 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](#)

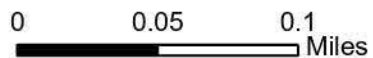
2. [City of Rialto's Application and Signed Extraterritorial Wastewater Service Agreement](#)
3. [County's Conditions of Approval for the Project](#)
4. [Response from Tom Dodson and Associates including the County's Notice of Determination and Mitigated Negative Declaration](#)
5. [Draft Resolution #3355](#)



LAFCO SC#490 - City of Rialto Extraterritorial Wastewater Service Agreement (Bloomington Hills, LLC)



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



LAFCO SC#490
 City of Fontana

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: CITY OF RIALTO

CONTACT PERSON: Thomas J. Crowley, P.E. , Utilities Manager

ADDRESS: 150 S. Palm Avenue, Rialto, CA 92376

PHONE: Office: 909-820-8056 | Mobile: 909-341-3036

EMAIL: tjcrowley@rialtoca.gov

CONTRACTING PARTY:

NAME OF PROPERTY OWNER: BLOOMINGTON HILLS LLC

CONTACT PERSON: Harjit Singh

MAILING ADDRESS: 3940 E Callaway Drive , Ontario, CA 91761

PHONE: 909-702-3044

EMAIL: sidhuampm@yahoo.com

ADDRESS OF PROPERTY PROPOSED FOR CONTRACT: 11279 Cedar Ave, Bloomington, CA 92316

CONTRACT NUMBER/IDENTIFICATION: _____

PARCEL NUMBER(S): APN : 0257-101-09-0-000

ACREAGE: 2.31 acres

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

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

Connection to Rialto's sanitary sewer collection system and sewer treatment services.

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

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

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

Standard Extra-territorial Development Agreement that describes the term of the City of Rialto providing sewer collection and treatment services to the property.

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.

Project site is not contiguous to the City of Rialto.

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.

N/A

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).

N/A

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

Vacant Lot

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

Commercial lot - Gas Station with Mini Market , Car wash ,
Restaurant

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

Project Description: A Conditional Use Permit for construction of a 5,000-sf. convenience store and service station with four fueling islands with a 5,318-sf. canopy. A 2,634-sf. car wash, 2,550 sf. drive thru restaurant, and a 2,244-sf. storage building in conjunction with a Policy Plan Amendment to change the Land Use Category from Low Density Residential (LDR) to Commercial (C), and a Zone Amendment from Single Residential 1-acre minimum Additional Agriculture (RS-1-AA) to General Commercial (CG).

Project was approved by San Bernardino County on 06/22/2021

*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 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 checked="" type="checkbox"/>
Department of Fish and Game (DFG) Receipt	<input type="checkbox"/>
Others (please identify below)	<input type="checkbox"/>

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

10. Plan for Service:

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

Project is located on the Northeast Corner of Jurupa Ave. and Cedar Ave. in Bloomington Ca. Currently the closet sewer connection point is at the intersection of Cedar Ave. and Santa Ana Ave., north of the project location. The applicant will be required to construct a privately owned sewer lift station on site and a 4" force main in Cedar Ave. to the intersection of Santa Ave. From there the City will convey the flows easterly to it's Wastewater Treatment Plant at 501 E. Santa Ana Ave. Bloomington Ca. The main sewer line in Santa Ana Ave. has the capacity to receive these flows. Currently the WWTP is rated at 11.7 MGD and is currently running at 7.0 MGD. There is capacity at the plant to accept these flows.

**Extension of Service by Contract
Application Form**

(FOR LAFCO USE ONLY)

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

Description of Fees/Charges			Cost		Total
Description	Unit Measure	Unit	Rate	Extraterritorial Rate	Total
Sewage Treatment - Group II Car Wash	TSF	2.63	\$19,237.27	1.3	\$65,772.23
Sewage Treatment - Group II Storage Building	TSF	2.24	\$206.96	1.3	\$602.67
Sewage Treatment - Group III Gas Station/Convenience Store	TSF	5.27	\$990.22	1.3	\$6,784.00
Sewage Treatment - Group IV Drive Thru Restaurant	Per Seat	50	\$308.70	1.3	\$20,065.50
Sewage Collection Retail/Service/Industrial Space	LLF	720	\$9.00	1.3	\$8,424.00
Total					\$101,648.39

Construction costs to be provided by the developer.		
Total Costs		

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

All development impact fees/connection fees and monthly service rates will be calculated at 1.3 times the regular rate charged for the properties in the Rialto city limits.

- (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.

Policies previously provided

CERTIFICATION

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

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

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

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

SIGNED



NAME:

Thomas J. Crowley

POSITION TITLE:

Utilities Manager

DATE:

6/28/2022

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

Bloomington Hills LLC
11279 Cedar Avenue, Bloomington, CA
AM/PM Gas Station, Carwash and Drive Thru Restaurant
VACINITY MAP



EXTRATERRITORIAL WASTEWATER SERVICE

AGREEMENT BETWEEN THE CITY OF RIALTO AND BLOOMINGTON HILLS, LLC

This **EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT** ("Agreement") is made and entered into this 26th day of April 2022, between Bloomington Hills, LLC, Property Owner ("Owner") and the City of Rialto, a California municipal corporation ("City") (each a "Party" and collectively the "Parties").

RECITALS

WHEREAS, the City, through its concessionaire Rialto Water Services, and sewer system operator Veolia, provides wastewater conveyance, treatment, and disposal services for wastewater ("Sewer Services") to properties within the City's jurisdiction and spheres of influence, and has adequate pipelines, facilities, and infrastructure for said Sewer Services; and

WHEREAS, the Owner has requested the City to provide Sewer Services to a property located within the City's sphere-of-influence, but outside of the City's existing corporate boundaries, and which is associated with Assessor's Parcel Numbers 0257-101-09-0000, located at 11279 Cedar Avenue, Bloomington, CA as identified on Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof (the "Property"); and

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

WHEREAS, City owns and operates wastewater collection mains and any other related and/or additional facilities used for the conveyance, treatment or disposal of wastewater originating in the City and areas located outside the corporate boundaries of the City approved by the City for extraterritorial wastewater service (the "Service Area"), and any extensions, expansions or replacements of any of the above being hereinafter referred to as the "City's Disposal System"; and

WHEREAS, City has defined and established by City Council resolution a policy and administrative guidelines to provide Sewer Services outside of the City's corporate boundaries, and has agreed to provide Sewer Services to the Property through the City's Disposal System on the terms and conditions contained herein; and

WHEREAS, California Government Code Section 56375(p) permits a city to provide new or extended services by agreement outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization only if the city first request and receives approval from the Local Agency Formation Commission for San Bernardino County ("LAFCO"); and

WHEREAS, City and Owner desire to memorialize their arrangement for the City's provision of Sewer Services to the Owner through this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and subject to the terms and conditions contained herein, the Parties hereto hereby agree as follows:

ARTICLE I. CONDITION PRECEDENT

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

Section 1.02 Condition Precedent. The effectiveness of this Agreement is expressly conditioned upon approval by LAFCO authorizing the City to provide new or extended Sewer Services to the Property. The Effective Date of this Agreement shall be the date of such approval by LAFCO.

ARTICLE II. RIGHTS AND OBLIGATIONS

Section 2.01 Delivery and Receipt of Wastewater. At all times, except as may be restricted by unforeseen emergencies, Owner shall have the right to deliver to the City's Disposal System normal strength domestic wastewater, and City shall have the obligation to receive all such wastewater into the City's Disposal System and to convey, treat and dispose of such wastewater.

Section 2.02 Disposal of Service Area Wastewater; Ownership and Reclamation of Effluent. The cost of constructing, expanding, extending, maintaining and operating the City's Disposal System and of conveying, treating and disposing of the Service Area wastewater (including without limitation and effluent of by-product thereof) after delivery of such Service Area wastewater to the City's Disposal System shall be the responsibility solely of the City, and Owner shall have no responsibility for, and shall not be liable to the City or any third party for, any costs or other expenses incurred by the City in connection with or related thereto, other than design and construction costs to connect to the City's Disposal System set forth in Section 2.05 and payment of the Wastewater User Fees set forth in Article III, provided Owner complies with all aspects of the City's Municipal Code, ordinances and policies, incorporated herein by reference, as they relate to wastewater discharge applicable to the Property.

Section 2.03 Ownership of Service Area Wastewater. It is the intention and agreement of the Parties that the City shall have total ownership and control of all Service Area wastewater delivered to the City's Disposal System. Owner warrants that Owner shall comply with all aspects of the City's Municipal Code, ordinances, and policies as they relate to wastewater discharge applicable to the Property.

Section 2.04 Connection Points. Owner is authorized one (1) connection point to the City's Disposal System. Such connection point shall be located at a point mutually acceptable to the Owner, City Engineer, and the Building Official. Construction of laterals and connection points shall be in conformance with the specifications and details set forth

in the City's Utility Design Standards, Building Safety Codes and other applicable laws and regulations, as may apply.

Section 2.05 Design and Construction of Connection Points. Owner agrees, at its sole expense and without reimbursement from the City, to design and construct the sewer lines, laterals and connection points needed for the Owner to connect to the City's Disposal System. City and the Owner also agree the design and construction necessary to connect to the City's Disposal System is subject to the appropriate City approvals, including but not limited to plan check(s) and inspections.

Section 2.06 Inspection. City shall have the right to inspect and examine sewer lines, laterals, connection points and any other facilities related to the Owner's connection to the City's Disposal System at any time, including during construction and operation of any portion of the Sewer System within the Service Area.

Section 2.07 Maintenance and Repairs. Maintenance, repairs, and replacement of the laterals including the connection point within the right-of-way shall be the responsibility solely of the Owner. All construction work, maintenance and repairs shall be performed under permit from, inspected, and approved by the City. Should Owner fail to operate, maintain, repair, and replace the lateral including the connection point as needed for proper operation of the City's Disposal System, the City shall have the right, but not the obligation to stop providing Sewer Services.

ARTICLE III. WASTEWATER USER FEES

Section 3.01 Initial Special Service Availability Payment. In consideration of the City's agreements contained herein, Owner shall, promptly upon the Effective Date of this Agreement, pay to City a service connection fee for treatment, collections, and related fees in the amount of **\$101,648.39** in accordance with the adopted fee schedule, Resolution 6069, approved by the Rialto City Council/Rialto Utility Authority on December 27, 2011. Any additional fees related to plan check(s), inspection or not named in this Agreement shall be the responsibility of the Owner.

Section 3.02 Monthly Wastewater User Fees. After the Effective Date, Owner shall pay to the City for the provision of Sewer Services a wastewater fee calculated at a rate equal to one point three (1.3) times the rate then charged by the City to properties located within the incorporated boundaries of the City, in accordance with the rates established pursuant to Chapter 12.08.200 of the City's Municipal Code, or as may be amended from time to time.

Section 3.03 Delinquent Sewer Service Fees. Owner shall pay to the City delinquent fees as established in the City's Municipal Code, ordinances, or policies. Any sewer charges that are unpaid by the specified due date shall be a debt in favor of the City, which may use any legal means to collect any delinquent sewer charges, including, but not limited to, placing liens on the Property of any such persons, and collecting such delinquent fees, penalties, and interest due and owing on the property tax roll.

ARTICLE IV. MONITORING OF SERVICE AREA WASTEWATER

Section 4.01 Pre-Treatment Program; Quality Specifications and Standards.

Pretreatment of wastewater from the Service Area may not be required under this Agreement, provided the Owner complies with all aspects of the City's Municipal Code, ordinances, and policies as they relate to wastewater discharge applicable to the Property. City shall have the right to monitor or restrict the discharge of wastewater to the City's Disposal System if City suspects or discovers the Owner has discharged prohibited substances, as described in the City's Municipal Code, into the City's Collection System, or violated other provisions of said Municipal Code. City may, at its option, allow discharge to resume with the Owner's installation, and proper maintenance of, an approved pretreatment device or system.

ARTICLE V. TERM

Section 5.01 Effective Date; Term. This Agreement shall become effective as first written above in Section 1.02. The Agreement shall continue in perpetuity, or until terminated pursuant to Section 5.02, or such time as the Property is annexed into the corporate boundaries of City. At such time, the Owner shall have such rights, privileges, and duties, including fees and rates, as all other City citizens for the then current wastewater disposal classification.

Section 5.02 Termination. Either Party may terminate this Agreement upon thirty (30) days prior written notice to the other Party.

ARTICLE VI. MISCELLANEOUS

Section 6.01 Indemnification. Owner hereto agrees to indemnify, defend, save, and hold harmless the City and its officers, agents and employees from and against all liability, claims, damages, losses and expense of any nature whatsoever, including but not limited to bodily injury, death, personal injury, property damages and attorney's fees, arising directly or indirectly from any acts or omissions of such indemnified party or its officers, agents or employees in connection with this Agreement.

Section 6.02 Successors and Assigns. The agreements contained in this Agreement shall be binding upon and shall inure to the benefit of the heirs, successors, and assigns of the parties hereto. Owner may not assign its rights and/or obligations under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such consent by City shall not, in any way, relieve Owner of its obligations and responsibilities under this Agreement.

Section 6.03 Notices. All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered, sent by pre-paid First Class U.S. Mail, registered or certified mail, postage prepaid, return receipt requested, or delivered or sent by facsimile with attached evidence of completed transmission, and shall

be deemed received upon the earlier of (i) the date of delivery to the address of the person to receive such notice if delivered personally or by messenger or overnight courier; (ii) three (3) business days after the date of posting by the United States Post Office if by mail; or (iii) when sent if given by facsimile. Any notice, request, demand, direction, or other communication sent by facsimile must be confirmed within forty-eight (48) hours by letter mailed or delivered. Other forms of electronic transmission such as e-mails, text messages, instant messages are not acceptable manners of notice required hereunder. Notices or other communications shall be addressed as follows:

If to City: City of Rialto
 150 South Palm Avenue
 Rialto, CA 92376
 Attn: City Manager
 Tel: (909) 820-2528
 Fax: (909) 820-2527

With copy to: Burke, Williams & Sorensen, LLP
 1770 Iowa Avenue, Suite 240
 Riverside, CA 92507-2479
 Attn: Eric Vail, City Attorney
 Tel: (951) 788-0100
 Fax: Not Available

If to Owner: Bloomington Hills, LLC
 3940 E. Callaway Drive
 Ontario, CA 9176
 Tel: 909-702-3044
 Fax: Not Available

With copy to: N/A

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

Section 6.04 Costs and Expense of Enforcement. Should litigation be necessary to enforce any term or provision of this Agreement, the prevailing party shall be entitled to collect all litigation costs and attorney's fees incurred by the prevailing party.

Section 6.05 Amendment. No amendment or waiver of any provisions of this Agreement or consent to any departure from its terms shall be effective unless the same shall be in writing and signed by the parties hereto.

Section 6.06 Severability. The provisions of this Agreement are severable. The invalidity or unenforceability of any provision of this Agreement will not affect the validity of the remainder hereof.

Section 6.07 Execution in Counterparts. This Agreement may be executed in counterparts, all of which taken together shall constitute an original hereof.

Section 6.08 Time of Essence. Time is of the essence in the fulfillment by the parties hereto of their obligations under this Agreement.

Section 6.09 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California and any legal action must be brought in a court of competent jurisdiction in San Bernardino County.

[SIGNATURES ON NEXT PAGE]

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

CITY:

CITY OF RIALTO,
a Municipal Corporation

By: Marcus Fuller
Marcus Fuller, City Manager

ATTEST:

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

APPROVED AS TO FORM:

BURKE, WILLIAMS & SORENSEN, LLP

By: Eric Vail
Eric Vail, City Attorney

Owner:

Bloomington Hills, LLC

By: Harjit Singh
Harjit Singh,
President

EXHIBIT "A"
LEGAL DESCRIPTION

THE WEST 374 FEET OF THE SOUTH 1/2 OF THE WEST 1/2 OF FARM LOT 393 ACCORDING TO MAP SHOWING SUBDIVISION OF LANDS BELONGING TO THE SEMI-TROPIC LAND AND WATER COMPANY IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS PER PLAT RECORDED IN BOOK 11 OF MAPS PAGE(S) 12 RECORDS OF SAID COUNTY.

EXCEPT THEREFROM THE WEST 45 FEET THEREOF DEEDED TO THE COUNTY OF SAN BERNARDINO BY INSTRUMENT RECORDED JANUARY 25, 1957 IN BOOK 4139 PAGE 517 OFFICIAL RECORDS

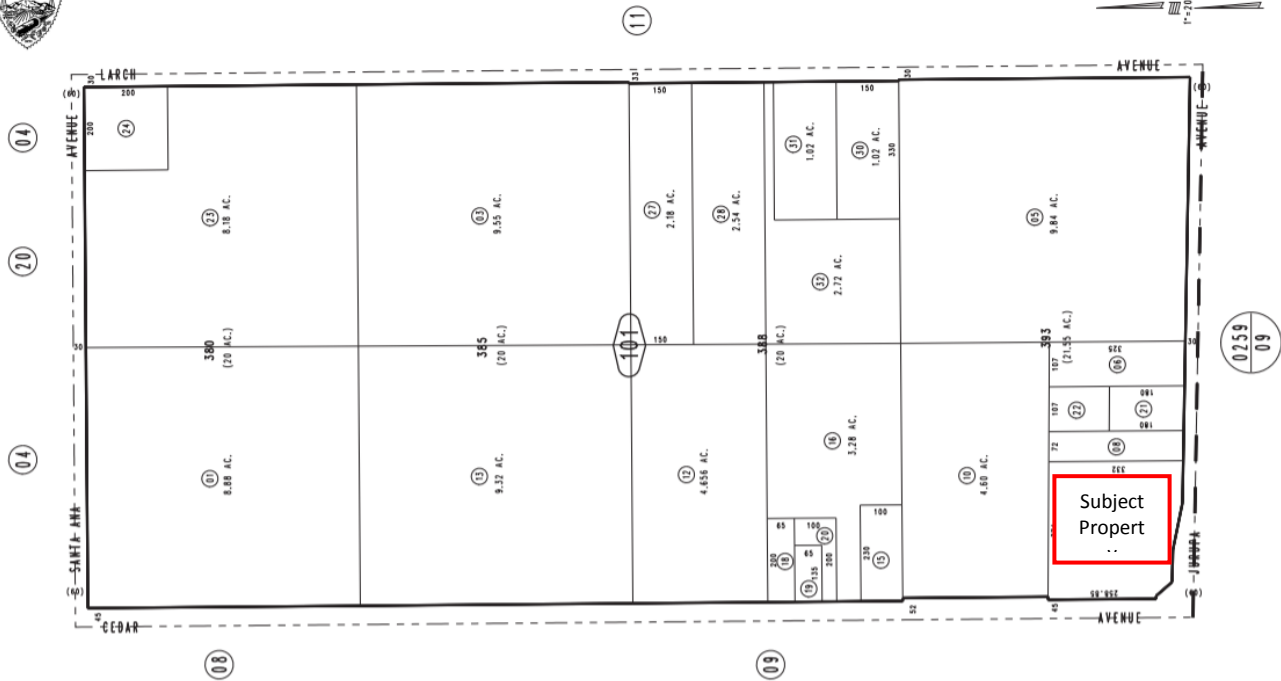
NOTE: THE AREA AND DISTANCES OF THE ABOVE DESCRIBED PROPERTY ARE COMPUTED TO THE CENTERS OF ADJOINING STREET.

EXHIBIT "B"

THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY.

Semi Tropic Land & Water Co. Sub., S.B.L.
M.B. 11/12

Colton Joint Unified 0257-10
Tax Rate Area
64027



September 2003

Ptn. S.W.1/4, Sec. 27
T.1S., R.5W.

Assessor's Map
Book 0257 Page 10
San Bernardino County

REVISED
10/05/07 11
02/24/09 AC

CONDITIONS OF APPROVAL

Bloomington ARCO AM/PM
Conditional Use Permit/Policy Plan Amendment/Zone Amendment

GENERAL REQUIREMENTS

Ongoing and Operational Conditions

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

1. **Project Approval Description.** A Conditional Use Permit for construction of a 5,000-sf. convenience store and service station with four fueling islands with a 5,318-sf. canopy. A 2,634-sf. car wash, 2,550 sf. drive thru restaurant, and a 2,244-sf. storage building, to include a perimeter wall up to eight (8) feet in height, as allowed by Development Code Section 83.06.030, Table 83-6, in conjunction with a Policy Plan Amendment to change the Land Use Category from Low Density Residential (LDR) to Commercial (C), and a Zone Amendment from Single Residential 1-acre minimum Additional Agriculture (RS-1-AA) to General Commercial (CG).

This CUP is approved in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g., elevations).

The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project Site with APN: 0257-101-09, Project No. P201900307.

2. **Project Location.** The project is located at 11279 Cedar Avenue, on the NEC of Cedar Avenue and Jurupa Avenue in the community of Bloomington.
3. **Revisions.** Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. **Indemnification.** In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

5. Expiration. This project permit approval shall expire and become void if it is not “exercised” within three (3) years of the effective date of this approval unless an extension of time is approved. The permit is deemed “exercised” when either:
 - a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
 - b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
 - c. Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
 - Construction permits for all or part of the project are not issued, or the construction permits expire before the structure is completed and the final inspection is approved.
 - The land use is determined by the County to be abandoned or non-conforming.
 - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances, or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.
6. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
7. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
8. Project Account. The Project trust account number is PROJ-2020-00041. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g., Land Use Services, Public Works, and County Counsel). Upon notice, the developer shall deposit additional funds to maintain or return the account to a positive balance. The developer is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy, and operation of the approved use.
9. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
 - Grading Permits: a copy of the signed CCRF for grading/land disturbance.
 - Building Permits: a copy of the signed CCRF for building permits.
 - Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.

10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
- a) FEDERAL: N/A.
 - b) STATE: Santa Ana RWQCB, South Coast AQMD, California Department of Fish and Wildlife, Caltrans
 - c) COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor, and
 - d) LOCAL: N/A
12. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety, and general welfare of both on-site users (e.g., employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
 - c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
 - g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g., “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
 - j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
 - k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and “No Parking”, “Carpool”, and “Fire Lane” designations.

- l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.
13. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
14. Lighting. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
15. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90-degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
16. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified, and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
17. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128 and avoids disturbing any existing/natural vegetation or the site appearance.
18. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
19. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
- All construction equipment shall be muffled in accordance with manufacturer's specifications.
 - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
 - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g., residences and schools) nearest the project site.
20. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.
21. NOI-2(A): *The Applicant will be required to construct and maintain a 6-foot-high solid block wall along the east property line as a means to attenuate noise from the site during its normal operations. The wall must be maintained free of graffiti at all times.*
22. NOI-3(A): *The Applicant must ensure that the use of the carwash tunnel is limited to the daylight hour only. When not in use, the car wash tunnel must be secured by a gate.*

23. NOI-4(A): *The drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the east.*
24. NOI-5 (A): *Loitering in the parking areas with attendant loud noise (radios, car noise, etc.) will not be permitted. The drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the east.*
25. NOI-6(B): *Haul trucks will be prohibited from travelling eastbound or westbound northbound on Jurupa Avenue. All haul trucks must travel northbound on Cedar Avenue.*

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

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

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

28. 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.
29. 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.
30. 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.
31. 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.
32. BMP Enforcement. In the event the property owner/“developer” (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or “developer”, including administrative costs, attorney’s fees, and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

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

33. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at 1-800-442-2283.
34. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least one (1) time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least two (2) times per week, or as often if necessary, to minimize public health nuisances, by a permitted hauler to an approved solid waste

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

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

35. Construction Permits. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
36. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F01]
37. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400.

COUNTY FIRE DEPARTMENT – Hazardous Materials Division (760) 995-8190/(909) 386-8401

38. Prior to sign off by this agency, the operator must update disclosure information using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov>. For additional information please contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.
39. Permit Requirements. Any business or facility that handles a hazardous material in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste must obtain hazardous material permits.

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

40. 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 Waste Industries - Edco Disposal).
41. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
42. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
43. 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.

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

44. Project vehicles shall not back out into the public roadway.

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

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

45. NOI-1(A): *The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.*
46. Bio-1(B): *Applicant shall ensure that impacts to nesting birds at the Project site are avoided through the implementation of pre-construction surveys, ongoing monitoring, and if necessary, establishment of minimization measures for burrowing owls and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Game Code shall prior to the commencement of, and during Project-related ground disturbance. Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.*
1. *Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.*
 2. *The Designated Biologist shall conduct nesting bird surveys at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to any disturbance of the site, including tree and shrub removal, diking, demolition activities, and grading. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.*
 3. *If active nests are identified, the Designated Biologist shall immediately establish conservative avoidance buffers around the nests based on their best professional judgement and experience, and on the level of activity within the buffer and species' observed tolerance. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Raptor*

Mitigation Measures are in Italics

species shall have an avoidance buffer of 500 feet and other bird species shall have an avoidance buffer of 300 feet. These buffers may be reduced at the discretion of the Designated Biologist. The Designated Biologist shall monitor the nest at the onset of Project activities, and at the onset of any changes in Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that Project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. If active nests are not identified, vegetation clearing, and ground disturbing activities may commence.

Tribal Cultural Resources San Manuel Band of Mission Indians:

47. CUL-1(B): *In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.*
48. CUL-2(B): *If significant cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan (MTP). Should the significant resource be from the pre-contact era, the draft of the MTP shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.*
49. CUL-3(B): *If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.*
50. TCR-1: *The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.*
51. TCR-2: *Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.*

Tribal Cultural Resources Gabrieleno Band of Mission Indians-Kizh Nation:

52. TCR-3: *Prior to the commencement of any ground disturbing activity at the project site, the project applicant shall retain a Native American Monitor approved by the Gabrieleno Band of Mission Indians-Kizh Nation – the tribe that consulted on this project pursuant to Assembly Bill A52 - SB18 (the “Tribe” or the “Consulting Tribe”). A copy of the executed contract shall be submitted to the Lead Agency prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal monitor will only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the Project Site are completed, or when the Tribal Representatives and Tribal Monitor*

have indicated that all upcoming ground-disturbing activities at the Project Site have little to no potential for impacting Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities shall be evaluated by the Tribal monitor approved by the Consulting Tribe and a qualified archaeologist if one is present. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the Project Site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue in other parts of the Project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

53. TCR-4: Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.
54. TCR-5: Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 100 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).
55. TCR-6: If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.
56. TCR-7: Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Tribe,

documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

57. TCR-8: *Native American and Archaeological monitoring during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of TCR's shall be taken. The Native American monitor must be approved by the Gabrieleno Band of Mission Indians-Kizh Nation. Principal personnel for Archaeology must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California.*

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

58. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls.
59. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.

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

60. 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.
61. FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8667H 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.
62. 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.
63. 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
64. 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.

65. On-site Flows. On-site flows need to be directed to the nearest County drainage facility unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
66. 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>
67. WQMP Inspection Fee. The developer shall provide a \$3,600 deposit to the Department of Public Works for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

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

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

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

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

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

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

COUNTY FIRE DEPARTMENT – Hazardous Materials Division (760) 995-8190/(909) 386-8401

70. Businesses or facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures Plan (SPCC) in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a). The SPCC plan shall be submitted via the CERS system and maintained on site.
71. Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to an existing UST system. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8401.

“Hazardous Material” means any material that because of its quantity, concentration, physical characteristics, or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace. Hazardous Materials include but are not limited to, hazardous substances, hazardous waste, or any material which the administering agency has a reasonable basis for believing would be injurious to human health or the environment.

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

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

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

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

73. Architecture. Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.
74. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
75. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.
76. 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. Pursuant to SBCC Chapter 83.13, *Sign Regulations*, and SBCC §83.07.030, *Glare and Outdoor Lighting Valley Region*, all signs shall comply with the following minimum standards:
- 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 (3 ft x 1½ in.). 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 (0.5) 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.

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

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

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

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

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

Cedar Avenue (Major Highway – 104')

- Road Dedication. A 7-foot grant of easement is required to provide a half-width right-of-way of 52.
- Sidewalks. Design sidewalks per County Standard 109 Type "C".
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B and located per San Bernardino County Standard 130.

Jurupa Avenue (Major Highway – 104')

- Road Dedication. A varied width 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".
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B and located per San Bernardino County Standard 130.

As an alternative, and in conformance with § 83.05.060 of the Development Code, the developer may submit a delayed improvement agreement in writing to the County Department of Public Works to make the improvements along within 3 years, with the posting of a form of surety. The surety shall be in the form of a cash deposit, a surety bond, a developer lien agreement, or other form acceptable to the County, in an amount equal to the estimated cost of the improvements as approved by the County, and shall be posted to guarantee the installation of the improvements.

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

81. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.

Mitigation Measures are in Italics

82. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
83. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
84. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
85. Slope Easements. Slope rights shall be dedicated, where necessary.
86. Turnarounds. Turnarounds at dead end streets shall be in accordance with the requirements of the County Department of Public Works and Fire Department.
87. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
88. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required, as necessary.
89. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
90. Slope Tests. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
91. Two Access Points. A minimum two points of ingress/egress are required or alternative approved by County Fire Department.
92. Regional Transportation Fees. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Rialto Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the 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 \$17.02 per square foot for Commercial Use, which includes the 5,000 square foot building, 2,244 square foot storage building, 5,318 square foot canopy, 2,634 square foot car wash and the 2,550 square foot drive thru restaurant per the site plan dated February 21, 2021.

Therefore, the estimated Regional Transportation Fees for the Project is \$302,036.92 [\$17.02(5,000+2,244+5,318+2,634+2,550)]. The current Regional Transportation Development Mitigation Plan can be found at the following website:
<http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

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

93. Building Plans. Building plans shall be submitted to the Fire Department for review and approval.
94. Access. The development shall have a minimum of two (2) points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1

Single Story Road Access Width:

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

Multi-Story Road Access Width:

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

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

95. Construction and Demolition Waste Management Plan (CWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued.

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

96. Water Purveyor. Water purveyor shall be **West Valley Water District** or EHS approved.

97. 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 will suffice. For information, contact the Water Section at 1-800-442-2283.

98. 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

99. Food Establishment Plan Check Required. Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS/Plan Check at: 1-800-442-2283.

100. 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.

101. Sewage Disposal. Method of sewage disposal shall be City of Rialto, or, if not available, EHS approved onsite wastewater treatment system (OWTS).

102. 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).

103. Sewer Connection. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to EHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.

104. Onsite Wastewater Treatment System. Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.

105. Water Board Clearance. Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services for projects with design flows greater than 10,000 gallons per day.

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

106. Demolition of Structures. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact EHS Vector Section at 1-800-442-2283.

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

107. Fire Hydrant: Your project meets fire flow however the fire hydrant shown in your submittal is in excess of the required spacing and/or a substandard fire hydrant. You will be required to either install an approved fire hydrant within 300 feet (as measured along vehicular travel-ways) from the driveway on the address side of the proposed structure or install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety. [F05A]

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

109. Turnaround: An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty-five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1 [F43]

110. Water System Commercial: A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred [300] feet from any portion of a structure. [F54]

111. Primary Access Paved: Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions (Fire# F-9), including width, vertical clearance and turnouts, if required. [F89]

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

112. Improvements: The applicant shall design their street improvement plans to include the following

Driveway:

- The driveway located on Cedar Avenue shall be restricted to right in/right out. The applicant shall install the proper signage to reflect that movement.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

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

113. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number P201900307
114. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC
115. AES-1(D): *The area of illumination from any lighting source must be confined to within the site boundaries so as to minimize impacts to night sky views from surrounding properties. On-site lighting will be fully shielded, diffused, or directed in a manner to avoid glare directed at adjacent properties, roadways or any light spill into any wildland areas surrounding the site that might affect nocturnal animals. No light will be permitted to project onto adjacent roadways in a manner that interferes with on-coming traffic. All lighting will be limited to that necessary for maintenance activities, security, and safety purposes. All signs proposed by this project will only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign or by direct stationary neon lighting.*
116. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
117. 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.
118. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
119. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met.
120. PS-1(A): *The convenience store and fast-food's restaurant windows must remain un-obstructed and free from any window signs or writing. This is to allow for clear visibility of the store's interior from the patrol vehicles outside.*
121. PS-2(A): *Internal security cameras must be installed throughout the proposed convenience store and fast-food window. Restaurant to provide a comprehensive view of the buildings' interior and exterior. Cameras will be monitored by the cashiers.*
122. PS-3(A): *A silent alarm system that will be monitored at a central station must be installed.*
123. PS-4(A): *Hold up buttons or remote transmitters must be provided.*
124. PS-5(A): *Doorway access to the restrooms must be visible to the cashiers or security cameras monitored by the cashiers.*
125. PS-6(A): *No long-term parking (more than one hour), other than that required by employees, will be permitted. This provision will be monitored by employees with appropriate signage posted within the parking area.*
126. PS-7(A): *Appropriate signage must be posted indicating that loitering and/or the drinking of alcoholic beverages on-site are prohibited.*
127. PS-8(A): *The site frontage from Cedar Avenue and Jurupa Avenue and the parking and circulation areas must be visible to outside surveillance. Landscaping and other architectural treatments must not inhibit surveillance of the site from these areas.*
128. PS-9(A): *The site must be properly illuminated, and the storage building and carwash tunnel must be secured when not in use.*

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

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

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

130. 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.

131. WQMP Improvements. All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

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

132. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.

133. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.

134. 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.

135. 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.

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

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

137. Fire Alarm – Automatic: An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. Standard 1007.1.1FA [F62]

138. Fire Lanes: The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan. Standard 901.4 [F93]

139. Fire Sprinkler-NFPA #13: An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. Standard 101.1 [F59]

140. Key Box: An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85]

141. Commercial Addressing: Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F82]
142. Hood and Duct Suppression: An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (minimum 1/8" scale) with manufactures' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F65]
143. Fire Extinguishers: Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

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

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

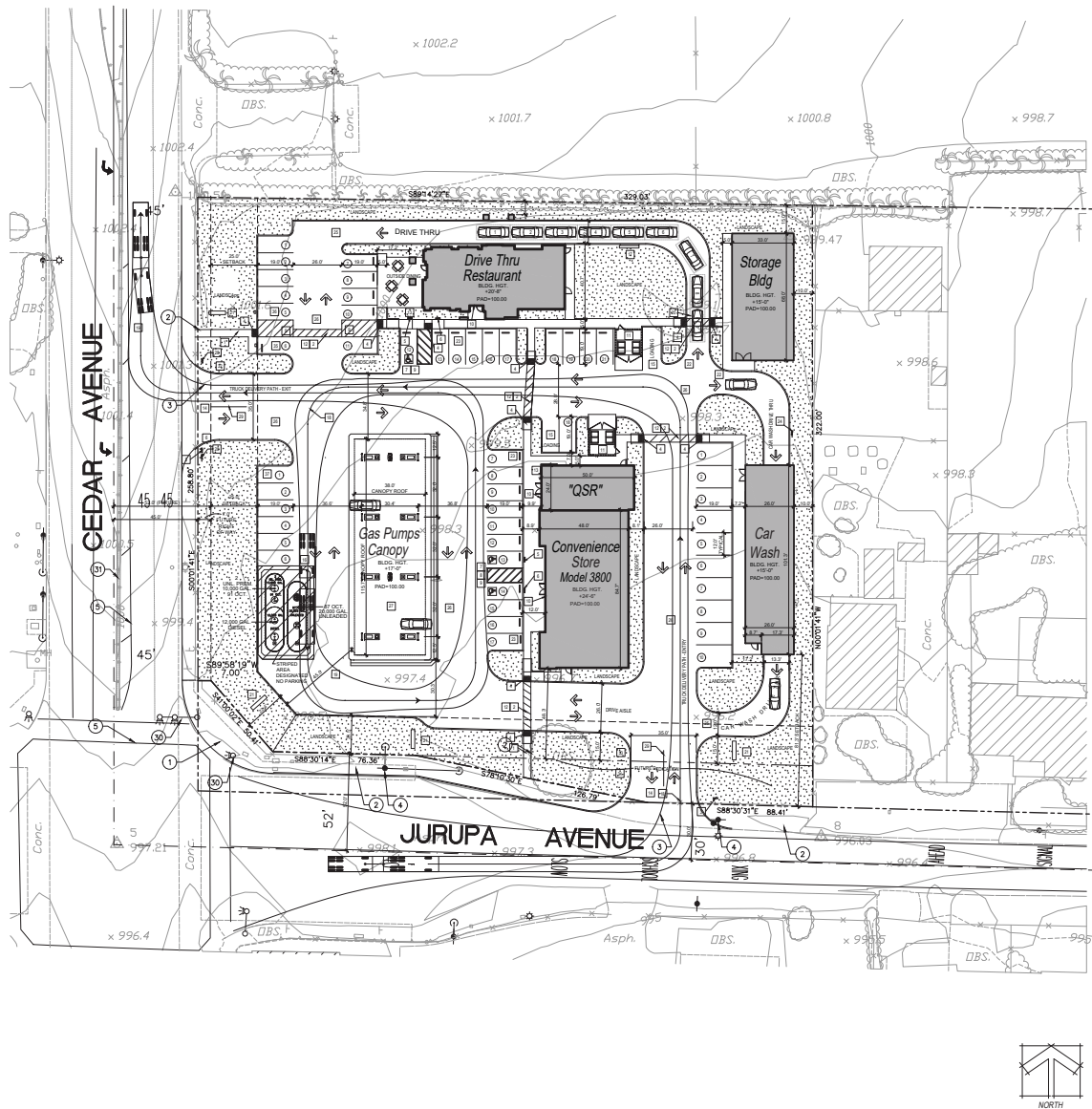
COUNTY FIRE DEPARTMENT – Hazardous Materials Division (760) 995-8190/(909) 386-8401

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

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

146. Noise Reduction. Install "silence package" for the blower at exit of car wash to further reduce noise.

END OF CONDITIONS



KEYNOTES

- 1 ACCESSIBLE PATH OF TRAVEL FROM PUBLIC WAY
- 5% MAX. SLOPE
- 2 ACCESSIBLE PATH OF TRAVEL - 5% MAX. SLOPE
- 3 "UNAUTHORIZED PARKING IN ACCESSIBLE SPACES..."
SIGNAGE
- 4 YELLOW TRUNCATED DOMES
- 5 ACCESSIBLE PARKING SIGNAGE WITH "VAN ACCESSIBLE"
SIGNAGE AND MINIMUM FINE SIGNAGE
- 6 ACCESSIBLE PARKING SIGNAGE WITH MINIMUM FINE
SIGNAGE
- 7 ACCESSIBLE VAN PARKING STALL
- 8 ACCESSIBLE PARKING STALL
- 9 ACCESSIBLE ACCESS AISLE
- 10 BUILDING ACCESSIBLE ENTRY SIGNAGE
- 11 NEW TRASH ENCLOSURE
- 12 STRIPED WALKWAY AT DRIVE AISLE
- 13 2 BICYCLE PARKING
- 14 NEW DRIVE WAY
- 15 LOADING SPACE - 15' X 15'
- 16 UNDERGROUND FUEL TANK LOCATION
- 17 MENU BOARD
- 18 DELIVERY TRUCK TURNING RADIUS
- 19 INDICATES TANKER DELIVERY PATH
- 20 INDICATES VEHICLE LENGTH (20'-0")
- 21 MONUMENT SIGNAGE
- 22 DRIVE THRU ENTRANCE
- 23 CONCRETE WHEEL STOP, TYPICAL
- 24 CARWASH SELECTION BOARD
- 25 DRIVE THRU EXIT
- 26 ASPHALT PAVING TYPICAL
- 27 CONCRETE PAVING AT CANOPY AREA
- 28 SIGNAGE - RIGHT IN-RIGHT OUT ONLY
- 29 DRIVEWAY STRIPING
- 30 EXISTING SIGNALIZED INTERSECTION
- 31 EXISTING CONCRETE MEDIAN
- 32 INSTALL SIGN "NO TRAILER ENTRANCE ALLOWED"
FACING NB TRAFFIC
- 33 INSTALL SIGN "NO TRAILER TRUCK EXIT"
- 34 INSTALL SIGN WITH NO RIGHT TURN SYMBOL (R3-1) AND
TRUCK SYMBOL (M-4) FACING WB TRAFFIC
- 35 ACCESSIBLE CHARGING STATION
- 36 CHARGING STATION
- 37 CLEAN AIR VEHICLE PARKING

CIVIL NOTES

- 1 CURB RETURNS AND SIDEWALK RAMPS - CURB RETURNS
AND SIDEWALK RAMPS SHALL BE DESIGNED PER
COUNTY STANDARD 110 AND CALTRANS STANDARD 48A.
ADEQUATE EASEMENT SHALL BE PROVIDED TO ENSURE
SIDEWALK IMPROVEMENTS ARE WITHIN PUBLIC
RIGHT-OF-WAY.
- 2 SIDEWALKS - DESIGN SIDEWALKS PER COUNTY
STANDARD 109 TYPE "C".
- 3 DRIVEWAY APPROACH - DESIGN DRIVEWAY APPROACH
PER SAN BERNARDINO COUNTY STANDARD 125B, AND
LOCATED PER SAN BERNARDINO COUNTY STANDARD
130.
ROAD DEDICATION - A 7 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.

PROJECT DATA:

DEVELOPER: HARRY SIDHU
APPLICANT: 1240 E. WASHINGTON ST.
COLTON, CA 92335
909-702-3044
SIDHUMPM@YAHOO.COM

REPRESENTATIVE: ARCHMETRICS
JAY NELSON
1177 IDAHO STREET, SUITE 200
REDLANDS, CA 92374
PHONE: (909) 322-7582

PREPARATION DATE: FEBRUARY 18, 2021

PROJECT DESCRIPTION: CONSTRUCT NEW CONVENIENCE STORE, GAS PUMP CANOPY,
CARWASH & DRIVE THRU RESTAURANT FACILITIES WITH SITE
IMPROVEMENTS

ASSESSOR'S PARCEL NO.: 0257-101-09

LEGAL DESCRIPTION: Lot: 393 District: 08 Abbreviated Description: LOT: 393 DIST: 08
CITY: FONTANA SUBD: THE SEMI TROPIC LAND & WATER
COMPANY S T L AND W CO S B L W 374 FT S 1/2 W 1/2 LOT 393
EX STS City/Muni/Twp: FONTANA

PROJECT ADDRESS: 11279 CEDAR AVENUE
BLOOMINGTON, CA 92316

GENERAL PLAN: RESIDENTIAL VACANT LAND

SPECIFIC PLAN: N/A

UTILITIES: DISTRICT WATER - WEST VALLEY WATER DISTRICT
TELEPHONE - VERIZON CO
GAS - SOUTHERN CALIFORNIA GAS CO
ELECTRIC - SOUTHERN CALIFORNIA EDISON
SEWER - WEST VALLEY WATER DISTRICT

BUILDING HEIGHT: CONVENIENCE STORE 24'-6"
PUMP CANOPY 17'-0"
CAR WASH 15'-6"
DRIVE THRU RESTAURANT 20'-6"

SITE AREA 2.31 AC. (100,447 SQ. FT.)

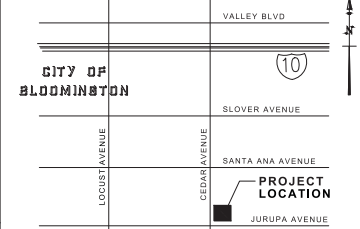
COVERAGE AREAS:

AREA OF USE	S.F.	REQUIRED%	PROVIDED%
BUILDINGS	12,428	---	12,428 SF (12.4%)
PARKING/PAVED	59,883	---	59,883 SF (59.8%)
LANDSCAPING	28,136	20.599 SF (20%)	28,136 SF (28.0%)

PARKING SUMMARY

DESCRIPTION	BLDG. S.F.	RATIO	REQUIRED	PROVIDED
CONVENIENCE STORE & QSR	5,000 SF	1 SP/250 SF	20	18
GAS PUMP CANOPY	- SF	1 SP PER PUMP ISLAND	8	
CAR WASH STATION	2,634 SF	3 REQUIRED	3	10
STORAGE BLDG	2,244 SF	N/A		
DRIVE THRU RESTAURANT	2,550 SF	1 SP/100 SF	25	23
TOTAL			48	51
STALLS PROVIDED				
REGULAR STALL	6X18		48 STALLS	
ACCESSIBLE STALL	6X18		3 STALLS	
LOADING STALL	10X18		2 STALLS	
BICYCLE			4 PROPOSED	

VICINITY MAP



STEVEN PAUL MURRAY
ARCHITECT & ASSOCIATES
1177 Idaho Street, Suite 200
Redlands, CA 92374
Phone (909) 307-0146
Fax (909) 307-0148



FOR:

ARCO AM/PM (NO. 00000)
MR. HARRY SIDHU
11279 CEDAR AVENUE,
BLOOMINGTON, CA 92316

REVISIONS
CONSTR.
BID
PLAN CHECK 2022-10-06/H24
DRAWN VM
JOB NO. 16-071
SHEET NAME
PROPOSED ARCHITECTURAL SITE PLAN
SHEET NO.
1.0
SHEET 1 OF 1

TOM DODSON & ASSOCIATES

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

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

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



RECEIVED

NOV 01 2022

LAFCO

San Bernardino County

November 1, 2022

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

Dear Sam:

LAFCO SC#490 consists of an application for Extension of Service by the City of Rialto to a single parcel located in the City's southern Sphere of Influence (Sphere). The specific action before the Local Agency Formation Commission (LAFCO) consists of a request by the City of Rialto (City) to extend sewer collection and wastewater treatment service to a proposed gas station with a mini-market, carwash, and restaurant on an approximate 2.31-acre parcel of land (APN 0257-101-09) located at the northeast corner of the Cedar Avenue and Jurupa Avenue intersection (community of Bloomington). If the Commission approves LAFCO SC#490, the project can move forward with development and connect to the City's sewer collection system, which is located about one-half mile to the north in Santa Ana Avenue. If the Commission approves LAFCO SC#490, 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 consisted of a General Plan Amendment, Zone Change, and Conditional Use Permit. The Notice of Determination (NOD) for this action was approved for the Mitigated Negative Declaration (MND) on June 6, 2021. Based on a field review of the project site the surrounding environment has not changed in a manner that would result in greater environmental impacts from implementing the proposed project.


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#490.

Thus, based on a review of LAFCO SC#490 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 early 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#490, 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#490.
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#490.
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

DATE FILED & POSTED
Posted On: 6/22/2021
Removed On: 8/4/2021

Notice of Determination

To:

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

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

From:

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

Contact: Anthony DeLuca

Phone: 909-387-3067

Lead Agency (if different from above):

Address: _____

Contact: _____

Phone: _____

Receipt No. 36-06222021-387

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): SCH 2021010107

Project Title: ARCO AM/PM Bloomington

Project Applicant: Bloomington Hills, LLC

Project Location (include county): 11279 Cedar Avenue, Bloomington, CA, San Bernardino County

Project Description: A Conditional Use Permit for construction of a 5,000-sf. convenience store and service station with four fueling islands with a 5,318-sf. canopy. A 2,634-sf. car wash, 2,550 sf. drive thru restaurant, and a 2,244-sf. storage building in conjunction with a Policy Plan Amendment to change the Land Use Category from Low Density Residential (LDR) to Commercial (C), and a Zone Amendment from Single Residential 1-acre minimum Additional Agriculture (RS-1-AA) to General Commercial (CG).

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

above-described project on May 21, 2021 and has made the following determinations.

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

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

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

Signature (Public Agency):  Title: Planning Director

Heidi Duron

Date: 5/21/2021

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
COUNTY OF SAN BERNARDINO
CALIFORNIA
2021 JUN 22 PM 4:47

SAN BERNARDINO COUNTY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

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

PROJECT LABEL

APNs:	0257-101-09
Applicant:	Cedar Ave./Jurupa Ave. Commercial Center 11279 Cedar Avenue, Bloomington, CA 92316.
Project No:	P201900307
Staff:	Anthony DeLuca, Senior Planner.
Rep	Manoj Hariya/Hariya Engineering, Inc.
Proposal:	Cedar Ave./Jurupa Ave. Commercial Center

USGS Quad: Fontana.
Lat/Long: 34°02'15"N 117°24'10"W
T, R, Section:
Community Plan: Bloomington
LUC: Low Density Residential (LDR)
Zone: Single Residential (RS)
Overlays: N/A.

PROJECT CONTACT INFORMATION

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

Contact person: Anthony DeLuca, Senior Planner
Phone No: (909) 387-3067
E-mail: Anthony.DeLuca@lus.sbcounty.gov

Fax No: (909) 387-3223

PROJECT DESCRIPTION

Physical Characteristics

The San Bernardino County Planning Department is reviewing an application submitted by Mr. Manoj Hariya of Hariya Engineering, Inc, for the development of a new commercial center in Bloomington that would require a General Plan Amendment to change the Land Use Category from Low Density Residential currently zoned Single Residential (RS) to Land Use Category Commercial (C) General Commercial (CG). The project features a canopied fuel dispensing area, a convenience store, an automated car wash, a drive-thru restaurant, and a small storage building located within a 2.31-acre (100,447 square-foot) parcel. The total building footprint for the proposed development is 12,428 square feet. Project elements are summarized below.

- **Arco Gasoline Sales and Carwash.** The proposed fuel dispensing area would be constructed under a 5,324 square foot canopy and would consist of eight (8) pumps with a total of sixteen (16) fueling positions. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The maximum height of the pump canopy would equal 17 feet and the total height of the car wash tunnel would equal 15'-6".
- **AM/PM Convenience Store and Quick Service Restaurant (QSR).** The convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service

restaurant (QSR) area inside the store. The maximum building height of the AM/PM Convenience Store and Quick Service Restaurant (QSR) would equal 24'-6".

- **Underground Storage Tanks (USTs).** Three underground storage tanks (USTs) will be provided. One UST is a 20,000-gallon tank that will contain 87 octane unleaded gasoline. The second UST will contain 10,000 gallons of 91 octane unleaded premium fuel. Finally, the third, UST will be a 12,000-gallon UST that will contain diesel fuel.
- **Drive-Thru Restaurant.** The proposed fast-food and drive thru restaurant would have a total floor area of 2,550 square feet. The maximum building height of the drive thru restaurant would equal 20'-8". In addition, a 2,244 square foot storage building would be located in the site's northwest corner.
- **Access and Circulation.** Vehicle access to the proposed commercial development will be provided by two driveway entrances, one northbound right in/right out only located on Cedar Avenue and one full access on Jurupa Avenue. Internal drive aisles will be installed within the gasoline pump area, car wash, and drive-thru restaurant.
- **Parking.** A total of 51 new parking spaces will be provided within the proposed commercial development including 48 regular parking stalls and three ADA-accessible parking spaces. Other paved areas will include two commercial loading stalls and a secure bicycle parking area. The total paved parking area will consist of 59,883 square feet. z
- **Landscaping.** Landscaping will total 28,136 square feet. Landscaping will be provided along the site frontages with Cedar Avenue and Jurupa Avenue, along the north and east sides, and within then site.

The site plan is shown in Exhibit 1. Building elevations are provided in Exhibits 2 and 3. The project is summarized in Table 1.

Project Summary Table	
Project Element	Description
Total Site Area	2.31 acres (100,447 sq. ft.)
Total Building Floor Area	12,428 sq. ft.
Fast-Food Restaurant	2,550 sq. ft.
Fuel Sales Area	8 pumps (16 positions)
Convenience Store	5,000 sq. ft.
Automated Carwash	2,634 sq. ft. (tunnel)
Total No. Parking Spaces	51 spaces
Standard Parking Spaces	48 spaces
ADA Parking Spaces	3 spaces
Driveway Access (two)	Cedar and Jurupa
Landscaping	28,136 sq. ft.

Source: Archimetric Design & Construction, Inc. *Proposed Architectural Site Plan.*

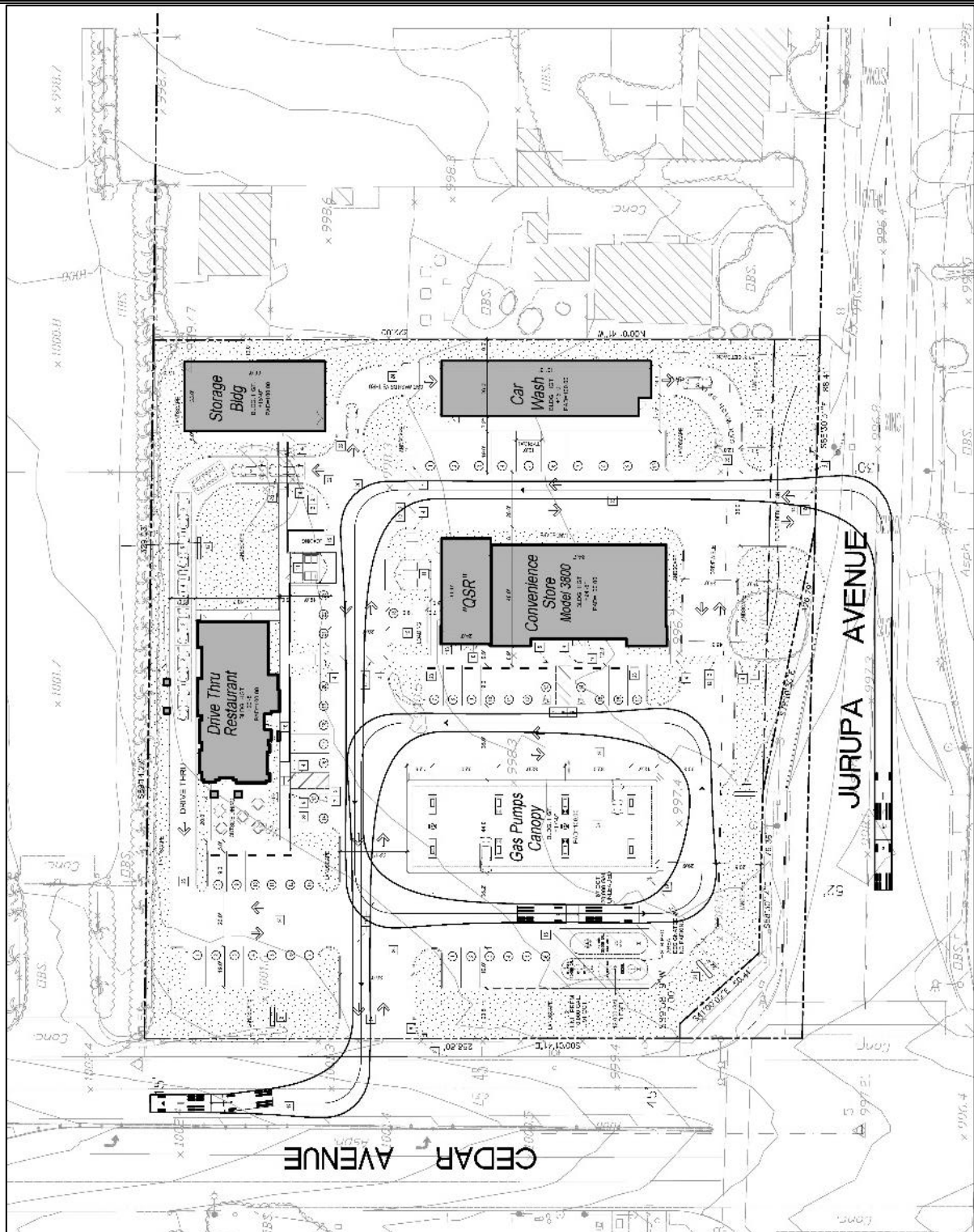
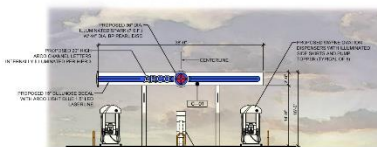
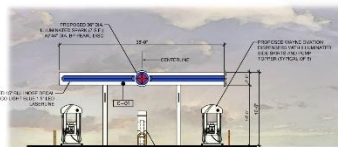
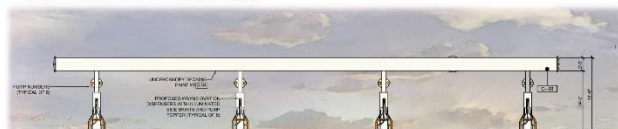
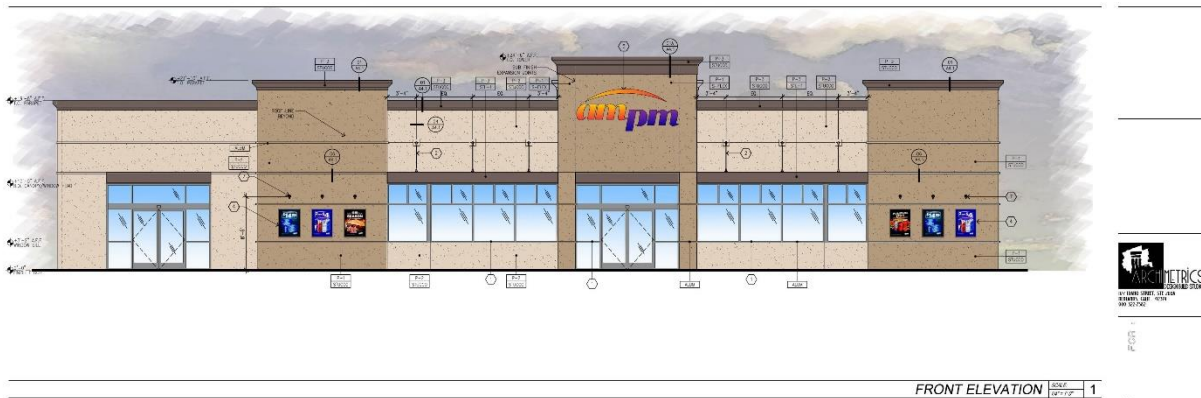


EXHIBIT 1
SITE PLAN OF PROPOSED PROJECT
 SOURCE: ARCHIMETRICS DESIGN BUILD STUDIO



CANOPY ELEVATIONS SCALE 1/8" = 1'-0" 1

FINISH SCHEDULE LEGEND

- NOTE:
- 1 ARCHITECTURAL (STANDARD) FINISHES & COLORS PER ARCHITECT'S PRELIMINARY PROGRAM COMPLIANCE GUIDE. (PREFERRED) (OPTIONAL FOR CANOPY COLOR MATCH: ANSIR 10-01)
 - 2 PAINT: QUALITY PROFESSIONAL, ORDER MATCHES (SPEC: WHITE 10-11, 10-12, 10-13, 10-14, 10-15, 10-16, 10-17, 10-18, 10-19, 10-20, 10-21, 10-22, 10-23, 10-24, 10-25, 10-26, 10-27, 10-28, 10-29, 10-30, 10-31, 10-32, 10-33, 10-34, 10-35, 10-36, 10-37, 10-38, 10-39, 10-40, 10-41, 10-42, 10-43, 10-44, 10-45, 10-46, 10-47, 10-48, 10-49, 10-50, 10-51, 10-52, 10-53, 10-54, 10-55, 10-56, 10-57, 10-58, 10-59, 10-60, 10-61, 10-62, 10-63, 10-64, 10-65, 10-66, 10-67, 10-68, 10-69, 10-70, 10-71, 10-72, 10-73, 10-74, 10-75, 10-76, 10-77, 10-78, 10-79, 10-80, 10-81, 10-82, 10-83, 10-84, 10-85, 10-86, 10-87, 10-88, 10-89, 10-90, 10-91, 10-92, 10-93, 10-94, 10-95, 10-96, 10-97, 10-98, 10-99, 10-100)
 - 3 PAINT: QUALITY PROFESSIONAL, ORDER MATCHES (SPEC: WHITE 10-11, 10-12, 10-13, 10-14, 10-15, 10-16, 10-17, 10-18, 10-19, 10-20, 10-21, 10-22, 10-23, 10-24, 10-25, 10-26, 10-27, 10-28, 10-29, 10-30, 10-31, 10-32, 10-33, 10-34, 10-35, 10-36, 10-37, 10-38, 10-39, 10-40, 10-41, 10-42, 10-43, 10-44, 10-45, 10-46, 10-47, 10-48, 10-49, 10-50, 10-51, 10-52, 10-53, 10-54, 10-55, 10-56, 10-57, 10-58, 10-59, 10-60, 10-61, 10-62, 10-63, 10-64, 10-65, 10-66, 10-67, 10-68, 10-69, 10-70, 10-71, 10-72, 10-73, 10-74, 10-75, 10-76, 10-77, 10-78, 10-79, 10-80, 10-81, 10-82, 10-83, 10-84, 10-85, 10-86, 10-87, 10-88, 10-89, 10-90, 10-91, 10-92, 10-93, 10-94, 10-95, 10-96, 10-97, 10-98, 10-99, 10-100)



FOR



FOR

ARCO AM/PM - Bloomington
 Mr. Harry Sidhu
 11279 CEDAR AVENUE
 BLOOMINGTON, CA 92315

REVISIONS
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EXHIBIT 2 BUILDING ELEVATIONS

SOURCE: ARCHIMETRICS DESIGN BUILD STUDIO

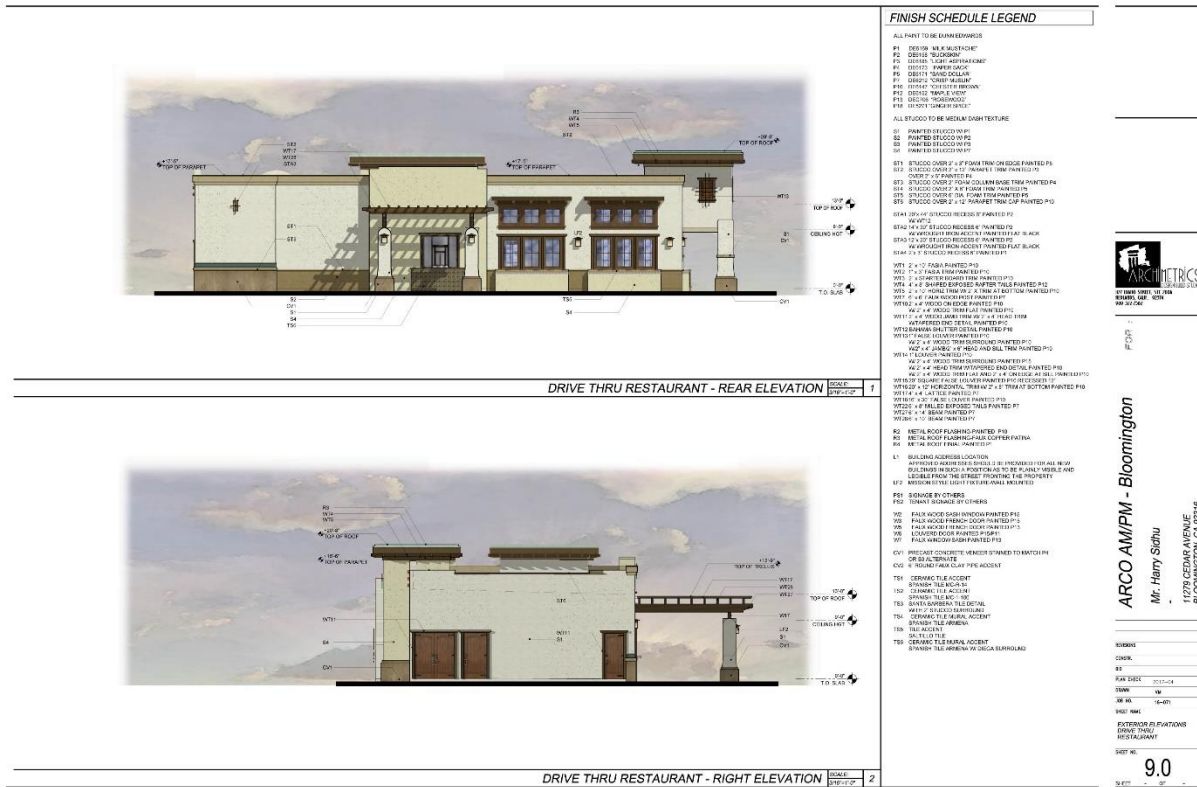


EXHIBIT 3
BUILDING ELEVATIONS
 SOURCE: ARCHIMETRICS DESIGN BUILD STUDIO

Construction Characteristics

The total land area to be developed during the construction of the proposed project is a 2.31-acre (100,447 square-foot) parcel, located near the intersection of Cedar Avenue and Jurupa Avenue within the community of Bloomington. The construction for the current proposed project is estimated to begin on June, 2021 and would take approximately ten months to complete. The key construction phases are outlined in the paragraphs that follow.

- *Phase 1 - Grading.* The project site would be graded and readied for the construction. This phase would require one month to complete.
- *Phase 2 -Site Preparation.* During this phase, the building footings, utility lines, and other underground infrastructure would be installed. This phase would require one month to complete.
- *Phase 3 - Construction.* The new buildings would be constructed during this phase. This phase will take approximately six months to complete.
- *Phase 4 - Paving and Finishing.* This concluding phase would involve the paving and finishing. The completion of both phases will take approximately two months to complete.

Operational Characteristics

The fuel dispensers and the convenience store will be open 24 hours a day, 7 days a week. The hours of operation for the automated carwash will be limited to the daytime hours only. The fast-food restaurant may be open 24 hours a day though the actual hours of operation will be determined once the tenant is identified. The proposed convenience store/carwash component project is anticipated to employ up to ten persons while the potential employment for the fast-food restaurant will employ up to 20 persons.

SURROUNDING LAND USES AND PROJECT LOCATION

Surrounding Land Uses

Land uses located in the vicinity of the proposed project are outlined below:

- *North of the project site:* Industrial land uses, including a large shipping container storage facility and semi-truck parking area, are located directly north of the project site. Further north, undeveloped vacant land extends along Cedar Avenue to Santa Anita Avenue.
- *East of the project site:* Land uses to the east of the project site are primarily zoned for single-family residential developments. A single family residence is located adjacent to the project boundary. The Crestmore Elementary School campus is located approximately 650 feet from the proposed project site's eastern boundary.
- *South of the project site:* Jurupa Avenue abuts the southern boundary of the proposed project site. Jurupa Avenue is a two-lane local road oriented in an east-to west direction connecting Bloomington with other nearby communities. Additional land uses south of the project site include an auto repair shop, retail tire sales, and a liquor store.

- **West of the project site:** Directly west of the project site is Cedar Avenue, a four-lane local road that serves as a trucking transportation corridor for shipping and warehousing facilities in the vicinity of the project site. On the western side of Cedar Avenue is a large shipping warehousing industrial facility.

An aerial photograph of the project site and the surrounding area is provided in Exhibit 4. Photographs of the site and surrounding areas are provided in Exhibits 5 and 6.

Existing Land Use and Land Use Zoning Districts		
Location	Existing Land Use	Land Use Zoning District
Project Site	Vacant	LUC: Low Density Residential (LDR) Zone: Single Residential (RS)
North	Industrial land uses, including a large shipping container storage facility and semi-truck parking area, are located directly north of the project site. Further north, undeveloped vacant land extends along Cedar Avenue to Santa Anita Avenue.	LUC: Low Density Residential (LDR) Zone: Single Residential (RS)
South	Jurupa Avenue abuts the southern boundary of the proposed project site. Jurupa Avenue is a two-lane local road oriented in an east-to-west direction connecting Bloomington with other nearby communities. Additional land uses south of the project site include an auto repair shop, retail tire sales, and a liquor store.	LUC: Commercial (C) Zone: General Commercial (CG) LUC: Low Density Residential (LDR) Zone: Single Residential (RS)
East	Land uses to the east of the project site are primarily zoned for single-family residential developments. Existing Single Family Residence. The Crestmore Elementary School campus is located approximately 650 feet from the proposed project site's eastern boundary.	LUC: Low Density Residential (LDR) Zone: Single Residential (RS)
West	Directly west of the project site is Cedar Avenue, a four-lane local road that serves as a trucking transportation corridor for shipping and warehousing facilities in the vicinity of the project site. On the western side of Cedar Avenue is a large shipping warehousing industrial facility.	LUC: Limited Industrial (LI) Zone: Community Industrial (IC)



EXHIBIT 4 AERIAL MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



Figure 1: Industrial land uses including a large shipping container storage facility and semi-truck parking area are located directly north of the project site. Further north, undeveloped vacant land extends along the east side of Cedar Avenue toward Santa Anita Avenue.



Figure 2: Land uses to the east of the project site are primarily zoned for single-family residential developments. The Crestmore Elementary School campus is located approximately 650 feet from the proposed project site's eastern boundary.

EXHIBIT 5

PHOTOGRAPHS OF THE PROJECT SITE

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



Figure 3: Jurupa Avenue abuts the southern boundary of the proposed project site. Jurupa Avenue is a two-lane local road oriented in an east-to west direction, connecting Bloomington with other nearby communities. Other land uses south of the project site include a tire shop and liquor store.



Figure 4: Directly west of the project site is Cedar Avenue, a four-lane local road that serves as a trucking and transportation corridor for shipping and warehousing facilities in the vicinity of the project site. On the western side of Cedar Avenue is a large shipping and warehousing industrial facility.

EXHIBIT 6

PHOTOGRAPHS OF THE PROJECT SITE

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Project Site Location and Existing Site Conditions

The proposed project site is located within the southwestern portion of San Bernardino County, on the northeast corner of Cedar Avenue and Jurupa Avenue located in the unincorporated community of Bloomington. The community of Bloomington is bounded to the north by the Cities of Fontana and Rialto; to the east by the City of Colton; to the south by the City of Jurupa Valley and the County of Riverside; and other unincorporated areas of San Bernardino County to the west.

Regional access to the proposed project site is provided by two area highways: The San Bernardino Freeway (I-10), which extends in an east to west orientation approximately 1.30 miles north of the proposed project site, and the Pomona Freeway (SR-60), which extends in an east to west orientation approximately 3.15 miles south of the proposed project site. The location of Bloomington, in a regional context, is shown in Exhibit 7. An area map is provided in Exhibit 8.

The nearest major intersection is located to the southwest of the proposed project site, at Cedar Avenue and Jurupa Avenue in the community of Bloomington. The legal address of the proposed project site is 11279 Cedar Avenue, and the corresponding Assessor Parcel Number (APN) is 0257-101-09. A local vicinity map is provided in Exhibit 9.

ADDITIONAL APPROVALS REQUIRED BY OTHER PUBLIC AGENCIES

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

Federal: N/A

State of California: NPDES Permit

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

Local: N/A

CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun? The required notification of affected tribes has occurred. The San Manuel tribe provided standard language regarding mitigation of inadvertent discovery of tribal cultural resources including human remains.

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.

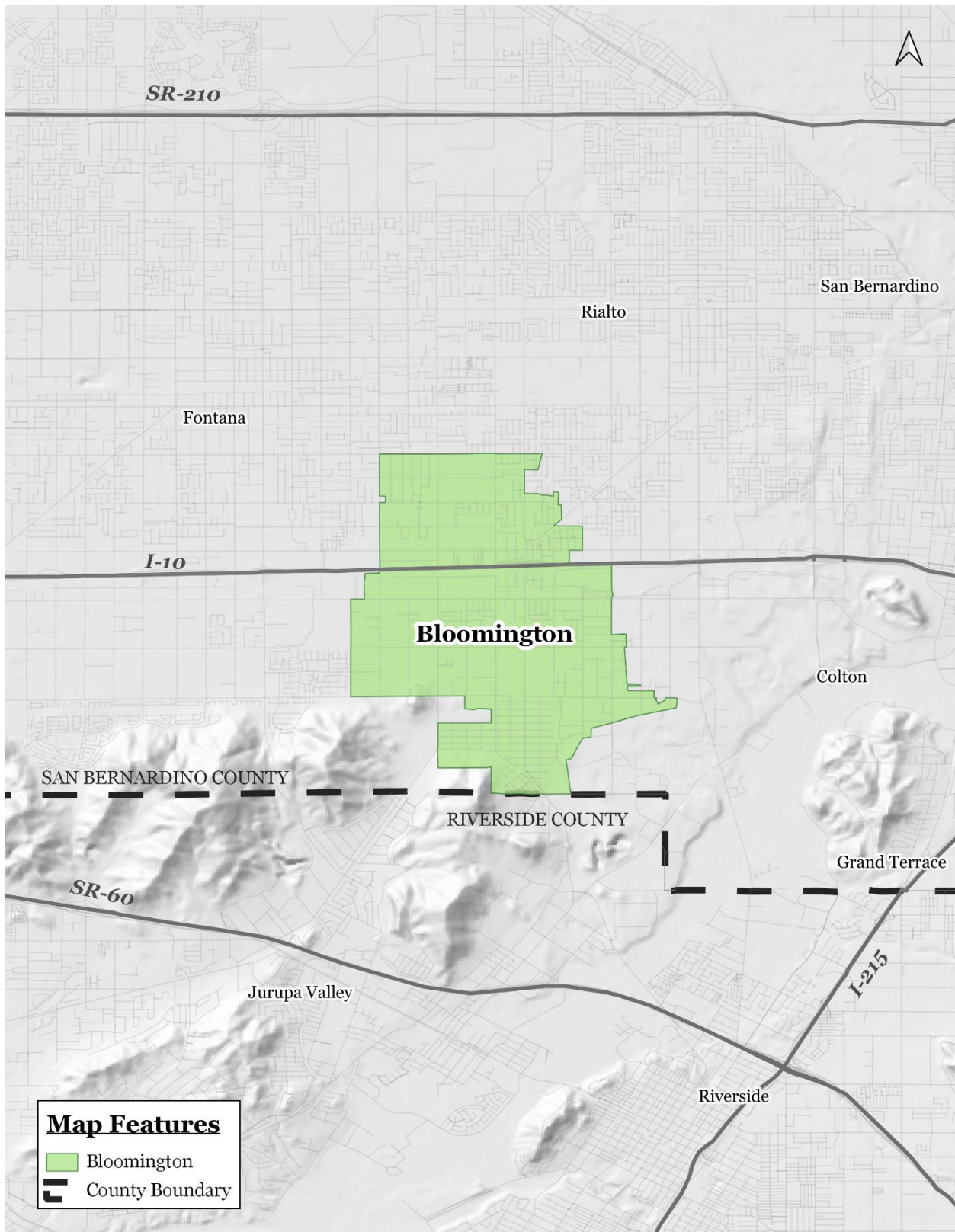


EXHIBIT 7 REGIONAL MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

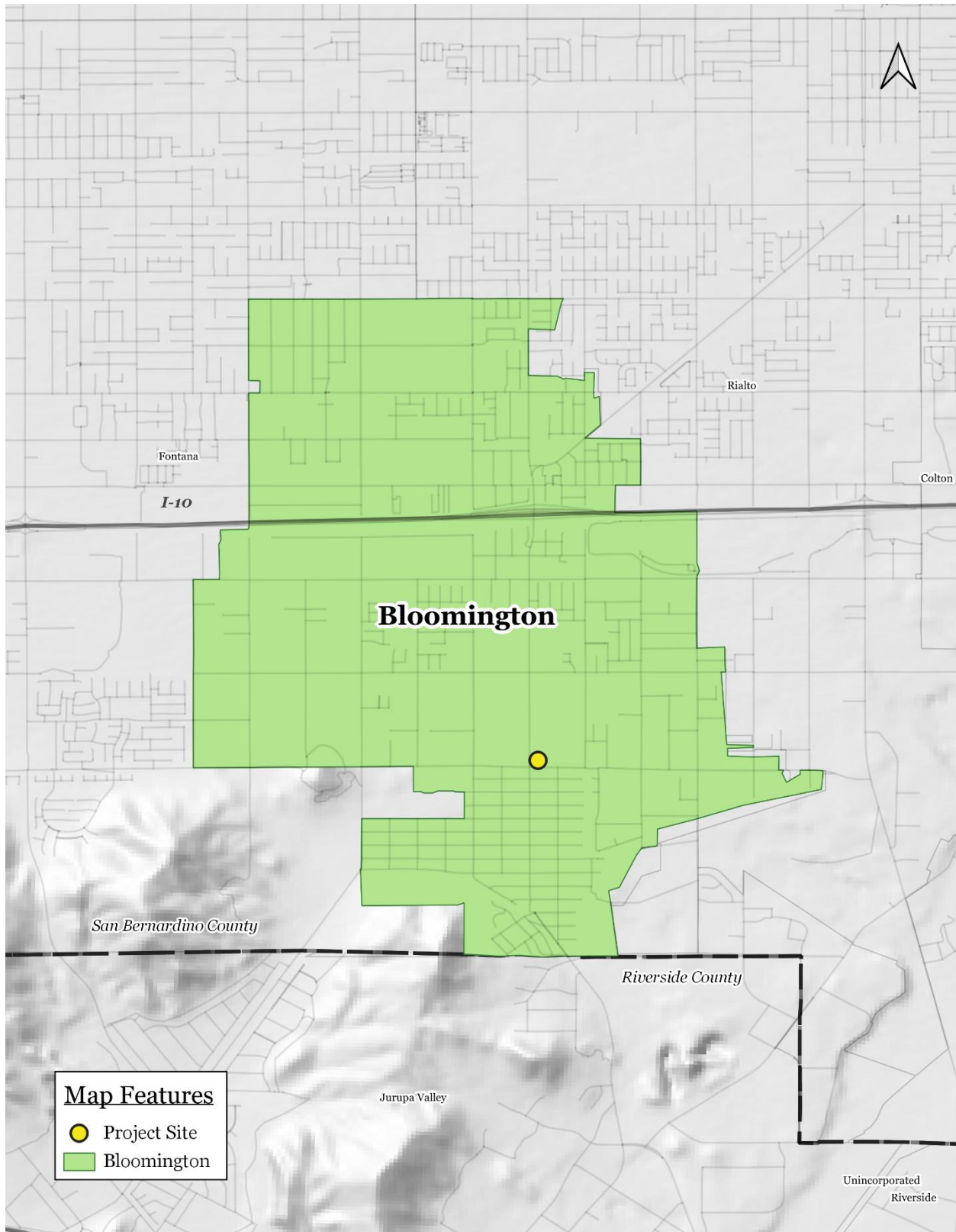


EXHIBIT 8 AREAWIDE MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

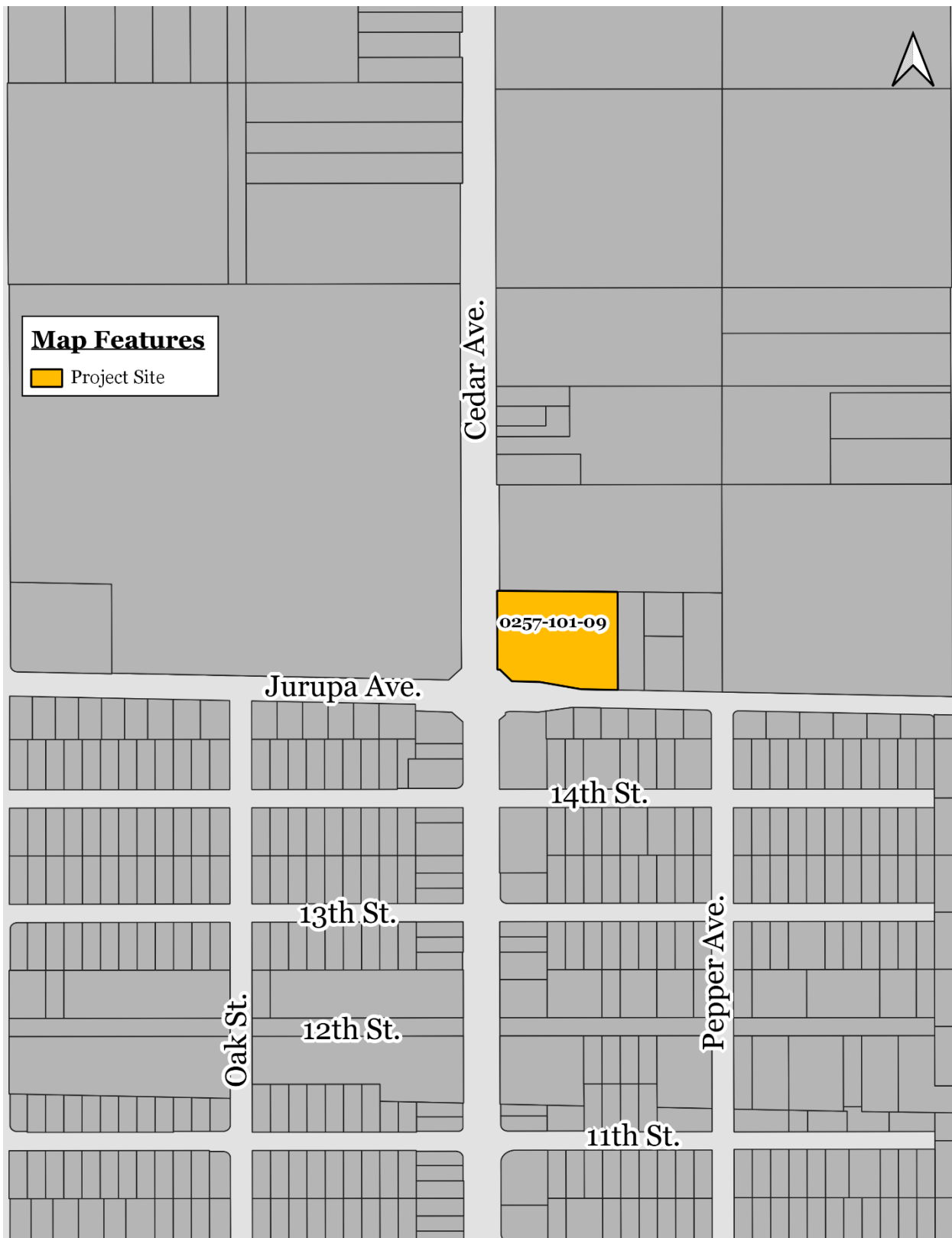


EXHIBIT 9 VICINITY MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

EVALUATION FORMAT

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 18 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

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

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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


 Signature (prepared by Anthony DeLuca, Senior Planner)

1/12/2021
 Date


 Signature Heidi Duron, Planning Director

1/12/2021
 Date

1. AESTHETICS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect on a scenic vista?				×
B. Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				×
C. In non-urbanized areas, would the project 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?				×
D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		×		

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

A. Would the project have a substantial adverse effect on a scenic vista? • No Impact

The proposed project would consist of a commercial center that would include a convenience store, an automotive fuel sales use, a fast food restaurant, and a car wash. The proposed fuel dispensing area would be located under a 5,324 square-foot canopy and consist of eight (8) pumps with a total of sixteen (16) fueling positions. The proposed convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service restaurant area inside the store. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The proposed drive-thru restaurant would have a total floor area of 2,550 square feet. Finally, a 2,244 square foot storage building would be located in the site's northwest corner.¹ All of the buildings would consist of a single level.

Major physiographic features within the vicinity of the project site include the San Bernardino Mountains located approximately 12 miles to the north, the San Jacinto Mountains located approximately 34 miles to the southeast, the Jurupa Hills located approximately 1 ½ miles to the southwest, and the Chino Hills located approximately 20 miles to the west. All of these features are at least partially obscured by existing commercial, industrial, and residential developments as well as regional Southern California Edison (SCE) transmissions towers and transmission lines. Although the proposed new commercial center may block certain views of the distant hills, the overall scenic vista would still remain visible from the surrounding properties. As a result, no impacts will occur.

B. Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? • No Impact.

According to the California Department of Transportation (Caltrans), the proposed project site is not located near a designated State or County designated scenic highway. The closest designated scenic highways to the project site is a 50-mile segment of the Rim of the World Scenic Byway (SR-38) located approximately 12.5 miles to the west of the project site. The proposed project site is vacant with no trees, significant rock

¹ Archimetrics Design Build Studio. *Site Plan*. 2020.

outcroppings, or existing structures. The project site does not contain any buildings listed in the State or National registrar (refer to the discussion under Cultural Resources). The proposed parcel slated for development has been previously disturbed with no scenic trees, rock outcroppings, or existing structures in the vicinity and does not contain any buildings listed in the State or National registrar. As a result, no impacts will occur.

- C.** *In non-urbanized areas, would the project 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 proposed project site is located in an urbanized area and surrounded by commercial, industrial, and residential land uses. All views of distant mountains from the proposed project site are at least partially obscured by existing commercial, industrial, and residential developments as well as regional Southern California Edison (SCE) transmissions towers and transmission lines. Furthermore, the proposed land use would conform to the applicable development standards. As a result, no impacts will occur.

- D.** *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?* • **Less than Significant Impact with Mitigation**

Exterior lighting can be a nuisance to adjacent land uses that are sensitive to this lighting. This nuisance lighting is referred to as light trespass, which is typically defined as the presence of unwanted light on properties located adjacent to the source of lighting. A high level of nighttime illumination already exists along the Cedar Avenue and Jurupa Avenue due to the degree of urban development in the vicinity of the project area. Project-related sources of nighttime light would be typical of that associated with commercial land uses, including signage, parking area lighting, security lighting, and vehicular headlights. The light sensitive receptors are shown in Exhibit 10.

Potential light-trespass impacts resulting from lighting would be minimized through compliance with all pertinent development standards, Zoning Ordinance standards, and the goals, policies, and implementation measures of the General Plan. San Bernardino County Ordinance No. 3900 which regulates glare, outdoor lighting, and night sky protection. Nighttime lighting associated with the proposed project would be subject to County approval and compliance with San Bernardino County requirements. Under these requirements, lighting must be directed towards the ground from low elevation poles (less than 14 feet in height). In addition, all lights would be shielded so that there is no upward directed light.

In addition, the implementation of mitigation measure AES-1(D), would reduce impacts from spillover lighting to adversely affect residents and motorists to levels that would be less than significant.

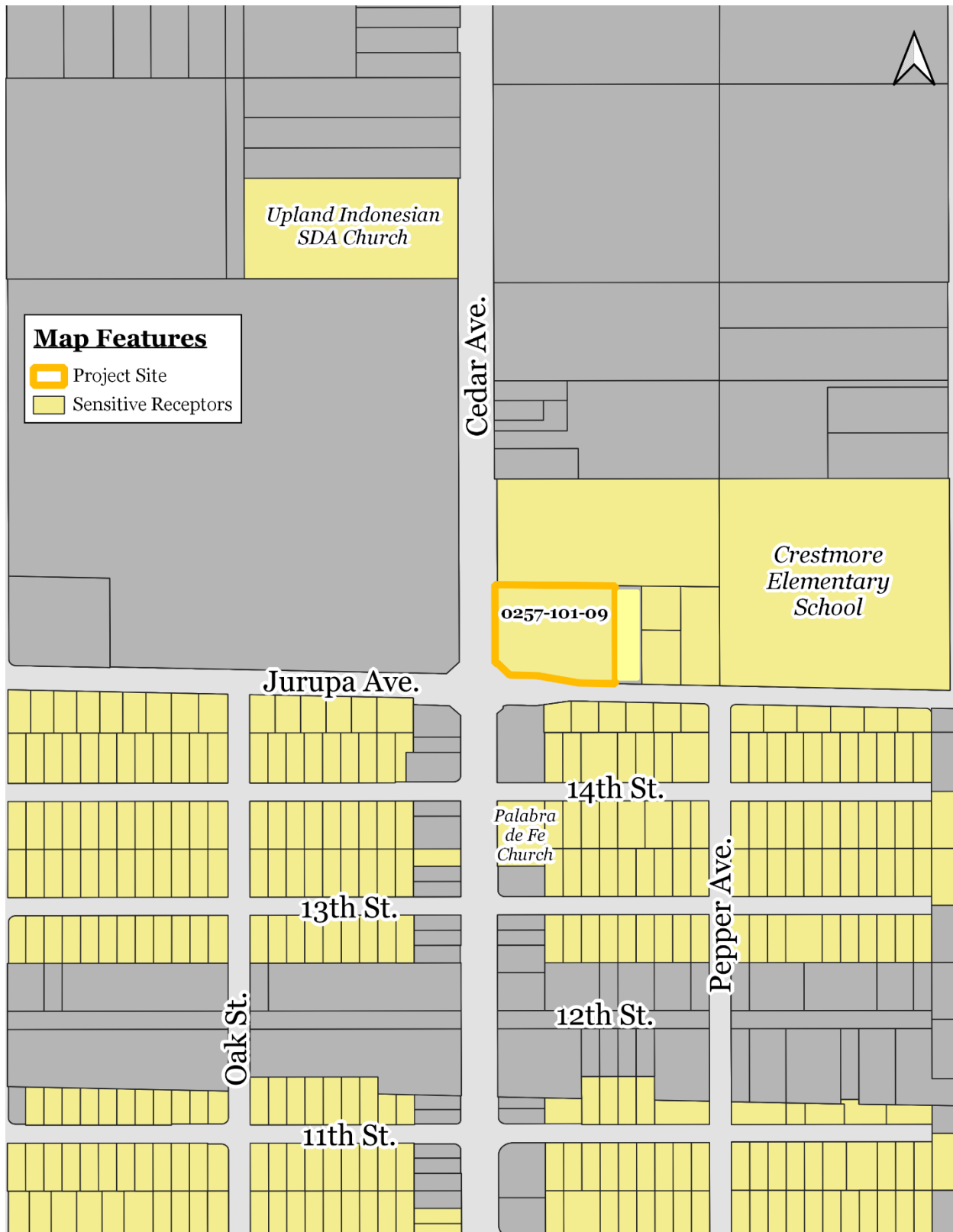


EXHIBIT 10
LIGHT SENSITIVE RECEPTORS
 SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

MITIGATION MEASURES

The following mitigation is required as a means to address potential light trespass impacts:

AES-1(D): The area of illumination from any lighting source must be confined to within the site boundaries so as to minimize impacts to night sky views from surrounding properties. On-site lighting will be fully shielded, diffused, or directed in a manner to avoid glare directed at adjacent properties, roadways or any light spill into any wildland areas surrounding the site that might affect nocturnal animals. No light will be permitted to project onto adjacent roadways in a manner that interferes with on-coming traffic. All lighting will be limited to that necessary for maintenance activities, security, and safety purposes. All signs proposed by this project will only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign or by direct stationary neon lighting.

2. AGRICULTURE & FORESTRY RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project 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 uses?				×
B. Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract?				×
C. Would the project 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))?				×
D. Would the project result in the loss of forest land or conversion of forest land to a non-forest use?				×
E. Would the project 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 a non-forest use?				×

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

- A. *Would the project 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 uses?* • *No Impact.*

The proposed project would consist of a commercial center that would include a convenience store, an automotive fuel sales use, a fast-food restaurant, and a car wash. The proposed fuel dispensing area would be located under a 5,324 square-foot canopy and consist of eight (8) pumps with a total of sixteen (16) fueling positions. The proposed convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service restaurant area inside the store. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The proposed drive-thru restaurant would have a total floor area of 2,550 square feet. Finally, a 2,244 square foot storage building would be located in the site's northwest corner.² According to the California Department of Conservation, the project site does not contain any areas of Farmland of Statewide Importance, and no agricultural uses are located onsite or adjacent to the property. The implementation of the proposed project would not involve the conversion of any prime farmland, unique farmland, or farmland of statewide importance to urban uses. As a result, no impacts will occur.³

- B. *Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract?* • *No Impact.*

According to the California Department of Conservation Division of Land Resource Protection, the project

² Archimetrics Design Build Studio. *Site Plan*. 2020.

³ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping, and Monitoring Program. *California Important Farmland Finder*.

site is not subject to a Williamson Act Contract.⁴ As a result, no impacts on existing Williamson Act Contracts will result from the proposed project's implementation.

- C.** *Would the project 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 proposed project site is zoned for development and the site is surrounded on all sides by urban development. No forest lands, timber lands, or timber land production zones are located within the project site. Additionally, the site's existing zoning designation do not contemplate such uses. As a result, no impacts will occur.

- D.** *Would the project result in the loss of forest land or conversion of forest land to a non-forest use?* • *No Impact.*

The proposed project site is zoned for development and the site is surrounded by urban development. No forest lands are located within the project site or surrounding areas. No loss or conversion of forest lands to urban uses would result from the proposed project's implementation. As a result, no impacts will occur.

- E.** *Would the project 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 a non-forest use?* • *No Impact.*

The proposed project would not involve any changes to the existing environment which could result in the conversion of farmland to non-agricultural use, or the conversion of forest land to a non-forest use. As a result, no impacts will occur.

MITIGATION MEASURES

The analysis of agricultural and forestry resources indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

⁴ California Department of Conservation. *State of California Williamson Act Contract Land*. <http://ftp.consrv.ca.gov/>

3. AIR QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with or obstruct implementation of the applicable air quality plan?			✗	
B. Would the project 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?			✗	
C. Would the project expose sensitive receptors to substantial pollutant concentrations?			✗	
D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				✗

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

AIR QUALITY/GHG IMPACT STUDY, BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING, MAY 21, 2020; CALEEMod V.2016.3.2

A. Would the project conflict with or obstruct implementation of the applicable air quality plan? • Less Than Significant

Air quality impacts may occur during the construction or operation of a project, and may come from stationary (e.g., industrial processes, generators), mobile (e.g., automobiles, trucks), or area (e.g., residential water heaters) sources. The project site and the unincorporated community of Bloomington are located within the South Coast Air Basin (SCAB) which is under the jurisdiction of the South Coast Air Quality Management District (SQAQMD). The SQAQMD is the regulatory agency responsible for improving air quality for a 6,600 square-mile area covering areas of Los Angeles, Orange County, Riverside, and San Bernardino counties, including the Coachella Valley.⁵ Measures to improve regional air quality are outlined in the SQAQMD's Air Quality Management Plan (AQMP). The most recent AQMP was adopted in 2017 and was jointly prepared with the California Air Resources Board (CARB) and the Southern California Association of Governments (SCAG). The AQMP will help the SQAQMD maintain focus on the air quality impacts of major projects associated with goods movement, land use, energy efficiency, and other key areas of growth. The SQAQMD has established quantitative thresholds for short-term (construction) emissions and long-term (operational) emissions for the criteria pollutants listed below. Projects in the South Coast Air Basin generating construction and operational-related emissions that exceed any of the following emissions thresholds are considered to be significant under CEQA.

- **Ozone (O₃)** is a nearly colorless gas that irritates the lungs, damages materials, and vegetation. Ozone is formed by photochemical reaction (when nitrogen dioxide is broken down by sunlight).
- **Carbon Monoxide (CO)** is a colorless, odorless toxic gas that interferes with the transfer of oxygen to the brain and is produced by the incomplete combustion of carbon-containing fuels emitted as vehicle exhaust. The threshold is 550 pounds per day of carbon monoxide (CO).

⁵ South Coast Air Quality Management District (SQAQMD). *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*. Report dated August 2016.

- **Nitrogen Oxide (NOx)** is a yellowish-brown gas, which at high levels can cause breathing difficulties. NOx is formed when nitric oxide (a pollutant from burning processes) combines with oxygen. The daily threshold is 55 pounds per day of nitrogen oxide (NOx).
- **Sulfur Dioxide (SO₂)** is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Health effects include acute respiratory symptoms. The daily threshold is 150 pounds per day of sulfur oxides (SO₂).
- **PM₁₀ and PM_{2.5}** refers to particulate matter less than ten microns and two and one-half microns in diameter, respectively. The daily threshold is 150 pounds per day of PM₁₀ and 55 pounds per day of PM_{2.5}.
- **Reactive Organic Gasses (ROG)** refers to organic chemicals that, with the interaction of sunlight photochemical reactions may lead to the creation of “smog.” The daily threshold is 55 pounds per day of ROG.

A project is conforming if it complies with all applicable District rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan). Conformity with growth forecasts may be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast. The proposed project would consist of a commercial center that would include a convenience store, an automotive fuel sales use, a fast-food restaurant, and a car wash. The proposed fuel dispensing area would be located under a 5,324 square-foot canopy and consist of eight (8) pumps with a total of sixteen (16) fueling positions. The proposed convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service restaurant area inside the store. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The proposed drive-thru restaurant would have a total floor area of 2,550 square feet. Finally, a 2,244 square foot storage building would be located in the site’s northwest corner.⁶

Projects that are consistent with the projections of employment and population forecasts identified in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) prepared by SCAG are considered consistent with the SCAQMD growth projections, since the RTP/SCS forms the basis of the land use and transportation control portions of the SCAQMD. According to the Growth Forecast Appendix prepared by SCAG for the 2016-2040 RTP/SCS, unincorporated areas of San Bernardino County, which includes the community of Bloomington, are projected to add a total of 48,500 new residents and 33,700 new employees through the year 2040.⁷ The proposed project will not introduce new residents since it is a commercial project. Therefore, the proposed project is not in conflict with the growth projections established for the County by SCAG. The project’s construction emissions would be below the thresholds of significance established by the SCAQMD (refer to the analysis included in the next section where construction emissions are summarized in Table 1). In addition, the proposed project’s long-term (operational) airborne emissions will be below levels that the SCAQMD considers to be a significant impact (the long-term stationary and mobile emissions for the proposed project are summarized in Table 2). Therefore, the project will not conflict with or obstruct implementation of the applicable air quality plan and as a result, the impacts will be less than significant.

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.

⁶ Archimetrics Design Build Studio. *Site Plan*. 2020.

⁷ SCAG 2016 RTP/SCS Demographics and Growth Forecast Appendix. December 2015.
http://scagrtpscs.net/Documents/2016/draft/d2016RTPSCS_DemographicsGrowthForecast.pdf

According to the SCAQMD, any project is significant if it triggers or exceeds the SCAQMD daily emissions threshold identified previously and noted at the bottom of Tables 1 and 2. In general, a project will have the potential for a significant air quality impact if any of the following are met:

- Generates total emissions (direct and indirect) that exceeds the SCAQMD thresholds (the proposed project emissions are less than the thresholds as indicated in Tables 3-1 and 3-2);
- Results in a violation of any ambient air quality standard when added to the local background (the proposed project will not result, in any violation of these standards);
- Does not conform with the applicable attainment or maintenance plan(s); and,
- Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1 (the proposed project will not expose sensitive receptors to substantial pollutant concentrations nor is the site located near any sensitive receptors).

The proposed project's construction and operation will not lead to a violation of the above-mentioned criteria. The analysis of daily construction and operational emissions was prepared utilizing the California Emissions Estimator Model (CalEEMod V.2016.3.2). For air quality modeling purposes, a ten-month period of construction for all five phases was assumed. As shown in Table 1 daily construction emissions will not exceed the SCAQMD significance thresholds. The short-term construction emissions will be limited to those emissions generated during project construction.

Table 1
Estimated Daily Construction Emissions

Construction Phase	ROG	NO ₂	CO	SO ₂	PM ₁₀	PM _{2.5}
Site Preparation (on-site)	1.54	18.28	10.75	0.02	0.87	0.66
Site Preparation (off-site)	0.03	0.02	0.30	--	0.09	0.02
Total Site Preparation	1.57	18.30	11.05	0.02	0.96	0.68
Grading (on-site)	1.83	20.21	9.76	0.02	3.48	2.14
Grading (off-site)	0.04	0.03	0.38	--	0.11	0.03
Total Grading	1.87	20.24	10.14	0.02	1.41	2.17
Building Construction (on-site)	2.05	16.02	14.56	0.03	0.81	0.78
Building Construction (off-site)	0.18	1.70	1.59	--	--	0.13
Total Building Construction	2.23	17.72	16.15	0.03	0.81	0.91
Paving (on-site)	1.06	10.64	11.78	0.01	0.58	0.54
Paving (off-site)	0.06	0.04	0.57	--	0.17	0.05
Total Paving	1.12	10.68	12.35	0.01	0.75	0.59
Architectural Coatings (on-site)	39.21	1.52	1.82	--	0.09	0.09
Architectural Coatings (off-site)	0.02	0.01	0.22	--	0.07	0.02
Total Architectural Coatings	39.23	1.53	2.04	--	0.16	0.11
Maximum Daily Emissions	39.23	20.24	16.15	0.03	3.48	2.17
Daily Thresholds	75	100	550	150	150	55

Source: California Air Resources Board CalEEMod [computer program].

Long-term emissions refer to those air quality impacts that will occur once the proposed project has been constructed and is operational. These impacts will continue over the operational life of the project. The two main sources of operational emissions include mobile emissions and area emissions related to off-site electrical generation. The analysis of long-term operational impacts summarized in Table 2 also used the CalEEMod V.2016.3.2 computer model. The analysis summarized in Table 2 indicates that the operational (long-term) emissions will be below the SCAQMD daily emissions thresholds.

Table 2
Estimated Operational Emissions in lbs./day

Emission Source	ROG	NO ₂	CO	SO ₂	PM ₁₀	PM _{2.5}
Area-wide (lbs/day)	2.25	--	--	0.00	0.00	0.00
Energy (lbs/day)	0.09	0.88	0.74	--	0.07	0.07
Mobile (lbs/day)	1.54	0.33	0.62	0.03	1.87	0.52
Total (lbs/day)	3.88	1.21	1.36	0.03	1.94	0.59
Daily Thresholds	55	55	55o	15o	15o	55
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2016.3.2.

The analysis presented in Tables 1 and 2 reflect projected emissions that are typically higher during the summer months and represent a worse-case scenario. As indicated in Tables 1 and 2, the impacts are considered to be less than significant. In addition, the SCAQMD Rule Book contains numerous regulations governing various activities undertaken within the District. Among these regulations is Rule 403.2 – Fugitive Dust Control for the South Coast Planning Area, which was adopted in 1996 for the purpose of controlling fugitive dust. Adherence to Rule 403.2 regulations is required for all projects undertaken within the District. Future construction truck drivers must also adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes.³ Adherence to the aforementioned standard condition will minimize odor impacts from diesel trucks. Adherence to Rule 403 Regulations and Title 13 - §2485 of the California Code of Regulations will reduce potential impacts to levels that are less than significant.

C. Would the project expose sensitive receptors to substantial pollutant concentrations? • Less than Significant Impact.

According to the SCAQMD, residences, schools, daycare centers, playgrounds, and medical facilities are considered sensitive receptor land uses. Furthermore, fugitive dust emission, which is responsible for PM₁₀ and PM_{2.5} emissions, will further be reduced through the implementation of SCAQMD regulations related to fugitive dust generation and other construction-related emissions. These SCAQMD regulations are standard conditions required for every construction project undertaken in Bloomington as well as in the cities and counties governed by the SCAQMD.

The pollutants that are the focus of the LST analysis include the conversion of NO_x to NO₂; carbon monoxide (CO) emissions from construction; PM₁₀ emissions from construction; and PM_{2.5} emissions from construction. For purposes of the LST analysis, the receptor distance used was 50 meters since sensitive receptors are located approximately 75 meters from the site. The thresholds for five acres were selected for the project even though the project site encompasses only 2.31 acres. Based on the analysis of LST impacts summarized above in Table 3, the potential impacts will be less than significant.

Table 3
Local Significance Thresholds Exceedance SRA 33 for 5 Acre Site

Emissions	Proposed Project	Type	Allowable Emissions Threshold (lbs/day) and a Specified Distance from Receptor (in meters)				
			25	50	100	200	500
NO _x	20.24	Construction	270	303	378	486	778
CO	16.15	Construction	2,193	2,978	5,188	9,611	29,410
PM ₁₀	3.48*	Construction	4	12	20	34	78
PM _{2.5}	2.18*	Construction	2	3	5	11	41

Source: CalEEMod Version 2016.3.2.

*= Note: These figures take into account the water of the site up to three times per day, which is a standard condition required by the SCAQMD.

The emissions generated by the construction of the proposed project will not exceed the LSTs identified above in Table 3. Further analysis indicated that the primary source of construction PM emissions is fugitive dust. Adherence to the SCAQMD's Rule 403 will reduce fugitive dust emissions to levels that are less than significant.

D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? • Less than Significant Impact.

The SCAQMD has identified those land uses that are typically associated with odor complaints. These uses include activities involving livestock, rendering facilities, food processing plants, chemical plants, composting activities, refineries, landfills, and businesses involved in fiberglass molding.⁸ As designed, the proposed project will not be involved in any of the aforementioned odor-generating activities. For example, the fuel dispenser nozzles must adhere to both SCAQMD and CARB regulations that govern vapors.⁹

Future construction-related trucks must adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes. Adherence to the aforementioned standard condition will minimize odor impacts from diesel trucks. In addition, the project's contractors must adhere to SCAQMD Rule 403 regulations, which significantly reduce the generation of fugitive dust. Adherence to Rule 403 Regulations and Title 13 - §2485 of the California Code of Regulations will reduce potential impacts to levels that are less than significant.

MITIGATION MEASURES

The analysis of air quality impacts indicated that the projected emissions would be below the SCAQMD's thresholds of significance. As a result, no mitigation would be required.

⁸ South Coast Air Quality Management District. *CEQA Air Quality Handbook, Appendix 9*. As amended 2017.

⁹ The fuel dispensing system is designed to capture "displaced" vapors that emerge from inside a vehicle's fuel tank when gasoline is dispensed into the tank. Gasoline vapors accumulate in automobile and truck tanks, above the liquid level.

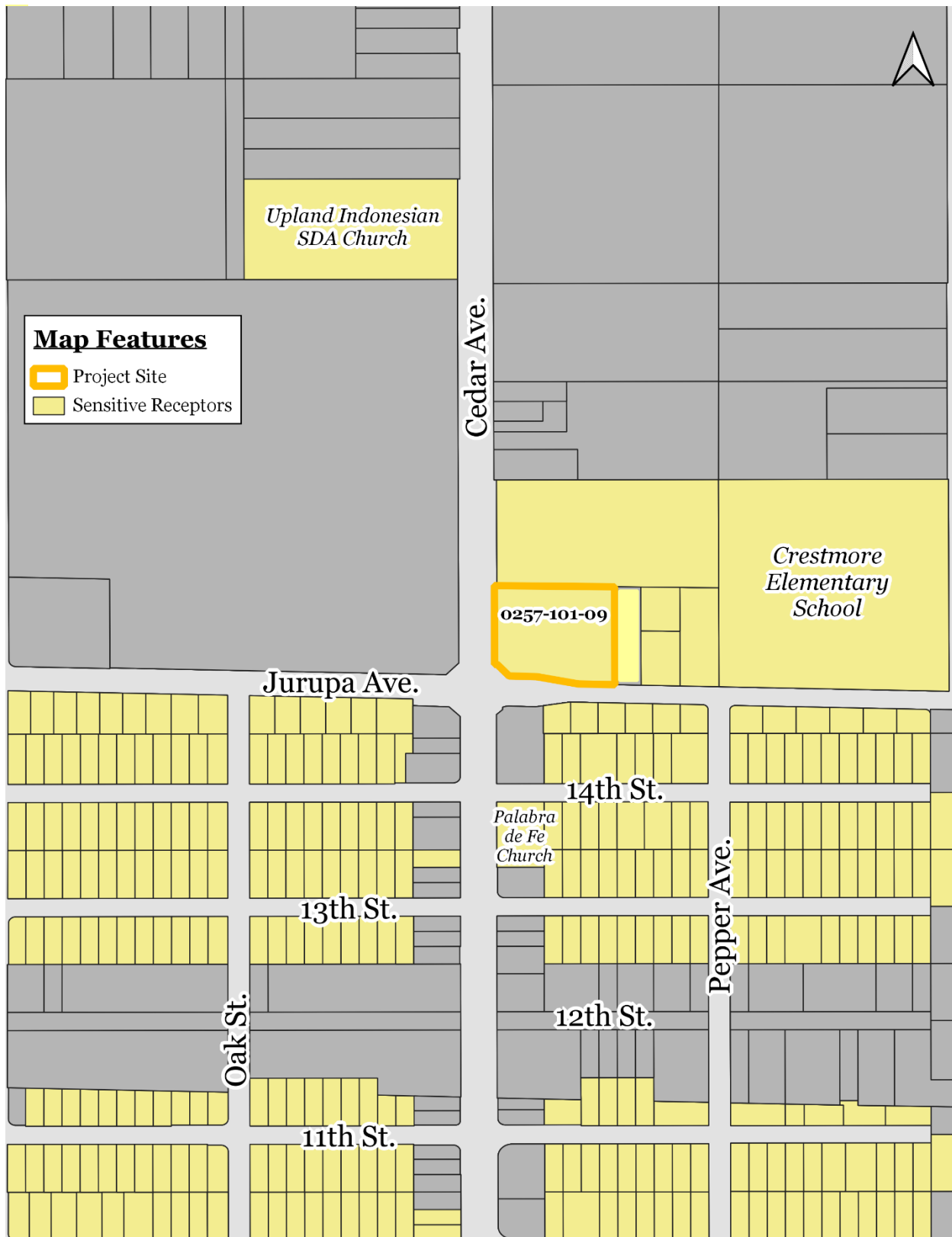


EXHIBIT 11
AIR QUALITY SENSITIVE RECEPTORS
 SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

4. BIOLOGICAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				×
B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				×
C. Would the project 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?				×
D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites?				×
E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				×
F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?				×

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

- A.** *Would the project have a substantial adverse effect, 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? • No Impact.*

The proposed project would consist of a commercial center that would include a convenience store, an automotive fuel sales use, a fast-food restaurant, and a car wash. The proposed fuel dispensing area would be located under a 5,324 square-foot canopy and consist of eight (8) pumps with a total of sixteen (16) fueling positions. The proposed convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service restaurant area inside the store. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The proposed drive-thru restaurant would have a total floor area of 2,550 square feet. Finally, a 2,244 square foot storage building would be located in the site's northwest corner.¹⁰ Although the portion of Bloomington in which the project site is located is mostly developed, some areas remain that have not been substantially disturbed. The USGS Quadrangle (San Bernardino South) that is applicable to the community of Bloomington indicates there are up to 88 plant and animal species. Table 4 indicates those "special" status species identified by the U.S. Fish and Wildlife Service and/or the California Department of Fish and Wildlife.

¹⁰ Archimetrics Design Build Studio. *Site Plan*. 2020.

Table 4
CNDDDB Species List for the San Bernardino South Quadrangle

Element Type	Scientific Name	Common Name	Federal Status	State Status	Taxonomic Sort
Animals - Amphibians	<i>Rana draytonii</i>	California red-legged frog	Threatened	None	Animals - Amphibians - Ranidae - <i>Rana draytonii</i>
Animals - Birds	<i>Agelaius tricolor</i>	tricolored blackbird	None	Candidate Endangered	Animals - Birds - Icteridae - <i>Agelaius tricolor</i>
Animals - Birds	<i>Poliophtila californica californica</i>	coastal California gnatcatcher	Threatened	None	Animals - Birds - Sylviidae - <i>Poliophtila californica californica</i>
Animals - Birds	<i>Gymnogyps californianus</i>	California condor	Endangered	Endangered	Animals - Birds - Cathartidae - <i>Gymnogyps californianus</i>
Animals - Birds	<i>Laterallus jamaicensis coturniculus</i>	California black rail	None	Threatened	Animals - Birds - Rallidae - <i>Laterallus jamaicensis coturniculus</i>
Animals - Birds	<i>Empidonax traillii extimus</i>	southwestern willow flycatcher	Endangered	Endangered	Animals - Birds - Tyrannidae - <i>Empidonax traillii extimus</i>
Animals - Birds	<i>Vireo bellii pusillus</i>	least Bell's vireo	Endangered	Endangered	Animals - Birds - Vireonidae - <i>Vireo bellii pusillus</i>
Animals - Birds	<i>Buteo swainsoni</i>	Swainson's hawk	None	Threatened	Animals - Birds - Accipitridae - <i>Buteo swainsoni</i>
Animals - Birds	<i>Empidonax traillii</i>	willow flycatcher	None	Endangered	Animals - Birds - Tyrannidae - <i>Empidonax traillii</i>
Animals - Birds	<i>Coccyzus americanus occidentalis</i>	western yellow-billed cuckoo	Threatened	Endangered	Animals - Birds - Cuculidae - <i>Coccyzus americanus occidentalis</i>
Animals - Fish	<i>Catostomus santaanae</i>	Santa Ana sucker	Threatened	None	Animals - Fish - Catostomidae - <i>Catostomus santaanae</i>
Animals - Insects	<i>Rhaphiomidas terminatus abdominalis</i>	Delhi Sands flower-loving fly	Endangered	None	Animals - Insects - Mydidae - <i>Rhaphiomidas terminatus abdominalis</i>
Animals - Insects	<i>Euphydryas editha quino</i>	quino checkerspot butterfly	Endangered	None	Animals - Insects - Nymphalidae - <i>Euphydryas editha quino</i>
Animals - Mammals	<i>Dipodomys merriami parvus</i>	San Bernardino kangaroo rat	Endangered	None	Animals - Mammals - Heteromyidae - <i>Dipodomys merriami parvus</i>
Animals - Mammals	<i>Dipodomys stephensi</i>	Stephens' kangaroo rat	Endangered	Threatened	Animals - Mammals - Heteromyidae - <i>Dipodomys stephensi</i>

Table 4 (continued)
CNDDDB Species List for the San Bernardino South Quadrangle

Element Type	Scientific Name	Common Name	Federal Status	State Status	Taxonomic Sort
Plants - Vascular	<i>Nasturtium gambelii</i>	Gambel's water cress	Endangered	Threatened	Plants - Vascular - Brassicaceae - <i>Nasturtium gambelii</i>
Plants - Vascular	<i>Arenaria paludicola</i>	marsh sandwort	Endangered	Endangered	Plants - Vascular - Caryophyllaceae - <i>Arenaria paludicola</i>
Plants - Vascular	<i>Chloropyron maritimum</i> ssp. <i>maritimum</i>	salt marsh bird's-beak	Endangered	Endangered	Plants - Vascular - Orobanchaceae - <i>Chloropyron maritimum</i> ssp. <i>maritimum</i>
Plants - Vascular	<i>Eriastrum densifolium</i> ssp. <i>sanctorum</i>	Santa Ana River woollystar	Endangered	Endangered	Plants - Vascular - Polemoniaceae - <i>Eriastrum densifolium</i> ssp. <i>sanctorum</i>
Plants - Vascular	<i>Dodecahema leptoceras</i>	slender-horned spineflower	Endangered	Endangered	Plants - Vascular - Polygonaceae - <i>Dodecahema leptoceras</i>

The project site is located within an area that has historically been converted from undeveloped habitats to urban development. As a result, the project site and the adjacent properties do not contain any naturally occurring habitats and associated flora and fauna identified in Table 4. The entire site has been disturbed due to the previous development and the subsequent disturbance related to the site's ongoing maintenance (weed control) and grubbing. The onsite soils consist of Tujunga-loamy sand. No Delhi sands are located onsite or on adjacent properties. As a result, the site is not suitable habitat for the Delhi sands flower loving fly (DSF) which is the only species of concern by the United States Fish and Wildlife Service (USFWS) applicable to nearby area. This site does not contain soils that are suitable for the DSF and, as a result, no impacts will result.

- B.** *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?* • **No Impact.**

According to the United States Fish and Wildlife Service and the results of the site visits, there are no wetland or migratory bird nesting areas located within the project site. In addition, there is no riparian habitat located on-site or in the surrounding areas.¹¹ No offsite wetland or migratory bird nesting areas will be affected by the proposed development since all new development will be confined to the project site. In addition, the proposed development will abide by all migratory and nesting bird protections required by the Migratory Bird Treaty act of 1918. As a result, no impacts are anticipated.

- C.** *Would the project 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 wetland areas or riparian habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations (also refer Exhibit 12).¹² The site in its entirety

¹¹ United States Fish and Wildlife Service. *National Wetlands Inventory*. <https://www.fws.gov/Wetlands/data/Mapper.html>

is disturbed. The site has been graded and grubbed as part of the County's property maintenance requirements. Additionally, no offsite wetland habitats would be affected by the proposed development since the project's construction would be limited to the proposed project site. As a result, no impacts are anticipated.

- D.** *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites? • No Impact.*

The project site has no utility as a wildlife migration corridor due to the proposed site location in the midst of an urban area. The project area is surrounded on all sides by urban development. Given the urban character of the adjacent parcels and the disturbed character of the project site, no impacts will occur.

- E.** *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? • No Impact*

There are no trees located within the project site boundaries. As a result, there would not be any tree removal impacts associated with the site's development. Furthermore, there would not be any tree replacement or preservation requirements that would be applicable to the proposed project. As a result, no impacts on this issue would result from the project's implementation.

- E.** *Would the project 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 and the surrounding areas are urban. The proposed project's implementation would not be in conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plans. Therefore, no impacts will occur.

MITIGATION MEASURES

The analysis of biological resources indicated that no significant impacts would result from the proposed project's implementation and no mitigation would be required.

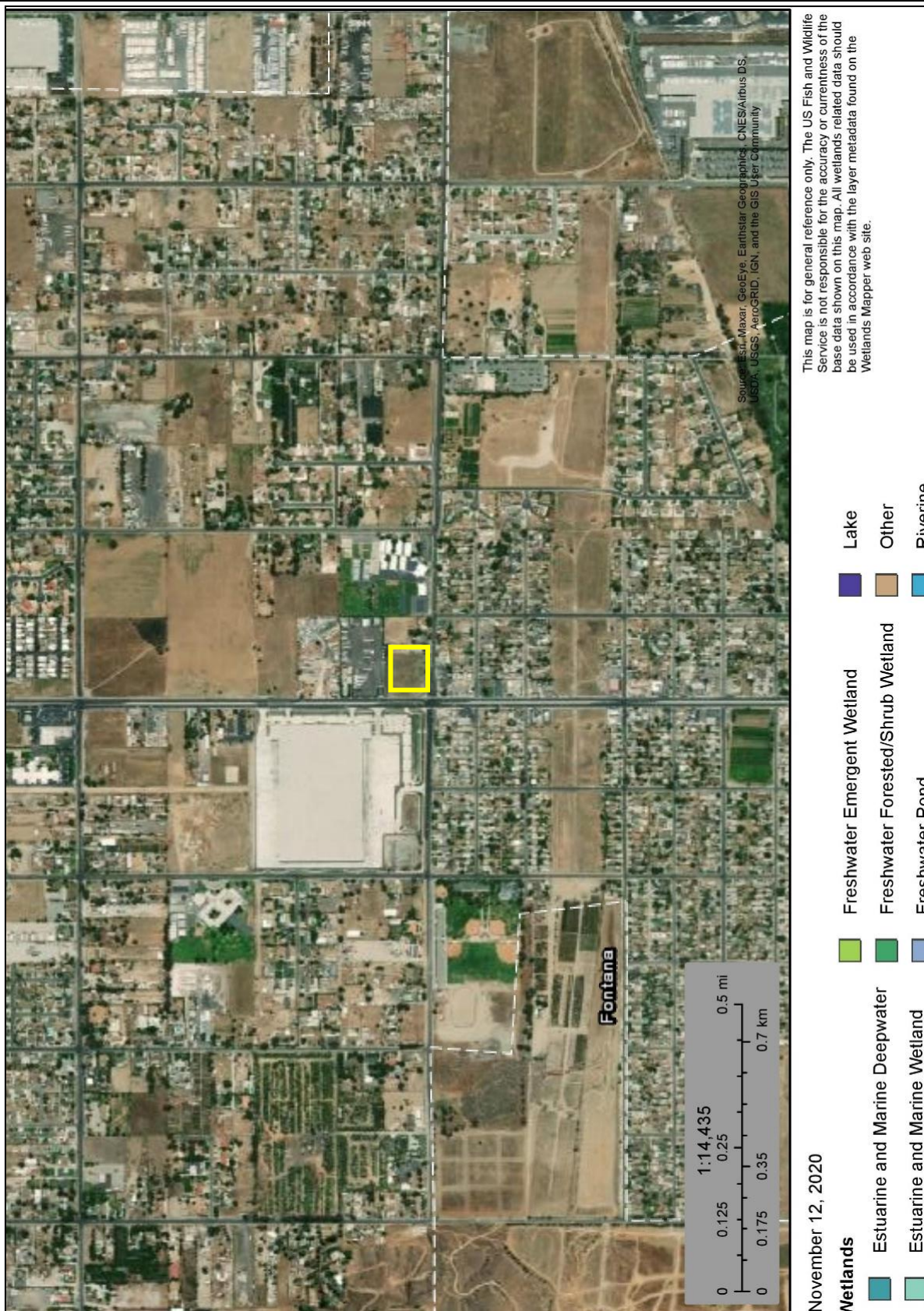


EXHIBIT 12
WETLANDS MAP
 SOURCE: NATIONAL WETLANDS INVENTORY

5. CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines?				×
B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?		×		
C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?			×	

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

- A. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines?* • No Impact.

Historical resources are defined by Local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a General Plan or historic preservation ordinance. In addition, a site or structure may be historically significant according to State or Federal criteria even if the locality does not recognize such significance. To be considered eligible for the National Register, a property's significance may be determined if the property is associated with events, activities, or developments that were important in the past, with the lives of people who were important in the past, or represents significant architectural, landscape, or engineering elements.

The project site is currently vacant, but was previously occupied by a small house, a barn, several trees, and row crops from 1938 continuing to the late 1950's and mid-1960s. All of these structures were removed between 1959 and 1966. No trace of any historic occupation remains. The demolition and removal of trees, landscaping, and buildings combined with other disturbances rendered the project completely flat and would have disturbed the top one to four feet of sediment throughout the project site.¹³ A search of the National Register of Historic Places and the list of California Historical Resources was conducted for the community.¹⁴ There are no recorded structures in the National Register of Historic Places within the community of Bloomington. The Bloomington Garage and LaGue Residence, located approximately 1.5 miles northwest of the project site at 10176 Orchard Street, is a designated California Point of Historical Interest.

The proposed project will be limited to the project site and will not affect any structures or historical resources listed on the National or State Register or those identified as being eligible for listing on the National or State Register. Furthermore, the project site is not present on the list of historic resources identified by the State Office of Historic Preservation (SHPO). Since the project's implementation will not impact any Federal, State, or locally designated historic resources, no impacts will occur.

¹³ BCR Consulting LLC., *Cultural Resources Assessment, The Bloomington Gas Station Project Bloomington, Unincorporated San Bernardino County, California*. March 18, 2020.

¹⁴ CEQA Statutes and Guidelines. Section 15064.5. 2019. Website accessed July 2, 2020.
https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2019_CEQA_Statutes_and_Guidelines.pdf

B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines? • Less than Significant Impact with Mitigation.

BCR Consulting LLC (BCR Consulting) is under contract to Harry Sidhu to conduct a Cultural Resources Assessment of the proposed project in the community of Bloomington, unincorporated San Bernardino County, California. A reconnaissance-level pedestrian cultural resources survey of the project site was completed in partial fulfillment of the CEQA requirements.¹⁵

The project site is situated at an ethnographic nexus peripherally occupied by the Gabrielino and Serrano. Each group consisted of semi-nomadic hunter-gatherers who spoke a variation of the Takic language subfamily. Individual ethnographic summaries are provided below. Gabrielino. The Gabrielino probably first encountered Europeans when Spanish explorers reached California's southern coast during the 15th and 16th centuries. The first documented encounter, however, occurred in 1769 when Gaspar de Portola's expedition crossed Gabrielino territory. The Gabrielino name has been attributed by association with the Spanish mission of San Gabriel and refers to a subset of people sharing speech and customs with other Cupan speakers (such as the Juaneño/Luiseño/Ajachemem) from the greater Takic branch of the Uto-Aztecan language family. Gabrielino villages occupied the watersheds of various rivers (locally including the Santa Ana) and intermittent streams. Chiefs were usually descended through the male line and often administered several villages. Gabrielino society was somewhat stratified and is thought to have contained three hierarchically ordered social classes which dictated ownership rights and social status and obligations. Plants utilized for food were heavily relied upon and included acorn-producing oaks, as well as seed-producing grasses and sage. Animal protein was commonly derived from rabbits and deer in inland regions, while coastal populations supplemented their diets with fish, shellfish, and marine mammals.¹⁶

The Serrano typically applies to four distinct territories: the Kitanemuk, Tataviam, Vanyume, and Serrano. Only one group, in the San Bernardino Mountains and West-Central Mojave Desert, ethnically claims the term Serrano. The Kitanemuk lived to the north and west, while the Tataviam lived to the west. All may have used the western San Bernardino County area seasonally. Serrano villages consisted of small collections of willow-framed domed structures situated near reliable water sources. A lineage leader administered laws and ceremonies from a large ceremonial house centrally located in most villages. Local Serrano relied heavily on acorns and piñon nuts for subsistence, although roots, bulbs, shoots, and seeds supplemented these. When available, game animals commonly included deer, mountain sheep, antelope, rabbits, small rodents, and various birds –particularly quail.¹⁷

An archaeological pedestrian field survey of the project site was conducted on January 20, 2020. Soil exposures, including natural and artificial clearings were carefully inspected for evidence of cultural resources. Data from the SCCIC revealed that 24 cultural resource studies have occurred resulting in 26 cultural resources identified within one mile of the project. The nearest cultural resource was an isolated prehistoric projectile point 50 meters west of the project site on the northwest corner of Jurupa Avenue and Cedar Avenue. Although this item was relatively near the project site, isolated finds are not considered “historical resources” under CEQA. They lack provenience and have little bearing on archaeological findings. The nearest prehistoric site was approximately three quarters of a mile to the west of the project site. The project site has been partially assessed for cultural resources by one previous study, and no previously recorded resources have been identified within its boundaries.¹⁸

¹⁵ BCR Consulting LLC., *Cultural Resources Assessment, The Bloomington Gas Station Project Bloomington, Unincorporated San Bernardino County, California*. March 18, 2020.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

Although the current study has not indicated sensitivity for cultural resources within the project boundaries, ground disturbing activities always have the potential to reveal buried deposits not observed on the surface during previous surveys. Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried prehistoric or historic cultural deposits. In the event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find should cease and a qualified archaeologist should be retained to assess the significance of the find. The qualified archaeologist shall have the authority to stop or divert construction excavation, as necessary. If the qualified archaeologist finds that any cultural resources present meet eligibility requirements for listing on the California Register or the National Register, plans for the treatment, evaluation, and mitigation of impacts to the find will need to be developed.¹⁹ Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include:

- Historic artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects;
- Historic structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements;
- Prehistoric flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and or cryptocrystalline silicates;
- Groundstone artifacts, including mortars, pestles, and grinding slabs; and,
- Dark, greasy soil that may be associated with charcoal, ash, bone, shell, flaked stone, groundstone, and fire affected rocks.

CEQA guidelines define a tribal cultural resource as a site, feature, place, cultural landscape, sacred place or object, which is of cultural value to a tribe and is either on or eligible for listing in the California Register of Historical Resources, or that the lead agency at its discretion chooses to treat as a tribal cultural resource. Therefore, potential for impacts to tribal cultural resources will be determined by the lead agency during required consultation with tribes. If human remains are encountered during any proposed project activities, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. Adherence to the abovementioned mitigation summarized further below to include mitigation provided by the San Manuel Tribe of Mission Indians, will reduce potential impacts to levels that are less than significant.

C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries? • Less than Significant Impact.

There are no dedicated cemeteries located in the vicinity of the project site. The proposed project will be restricted to the project site and therefore will not affect any dedicated cemeteries. Notwithstanding, the following mitigation is mandated by the California Code of Regulations (CCR) Section 15064.5(b)(4):

“A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted

¹⁹ BCR Consulting LLC. *Cultural Resources Assessment, The Bloomington Gas Station Project Bloomington, Unincorporated San Bernardino County, California*. March 18, 2020

measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.”

Adherence to the aforementioned standard condition will ensure potential impacts remain at levels that are less than significant.

MITIGATION MEASURES

The analysis of potential cultural resources impacts indicated that the project site’s previous disturbance would limit the potential for cultural resources or human remains to be discovered within the project site. The San Manuel Tribe has decided the cultural sensitivity of this project area is low, in large part due to the various levels of disturbance that were apparent in the geotechnical report and cultural study. As such, SMBMI does not have concerns, and simply requests that the following mitigation be made a part of the project/permit/plan conditions

CUL-1(B): In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

CUL-2(B): If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

CUL-3(B): If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

6. ENERGY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			✗	
B. Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?			✗	

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? • Less than Significant Impact.*

The proposed project would consist of a commercial center that would include a convenience store, an automotive fuel sales use, a fast food restaurant, and a car wash. The proposed fuel dispensing area would be located under a 5,324 square-foot canopy and consist of eight (8) pumps with a total of sixteen (16) fueling positions. The proposed convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service restaurant area inside the store. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The proposed drive-thru restaurant would have a total floor area of 2,550 square feet. Finally, a 2,244 square foot storage building would be located in the site's northwest corner.²⁰ The project site is served by Southern California Edison (electricity) and the Southern California Gas Company. The proposed project is anticipated to consume 714 kWh of electricity and 1,546 cubic feet of natural gas daily. The project Applicant will work with the local electrical utility company to identify existing and future strategies that will be effective in reducing energy consumption. As a result, the impact will be less than significant.

- B. *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? • Less Than Significant Impact.*

On January 12, 2010, the State Building Standards Commission adopted updates to the California Green Building Standards Code (Code) which became effective on January 1, 2011. The California Code of Regulations (CCR) Title 24, Part 11: California Green Building Standards (Title 24) became effective to aid efforts to reduce GHG emissions associated with energy consumption. Title 24 now requires that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. The proposed project will conform to all pertinent energy conservation requirements. As a result, the potential impacts will be less than significant.

MITIGATION MEASURES

The analysis determined that the proposed project will not result in significant impacts related to energy and mitigation measures are not required.

²⁰ Archimetrics Design Build Studio. *Site Plan*. 2020.

7. GEOLOGY & SOILS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?			✗	
B. Would the project result in substantial soil erosion or the loss of topsoil?			✗	
C. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?			✗	
D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2012), creating substantial direct or indirect risks to life or property?			✗	
E. Would the project 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?				✗
F. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✗

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

GEOTECHNICAL REPORT, GEO-CAL, INC. AUGUST 23, 2018

- A. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?* • *Less than Significant Impact.*

The unincorporated community of Bloomington is located within a seismically active region. Many major and minor local faults traverse the entire Southern California region and earthquakes from several active and potentially active faults in the Southern California region could affect the project site. In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults.

A list of cities and counties subject to the Alquist-Priolo Earthquake Fault Zones is available on the State's Department of Conservation website. There are no active faults identified by the State within the project site, nor is the project site within an Alquist-Priolo Earthquake Fault Zone. Nevertheless, the site is within a seismically active region prone to occasional damaging earthquakes. The nearest active faults are located within the San Jacinto Fault Zone, approximately 5 miles to the east of the project site. The proposed project

would comply with the 2019 California Building Standards code, which is effective in minimizing any potential seismic-related impacts to structures.

According to the United States Geological Survey, liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. Essentially, liquefaction is the process by which the ground soil loses strength due to an increase in water pressure following seismic activity. According to California Department of Conservation Earthquake Hazard Zone maps, the project site is located in an area that is subject to liquefaction, however the project site is not subject to the risk of landslides because there are no hills or mountains within or adjacent to the project site. Geologic hazards are shown in Exhibit 4. As a result, the potential impacts in regard to ground shaking, liquefaction, and landslides are less than significant since the risk is no greater in and around the project site than for the rest of the area.

B. *Would the project result in substantial soil erosion or the loss of topsoil? • Less than Significant Impact.*

According to the University of California, Davis SoilWeb database, the soils association that underlies the project site belong to the Tujunga loamy sand complex. The site lies within an area of moderate to high potential for wind and water erosion.²¹ The project site is level and limited grading will be required for structural supports, building foundations, and utility lines. All grading activities will require grading permits from the County, which include requirements and standards designed to reduce potential erosion impacts. These requirements will effectively mitigate potential stormwater runoff impacts during construction. The project site is currently level and will remain level following the site's development. The surface grades within the parking and internal roadways will be designed to facilitate drainage into the nearest curbs and gutters. As a result, the impacts will be less than significant.

C. *Would the project 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? • Less than Significant Impact.*

The project's construction will not result in soil erosion since the project's contractors must implement the construction best management practices (BMPs) identified in the mandatory storm water pollution prevention plan (SWPPP). The BMPs will minimize soil erosion and the discharge of sediment off-site. Additionally, the project site is not located within an area that could be subject to landslides or liquefaction.²² The soils that underlie the project site possess a low potential for shrinking and swelling given the site's developed character. The likelihood of lateral spreading will be further reduced since the project's implementation will not require grading and excavation that would extend to depths required to encounter groundwater. Moreover, the project will not result in the direct extraction of groundwater. As a result, the potential impacts are will be less than significant.

D. *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2012), creating substantial direct or indirect risks to life or property? • Less than Significant Impact.*

The University of California, Davis SoilWeb database was consulted to determine the nature of the soils that underlie the project site. According to the University of California Davis SoilWeb database, the project site is underlain by the Tujunga loamy sand complex.²³ The applicant is required to adhere to all requirements detailed by the USDA, resulting in potential impacts which will be less than significant.

²¹ United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Website accessed November 11, 2020.

²² Ibid.

²³ UC Davis. *Soil Web*. <https://casoilresource.lawr.ucdavis.edu/gmap/>

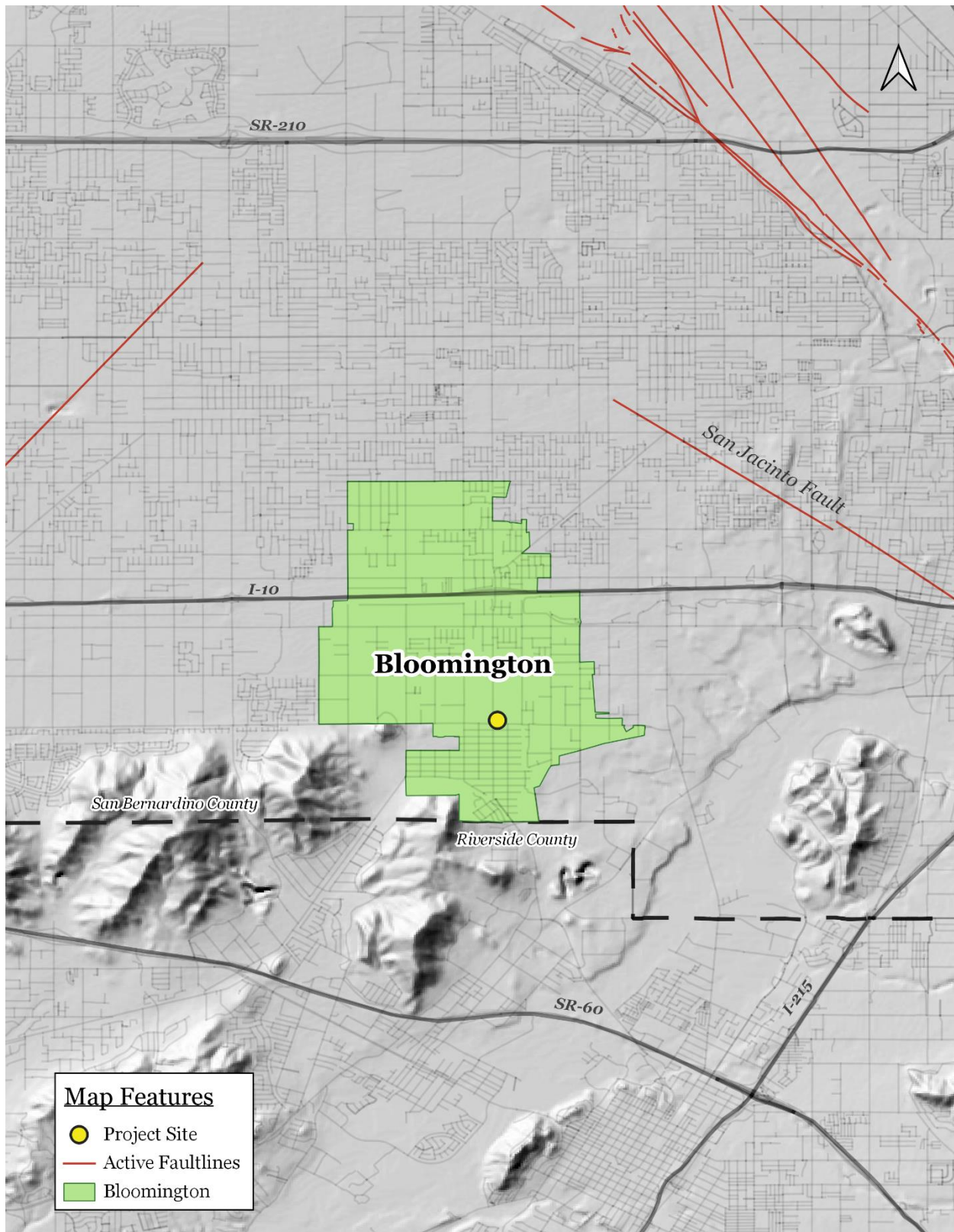


EXHIBIT 13
GEOLOGIC HAZARDS MAP
SOURCE: CALIFORNIA GEOLOGICAL SURVEY

- E.** *Would the project 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.*

No septic tanks will be used for the proposed project since the new development will be connected to the sanitary sewer system. As a result, no impacts associated with the use of septic tanks will occur as part of the proposed project's implementation.

- F.** *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? • No Impact*

Results of an on-line paleontological resources record search through the University of California Museum of Paleontology (UCMP) database indicate that there are no known vertebrate fossil localities that have been previously identified within the vicinity of the project site. Additionally, the UCMP database shows surface deposits in the proposed project area are composed entirely of younger Quaternary alluvium. This younger Quaternary alluvium is unlikely to contain significant vertebrate fossils in the uppermost layers. The very limited and shallow excavations associated with the proposed project's construction are not likely to yield significant vertebrate fossil remains. As a result, no impacts will occur.

MITIGATION MEASURES

The analysis determined that the proposed project will not result in significant impacts related to paleontological resources and no mitigation measures are required.

8. GREENHOUSE GAS EMISSIONS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✗	
B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				✗

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

AIR QUALITY/GHG IMPACT STUDY, BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING, MAY 21, 2020;
 CALEEMod V.2016.3.2

A. *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?* • *Less than Significant Impact.*

The State of California requires CEQA documents to include an evaluation of greenhouse gas (GHG) emissions, or gases that trap heat in the atmosphere. GHG are emitted by both natural processes and human activities. Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO₂), methane (CH₄), Nitrous Oxide (N₂O), and Chlorofluorocarbons (CFC):

- *Carbon Dioxide (CO₂):* Carbon dioxide enters the atmosphere through the combustion of fossil fuels such as coal, natural gas, and oil, solid waste, trees and organic biological materials, and also as a result of certain chemical reactions (e.g., manufacture of cement). Carbon dioxide is removed from the atmosphere (or "sequestered") when it is absorbed by plants as part of the biological carbon cycle.
- *Methane (CH₄):* Methane is emitted during the production and transport of coal, natural gas, and oil. Locally, methane emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills.
- *Nitrous Oxide (N₂O):* Nitrous oxide is emitted during agricultural and industrial activities, the combustion of fossil fuels and solid waste, as well as during treatment of wastewater.
- *Fluorinated carbons and gasses:* Hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride are synthetic, powerful greenhouse gases that are emitted from a variety of industrial processes. Fluorinated gases are sometimes used as substitutes for stratospheric ozone-depleting gasses.

The accumulation of GHG in the atmosphere regulates the earth's temperature. Without these natural GHG, the Earth's surface would be about 61°F cooler.²⁴ However, emissions from fossil fuel combustion have elevated the concentrations of GHG in the atmosphere to above natural levels. The SCAQMD has recommended several GHG thresholds of significance. These thresholds include 10,000 metric tons of CO₂E (MTCO₂E) per year for Residential projects. Table 3-4 summarizes annual greenhouse gas (CO₂E)

²⁴ California, State of. OPR Technical Advisory – CEQA and Climate Change: Addressing Climate Change through the California Environmental Quality Act (CEQA) Review. June 19, 2008.

emissions from the proposed project. Carbon dioxide equivalent, or CO₂E, is a term that is used for describing different greenhouse gases in a common and collective unit. As indicated in Table 4, the CO₂E total operational GHG emissions for the project are 3,966 MTCO₂E per year. This figure would actually be reduced by 50% to 3,118 MTCO₂E when accounting for shared trips and pass-by traffic. The total construction emissions would be 3,106 MTCO₂E per year. When amortized over a 30-year period, these emissions decrease to 103 MTCO₂E per year. These amortized construction emissions were added to the project's operational emissions to calculate the project's true GHG emissions. As shown in the table, the project's total operational emissions would be 2,086 MTCO₂E per year, which is still below the thresholds identified for residential land uses.

**Table 4
Greenhouse Gas Emissions Inventory**

Source	GHG Emissions (tons/year)			
	CO ₂	CH ₄	N ₂ O	CO ₂ E
Long-Term – Area Emissions	--	--	--	--
Long-Term - Energy Emissions	1,068.31	0.02	0.02	1,064.60
Long-Term - Mobile Emissions	2,896.72	0.19	0.00	2,901.45
Long-Term – Waste Emissions	--	--	--	--
Long-Term – Water Emissions	--	--	--	--
Long-Term - Total Emissions	3,965.03	0.21	0.02	3,966.05
Actual Emissions w/Pass by & Shared Trips	1,982.52	0.11	0.01	1,983.03
Total Construction Emissions	3,106.45	0.77	--	3,118.64
Construction Emissions Amortized Over 30 Years				103 MTCO₂E
Total Operational Emissions with Amortized Construction Emissions				2,086 MTCO₂E
Significance Threshold				3,500 MTCO₂E

The project's annual emissions (2,086 MTCO₂E) do not consider the implementation of Low Impact Development (LID) requirements (drought tolerant landscaping, water efficient appliances, and energy efficient appliances) and compliance to Transportation Demand Management (TDM) requirements. As indicated in the table, the great majority of the GHG emissions will be generated from mobile sources. For this reason, the project's use of trip reduction incentives (the use of alternative forms of transportation, the installation of electric vehicle charging stations and bicycle racks, and other TDM measures will be important). Therefore, the project's GHG impacts are less than significant.

B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases? • No Impact.

The proposed project would consist of a commercial center that would include a convenience store, a automotive fuel sales use, a fast food restaurant, and a car wash. The proposed fuel dispensing area would be located under a 5,324 square-foot canopy and consist of eight (8) pumps with a total of sixteen (16) fueling positions. The proposed convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service restaurant area inside the store. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The proposed drive-thru restaurant would have a total floor area of 2,550 square feet. Finally, a 2,244 square foot storage building would be located in the site's northwest corner.²⁵ AB-32 requires the reduction of GHG emissions to 1990 levels, which would require a minimum 28% in "business as usual" GHG emissions for the entire State.

²⁵ Archimetrics Design Build Studio. *Site Plan*. 2020.

Additionally, Governor Edmund G. Brown signed into law Executive Order (E.O.) B-30-15 on April 29, 2015, the Country's most ambitious policy for reducing Greenhouse Gas Emissions. Executive Order B-30-15 calls for a 40% reduction in greenhouse gas emissions below 1990 levels by 2030. The proposed project will not involve or require any variance from an adopted plan, policy, or regulation governing GHG emissions. As a result, no potential conflict with an applicable greenhouse gas policy plan, policy, or regulation will occur and no impacts will occur.

MITIGATION MEASURES

The analysis of potential impacts related to greenhouse gas emissions indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

9. HAZARDS & HAZARDOUS MATERIALS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			×	
B. Would the project 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?			×	
C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			×	
D. Would the project 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?				×
E. Would the project 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?				×
F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				×
G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?				×

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

A. Would the project 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 would consist of a commercial center that would include a convenience store, an automotive fuel sales use, a fast-food restaurant, and a car wash. The proposed fuel dispensing area would be located under a 5,324 square-foot canopy and consist of eight (8) pumps with a total of sixteen (16) fueling positions. The proposed convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service restaurant area inside the store. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The proposed drive-thru restaurant would have a total floor area of 2,550 square feet. Finally, a 2,244 square foot storage building would be located in the site's northwest corner.²⁶

Given the nature of the proposed development, the use of any hazardous materials will be limited to those that are commercially available and typically used in a retail or commercial setting for routine cleaning and maintenance. The United States Environmental Protection Agency's (EPA's) multi-system search was consulted to determine whether the project site is identified on any Federal or State hazardous site list. The project site is not listed on the California Department of Toxic Substances Control's Hazardous Waste and

²⁶ Archimetrics Design Build Studio. *Site Plan*. 2020.

Substances database. The chemicals that will be transported and stored on-site are regulated by the US EPA and the CalEPA. As a result, the potential impacts are considered to be less than significant.

- B.** *Would the project 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.*

Due to the nature of the proposed project, the use of any hazardous materials will be limited to those that are commercially available and typically used in a retail or commercial setting and will be used in accordance with all applicable laws and regulations. Therefore, the proposed project will not create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment through the routine use or transport of hazardous materials.

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. The retail fuel sales area will include eight dispensers with sixteen fueling positions. The dispensers will be located under a 17-foot-high canopy. Three underground storage tanks (USTs) will be provided. One UST is a 20,000-gallon tank that will contain 87 octane unleaded gasoline. The second UST will contain 10,000 gallons of 91 octane unleaded premium fuel. Finally, the third, UST will be a 12,000-gallon UST that will contain diesel fuel. The chemicals that will be transported and stored on-site are regulated by the US EPA and the CalEPA. As a result, the potential impacts are considered to be less than significant.

- C.** *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? • Less than Significant Impact.*

The proposed project would not involve the transport, use, or disposal of any hazardous materials. The nearest school is Crestmore Elementary School, located at 18870 Jurupa Avenue, approximately 285 feet east of the project site. The retail fuel sales area will include eight dispensers with sixteen fueling positions. The dispensers will be located under a 17-foot-high canopy. Three underground storage tanks (USTs) will be provided. One UST is a 20,000-gallon tank that will contain 87 octane unleaded gasoline. The second UST will contain 10,000 gallons of 91 octane unleaded premium fuel. Finally, the third, UST will be a 12,000-gallon UST that will contain diesel fuel. The chemicals that will be transported and stored on-site are regulated by the US EPA and the CalEPA. As a result, the potential impacts are considered to be less than significant. As a result, the proposed project will not create a hazard to any local school and no impacts are anticipated.

- D.** *Would the project 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.*

Government Code Section 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List. The Cortese List is a planning document used by the State and other local agencies to comply with CEQA requirements that require the provision of information regarding the location of hazardous materials release sites. A search of the California Department of Toxic Substances Control EnviroStor website determined that the project site is not identified as a Cortese site.²⁷ Therefore, no impacts will occur.

²⁷ CalEPA. DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List).
http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm.

- 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 a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? • No Impact.*

The project site is not located within two miles of a public use airport. The nearest airport is the Riverside Municipal Airport, located approximately 7 miles to the southwest of the project site. As a result, the proposed project will not present a safety or noise hazard related to aircraft or airport operations at a public use airport to people working in the project site. As a result, no impacts related to this issue will occur.

- F.** *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? • No Impact.*

The nearest potential emergency evacuation routes in proximity to the project site include Cedar Avenue and Jurupa Avenue. At no time will the aforementioned emergency evacuation routes or any adjacent streets be completely closed to traffic during the proposed project's construction. As a result, no impacts are associated with the proposed project's implementation.

- G.** *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? • No Impact.*

The project site is currently vacant and undeveloped. According to the Cal FIRE Fire Hazard Severity Zone Database, the project site is not located within a severe fire hazard zone.²⁸ As a result, no impacts will occur.

MITIGATION MEASURES

The analysis of potential impacts related to hazards and hazardous materials indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

²⁸ CalFire. *Very High Fire Hazard Severity Zone Map for SW San Bernardino County.*
http://frap.fire.ca.gov/webdata/maps/san_bernardino_sw/

10. HYDROLOGY & WATER QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			✗	
B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✗	
C. Would the project 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 result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site; 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; or, impede or redirect flood flows?			✗	
D. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?				✗
E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✗

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

A. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? • Less than Significant Impact.*

The proposed project would consist of a commercial center that would include a convenience store, an automotive fuel sales use, a fast-food restaurant, and a car wash. The proposed fuel dispensing area would be located under a 5,324 square-foot canopy and consist of eight (8) pumps with a total of sixteen (16) fueling positions. The proposed convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service restaurant area inside the store. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The proposed drive-thru restaurant would have a total floor area of 2,550 square feet. Finally, a 2,244 square foot storage building would be located in the site's northwest corner.²⁹

The Clean Water Act (CWA) established regulations governing the discharge of pollutants to waters of the U.S. from any point source. The CWA also has established a framework for regulating nonpoint source stormwater discharges under the National Pollutant Discharge Elimination System (NPDES). The proposed project would be required to implement storm water pollution control measures pursuant to the NPDES requirements. The contractors would also be required to prepare a Water Quality Management Plan (WQMP) utilizing Best Management Practices to control or reduce the discharge of pollutants to the

²⁹ Archimetrics Design Build Studio. *Site Plan*. 2020.

maximum extent practicable. The WQMP will also identify post-construction best management practices (BMPs) that will be the responsibility of the contractors to implement over the life of the project.

Prior to issuance of any grading permit for the project that would result in soil disturbance of one or more acres of land, the Applicant shall demonstrate that coverage has been obtained under California's General Permit for Storm Water Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board, and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing shall be provided to the Chief Building Official and the County Engineer. In addition, the contractors would be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP would be submitted to the Chief Building Official and County Engineer prior to the issuance of a grading permit. With the above-mentioned standard conditions, the impacts would be reduced to levels that are considered to be less than significant.

- B.** *Would the project 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.*

A search was conducted through the Regional Water Quality Control Board's on-line database Geotracker to identify the presence of any natural underground water wells within the project site. The search yielded no results. In addition, the proposed project will be connected to the existing water lines and will not deplete groundwater supplies. Since there are no underground wells on-site that would be impacted by the proposed development, no impacts will occur.

No new direct construction-related impacts to groundwater supplies, or groundwater recharge activities would occur as part of the proposed project's implementation. Water used to control fugitive dust will be transported to the site via truck. No direct ground water extraction will occur. Furthermore, the construction and post-construction BMPs will address contaminants of concern from excess runoff, thereby preventing the contamination of local groundwater. Water used for indoor irrigation will be transported to the project site and will be stored in an above ground water reservoir tank. As a result, there would be no direct groundwater withdrawals associated with the proposed project's implementation. As a result, the impacts are considered to be less than significant.

- C.** *Would the project 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 result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site; 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; or, impede or redirect flood flows? • Less than Significant Impact.*

The project's construction will be restricted to the designated project site and the project will not alter the course of any stream or river that would lead to on- or off-site siltation or erosion. No significant grading and/or excavation into the local aquifer will occur. No additional undisturbed land will be affected. As a result, the potential impacts will be less than significant.

- D.** *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? • No Impact.*

As indicated previously, the impervious surfaces (asphalt, building slabs, etc.) that will be constructed will result in the generation of storm water runoff. However, the project will be properly drained and is not expected to result in flooding on-or off-site. A County-approved drainage plan will be used, which will ensure

that the site will be designed so that storm water runoff will continue to be directed to the curbs and gutters on the adjacent roadways or storm drain inlets. According to the Federal Emergency Management Agency (FEMA) flood insurance maps obtained for the unincorporated community of Bloomington, the proposed project site is located in Zone X.³⁰ Thus, properties located in Zone X are not located within a 100-year flood plain. No natural channels are located adjacent to the site or in the immediate vicinity. The proposed project site is not located in an area that is subject to inundation by seiche or tsunami. In addition, the project site is located inland approximately 42 miles from the Pacific Ocean and, as a result, the project site would not be exposed to the effects of a tsunami.³¹ As a result, no impacts are anticipated.

E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? • No Impact.

The proposed project's construction and operation will comply with the San Bernardino County's Stormwater Management and Discharge Control requirements. Compliance with the ordinance will help minimize the discharge and transport of pollutants associated with the new development through the control of volume and rate stormwater runoff, therefore preventing any potential violations or inconsistencies with the local requirements. As a result, the construction impacts will be less than significant. In addition, the project's operation will not interfere with any groundwater management or recharge plan because there are no active groundwater management recharge activities on-site or in the vicinity. As a result, no impacts are anticipated.

MITIGATION MEASURES

As indicated previously, hydrological characteristics will not substantially change as a result of the proposed project. As a result, no mitigation is required.

³⁰ Federal Emergency Management Agency. *Flood Insurance Rate Mapping Program*. 2020.

³¹ Google Earth. Website accessed August 15, 2020.

11. LAND USE & PLANNING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project physically divide an established community?				✗
B. Would the project 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?				✗

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

A. *Would the project physically divide an established community?* • No Impact.

The proposed project would consist of a commercial center that would include a convenience store, an automotive fuel sales use, a fast-food restaurant, and a car wash. The proposed fuel dispensing area would be located under a 5,324 square-foot canopy and consist of eight (8) pumps with a total of sixteen (16) fueling positions. The proposed convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service restaurant area inside the store. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The proposed drive-thru restaurant would have a total floor area of 2,550 square feet. Finally, a 2,244 square foot storage building would be located in the site's northwest corner.³² Other land uses located in the vicinity of the proposed project are outlined below:³³

- *North of the project site:* Industrial land uses, including a large shipping container storage facility and semi-truck parking area, are located directly north of the project site. Further north, undeveloped vacant land extends along Cedar Avenue to Santa Anita Avenue. The applicable Land Use Category (LUC) and zoning designation for this area is LUC: Low Density Residential (LDR), Zone: Single Residential (RS).
- *East of the project site:* Land uses to the east of the project site are primarily zoned for single-family residential developments. The Crestmore Elementary School campus is located approximately 650 feet from the proposed project site's eastern boundary. The applicable Land Use Category (LUC) and zoning designation for this area is LUC: Low Density Residential (LDR), Zone: Single Residential (RS).
- *South of the project site:* Jurupa Avenue abuts the southern boundary of the proposed project site. Jurupa Avenue is a two-lane local road oriented in an east-to west direction connecting Bloomington with other nearby communities. Additional land uses south of the project site include an auto repair shop, retail tire sales, and a liquor store. The applicable Land Use Category (LUC) and zoning designation for this area is LUC: Commercial (C), Zone: General Commercial (CG); and LUC: Low Density Residential (LDR), Zone: Single Residential (RS).
- *West of the project site:* Directly west of the project site is Cedar Avenue, a four-lane local road that serves as a trucking transportation corridor for shipping and warehousing facilities in the vicinity of

³² Archimetrics Design Build Studio. *Site Plan*. 2020.

³³ Google Earth. Website accessed November 5, 2020. Field survey was completed on November 5, 2020.

the project site. On the western side of Cedar Avenue is a large shipping warehousing industrial facility. The applicable Land Use Category (LUC) and zoning designation for this area is LUC: Limited Industrial (LI), Zone: Community Industrial (IC).

The proposed project site is zoned for Residential land use and is located in an urbanized area surrounded by major roadways. This issue is specifically concerned with the expansion of an inconsistent land use into an established neighborhood. The proposed project will be confined within the project site's boundaries. The granting of the requested entitlements and subsequent construction of the proposed project will not result in any expansion of the use beyond the current boundaries. As a result, the project will not lead to any division of an existing established neighborhood and no impacts will occur.

B. *Would the project 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 proposed project site is within the Low Density Residential (LDR) land use category and zoned as Single Residential (RS) which permits residential land uses. As a result, the proposed project's implementation would require a General Plan Amendment (GPA) to LUC: Commercial and a Zone Change (ZC) to General Commercial (CG) which would permit the land uses and development being requested.

MITIGATION MEASURES

The analysis determined that no impacts on land use and planning would result upon the implementation of the proposed project. As a result, no mitigation measures are required.

12. MINERAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?				×
B. Would the project 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?				×

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?* • No Impact.

A review of California Division of Oil, Gas, and Geothermal Resources well finder indicates that there are no wells located in the vicinity of the project site.³⁴ The Surface Mining and Reclamation Act of 1975 (SMARA) has developed mineral land classification maps and reports to assist in the protection and development of mineral resources. According to the SMARA, the following four mineral land use classifications are identified:

- *Mineral Resource Zone 1 (MRZ-1):* This land use classification refers to areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- *Mineral Resource Zone 2 (MRZ-2):* This land use classification refers to areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists.
- *Mineral Resource Zone 3 (MRZ-3):* This land use classification refers to areas where the significance of mineral deposits cannot be evaluated from the available data. Hilly or mountainous areas underlain by sedimentary, metamorphic, or igneous rock types and lowland areas underlain by alluvial wash or fan material are often included in this category. Additional information about the quality of material in these areas could either upgrade the classification to MRZ-2 or downgraded it to MRZ-1.
- *Mineral Resource Zone 4 (MRZ-4):* This land use classification refers to areas where available information is inadequate for assignment to any other mineral resource zone.

The project site is located within Mineral Resource Zone 1 (MRZ-1) within the unincorporated community of Bloomington, which indicates that no significant mineral deposits are present in the area and it has been judged that little likelihood exists for their presence. In addition, there are no active mineral extraction activities occurring on-site or in the adjacent properties. As a result, no impacts to mineral resources will occur.

³⁴ California, State of. Department of Conservation. *California Oil, Gas, and Geothermal Resources Well Finder*. <https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-117.41448/34.56284/14>.

- B.** *Would the project 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? • No Impact.*

As previously mentioned, no mineral, oil, or energy extraction and/or generation activities are located within the project site. Moreover, the proposed project will not interfere with any resource extraction activity. Therefore, no impacts will result from the implementation of the proposed project.

MITIGATION MEASURES

The analysis of potential impacts related to mineral resources indicated that no significant adverse impacts would result from the approval of the proposed project and its subsequent implementation. As a result, no mitigation measures are required.

13. NOISE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in 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?		✗		
B. Would the project result in generation of excessive ground borne vibration or ground borne noise levels?		✗		
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?				✗

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

A. *Would the project result in 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 with Mitigation.*

The proposed project would consist of a commercial center that would include a convenience store, an automotive fuel sales use, a fast-food restaurant, and a car wash. The proposed fuel dispensing area would be located under a 5,324 square-foot canopy and consist of eight (8) pumps with a total of sixteen (16) fueling positions. The proposed convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service restaurant area inside the store. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The proposed drive-thru restaurant would have a total floor area of 2,550 square feet. Finally, a 2,244 square foot storage building would be located in the site's northwest corner.³⁵ The nearest residential land uses are located adjacent to the project site on the east.

The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. In other words, increases in ambient noise levels of 3.0 dB or less are not generally perceptible to persons with average hearing abilities.³⁶

According to Section 83.01.080(G) of the County's Code of Ordinances, temporary construction, maintenance, repair, or demolition activities between 7:00 AM and 7:00 PM shall be exempt from the noise regulations identified by the county in to Section 83.01.080. Nevertheless, the following mitigation will be required in order to further reduce construction noise:

³⁵ Archimetrics Design Build Studio. *Site Plan*. 2020.

³⁶ Bugliarello, et. al. *The Impact of Noise Pollution*, Chapter 127, 1975.

- The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.

Adherence to the above-mentioned mitigation will reduce potential impacts stemming from the project's construction to levels that are less than significant.

Future sources of operational noise will include noise emanating from the fast-food restaurant drive through lanes, the vehicles using the fueling dispensers, and the use of the automated car wash and the other related on-site improvements. Noise associated with the proposed project's operations will include equipment noise from the car wash tunnel, the blow dryers located at the end of the car wash tunnel, and the vacuum cleaners used to clean the car interiors. Noise measurements were taken at a similar automated car wash facility and the average maximum noise level was approximately 80 dBA at a distance of 25 feet from the car wash tunnel blow dryers.

The County's Development Code (Division 3, Countywide Development Standards; Chapter 83.01, General Performance Standards, Section 83.01.080, Noise) sets interior and exterior noise standards for specific land uses by type of noise source. Noise standards for stationary noise sources are summarized in the Ordinance in Table 3.11-6, Noise Standards for Stationary Noise Sources. The noise standard for residential properties is 55 dBA Leq from 7 a.m. to 10 p.m. and 45 dBA Leq from 10 p.m. to 7 a.m. Areas exposed to noise levels exceeding these standards are considered noise-impacted areas. The project's operation will not create excessive noise that will impact the nearby sensitive receptors with the implementation of the mitigation measures provided later in this subsection. The new buildings and the wall that will be located along the east property line will attenuate the noise from the fueling areas located in the western portion of the project site. The maximum permitted noise level emanating from noise sources near residential zoned properties is 60 dBA during the daytime hours and 45 dBA during the evening hours. Since the project site abuts residential zoned property, the noise standards for residential uses will apply.

As shown on the site plan, the carwash tunnel will be located next to the east property line near the residential uses located to the east. Tunnel noise is anticipated to be 65 dBA at the tunnel's entrance. This noise will further diminish since a block wall will be constructed along the project site's east property line that will obstruct the line of sight between the project site and the adjacent residential uses. In addition, the carwash will not be permitted to operate during the night-time periods. To ensure the project's potential noise impacts are mitigated, the following mitigation measures must be implemented:

- The Applicant will be required to construct and maintain an 8-foot-high solid block wall along the east property line as a means to attenuate noise from the site during its normal operations. The wall must be maintained free of graffiti at all times.
- The Applicant must ensure that the use of the carwash tunnel is limited to the daylight hour only. When not in use, the car wash tunnel must be secured by a gate.
- The drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the east.
- Loitering in the parking areas with attendant loud noise (radios, car noise, etc.) will not be permitted. The drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the east.

Adherence to the aforementioned mitigation measures will reduce the potential noise impacts to levels that are less than significant.

B. Would the project result in generation of excessive ground-borne vibration or ground-borne noise levels? • Less than Significant Impact with Mitigation.

The construction of the proposed project will result in the generation of vibration and noise, though the vibrations and noise generated during the project's construction will not adversely impact the nearby residential sensitive receptors. The background vibration velocity level in residential areas is usually around 50 vibration velocity level (VdB). The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximately dividing line between barely perceptible and distinctly perceptible levels for many people. Sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors causes most perceptible indoor vibration. Construction activities may result in varying degrees of ground vibration, depending on the types of equipment, the characteristics of the soil, and the age and construction of nearby buildings.

The operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Ground vibrations associated with construction activities using modern construction methods and equipment rarely reach the levels that result in damage to nearby buildings though vibration related to construction activities may be discernible in areas located near the construction site. A possible exception is in older buildings where special care must be taken to avoid damage. Table 5 summarizes the levels of vibration and the usual effect on people and buildings. The U.S. Department of Transportation (U.S. DOT) has guidelines for vibration levels from construction related to their activities and recommends that the maximum peak-particle-velocity (PPV) levels remain below 0.05 inches per second at the nearest structures. PPV refers to the movement within the ground of molecular particles and not surface movement. Vibration levels above 0.5 inches per second have the potential to cause architectural damage to normal dwellings. The U.S. DOT also states that vibration levels above 0.015 inches per second (in/sec) are sometimes perceptible to people, and the level at which vibration becomes an irritation to people is 0.64 inches per second.

**Table 5
Common Effects of Construction Vibration**

Peak Particle Velocity (in/sec)	Effects on Humans	Effects on Buildings
<0.005	Imperceptible	No effect on buildings
0.005 to 0.015	Barely perceptible	No effect on buildings
0.02 to 0.05	Level at which continuous vibrations begin to annoy occupants of nearby buildings	No effect on buildings
0.1 to 0.5	Vibrations considered unacceptable for persons exposed to continuous or long-term vibration.	Minimal potential for damage to weak or sensitive structures
0.5 to 1.0	Vibrations considered bothersome by most people, tolerable if short-term in length	Threshold at which there is a risk of architectural damage to buildings with plastered ceilings and walls. Some risk to ancient monuments and ruins.
>3.0	Vibration is unpleasant	Potential for architectural damage and possible minor structural damage

Source: U.S. Department of Transportation

Typical levels from vibration generally do not have the potential for any structural damage. Some construction activities, such as pile driving and blasting, can produce vibration levels that may have the potential to damage some vibration sensitive structures if performed within 50 to 100 feet of the structure. The reason that normal construction vibration does not result in structural damage has to do with several issues, including the frequency vibration and magnitude of construction related vibration. Unlike earthquakes, which produce vibration at very low frequencies and have a high potential for structural damage, most construction vibration is in the mid- to upper- frequency range, and therefore has a lower potential for structural damage.

The project's implementation will not require deep foundations since the underlying fill soils will be removed and the height of the proposed warehouse will be limited to 75 feet or less. The warehouse will be constructed over a shallow foundation that will extend no more than three to four feet bgs. The use of shallow foundations precludes the use of pile drivers or any auger type equipment. However, other vibration generating equipment may be used on-site during construction. As stated above, the project will require the use of excavators, loaders, bulldozers, and haul trucks.

Various types of construction equipment have been measured under a wide variety of construction activities with an average of source levels reported in terms of velocity levels as shown in Table 6. Although the table gives one level for each piece of equipment, it should be noted that there is a considerable variation in reported ground vibration levels from construction activities. The data in Table 6 does provide a reasonable estimate for a wide range of soil conditions. Based on Transit Noise and Vibration Impact Assessment (FTA, May 2006), a vibration level of 102 VdB (vibration decibels, or 0.5 inches per second [in/sec]) (FTA, May 2006) is considered safe and would not result in any construction vibration damage.

Table 6
Vibration Source Levels for Typical Construction Equipment

Construction Equipment		PPV @25 ft. (inches/sec.)	Vibration (VdB) @ 25 ft.
Pile Driver (impact)	Upper range	1.58	112
	Typical	0.644	104
Pile Drive (Sonic)	Upper range	0.734	105
	Typical	0.170	93
Clam Shovel Drop		0.202	94
Large Bulldozer		0.089	87
Caisson Drilling		0.089	87
Loaded Trucks		0.076	86
Small Bulldozer		0.035	79

Source: Noise and Vibration During Construction

Vibration resulting from the operation of empty haul trucks may affect the residents located east of the project site. Strict adherence to the mitigation provided below will reduce the number of units and residents potentially affected by ground-borne vibration generated by empty haul trucks:

- Haul trucks will be prohibited from travelling eastbound or westbound northbound on Jurupa Avenue. All haul trucks must travel northbound on Cedar Avenue.

Adherence to the above-mentioned mitigation will reduce potential vibration impacts to levels that are less than significant. Once operational, the proposed project will not generate excessive ground-borne noise because the project will not require the use of equipment capable of creating ground-borne noise. The project will be required to adhere to all pertinent County noise control regulations. In addition, the cumulative traffic associated with the proposed project will not be great enough to result in a measurable or perceptible increase in traffic noise (it typically requires a doubling of traffic volumes to increase the ambient noise levels to 3.0 dBA or greater).

Once in operation, the proposed project will not significantly raise ground borne noise levels. Slight increases in ground-borne noise levels could occur during the construction phase. The limited duration of construction activities and the County's construction-related noise control requirements will reduce the potential impacts to levels that are less than significant.

- 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 not located within an airport land use plan and is not located within two miles of a public airport or public use airport. The nearest airport is the Ontario Municipal Airport, located approximately 10 miles to the west of the project site.³⁷ As a result, no impacts will occur.

MITIGATION MEASURES

According to Section 83.01.080(G) of the County's Code of Ordinances, temporary construction, maintenance, repair, or demolition activities between 7:00 AM and 7:00 PM shall be exempt from the noise regulations identified by the county in to Section 83.01.080. Nevertheless, the following mitigation will be required in order to further reduce construction noise:

To ensure the project's potential noise impacts are mitigated, the following mitigation measures must be implemented:

NOI-1(A): The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.

NOI-2(A): The Applicant will be required to construct and maintain an 8-foot-high solid block wall along the east property line as a means to attenuate noise from the site during its normal operations. The wall must be maintained free of graffiti at all times.

NOI-3(A): The Applicant must ensure that the use of the carwash tunnel is limited to the daylight hour only. When not in use, the car wash tunnel must be secured by a gate.

NOI-4(A): The drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the east.

NOI-5(A): Loitering in the parking areas with attendant loud noise (radios, car noise, etc.) will not be permitted. The drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the east.

Vibration resulting from the operation of empty haul trucks may affect the residents located east of the project site. Strict adherence to the mitigation provided below will reduce the number of units and residents potentially affected by ground-borne vibration generated by empty haul trucks:

NOI-6(B): Haul trucks will be prohibited from travelling eastbound or westbound northbound on Jurupa Avenue. All haul trucks must travel northbound on Cedar Avenue.

³⁷ Google Earth. Website Accessed November 11, 2020.

14. POPULATION & HOUSING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project 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)?				×
B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				×

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

- A. *Would the project 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 would consist of a commercial center that would include a convenience store, an automotive fuel sales use, a fast-food restaurant, and a car wash. The proposed fuel dispensing area would be located under a 5,324 square-foot canopy and consist of eight (8) pumps with a total of sixteen (16) fueling positions. The proposed convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service restaurant area inside the store. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The proposed drive-thru restaurant would have a total floor area of 2,550 square feet. Finally, a 2,244 square foot storage building would be located in the site's northwest corner.³⁸ According to the Growth Forecast Appendix prepared by SCAG for the 2016-2045 RTP/SCS, unincorporated areas of San Bernardino County, which includes the unincorporated community of Bloomington, are projected to add a total of 48,500 new residents and 33,700 new employees through the year 2040.³⁹ The project's implementation will not result in a significant increase in employment that would exceed the SCAG's projections. Growth-inducing impacts include the following:

- *New development in an area presently undeveloped and economic factors which may influence development.* The project site is currently vacant but has been previously disturbed and cleared for construction. The project site is surrounded on all sides by urban development.
- *Extension of roadways and other transportation facilities.* No roadway extensions will be required to accommodate the proposed development.
- *Extension of infrastructure and other improvements.* The installation of any new utility lines will not lead to subsequent offsite development since these utility lines will serve the site only.

³⁸ Archimetrics Design Build Studio. *Site Plan*. 2020.

³⁹ Southern California Association of Governments. *Growth Forecast. Regional Transportation Plan 2016-2040*. Adopted on April 7, 2016.

- *Major off-site public projects (treatment plants, etc.).* The project's increase in demand for utility services can be accommodated without the construction or expansion of landfills, water treatment plants, or wastewater treatment plants.
- *The removal of housing requiring replacement housing elsewhere.* The site does not contain any housing units. As a result, no replacement housing will be required.
- *Additional population growth leading to increased demand for goods and services.* The project's construction would result in a limited increase in employment which can be accommodated by the local labor market.
- *Short-term growth-inducing impacts related to the project's construction.* The project will result in temporary employment during the construction phase.

The proposed commercial development will not induce substantial unplanned population growth in an area. As a result, no impacts will occur.

B. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?* • *No Impact.*

The project site is vacant and unoccupied. No housing units will be permitted, and none will be displaced as a result of the proposed project's implementation. Therefore, no impacts will result.

MITIGATION MEASURES

The analysis of potential population and housing impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

15. PUBLIC SERVICES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
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 would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for: fire protection; police protection; schools; parks; or other public facilities?		✕		

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

- 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 would cause significant environmental impacts, in fire protection; police protection; schools; parks; or other public facilities? • Less than Significant Impact.*

The proposed project would consist of a commercial center that would include a convenience store, an automotive fuel sales use, a fast-food restaurant, and a car wash. The proposed fuel dispensing area would be located under a 5,324 square-foot canopy and consist of eight (8) pumps with a total of sixteen (16) fueling positions. The proposed convenience store would have a total floor area of 5,000 square feet and would include a sales area and quick service restaurant area inside the store. An automated car wash tunnel would consist of an additional 2,634 square feet of floor area. The proposed drive-thru restaurant would have a total floor area of 2,550 square feet. Finally, a 2,244 square foot storage building would be located in the site's northwest corner.⁴⁰

Fire Department

The San Bernardino County Fire Department (SBCFD) serves Bloomington from two fire stations. The nearest stations include Stations No. 76 and 77. The SBCFD currently reviews all new development plans. The proposed project will be required to conform to all fire protection and prevention requirements, including, but not limited to, building setbacks, emergency access, and fire flow (or the flow rate of water that is available for extinguishing fires). The proposed project would only place an incremental demand on fire services since the project will be constructed with strict adherence to all pertinent building and fire codes. In addition, the proposed project would be required to implement all pertinent Fire Code Standards including the installation of fire hydrants and sprinkler systems inside all of the new buildings the buildings. Furthermore, the project will be reviewed by Fire officials to ensure adequate fire service is provided. As a result, the potential impacts to fire protection services will be less than significant.

Law Enforcement

Law enforcement services in Bloomington is provided by the San Bernardino County Sheriff's Department (SBCSD) which operates out of the Fontana station located at 17780 Arrow Boulevard, in the City of Fontana. The SBCSD will review security and site plans to ensure the proposed project conforms to the Department's security regulations. The proposed development will also be required to comply with the

⁴⁰ Archimetrics Design Build Studio. *Site Plan*. 2020.

SBCSD requirements. In order to maintain adequate security once the project is operational, the following mitigation is required:

- The convenience store and fast-food's restaurant windows must remain un-obstructed and free from any window signs or writing. This is to allow for clear visibility of the store's interior from the patrol vehicles outside.
- Internal security cameras must be installed throughout the proposed convenience store and fast-food restaurant to provide a comprehensive view of the buildings' interior and exterior. Cameras will be monitored by the cashiers.
- A silent alarm system that will be monitored at a central station must be installed.
- Hold up buttons or remote transmitters must be provided.
- Doorway access to the restrooms must be visible to the cashiers or security cameras monitored by the cashiers.
- No long-term parking (more than one hour), other than that required by employees, will be permitted. This provision will be monitored by employees with appropriate signage posted within the parking area.
- Appropriate signage must be posted indicating that loitering and/or the drinking of alcoholic beverages on-site are prohibited.
- The site frontage from Cedar Avenue and Jurupa Avenue and the parking and circulation areas must be visible to outside surveillance. Landscaping and other architectural treatments must not inhibit surveillance of the site from these areas.
- The site must be properly illuminated, and the storage building and carwash tunnel must be secured when not in use.

Implementation of the aforementioned mitigation measures will reduce potential impacts to levels that are less than significant.

Schools

The proposed project site is located within the attendance boundaries of the Colton Joint Union School District. The proposed project will not involve any development and/or uses that could potentially affect school enrollments. The proposed project will not directly result in an increase in population and therefore will not create a significant incremental demand for school services. In addition, the proposed project will be required to pay all pertinent development fees, \$0.61 per square foot for nonresidential development, to the PSUSD. As a result, less than significant impacts on school services will result from the proposed project's implementation.

Recreational Services

The proposed project will not result in any local increase in residential development (directly or indirectly) which could potentially impact the local recreational facilities. As a result, less than significant impacts on parks will result from the proposed project's implementation.

Governmental Services

The proposed project will not create direct local population growth which could potentially create demand for other public facilities. As a result, less than significant impacts will result from the proposed project's implementation.

MITIGATION MEASURES

In order to maintain adequate security once the project is operational, the following mitigation is required:

PS-1(A): The convenience store and fast-food's restaurant windows must remain un-obstructed and free from any window signs or writing. This is to allow for clear visibility of the store's interior from the patrol vehicles outside.

PS-2(A): Internal security cameras must be installed throughout the proposed convenience store and fast-food window. Restaurant to provide a comprehensive view of the buildings' interior and exterior. Cameras will be monitored by the cashiers.

PS-3(A): A silent alarm system that will be monitored at a central station must be installed.

PS-4(A): Hold up buttons or remote transmitters must be provided.

PS-5(A): Doorway access to the restrooms must be visible to the cashiers or security cameras monitored by the cashiers.

PS-6(A): No long-term parking (more than one hour), other than that required by employees, will be permitted. This provision will be monitored by employees with appropriate signage posted within the parking area.

PS-7(A): Appropriate signage must be posted indicating that loitering and/or the drinking of alcoholic beverages on-site are prohibited.

PS-8(A): The site frontage from Cedar Avenue and Jurupa Avenue and the parking and circulation areas must be visible to outside surveillance. Landscaping and other architectural treatments must not inhibit surveillance of the site from these areas.

PS-9(A): The site must be properly illuminated, and the storage building and carwash tunnel must be secured when not in use.

3.16 RECREATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
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 would occur or be accelerated?				×
B. Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				×

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

- 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 would occur or be accelerated?* • No Impact.

No parks are located adjacent to the site. The nearest public park to the project site is Kessler Park located at 18401 Jurupa Avenue. This park is located approximately 1,425 feet to the west of the project site. Due to the commercial nature of the proposed project, no significant increase in the use of County parks and recreational facilities is anticipated to occur. The proposed project would not result in any improvements that would potentially significantly physically alter any public park facilities and services. As a result, no impacts are anticipated.

- B. *Would 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.

As previously indicated, the implementation of the proposed project would not affect any existing parks and recreational facilities in the County. No such facilities are located adjacent to the project site and, as a result, no impacts will occur.

MITIGATION MEASURES

The analysis of potential impacts related to parks and recreation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

17. TRANSPORTATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			✗	
B. Conflict or be inconsistent with CEQA Guidelines §15064.3 subdivision (b)?			✗	
C. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✗	
D. Would the project result in inadequate emergency access?				✗

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

TRAFFIC IMPACT STUDY, JANO BAGHDANIAN & ASSOCIATES, MARCH 21, 2019

- A. *Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?* • *Less than Significant Impact.*

The Project area is served by the I-10 (San Bernardino) Freeway which is an east/west freeway that begins in the City of Santa Monica in Los Angeles County and runs across the entire State of California and connects to the State of Arizona and beyond. The segment of the I-10 Freeway in the vicinity of the project area consists of four mixed-flow travel lanes in each direction. East and westbound on/off ramps that provide access to and from the project are located on Cedar Avenue. The project area is served by the following surrounding roadways with street classifications that are defined in the San Bernardino County General Plan Circulation Element:

- *Cedar Avenue* is a north-south Major Highway that provides access to the City of Rialto to the north and terminates at El Rivino Road to the south and becomes Rubidoux Boulevard in Crestmore Heights. Within the study area, Cedar Avenue consists of two travel lanes in each direction separated by a raised median island with exclusive left-turn lanes at major intersections. Parking is prohibited on both sides of the street. There are east and westbound I-10 Freeway on and off-ramps at Cedar Avenue.
- *Jurupa Avenue* is classified as an east-west Major Highway that runs between Locust Avenue to the west and South Riverside Avenue to the east. Within the study area, Jurupa Avenue has one lane in each direction separated by a double yellow or dashed centerline. Parking is allowed on either side of the street at selected locations only.
- *Santa Ana Avenue* is an east-west Secondary Highway that connects to the City of Fontana to the east and the Rialto Water Service Wastewater Treatment Plant to the west. In the vicinity of the project, Santa Ana Avenue is basically a two-lane undivided roadway. Parking is allowed on either side of the street at selected locations only.

Manual traffic counts were obtained for vehicular turning movements on Tuesday March 3, 2020 and Wednesday, March 4, 2020 at the following seven study intersections:

- Cedar Avenue and I-10 Freeway westbound ramps;
- Cedar Avenue and I-10 Freeway eastbound ramps;
- Cedar Avenue and Santa Ana Avenue;
- Cedar Avenue and Crowe Court;
- Cedar Avenue and Jurupa Avenue;
- Cedar Avenue and 11th Street; and,
- Cedar Avenue and 7th Street.

Traffic counts were obtained during typical commuter hours to determine peak traffic volumes. The findings show that typical peak traffic for morning and afternoon hours occur during the hours of 7:00 - 9:00 A.M. and 4:00 – 6:00 P.M. respectively. In addition, manual turning movement traffic counts were conducted and were then converted to Passenger Car Equivalents (PCE) using the factors recommended by San Bernardino Associated Governments (SANBAG). Trip rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition were used in this analysis. The proposed project is forecast to result in 248 new a.m. peak-hour trips, 207 new p.m. peak-hour trips and 2,515 daily trips.

To determine if the project would cause a significant impact in traffic, the County of San Bernardino Traffic Impact Study Guidelines dated July 9, 2019, Section 3.4.2 provides the following criteria for signalized intersections. The Project generates more than 50 trips during either the AM or PM peak periods and either of the following occur:

- Any signalized intersection in the Valley Region that is operating at an acceptable LOS D or better without project traffic in which the addition of project traffic causes the intersection to degrade to an LOS E or F shall identify improvements to improve operations to LOS D or better; or
- Any signalized intersection in the Valley Region that is operating at LOS E or F without project traffic where the project increases delay by 5.0 or more seconds shall identify improvements to offset the increase in delay.

The traffic study determined that five of the study intersections are currently operating at acceptable Levels of Service (LOS D or better) during the AM and PM peak hours. However, the two freeway off-ramps operate at unacceptable Levels of Service during either the AM or PM Peak hours. Field observations indicate that these two intersections are operating over available capacity and are subject to excessive delays. Improvements for these two ramp locations have been previously identified by the County and include widening of the ramp intersections to provide additional north/south through lanes and additional turn lanes from the off-ramps. These previously identified improvements would increase intersection capacities and reduce delays to acceptable levels. To ensure the accuracy of the existing delays and corresponding levels of service, a peer review of the findings was completed by Transolutions, Inc, dated on November 4, 2020. The third-party review indicated that the delay methodology used in this analysis, and subsequently the resulting levels of services, accurately reflected real world conditions and followed standard HCM analysis procedures.

Five of the study intersections will operate at acceptable Levels of Service (LOS D or better) during the AM and PM peak hours under Year 2040 with proposed project condition. However, the two freeway off-ramps are expected to continue to operate at unacceptable Levels of Service during either the AM or PM Peak hours. It is important to note that the Project contributes less than 50 trips to either of these intersections and that Project trips are not the cause of the operational deficiencies. Additionally, previously identified improvements at these locations would increase intersection capacity and reduce delays to acceptable levels. Therefore, there is no finding of a significant impacts at these intersections as a result of the proposed project's trips.

- B.** *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)? • Less than Significant Impact.*

CEQA Guidelines Section 15064.3 subdivision (b)(2) focuses on impacts that result from certain transportation projects. The proposed project is not a transportation project. As a result, no impacts on this issue will result. CEQA Guidelines Section 15064.3 subdivision (b)(3) and (b)(4) focuses on the evaluation of a project's VMT. As previously mentioned in Subsection A, the proposed project will not create a significant amount of traffic in the surrounding area. As a result, the proposed project will not result in a conflict or be inconsistent with Section 15064.3 subdivision (b) of the CEQA Guidelines and no impacts will occur.

- C.** *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? • Less than Significant Impact.*

In addition to analyzing the study intersections, a queue analysis was completed for eastbound project traffic entering the project driveway on Jurupa Avenue. The analysis indicated that the 95th percentile queues are expected to be less than 1 vehicle during either peak period, and delays to that movement are less than 8 seconds in either peak period. Therefore, there are no operational concerns with project traffic creating impacts to eastbound through traffic on Jurupa Avenue. The analysis documentation is included at the end of Appendix B of the TIA.

- D.** *Would the project result in inadequate emergency access? • No Impact.*

The proposed project would not affect emergency access to any adjacent parcels. At no time during construction will Cedar Avenue or Jurupa Avenue be completely closed to traffic. All construction staging must occur on-site. As a result, no impacts will occur.

MITIGATION MEASURES

The analysis of potential impacts related to traffic and circulation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

18. TRIBAL CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<p>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:</p> <p>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</p> <p>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 Resource 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 5020.1(k)?</p>			X	
		X		

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

- 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*
- 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 Resource 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?*

A Tribal Resource is defined in Public Resources Code section 21074 and includes the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a).

California Assembly Bill 52 (AB52) was approved by Governor Brown on September 25, 2014. AB52 specifies that CEQA projects with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource may have a significant effect on the environment. As such, the bill requires lead agency consultation with California Native American tribes traditionally and culturally affiliated with the geographic area of a proposed project, if the tribe requested to the lead agency, in writing, to be informed of proposed projects in that geographic area. The legislation further requires that the tribe-requested consultation be completed prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

On July 8, 2019, the County of San Bernardino mailed project notification pursuant to AB-52 to the following tribes: San Gabriel Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians, Morongo Band of Mission Indians, San Manuel Band of Mission Indians, Soboba Band of Luiseno Indians, Fort Mojave Indian Tribe, Colorado River Indian Tribe, and Gabrieleno Band of Mission Indians - Kizh Nation. AB-52 consultation concluded with the San Manuel tribe after receiving recommended mitigation measures on June 30, 2020, and with the Gabrieleno Band of Mission Indians-Kizh Nation on July 21, 2020. The Morongo Band of Mission Indians, and Twenty-Nine Palms Band of Mission Indians responded with no further comment. The Fort Mojave Indian Tribe responded with a comment of no adverse effect to their ancestral lands. A response letter from the Soboba Band of Luiseno Indians, San Gabriel Band of Mission Indians, and Colorado River Indians tribes was not received.

As of March 1, 2005, Senate Bill 18 requires cities and counties to conduct consultations with California Native American Tribes before the local officials adopt or amend their General Plans. The project in question includes an amendment to the County General Plan to change the land use from residential to commercial thus requiring compliance with this bill. Pursuant to SB-18 notification emails were sent on July 31, 2020 to ten (10) tribes based on a list provided by the Native American Heritage Commission (NAHC) on July 27, 2020. Those notifications were sent to the:

- Soboba Band of Luiseno Indians
- San Manuel Band of Mission Indians
- Quechan Tribe of Fort Yuma
- Morongo Band of Mission Indians
- Gabrieleno Band of Mission Indians-Kizh Nation
- Gabrieleno Tongva Tribe
- Aqua Caliente Band of Cahuilla Indians
- Serrano Nation of Mission Indians
- Gabrieleno Tongva Nation
- Gabrieleno Tongva San Gabriel Band of Mission Indians

No further comment letters were received regarding the SB-18 notification.

Any mitigations requested by the tribe(s) and agreed to by the County are required as project Conditions of Approval (COAs). The required mitigation measures provided by the San Manuel Band of Mission Indians and Gabrieleno Band of Mission Indians-Kizh Nation are summarized below:

MITIGATION MEASURES

SAN MANUEL BAND OF MISSION INDIANS

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

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

Gabrieleno Band of Mission Indians-Kizh Nation

TCR-3: Retain a Native American Monitor/Consultant: Prior to the commencement of any ground disturbing activity at the project site, the project applicant shall retain a Native American Monitor approved by the Gabrieleno Band of Mission Indians-Kizh Nation – the tribe that consulted on this project pursuant to Assembly Bill A52 - SB18 (the “Tribe” or the “Consulting Tribe”). A copy of the executed contract shall be submitted to the Lead Agency prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal monitor will only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the Project Site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the Project Site have little to no potential for impacting Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed.

All Tribal Cultural Resources unearthed by project activities shall be evaluated by the Tribal monitor approved by the Consulting Tribe and a qualified archaeologist if one is present. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the Project Site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue in other parts of the Project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the

materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

TCR-4: Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.

TCR-5: Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 100 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

TCR-6: If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

TCR-7: Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and

reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

TCR-8: Professional Standards: Native American and Archaeological monitoring during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of TCR's shall be taken. The Native American monitor must be approved by the Gabrieleno Band of Mission Indians-Kizh Nation. Principal personnel for Archaeology must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California.

19 UTILITIES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			✗	
B. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			✗	
C. Would the project 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?			✗	
D. Would the project 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?			✗	
E. Would the project negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?				✗
F. Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?				✗

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

A. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? • Less than Significant Impact.*

The San Bernardino County Planning Department is considering an application for the development of a new commercial center located at 11279 Cedar Avenue, near the intersection of Cedar and Jurupa Avenue in Bloomington within the southwestern portion of San Bernardino County. The proposed project site has a General Plan and Zoning designation for Residential land uses. The proposed commercial development would include a canopied gasoline sales area, a convenience store, an automated car wash, a drive-thru restaurant, and a small storage building located within a 2.31-acre (100,447 square-foot) parcel. The total building footprint for the proposed development is 12,428 square feet.

The project site is presently vacant and undeveloped. There are no existing water or wastewater treatment plants, electric power plants, telecommunications facilities, natural gas facilities, or stormwater drainage infrastructure located on-site. Therefore, the project's implementation will not require the relocation of any of the aforementioned facilities. In addition, the increase in demand for waste disposal, water, and wastewater treatment services can be adequately handled and no expansion of these services is required. The project's implementation will not require the relocation of any utilities. In addition, the increase in demand for waste disposal, water, and wastewater treatment services can be adequately handled and no

expansion of these services is required. As a result, no impacts will result.

- B.** *Would the project 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.*

Water for the proposed project would be provided by the West Valley Water District (WVWD). The WVWD provides domestic water service to customers throughout southwestern San Bernardino County and a small portion of northern Riverside County. The service area is generally bounded by U.S. Forest Service land to the north and Riverside County to the south, with the cities of San Bernardino and Colton serving as the eastern boundaries and the City of Fontana as the western boundary. The District Sphere of Influence encompass 18,076 acres with service to over 80,000 residents. A 24-inch line is located in Jurupa Road and a 12-inch line is located in Jurupa Road. As indicated in Table 7, the proposed project is projected to consume approximately 2,281 gallons of water on a daily basis. Approximately 50% of the water consumed by the carwash will be recycled. This number was derived by assuming 15 gallons of water per vehicle. This consumption rate assumes reclamation and recycling.

Table 7
Water Consumption (gals/day)

Use	Unit	Factor	Generation
Convenience Store	5,000 sq. ft.	0.10 gals/day/sq. ft	500 gals/day
Fast Food Restaurant	2,550 sq. ft.	0.11 gals/day/sq. ft	281 gals/day
Carwash	100 vehicles/day	15 gals/vehicle (this figure represents half of the water consumed per vehicle)	1,500 gals/day
Total			2,281 gals/day

Source: California Home Building Foundation

Similar to most of the Bloomington area, the proposed project would use a septic system to handle wastewater. Because the site is currently undeveloped, the project would result in an increase in the amount of wastewater compared to existing condition. The on-site septic system would be designed, constructed, and maintained to be consistent with County and State Water Resources Control Board standards and requirements. As a result, the impacts would be less than significant.

- C.** *Would the project 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.*

Similar to most of the Bloomington area, the proposed project will use a septic system to handle wastewater. Because the site is currently undeveloped, the project would result in an increase in the amount of wastewater compared to existing condition. According to Table 8, the proposed project is expected to generate approximately 1,354 gallons of sewage per day, which is well within the daily average totals for the San Bernardino Water Reclamation Plant.

Table 8
Wastewater (Effluent) Generation (gals/day)

Use	Unit	Factor	Generation
Convenience Store	5,000 sq. ft.	0.08 gals/day/sq. ft	400 gals/day
Fast Food Restaurant	2,550 sq. ft.	0.08 gals/day/sq. ft	204 gals/day
Carwash	100 vehicles/day	7.5 gals/vehicle (this figure represents half of the water consumed per vehicle)	750 gals/day
Total			1,354 gals/day

Source: Black & Veatch. *Wastewater Collection System Master Plan*. Report dated October 18, 2013

The future on-site septic system would be designed, constructed, and maintained to be consistent with County and State Water Resources Control Board standards and requirements. As a result, the impacts would be less than significant.

- D.** *Would the project 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 solid waste collection and disposal services in the community of Bloomington are provided by Burrtec Waste Industries.⁴¹ Burrtec Waste Industries disposes waste at the West Valley Materials Recovery Facility in the City of Fontana.⁴² This facility is permitted to receive up to 7,500 tons of solid waste on a daily basis.⁴³ The proposed project is anticipated to generate approximately 317 pounds per day of solid waste (refer to Table 9 shown below). This amount will be accommodated by the aforementioned transfer station. As a result, the potential impacts are considered to be less than significant.

Table 9
Solid Waste Generation (lbs/day)

Use	Unit	Factor	Generation
Convenience Store	5,000 sq. ft.	42 lbs/day/1,000 sq. ft	210 lbs/day
Fast Food Restaurant	2,550 sq. ft.	42 lbs/day/1,000 sq. ft	107 lbs/day
Total			317 lbs/day

Source: Blodgett Baylosis Environmental Planning.

- E.** *Would the project negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals? • No Impact.*

⁴¹ City of San Bernardino. *Integrated Solid Waste Management Division*. https://www.ci.san-bernardino.ca.us/cityhall/publicworks/integrated_waste_management_division/

⁴² Phone call with a representative of Burrtec Waste Industries. The phone call took place June 20, 2018.

⁴³ CalRecycle. *Facility/Site Summary Details- West Valley Materials Recovery Facility*. <http://www.calrecycle.ca.gov/SWFacilities/Directory/36-AA-0341/>. Website accessed November 25, 2020.

The proposed project, like all other development in San Bernardino County and the Community of Bloomington, will be required to adhere to County ordinances with respect to waste reduction and recycling. The proposed businesses will be required to implement all applicable requirements that govern solid waste disposal and recycling. As a result, no impacts related to State and local statutes governing solid waste are anticipated.

F. *Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? • No Impact.*

The proposed project, like all other development in San Bernardino County and the Community of Bloomington, will be required to comply with all pertinent Federal, State and local management and reduction statutes with respect to waste reduction and recycling. As a result, no impacts related to State and local statutes governing solid waste are anticipated.

MITIGATION MEASURES

The analysis of utilities impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.20 WILDFIRE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?				×
B. If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				×
C. If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				×
D. If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project 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?				×

SUBSTANTIATION OF ENVIRONMENTAL IMPACTS

- A.** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan? • No Impact.*

According to the Cal FIRE Fire Hazard Severity Zone Database, the project site is not located within a severe fire hazard zone. Furthermore, the proposed project would not involve the closure or alteration of any existing evacuation routes that would be important in the event of a wildfire. As a result, no impacts will occur.

- B.** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? • No Impact.*

The proposed project may be exposed to particulate emissions generated by wildland fires in the surrounding region. However, the potential impacts would not be exclusive to the project site since criteria pollutant emissions from wildland fires may affect the entire Community as well as the surrounding cities and unincorporated county areas. As a result, no impacts will occur.

- C.** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, 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 is not located in an area that is classified as a high fire risk severity, and therefore will not require the installation of specialized infrastructure such as fire roads, fuel breaks, or emergency water sources. As a result, no impacts will occur.

- D.** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project 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.*

There is no risk from wildfire within the project site or the surrounding area given the project site's distance from any area that may be subject to a wildfire event. Therefore, the project will not result in any impacts related to flooding or landslides facilitated by runoff flowing down barren and charred slopes given the area's level topography and developed character and no impacts will occur.

MITIGATION MEASURES

The analysis of wildfires impacts indicated that less than significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

21. MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
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 will cause substantial adverse effects on human beings, either directly or indirectly?				✗

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

- A.** The proposed project *will not* 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. As indicated in Section .1 through 20, the proposed project will not result in any significant unmitigable environmental impacts.
- B.** The proposed project *will not* have impacts that are individually limited, but cumulatively considerable. The proposed project is relatively small and the attendant environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein. Compliance with mitigation measures as outlined in sections 1-Aesthetics (AES), 5-Cultural Resources (CR), 13-Noise (NOI), 15-Public Services (PS), and 18-Tribal Cultural Resources (TCR) will reduce any impacts to a less than significant level.
- C.** The proposed project *will not* have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.

GENERAL REFERENCES

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South Coast Air Quality Management District (SCAQMD). *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*. Report dated August 2016.

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California Department of Conservation. *State of California Williamson Act Contract Land*. <ftp://ftp.consrv.ca.gov/>

CalEPA. *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)*. http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm.

CalFire. *Very High Fire Hazard Severity Zone Map for SW San Bernardino County*. <http://frap.fire.ca.gov/>

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Federal Emergency Management Agency. *Flood Insurance Rate Mapping Program*. 2020.

Southern California Association of Governments. *Growth Forecast. Regional Transportation Plan 2016-2040*. Adopted on April 7, 2016.

United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO SC#490

HEARING DATE: NOVEMBER 16, 2022

RESOLUTION NO. 3355

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#490 – CITY OF RIALTO EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT (BLOOMINGTON HILLS, LLC)

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

WHEREAS, Government Code Section 56133 requires the Local Agency Formation Commission to review and approve 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 November 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. 3355

DETERMINATIONS:

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

1. The project area, Assessor Parcel Number 0257-101-09, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future.

Water service will be provided by the West Valley Water District.

The application requests authorization to receive wastewater service from the City of Rialto. This requirement is a condition of approval placed upon the project by the County. Therefore, approval of the City's request for authorization to provide wastewater service is necessary in order to satisfy this condition of approval.

2. The City of Rialto's Extraterritorial Wastewater Service Agreement between the City of Rialto and Bloomington Hills, LLC being considered is for the provision of wastewater service to Assessor Parcel Number 0257-101-09. 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 Rialto to proceed in finalizing the contract for the extension of wastewater service.
3. The fees charged by the City of Rialto for the extension of wastewater service to the parcel are identified as totaling \$101,648.40 (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 Conditional Use Permit, Policy Plan Amendment, and Zone Amendment to construct a gas station and convenience store, a car wash, a drive-thru restaurant, and a storage building on approximately 2.31 acres, prepared an environmental assessment and adopted a Mitigated Negative Declaration (SCH #2021010107) 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.

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.

RESOLUTION NO. 3355

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

SECTION 3. The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of Rialto to provide wastewater service to Assessor Parcel Number 0257-101-09.

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#490 – City of Rialto Extraterritorial Wastewater Service Agreement (Bloomington Hills, LLC), has been approved.

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

AYES: **COMMISSIONERS:**

NOES: **COMMISSIONERS:**

ABSENT: COMMISSIONERS:

* * * * *

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


I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of November 16, 2022.

DATED:

SAMUEL MARTINEZ
Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: NOVEMBER 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #5: LAFCO SC#491 – City of Rialto Extraterritorial
Wastewater Service Agreement (Kareem Oil, LLC)

INITIATED BY:

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

RECOMMENDATION:

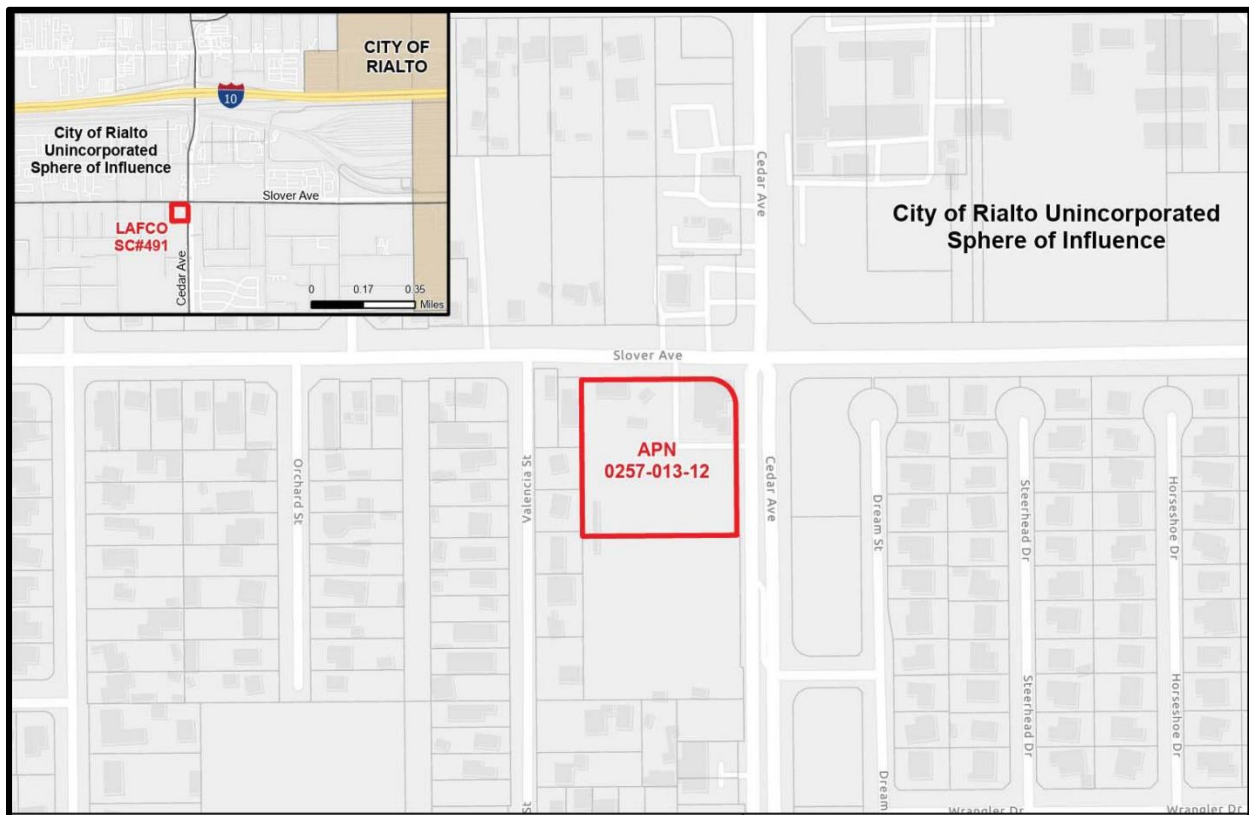
Staff recommends that the Commission approve LAFCO SC#491 by taking the following actions:

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 construct a gas station and convenience store with a quick service restaurant and a Minor Variance to provide for a reduced front yard landscape setback on approximately 1.57 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 #491 authorizing the City of Rialto to extend sewer service outside its boundaries to Assessor Parcel Number 0257-013-12.
3. Adopt LAFCO Resolution #3356 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

BACKGROUND:

The City of Rialto (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service to Assessor Parcel Number (APN) 0257-013-12, which encompasses approximately 1.57 acres and is generally located at the southwest corner of Slover and Cedar Avenues, within the City of Rialto's southern sphere of influence. The map below outlines the location of the contract area and Attachment # 1 also provides a location and vicinity map of the site along with a map outlining the location of the sewer infrastructure to be extended.



The County Land Use Services Department has processed and approved a Minor Use Permit to construct a gas station and convenience store on the 1.57-acre parcel. The Conditions of Approval placed upon this project includes the requirement to connect to the City of Rialto's sewer facilities prior to issuance of building permits (see Condition 80) and the required LAFCO approval of said out-of-agency connection (Condition 81). 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 to the project by extending an 8-inch sewer main along Wrangler Drive from the intersection of Cedar Avenue and Wrangler Drive to the existing 8-inch sewer main located at the intersection of Dream Street and Wrangler Drive. A private sewer lateral will also be extended from the intersection of Cedar Avenue and Wrangler Drive northerly to the project site (see sewer infrastructure map included as part of Attachment #1).

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 Rialto has identified an estimated cost of \$16,319.48 in sewer treatment and collection fees:

Fees	Unit Measure	Unit	Rate	Extra-territorial Rate	Total
Sewage Treatment: Gas Station	TSF	0.90	\$990.22	1.3	\$1,158.56
Sewage Treatment: Car Wash	TSF	0.20	\$19,237.27	1.3	\$5,001.69
Sewage Collection: Retail/Service/Industrial Space	LLF	720	\$9.00	1.3	\$10,159.23
				Total	\$16,319.48

In addition, the property owner/developer will be responsible for the entire cost for the construction and installation of the sewer main extension and the sewer lateral.

ENVIRONMENTAL DETERMINATION:

The County Land Use Services Department prepared an Initial Study and Mitigated Negative Declaration for a Minor Use Permit to construct a gas station and convenience store with quick service restaurant with a Minor Variance to allow a 15-foot wide front landscape setback along the property line fronting Cedar Avenue, in lieu of the required 25 foot wide setback.

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 environmental

assessment 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 gas station and convenience store with quick service restaurant approved by the County requires that it receive sewer service from the City of Rialto. In order for the project to proceed and for the property owner/developer to pull building permits, the property owner/developer must show proof of its ability to connect to the City of Rialto's sewer infrastructure – which is the Commission's authorization for this agreement.

Staff has reviewed this request for authorization to provide sewer service from the City of Rialto outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide sewer service to APN 0257-013-12 since its sewer facilities are in close proximity to the project area, and there is no other existing entity available to provide this service within the area.

DETERMINATIONS:

1. The project area, identified as APN 0257-013-12, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future. Water service will be provided by the West Valley Water District, whose boundary already overlays the project area.

The requirements for sewer connection to the City is a condition of approval placed upon the project by the Land Use Services Department. Therefore, approval of the City of Rialto's request for authorization to provide sewer service is necessary in order to satisfy the conditions of approval for the project.

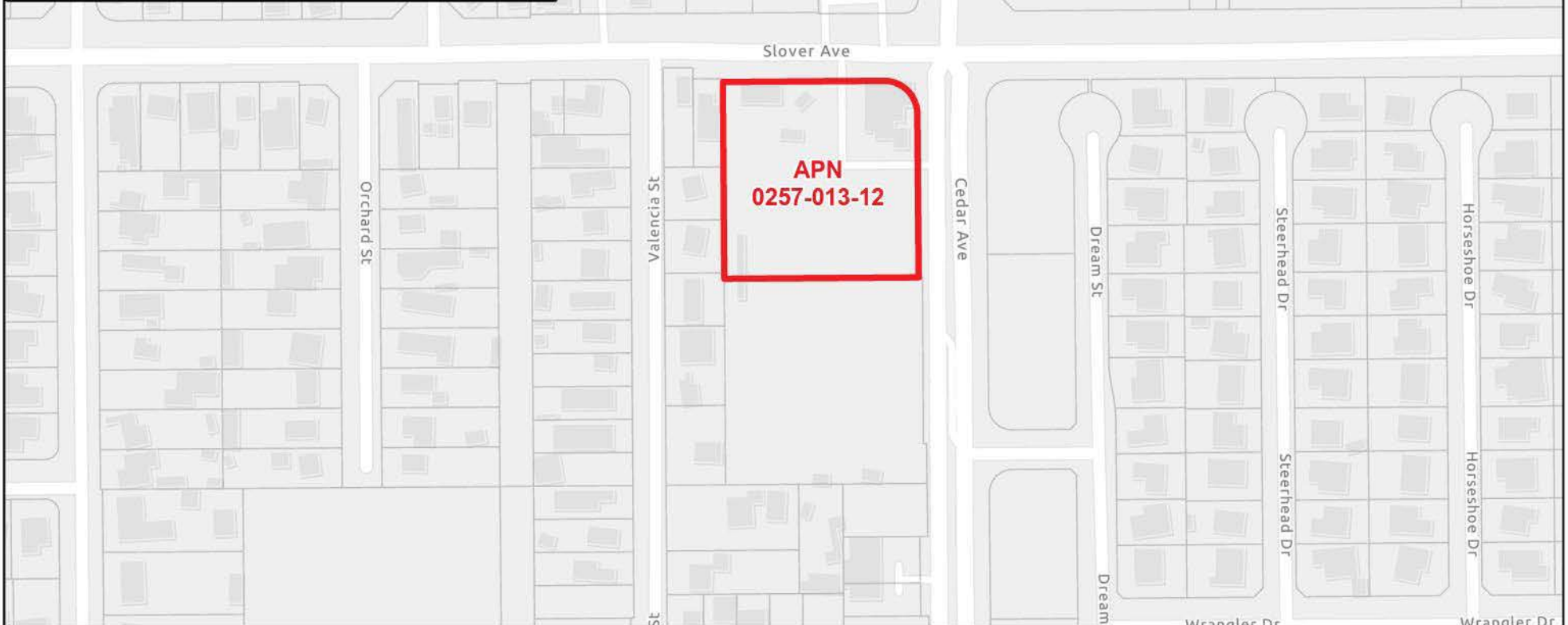
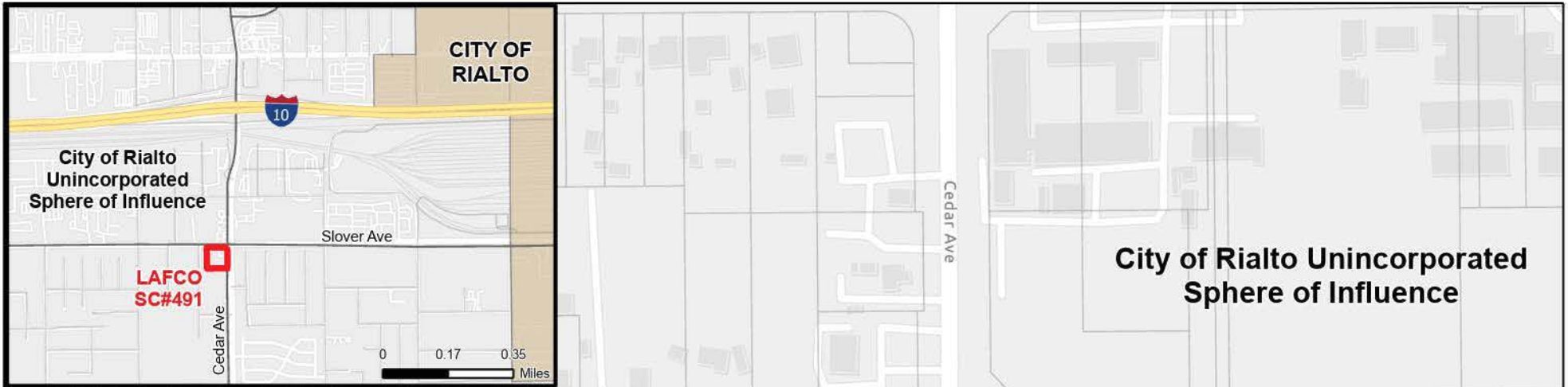
2. The City of Rialto Extraterritorial Wastewater Service Agreement between the City of Rialto and Kareem Oil, LLC being considered is for the provision of sewer service to APN 0257-013-12. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner/developer and the City of Rialto to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Rialto for the extension of sewer service to the parcel are identified as totaling \$16,319.48 (see table on page 3 for a breakdown). In addition, the property owner/developer will be responsible for the entire cost for the construction and installation of the sewer main extension and the sewer lateral extension.
4. During the period from February 2018 to May 2018, acting as the CEQA Lead Agency, the County prepared an environmental assessment and Mitigated Negative Declaration for a Minor Use Permit to construct a gas station and convenience store with quick service restaurant with a Minor Variance (setback) on the 1.57-acre parcel. 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#491, 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 and Map of the Contract Area](#)

2. [City of Rialto's Application and Signed Extraterritorial Wastewater Service Agreement](#)
3. [County's Conditions of Approval for the Project](#)
4. [Response from Tom Dodson and Associates including the County's Notice of Determination and Mitigated Negative Declaration](#)
5. [Draft Resolution #3356](#)





LAFCO SC#491 - City of Rialto Extraterritorial Wastewater Service Agreement (Kareem Oil, LLC)



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

0 0.04 0.08 Miles



 APN 0257-013-12
 City of Rialto



CONNETION TO THE CITY'S SEWER SYSTEM

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

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

AGENCY TO EXTEND SERVICE:

AGENCY NAME:

City of Rialto

CONTACT PERSON:

Thomas J. Crowley, P.E., Utilities Manager

ADDRESS:

150 South Palm Avenue

Rialto, CA 92376

PHONE:

(909) 820-8056

EMAIL:

tjcrowley@rialtoca.gov

CONTRACTING PARTY:

NAME OF
PROPERTY OWNER:

Kareem Oil, LLC

CONTACT PERSON:

Issam Ghreiwati

MAILING ADDRESS:

2022 Via Cerritos

Palos Verdes Estates, CA 90274

PHONE:

(310) 800-4126

EMAIL:

issamghreiwati@hotmail.com

ADDRESS OF PROPERTY
PROPOSED FOR CONTRACT:

18653 Slover Avenue

Bloomington, CA 92316

CONTRACT NUMBER/IDENTIFICATION:

N/A

PARCEL NUMBER(S):

0257-013-12

ACREAGE:

1.57

*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.

Connection to Rialto's sanitary sewer collection system and sewer treatment services.

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

N/A

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

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

Extraterritorial Wastewater Service Agreement between the City of rialto and Kareem Oil, LLC which describes the terms of the City of Rialto providing sewer collection and treatment service to the property.

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.

Project site is not contiguous to the City of Rialto.

**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.

N/A

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).

N/A

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

Undeveloped/vacant land

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

The property is currently a vacant lot planned for residential use being changed to commercial use.

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

The project site is located at the southeast corner of Cedar Ave. and Slove Ave., 18653 Slover Ave. in the Commercial Land Use and General Commercial Zoning District. Project will consist of a gas station, car wash, and convenience store. The City of Rialto has approved and Extraterritorial Wastewater Service Agreement between the City of Rialto and Kareem Oil, LLC, on October 21, 2021.

**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 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 checked="" type="checkbox"/>
Department of Fish and Game (DFG) Receipt	<input type="checkbox"/>
Others (please identify below)	<input type="checkbox"/>

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

10. Plan for Service:

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

Project Description: The project is at the SW corner of Slover Ave. and Cedar Ave. in Bloomington CA. The closet connection point to Rialto's sewer collection system is at the intersection of Dream Street and Wrangler Drive. The project will require the developer to construct private sewer lateral to the intersection of Cedar Ave. and Wrangler Drive. From this intersection the developer will construct an 8" sewer line from the intersection of Cedar/Wrangler to the intersection Wrangler/Dream. The sewer improvements will be a gravity feed system, so no pumping will be required. From the intersection of Wrangler/Dream the City will convey the flows down Dream Street to Santa Ana Ave. From there the City will convey the flows easterly to it's Wastewater Treatment Plant at 501 E. Santa Ana Ave., Bloomington Ca. The main sewer line in Santa Ana Ave. has the capacity to receive these flows. Currently the WWTP is rated at 11.7 MGD and is currently receiving 7.0 MGD. There is capacity a the plant to accept these flows.

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

Description of Fees/Charges		Cost		Total	
Development Impact Fees / Connection Fees					
Description	Unit Measure	Unit	Rate	Extraterritorial Rate	Total
Sewage - Treatment Group III - Gas Station	per TSF	0.90	\$990.22	1.3	\$1,158.56
Sewage Treatment - Group II - Car Wash	per TSF	0.20	\$19,237.27	1.3	\$5,001.69
Sewage Collection - Retail/Service/Industrial Space	LF of Frontage	868.31	\$9.00	1.3	\$10,159.23
Total					\$16,319.47
Construction Costs (Estimated)		To be provided by the developer.			
Total Costs					

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

All Development Impact Fees/Connection Fees and monthly service rates will be calculated at 1.3 times

the regular rate charged for properties within the Rialto city limits.

- (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.

Policies previously provided.

CERTIFICATION

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

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

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

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

SIGNED

NAME:

POSITION TITLE:

DATE:


Thomas J. Crowley, P.E.

Utilities Manager

August 26, 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 W. Third Street, Unit 150,
San Bernardino, CA 92415-0490
PHONE: (909) 388-0480 • FAX: (909) 388-0481



CONNETION TO THE CITY'S SEWER SYSTEM

EXTRATERRITORIAL WASTEWATER SERVICE

AGREEMENT BETWEEN THE CITY OF RIALTO AND KAREEM OIL, LLC

This **EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT** ("Agreement") is made and entered into this 12th day of October, 2021 (the "Effective Date"), between Kareem Oil, a California Limited Liability Company, Property Owner ("Owner") and the City of Rialto, a California municipal corporation ("City") (each a "Party" and collectively the "Parties").

RECITALS

WHEREAS, the City, through its concessionaire Rialto Water Services, and sewer system operator Veolia, provides wastewater conveyance, treatment and disposal services for wastewater ("Sewer Services") to properties within the City's jurisdiction and spheres of influence, and has adequate pipelines, facilities, and infrastructure for said Sewer Services; and

WHEREAS, the Owner has requested the City to provide Sewer Services to a property located within the City's sphere-of-influence, but outside of the City's existing corporate boundaries, and which is associated with Assessor's Parcel Number 0257-013-12-0000 located at 18653 Slover Avenue, Bloomington, as identified on Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof (the "Property"); and

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

WHEREAS, City owns and operates wastewater collection mains and any other related and/or additional facilities used for the conveyance, treatment or disposal of wastewater originating in the City and areas located outside the corporate boundaries of the City approved by the City for extraterritorial wastewater service (the "Service Area"), and any extensions, expansions or replacements of any of the above being hereinafter referred to as the "City's Disposal System"; and

WHEREAS, City has defined and established by City Council resolution a policy and administrative guidelines to provide Sewer Services outside of the City's corporate boundaries, and has agreed to provide Sewer Services to the Property through the City's Disposal System on the terms and conditions contained herein; and

WHEREAS, California Government Code Section 56375(p) permits a city to provide new or extended services by agreement outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization only if the city first request and receives approval from the Local Agency Formation Commission for San Bernardino County ("LAFCO"); and

WHEREAS, City and Owner desire to memorialize their arrangement for the City's provision of Sewer Services to the Owner through this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and subject to the terms and conditions contained herein, the Parties hereto hereby agree as follows:

ARTICLE I. CONDITION PRECEDENT

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

Section 1.02 Condition Precedent. The effectiveness of this Agreement is expressly conditioned upon approval by LAFCO authorizing the City to provide new or extended Sewer Services to the Property. The Effective Date, as first written above, shall reflect the date of such approval by LAFCO.

ARTICLE II. RIGHTS AND OBLIGATIONS

Section 2.01 Delivery and Receipt of Wastewater. At all times, except as may be restricted by unforeseen emergencies, Owner shall have the right to deliver to the City's Disposal System normal strength domestic wastewater, and City shall have the obligation to receive all such wastewater into the City's Disposal System and to convey, treat and dispose of such wastewater.

Section 2.02 Disposal of Service Area Wastewater; Ownership and Reclamation of Effluent. *Except where described in Section 2.05*, the cost of constructing, expanding, extending, maintaining and operating the City's Disposal System and of conveying, treating and disposing of the Service Area wastewater (including without limitation and effluent of by-product thereof) after delivery of such Service Area wastewater to the City's Disposal System shall be the responsibility solely of the City, and Owner shall have no responsibility for, and shall not be liable to the City or any third party for, any costs or other expenses incurred by the City in connection with or related thereto, other than design and construction costs to connect to the City's Disposal System set forth in Section 2.05 and payment of the Wastewater User Fees set forth in Article III, provided Owner complies with all aspects of the City's Municipal Code, ordinances and policies, incorporated herein by reference, as they relate to wastewater discharge applicable to the Property.

Section 2.03 Ownership of Service Area Wastewater. It is the intention and agreement of the Parties that the City shall have total ownership and control of all Service Area wastewater delivered to the City's Disposal System. Owner warrants that Owner shall comply with all aspects of the City's Municipal Code, ordinances and policies as they relate to wastewater discharge applicable to the Property.

Section 2.04 Connection Points. Owner is authorized one (1) connection point to the City's Disposal System. Such connection point shall be located at a point mutually acceptable to the Owner, City Engineer and the Building Official. Construction of laterals and connection points shall be in conformance with the specifications and details set forth

in the City's Utility Design Standards, Building Safety Codes and other applicable laws and regulations, as may apply.

Section 2.05 Design and Construction of Connection Points. Owner agrees, at its sole expense and without reimbursement from the City, to design and construct the sewer lines, laterals and connection points needed for the Owner to connect to the City's Disposal System. City and the Owner also agree the design and construction necessary to connect to the City's Disposal System is subject to the appropriate City approvals, including but not limited to plan check(s) and inspections. Owner agrees, at its sole expense and without reimbursement from the City, to design and construct the sewer lines, laterals, *manholes and connection points* needed for the Owner to connect to the City's Disposal System. *Owner agrees to construct all necessary sewer lines, laterals manholes and connection points from the southernmost point of the subject property, to the east across Cedar Avenue and Wrangler Drive, to the connection point on Dream Street.* City and the Owner also agree the design and construction necessary to connect to the City's Disposal System is subject to the appropriate City approvals, including but not limited to plan check(s) and inspections.

Section 2.06 Inspection. City shall have the right to inspect and examine sewer lines, laterals, connection points and any other facilities related to the Owner's connection to the City's Disposal System at any time, including during construction and operation of any portion of the Sewer System within the Service Area.

Section 2.07 Maintenance and Repairs. Maintenance, repairs and replacement of the laterals including the connection point *within the owner's property shall be the responsibility solely of the Owner. Maintenance, repairs and replacement of the laterals, including the connection point within the public right-of way shall be the responsibility of the City.* All construction work, maintenance and repairs shall be performed under permit from, inspected, and approved by the City. Should Owner fail to operate, maintain, repair and replace the lateral including the connection point as needed for proper operation of the City's Disposal System, the City shall have the right, but not the obligation to stop providing Sewer Services.

ARTICLE III. WASTEWATER USER FEES

Section 3.01 Initial Special Service Availability Payment. In consideration of the City's agreements contained herein, Owner shall, promptly upon the Effective Date of this Agreement, pay to City a service connection fee for treatment, collections and related fees in the amount of **\$16,319.47** in accordance with the adopted fee schedule, Resolution 6209, approved by the Rialto City Council/Rialto Utility Authority on January 8, 2013. Any additional fees related to plan check(s), inspection or not named in this Agreement shall be the responsibility of the Owner.

Section 3.02 Monthly Wastewater User Fees. After the Effective Date, Owner shall pay to the City for the provision of Sewer Services a wastewater fee calculated at a rate equal to one point three (1.3) times the rate then charged by the City to properties

located within the incorporated boundaries of the City, in accordance with the rates established pursuant to Chapter 12.08.200 of the City's Municipal Code, or as may be amended from time to time.

Section 3.03 Delinquent Sewer Service Fees. Owner shall pay to the City delinquent fees as established in the City's Municipal Code, ordinances or policies. Any sewer charges that are unpaid by the specified due date shall be a debt in favor of the City, which may use any legal means to collect any delinquent sewer charges, including, but not limited to, placing liens on the Property of any such persons, and collecting such delinquent fees, penalties, and interest due and owing on the property tax roll.

ARTICLE IV. MONITORING OF SERVICE AREA WASTEWATER

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

ARTICLE V. TERM

Section 5.01 Effective Date; Term. This Agreement shall become effective as first written above in Section 1.02. The Agreement shall continue in perpetuity, or until terminated pursuant to Section 5.02, or such time as the Property is annexed into the corporate boundaries of City. At such time, the Owner shall have such rights, privileges and duties, including fees and rates, as all other City citizens for the then current wastewater disposal classification.

Section 5.02 Termination. Either Party may terminate this Agreement upon thirty (30) days prior written notice to the other Party.

ARTICLE VI. MISCELLANEOUS

Section 6.01 Indemnification. Owner hereto agrees to indemnify, defend, save and hold harmless the City and its officers, agents and employees from and against all liability, claims, damages, losses and expense of any nature whatsoever, including but not limited to bodily injury, death, personal injury, property damages and attorney's fees, arising directly or indirectly from any acts or omissions of such indemnified party or its officers, agents or employees in connection with this Agreement.

Section 6.02 Successors and Assigns. The agreements contained in this Agreement shall be binding upon and shall inure to the benefit of the heirs, successors, and assigns of the parties hereto. Owner may not assign its rights and/or obligations under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such consent by City shall not, in any way, relieve Owner of its obligations and responsibilities under this Agreement.

Section 6.03 Notices. All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered, sent by pre-paid First Class U.S. Mail, registered or certified mail, postage prepaid, return receipt requested, or delivered or sent by facsimile with attached evidence of completed transmission, and shall be deemed received upon the earlier of (i) the date of delivery to the address of the person to receive such notice if delivered personally or by messenger or overnight courier; (ii) three (3) business days after the date of posting by the United States Post Office if by mail; or (iii) when sent if given by facsimile. Any notice, request, demand, direction, or other communication sent by facsimile must be confirmed within forty-eight (48) hours by letter mailed or delivered. Other forms of electronic transmission such as e-mails, text messages, instant messages are not acceptable manners of notice required hereunder. Notices or other communications shall be addressed as follows:

If to City:	City of Rialto 150 South Palm Avenue Rialto, CA 92376 Attn: City Manager Tel: (909) 820-2689 Fax: (909) 820-2527
With copy to:	Burke, Williams & Sorensen, LLP 1770 Iowa Avenue, Suite 240 Riverside, CA 92507-2479 Attn: Eric Vail, City Attorney Tel: (951) 788-0100 Fax: Not Available
If to Owner:	Mr. Issam Ghreiwati Kareem Oil LLC 2022 Via Cerritos Palos Verdes Estates, CA 90274 Tel: (310) 800-4126 Fax: Not Available
With copy to:	Not Available

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

Section 6.04 Costs and Expense of Enforcement. Should litigation be necessary to enforce any term or provision of this Agreement, the prevailing party shall be entitled to collect all litigation costs and attorney's fees incurred by the prevailing party.

Section 6.05 Amendment. No amendment or waiver of any provisions of this Agreement or consent to any departure from its terms shall be effective unless the same shall be in writing and signed by the parties hereto.

Section 6.06 Severability. The provisions of this Agreement are severable. The invalidity or unenforceability of any provision of this Agreement will not affect the validity of the remainder hereof.

Section 6.07 Execution in Counterparts. This Agreement may be executed in counterparts, all of which taken together shall constitute an original hereof.

Section 6.08 Time of Essence. Time is of the essence in the fulfillment by the parties hereto of their obligations under this Agreement.


Section 6.09 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California and any legal action must be brought in a court of competent jurisdiction in San Bernardino County.

[SIGNATURES ON NEXT PAGE]

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

CITY:

CITY OF RIALTO,
a Municipal Corporation

By: 
Deborah Robertson, Mayor

ATTEST:

By: 
Barbara A. McGee, City Clerk

APPROVED AS TO FORM:

BURKE, WILLIAMS & SORENSEN, LLP

By: 
Eric Vail, City Attorney

Owner:

Kareem Oil, LLC


By: 
Issam Ghreiwati, Property Owner

EXHIBIT "A"
LEGAL DESCRIPTION

Real property in the unincorporated area of the County of San Bernardino, State of California, described as follows:

PARCEL A: (APN: 0257-013-12-0-000)

THE EAST ONE-QUARTER OF FARM LOT 363, ACCORDING TO THE MAP SHOWING THE SUBDIVISION OF LANDS BELONGING TO THE SEMI-TROPIC LAND AND WATER COMPANY, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 11 OF MAPS, PAGE 12, RECORDS OF SAID COUNTY.

EXCEPT THEREFROM THE SOUTH 313.43 FEET THEREOF.

EXCEPT THAT PORTION DEEDED TO THE COUNTY OF SAN BERNARDINO BY DEED RECORDED IN BOOK 4139, PAGE 532, OFFICIAL RECORDS.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE APPROVING A LOT LINE ADJUSTMENT, CERTIFICATE NO. 00/E186-105/00, RECORDED JANUARY 9, 2001 AS INSTRUMENT NO. 01-8401, OF OFFICIAL RECORDS.

PARCEL B: (APN: 0257-013-13-0-000)

THE SOUTH 313.43 FEET OF THE EAST ONE-QUARTER OF FARM LOT 363, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE MAP SHOWING THE SUBDIVISION OF LANDS BELONGING TO THE SEMI-TROPIC LAND AND WATER COMPANY, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 11 OF MAPS, PAGE 12, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION DEEDED TO THE COUNTY OF SAN BERNARDINO, BY DEED THEREFROM RECORDED DECEMBER 31, 1956 IN BOOK 4117, PAGE 90, OFFICIAL RECORDS. ALSO EXCEPTING THEREFROM THAT PORTION DEEDED TO THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, BY DEED RECORDED JANUARY 25, 1957 IN BOOK 4139, PAGE 532, OFFICIAL RECORD

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE APPROVING A LOT LINE ADJUSTMENT, CERTIFICATE NO. 00/E186-105/00, RECORDED JANUARY 9, 2001 AS INSTRUMENT NO. 01-8402, OF OFFICIAL RECORDS.



Land Use Services Department Planning

Luther Snoke
Interim Director

May 1, 2018

Effective Date: May 7, 2018
Expiration Date: May 7, 2021

Applicant

Joseph Karaki
Western States Engineering
4887 E. La Palma Avenue, Suite 707
Anaheim, CA 92807

RE: MINOR USE PERMIT (MUP) TO CONSTRUCT A CHEVRON SERVICE FUELING STATION AND 4,533-SQUARE FOOT CONVENIENCE STORE WITH A QUICK SERVICE RESTAURANT ON THE NORTHERN 1.6-ACRE PORTION OF A 3.7-ACRE SITE LOCATED AT 18653 SLOVER AVENUE IN BLOOMINGTON; APN#: 0257-013-12; PROJECT NO.: P201600613

Dear Mr. Karaki:

The County of San Bernardino Zoning Administrator, by its action on April 26, 2018, has **CONDITIONALLY APPROVED** the above-referenced Project. Enclosed are the Zoning Administrator's Conditions of Approval, and three (3) sets of the stamped approved Site Plan.

Enclosed is a set of Condition Compliance Release Forms (CCRFs), one for each stage of the development process. Each County department/agency with conditions must sign these forms to obtain clearance for each stage of development. After you obtain all necessary signatures, return the completed CCRF with three copies of the approved Site Plan and one copy of the Conditions of Approval to the Planning Division for clearance. Please allow at least 10 working days after submission of the CCRF for review by the Project Planner.

The Planning Division considers your Conditions of Approval and the stamped/approved site plan your final development criteria/design. The County does not consider this a conceptual design, so it is not subject to change or alteration without County approval. Therefore, any proposed revisions or modifications will require the submittal of a "Revision to an Approved Action Application" for review and approval. Appropriate fees must accompany the application.

Pursuant to the applicable provisions of the County of San Bernardino Development Code, within ten (10) days from the date of application approval, any interested person may appeal this action in writing to the Planning Commission. The appeal must be submitted, along with the appropriate fee, on the forms available from this office.

This approval shall be null and void if you have not completed all conditions and the occupancy or use of the land has not taken place within the time period specified in the conditional approval for this Project. Upon submittal of an "Extension of Time Application" and the required fee, County Staff may grant an extension of time, not exceeding a total of 36 months. You must submit the Extension Application to the Planning Division no less than 30 days prior to the expiration date.

BOARD OF SUPERVISORS

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APN: 0257-013-12
P201600613/MUP, Joseph Karaki
Zoning Administrator Hearing Date: April 26, 2018

Page 2 of 2
Effective Date: May 7, 2018
Expiration Date: May 7, 2021

PLEASE NOTE: THE EXPIRATION DATE IS AT THE TOP OF THIS LETTER. IT WILL BE THE ONLY NOTICE GIVEN FOR THAT DATE. IT IS THE APPLICANT'S SOLE RESPONSIBILITY TO INITIATE ANY TIME EXTENSION REQUEST. THERE WILL BE NO REMINDER.

If you have questions regarding this action, you may contact me at (909) 387-4387 or by e-mail at reuben.arceo@lus.sbcounty.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Reuben J. Arceo', with a long horizontal flourish extending to the right.

Reuben J. Arceo, Contract Planner

RA/drp/st

Attachments: Conditions of Approval
Condition Compliance Release Forms
Three (3) Sets of Stamped Plans

CONDITIONS OF APPROVAL
Karaki Western States Engineering
Revision to An Approved Action

GENERAL REQUIREMENTS
Ongoing and Operational Conditions

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

1. Project Approval Description. This Revision to an Approved Action is conditionally approved to construct a 1,050 square foot automated carwash, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations).

The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project Site with APN: 0257-013-12 , Project No. **P201900039.**

2. Project Location. The Project site at 18653 Slover Avenue in Bloomington.
3. Revisions. Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

5. Expiration. This project permit approval shall expire and become void if it is not “exercised” within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed “exercised” when either:
 - a. The permittee has commenced actual construction or alteration under a validly issued building permit, or

- b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
- c. Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
 - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
 - The land use is determined by the County to be abandoned or non-conforming.
 - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

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

- 6. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
- 7. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
- 8. Project Account. The Job Costing System (JCS) account number is P201600613. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
- 9. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
 - Grading Permits: a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - Building Permits: a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
 - Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.

10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
 - a. FEDERAL: N/A;
 - b. STATE: N/A;
 - c. COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works – Solid Waste/County Surveyor, and
 - d. LOCAL: N/A
12. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
 - a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
 - c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
 - g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
 - j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
 - k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and “No Parking”, “Carpool”, and “Fire Lane” designations.

- l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.
13. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
14. Lighting. Lighting shall comply with Glare and Outdoor Valley Region, Section 83.07.030 provisions of the County Development Code. All lighting shall be limited to that necessary for maintenance activities and security purposes. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
15. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
16. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
17. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
18. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
19. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
- All construction equipment shall be muffled in accordance with manufacturer's specifications.
 - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
 - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
20. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:
- a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.
 - b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.

- c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. .
- d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

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

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

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

23. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
24. 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.
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.
26. BMP Enforcement. In the event the property owner/“developer” (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or “developer”, including administrative costs, attorney’s fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

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

27. Cedar Avenue. The project driveway access on Cedar Avenue shall be restricted to right in/right out only.
28. Slover Avenue. The Project Driveway access on Slover Avenue, shall be restricted to right in/right out only.

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

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

COUNTY FIRE DEPARTMENT–Community Safety Division (909)386-8400/LOCAL FIRE JURISDICTION

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

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

34. 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-dba Edco Disposal).
35. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.

36. Mandatory Trash Service. This project falls within a Uniform Handling Service area. If uniform handling is implemented in all or part of a particular franchise area, all owners of a dwelling or a commercial or industrial unit within the uniform handling area who are required to have uniform handling service shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.
37. Mandatory Organics Recycling. As of April 2016, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate eight (8) cubic yards of organics per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics though not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

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

38. Survey Monumentation. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying **prior** to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).
39. Record of Survey. Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances
- a. Monuments set to mark property lines or corners;
 - b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal description, 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 GRADING PERMITS
OR LAND DISTURBING ACTIVITIES**

The Following Shall Be Completed

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

40. Construction Activities. If construction activities are to take place during the avian nesting season (February 15 through August 31 for most bird species), a pre-construction survey for nesting bird species shall be conducted within 7 days prior to vegetation removal. The survey will identify any active nesting by special-status birds on the Project site or within 500 feet of construction activities. If active nests of special-status birds are present in the impact area or within 500 feet of the edge of construction area, a qualified biologist shall prescribe avoidance measures including, but not limited to, establishing a construction buffer. The type of species, nesting stage, surround topography, existing conditions, and type of construction activity will determine the appropriate avoidance measures. Avoidance measures shall remain in place until the nest is no longer active as determined by a qualified biologist.
41. Pre-Construction Survey – A qualified biologist will conduct a pre-construction presence/absence survey for burrowing owls within 30- days prior to site disturbance. If burrowing owls are detected on site, then a plan for exclusion or avoidance shall be made in coordination with CDFW. If the survey is negative, the project may proceed without further restrictions related to burrowing owls.
42. Archaeological, paleontological, historical resources. If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease immediately until written clearance by County Planning is provided indicating that satisfactory mitigation has been implemented. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning shall be hired to record the find and recommend any further mitigation. The developer shall implement any such additional mitigation to the satisfaction of County Planning and the County Museum. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall also be notified.
43. GHG – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
- a) Implement the approved Coating Restriction Plans.
 - b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
 - c) Grading contractor shall provide and implement the following when possible:
 - 1) training operators to use equipment more efficiently.
 - 2) identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions.
 - 3) replacing older, less fuel-efficient equipment with newer models.
 - 4) use GPS for grading to maximize efficiency.
 - d) Grading plans shall include the following statements:
 - “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”
 - “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”

- e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
- f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
- g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

44. Air Quality. Although the Project does not exceed the South Coast Air Quality Management District (SCAQMD) and GHG thresholds requirements, the Project proponent is required to comply with all applicable rules and regulations of the SCAQMD Basin for ozone and suspended particulates [PM₁₀ and PM_{2.5} (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:

a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.

- 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
- 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
- 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.

b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NO_x and PM₁₀ levels in the area. Although the Project will not exceed 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.

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

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

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

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

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

48. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit Drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
49. FEMA Flood Zone. The Project is located within Flood Zone X (unshaded) according to FEMA Panel Number 06071C8659H and 06071C8667H dated 08/28/2008. There are no elevation requirements.
50. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
51. Grading Plans. Grading plans shall be submitted for review and approval obtained prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
52. On-site Flows. On-site flows need to be directed to the design drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
53. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana Watershed Region. Copies of the WQMP guidance and template can be found at:
- (<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>)
54. WQMP Inspection Fee. The developer shall provide a \$3,600 deposit to land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

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

55. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix B of the Uniform Fire Code.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

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

56. Architecture. Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.
57. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
58. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.
59. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.
- a. Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended:
- Incorporate dual paned or other energy efficient windows,
 - Incorporate energy efficient space heating and cooling equipment,
 - Incorporate energy efficient light fixtures, photocells, and motion detectors,
 - Incorporate energy efficient appliances,
 - Incorporate energy efficient domestic hot water systems,
 - Incorporate solar panels into the electrical system,
 - Incorporate cool roofs/light colored roofing,
 - Incorporate other measures that will increase energy efficiency.
 - Increase insulation to reduce heat transfer and thermal bridging.
 - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
- b. Plumbing. All plumbing shall incorporate the following:
- All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
 - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
 - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- c. Lighting. Lighting design for building interiors shall support the use of:
- Compact fluorescent light bulbs or equivalently efficient lighting.

- Natural day lighting through site orientation and the use of reflected light.
 - Skylight/roof window systems.
 - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
 - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
 - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d. Building Design. Building design and construction shall incorporate the following elements:
- Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
 - Roofing materials shall have a solar reflectance index of 78 or greater.
 - All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
 - Energy Star or equivalent appliances shall be installed.
 - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units
- e. Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
- f. Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
- g. Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
- h. Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.
60. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC

Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:

- a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
- b. All sign lighting shall not exceed 0.5 foot-candle.
- c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
- d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

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

61. Construction Plans. Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.
62. Temporary Use Permit. A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D guidelines. A T.U.P is only valid for a maximum of five (5) years.
63. Demolition Permit. Obtain a demolition permit for any building/s or structure to be demolished. Underground structures must be broken in, back-filled and inspected before covering.

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

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

Slover Ave. (Major Highway – 104')

- Road Dedication. A grant of easement is required to provide a half-width right-of-way of 52-feet.
- Sidewalks. Design sidewalks per County Standard 109 Type "C"
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.

Cedar Avenue (Major Highway -104')

- Road Dedication. A grant of easement is required to provide a half-width right-of-way of 52 feet.
 - Sidewalks. Design sidewalks per County Standard 109 Type "C"
 - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino Standard 130.
65. 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.

66. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan area for the Rialto Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the 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 \$17.02 per square foot for Commercial Use, which includes the 4,533 square foot building, 2,772 square foot Canopy-Gas, 1,280 square foot Canopy 2-Diesel and 1,050 square foot carwash for a total of 9,635 square feet per per the site plan dated 01/24/2019

Therefore, the estimated Regional Transportation fees for the Project is \$163,987.70. The current Regional Transportation Development Mitigation Plan can be found at the following website:

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

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190/(909) 386-8465/LOCAL FIRE JURISDICTION

67. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]
68. Fire Flow. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety.
69. Water System Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred [300] feet from any portion of a structure. [F54]
70. Access. The development shall have a minimum two (2) points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
71. Single Story Road Access Width: All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.
72. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacture's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
- Commercial Fire Sprinkles. Fire sprinkles shall be required throughout, including the car wash, unless building separation is accomplished through construction.
73. Fire Alarm. An automatic water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a licensed fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of submittal.

74. Fire lanes. The Applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plans.
75. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-84400 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

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

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

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

77. Water Purveyor. Water purveyor shall be West Valley Water District or EHS approved
78. 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 agency. This letter shall reference the Assessor's Parcel Number (APN#). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact Environmental health Services at 800-442-2283.
79. Wells. Any existing wells on the lot shall (1) be properly destroyed under permit OR (2) have been constructed to "California Well Standards" and be used as a source of water (industrial and/or domestic) for the project. Contact DEHS/Water Section for more information at 1-800-442-2283.
80. Sewage Disposal. Method of sewage disposal shall be Rialto Wastewater Utility or EHS approved.
81. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either:
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.
82. Acoustical. 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.

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

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

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

85. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number P201600613
86. 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).
87. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each reviewing agency.
88. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
89. 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.
90. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
91. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:
- a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent.
 - b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting.
 - c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

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

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

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

93. Drainage Improvements. All required drainage improvements if any shall be completed by the applicant. The private registered engineer shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.
94. 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 Drainage Section.

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

95. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
96. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected by County Public Works.
97. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County approved entity.

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190/(909) 386-8465/LOCAL FIRE JURISDICTION

98. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F82]
99. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85]
100. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3. [F80]

101. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan. Standard 901.4
102. Material Identification placards. The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.
103. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.
104. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]
105. Inspection by the Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for the "fire final".

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

106. Hazardous Materials Permit. Prior to occupancy the business operator shall be required to apply for one or more of the following permits, or apply for exemption from hazardous materials laws and regulations: a Hazardous Material Permit, a Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank permit. Application for one or more of these permits shall occur by submitting a hazardous material business plan using the California Environmental Reporting System (CERS)
<http://cers.calepa.ca.gov/>
107. Underground Storage Tanks (UST). Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to existing UST systems. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8401.
108. Spill Prevention Control. Facilities. Facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112.3 and CHSC 25270.4.5(a).

Additional information can be found at <http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx>
Or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

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

109. C&D Plan – Part 2. The developer shall complete SWMD's C&D Plan Part 2". This summary shall provide documentation of actual diversion of materials including but not limited to receipts or letters from diversion

facilities or certification reuse of materials on site. The C&D Plan – Part 2 shall provide evidence to the satisfaction of County Solid Waste that demonstrates that the project has diverted from landfill disposal materials for reuse or recycling by a minimum of 50 percent of total volume of all construction waste.

END OF CONDITIONS

TOM DODSON & ASSOCIATES

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

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

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



RECEIVED

NOV 01 2022

LAFCO

San Bernardino County

November 1, 2022

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

Dear Sam:

LAFCO SC#491 consists of an application for Extension of Service by the City of Rialto to a single parcel located in the City's southern Sphere of Influence (Sphere). The specific action before the Local Agency Formation Commission (LAFCO) consists of a request by the City of Rialto (City) to extend sewer collection and wastewater treatment service to a proposed gas station with a mini-market, and carwash on an approximate 1.57-acre parcel of land (APN0257-013-12) located at the southwest corner of the Cedar Avenue and Slover Avenue intersection (community of Bloomington). If the Commission approves LAFCO SC#491, the project can move forward with development and connect to the City's sewer collection system, which is located about 1/8 mile to the south at the intersection of Cedar Avenue and Wrangle Drive. If the Commission approves LAFCO SC#491, 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 consisted of a Minor Use Permit. The Notice of Determination (NOD) for this action was filed for the Mitigated Negative Declaration (MND) on May 3, 2018. Based on a field review of the project site the surrounding environment has not changed in a manner that would result in greater environmental impacts from implementing the proposed project.

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#491.

Thus, based on a review of LAFCO SC#491 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 early 2018, 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#491, 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#491.
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#491.
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 cursive script that reads "Tom Dodson".

Tom Dodson

TD/cmc

LAFCO SC#491 Resp Agency Memo

Posted On: 05/03/18Removed On: 06/15/18**Notice of Determination**

To:

☐ Office of Planning and Research

U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth St., Rm 113

Sacramento, CA 95814

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

From:

Receipt No: 310-05032018-278Public Agency: San Bernardino County, LUSDAddress: 385 North Arrowhead Ave. First Floor San
Bernardino, CA 92415-0187Contact: Reuben J. ArceoPhone: 909-387-4387

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): _____

Project Title: Minor Use PermitProject Applicant: Joseph KarakiProject Location (include county): 18653 Slover Avenue, San Bernardino County

Project Description:

Minor Use Permit to construct a gas station and convenience store with quick service restaurant containing a 5 fuel pump island station with a total of 10 fuel dispensers and diesel station containing 3 fuel pumps and 6 fuel dispensers with a Minor Variance to allow a 15 foot wide front landscape setback along the property line fronting Cedar Avenue, in lieu of the required 25 foot wide setback.

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

described project on 4/26/2018 and has made the following determinations regarding the above
(date)

described project.

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

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

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

Signature (Public Agency):


Reuben J. Arceo
Title: Contract PlannerDate: May 1, 2018

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
2018 MAY 7 AM 11:13
COUNTY OF SAN BERNARDINO
CALIFORNIA

SAN BERNARDINO COUNTY

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

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

PROJECT LABEL:

APN: 0257-013-12;0257-013-013
APPLICANT: Western States Engineering
COMMUNITY: Bloomington/Fifth Supervisorial District
LOCATION: Southwest Corner of Cedar Avenue and Slover Avenue
STAFF: Reuben J. Arceo, Contract Planner
REP(S): Environmental Advisors
PROPOSAL: Minor Use Permit for the construction of a gas station and convenience store and minor variance to provide for reduced front yard landscape setback depth.

USGS Quad: Fontana
Lat/Long:
T, R, Section: T1S R5W Sec.27
Thomas Bros.: Page 605, Grd D-7

OLUD: General Commercial

Overlays: Sign Control Overlay

PROJECT CONTACT INFORMATION:

Lead agency: San Bernardino County
Land Use Services Department - Current Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Contact person: Reuben J. Arceo, Contract Planner
Phone No: (909) 387-4387
E-mail: reuben.arceo@lus.sbcounty.gov
Project Sponsor: Western States Engineering
Attn: Joseph Karaki
4887 E. La Palma Avenue, Ste 707
Anahelm, CA 92807
Consultant: Environmental Advisors
2400 E. Katella Ave., Suite 800
Anaheim, CA 92806

Fax No: (909) 387-3249

PROJECT DESCRIPTION:

The Applicant's proposed Project (Project) is a Minor Use Permit to construct a Chevron service station and convenience store with a quick service restaurant (QSR) on the northern 1.6-acre portion of a 3.7-acre site located on the southeast corner of Cedar Avenue and Slover Avenue in the community of Bloomington (see Figure 1 Project Location). The applicant's adjacent 2.16 acre site will remain undeveloped and vacant.

The previous structure situated on the northern portion of the property has been demolished. The project site is bounded by Slover Avenue and commercial uses to the north, Cedar Avenue and single-family homes to the east, vacant land and commercial uses to the south, and single-family homes and Valencia Street to the west, as shown in Figure 3. The Project requires a Minor Variance to provide for a reduced front landscape setback area along Cedar Avenue, as the General Commercial (GC) development standards requires a 25 foot wide front setback landscape area. The Minor Variance provides for a reduced 15 foot wide front landscape area.

The Project consists of a 13-vehicle fueling position gas station with a 4,533 sq. ft. one-story convenience market and QSR (see Figure 5, Site Plan). The store will be centrally located on the site, with two canopy/fuel pump stations totaling 4,052 square feet, one for diesel and one for gas, to the west and east of the store, respectively (see Figure 7 Elevations). Parking will

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be distributed along the north, east and south sides of the store and along the northern property line, providing a total of 34 parking spaces (34 regular, three clean air and two handicap accessible spaces). The Project also includes landscaping along the perimeter, hardscape, on-site stormwater management improvements, signs, a trash enclosure, area lighting, bicycle parking, and an 8-foot wall along the western property line. The site is partially paved and relatively flat. The site is sloped in a generally south direction. Operational hours are anticipated to be 24-hours per day, 7 days per week with operation expected to start in September 2019.

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

The project is located in the community of Bloomington, and subject to the Bloomington Community Plan, adopted in March 2007 land use goals and development policy requirements. Located between the incorporated cities of Fontana and Rialto, Bloomington is an unincorporated area of the County of San Bernardino comprised of 6.7 square miles. Most of Bloomington, including the project site, is located in the sphere of influence of the City of Rialto. Bloomington is a mainly suburban community consisting of single-family residential land uses, with some regional-serving industrial uses as well as local-serving commercial uses. The site is zoned as Bloomington General Commercial with a Sign Control Overlay (BL/GC-SCp), (as seen in Figure 4) with residential, institutional and industrial uses in the vicinity as well. Table 1 provides the breakdown of the surrounding zoning and land uses.

The development site is approximately 1.89 acres (after dedications). The project site is physically located at 10598 Cedar Avenue at the southwest corner of Cedar Avenue and Slover Avenue, and is zoned Bloomington/General Commercial/Sign Control plan.

Topography on the site is fairly flat with elevations ranging from approximately 1,072 feet above mean sea level (msl) at the northern boundary to approximately 1,064 feet above msl at the southern boundary. Vehicular access to the project site is provided via driveway entrances on Cedar Avenue and Slover Avenue.

Table 1: Site and Surrounding Uses

AREA	EXISTING LAND USE	OFFICIAL LAND USE DISTRICT
SITE	Vacant commercial and single-family residence	BL/GC-SCP
North	General Commercial (7-eleven)	Bloomington/Community Industrial (BL/IC) and GC-SCP
South	Vacant	BL/GC-SCP
East	Vacant	BL/GC-SCP
West	Single-Family Residential	Bloomington/Single Residential (BL/RS)

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

Federal: None

State of California: Regional Water Quality Control Board, Air Quality Management District

County of San Bernardino: Land Use Services - Code Enforcement; Building and Safety, Public Health-Environmental Health Services, Special Districts, Public Works. County Fire and

Local:

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Figure 1
Vicinity Map



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Figure 2
Location Map

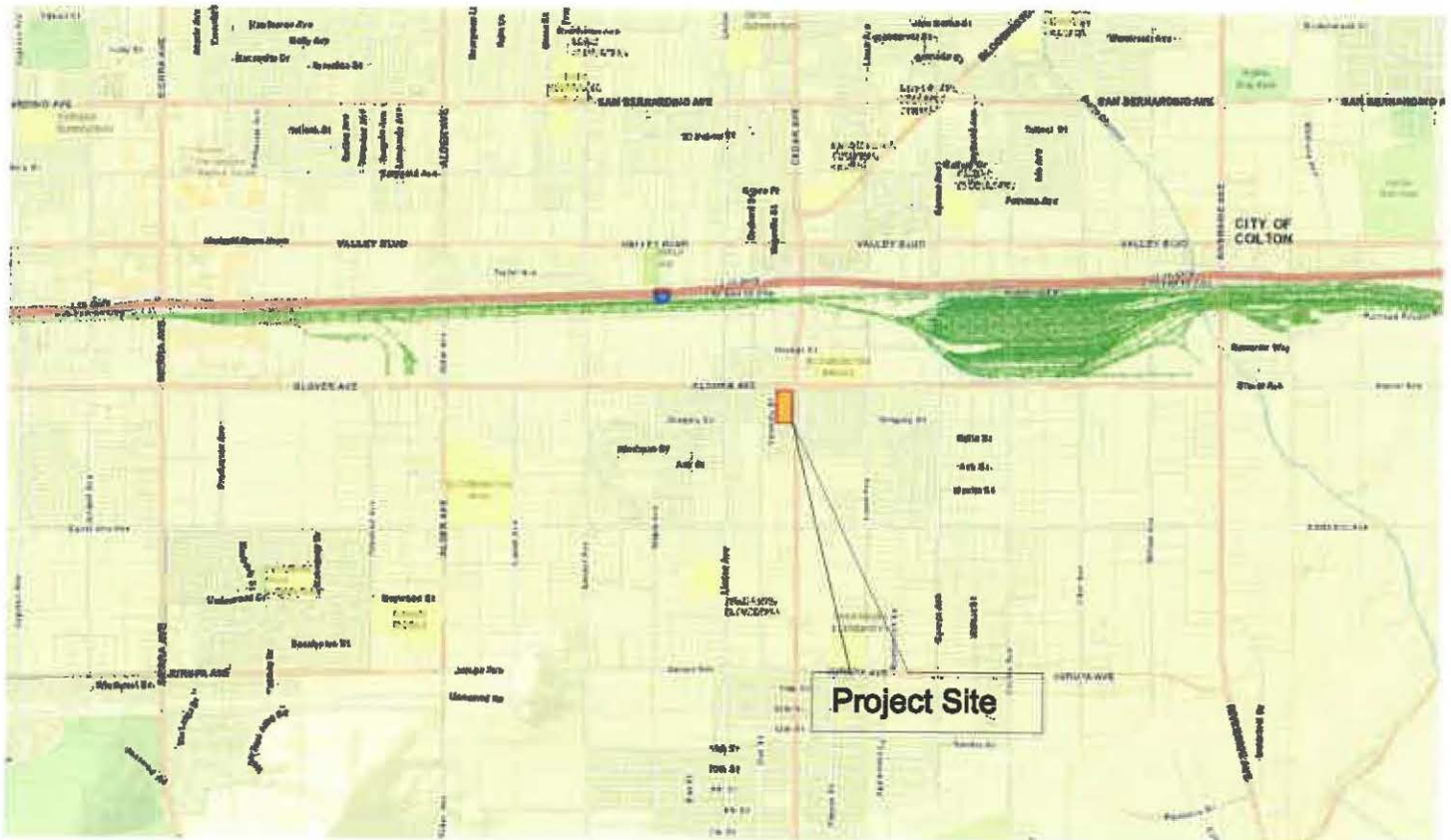


Figure 3



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Figure 5
Site Plan

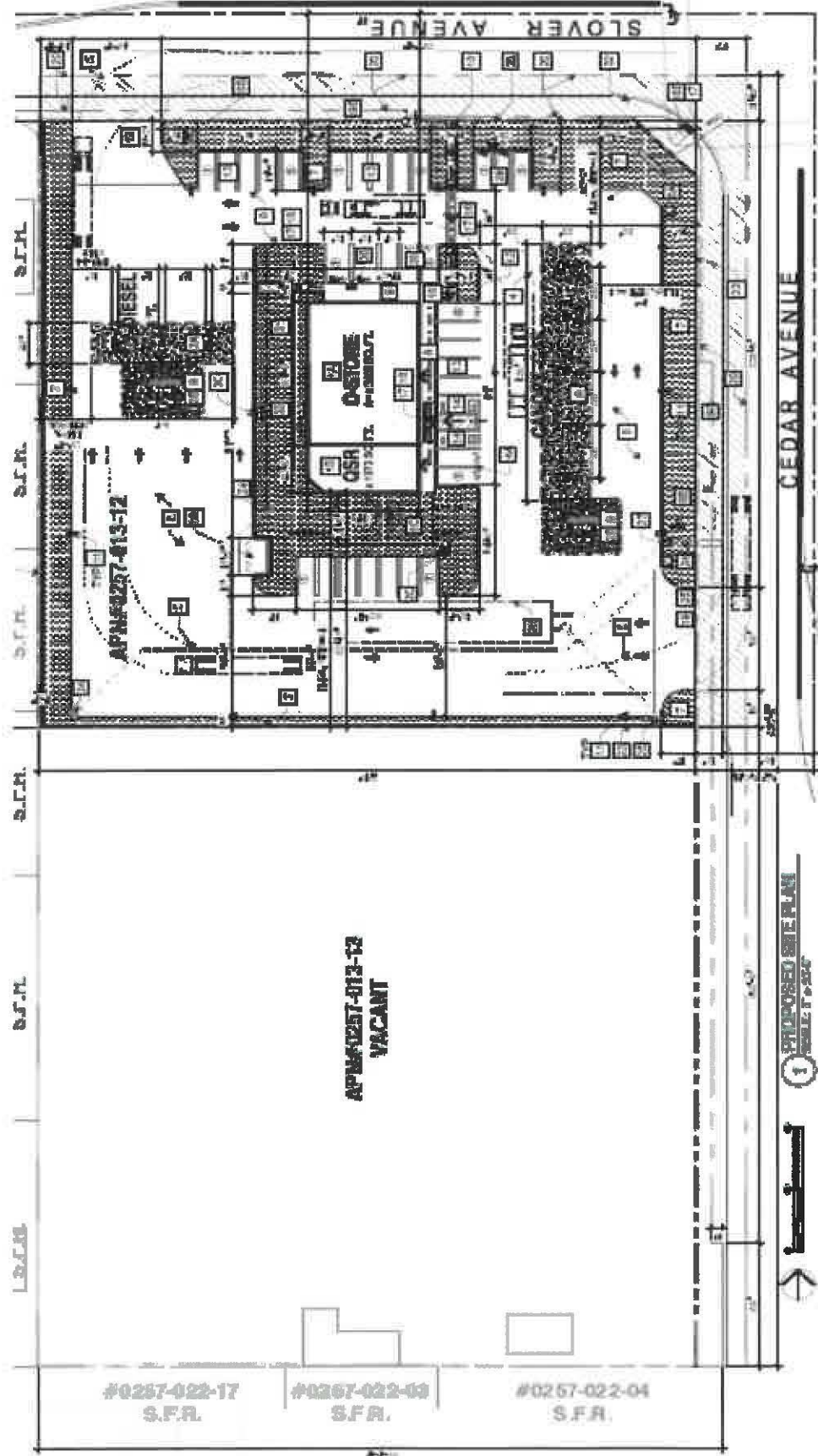


Figure 6
Floor Plan

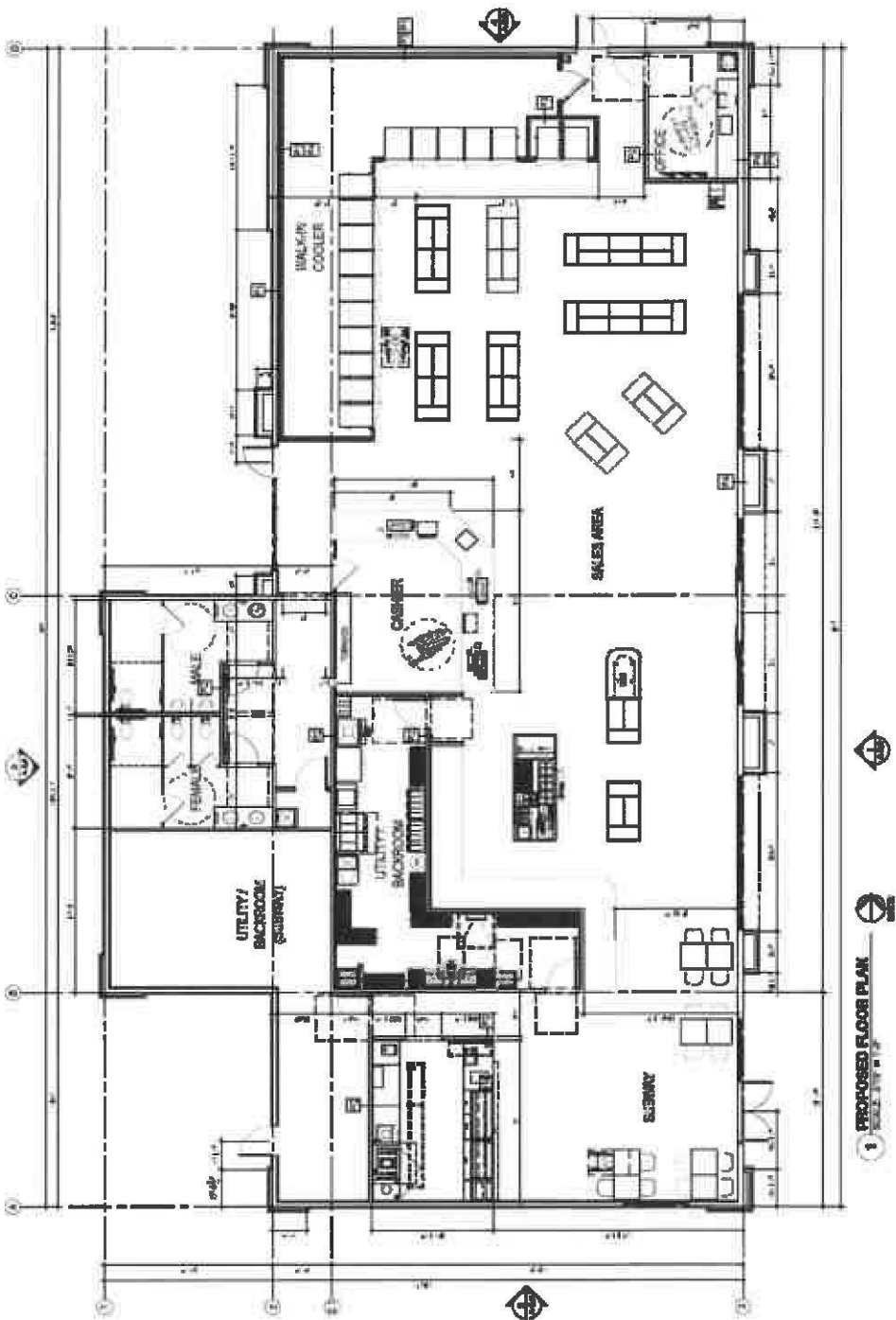
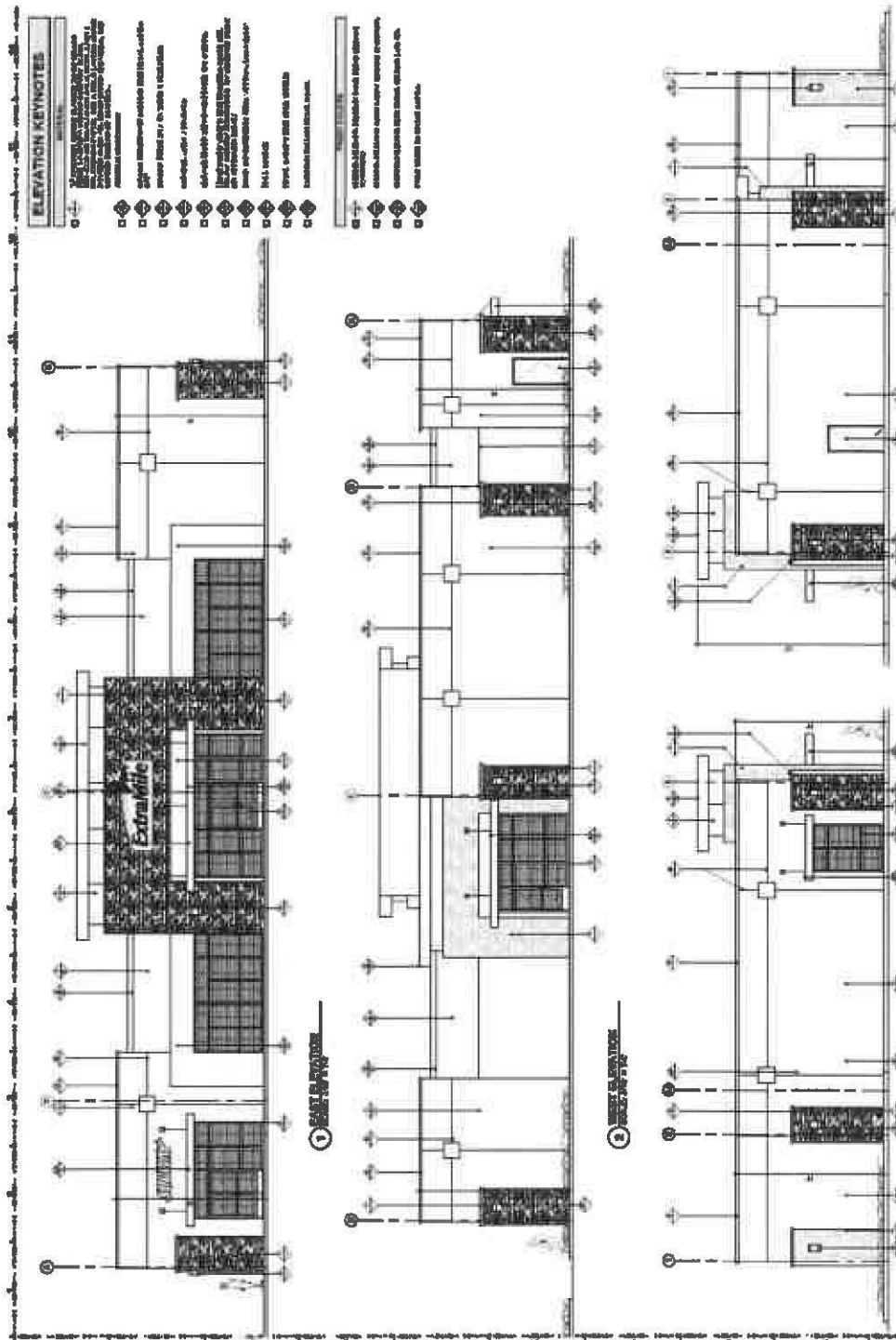
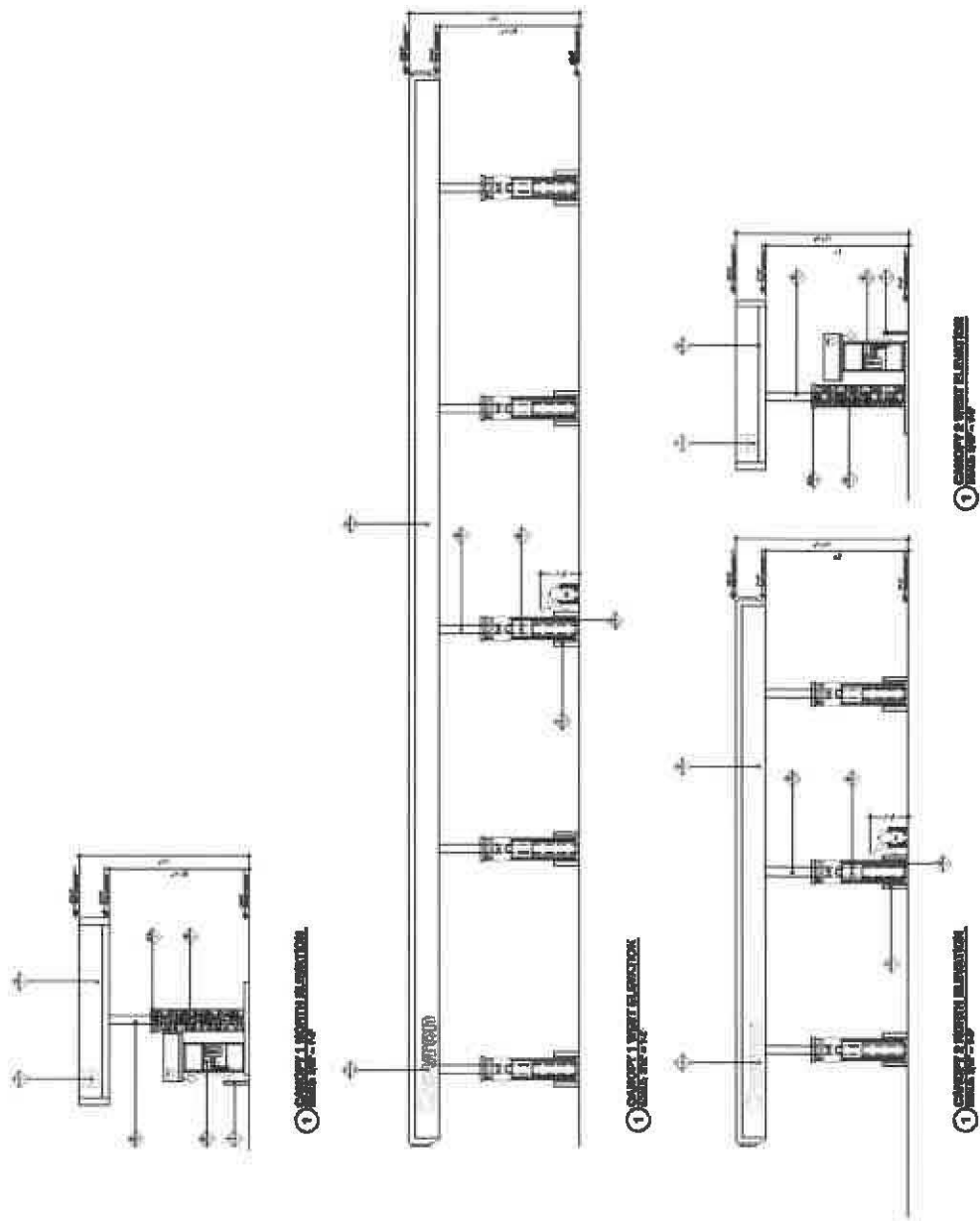


Figure 7
Elevations



Fuelling Stations
Canopy Elevations



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EVALUATION FORMAT

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on seventeen (17) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
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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. Therefore, no impacts are identified or anticipated and no mitigation measures are required.
2. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. 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 mitigation measures)
4. Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are: (List 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.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION:

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

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will 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 will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ 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.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature (prepared by): *Reuben J. Arceo*

Signature: *Dave Prusch*

Date

Date

February 5, 2018
2/6/2018

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I. AESTHETICS - Would the project

a) Have a substantial adverse effect on a scenic vista?

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Substantially degrade the existing visual character or quality of the site and its surroundings?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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SUBSTANTIATION (Check ☒ if project is located within the view-shed of any Scenic Route listed in the General Plan):

I a) **Less Than Significant Impact.** Cedar Avenue has been designated as a County Scenic Route from Bloomington Avenue to the Riverside County line, as described in the Bloomington Community Plan (San Bernardino County 2007). A portion of this road segment is adjacent to the Project site. The basis for this designation is not identified in the Community Plan, however, based on criteria in the County's General Plan (San Bernardino County 2007), the designation is most likely related to views of the Rubidoux/Jurupa Hills south of the Project site:

- Offers a distant vista that provides relief from less attractive views of nearby features (such as view of mountain backdrops from urban areas (Open Space Policy 5.1).

The one-story convenience store is set back 51 feet from Cedar Avenue, more than double the required distance of 25 feet. The Project would also include the dedication of additional right-of-way for Cedar Avenue. As a result, the Project would not block any public views of the hill/mountain backdrops viewed from Cedar Avenue, and the Project would not have a substantial adverse effect on a scenic vista. Impacts would be less than significant.

I b) **No Impact.** The Project is not located on or within close proximity of a state scenic highway and therefore will not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. There are no existing rock outcroppings or historic buildings present on the site. Therefore, no impacts would occur and no mitigation measures are required.

I c) **Less Than Significant Impact.** The Project will not substantially degrade the existing visual character or quality of the site and its surroundings. The Project site is located in an urbanized area within a commercial land use district. The Project would replace vacant land with a cohesively designed gas station and convenience store. No structures are being proposed that would diminish the existing visual character of the area or block views of the

mountains. The project is consistent with the intended land use for the area and meets development standards guiding the visual character of the site, including standards designed to ensure the compatibility of the site with adjacent residential uses in accordance with the Bloomington Community Plan. The Project maintains a suitable 15-foot landscape buffer and 8-foot CMU wall screening the station from residential uses to the west. The stone veneer and stucco siding of the convenience store, screening of exterior mechanical equipment, and extensive setbacks for both fuel pumping stations from the property line help contribute to an aesthetic quality of the site. In addition, the Project would provide right-of-way and develop half width street improvements along the Project's frontage of Cedar Avenue and Slover Avenue, including curbs, sidewalks, and medians in some locations. The resulting aesthetic would be more organized, unified and urban, compared to the existing conditions. While the Project will markedly change the visual quality of the Project site, it would not degrade the existing visual character or quality of the site or surroundings. Impacts would be less than significant.

- I d) **Less than Significant Impact.** The Project will not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area because all lighting proposed onsite will be designed in accordance with the County Development Code. Chapter 83.07.030 regulates glare, outdoor lighting, and night sky protection. The Code provides that commercial or industrial lighting shall be fully shielded in such a manner as to preclude light pollution or light trespass on any of the following: an abutting residential land use district; a residential lot; or public right-of-way. These standards and code requirements will ensure that the Project will not create a new source of substantial light or glare by requiring lighting to be shielded or hooded. Area lights are proposed along the inner edge of the landscape buffer along the perimeter of the site, which would not interfere with on-coming traffic on adjacent roadways nor cause a nuisance to adjacent properties. A professionally prepared outdoor lighting plan will be required as a standard requirement for this project. Impacts are considered less than significant.

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

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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II. AGRICULTURE AND FORESTRY RESOURCES -

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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in 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):

- II a) **No Impact.** The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The Project site is designated as Urban and Built-up Land, based on the California Department of Conservation (DOC) farmland classification (DOC 2017) Accordingly, no impact would occur and no mitigation measures are required.
- II b) **No Impact.** The subject property is not designated or zoned for agricultural use and the Project does not conflict with any agricultural land use or Williamson Act land conservation contract. Therefore, no impacts would occur and no mitigation measures are required.
- II c) **No Impact.** The Project would not 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

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Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). The Project area has never been designated as forest land or timberland. No rezoning of the Project site would be required as the Project is compatible with the current zoning designation (GC-SCP). The Project would not cause the rezoning of forest land, timberland, or timberland zoned Timberland Production. Therefore, no impacts would occur and no mitigation measures are required.

- II d) **No Impact.** The Project would not result in the loss of forest land or conversion of forest land to non-forest use. The Project area has never been designated as forest land or timberland. The Project does not include forest land. Therefore, no impacts would occur and no mitigation measures are required.
- II e) **No Impact.** The Project will not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to a non-agricultural use because there are no parcels within the vicinity of the subject property that are designated as Farmland of any kind or used for agricultural purposes. Therefore, no impacts would occur and no mitigation measures are required.

No Impacts are identified or anticipated and no mitigation measures are required.

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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III. **AIR QUALITY** - Where available, the significance criteria established by the applicable air quality management or air pollution control district may 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) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION *(Discuss conformity with the South Coast Air Quality Management Plan, if applicable):*

- III a) **Less than Significant Impact.** The proposed project would not conflict with or obstruct implementation of the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP). An Air Quality and Greenhouse Gas (GHG) Emissions Impact Analysis was prepared for the proposed project (Appendix A). The following section discusses the proposed project's consistency with the SCAQMD AQMP.

SCAQMD Air Quality Management Plan

A proposed project should be considered to be consistent with the AQMP if it furthers one or more policies and does not obstruct other policies. The SCAQMD CEQA Handbook identifies two key indicators of consistency:

1. Whether the project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.
2. Whether the project will exceed the assumptions in the AQMP or increments based on the year of project buildout and phase.

Both of these criteria are evaluated below.

Criterion 1 - Increase in the Frequency or Severity of Violations?

Based on the air quality modeling analysis contained in the Air Quality and GHG Emissions Impact Analysis, short-term regional construction air emissions would not result in significant impacts based on SCAQMD regional thresholds of significance. The ongoing operation of the proposed project would generate air pollutant emissions that are inconsequential on a regional basis and would not result in significant impacts based on SCAQMD thresholds of significance discussed in Section 6.1 of the Impact Analysis. The analysis for long-term local air quality impacts showed that local pollutant concentrations would not be projected to exceed the air quality standards. Therefore, a less than significant long-term impact would occur and no mitigation would be required.

Criterion 2 - Exceed Assumptions in the AQMP?

Consistency with the AQMP assumptions is determined by performing an analysis of the proposed Project with the assumptions in the AQMP. The emphasis of this criterion is to insure that the analyses conducted for the proposed Project are based on the same forecasts as the AQMP. The AQMP is developed through use of the planning forecasts provided in the Regional Transportation Plan Sustainable Community Strategy (RTP/SCS) and Federal Transportation Improvement Plan (FTIP). The RTP/SCS is a major planning document for the regional transportation and land use network within Southern California. The RTP/SCS is a long-range plan that is required by federal and state requirements placed on the Southern California Association of Governments (SCAG) and is updated every four years. The FTIP provides long-range planning for future transportation improvement projects that are constructed with state and/or federal funds within Southern California. Local governments are required to use these plans as the basis of their plans for the purpose of consistency with applicable regional plans under CEQA. For this Project, the Bloomington Community Plan prepared by the County of San Bernardino defines the assumptions that are represented in AQMP.

The project site is currently designated as General Commercial in the Community Plan and is zoned General Commercial (CG). The proposed project is consistent with the current land use designation and would not require a General Plan Amendment or zone change. As such, the proposed project is not anticipated to exceed the AQMP assumptions for the project site and is found to be consistent with the AQMP for the second criterion.

Based on the above, the proposed project will not result in an Inconsistency with the SCAQMD AQMP. Therefore, a less than significant impact will occur in relation to implementation of the AQMP.

- III b) **Less than Significant Impact.** The proposed project would not violate an air quality standard or contribute substantially to an existing or projected air quality violation. The Air Quality and GHG Emissions Impact Analysis prepared for the Project (see Appendix A) calculates the potential air emissions associated with the construction and operation of the proposed project and compares the emissions to the SCAQMD standards. The following section discusses the proposed project's construction and operational emissions and impacts.

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Construction Emissions

The proposed project would consist of the development of a 13-vehicle fueling position gas station and a 5,812 square foot convenience store (C-Store) with a quick serve restaurant (QSR). There will also be a 49-space parking lot. The construction emissions have been analyzed for both regional and local air quality impacts as well as potential toxic air impacts.

Construction-Related Regional Impacts

The CalEEMod model has been utilized to calculate the construction-related regional emissions from the proposed project and the input parameters utilized in this analysis have been detailed in Section 2.1 Overall Construction Emissions of the CalEEMod Air Quality and GHG Impact Analysis. The worst-case summer or winter daily construction-related criteria pollutant emissions from the proposed project for each phase of construction activities are shown below in Table 2 and the CalEEMod daily printouts are shown in Appendix A of the Impact Analysis. Since it is possible that building construction, paving, and architectural coating activities may occur concurrently, Table 2 also shows the combined criteria pollutant emissions from building construction, paving and architectural coating phases of construction.

Table 2: Construction-Related Regional Criteria Pollutant Emissions

Maximum Daily Emissions	Emissions (pounds per day)					
	NOx	VOC	CO	SOx	PM10	PM2.5
	20.78	5.69	14.02	0.023	6.84	3.85
Regional Threshold	100	75	550	150	150	55
Exceeds Regional Threshold?	NO	NO	NO	NO	NO	NO
Source: SCAQMD and CalEEMod						

Table 2 shows that none of the analyzed criteria pollutants would exceed the regional emissions thresholds during demolition, grading, or the combined building construction, paving, and architectural coatings phases. Therefore, a less than significant regional air quality impact would occur from construction of the proposed project.

Construction-Related Local Impacts

Construction-related air emissions may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the Air Basin.

The local air quality emissions from construction were analyzed through utilizing the methodology described in *Localized Significance Threshold Methodology* (LST Methodology), prepared by SCAQMD, revised October 2009. The LST Methodology found the primary criteria pollutant emissions of concern are NOx, CO, PM10, and PM2.5. In order to determine if any of these pollutants require a detailed analysis of the local air quality impacts, each phase of construction was screened using the SCAQMD's Mass Rate LST Look-up Tables. The Look-up Tables were developed by the SCAQMD in order to readily determine if the daily onsite emissions of CO, NOx, PM10, and PM2.5 from the proposed project could result in a significant impact to the local air quality. Table 3 shows the onsite emissions from the CalEEMod model for construction and operational emissions.

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the calculated emissions thresholds that have been detailed above in Section 2.1 for construction emissions and Section 2.2 for operational emissions.

Table 3: Construction-Related Local Criteria Pollutant Emissions

Pollutant	LST Significance Threshold Lbs/Day*	Project Emissions (mitigated)	Exceeds Threshold?
(NO_x) for Construction and Operation	118	20.78	NO
(CO) for Construction and Operation	602	20.33	NO
PM₁₀ for Construction	4	3.29	NO
PM_{2.5} for Construction	3	2.05	NO
*Based on LST SRA #34 1-acre @ 25 meters			

The data provided in Table 3 shows that none of the analyzed criteria pollutants would exceed the local emissions thresholds during the demolition phase, the grading phase, or the combined building construction, paving, and architectural coatings phases. Therefore, a less than significant local air quality impact would occur from construction of the proposed project.

Operational Emissions

The on-going operation of the proposed project would result in a long-term increase in air quality emissions. This increase would be due to emissions from the project-generated vehicle trips and through operational emissions from the on-going use of the proposed project. The following section provides an analysis of potential long-term air quality impacts due to regional and local air quality impacts with the on-going operations of the proposed project. The potential operations-related air emissions have been analyzed below for the regional and local criteria pollutant emissions and cumulative impacts.

Operations-Related Criteria Pollutant Analysis

The operations-related criteria air quality impacts created by the proposed project have been analyzed through use of the CalEEMod model and the input parameters utilized in this analysis have been detailed in Section 2.2 of the Impact Analysis (see Appendix A). The worst-case summer or winter VOC, NO_x, CO, SO₂, PM₁₀, and PM_{2.5} daily emissions created from the proposed project's long-term operations have been calculated and are summarized below in

Table 4 and the CalEEMod daily emissions printouts are shown in Appendix A of the Impact Analysis.

Table 4: Operational Regional Criteria Pollutant Emissions

Maximum Emissions	Daily	Emissions (pounds per day)					
		NOx	VOC	CO	SOx	PM10	PM2.5
		19.83	3.80	20.33	0.06	3.14	0.87
Regional Threshold		55	55	550	150	150	55
Exceeds Regional Threshold?		NO	NO	NO	NO	NO	NO
Source: SCAQMD and CalEEMod							

The data provided in

Table 4 above shows that none of the analyzed criteria pollutants would exceed the regional emissions thresholds. Therefore, a less than significant regional air quality impact would occur from operation of the proposed project.

Operations-Related Local Air Quality Impacts

Project-related air emissions may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the Air Basin. The proposed project has been analyzed for the potential local CO emission impacts from the project-generated vehicular trips and from the potential local air quality impacts from on-site operations. The following analysis analyzes the vehicular CO emissions and local impacts from on-site operations.

Local CO Hotspot Impacts from Project-Generated Vehicular Trips

CO is the pollutant of major concern along roadways because the most notable source of CO is motor vehicles. For this reason, CO concentrations are usually indicative of the local air quality generated by a roadway network and are used as an indicator of potential local air quality impacts. Local air quality impacts can be assessed by comparing future without and with project CO levels to the State and Federal CO standards of 20 ppm over one hour or 9 ppm over eight hours.

At the time of the 1993 Handbook, the Air Basin was designated nonattainment under the CAAQS and NAAQS for CO. With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations in the Air Basin and in the state have steadily declined. In 2007, the Air Basin was designated in attainment for CO under both the CAAQS and NAAQS. SCAQMD conducted a CO hot spot analysis for attainment at the busiest intersections in Los Angeles during the peak morning and afternoon periods and did not predict a violation of CO standards¹. Since the nearby intersections to the proposed project are much smaller with less traffic than what was analyzed by the SCAQMD, no local CO Hotspot are anticipated to be created from the proposed project and no CO Hotspot modeling was performed. Therefore, a less than significant long-term air quality impact is anticipated to local air quality with the on-going use of the proposed project.

¹ The intersections analyzed by the SCAQMD were Cedar Avenue, Orange Street, Slover Avenue and Cedar Avenue.

Local Criteria Pollutant Impacts from Onsite Operations

Project-related air emissions from onsite sources such as architectural coatings, landscaping equipment, and onsite usage of natural gas appliances may have the potential to create emissions areas that exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the Air Basin.

The local air quality emissions from on-site operations were analyzed using the SCAQMD's Mass Rate LST Look-up Tables and the methodology described in LST Methodology. The Look-up Tables were developed by the SCAQMD in order to readily determine if the daily emissions of CO, NO_x, PM₁₀, and PM_{2.5} from the proposed project could result in a significant impact to the local air quality. Table 5 shows the on-site emissions from the CalEEMod model that includes area sources, energy usage, and vehicles operating on-site and the calculated emissions thresholds.

Table 5: Operations-Related Local Criteria Pollutant Emissions

Pollutant	LST Significance Threshold Lbs/Day*	Project Emissions (mitigated)	Exceeds Threshold?
(NO_x) for Construction and Operation	118	20.78	NO
(CO) for Construction and Operation	602	20.33	NO
PM 10 for Operation	1	<0.01	NO
PM 2.5 for Operation	1	<0.01	NO
*Based on LST SRA #34 1-acre @ 25 meters			

The data provided in Table 5 shows that the on-going operations of the proposed project would not exceed the local NO_x, CO, PM₁₀ and PM_{2.5} thresholds of significance discussed above in Section 6.2 of the Impact Analysis. Therefore, the on-going operations of the proposed project would create a less than significant operations-related impact to local air quality due to on-site emissions and no mitigation would be required.

- III c) **Less than Significant Impact.** The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

The Air Quality and GHG Emissions Impact Analysis prepared for the Project (see Appendix A) addresses cumulative impacts. Cumulative projects include local development as well as general growth within the project area. However, as with most development, the

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greatest source of emissions is from mobile sources, which travel throughout the local area. Therefore, from an air quality standpoint, the cumulative analysis would extend beyond any local projects and when wind patterns are considered would cover an even larger area. Accordingly, the cumulative analysis for the project's air quality must be generic by nature. The project area is out of attainment for ozone and PM10 and PM2.5 particulate matter. In accordance with CEQA Guidelines Section 15130(b), this analysis of cumulative impacts incorporates a three-tiered approach to assess cumulative air quality impacts.

- Consistency with the SCAQMD project specific thresholds for construction and operations;
- Project consistency with existing air quality plans; and
- Assessment of the cumulative health effects of the pollutants.

Consistency with Project Specific Thresholds

Construction-Related Impacts

The project site is located in the South Coast Air Basin, which is currently designated by the EPA for federal standards as a non-attainment area for ozone and PM2.5 and by CARB for the state standards as a non-attainment area for ozone, PM10, and PM2.5. The regional ozone, PM10, and PM2.5 emissions associated with construction of the proposed project have been calculated in Section 2.1 of the Air Quality and GHG Impact Analysis (see Appendix A). The analysis found that development of the proposed project would result in less than significant regional emissions of VOC and NOx (ozone precursors), PM10, and PM2.5 during construction of the proposed project. Therefore, a less than significant cumulative impact would occur from construction of the proposed project.

Operational-Related Impacts

The greatest cumulative operational impact on the air quality to the Air Basin will be the incremental addition of pollutants mainly from increased traffic from residential, commercial, and industrial development. In accordance with SCAQMD methodology, projects that do not exceed SCAQMD criteria or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact. The regional ozone, PM10, and PM2.5 emissions created from the on-going operations of the proposed project have been calculated in Section 2.2 of the Impact Analysis (see Appendix A). The analysis found that development of the proposed project would result in less than significant regional emissions of VOC and NOx (ozone precursors), PM10, and PM2.5 during operation of the proposed project. With respect to long-term emissions, this project would create a less than significant cumulative impact.

Consistency with Air Quality Plans

As detailed in Project Description, the project site is currently designated as General Commercial in the Bloomington Community Plan and is zoned General Commercial (CG). The proposed project is consistent with the current land use designation and would not require a General Plan Amendment or zone change. Therefore, the proposed project would not result in an inconsistency with the current land use designation. As such, the proposed project is not anticipated to exceed the AQMP assumptions for the project site and is found to be consistent with the AQMPs for the Air Basin.

Cumulative Health Impacts

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The Air Basin is designated as nonattainment for ozone, PM₁₀, and PM_{2.5}, which means that the background levels of those pollutants are at times higher than the ambient air quality standards. The air quality standards were set to protect public health, including the health of sensitive individuals (elderly, children, and the sick). Therefore, when the concentrations of those pollutants exceeds the standard, it is likely that some sensitive individuals in the population would experience health effects. The regional analysis detailed in Section 5.1 of the Impact Analysis found that the proposed project would not exceed the SCAQMD regional significance thresholds for VOC and NO_x (ozone precursors), PM₁₀ and PM_{2.5}. As such, the proposed project would result in a less than significant cumulative health impact.

- III d) **Less than Significant Impact.** Individuals who are more sensitive to toxic exposures than the general population are considered sensitive receptors. This would include children, the elderly, and persons with preexisting respiratory or cardiovascular illness. Such receptors may reside at hospitals, residences, convalescent facilities, and schools. The nearest offsite sensitive receptors to the project site consist of single-family homes located as near as 10 feet west of the project site, 310 feet east of the project site, and 120 feet north of the project site. In addition, the nearest structure for Bloomington Junior High School/Slover Mountain High School is located as near as 450 feet northeast of the project site.

The Air Quality and GHG Emissions Impact Analysis prepared for the proposed project (see Appendix A) addresses impacts on sensitive receptors. The proposed project would not expose sensitive receptors to substantial pollutant concentrations. The local concentrations of criteria pollutant emissions produced in the nearby vicinity of the proposed project, which may expose sensitive receptors to substantial concentrations have been calculated in Section 2.2 of the CalEEMod Impact Analysis for both construction and operations, which are discussed separately below. The discussion below also includes an analysis of the potential impacts from toxic air contaminant emissions.

Construction-Related Sensitive Receptor Impacts

Construction of the proposed project may expose sensitive receptors to substantial pollutant concentrations of localized criteria pollutant concentrations and from toxic air contaminant emissions created from onsite construction equipment, which are described below.

Local Criteria Pollutant Impacts from Construction

The local air quality impacts from construction of the proposed project has been analyzed in Section 2.2 of the CalEEMod Impact Analysis and found that the construction of the proposed project would not exceed the local NO_x, CO, PM₁₀ and PM_{2.5} thresholds of significance. Therefore, construction of the proposed project would create a less than significant construction-related impact to local air quality and no mitigation would be required.

Toxic Air Contaminants Impacts from Construction

Toxic air contaminants (TACs) is a term that is defined under the California Clean Air Act and consists of the same substances that are defined as Hazardous Air Pollutants (HAPs) in the Federal Clean Air Act. There are over 700 hundred different types of TACs with varying degrees of toxicity. Cars and trucks release at least 40 different toxic air contaminants. The most important of these TACs, in terms of health risk, are diesel particulates, benzene, formaldehyde, 1,3-butadiene, and acetaldehyde. Public exposure to TACs can result from emissions from normal operations as well as from accidental

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releases. Health effects of TACs include cancer, birth defects, neurological damage, and death. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of "individual cancer risk". "Individual Cancer Risk" is the likelihood that a person exposed to concentrations of toxic air contaminants over a 70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology.

Given the relatively limited number of heavy-duty construction equipment and the short-term construction schedule, the proposed project would not result in a long-term (i.e., 70 years) substantial source of toxic air contaminant emissions and corresponding individual cancer risk. In addition, California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449 regulates emissions from off-road diesel equipment in California. This regulation limits idling of equipment to no more than five minutes, requires equipment operators to label each piece of equipment and provide annual reports to CARB of their fleet's usage and emissions. This regulation also requires systematic upgrading of the emission Tier level of each fleet, and currently no commercial operator is allowed to purchase Tier 0 or Tier 1 equipment and by January 2023 no commercial operator is allowed to purchase Tier 2 equipment. In addition to the purchase restrictions, equipment operators need to meet fleet average emissions targets that become more stringent each year between years 2014 and 2023. Therefore, no significant short-term toxic air contaminant impacts would occur during construction of the proposed project. As such, construction of the proposed project would result in a less than significant exposure of sensitive receptors to substantial pollutant concentrations.

Operations-Related Sensitive Receptor Impacts

The on-going operations of the proposed project may expose sensitive receptors to substantial pollutant concentrations of local CO emission impacts from the project-generated vehicular trips and from the potential local air quality impacts from onsite operations. The following analyzes the vehicular CO emissions. Local criteria pollutant impacts from onsite operations, and toxic air contaminant impacts.

Local CO Hotspot Impacts from Project-Generated Vehicle Trips

CO is the pollutant of major concern along roadways because the most notable source of CO is motor vehicles. For this reason, CO concentrations are usually indicative of the local air quality generated by a roadway network and are used as an indicator of potential impacts to sensitive receptors. The analysis provided in Section 2.2 of the CalEEMod Impact Analysis shows that no local CO Hotspots are anticipated to be created at any nearby intersections from the vehicle traffic generated by the proposed project. Therefore, operation of the proposed project would result in a less than significant exposure of offsite sensitive receptors to substantial pollutant concentrations.

Local Criteria Pollutant Impacts from Onsite Operations

The local air quality impacts from the operation of the proposed project would occur from onsite sources such as architectural coatings, landscaping equipment, and onsite usage of natural gas appliances. The analysis provided in Section 2.2 of the CalEEMod Impact Analysis found that the operation of the proposed project would not exceed the local NOx, CO, PM10 and PM2.5 thresholds of significance. Therefore, the on-going operations of the proposed project would create a less than significant operations-related impact to local air quality due to on-site emissions and no mitigation would be required.

Operations-Related Toxic Air Contaminant Impacts

Particulate matter (PM) from diesel exhaust is the predominant TAC in most areas and according to The California Almanac of Emissions and Air Quality 2013 Edition, prepared by CARB, about 80 percent of the outdoor TAC cancer risk is from diesel exhaust. Some chemicals in diesel exhaust, such as benzene and formaldehyde have been listed as carcinogens by State Proposition 65 and the Federal Hazardous Air Pollutants program.

The TAC emissions from the proposed project and associated cancer and non-cancer (acute and chronic) risks have been analyzed in Chevron Convenience Store & Gas Station Project Health Risk Assessment (HRA), prepared by Vista Environmental, March 2017 (see Appendix B). The HRA found that TAC emissions from the proposed project would create less than significant cancer and non-cancer risks at the nearby sensitive receptors and no mitigation would be required.

Therefore, operation of the proposed project would result in a less than significant exposure of sensitive receptors to substantial pollutant concentrations

- III e) **Less than Significant Impact.** The proposed project would not create objectionable odors affecting a substantial number of people. Potential odor impacts have been analyzed separately for construction and operations in the Air Quality and GHG Emissions Impact Analysis (see Appendix A). Results are summarized below.

Individual responses to odors are highly variable and can result in a variety of effects. Generally, the impact of an odor results from a variety of factors such as frequency, duration, offensiveness, location, and sensory perception. The frequency is a measure of how often an individual is exposed to an odor in the ambient environment. The intensity refers to an individual's or group's perception of the odor strength or concentration. The duration of an odor refers to the elapsed time over which an odor is experienced. The offensiveness of the odor is the subjective rating of the pleasantness or unpleasantness of an odor. The location accounts for the type of area in which a potentially affected person lives, works, or visits; the type of activity in which he or she is engaged; and the sensitivity of the impacted receptor.

Sensory perception has four major components: detectability, intensity, character, and hedonic tone. The detection (or threshold) of an odor is based on a panel of responses to the odor. There are two types of thresholds: the odor detection threshold and the recognition threshold. The detection threshold is the lowest concentration of an odor that will elicit a response in a percentage of the people that live and work in the immediate vicinity of the project site and is typically presented as the mean (or 50 percent of the population). The recognition threshold is the minimum concentration that is recognized as having a characteristic odor quality, this is typically represented by recognition by 50 percent of the population. The intensity refers to the perceived strength of the odor. The odor character is what the substance smells like. The hedonic tone is a judgment of the pleasantness or unpleasantness of the odor. The hedonic tone varies in subjective experience, frequency, odor character, odor intensity, and duration.

Construction-Related Odor Impacts

Potential sources that may emit odors during construction activities include the application of coatings such as asphalt pavement, paints and solvents and from emissions from diesel equipment. The objectionable odors that may be produced during the construction process

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would be temporary and would not likely be noticeable for extended periods of time beyond the project site's boundaries. Due to the transitory nature of construction odors, a less than significant odor impact would occur and no mitigation would be required.

Potential Operations-Related Odor Impacts

The proposed project would consist of the development a 13-pump gas station and associated convenience store, quick serve restaurant (QSR), and parking lot. Potential sources that may emit odors during the on-going operations of the proposed project would primarily occur from odor emissions from gas dispensing activities and from the trash storage areas. Pursuant to SCAQMD Rule 461 the proposed gas station will be required to utilize gas dispensing equipment that minimizes vapor and liquid leaks and requires that the equipment be maintained at proper working order, which will minimize odor impacts occurring from the gasoline and diesel dispensing facilities. Pursuant to County regulations, permanent trash enclosures that protect trash bins from rain as well as limit air circulation would be required for the trash storage areas. Due to the distance of the nearest receptors from the project site and through compliance with SCAQMD's Rule 461 and County trash storage regulations, no significant impact related to odors would occur during the on-going operations of the proposed project. Therefore, a less than significant odor impact would occur and no mitigation would be required.

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

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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IV. BIOLOGICAL RESOURCES - Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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):
Category ? ☒

- IV a) **Less Than Significant. Impact With Mitigation Incorporated.** The California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS) may list species as threatened or endangered under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA). The USFWS can designate specific areas that are essential to the conservation of a listed species. According to the County of San Bernardino's Biotic Resources Map, the Burrowing Owl has been reported to be in the Project vicinity due to previous documented occurrences.

In accordance with the Biotic Resources Report, prepared by Biological Rocks Consulting, dated October 7, 2016, (see Appendix B) No burrowing owl individuals or burrowing owl sign was observed on site. Further, no fossorial mammal burrows, fossorial mammals, or California ground squirrels (*Otospermophilus beecheyi*) were observed on site. The disturbed sandy nature of the soil and active agriculture likely make burrowing by small mammals difficult. If the site is no longer used for active agriculture in the future, there could be potential that burrowing owl in a debris pile and it is possible that California ground squirrels could colonize the parcel. Based on these conditions, a pre-construction burrowing owl survey should be performed prior to site grading to ensure impacts on burrowing owls are avoided per Mitigation Measure BIO-1 below.

Migratory Birds

Project construction could result in impacts to nesting individuals including the loss of nests, eggs, and fledglings if tree removal, vegetation clearing and ground-disturbing activities occur during the nesting season (generally between February 1 and June 30). This impact is potentially significant because substantial direct impacts to individuals of designated special-status species, if present, could occur during a critical period of these species' life cycles and may result in reduced reproductive success. Potential impacts could occur to the burrowing owl. Implementation of Mitigation Measure BIO-2 below would reduce impacts to \ migratory birds protected under the Migratory Bird Treaty Act to less than significant.

- IV b) **No Impact.** The Project implementation would not have any impacts to sensitive or regulated habitat because the Project site is devoid of native riparian vegetation or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Services (USFWS). No drainage features, ponded areas, or riparian habitat potentially subject to jurisdiction by CDFW, U.S. Army Corps of Engineers (ACOE) and/or Regional Water Quality Control Board (RWQCB) were found within the project site.
- IV c) **No Impact.** This Project will not have an effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, because the Project is not within an identified protected wetland. Therefore, no impacts would occur and no mitigation measures are required.
- IV d) **Less Than Significant.** The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, because there are no such corridors or nursery sites within or near the project site. Therefore, impacts are less than significant.
- IV e) **Less Than Significant Impact.** Some trees will be removed as a result of proposed improvements. However, in an event a native or other regulated tree identified in County Development Code Section 88.01.070 has to be removed, County Department of Public Works will coordinate with County Land Use Services Department to determine if tree transplanting, or tree replacement (based on health of existing tree) will be required.

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Therefore, no impacts would occur and no mitigation measures are required.

IV f) **No Impact.** The proposed project would not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plan has been adopted for the Project site. Therefore, no impacts would occur and no mitigation measures are required.

MM # BIO-1 A qualified biologist will conduct a pre-construction presence/absence survey for burrowing owls within 30 days prior to site disturbance. If burrowing owls are detected on site, then a plan for exclusion or avoidance shall be made in coordination with CDFW. If the survey is negative, the project may proceed without further restrictions related to burrowing owls.

MM # BIO-2 If construction activities are to take place during the avian nesting season (February 15 through August 31 for most bird species), a pre-construction survey for nesting bird species shall be conducted within 7 days prior to vegetation removal. The survey will identify any active nesting by special-status birds on the Project site or within 500 feet of construction activities. If active nests of special-status birds are present in the impact area or within 500 feet of the edge of construction area, a qualified biologist shall prescribe avoidance measures including, but not limited to, establishing a construction buffer. The type of species, nesting stage, surround topography, existing conditions, and type of construction activity will determine the appropriate avoidance measures. Avoidance measures shall remain in place until the nest is no longer active as determined by a qualified biologist.

No significant adverse impacts are identified or anticipated with implementation of MM # BIO-1 and BIO-2.

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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V. CULTURAL RESOURCES - Would the project

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

V a) Less than Significant Impact. With Mitigation Incorporated.

Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style, design, or achievement. Damaging or demolition of historic resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

- 1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.*
- 2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.*
- 3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.*

The Project site is vacant, undeveloped, and has been previously graded. The Project site does not include any historic uses, and is not located within a historic area.

However, should sub-surface historical resources be found during grading or excavation activities, the Project is subject to the County's standard condition of approval regarding historical resources that requires the developer to contact the County Museum for determination of appropriate mitigation measures, such as Isolation of the resource site, recovery of the item, and appropriate curation and documentation. To further reduce the potential for impacts, Mitigation Measure CR-1 has been added, which requires that if historical resources are uncovered during ground disturbing activities, all work in that area shall cease immediately until written clearance by County Planning is provided indicating that satisfactory mitigation has been implemented. A qualified expert, as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. The developer shall implement any such additional mitigation to the satisfaction of County Planning and the County Museum. Therefore, no significant adverse impacts are anticipated.

V b) Less than Significant Impact With Mitigation Incorporated. As described previously, the Project site is vacant, undeveloped, and disturbed from previous grading activities. The intensive modification and disturbance associated with the grading and surface modification of the Project site, has eradicated any near-surface record of prehistoric, ethnohistoric, or historic-era behavioral activities that may have otherwise been preserved as archaeological sites, deposits or features. As a result, the potential for encountering buried archaeological resources is very low. If buried resources are encountered, they are likely to be in disturbed or secondary contexts, considering the entire surface of the site has been heavily modified and graded. To further reduce the potential for impacts, Mitigation Measure CR-1 has been added, which requires that if archaeological resources are uncovered during ground disturbing activities, all work in that area shall cease immediately until written clearance by County Planning is provided indicating that satisfactory mitigation has been implemented. A qualified archaeologist, as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. The developer shall implement any such additional mitigation to the satisfaction of County Planning and the County Museum. Therefore, no significant adverse impacts are anticipated.

V c) Less than Significant Impact With Mitigation Incorporated.. Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine- to medium grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and, in fact, are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

To reduce the potential for impacts, Mitigation Measure CR-1 has been added, which requires that if paleontological resources are uncovered during ground disturbing activities, all work in that area shall cease immediately until written clearance by County Planning is provided indicating that satisfactory mitigation has been implemented. A qualified expert paleontologist, as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. The developer shall implement any such additional mitigation to the satisfaction of County Planning and the

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County Museum. Therefore, no significant adverse impacts are anticipated.

- V d) **Less than Significant Impact.** It is not anticipated that this Project would disturb any human remains, including those interred outside of formal cemeteries, because no formal cemetery is known to exist on this Project site. In the event that human remains are discovered during Project grading or other ground disturbing activities, the Project 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. California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner.

If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

Therefore, no significant adverse impacts are anticipated.

No significant adverse impacts are identified or anticipated that could not be mitigated.

- MM #** If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease immediately until written clearance by County Planning is provided indicating that satisfactory mitigation has been implemented. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. The developer shall implement any such additional mitigation to the satisfaction of County Planning and the County Museum. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall also be notified.
- CR-1**

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Potentially
Significant
Impact

Less than
Significant with
Mitigation
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Less than
Significant

No
Impact

VI. GEOLOGY AND SOILS - Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault?

☐ ☐ ☐ ☒

ii. Strong seismic ground shaking?

☐ ☐ ☒ ☐

iii. Seismic-related ground failure, including liquefaction?

☐ ☐ ☒ ☐

iv. Landslides?

☐ ☐ ☐ ☒

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

☐ ☐ ☒ ☐

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?

☐ ☐ ☒ ☐

- d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property?

☐ ☐ ☐ ☒

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

☐ ☐ ☒ ☐

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

- VI a) (i-iv) **Less than Significant Impact.** The entire San Bernardino County area is particularly susceptible to strong ground shaking and other geologic hazards. However, the proposed project site is not located within an Alquist-Priolo Earthquake fault zone. While the potential for onsite ground rupture cannot be totally discounted (e.g., unmapped faults could conceivably underlie the project site), the likelihood of such an occurrence is considered low due to the absence of known faults within the Project vicinity. However, the Project will be reviewed and approved by County Building and Safety with appropriate seismic

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standards implemented. Adherence to standards and requirements contained in the building code for the design of the proposed structures will ensure that any impacts are less than significant by ensuring that structures do not collapse during strong ground shaking. The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides, because the project site and surrounding area are relatively flat (varying from 1,240 feet to 1,260 feet) and therefore landslides could not occur. Therefore, impacts from proximity to fault zones are considered less than significant.

- VI b) **Less than Significant Impact.** The Project will not result in substantial soil erosion or the loss of topsoil, because the site will be paved and landscaped. Erosion control plans will be required to be submitted, approved and implemented. Measures to reduce and control erosion of soil during construction and long term operation are required by SCAQMD through its Rule 403 for control of fugitive dust, the Santa Ana Regional Water Quality Control Board (RWQCB) under its administration of the State's General Construction Permit, and the County of San Bernardino Public Works Department through its Storm Water Management Program. Implementation of requirements under SCAQMD Rule 403 for control of fugitive dust would reduce or eliminate the potential for soil erosion due to wind. Implementation of Best Management Practices (BMPs) that would be included in the applicant's Storm Water Pollution Prevention Plan (SWPPP), would reduce soil erosion due to storm water or water associated with construction.
- VI c) **Less than Significant Impact.** The Project is not identified as being located on a geologic unit or soil that has been identified as being unstable or having the potential to result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. A Soils Report was prepared for the Project and is included as Appendix C. The Soils Report concluded that the site is underlain with non expansive (sandy soils) for the most part and that the proposed infiltration system will not result in ground settlement that could affect structures, either on or adjacent to the site. Where a potential for these is identified a geology report is required to be reviewed and approved by the County Building and Safety Geologist, who will require implementation of appropriate design measures, if any additional measures are required.
- VI d) **No Impact.** As stated in c) above, the Soils Report concluded that the site is largely underlain with non expansive (sandy soils) (see Appendix C, Soils Report). Therefore, no impacts related to expansive soil would occur.
- VI e) **Less than Significant Impact.** Most of the Bloomington Community has been developed with septic tanks and leach field systems (San Bernardino County 2007a). The Soils Report concluded that the soils at the Project site are suitable for the intended use (see Appendix C, Soils Report). Impacts would be less than significant as the project is connected to a sewer line. The sewer system is serviced by Rialto Wastewater Utility.

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

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VII. GREENHOUSE GAS EMISSIONS - Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- b) Conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

- VII a) **Less than Significant Impact.** The proposed Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The proposed Project would result in the development of a 13-pump gas station with a convenience store and quick serve restaurant (QSR) and a 49-space parking lot. The proposed project is anticipated to generate GHG emissions from area sources, energy usage, mobile sources, waste disposal, water usage, and construction equipment.

The Project's GHG emissions have been calculated with the CalEEMod model based on the parameters detailed in Section 2.1 and 2.2 of the Annual Emissions estimates of the CalEEMod Impact Report. A summary of the results is shown below in Table 6 and the CalEEMod model run is provided in the project specific CalEEMod data sheets, APPENDIX A.

Table 6. Project Greenhouse Gas Emissions

Source	GHG Emissions MT/yr			
	N2O	CO2	CH4	CO2e
Mobile Sources	0.000	1,004.69	0.098	1,007.15
Area	0.000	0.0002	0.00	0.0002
Energy	0.0002	24.78	0.0002	24.87
Solid Waste	0.000	3.52	0.21	8.78
Water/Wastewater	0.0004	2.86	0.014	3.31
30-year Amortized Construction GHG				6.74
TOTAL				1,050.85
SCAQMD Threshold				3,000
Exceed Threshold?				NO

Notes:

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

² Energy usage consists of GHG emissions from electricity and natural gas usage.

³ Mobile sources consist of GHG emissions from vehicles.

⁴ Waste includes the CO₂ and CH₄ emissions created from the solid waste placed in landfills.

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

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

Source: CalEEMod Version 2016.3.1.

According to the *San Bernardino County Greenhouse Gas Emissions Reduction Plan*, small projects that do not exceed 3,000 MTCO₂e per year will be considered to be consistent with the Plan and determined to have a less than significant individual and cumulative impact for GHG emissions. As shown on Table 6, the Project's annual operational emissions are 1,050.85 MTCO₂e per year which does not exceed the 3,000 MTCO₂e threshold. Therefore, the Project's GHG emissions are not forecast to exceed established GHG emissions thresholds. A less than significant impact is forecast.

The GHG reducing performance standards were developed by the County to improve the energy efficiency, water conservation, vehicle trip reduction potential, and other GHG reducing impacts from all new development approved within the unincorporated portions of San Bernardino County. As such, the following Performance Standards establish the minimum level of compliance that development must meet to assist in meeting the 2020 GHG reduction target identified in the *San Bernardino County Greenhouse Gas Emissions Reduction Plan*. These Performance Standards apply to all projects, including those that emit less than 3,000 MTCO₂e per year, and will be included as Conditions of Approval for development of the Project.

The following are the Performance Standards (Conditions of Approval) that are applicable to the Project:

1. *GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:*

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.

2. *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) 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.

b) 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.

c) 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.

Therefore, a less than significant generation of GHG emissions would occur from development of the proposed project. Impacts would be less than significant.

VII b) **Less than Significant Impact.** As discussed under issue VIIa above, the proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing GHG emissions. On December 6, 2011, the County adopted a GHG Emissions Reduction Plan (Regional GHG Reduction Plan). In addition, the GHG Emissions Development Review Processes (GHG Review Processes), prepared for the County of San Bernardino in August 2011, provide direction for conformity of new development projects to the GHG Plan. The GHG Review Processes determined that projects that do not exceed 3,000 MTCO₂e per year will be consistent with the GHG Plan and determined to have a less than significant individual and cumulative impact for GHG emissions. For projects that exceed 3,000 MTCO₂e per year of GHG emissions, the GHG Review Processes has determined that implementation of 100 or greater points associated with mitigation measures listed on its Screen Tables, will adequately reduce the proposed project's GHG emissions, when considered with other future development and existing development to allow the County to meet its 2020 target GHG reductions and support reductions in GHG emissions beyond 2020.

As shown in Table 6 above, the proposed project would create 1,050.85 MTCO₂e per year, which is within 3,000 MTCO₂e per year threshold provided in the GHG Review Processes (See Appendix A, Air Quality and GHG Impact Analysis). Therefore, the proposed project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant.

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

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	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
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 checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII a) **Less than Significant Impact.** During construction, there would be a minor level of transport, use, and disposal of hazardous materials and wastes that are typical of construction projects. This would include fuels and lubricants for construction machinery,

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coating materials, etc., as well as for the transport of the gas and diesel fuels to the Project site. The proposed fuel storage tanks associated with the gas and diesel stations would be required to follow specific protocols for handling, transporting, and storing the fuel onsite. All hazardous materials are required to be utilized and transported in accordance with their labeling pursuant to federal and state law. Routine construction control measures and best management practices for hazardous materials storage, application, waste disposal, accident prevention and clean-up will be sufficient to reduce potential impacts to a less than significant level.

The operation of the proposed convenience store would not be expected to generate hazardous waste or create the routine transport, use, or disposal of hazardous materials. Once the fuel storage tanks are constructed, there would be continued routine maintenance. Rule 461 of the SCAQMD governs the operation of gasoline stations and requires that all underground storage tanks are equipped with a "CARB certified" enhanced vapor recovery system, all fill tubes are equipped with vapor tight caps, all dry breaks are equipped with vapor tight seals, a spill box shall be installed to capture any gasoline spillage, and all equipment is required to be properly maintained per CARB regulations. All gasoline dispensing units are required to be equipped with a "CARB certified" vapor recovery system, the dispensing system components shall maintain vapor and liquid tight connections at all times and the breakaway coupling shall be equipped with a poppet valve that shall close when coupling is separated. Rule 461 also provides several additional requirements including detailed maintenance, testing, reporting and recordkeeping requirements for all gas stations. A permit from SCAQMD will be required to operate the fueling equipment.

The gas station and convenience store will also be subject to permit and inspection by the Hazardous Materials Division of the County Fire Department. Sections 2729 through 2732 of the California Code of Regulations (CCR) provide requirements for the reporting, inventory, and release response plans for hazardous materials. These requirements establish procedures and minimum standards for hazardous material plans, inventory reporting and submittal requirements, emergency planning/response, and training. In addition, all regulated substance handlers are required to register with local fire or emergency response departments per the California Accidental Release Prevention Program. Locally, this is overseen by the San Bernardino County Fire Department Hazardous Materials Division. The division reviews and approves an Emergency/Contingency Plan for regulated facilities.

The plan outlines precautions and procedures necessary to protect the facility from accidental release of hazardous materials, and provides emergency remediation to minimize effects should an accidental spill occur. Annual updates and review of the plan are required to ensure compliance and adequacy. The San Bernardino County Fire Department Hazardous Materials Division administers the California Accidental Release Prevention (CalARP) Program in the area. The CalARP Program was established to prevent accidental release of substances that pose the greatest risk of immediate harm to the public and the environment. The Program requires facilities to proactively prevent and prepare for chemical accidents. The proposed facility will be subject to Program requirements for regulated substances including preparation of a risk management plan (RMP) to include an off-site consequence analysis, compliance audit, certified program elements, and a seismic assessment. Existing risk management and response

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requirements will ensure potential risks associated with accidental releases of hazardous materials are minimized; therefore, the risk of exposure of the public and/or the environment to hazardous waste, either used or transported on site, would be less than significant.

- VIII b) **Less than Significant Impact.** A Health Risk Assessment (HRA) was completed to determine the potential cancer and non-cancer (acute and chronic) risks as well as to determine if local concentrations of criteria pollutants would exceed state and federal standards from the diesel emission sources associated with the operation of the proposed Chevron Convenience Store and Service Station Project (see Appendix D). The report provides a description of toxic air contaminants (TAC) and standards; provides an analysis of TAC concentrations created from operation of the proposed Project; and provides a comparison of the calculated cancer and acute non-cancer risks with the SCAQMD thresholds. The HRA concluded that a less than significant impact would occur due to the cancer, non-cancer and acute chronic health risks from TAC emissions created from the operation of the proposed project.
- VIII c) **Less than Significant Impact.** The Project is located within 0.25 miles of a school. The Bloomington Junior High School is located at the northeast corner of Slover and Cedar Avenues. Once the fuel storage tanks are constructed, there would be continued routine maintenance. As stated in impact statements VIIIa) and VIIIb) above, the operator of the gas station would be required to comply with Rule 461 of the SCAQMD; register with the San Bernardino County Fire Department Hazardous Materials Division; have an Emergency/Contingency Plan in place that outlines precautions and procedures necessary to protect the facility from accidental release of hazardous materials; and provide emergency remediation to minimize effects should an accidental spill occur. Annual updates and review of the plan are required to ensure compliance and adequacy. Furthermore, an HRA Report prepared for the Project concluded that a less than significant impact would occur due to the cancer, non-cancer and acute chronic health risks from TAC emissions created from the operation of the proposed project (see Appendix D).
- VIII d) **No Impact.** The project site is not included on a list of hazardous materials sites.
- VIII e) **No Impact.** The project site is not within 2 miles of a public airport or the vicinity or approach/departure flight path of a public airport.
- VIII f) **No Impact.** The project site is not within the vicinity or approach/departure flight path of a private airstrip.
- VIII g) **Less than Significant Impact.** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the project has adequate access from two or more directions, Cedar and Slover Avenues.

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

Potentially
Significant
ImpactLess than
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Impact

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IX. HYDROLOGY AND WATER QUALITY - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structure that would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION (Check if project is located in the Flood Hazard Overlay District):

- IX a) **Less than Significant Impact.** The Project will not violate any water quality standards or waste discharge requirements, because the Project will be served by an established water purveyor, West Valley Water District, subject to independent regulation by local and state agencies that ensure compliance with water quality requirements. The proposed installation, operation and maintenance of the underground storage tank will also be regulated by the Regional Water Quality Control Board (RWQCB) to ensure that the tank meets leak detection, spill, overflow and corrosion protection requirements; maintenance, inspection and reporting requirements. A preliminary Water Quality Management Plan (WQMP) was prepared (see Appendix E) and a construction phase stormwater pollution prevention plan (SWPPP) will be required, which would include Best Management Practices (BMPs) to protect water quality during construction and operational activities.

The RWQCB has issued an area-wide NPDES Storm Water Permit (Permit No. CAS618036) for the County of San Bernardino. The County then requires implementation of measures for a project to comply with the area wide permit requirements. A SWPPP is comprised of selected BMPs designed to address specific site conditions. The SWPPP must include BMPs to prevent project-related pollutants from impacting surface waters. BMPs may include, but not be limited to, the following:

- Silt fencing to detain sediment and sediment discharge;
- Storm Drain Inlet Protection that contain protective measures like filter fabric and gravel bag barriers to control sediment, debris and other materials before entering the storm drain;
- Fiber Rolls to reduce runoff velocity and release runoff as sheet flow;
- Stabilized Construction Entrance to reduce tracking of mud and dirt onto public roads;
- Wind Erosion Control WE-1 that includes applying water or other dust palliatives to reduce or alleviate dust.

A combined WQMP and SWPPP will ensure that site design, source control and treatment control BMPs will be implemented and maintained through the life of the project.

Therefore, impacts will be less than significant.

- IX b) **Less than Significant.**

The project is located within the West Valley Water District ("District"). The District extracts groundwater from five regional groundwater basins: Bunker Hill and Lytle Creek (which are both part of the SBBA), Rialto-Colton, Riverside North, and Chino Basins. All five basins have been adjudicated and are managed. The basins are among the most rigorously managed in the State. Planning and management efforts evaluating needs and supplies have been established for most of the basins within

the watershed through the next 20 to 40 years. Groundwater extractions and conditions are monitored and tracked by the Western-San Bernardino Watermaster and the Basin Technical Advisory Committee..(Ref. San Bernardino Valley Regional Urban Water Management Plan, p. 2-7). Due to the existing regulations related to groundwater pumping that are implemented the Basin Watermaster, the District would not pump substantial ground water amounts that could result in a substantial depletion of groundwater supplies.

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As a result, impacts would be less than significant.

- IX c) **No Impact.** The proposed project will have no effect on drainage patterns on the site or in the area. The Project generally drains in a southerly direction and sheet flow is captured by curb inlets, similar to existing conditions. Drainage eventually flows into a proposed underground retention tank. In addition, the Project site does not lie within the course of a stream or river. As part of construction documents, the applicant will be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPP) to further minimize erosion or siltation on- or off-site. No impacts would occur to the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river.
- IX d) **Less than Significant Impact.** The Project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site, because the project does not propose any substantial alteration to a drainage pattern, stream or river. Drainage will flow into a proposed underground retention tank which will ensure that the post-development runoff does not exceed the pre-development runoff volumes. County Public Works has reviewed the proposed Project drainage and all necessary drainage improvements both on and off site have been required as conditions of the construction of the Project.
- IX e) **Less than Significant Impact.** The Project will not 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, because an underground retention tank will be provided to capture stormwater runoff. All necessary drainage improvements both on- and off-site will be required as conditions of the construction of the Project. There will be adequate capacity in the local and regional drainage systems so that downstream properties are not negatively impacted by any increases or changes in volume, velocity or direction of stormwater flows originating from or altered by the Project.
- IX f) **Less than Significant Impact.** See Response a) above. The project will not otherwise substantially degrade water quality, because appropriate measures relating to water quality protection, including erosion control measures have been required.
- IX g) **No Impact.** According to the County Hazard Overlay Map FH29B, the Project site is not located in a 100-year flood zone. In addition, no habitable structures are proposed as part of the Project.
- IX h) **No Impact.** According to the County Hazard Overlay Map FH29B, the Project site is not located in a 100-year flood zone. In addition, no habitable structures are proposed as part of the Project.
- IX i) **No Impact.** According to the County Hazard Overlay Map FH29B, the Project site is not located within a dam inundation area. Therefore, no impacts would occur.

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	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- X a) **No Impact.** The project will not physically divide an established community, because the project is a logical and orderly extension of the planned land uses and development that are established within the surrounding area. The project is consistent with the current zoning for the site and represents an infill project within a developed area of the County and is consistent with the Bloomington Community Plan land use element which is intended to provide goals and policies that address the unique land use issues of the community plan area that are not included in the Countywide General Plan (see Appendix F). In addition, the project does not involve modifications to the existing circulation network within the community. Therefore, there would be no impact related to dividing an established community.
- X b) **Less than Significant Impact.** The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect, because the project is consistent with all applicable land use policies and regulations of the County Code and General Plan. The project is consistent with the General Plan land use designation of General Commercial and General Commercial land use designation in the Bloomington Community Plan (See Appendix F). The project's land use, a service station and convenience store, is also an allowed and permitted use with a Minor Use Permit in the General Commercial Zone. The project complies with all hazard protection, resource preservation and land use modifying Overlay District regulations. The project site is within the Sign Control (SC) Overlay, which was established to regulate freestanding signs and ensure their compatibility with the character of the neighborhood. The proposed site signage complies with the SC Overlay zone requirements. Therefore, impacts will be less than significant.
- X c) **No Impact.** The project will not conflict with any applicable habitat conservation plan or natural community conservation plan, because there is no habitat conservation plan or natural community conservation plan within the area surrounding the project site and no habitat conservation lands are required to be purchased as mitigation for the proposed project.

No significant adverse impacts are identified or anticipated and no mitigation

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 measures are required

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XI. MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (Check if project is located within the Mineral Resource Zone Overlay) ☒:

- XI a) **No Impact.** According to the Mineral Land Classification of a Part of Southwestern San Bernardino County: The San Bernardino Valley Area (West) Map, the project site lies in a MRZ-3 classification. However, The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state because the project site is not being used for mineral extraction. No impacts would occur.
- XI b) **No Impact.** The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, because no mining operations exist on or in the vicinity of the project site. In addition, the majority of the surrounding area is developed with urban uses and there are no identified locally important mineral resources on the project site. Extraction of mineral resources in the project area is not supported by the Bloomington Community Plan, which has designated the site for commercial uses.

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

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	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XII. NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, 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"/>
f) For a project within the vicinity of a private airstrip, 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"/>

SUBSTANTIATION (Check if the project is located in the Noise Hazard Overlay District or is subject to severe noise levels according to the General Plan Noise Element):

XII a/c Less than Significant Impact. The Proposed Project consists of a convenience store and service station that may generate noise from vehicles traveling onsite to and from the fueling stations and parking spaces, fuel pumps, rooftop mechanical equipment, refrigerators, and people talking. The following Table provides a summary of these sources. Since this is a new project, the change to the size or intensity is not applicable.

Table 7. Potentially Significant Noise Sources

Noise Source	Time of Day of Occurrence	Indoor or Outdoor Areas	Potentially Significant Noise
Vehicles Traveling Onsite	24-hours per day	Outdoor	Yes
Fuel Pumps	24-hours per day	Outdoor	No (not audible for more than a few feet)
Rooftop Mechanical Equipment	24-hours per day	Outdoor	No (shielded by parapet walls)
Refrigerators/microwaves	24-hours per day	Indoor	No (Indoor)
People talking inside store	24-hours per day	Indoor	No (Indoor)

On the west side of the Project site, the applicant is providing an 8-foot-tall concrete masonry unit (CMU) sound wall. Of the noise sources listed above only vehicles traveling onsite are anticipated to exceed the County Noise Standards provided in Chapter 83.01.080 of the Development Code that limits mobile noise sources to 60 dB CNEL at the nearby homes. Reference noise measurements were taken of a delivery truck and semi-truck in order to determine the noise impacts from trucks operating at the proposed gas station. The noise level at the nearest homes to the west were calculated through use of the FHWA-RD-77-108 model, which found that the 8-foot high wall is adequate to limit truck noise to within the 60 dBA CNEL exterior noise standard at the nearby homes. The reference noise measurements and FHWA-RD-77-108 noise calculation worksheet are provided in Appendix G (Acoustical Information Report). Therefore, the project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; nor cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Therefore, less than significant impacts on ambient noise levels would occur as a result of project implementation.

XII b) No Impact.

A vibration descriptor commonly used in CEQA practice to determine structural damage and human annoyance is the peak particle velocity (ppv), which is defined as the maximum instantaneous positive or negative peak of the vibration signal, usually measured in in/sec.

According to Caltrans, the threshold for structural vibration damage for modern structures is 0.5 in/sec for intermittent sources, which includes sources such as impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment. The American Association of State Highway and Transportation Officials (AASHTO) (1990) identifies maximum vibration levels for preventing damage to structures from intermittent construction or maintenance activities for residential buildings in good repair with gypsum board walls to be 0.4–0.5 in/sec. Additionally, the range of human response to vibration is listed in Table 7:

Table 8. Human Response to Vibration

Average Human Response	ppv (in/sec)
Severe	2.000
Strongly perceptible	0.900
Distinctly perceptible	0.240
Barely perceptible	0.035
<i>Source: Caltrans Transportation and Construction Vibration Guidance Manual, 2013.</i>	

Short-term Construction Vibration

Construction activities for the proposed project would include grading and excavation activities, which have the potential to generate low levels of groundborne vibration. Persons residing and working in close proximity to the Project site could be exposed to the generation of excessive groundborne vibration or groundborne noise levels related to construction activities. The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Ground vibrations from construction activities very rarely reach the levels that can damage structures, but they can be perceived in the audible range and be felt in buildings very close to a construction site.

Groundborne vibration is a concern when sensitive receptors, such as homes, are in proximity to the vibration sources. The nearest sensitive receptor that could be exposed to vibration levels from project construction are the single-family residences that are adjacent to the project site. No pile driving or blasting, which are considered to be major sources of vibration levels, would be required for the construction of the proposed project.

The various PPV vibration velocities for several types of construction equipment, along with their corresponding RMS velocities (in VdB), that can generate perceptible vibration levels are identified in Table 8. As shown, vibration velocities could range from approximately 0.001 to 0.031 inch-per-second PPV at 50 feet from the source activity, depending on the type of construction equipment in use. For the purpose of this analysis, the vibration level for a large bulldozer was used to evaluate vibration source levels at the nearest sensitive receptor from project construction.

Table 9. Vibration Source Levels for Construction Equipment

Equipment	PPV (in/sec) at 25 feet	PPV (in/sec) at 50 feet)
Large Bulldozer	0.089	0.031
Loaded Trucks	0.076	0.027
Jackhammer	0.035	0.012
Small Bulldozer	0.003	0.001
<i>Source: FTA Transit Noise and Vibration Impact Assessment, 2006</i>		

The closest existing single-family residences are within 25 feet from the project boundary, and could be exposed to an estimated vibration of 0.031 in/sec PPV, which are below the barely perceptible level for human response.

According to Development Code Section 83.01.090, "No ground vibration shall be allowed

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that can be felt without the aid of instruments at or beyond the lot line, nor shall any vibration be allowed which produces a particle velocity greater than or equal to two-tenths (0.2) inches per second measured at or beyond the lot line."

Although construction vibration is exempt from vibration requirements if conducted between the hours of 7:00 a.m. and 7:00 p.m., except Sundays and Federal holidays, as shown on Table 8, construction vibration is not anticipated exceed the County standard of 0.2 inches per second in any event. Therefore, vibration impacts from construction activity would be less than significant.

Long-term Operational Vibration

The proposed project would involve development of a convenience store with fueling dispensers. The proposed project would not include any equipment that would result in high vibration levels, which are more typical for large industrial projects. While groundborne vibration within and surrounding the project site may result from heavy-duty vehicular travel (e.g., refuse trucks and delivery trucks) on the nearby local roadways, this would not result in significant vibration impacts to the proposed project. As such, vibration impacts associated with operation of the proposed project would be less than significant.

XII d) **Less than Significant Impact with Mitigation Incorporated.** Pursuant to the San Bernardino County General Plan, residential areas and schools are considered sensitive noise receptors, making them the closest sensitive receptors to the Project site. Single-family residential uses are immediately adjacent to the Project site to the west. Bloomington Junior High School is located at the northeast corner of Slover and Cedar Avenues diagonally across from the Project site. Pursuant to the County Development Code, the limit of acceptable noise exposure for sensitive receptors is 55dBA from 7 a.m.-10 p.m. and 45 dBA from 10 p.m.-7 a.m. Short term construction noise impacts, such as earth moving equipment and power tools, are capable of producing noise levels 75 to 95 dBA within 50 feet of the source. The County permits construction hours from 7 a.m. to 7 p.m., Monday through Saturday to limit noise exposure to sensitive receptors outside those hours in the mornings, evenings and weekends. However, during weekdays there is a potential for construction noise to pose a significant short term impact on sensitive receptors in the area. As such, mitigation has been included as noted below which would reduce impacts to less than significant.

XII e) **No Impacts.** The project is not located within an airport land use plan area or within 2 miles of a public/public use airport. Rialto Municipal Airport (Miro Field) lies approximately 5.5 miles north of the project site. No impact would occur.

XII f) **No Impact.** The project is not within the vicinity of a private airstrip.

No significant adverse impacts are identified or anticipated that could not be mitigated.

MM # ***Operational Noise Controls. The County shall verify that the following notes shall***
NOI -1: ***be cited in both the Composite Development Plan and/or the MUP Site Plan that:***
Staging areas shall be located away from existing residences.

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NOI-2:

All construction equipment shall use properly operating mufflers.

NOI-3:

Impulsive noise, such as jack-hammering, shall be scheduled to affect the fewest number of residences.

NOI-4:

Construction and demolition shall be limited to the hours of 7am and 7pm, Monday through Saturday.

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

SUBSTANTIATION

- XIII a) **No Impact.** The project will not induce substantial population growth in an area either directly or indirectly. The project will generate new jobs and employment opportunities to operate the proposed convenience store and gas station. This may generate a need for housing for new employees. However, it is not anticipated that the small incremental increase in jobs will induce a population increase in the area. Especially since most of the jobs will likely be supported by households already established in the area.
- XIII b) **No Impact.** The site is vacant. Therefore, the Project will not displace substantial numbers of existing housing nor necessitate the construction of replacement housing elsewhere. Impacts will be less than significant.
- XIII c) **No Impact.** The site is vacant.. The proposed use will not result in the displacement of current residents occupying existing homes

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XIV. PUBLIC SERVICES				

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- 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

XIV a) Less than Significant Impact.

Fire Protection

San Bernardino County Fire Department provides fire protection services to the Bloomington Community. The nearest County Fire station site is located at 10174 Magnolia Street in Bloomington approximately 1.1 miles to the north. To offset the increased demand for fire protection services, the proposed project would be conditioned by the County to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes. The proposed project's demand on fire protection services would not be significant on a direct basis because the project would not create the need to construct a new fire station or physically alter an existing station

In addition, development of the Project would increase property tax revenues to provide a source of funding that is sufficient to offset any increases in the anticipated demands for fire protection services generated by this Project. Therefore, no significant adverse impacts are anticipated and no mitigation measures are required.

Police Protection

San Bernardino County Sheriff's Department provides police protection services to the Community of Bloomington. The nearest San Bernardino County Sheriff's station is the Fontana Station at the corner of Alder Ave and Arrow Route in the City of Fontana (17780 Arrow Blvd), approximately 4.1 miles northwest. The station was remodeled and expanded in 2003, which doubled its size. The station is staffed by one secretary, five clerks, one motor pool assistant, one Sheriff's Service Specialist, 27 deputy positions, five detectives, seven sergeants, one lieutenant, and one captain. Sheriff's deputies enjoy a close working relationship with the surrounding agencies of Fontana Police, Rialto Police, Rancho Cucamonga Police, and Riverside Sheriff. The Department is also supported by several volunteer groups, including Citizen's on Patrol, Search and Rescue, Explorers, and Line

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Reserves (San Bernardino Sheriff's Department Website, 2017). Development of the Project would increase property tax revenues to provide a source of funding that is sufficient to offset any increases in the anticipated demands for public services generated by this Project. The proposed project's demand on police protection services would not be significant on a direct basis because the project would not create the need to construct a new police station or physically alter an existing station. Therefore, no significant adverse impacts are anticipated and no mitigation measures are required.

Schools

School services for students in the area are provided by Colton Joint Unified School District. However, due to the nature of the Project (commercial development), no students would be directly generated by the Project.

Assembly Bill 2926 passed in 1986, allows school districts to collect impact fees from developers of new residential and commercial/industrial building space. Senate Bill 50 and Proposition 1A, both of which passed in 1998, provided a comprehensive school facilities financing and reform program. The provisions of SB50 prohibit local agencies from denying either legislative or adjudicative land use approvals on the basis that school facilities are inadequate, and reinstates the school facility cap for legislative actions. According to Government Code Section 65996, the payment of development fees authorized by SB50 are deemed to be full and complete school facilities mitigation.

The Project would be required to pay mandated development fees for commercial/industrial buildings. Impacts would be less than significant.

Parks or Other Public Facilities

Due to the nature of the Project, no new residents would be generated that would be likely to impact or create a need for additional local parks or other public facilities. However, it is possible that new employees may occasionally use public parks or facilities between shifts. Such use is likely to be negligible compared to existing conditions, or additional housing. Therefore, impacts would be less than significant.

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

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XV. RECREATION

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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 would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION

- XV a) **Less than Significant Impact.** This project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated because the project will not generate any new residential units and/or the impacts generated by the employees of this project will be minimal.
- XV b) **No Impact.** This project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment because the type of project proposed will not result in an increased demand for recreational facilities.

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

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XVI. TRANSPORTATION/TRAFFIC - Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

- XVI a) **Less than Significant with Mitigation.** The County of San Bernardino Draft Interim Traffic Impact Study Guidelines state that the following criteria shall be used to determine if the addition of project traffic results in a significant traffic impact. Feasible measures must be identified to mitigate the impacts.

Signalized Intersections:

Any study intersection that is operating at LOS A, B, C, or D for any study scenario without project traffic in which the addition of project traffic causes the intersection to degrade to LOS E or F shall mitigate the impact to bring the intersection back to at least LOS D. Any study intersection that is operating at LOS E or F for any study scenario without project traffic shall mitigate any impacts so as to bring the intersection back to the overall level of

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delay established prior to project traffic being added.

A Traffic Impact Study was prepared for the proposed project and is included as Appendix H. According to the traffic study, after accounting for applicable adjustments such as pass-by trips, the proposed Project is projected to generate approximately 1,936 trip-ends per day, with 50 trips per hour during the AM peak hour and 78 trips per hour during the PM peak hour (See Table 10).

Table10 : Forecast Trip Generation of Proposed Project¹

Land Use	Quantity	Units	AM			PM			Daily
			In	Out	Total	In	Out	Total	
Gasoline/Service Station with Convenience Market	13	FP ²	66	66	132	88	88	176	2,116
ITE Pass-By Reduction for AM/PM (62% / 56%)			-41	-41	-82	-49	-49	-98	-180
Net Trips:			25	25	50	39	39	78	1,963

¹ Source: 2012 ITE Trip Generation Manual (9th Edition)

² FP = Fueling Positions

Based on the County of San Bernardino thresholds of significance, the proposed Project is forecast to result in a significant traffic impact at the Cedar Avenue/Slover Avenue study intersection during the PM peak hour for all of the analysis scenarios evaluated as part of the report. The intersection is currently operating at a deficient Level of Service for Existing Conditions (See Table 11 and 12). Mitigation Measure CIR-1 below is recommended to reduce the identified significant traffic impact to a level considered less than significant.

Table11: Intersection Analysis for Existing Conditions

Intersection	Traffic Control ³	Intersection Approach Lane(s) ¹												Delay ²		Level of Service	
		Northbound			Southbound			Eastbound			Westbound						
		L	T	R	L	T	R	L	T	R	L	T	R	AM	PM	AM	PM
1.Cedar Avenue (NS) / Orange Street (EW)	TS	1	1.5	0.5	1	2	1	1	0.5	0.5	-	1l	-	20.5	34.5	C	C
2.Cedar Avenue (NS) / Slover Avenue (EW)	TS	1	1.5	0.5	1	1.5	0.5	1	0.5	0.5	1	1	1	27.5	90.7	C	F

¹ When a right turn lane is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes. Where "1" is indicated for the through movement and "0"s are indicated for R/L movements, the R and/or L turns are shared with the through movement.

L = Left; T = Through; R = Right; 1l = Left/Thru/Right; > = Right Turn Overlap; >> = Free Right Turn; Bold = Deficiency; Bold & Underline = Improvements; * = Defacto Right Turn

² Analysis Software: Synchro Version 8.0. Highway Capacity Manual (HCM)

³ TS = Traffic Signal

XVI b) Less than Significant with Mitigation. For Existing Plus Project traffic conditions, all study area intersections are expected to operate at acceptable Levels of during the peak hours, with the exception of the following intersection that is expected to continue to operate at an unacceptable Level of Service during the PM peak hour (see Appendix H, Traffic Impact Study):

- Cedar Avenue at Slover Avenue

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Table 12 : Intersection Analysis for Existing Plus Project Conditions

Intersection	Traffic Control ³	Intersection Approach Lane(s) ¹												Delay ²		Level of Service	
		Northbound			Southbound			Eastbound			Westbound			AM	PM	AM	PM
		L	T	R	L	T	R	L	T	R	L	T	R				
1.Cedar Avenue (NS) / Orange Street (EW)	TS	1	1.5	0.5	1	2	1	1	0.5	0.5	-	1l	-	18.4	39.4	B	D
2.Cedar Avenue (NS) / Slover Avenue (EW)	TS	1	1.5	0.5	1	<u>1.5</u>	0.5	1	0.5	0.5	1	1	1	32.5	108.6	C	F

¹ When a right turn lane is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes. Where "1" is indicated for the through movement and "0"s are indicated for R/L movements, the R and/or L turns are shared with the through movement.

L = Left; T = Through; R = Right; 1l = Left/Thru/Right; > = Right Turn Overlap; >> = Free Right Turn; Bold = Deficiency; Bold & Underline = Improvements; * = Defacto Right Turn

² Analysis Software: Synchro Version 8.0. Highway Capacity Manual (HCM)

³ TS = Traffic Signal

Mitigation Measure CIR-1 below is recommended to reduce the identified significant traffic impact to a level considered less than significant

- XVI c) **No Impact.** The Project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks because there are no airports in the vicinity of the Project and there is no anticipated notable impact on air traffic volumes by passengers or freight generated by the proposed uses and no new air traffic facilities are proposed. The nearest airport, Rialto Municipal Airport (Miro Field) lies approximately 5.5 miles north of the Project site. No impacts will occur.
- XVI d) **No Impact.** The Project will not substantially increase hazards due to a design feature or incompatible uses because the Project site is adjacent to established roads (Cedar and Slover Avenues) that are accessed at points with good site distance and properly controlled intersections. There are no incompatible uses proposed by the Project that will impact surrounding land uses.
- XVI e) **No Impact.** The Project will not result in inadequate emergency access, because there is a minimum of two access points, one on Slover Avenue and one on Cedar Avenue, both right in-right out access points.
- XVI f) **No Impact.** The project will not result in inadequate parking capacity, because the project meets the parking standards established by the County Development Code for gas stations and convenience stores.
- XVI g) **Less than Significant Impact.** The project will not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks), because these have been required to be installed as conditions of approval.

No significant adverse impacts are identified or anticipated that could not be mitigated.

- MM#** Cedar Avenue at Slover Avenue: Restripe the eastbound Slover Avenue approach from one left-turn lane, one through lane, and one shared through/right-turn lane to consist of one left-turn lane, one shared left turn/through lane, and one shared through/right-turn lane.
- CIR-1** Implementation of this mitigation measure would require changing the signal phasing to a split phase.

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XVII. TRIBAL CULTURAL RESOURCES - 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:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) 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

Assembly Bill (AB) 52

Chapter 532, Statutes of 2014 (i.e., Assembly Bill [AB] 52), requires that Lead Agencies evaluate a project's potential to impact "tribal cultural resources."

"Tribal cultural resources" are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph,

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the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project.

XVIIa No Impact. The Project site is vacant, undeveloped, and has been previously graded. The Project site does not include any historic uses, and is not located within a historic area. The adjacent roadway, residential area to the south, and nearby commercial uses are recently developed and are not historic structures. Therefore, the Project would not cause a substantial adverse change in the significance of a historical resource, and no impact would occur.

XVIIb No Impact. On April 5, 2107, the Land Use Services Department- Planning Division notified the following California Native American Tribes per the requirements of AB52:

- Colorado River Indian Tribe
- Soboba Band Luiseño Indians
- San Manuel Band of Mission Indians
- Twenty-Nine Palms Band of Mission Indians

In accordance with Section 21080.3.1(d) of the Public Resources Code, tribes have 30 days from the receipt of the notification to request consultation in writing for a project. The 30-day period to request consultation ended on May 5, 2017. To date, no requests for consultation have been received. As a result of the AB52 consultation process, tribal cultural resources are considered not to be present on the project site.

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	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XVIII. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- XVII a) **Less than Significant Impact.** Similar to most of the Bloomington area, development on the Project site will use a sewer system to handle wastewater. A new sewer system will be designed, constructed and maintained, consistent with County, and State Water Resources Control Board standards and requirements. Impacts will be less than significant.
- XVII b) **Less than Significant Impact.** Water for the Project will be provided by the West Valley Water District. The proposed Project will require the construction of a new pipeline on the west side of Cedar Avenue from Slover Avenue to the end of the property. With the installation of this improvement, impacts will be less than significant.
- XVII c) **Less than Significant Impact.** As discussed in Section IX on Hydrology and Water Quality, storm water facilities, an infiltration basin will be installed on-site to filter and discharge storm water to mimic existing hydrologic conditions in terms of flow rate and volume.

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Therefore, the Project will not result in the need for off-site drainage improvements. Impacts will be less than significant.

- XVII d) Less than Significant Impact.** Water service would be provided to the Project site by the West Valley Water District ("District"). According to the District's *2015 Urban Water Management Plan*, the District utilizes three primary sources for drinking water supply: local surface water from flows on the east side of the San Gabriel Mountains, including North Fork Lytle Creek, Middle Fork Lytle Creek, and South Fork Lytle Creek; groundwater; and imported water from the State Water Project (SWP). The 2015 San Bernardino Valley Regional Urban Water Management Plan WVWD distribution system is divided into eight pressure zones; it currently has 25 existing reservoirs with a total storage capacity of approximately 72.61 million gallons. WVWD also operates a 14.4-MGD water filtration facility.

Projected future water use was estimated using two factors: the expected growth in service area population, and the expected change in per-capita consumption. For planning purposes, WVWD estimated that beginning in 2020, its per-capita consumption would be approximately 10 percent higher than the observed 2015 value. While WVWD will continue to encourage conservation, this assumption reflects the possible change in behaviors that may occur after the current drought ends and mandatory drought restrictions are phased out. The estimated future demands are shown in Table 11-4. WVWD does not anticipate any routine or single large water sales to any agencies in the future. WVWD does not anticipate future water use related to saline barriers, groundwater recharge operations, or recycled water. For the purpose of projections, based on data from the past five years, nonrevenue water is assumed to be 10 percent of total sales. WVWD will continue efforts to decrease water loss and thereby reduce gallons per capita per day of water use. (Ref. West Valley Water District Urban Water Management Plan, p. 11-4).

WVWD's current per-capita consumption is less than its 2020 compliance target. WVWD expects to

continue to implement its current conservation programs to encourage conservation and maintain per capita consumption below the compliance target. (Ref. West Valley Water District Urban Water Management Plan, p. 11-11).

To meet the future demands within the system, WVWD plans to rehabilitate existing wells, to drill new

wells, and equip wells with wellhead treatment if required. These wells are planned for various

groundwater basins and pressure zones within the distribution system.

Groundwater is not the only planned supply source to be utilized by WVWD to meet the anticipated

future demands. WVWD has expanded the Oliver P. Roemer Water Filtration Facility to allow additional

treatment of SWP water when available. A future expansion of the plant will increase the ultimate

capacity of the facility to 20.4 MGD. (Ref. West Valley Water District Urban Water Management Plan, p. 11-15).

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During normal and wet years, Valley District uses SWP water for groundwater recharge. Therefore, this water is available for production during dry years. Through its use of groundwater storage, Valley District does not anticipate a reduction in the availability of SWP water during single or multiple dry years. Due to the size of the groundwater basins utilized by WVWD, a single dry year will not affect well production. The annual amount produced in past normal, single dry, or multiple dry water years from a basin does not give an accurate representation of potential basin production. Factors such as lower system demand, cost of pumping, inoperable wells, pumping duration, replenishment costs, water quality, cost of supply and the ability to treat water all affect annual basin production numbers. WVWD has been able to utilize up to 5,500 AFY during normal times from Lytle Creek surface flows and projects a minimum of 2,130 AFY during extended drought conditions. WVWD and its predecessors have been utilizing Lytle Creek surface flows for water supply for more than 130 years. (Ref. West Valley Water District Urban Water Management Plan, p. 11-17).

Based on the above analysis, XX

XVII e) Less than Significant Impact.

The City of Rialto has a 12.0 MGD tertiary treatment plant with a current flow of 8 MGD. All of the City's treatment plant effluent meets Title 22 for recycled water usage in restricted irrigation.

XVII f) Less than Significant Impact. The Project site will continue to be served by the solid waste facilities and landfills that currently serve San Bernardino County in the area. Nearby landfills include:

- Mid-Valley Landfill in Rialto. This landfill is closest to the Project site, has a permitted capacity of 101,300,000 cubic yards, with an estimated remaining capacity of 67,520,000 cubic yards, or 67%. The estimated closure date is in 2033.
- San Timoteo Landfill in Redlands. This landfill has a permitted capacity of 20,400,000 cubic yards, a remaining capacity of 13,605,488 cubic yards, or 67%. The estimated closure date is in 2043. (California Department of Recycling and Recovery 2016.)

Demolition, site clearing and construction, would generate construction debris. Because the site is currently underutilized, the Project would increase the amount of solid waste used compared to the existing conditions. Based on a generation rate of 0.006 pounds per square feet per day, it is estimated that the Project would generate approximately 34.9 pounds per day, and 12,728.2 pounds per year, or 6.4 tons of solid waste per year.

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The County would continue to comply with the existing regulatory framework for reducing solid waste disposal volumes. The landfill serving the Project site would have the necessary capacity to accommodate the Project's waste disposal needs for the foreseeable future. Impacts would be less than significant.

- XVII g) **Less than Significant Impact.** Participation in the County's recycling programs during Project construction and operation, including CalRecycle's requirements, would ensure that the Project would not conflict with federal, state, and local statutes and regulations related to solid waste. Furthermore, the Project would meet or exceed standards set forth in CALGreen as well as Title 24. Impacts would be less than significant.

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

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
--------------------------------------	---	--------------------------	--------------

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects, which will cause Substantial adverse effects on human beings, either directly Or indirectly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

- XVIII a) **Less than Significant Impact.** The Project does not have the potential to significantly degrade the overall quality of the region's environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population or drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. There are no rare or endangered species or other species of plants or animals or habitat identified by the Biological Resources Assessment (Ecological Sciences, Inc.) as being significantly and negatively impacted by this Project. There are no identified historic or prehistoric resources identified on this site. If any archaeological or paleontological resources are identified during construction of the Project, the project is conditioned to stop and identify appropriate authorities, who properly record and/or remove for classification any such finds.
- XVIII b) **Less than Significant Impact.** The project does not have impacts that are individually limited, but cumulatively considerable. The sites of projects in the area to which this project would add cumulative impacts have either existing or planned infrastructure that is sufficient for all planned uses. These sites either are occupied or are capable of absorbing such uses without generating any cumulatively significant impacts.

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XVIII c) Less than Significant Impact with Mitigation Incorporated. The project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, because implementation measures have been included where necessary to reduce impacts to less than significant. Potential impacts associated with increases in traffic and noise emissions have been thoroughly evaluated and have been mitigated appropriately to reduce individual and cumulative impacts to less than significant. The Project will also be required to meet the conditions of approval for the Project to be implemented. It is anticipated that all such conditions of approval will further insure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the project approval.

No significant adverse affects have been identified and all necessary mitigation measures have been identified in the preceding sections and are summarized in the following section.

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XIX. MITIGATION MEASURES

(Any mitigation measures, which are not 'self-monitoring', shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval)

- BIO-1** If construction activities are to take place during the avian nesting season (February 15 through August 31 for most bird species), a pre-construction survey for nesting bird species shall be conducted within 7 days prior to vegetation removal. The survey will identify any active nesting by special-status birds on the Project site or within 500 feet of construction activities. If active nests of special-status birds are present in the impact area or within 500 feet of the edge of construction area, a qualified biologist shall prescribe avoidance measures including, but not limited to, establishing a construction buffer. The type of species, nesting stage, surround topography, existing conditions, and type of construction activity will determine the appropriate avoidance measures. Avoidance measures shall remain in place until the nest is no longer active as determined by a qualified biologist.
- CR-1** If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease immediately until written clearance by County Planning is provided indicating that satisfactory mitigation has been implemented. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning shall be hired to record the find and recommend any further mitigation. The developer shall implement any such additional mitigation to the satisfaction of County Planning and the County Museum. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall also be notified.
- CIR-1** Cedar Avenue at Slover Avenue: Restripe the eastbound Slover Avenue approach from one left-turn lane, one through lane, and one shared through/right-turn lane to consist of one left-turn lane, one shared left turn/through lane, and one shared through/right-turn lane. Implementation of this mitigation measure would require changing the signal phasing to a split phase.

SELF MONITORING MITIGATION MEASURES: (Condition compliance will be verified by existing procedure)

- NOI-1:** Staging areas shall be located away from existing residences
- NOI-2:** All construction equipment shall use properly operating mufflers.
- NOI-3:** Impulsive noise, such as jack-hammering, shall be scheduled to affect the fewest number of residences.
- NOI-4:** Construction and demolition shall be limited to the hours of 7am and 7pm, Monday through Saturday.

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GENERAL REFERENCES

Alquist-Priolo Special Studies Zone Act Map Series (PRC 27500)

CEQA Guidelines, Appendix

County of San Bernardino Development Code, revised 2002

County of San Bernardino General Plan, *County of San Bernardino General Plan*, adopted 1989, revised 2004

Environmental Impact Report, San Bernardino County General Plan, 1989

County of San Bernardino Biotic Resources Map

County of San Bernardino Hazard Overlay Maps

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map

State of California, Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, *San Bernardino County Important Farmland 2000*, December 2001.

South Coast Air Quality Management District, CEQA Air Quality Handbook, November 1993.

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APPENDIX A

CalEEMod Report. AQMD. South Coast Air Quality Management District, January 11, 2018

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
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PROPOSAL NO.: LAFCO SC#491

HEARING DATE: NOVEMBER 16, 2022

RESOLUTION NO. 3356

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#491 – CITY OF RIALTO EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT (KAREEM OIL, LLC)

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

WHEREAS, Government Code Section 56133 requires the Local Agency Formation Commission to review and approve 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 November 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. 3356

DETERMINATIONS:

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

1. The project area, Assessor Parcel Number 0257-013-12, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future.

Water service will be provided by the West Valley Water District.

The application requests authorization to receive sewer service from the City of Rialto. This requirement is a condition of approval placed upon the project by the County. Therefore, approval of the City's request for authorization to provide sewer service is necessary in order to satisfy this condition of approval.

2. The City of Rialto's Extraterritorial Wastewater Service Agreement between the City of Rialto and Kareem Oil, LLC being considered is for the provision of sewer service to Assessor Parcel Number 0257-013-12. 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 Rialto to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Rialto for the extension of sewer service to the parcel are identified as totaling \$16,319.48 (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 construct a gas station and convenience store with quick service restaurant with a Minor Variance (setback) on approximately 1.57 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.

The Commission directs its Executive Officer to file a Notice of Determination within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

SECTION 2. CONDITION. The City of Rialto shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal

RESOLUTION NO. 3356

action, or judgment arising out of the Commission's approval of this service contract, including any reimbursement of legal fees and costs incurred by the Commission.

SECTION 3. The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of Rialto to provide sewer service to Assessor Parcel Number 0257-013-12.

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#491 – City of Rialto Extraterritorial Wastewater Service Agreement (Kareem Oil, LLC), has been approved.

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

AYES: **COMMISSIONERS:**

NOES: **COMMISSIONERS:**

ABSENT: COMMISSIONERS:

* * * * *

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


I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of November 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
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DATE: NOVEMBER 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #7A: Environmental Review for LAFCO 3255 and 3256:

- **Consideration of Final Environmental Impact Report adopted by the City of Rancho Cucamonga for the Speedway Commerce Development Project (SCH No. 2020090076), as a CEQA Responsible Agency for LAFCO 3255 and LAFCO 3256; and,**
 - **Adoption of Candidate Findings of Fact Regarding Environmental Effects from Approval of LAFCO 3255 and LAFCO 3256**
-

RECOMMENDATION:

Staff recommends that the Commission make the following determinations with respect to the environmental review for LAFCO 3255 and LAFCO 3256:

- a) Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the City of Rancho Cucamonga for the Speedway Commerce Development Project (SCH No. 2020090076) have been independently reviewed and considered by the Commission, its staff, and its Environmental Consultant;
- b) Determine that the Complete Final EIR for the project prepared by the City of Rancho Cucamonga is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determinations related to LAFCO 3255 and LAFCO 3256;
- c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the Speedway Commerce Development Project, and that the mitigation measures identified for the project are the

responsibility of the City of Rancho Cucamonga and others, not the Commission;

- d) Adopt the Candidate Findings of Fact regarding environmental effects from approval of LAFCO 3255 and LAFCO 3256; and,
- e) Direct the Executive Officer to file Notices of Determination for both LAFCO 3255 and LAFCO 3256 within five days and find that no further Department of Fish and Wildlife filing fees are required since the City of Rancho Cucamonga, as CEQA lead agency, has paid said fees.

BACKGROUND:

The City of Rancho Cucamonga (City) reviewed and considered the Speedway Commerce Development Project, which included the preparation, circulation, and certification of an Environmental Impact Report (EIR) and the preparation and adoption of environmental Findings of Fact including a Mitigation Monitoring and Reporting Program (MMRP). LAFCO staff and LAFCO's Environmental Consultant participated throughout the City's environmental process, including responding to the Notice of Preparation of the EIR, and commenting on the Notice of Availability of the Draft EIR.

The Commission is a responsible agency for review of the potential environmental consequences for the two proposals related to the Speedway Commerce Development Project -- LAFCO 3255 and LAFCO 3256.

LAFCO 3255 is review and consideration of sphere of influence amendments for:

- City of Rancho Cucamonga (expansion);
- Cucamonga Valley Water District (expansion);
- Rancho Cucamonga Fire Protection District (expansion);
- West Valley Mosquito and Vector Control District (expansion);
- City of Fontana (reduction); and,
- Fontana Fire Protection District (reduction).

LAFCO 3256, the reorganization proposal, includes:

- Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District; and,

- Detachments from Fontana Fire Protection District and County Service Area 70.

In order to fulfill the Commission's environmental assessment for these two proposals, the Commission will be acting as Responsible Agency to the City's certified EIR for the Speedway Commerce Development Project (SCH No. 2020090076), pursuant to the requirements of the California Environmental Quality Act (CEQA).

The City's environmental assessment for the Speedway Commerce Development Project not only includes the evaluation of the environmental impacts of the Project itself, but also evaluates the proposed spheres of influence amendments and the jurisdictional changes associated with said Project including pre-zoning of the area, which is a requirement prior to annexation. The Draft EIR and the Final EIR make up the Complete Final EIR.

CONCLUSION

The Complete Final EIR will be utilized by the Commission as the description of environmental impacts anticipated by these two proposals: LAFCOs 3255 and 3256. Prior to making a decision on either LAFCO 3255 or LAFCO 3256, the Commission must first review and consider the Complete Final EIR that the City prepared for the Project.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the City's Complete Final EIR and indicated that the City's environmental documents are adequate for the Commission's use as a responsible agency for either LAFCO 3255 or LAFCO 3256. Copies of the City's Complete Final EIR and all associated documents were provided to Commission members on November 2, 2022 and are also provided (as Web links) in Attachment #3 to this report. Mr. Dodson has indicated in his letter to the Commission the actions that are appropriate for the review of LAFCO 3255 and LAFCO 3256, which are:

- Certify that the Commission, its staff, and its Environmental Consultant have individually reviewed and considered the certified EIR for the Speedway Commerce Development Project (SCH No. 2020090076) prepared by the City of Rancho Cucamonga;
- Determine that the Complete Final EIR is adequate for the Commission's use in making its decision related to LAFCO 3255 and/or LAFCO 3256;
- Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures identified in the City's environmental documents for the Speedway Commerce

Development Project are the responsibility of the City of Rancho Cucamonga and others, not the Commission;

- Adopt the Environmental Findings of Fact, which addresses the environmental effects associated with the proposed Speedway Commerce Development Project. (A copy of the Candidate Findings of Fact Regarding Environmental Effects from Approval of LAFCO 3255 and LAFCO 3256 is included as Attachment #2 to this report); and,
- Direct the Executive Officer to file the Notices of Determination within five days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval of LAFCO 3255 and/or LAFCO 3256 since the City, as lead agency, has paid said fees.

Upon approval of the environmental determination for LAFCO 3255 and LAFCO 3256, the Commission can move forward to the actual review of these proposals.

Attachments:

1. [Letter from Tom Dodson and Associates](#)
2. [Candidate Findings of Fact Regarding Environmental Effects from Approval of LAFCO 3255 and LAFCO 3256](#)
3. [Environmental Documents Related to the City of Rancho Cucamonga's Approval of the Speedway Commerce Development Project \(SCH No. 2020090076\)](#)

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



MEMORANDUM

November 7, 2022

From: Tom Dodson

To: Sam Martinez

Subj: Transmittal of a LAFCO version of the Findings of Facts for LAFCO 3255 and LAFCO 3256

RECEIVED

NOV 07 2022

LAFCO
San Bernardino County

The San Bernardino County Local Agency Formation Commission (LAFCO or Commission), is reviewing LAFCO 3255 (Sphere of Influence Amendments) and LAFCO 3256 (Reorganization to include Annexations and Detachments) initiated by landowner petition, acting as a Responsible Agency under the California Environmental Quality Act (CEQA), and will make a decision to approve or deny these applications after considering the Final Environmental Impact Report and the attached environmental findings in the attached document. The total project being considered is the Speedway Commerce Center Project. It consists of a proposal to construct two warehouse buildings, including approximately 20,000 square feet (sf) of ancillary office spaces and a 635,878-sf warehouse, for a total of 655,878 sf of space with associated parking and landscaping on two contiguous parcels of approximately 34.61 acres. The Project area is generally located in the City of Rancho Cucamonga; however, approximately 4.8 acres of the site is located within the City of Fontana's unincorporated sphere of influence. Due to the site's location at the boundary between the City of Rancho Cucamonga and unincorporated County area, LAFCO must approve several actions including sphere of influence amendments and a reorganization to include annexation to the City of Rancho Cucamonga before the proposed project can be implemented.

The City's FEIR addressed all of the environmental issues contained (21) in the standard California Environmental Quality Act (CEQA) Initial Study Environmental Checklist Form. Of these issues, all were determined to experience less than significant impact, either with or without mitigation. Section 15091 and other sections in CEQA requires both the lead agency and responsible agencies to make findings based on the content of the City's FEIR.

Therefore, on behalf of the Commission, Tom Dodson & Associates modified the City's findings to fit the actions, revisions of existing Spheres of Influence and Reorganizations to allow annexations and detachments, being considered in LAFCOs 3255 and 3256. If the Commission chooses to approve these LAFCO actions, then it must approve the utilization of the City's FEIR and it must also adopt the proposed Findings of Fact as the basis for its approvals. The attached Findings of Fact have been edited to document that the Commission has reviewed the materials and independently concurs with the Findings made by the City.

Should you have any questions regarding the required Commission actions in this matter or the content of the documentation, please contact me. I will be available at the November 2022 Commission meeting to address any questions that may be raised by the Commissioners or the public.



Tom Dodson

Attachment

**CANDIDATE FINDINGS OF FACT
REGARDING ENVIRONMENTAL EFFECTS FROM APPROVAL OF
CITY OF RANCHO CUCAMONGA
LAFCOS 3255 AND 3256, SPHERE OF INFLUENCE AMENDMENTS AND
REORGANIZATION TO INCLUDE ANNEXATION TO
THE CITY OF RANCHO CUCAMONGA AND OTHER AGENCIES AND
DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND
COUNTY SERVICE AREA 70**

A. Background

The San Bernardino County Local Agency Formation Commission (LAFCO or Commission), in approving LAFCO 3255 (Sphere of Influence Amendments) and LAFCO 3256 (Reorganization to include Annexations and Detachments) initiated by landowner petition, is acting as a Responsible Agency under the California Environmental Quality Act (CEQA) and makes the findings described below summarized at the end of these findings. The total project being considered is the Speedway Commerce Center Project. It consists of a proposal to construct two warehouse building, including approximately 20,000square feet (sf) of ancillary office spaces and a 635,878 sf warehouse, for a total of 655,878 sf of space with associated parking and landscaping on two contiguous parcels of approximately 37.6 acres. The Project area is generally located in the City of Rancho Cucamonga; however, approximately 4.8 acres of the site is located within the City of Fontana's unincorporated sphere of influence. Due to the site's location at the boundary between the City of Rancho Cucamonga and unincorporated County area, LAFCO must approve several actions before the proposed project can be implemented. These LAFCO actions are summarized as follows.

- The key action is to annex 4.8 acres to the City of Rancho Cucamonga. However, several other actions must also occur.
- The 4.8-acre area must first be removed from the City of Fontana's Sphere of Influence (SOI) and added to the City of Ranch Cucamonga's SOI. Thus, Rancho Cucamonga's SOI must be expanded and the Fontana SOI must be reduced, which will allow the area to be annexed to the City of Rancho Cucamonga.
- The 4.8-acre area must also be added to the Cucamonga Valley Water District SOI and then the 37.6-acre Project area must be annexed to the Water District.
- The SOI for the Rancho Cucamonga Fire Protection District (RCFPD) and the Fontana Fire Protection District (FFPD) must be amended. FFPD will be reduced and the RCFPD will be expanded and then the 4.8 acres will be annexed to the RCFPD and detached from the FFPD.
- The SOI for the West Valley Mosquito & Vector Control District (District) will be expanded and the 4.8 acres will be annexed to the District.
- As part of the overall reorganization, the 4.8 acres will be detached from County Service Area 70.

The EIR prepared by the City of Rancho Cucamonga addressed all of the above issues. It was certified and the City approved the proposed project on January 19, 2022. The Notice of Determination was filed on January 21, 2022.

Section 1: Introduction

This statement of Findings of Fact (Findings) addresses the environmental effects associated with the proposed Speedway Commerce Center Project (Project), as described in the Final Environmental Impact Report (FEIR). These Findings are made pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] § 21000 et seq.), specifically PRC §§ 21081, 21081.5, and 21081.6, and the CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.), specifically §§ 15091 and 15093. The Draft EIR (DEIR) examines the full range of potential effects of construction and operation of the Project, modification to the jurisdiction of several agencies, and identifies mitigation measures that will be employed to reduce, minimize, or avoid those potential effects.

In accordance with, and in furtherance of the mandates contained in California Public Resources Code Section 21002 and related case law, the Project design reflects the identification and implementation of feasible mitigation measures to lessen identified environmental impacts, and the FEIR presented includes information on the environmental effects of the Project, including effects that are mitigated and those that, despite the inclusion of feasible mitigation measures, remain significant and unavoidable.

1.1 Purpose

PRC § 21081, and CEQA Guidelines § 15091 and § 15096(h) require that the responsible agency, in this case the County of San Bernardino Local Agency Formation Commission (LAFCO), prepare written findings for identified significant effects, accompanied by a brief explanation of the rationale for each finding. PRC § 21081(a) affirmatively requires an agency make one or more of three possible findings in reference to each significant impact. In addition, PRC § 21081(b) requires an additional finding for impacts that include specific economic, legal, social, technological, and other considerations wherein the lead agency affirms that the project benefits outweigh the environmental impacts.

CEQA Guidelines § 15091 states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

CEQA Guidelines § 15096(h) states, in part, that: Findings. The Responsible Agency shall make the findings required by Section 15091 for each significant effect of the project and shall make the findings of Section 15093 if necessary. Because the LAFCO actions identified above must be authorized before the whole of the project can be implemented, the Commission makes the findings outlined in this document.

In accordance with PRC § 21081, and CEQA Guidelines § 15093 (Statement of Overriding Conditions [SOC]), whenever significant effects cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt an SOC, pursuant to the CEQA Guidelines.

Section 15093 of the CEQA Guidelines provides:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project, which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the FEIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Section 15096(h) imposes the same requirement on a responsible agency, the Commission makes the following findings and statements.

The FEIR identified potentially significant effects that could result from the project. The Commission concurs with the City findings that the inclusion of feasible mitigation measures as part of the approval of the Project will reduce all of those effects to less-than-significant levels.

As required by CEQA, the Commission, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the Project. The Commission concurs with the City findings that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of PRC § 21081.6, by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the Project. The Commission finds that all of the mitigation measures are the responsibility of the City of Ranch Cucamonga or other agencies.

In accordance with the CEQA Statutes and Guidelines, the Commission adopts these Findings for the Project. Pursuant to PRC § 21082.1(c)(3), these Findings reflect the Commission's independent judgment as responsible agency for the Project (see Findings **Section 1.4, CEQA Findings of Independent Judgment, Review and Analysis**).

1.2 Records of Proceedings

For the purposes of CEQA and these Findings, the record of proceedings for the Project includes all data and materials outlined in PRC § 21167.6(e), along with other Project-relevant information contained within the City's files. Specifically, the record of proceedings for the City's and Commission's decision on the Project includes the following documents, all of which are incorporated by reference and are relied on in supporting these Findings:

- The Notice of Preparation (NOP), Notice of Availability (NOA), and all other public notices issued by the City in conjunction with the Project
- All written comments submitted by agencies, organizations, or members of the public during the public review comment period on the NOP
- The DEIR for the Project and all technical appendices, technical memoranda and documents relied upon or incorporated by reference
- All written comments submitted by agencies, organizations, or members of the public during the public review comment period on the DEIR and the City's responses to those comments, including related referenced technical materials and DEIR errata
- The FEIR for the Project
- The MMRP for the Project
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project
- All documents submitted to the City by other public agencies or members of the public in connection with the DEIR
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings
- All resolutions adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations

- Any documents expressly cited in these Findings, in addition to those cited above, and any other materials required for the record of proceedings by PRC § 21167.6(e)

1.3 Custodian and Location of Records

The documents and other materials that, as a whole, make up the Record of Proceedings for the City's and Commission's actions related to the Project are located at the City of Rancho Cucamonga, Planning Department, 10500 Civic Center Drive, Rancho Cucamonga, California 91730. The City, as the lead agency for the Project, is the custodian of the Record of Proceedings for the Project. LAFCO, as a responsible agency for the project, is the custodian of the Record of Proceedings for LAFCOs 3255 and 3256.

1.4 CEQA Findings of Independent Judgment, Review and Analysis

Under CEQA, the responsible agency must (1) consider the EIR prepared by the lead agency; (2) make the findings required in Sections 15091 and 15096 (h); and (4) file a Notice of Determination for the actions that it approves.

The Findings contained in this document reflect the Commission's conclusions, as required pursuant to CEQA, for the Project. The Commission has exercised independent judgment, in accordance with PRC § 21082.1(c)(3), in the consideration of the EIR. The review, analysis and revision material prepared by the Project Applicant and its consultants, and the review, analysis, and revision of the EIR based on comments received during the public comment process.

Having received, reviewed, and considered the information in the FEIR, as well as any and all other information in the record, the Commission hereby makes these Findings pursuant to and in accordance with PRC §§ 21081, 21081.5, and 21081.6.

Section 2: General CEQA Findings

Pursuant to PRC § 21081 and CEQA Guidelines § 15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigates or avoid the significant effects on the environment. [referred to in these Findings as "Finding 1"].
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. [referred to in these Findings as "Finding 2"].
3. Specific economic, legal, social, technological, or other consideration, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (The concept of infeasibility also encompasses whether a particular alternative or mitigation measure promotes the Project's underlying goals and objectives, and whether an alternative or mitigation measure

is impractical or undesirable from a policy standpoint. See, *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410. [referred to in these Findings as “Finding 3”].

The Commission concurs that the City has made one or more of the required written findings for each significant impact associated with the Project. Those written findings, along with a presentation of facts in support of each of the written findings, are presented below. The Commission concurs with the City’s certification that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed.

The mitigation measures adopted as part of the Project are feasible and mitigate the environmental impacts to the maximum extent feasible and possible as discussed in the findings made below. The FEIR includes minor clarifications to the DEIR. These changes made to the DEIR are shown in the FEIR in response to individual comments and are shown in ~~striketrough~~ and underline text. Changes to mitigation measures, as shown in the FEIR Errata and MMRP, are also shown below in ~~striketrough~~ and underline text.

Thus, Commission concurs with the finding of the City that such clarifying changes as described in the FEIR, do not present any new, significant information requiring recirculation or additional environmental review under PRC § 21092.1 and CEQA Guidelines § 15088.5.

A MMRP for the Project has been adopted pursuant to the requirements of PRC § 21081.6 to ensure implementation of the adopted mitigation measures to reduce significant effects on the environment and is included in the FEIR document. The City is the custodian of the documents and other material that constitute the record of the proceedings upon which certification of the FEIR for the Project is based, as described above in **Section 1.3, Custodian and Location of Records**.

The Commission concurs with the finding of the City of Rancho Cucamonga’s City Council that the FEIR, as presented for review and approval, fulfills environmental review requirements for the Project, and that the document constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA, and reflects the independent judgment of the City and consideration by the Commission.

Section 3: Environmental Impacts Found to Have No Impact

For the following significance thresholds, the City and Commission find that, based upon substantial evidence in the record, the proposed Project would have no impact; therefore, no mitigation is required, and no significant, unavoidable adverse impacts would occur.

Aesthetics

Impact 7.2-2: Would the Project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

Basis for Conclusion: Roadways surrounding the proposed Project area include Napa Street, Etiwanda Avenue, and Whittram Avenue. As discussed in the City’s General Plan EIR, scenic routes within the valley

area of the County (which includes the southwestern section of the County located south of the San Bernardino and San Gabriel Mountains), where the proposed Project is located, are located in the eastern section of the valley area near the cities of Loma Linda, Redlands, and Yucaipa and in the southwestern corner of the County. Other scenic routes are in the mountain and desert regions, where natural settings remain. The closest State-designated Scenic Highway is Route. 142, from the Orange County Line to Peyton Drive.^{1,2} The intersection of Peyton Drive and Route. 142 is approx. 14.5 miles southeast of the proposed Project site. There are no officially designated county scenic highways in the County.³ Given the distance between the proposed Project Site and the nearest officially designated state scenic highways, the proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Therefore, no impacts to scenic resources would be anticipated under the Project or Alternate Project.

Supportive Evidence: Please refer to DEIR page 7.2.

Agriculture and Forestry Services

Impact 7.3-1: *Would the Project 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?*

Basis for Conclusion: According to the California Department of Conservation's California Important Farmland Finder and Exhibit 4.2-1: Farmland Resources from the City's General Plan EIR, the proposed Project site does not contain Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance.^{4,5} The site is classified as Urban and Built-Up Land by the Farmland Finder and Exhibit 4.2-1. In addition, the Project site has largely been graded and leveled. Because implementation of the Project would not involve the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, no impact would occur.

Supportive Evidence: Please refer to DEIR page 7-6.

Impact 7.3-2: *Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Bases for Conclusion: According to the City's General Plan Land Use Plan map (Figure LU-2 of the General Plan), the City does not have an agricultural land use designation. The City's Development Code also does not have an agricultural zone, although agricultural uses are permitted under the following base zoning districts: Open Space (OS), Flood Control-Open Space (FC), and Utility Corridor-Open Space (UC).

¹ Caltrans. 2017. California Scenic Highways. Available at <https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a> (accessed May 2020).

² Caltrans. 2019. List of eligible and officially designated State Scenic Highways. Available at https://dot.ca.gov/-/media/dot-media/programs/design/documents/design-and-eligible-aug2019_a11y.xlsx (accessed May 2020).

³ Caltrans. ND. Officially Designated County Scenic Highways. Available at <https://dot.ca.gov/-/media/dot-media/programs/design/documents/od-county-scenic-hwys-2015-a11y.pdf> (accessed May 2020).

⁴ Rancho Cucamonga. 2010. Rancho Cucamonga 2010 General Plan Update Draft Program Environmental Impact Report. Exhibit 4.2-1. Available at https://www.dropbox.com/sh/micnzuy7wxmd8po/AABneqBoO_i2GiNyWkRX9OaRa?dl=0&preview=2010+General+Plan+EIR.pdf (accessed May 2020).

⁵ California Department of Conservation. 2016. California Important Farmland Finder. Available at <https://maps.conservation.ca.gov/DLRP/CIFF/> (accessed May 2020).

Additionally, according to the City's General Plan, there are no lands within the City that are under a Williamson Act contract; therefore, no impacts related to Williamson Act contracts would occur.

In addition, the Project site is classified as Urban and Built-Up Land by the Farmland Finder and according to Figure 6-9A: Prime Farmland – Valley Region from the County of San Bernardino General Plan, the Project site is not within a Williamson Act contract area. The Project site is zoned HI. According to Table 17.30.030-1: Allowed Land Uses and Permit Requirements by Base Zoning District, Agriculture Uses are not permitted under HI zoning.⁶ As a result, no impacts associated with agricultural zoning conflicts would occur.

Supportive Evidence: Please refer to DEIR page 7-6.

Impact 7.3-3: *Would the Project 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))?*

Impact 7.3-4: *Would the Project result in the loss of forest land or conversion of forest land to non-forest use?*

Bases for Conclusion: The Project site would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code (PRC) Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) given that the property is zoned HI and surrounded by properties zoned HI, KC/SP – Kaiser Commerce Center Specific Plan and IR – Regional Industrial (KC/SP and IR by San Bernardino County). Adjacent and surrounding properties to the Project Site are urban and built-up with industrial and commercial uses. The Project Site is currently undeveloped. The majority of the site has been leveled and graded and is covered over in dirt and sparse ruderal vegetation. Development/redevelopment of the Project site would not result in rezoning of forest land as it proposes industrial warehouses or an E-Commerce building with office space that would not result in a conflict with the zoning of, or need for other rezoning of, other parcels within the City. Operation activities for the Project and Alternate Project would not involve logging, forestry, or agricultural uses. Therefore, no impacts associated with conflicts with existing zoning for forest land or timberland would occur.

Supportive Evidence: Please refer to DEIR page 7-7.

Impact 7.3-5: *Would the Project 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?*

Basis for Conclusion: Due to the lack of existing farmland, forest lands, or areas zoned for agriculture, or timberlands on the Project site or immediately surrounding areas, development of the Project site would not involve 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.

⁶ Rancho Cucamonga. ND. Title 17 Development Code, Section 17.30.030 Allowed land uses and permit requirements. Available at http://qcode.us/codes/ranchocucamonga/view.php?topic=17-iii-17_30-17_30_030&frames=on (accessed May 2020).

The nearest designated farmland and active agricultural operations are located approximately 2.25 miles northeast of the Project site. Construction of either the Project or Alternate Project would be limited to the same site and would not impact existing off-site agricultural operations. Further, operations for the Project and Alternate Project would not involve logging, forestry, or agricultural uses. Therefore, no impact would occur.

Supportive Evidence: Please refer to DEIR page 7-7.

Air Quality

Impact 4.1-1: *Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

Basis for Conclusion: The Project area is within the South Coast Air Basin and therefore is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD has two criteria used to determine consistency with the Air Quality Management Plan (AQMP). The Project would comply with both of the AQMP's criteria. Therefore, the Project would be compliant with the applicable AQMP.

Supportive Evidence: Please refer to DEIR page 4.1-13 through 4.1-14.

Impact 4.1-4: *Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Basis for Conclusion: During construction, emissions from construction equipment, such as diesel exhaust, and volatile organic compounds from architectural coatings and paving activities may generate odors. However, these odors would be temporary, are not expected to affect a substantial number of people and would disperse rapidly. Furthermore, the SCAQMD *CEQA Air Quality Handbook* identifies certain land uses as sources of odors. These land uses include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The Project would not include any of the land uses that have been identified by the SCAQMD as odor sources. As a result, the Project would not create objectionable odors. Therefore, no impacts related to odors would occur.

Supportive Evidence: Please refer to DEIR pages 4.1-33 through 4.1-34.

Biological Resources

Impact 4.2.3: *Would the Project 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?*

Basis for Conclusion: The Project would not impact jurisdictional waters. The jurisdictional delineation performed for the Project site concluded that the Project site does not contain waters subject to the jurisdictions of the Corps, Regional Board, or California Department of Fish and Wildlife (CDFW). As such, the Project would not require a United States Army Corps of Engineers (Corps, or USACE) Clean Water Act (CWA) Section 404 Permit, a Regional Board CWA Section 401 Water Quality Certification or California

Water Code (CWC) Section 13260 Waste Discharge Order, or a CDFW Section 1602 Streambed Alteration Agreement. Therefore, no impacts to jurisdictional waters would occur.

Supportive Evidence: Please refer to DEIR page 4.2-30.

Impact 4.2.4: *Would the Project 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?*

Basis for Conclusion: The Project site is not located within a known migratory wildlife corridor nor does it serve as a wildlife nursery site. The site does not have any water resources that support fish species and the site would not be used as a migration corridor due to the presence of surrounding existing development/redevelopment. The Project site is predominately surrounded by areas that are disturbed, graded and roads that have been paved including Southern California Edison (SCE) utility properties and easement. Specifically, the Project site is adjacent to an approximate 425-foot utility easement to the west. To the north, west, and east boundary, the easement connects to substantially fragmented and previously disturbed/developed areas. The Project site is enclosed by existing fencing and is bounded by the BNSF railway to the north, Napa Street to the south, the fenced East Etiwanda Creek to the west, and the fenced San Sevaine Channel to the east. The fencing that encloses the site limits any wildlife movement. The Project proposes new walls around the property, which would continue to limit any access to the site for wildlife movement. Further, the site is highly disturbed, lacks natural habitat or topography, and is predominantly surrounded by development. Therefore, no impacts to migratory wildlife or corridors would occur.

Supportive Evidence: Please refer to DEIR page 4.2-30.

Impact 4.2.5: *Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Basis for Conclusion: The Project and Alternative Project would not conflict with any local policies or ordinances protecting biological resources. The City's Development Code Section 17.80 protects trees from indiscriminate cutting or removal, with emphasis on the protection and expansion of eucalyptus windrows. The Biological Technical Report prepared for the Project did not identify any trees on the Project site, thus no trees would be removed during construction and the Project would be consistent with the City's Municipal Code as it pertains to tree preservation. Because the site has been disturbed and there are no identified biological resources that are subject to such regulation, no impact would occur.

Supportive Evidence: Please refer to DEIR pages 4.2-31.

Impact 4.2.6: *Would the Project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?*

Basis for Conclusion: The Project site is not identified as a Conservation or Open Space Area in the City's Open Space and Conservation Plan, as shown on Figure RC-1 of the City's General Plan. Furthermore, the City does not have any areas that are covered by an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Planning Act (NCCP), or other approved State Habitat Conservation Plan. As a

result, the Project would not conflict with an adopted HCP NCCP, or other approved local, regional, or state habitat conservation plan. Therefore, impacts would be less than significant.

Supportive Evidence: Please refer to DEIR page 4.2.31.

Geology and Soils

Impact 4.5-4: *Would the proposed Project 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?*

Basis for Conclusion: Per *Section 1803.2 Expansive Soil* of the 1994 Uniform Building Code, “When the expansive characteristics of a soil are to be determined, the procedures shall be in accordance with U.B.C. Standard 18-2 and the soil shall be classified according to Table 18-1-B. The near-surface soils found by SoCalGeo generally consist of sands and silty sands with no appreciable clay content and soils were visually classified as non-expansive. Therefore, no impact related to expansive soils would occur.

Supportive Evidence: Please refer to DEIR page 4.5.19.

Impact 4.5-5: *Would the proposed Project 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?*

Basis for Conclusion: No septic tanks or other alternative wastewater disposal systems are planned for the Project, this as the Project would be connected to the Cucamonga Valley Water District’s existing sewer system. Groundwater and wastewater systems are further discussed in *Section 4.18 Utilities and Service*, of this EIR.

Supportive Evidence: Please refer to DEIR page 4.5.20.

Hazards and Hazardous Materials

Impact 4.7-3: *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Basis for Conclusion: The nearest school site, Redwood Elementary School is located approximately 1 mile to the northeast of the Project site. Construction of the Project would involve the transport, use, and disposal of hazardous materials on-site and off-site, which include fuels, paints, mechanical fluids, and solvents, but would not be present in such a quantity or used in such a manner that would pose a significant hazard to nearby schools. The routine transport, use, and disposal of hazardous materials must adhere to federal, state, and local regulations for transport, handling, storage, and disposal of hazardous substances. Compliance with the regulatory framework would ensure Project construction would not create a significant hazard to nearby schools.

The Project does not propose any industrial uses which could generate hazardous emissions or involve the handling of hazardous materials, substances, or waste in significant quantities that would have an

impact to surrounding schools. The types of hazardous materials that would be routinely handled would be limited to cleaners, paints, solvents, and fertilizers and pesticides for site landscaping, but would not be present in such a quantity or used in such a manner that would pose a significant hazard to nearby schools.

Supportive Evidence: Please refer to DEIR page 4.7-21.

Impact 4.7-5: *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?*

Basis for Conclusion: The LA/Ontario International Airport is located approximately 4 miles southwest of the Project site. The Project site is not within the AIA, Safety Zones, Noise Impact Zones, Airspace Protection Zones or the Overflight Notification Zones (Maps 2-2 through 2-5 of the ONT ALUCP). Thus, the Project would not result in a safety hazard impact to people residing or working in the Project area, and no impact would occur.

Supportive Evidence: Please refer to DEIR page 4.7-22 through 4.7-23.

Impact 4.7-7: *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

Basis for Conclusion: According to CAL FIRE's Fire and Resource Assessment Program, FHSZ Viewer, the Project site is not located in or near a State Responsibility Area (SRA); the nearest SRA to the development site is located approximately 4 miles to north. The Project site is located in a Local Responsibility Area. In addition, the Project site does not contain lands classified as a very high fire hazard severity zone (VHFHSZ). The closest VHFHSZs are located approximately four miles to the north and south of the Project site. Review of Exhibit 4.8-2: Fire Hazard Severity Zones of the City's 2010 General Plan EIR further supports the finding that the Project site is not located in or near an SRA and the Project site is not within a VHFHSZ. No impact would occur in this regard.

Supportive Evidence: Please refer to DEIR page 4.7-23 through 4.7-24.

Land Use and Planning

Impact 4.9-1: *Would the project physically divide an established community?*

Basis for Conclusion: The Project or Alternate Project does not include construction of structures or other improvements that would be located between existing neighborhoods. The Project site is located on an undeveloped lot in the southeast portion of the City in an industrial development area. The site is surrounded by existing development but would not physically divide an established community. Additionally, the site is not located near an established community and does not propose a significant alteration of roadways that would disrupt residential uses to the north. The Project does not require or propose improvements to a highway or above ground infrastructure that would preclude or impede movement through the Project site or that which would cause permanent disruption to the existing physical arrangement of the surrounding community. While new development and improvements would

occur, implementation of the Project would not physically divide an established community. Therefore, no impact associated with physically dividing an established community would occur.

Supportive Evidence: Please refer to DEIR page 4.9-7 through 4.9-8.

Mineral Resources

Impact 7.4-2: *Would the Project 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?*

Basis for Conclusion: Exhibit 4.11-1, Mineral Land Classification, of the City's General Plan EIR and the Mineral Land Classification of a Part of Southwestern San Bernardino County: The San Bernardino Valley Area, California (West) map⁷ shows that the proposed Project site is located within Mineral Zone 3 (MRZ-3), which means that aggregate resources are present, but their significance cannot be evaluated with present data. Also, according to the City's General Plan EIR Exhibit 4.11-2, the Project site is not located in a regionally significant aggregate resource area.

The Project site is within approximately 1.5 miles of one mine site: the Kaiser Fontana Mine. The mine was an open-pit sand and gravel mine, which has since been reclaimed.⁸ Review of historic aerial imagery dating back to 1938 indicates mining activities on the Project site have not occurred in recent history.⁹ Past land use appears to be for agricultural purposes. The Project site is currently undeveloped and does not involve the use or operation of extracting mineral resources. Further, the Project and the Alternate Project would not involve the production or depletion of locally significant mineral resources. Therefore, no impacts associated with the loss of availability of a known mineral resource would occur.

Supportive Evidence: Please refer to DEIR page 7-8.

Noise

Impact 4.10-3: *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?*

Basis for Conclusion: The closest airport is the Ontario International Airport and the southern border of the City is about one mile away from the airport's 65 dBA CNEL noise contour.¹⁰ The Project site is not within 2.0 miles of a public airport or within an airport land use plan. Additionally, there are no private airstrips located within the Project vicinity. Therefore, no impacts related to exposing people residing or working in the Project area to excessive airport- or airstrip-related noise levels would occur.

⁷ California Department of Conservation. 1995. Mineral Land Classification of a Part of Southwestern San Bernardino County: The San Bernardino Valley Area, California (West). Available at ftp://ftp.consrv.ca.gov/pub/dmg/pubs/ofr/OFR_94-08/OFR_94-08_West.pdf (accessed May 2020).

⁸ DOC. 2016. Mines Online. <https://maps.conservation.ca.gov/mol/index.html> (accessed May 2020).

⁹ Historic Aerials. 2020. <https://www.historicaerials.com/viewer> (accessed January 2020).

¹⁰ City of Rancho Cucamonga, *General Plan Update*, May 2020.

Supportive Evidence: Please refer to DEIR pages 4.10-26.

Population and Housing

Impact 7.5-2: *Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Basis for Conclusion: The Project site is vacant. Neither of the Project nor the Alternate Project would require the demolition of residential properties that would displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, no impacts associated with the displacement of substantial numbers of people or housing would occur.

Supportive Evidence: Please refer to DEIR page 7-9.

Public Services and Recreation

Impact 7.6-2: *Would the proposed Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Basis for Conclusion: Patricia Murray Park, located at 8040 Jamestown Circle in Fontana, is the closest park to the Project site. The park is located 3 roadway miles north of the Project site. However, the Project is warehouse buildings, or an E-Commerce building, with office space and does not propose any residential development or other land use that may generate a population that would increase the use of this park or any existing neighborhood or regional parks or other recreational facility. Implementation of the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park. Therefore, no impact would occur.

Supportive Evidence: Please refer to DEIR page 7-13.

Impact 7.6-3: *Would the proposed Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Basis for Conclusion: The Project and Alternate Project propose the construction of a warehouse facility, or an E-Commerce building, with office space and associated infrastructure improvements. Neither the Project nor Alternate Project proposes, nor require, the construction or expansion of recreational facilities. The Project does not include the subdivision of land for residential use and therefore is not required to dedicate land or pay fees in lieu thereof, or combination of both, for park or recreational purposes. See Chapter 3.68: Park In-Lieu/Park Impact Fees of the Rancho Cucamonga Municipal Code for detailed information. Implementation of the Project would not have an adverse physical effect on the environment as it pertains to construction/expansion of recreational facilities. Therefore, no impacts would occur.

Supportive Evidence: Please refer to DEIR page 7-14.

Wildfire

Impact 7.7-1: Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

Basis for Conclusion: According to CAL FIRE's Fire and Resource Assessment Program, Fire Hazard Severity Zone (FHSZ) Viewer, the Project site is not located in or near a State Responsibility Area (SRA); the nearest SRA to the development site is located approximately 4 miles to north. The Project site is located in a Local Responsibility Area. In addition, the Project site does not contain lands classified as a very high fire hazard severity zone (VHFHSZ).¹¹ The closest VHFHSZs are located approximately four miles to the north and south of the Project site. Review of Exhibit 4.8-2: Fire Hazard Severity Zones of the City's 2010 General Plan EIR further supports the finding that the Project site is not located in or near an SRA and the Project site is not within a VHFHSZ.¹² Therefore, no impact associated with the substantial impairment of an adopted emergency response plan would occur.

Supportive Evidence: Please refer to DEIR pages 7-14.

Impact 7.7-2: Would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Basis for Conclusion: Refer to Impact 7.7-1 above. The Project site is not located in or near an SRA and the Project site does not contain lands classified as VHFHSZs. Neither the Project nor the Alternate Project would exacerbate wildfire risks or expose Project occupants to pollutant concentrations or the uncontrolled spread of a wildfire. Therefore, no impact would occur.

Supportive Evidence: Please refer to DEIR pages 7-14 through 7-15.

Impact 7.7-3: Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Basis for Conclusion: Refer to Impact 7.7-1 above. The Project site is not located in or near an SRA and does not contain lands classified as VHFHSZs. The Project and Alternate Project would include construction of warehouse facilities, or an E-Commerce building, with parking and landscaping included. Construction and operation of the Project or Alternate Project would not increase the risk of fire nor would it require the installation/maintenance of infrastructure that would exacerbate fire risk. Therefore, no impact would occur.

Supportive Evidence: Please refer to DEIR page 7-15.

¹¹ CAL FIRE. 2020. CAL FIRE, Fire and Resource Assessment Program, FHSZ Viewer. Available at <https://egis.fire.ca.gov/FHSZ/> (accessed May 2020).

¹² Rancho Cucamonga. 2010. Rancho Cucamonga 2010 General Plan Update Draft Program Environmental Impact Report. Exhibit 4.8-2. Available at https://www.dropbox.com/sh/micnzuy7wxmd8po/AABnegBoO_i2GiNyWkRX9OaRa?dl=0&preview=2010+General+Plan+EIR.pdf (accessed May 2020).

Impact 7.7-4: *Would the Project 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?*

Basis for Conclusion: Refer to Impact 7.7-1 above. Neither the Project site nor Alternate Project are located in or near an SRA and do not contain lands classified as VHFHSZs. Because the site is located within a heavily urbanized area, it would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. Therefore, no impact would occur.

Supportive Evidence: Please refer to DEIR page 7-15.

Section 4: Environmental Impacts Found to be Less Than Significant (No Mitigation Required)

For the following significance thresholds, the Commission concurs with the City finding that, based upon substantial evidence in the record, the proposed Project would have a less than significant impact; therefore, no mitigation is required, and no significant, unavoidable adverse impacts would occur.

Aesthetics

Impact 7.2-1: *Would the Project have a substantial adverse effect on a scenic vista?*

Basis of Conclusion: Scenic resources identified in the City's 2010 General Plan include the San Gabriel and San Bernardino Mountains and foothills, vistas of the City from hillside areas, and other views of special vegetation and permanent open space features. The City recognizes other scenic resources, including remaining stands of eucalyptus windrows, scattered vineyards and orchards, and natural vegetation in flood-control channels and utility corridors¹³; however, none of these resources occur on the Project site.

Prominent natural features visible from the Project site, include the San Gabriel (approx. 5 miles north), San Bernardino (approx. 13 miles northeast), and Jurupa (approx. 4 miles south) mountains. Views of these mountain ranges are available from the Project site and adjacent streets and properties. The Project site is located in a highly developed area with buildings and structures of varying heights.

The Project would involve the development of two warehouse buildings. The proposed Building A height is anticipated to be up to 56 feet and Building B height anticipated to be up to 48 feet. Under the Alternate Project, only one warehouse building would be developed with a maximum height not to exceed 58'-6". Buildings on the site would not exceed the maximum allowed 75-foot height limit in the HI Zoning District. Based on the proposed building heights, and the distance between the Project and surrounding mountain ranges (approx. 4 to 13 miles), views of these scenic features would remain unobstructed.

Supportive Evidence: Please refer to DEIR pages 7-1 through 7-2.

¹³ Rancho Cucamonga. 2010. *Rancho Cucamonga General Plan*. Available at https://www.dropbox.com/sh/micnzuy7wxmd8po/AABnegBoO_i2GiNyWkRX9OaRa?dl=0&preview=GP+Chapters+1+-+9+Updated+09-2019.pdf (accessed May 2020).

Impact 7.2-3: *Would the Project, in non-urbanized area, 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 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?*

Basis of Conclusion: The Project site is located in an urbanized area and the Project site is largely undeveloped, minus a railroad that traverses the proposed Project site. The majority of the site has been leveled and graded and is covered over in dirt and sparse ruderal vegetation. The proposed Project site is located within the City's HI Zoning District, and the County's General Industrial (GI) District. Project design would meet the City's development standards/requirements for the HI Land Use Zoning Districts as required by the Rancho Cucamonga Development Code. Project development would be consistent with the general design principles outlined in the Community Design section of the General Plan. The Project and Alternate Project design and development would be consistent with City standards for HI zoning and would not conflict with the principles, goals and policies of the General Plan. Therefore, impacts on visual character would be less than significant under the Project and Alternate Project.

Supportive Evidence: Please refer to DEIR pages 7-3 through 7-4.

Impact 7.2-4: *Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Basis of Conclusion: Existing sources of light and glare in the immediate Project area include streetlights along Napa Street, and outdoor safety and security lighting associated with adjacent developments. The predominant source of light impacts from either the Project or Alternate Project would be related to the exterior lighting, building lighting, and vehicle headlights. To minimize effects from lighting and glare, Project lighting would be directed inward and downward and/or shielded to minimize the light from adversely affecting adjacent properties. Concrete tilt-up screen walls (8 feet in height) and landscaping/trees would also serve to block and filter mobile light sources, such as from passenger vehicles and trucks, from adversely affecting adjacent properties. The exterior façade would consist of non-reflective materials, such as concrete. In addition, the windows would be comprised of blue reflective glazing, which reduces glare over other transparent surfaces. Through these design features and adherence with the Development Code, impacts associated with new source of substantial light or glare would be less than significant for the Project and Alternate Project.

Supportive Evidence: Please refer to DEIR pages 7-4 through 7-5.

Air Quality

Impact 4.1-3: *Would the Project expose sensitive receptors to substantial pollutant concentrations?*

Basis for Conclusion: The Local Significance Threshold (LST) guidance provides thresholds for projects disturbing 1-, 2-, and 5-acres in size and the thresholds increase with size of the site. The nearest receptor is approximately 223 meters away. Therefore, the Project was analyzed using a conservative LST threshold for evaluation. The Project used a 3.5-acre threshold (the amount of disturbance proposed by the Project) were interpolated and utilized for the analysis. It was determined that construction related emissions of

CO, NO_x, PM₁₀, and PM_{2.5}. would not result in significant concentrations of pollutants at nearby sensitive receptors. Therefore, significant impacts related to LSTs would not occur during construction. The maximum daily operational emissions of CO, NO_x, PM₁₀, and PM_{2.5}. would not result in significant concentrations of pollutants at nearby sensitive receptors. The same is true for the Alternate Project and 100 Percent E-Commerce Worst-Case Scenario. Therefore, overall impacts would remain less than significant.

Supportive Evidence: Please refer to DEIR page 4.1-23 through 4.1-33.

Biological Resources

Impact 4.2.2: *Would the Project 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?*

Basis for Conclusion: The Project site does not support natural vegetation communities. The Project site is approximately 50-percent vegetated with mostly non-native herbaceous ruderal species. The Project site would impact 2.01 acres of developed lands of which 1.70 acres occur on-site and 0.30 acre is associated with the offsite improvement areas. The Project would impact 33.69 acres of disturbed lands that contain imported compacted material including gravel and road base. The Project would not impact riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations. Therefore, impacts on non-native vegetation communities or habitats would be less than significant.

Supportive Evidence: Please refer to DEIR page 4.2-29.

Cultural Resources

Impact 4.3-1: *Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

Basis for Conclusion: Construction of the Project and Alternate Project would not cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5. 11 cultural resources deemed historical have been previously documented within one mile of the Project area. All of these resources date to the historic period and include three archaeological sites and eight built-environment (buildings and structures) resources. No prehistoric archaeological resources were identified within the record search area. The Project area lies within the mapped boundary of one of these resources, the Kaiser Steel Mill (CASBR-4131H). Previous cultural resources studies completed within the vicinity of the Project area found that by 2008, all of the major components of the mill had been demolished and the resource no longer existed. In addition, no evidence of the resource was identified during the May 5, 2020 pedestrian survey and archival information suggests this portion of the steel mill property was primarily used for agricultural purposes. Following completion of construction of the Project and disturbances of the site, the Project would include use for industrial warehousing. These land use operations would not impact any known or unknown historical resources. Because no historic resources

were identified within in the Project site, implementation of the proposed Project would not be expected to cause a substantial adverse change to an historic resource.

Supportive Evidence: Please refer to DEIR pages 4.3-12 through 4.3-13.

Impact 4.3-3: Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Basis for Conclusion: The Project site is located in an area mainly developed with industrial uses and is not located near a formal cemetery. The Project site was previously used primarily for agricultural uses and was more recently used as overflow parking associated with the adjacent Auto Club Speedway for races and other events. In 2005, a railroad spur was constructed that extended south of the Atchison, Topeka and Santa Fe (AT&SF) Railway line, through the Project site. Regardless of the possible absence of historical or archeological resources on-site, if human remains are discovered, those remains would require proper treatment in accordance with applicable laws, including HSC Sections 7050.5-7055 and PRC Section 5097.98 and Section 5097.99. It is unlikely that any human remains would be encountered given that the Project site is already disturbed. However, previously undiscovered human remains could be encountered during construction activities. If human remains are found during excavation, excavation would be halted in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains shall remain undisturbed until the County Coroner has investigated, and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with the established regulatory framework (i.e., HSC Sections 7050.5-7055 and PRC Sections 5097.98 and 5097.99), the Project's impacts concerning potential to disturb human remains, would be reduced to a less than significant.

Supportive Evidence: Please refer to DEIR pages 4.3-14 through 4.3-15.

Energy

Impact 4.4-1: Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?

Basis for Conclusion: The Project would entail construction activities that would use energy, primarily in the form of diesel fuel (e.g., mobile construction equipment) and electricity (e.g., power tools). Contractors would be required to monitor air quality emissions of construction activities using applicable regulatory guidance such as from SCAQMD CEQA Guidelines. This requirement indirectly relates to construction energy conservation because when air pollutant emissions are reduced from the monitoring and the efficient use of equipment and materials, energy use is reduced. There are no aspects of the Project that would foreseeably result in the inefficient, wasteful, or unnecessary use of energy during construction activities. The same is true for Alternative Project and the 100 Percent E-Commerce Worst-Case Scenario. Furthermore, due to increasing transportation costs and fuel prices, Contractors and Owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary use of energy during construction.

None of the Project energy uses exceed one percent of their corresponding County use. Project operations would not substantially affect existing energy or fuel supplies or resources. The Project would comply with applicable energy standards and new capacity would not be required. Impacts would be less than significant in this regard.

Supportive Evidence: Please refer to DEIR pages 4.4-9 through 4.4-22.

Impact 4.4-2: Would the Project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency?

Basis for Conclusion: Project design and operation will comply with State Building Energy Efficiency Standards, appliance efficiency regulations, and green building standards. As discussed above in Impact 4.4-1, Project development will not cause inefficient, wasteful, and unnecessary energy use, and impacts will be less than significant.

Supportive Evidence: Please refer to DEIR pages 4.4-22 through 4.4-23.

Geology and Soils

Impact 4.5-1: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Refer to Division of Mines and Geology Special Publication 42)?***

Basis for Conclusion: According to the latest U.S. Quaternary Faults data, the nearest quaternary earthquake fault to the proposed Project site is an unnamed fault near the City of Fontana. The unnamed fault is classified as a late quaternary fault, but not considered an Alquist-Priolo Fault. Furthermore, the Geotechnical Investigation Report conducted by SoCalGeo did not identify the Project site within an Alquist-Priolo fault zone. In addition, each proposed building would be designed using the latest California Building Codes to minimize impacts from seismic activity and other regulatory standards such as the Federal Emergency Management Agency (FEMA). FEMA provides standards for buildings to resist the effects of earthquake motions.

Supportive Evidence: Please refer to DEIR pages 4.5-14 through 4.5-15.

Impact 4.5-1: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- ii. Seismic-related ground failure, including liquefaction?***

Basis for Conclusion: The California Geological Survey (CGS) has not yet conducted detailed seismic hazards mapping in the area of the Project site according to the County's Land Use Plan, General Plan, and Geologic Hazard Overlays Map. The County's Map FH28 indicates that the subject site is not located within an area of liquefaction susceptibility. Furthermore, on-site subsurface conditions encountered by

SoCalGeo geologists at the boring and trench locations indicates that liquefaction would not be considered a design concern for the Project. Therefore, impacts regarding ground failure, including liquefaction would be less than significant.

Supportive Evidence: Please refer to DEIR pages 4.5-16.

Impact 4.5-1: *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

iv. Landslides?

Basis for Conclusion: The Project site is not located within or near extreme elevation differences that would potentially result in landslide effects. According to the San Bernardino County Geologic Hazard map, the Project site is not regionally located within a zone of generalized landslide susceptibility and is also outside of the hazard zone for rockfall/debris-flow¹⁴. Therefore, impacts resulting from landslides would be less than significant.

Supportive Evidence: Please refer to DEIR page 4.5-16.

Greenhouse Gas Emissions

Impact 4.6-2: *Would the Project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions?*

Basis for Conclusion: As shown in *Table 4.6-6 of the DEIR*, the Project would be consistent with the stated goals of the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). As shown in *Table 4.6-7 of the DEIR*, the Project is consistent with most of the strategies of the CARB Scoping Plan, while others are not applicable to the Project. Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of the Project would benefit from the implementation of current and potential future regulations (e.g., improvements in vehicle emissions, S.B. 100/renewable electricity portfolio improvements, etc.) enacted to meet an 80 percent reduction below 1990 levels by 2050. The Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for reducing the emissions of GHGs because the Project would generate low levels of GHGs, and would not impede implementation of the Scoping Plan, or conflict with the policies of the Scoping Plan or any other GHG reduction plan.

Supportive Evidence: Please refer to DEIR page 4.5-21 through 4.6-28.

¹⁴ County of San Bernardino. (2010). *San Bernardino County Land Use Plan General Plan Geologic Hazard Overlays*. San Bernardino, CA: County of San Bernardino

Hazards and Hazardous Materials

Impact 4.7-4: *Would the project 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?*

Environmental Analysis: The Project site is not included on the hazardous sites list compiled pursuant to California Government Code Section 65962.5.¹⁵ The Phase I Environmental Site Assessment (ESA) indicated there was one Recognized Environmental Condition (REC) (as defined by American Society for Testing and Materials (ASTM) Practice E 1527-13) identified in association with the Project site that required additional investigation. Therefore, a Phase II Investigation was conducted, which concluded pollutant concentrations found in soil associated with the REC was below applicable screening levels. Therefore, no significant adverse impacts relative to hazardous materials sites would result with Project implementation.

Supportive Evidence: Please refer to DEIR page 4.7-22.

Impact 4.7-6: *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Environmental Analysis: No revisions to the adopted ReadyRC disaster preparedness manual would be required as a result of the proposed Project. Further, as identified in the LHMP, the City maintains an Emergency Operations Plan which is updated by the City's Emergency Management Program. The proposed Project would not modify or impede existing emergency routes. Primary access to all major roads would be maintained during construction and operation of the proposed Project. By complying with the General Plan and participating in the City's Impact Fee Program, implementation of the Project would result in a less than significant impact with respect to interference with an adopted emergency response plan or emergency evacuation plan.

Supportive Evidence: Please refer to DEIR page 4.7-23.

Hydrology and Water Quality

Impact 4.8-1: *Would the proposed project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

Basis for Conclusion: The Project and Alternate Project construction-related activities would include excavation, grading, and trenching, which would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. Construction-related erosion effects would be addressed through compliance with the NPDES program's Construction General Permit. Construction activity subject to the Construction General Permit includes any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than 1.0 acre. The Project would disturb approximately 35 acres and would be subject to the Construction General Permit. The Project will comply with NPDES and RCMC requirements,

¹⁵ California, State of, Department of Toxic Substances Control, DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List). Available at: <https://dtsc.ca.gov/dtscs-cortese-list/>. Accessed: August 17, 2020.

which include implementation of BMPs as a Condition of Approval, and therefore, the Project's construction-related activities would not violate any water quality standards or otherwise substantially degrade surface or groundwater quality. Stormwater pollutants that would be produced during Project operation include pathogens, nutrients, noxious aquatic plants, sediment, metals, oil and grease, trash/debris, pesticides/herbicides, and organic compounds (Albert A. Webb Associates 2020). The Project Applicant would be required to prepare and implement a WQMP (Project's Preliminary WQMP, prepared by Albert A. Webb Associates, is included as *Appendix F* to the DEIR), which is a Project site-specific post-construction water quality management program designed to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters. In addition to mandatory implementation of a WQMP, the NDPES program also requires industrial land uses to prepare a SWPPP for operational activities and to implement a long-term water quality sampling and monitoring program, unless an exemption has been granted. Therefore, impacts related to groundwater supplies and water quality standards during operations would be less than significant impact.

Supportive Evidence: Please refer to DEIR pages 4.8-9 through 4.8-10.

Impact 4.8-2: *Would the proposed project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Basis for Conclusion: The Project would be developed within the FWC service area. FWC receives groundwater from multiple groundwater sources including the Chino Basin, the Lytle Basin, the Rialto-Colton Basin, and the No Man's Land Basin. The proposed Project's total water demand of 47 acre feet per year (AFY) would constitute approximately 0.47 percent of the FWC's Chino Basin sourced groundwater in the year 2020. The FWC's water supply is projected to increase through 2040 with a projected 18,093 sourced from the Chino Basin that year.¹⁶ The Project would comprise 0.26 percent of the projected Chino Basin sourced groundwater in the year 2040. This means that as FWC's water supply increased through 2040, the proposed Project would continue to comprise a decreasing percentage of that sourced groundwater. Therefore, impacts related to groundwater supplies would be less than significant impact.

Supportive Evidence: Please refer to DEIR pages 4.8-10 through 4.8-11.

Impact 4.8-3: *Would the proposed project 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?

Basis for Conclusion: The Project and Alternate Project would include development of new warehousing buildings and hardscapes that would increase the amount of impermeable surface covering on the Project site compared to existing conditions. These proposed improvements may cause changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff. Per the Project's Drainage Study, located in EIR *Appendix F*, on-site flows generated by the Project or Alternate Project, would surface

¹⁶ Ibid.

flow through the site utilizing ribbon gutters, curb and gutters, and grate inlets. The Project would utilize subsurface storm drain systems that convey flows into the proposed underground corrugated metal pipe (CMP) detention systems. Higher flows would bypass the underground system and drain into the existing 36-inch storm drain line in Napa Street that discharges into San Sevaine Channel. Any runoff that exceeds the system's capacity would be directed to an existing underground system and begin to discharge into a proposed 24-inch line that would connect the existing East Etiwanda Creek reinforced concrete box (RCB) culvert in Napa Street. Further, the Project site is located mostly on land that is designated as having a minimal flood hazard. The NPDES, SWPPP, and WQMP created for the Project would minimize potential impacts from erosion and siltation. Further, an erosion control plan would also be implemented to further minimize potential siltation and erosion effects. Therefore, impacts related to erosion or siltation would be less than significant impact.

Supportive Evidence: Please refer to DEIR pages 4.8-11 through 4.8-12.

Impact 4.8-3: *Would the proposed project 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:*

- ii. **Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

Basis for Conclusion: The Project or Alternate Project would include development of one and two building(s), respectively, and hardscapes that would increase the amount of impermeable surface covering on the Project site compared to existing conditions. These proposed improvements may cause changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff. The Project site is also bounded along the eastern border by the San Sevaine Flood Control Channel, and along the western border by the Etiwanda Creek Channel. Despite the nearby flood control infrastructure, the Project site is not located in a documented flood plain or floodway, nor is the Project within any special flood hazard areas.¹⁷

Further, the Project site contains a natural gradient slope downward to the south at a gradient of 2 percent, excluding the northwest plateau, northeast berm, and the southeast corner of the site. The southeast corner slopes gently to north at a gradient of 2.5 percent.¹⁸ As stated in Section 4.8.1, floodwaters would likely flow into and along the main channel of the East Etiwanda Creek. According to FEMA's categorization, the Project site is not located within a documented flood plain or floodway or any special flood hazard areas. Therefore, impacts related to increasing rates of runoff would be less than significant impact.

Supportive Evidence: Please refer to DEIR pages 4.8-13.

¹⁷ Federal Emergency Management Agency (2016). *FEMA Flood Map Service Center: Search By Address*. Retrieved from: <https://msc.fema.gov/portal/search?AddressQuery=napa%20street#searchresultsanchor> (Accessed September 2020)

¹⁸ Southern California Geotechnical (2020). *Geotechnical Investigation Proposed Commercial/Industrial Development North Side of Napa Street, East of Etiwanda Avenue*

Impact 4.8-3: *Would the proposed project 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:*

- iii. 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?

Basis for Conclusion: The existing Project site is comprised of largely vacant and undeveloped lands with asphaltic concrete driveways in the western portion of the site. Existing ground cover includes sparse to moderate native grass, weed growth, limited areas of debris and trash, limited areas of open-graded-gravel driveways, and exposed soils. All projects would be required to obtain a General Construction Permit. The General Construction Permit requires implementation of a SWPPP, which would include BMPs designed to protect the quality of storm water runoff. Preparation, implementation, and participation with both the NPDES General Permit and the General Construction Permit, including the SWPPP and BMPs, would reduce the potential for storm water flows, and any potential contaminants contained within those flows, to be conveyed off-site during construction of the Project. Per the Project's Drainage Study, on-site flows generated by the Project would surface flow through the site utilizing ribbon gutters, curb and gutters, and grate inlets. The Project would utilize subsurface storm drain systems that convey flows into the proposed underground CMP detention systems. Higher flows would bypass the underground system and drain into the existing 36-inch storm drain line in Napa Street that discharges into San Sevaine Channel. In accordance with the NPDES, SWPPP, and WQMP required for the Project, BMPs would be implemented on-site to prevent runoff of sediment and pollutants entering the City's existing stormwater system. Therefore, impacts related to runoff exceeding the capacity of existing or planned stormwater drainage systems would be less than significant impact.

Supportive Evidence: Please refer to DEIR pages 4.8-14.

Impact 4.8-3: *Would the proposed project 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:*

- iv. Impede or redirect flood flow?

Basis for Conclusion: Refer to discussion in Impact 4.8-3(ii). While the Project site is bounded by the San Sevaine Flood Control Channel and the Etiwanda Creek Channel, the site is not located in a documented flood plain or floodway, nor is the site located within any special flood hazard areas.¹⁹ The Project site's natural gradient slope and FEMA's designation of East Etiwanda Creek as a profile baseline led to the anticipation that flood flows would occur along the main channel of the Etiwanda Creek Main Channel. Therefore, impacts related to flood flows would be less than significant impact.

Supportive Evidence: Please refer to DEIR pages 4.8-15.

¹⁹ Federal Emergency Management Agency (2016). *FEMA Flood Map Service Center: Search By Address*. Retrieved from: <https://msc.fema.gov/portal/search?AddressQuery=napa%20street#searchresultsanchor> (Accessed September 2020)

Impact 4.8-4: Would the proposed project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Basis for Conclusion: FEMA does not categorize the Project site as being located within a documented floodplain or floodway or any special flood hazard areas. The Project site is located in FEMA Zone X which are areas determined to be outside of the 0.2% annual chance floodplain. Therefore, the Project site is not located within a flood hazard zone. The Project site is approximately 55 miles east of the Pacific Ocean and there are no nearby bodies of standing water. The nearest hydrological features to the Project site include East Etiwanda Creek and San Sevaine Flood Control Channel. Tsunamis and seiches do not pose hazards due to the Project site's inland location and lack of nearby bodies of standing water. An analysis of hazards associated with the development of the Project are fully analyzed and discussed in *Section 4.7, Hazards and Hazardous Materials* which determined that no hazardous material would be released from the site. Therefore, potential impacts associated with inundation by flood hazard, tsunami, or seiche would be less than significant.

Supportive Evidence: Please refer to DEIR pages 4.8-15 through 4.8-16.

Impact 4.8-5: Would the proposed project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Basis for Conclusion: The Project's Geotechnical Investigation found no evidence of groundwater at a level that would be affected at the Project site.²⁰ Further, the Project is not within a groundwater replenishment zone such as a recharge basin or spreading ground²¹. Further, the Project does not propose the modification of the existing East Etiwanda Creek Channel, or San Sevaine Flood Control Channel.

The City's Storm Water and Urban Runoff Management and Discharge Control Ordinance requires the creation of a WQMP in order to identify BMPs to be used to minimize harmful stormwater pollutants and discharge. The WQMP would be effective through the life of the Project and amended as necessary throughout its duration. Like the WQMP, the SWPPP and NPDES permit would be subject to review periodically through the duration of the Project to ensure compliance and maximum mitigation. The Project would be required to comply with all other applicable Federal, State, and local regulations regarding water quality and/or groundwater maintenance. With implementation of Mitigation Measures, impacts related to potential obstruction or modification of water quality control plans or groundwater management plans would be less than significant.

Supportive Evidence: Please refer to DEIR pages 4.8-16 through 4.8-17.

²⁰ Southern California Geotechnical (2020). *Geotechnical Investigation Proposed Commercial/Industrial Development North Side of Napa Street, East of Etiwanda Avenue*

²¹ City of Rancho Cucamonga. (2010). *Rancho Cucamonga General Plan Figure RC-3: Water Resources*. Page RC-19. Rancho Cucamonga, CA: City of Rancho Cucamonga.

Land Use and Planning

Impact 4.9-2: *Would the Project cause a significant environmental impact due to a conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Basis for Conclusion: The Project would be consistent with the SCAG RTP/SCS, Rancho Cucamonga (General Plan) GP, and the County of San Bernardino Local Agency Formation Commission. With approval and implementation of the proposed General Plan Amendment (GPA), Pre-zone, and annexation, the Project would not result in a change in, or conflict with a land use or zoning designation that would result in potentially significant impacts. Therefore, impacts associated with any existing plan, policy, or regulation would be less than significant.

Supportive Evidence: Please refer to DEIR pages 4.9-8 through 4.9-19.

Mineral Resources

Impact 7.4.1: *Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

Basis for Conclusion: Gravel deposits in the alluvial fans of the San Bernardino County valley represent the most significant and widely spread mineral resource in the region. Aggregates are essential ingredients in construction materials such as concrete, plaster and mortar. The Project would involve the development of two warehouse buildings and the Alternate Project would develop one building for E-Commerce use. Construction of the proposed Project and Alternate Project would demand aggregate resources as part of the construction phase. These resources are commercially available in the southern California region without any constraint and no potential for adverse impacts to the natural resources base supporting these materials is forecast to occur over the foreseeable future. The proposed Project's and Alternate Project's demand for mineral resources would be minimal due to the abundance of available local aggregate resources. Therefore, impacts associated with the loss of availability of known mineral resources would be less than significant.

Supportive Evidence: Please refer to DEIR page 7-8.

Noise

Impact 4.10-1: *Would the Project generate 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?*

Basis for Conclusion: Construction activities for the Project and Alternate Project would include site preparation, grading, building construction, paving, and architectural coating. Such activities would require graders, scrapers, and tractors during site preparation; graders, dozers, and tractors during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, mixers, tractors, and paving equipment during paving; and air compressors during architectural coating.

The nearest noise sensitive receptors come from the residential community 0.43 miles (2,244 feet) to the north. All construction equipment was assumed to operate simultaneously at a construction area nearest to sensitive receptors. Construction equipment would operate throughout the Project site and the associated noise levels would not occur at a fixed location for extended periods of time. These sensitive uses may be exposed to elevated noise levels during project construction. However, construction noise would be acoustically dispersed throughout the project site and not concentrated in one area near surrounding sensitive uses.

As determined by the Project's Traffic Impact Analysis (TIA), Site Plan A would generate 966 daily trips, which includes 596 passenger cars and 370 trucks. The resulting Project generated traffic would result in a maximum increase of 0.9 dBA. As the noise level increase is below 3.0 dBA, impacts would be less than significant. As determined by the Project's TIA, the Project would generate 2,484 daily trips for the E-Commerce Scenario which includes 2,161 passenger cars and 323 trucks. The resulting Project generated traffic would result in a maximum increase of 1.9 dBA. As the noise level increase is below 3.0 dBA, impacts would be less than significant.

Supportive Evidence: Please refer to DEIR pages 4.10-17 through 4.10-24.

Impact 4.10-2: Would the Project expose persons to or generate excessive ground borne vibration or ground-borne noise levels?

Basis for Conclusion: Based on Federal Transit Administration (FTA) data, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.003 to 0.089 in/sec PPV at 25 feet from the source of activity. FTA architectural damage criterion threshold is 0.2 in/sec. The nearest sensitive receptors are the residential uses approximately 2,244 feet to the north of the Project site.

The nearest structure is a warehouse located approximately 93 feet to the north of the future construction zone. vibration velocities from construction equipment would not exceed 0.016 in/sec PPV, which is below the FTA's 0.20 in/sec PPV threshold for building damage and below the 0.10 in/sec PPV annoyance threshold. It is also acknowledged that construction activities would occur throughout the Project site and would not be concentrated at the point closest to the nearest structure. Therefore, vibration impacts associated with Project construction and operation would be less than significant.

Supportive Evidence: Please refer to DEIR pages 4.10-25 through 4.10-26.

Population and Housing

Impact 7.5-1: Would the Project 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)?

Basis for Conclusion: The Project would have a beneficial effect on the City's employment base by developing a site that is currently vacant with a new industrial/warehouse facility with ancillary office space. Given that the current unemployment rate for the Riverside-San Bernardino-Ontario area is

approximately 4.0%,²² it is reasonably assured that the jobs would be filled by people living in the City, unincorporated County area, and surrounding communities, such as Fontana, Rialto, Jurupa Valley, and Ontario. Furthermore, the Project site is served by existing public roadways, and utility infrastructure is already installed beneath the public rights of way that abut the Project site (Napa Street). As a result, the Project would not be anticipated to induce substantial population growth in the project area. Therefore, impacts associated with substantial, unplanned population growth would be less than significant.

Supportive Evidence: Please refer to DEIR page 7-9.

Public Services and Recreation

Impact 7.6-1: *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 including those for fire prevention, police protection, schools, parks, and other public facilities?*

Basis for Conclusion: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives. The Project and Alternate Project propose the construction of warehouse building(s) and associated infrastructure improvements. No governmental facilities are included in the Project design.

Based on the Project's proximity to existing fire protection/fire stations, the Project would receive adequate fire protection service and would not result in adverse physical impacts associated with the provision of or need for new or physically altered fire protection facilities, and would not adversely affect service ratios, response times, or other performance objectives. There are no existing fire protection facilities that exist on the Project site, and therefore development of either the Project or Alternate Project would not conflict with existing fire structures or require modification of fire protection facilities. Compliance with applicable local and state regulations would ensure that Project implementation would result in a less than significant impact to fire protection services.

Based on the Project's proximity to existing Police protection services, the Project would receive adequate police protection service and would not result in adverse physical impacts associated with the provision of or need for new or physically altered police protection facilities, and would not adversely affect service ratios, response times, or other performance objectives. There are no police protection facilities that exist on the Project site, and therefore, development of the Project and Alternate Project would not conflict with existing police structures or require modification of police protection facilities. Compliance with

²² U.S. Bureau of Labor and Statistics. 2020. Economy at a Glance: Riverside-San Bernardino-Ontario, CA. https://www.bls.gov/eag/eag.ca_riverside_msa.htm (accessed May 2020).

applicable local regulations would ensure that Project implementation would result in a less than significant impact to police protection services.

Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. The Project and Alternate Project would not conflict with existing school structures or require modification of school facilities. Compliance with applicable local and state regulations would ensure that Project implementation would result in a less than significant impact to school services.

Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives.

Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered other public facilities, need for new or physically altered other public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. Therefore, Project implementation would result in a less than significant impact to other public facilities.

Supportive Evidence: Please refer to DEIR pages 7-9 through 7-13.

Transportation

Impact 4.11-1: Would the Project conflict with a program, plan, ordinance or policy, addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Basis for Conclusion: The majority of the Project site is presently vacant and undeveloped, with the exception of asphaltic concrete driveways in the western portion of the site, overhead powerlines, and a railroad easement and rail spur. The railroad easement and rail spur extends from the center, southern portion of the site and curves towards the northeast corner property line. The site does not include any pedestrian, bicycle, or public transit facilities. Located on the western edge of the Project site is an existing road that is associated with the adjacent property to the north. As well, construction of the Project would provide newly paved internal roads to provide circulation throughout the Project site, including Buildings A and B.

Construction of Site Plan A would require off-site circulation improvements to support operations through 2040. For opening year (2022), the Project would be required to improve phasing on the I-15 Southbound Ramp and 4th Street intersection which would include the addition of overlap phasing to the northbound, southbound, and westbound right turn lanes to optimize the cycle lengths. These improvements are not included in any fee program, but a fair share contribution has been calculated.

The Project's circulation elements for Site Plan A and Site Plan B would be consistent with the City's General Plan elements pertaining to the land use and mobility (circulation) system, including transit, roadway, bicycle and pedestrian facilities.

The Project would comply with Americans with Disabilities Act (ADA) Standards for Accessible Designs to be readily accessible to and usable by individuals with disabilities. The Project would also be compliant with Caltrans' construction practice requirements by developing and implementing a temporary traffic control plan for construction activities that interfere with the normal function of a roadway. The Project would comply with Federal and State Manual on Traffic Control Devices (MUTCD) standards to install and maintain traffic-control devices on all public streets, highways, bikeways, and private roads that are open to public traffic. Therefore, the Project would not conflict with a program, plan, ordinance or policy, addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Therefore, impacts under the Warehouse Scenario and E-Commerce Scenario would be less than significant.

Supportive Evidence: Please refer to DEIR pages 4.11-29 through 4.11-38.

Impact 4.11-2: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Basis for Conclusion: Construction of the Project would be a temporary activity not associated with a specific land use. Although there would be vehicle trips and vehicle miles traveled associated with construction workers, excavation, and transport of materials and equipment, these activities do not fall squarely into the primary goals of SB 743, which is to reduce reliance on individual automobiles and promote multi-modal transportation networks through effective land use planning. In addition, impacts from construction-related activities are captured in the analysis of air quality and greenhouse gas emissions for the Project.

The Site Plan A Project would not exceed the City's VMT per service for either the baseline (without Project) or plus-Project scenarios. As a result, the Site Plan A would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Site Plan B Project would also not exceed the City's VMT per service in either baseline (without Project) or with-Project scenarios. As a result, the Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Therefore, impacts would be less than significant.

Supportive Evidence: Please refer to DEIR pages 4.11-38 through 4.11-42.

Impact 4.11-3: Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Basis for Conclusion: Construction impacts associated with the Project, the Alternate Project, and 100 Percent E-Commerce Worst-Case Scenario may temporarily restrict vehicular traffic or cause temporary hazards. Access to the Project site would be provided via four driveways along Napa Street and a new public street. Depending on the development scenario implemented, some driveways would be exclusively for vehicle traffic, with others providing access for both vehicles and trucks. Driveways would be continually maintained to allow for the safe ingress and egress to/from the Project site. Additionally,

driveways would be designed in accordance with all applicable design and safety standards required by adopted fire codes, safety codes, and building codes established by the City's Engineering and Fire Departments.

The Project Construction Manager would implement necessary traffic control measures in conformance with the City's construction permit requirements, Lane Closure Permit, and Encroachment Permit requirements. Further measures would be taken to provide adequate access to and from the Project site as needed. As a result, the Project would not result in increased hazards due to design features from the Project site.

Supportive Evidence: Please refer to DEIR pages 4.11-42 through 4.11-43.

Impact 4.11-4: Would the Project result in inadequate emergency access?

Basis for Conclusion: The Project would not be anticipated to result in any significant emergency access impacts during construction. In case of an emergency, the Project's construction manager would have assigned staff to flag emergency response vehicles and direct them to the emergency location. Unimpeded access would be provided throughout the Project site by ensuring construction vehicles are not parked or placed in a manner that would impede access for emergency response vehicles. Site conditions, during and after the workday, would be either maintained or left in a condition that adheres to Division of Occupational Safety and Health (OSHA) safety standards to prevent any hazardous condition that may affect construction staff and emergency responders. Access roads throughout the Project site would be constructed for use by construction staff/inspectors, construction equipment and materials delivery/removal, and emergency response vehicles. Access roads would be maintained in good condition in order to allow for the safe passage for emergency response vehicles. As a result, the Project would not result in inadequate emergency access at off-site construction locations.

Supportive Evidence: Please refer to DEIR pages 4.11-43 through 4.11-44.

Utilities and Service Systems

Impact 4.13-1: Would the Project 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?

Basis for Conclusion: The Project and Alternate Project propose the construction of one and two building(s), respectively, and associated infrastructure improvements. All required improvements to existing electrical, natural gas, or telecommunications utilities would occur within the existing rights-of-way. All areas adjacent to the existing roadways also are heavily disturbed and are within the overall footprint of Project and any impacts are therefore, discussed and disclosed as part of this Draft EIR within the various sections of this document. Therefore, impacts associated with extension of services in these areas and within the site, are less than significant.

The Project's Drainage Study concluded that with the proposed system, the Project could adequately convey flows and provide flood protection for the 100-year storm event. Further, the Drainage Study

found that the CMP detention system would adequately treat on-site flows and would not impact flooding conditions to upstream or downstream properties. The Project would include construction of the necessary water infrastructure to provide potable water to the proposed Project. Internal to the Project, no new water mains are anticipated. Both buildings A and B are anticipated to require two 12-inch water lines, extending from the existing water main in Napa Street to each of the buildings to provide water supply for fire protection. No additional relocation or construction of new or expanded water supply would be necessary to meet the Project's water demand. Improvements to facilitate wastewater service to the Project site would consist of tie-ins to existing CVWD sewer lines and the Project would be required to meet Santa Ana RWQCB wastewater requirements. As a result, the increase in daily wastewater generated by the Project would be minimal and no expansion of sewer pipelines or wastewater facilities would be required.

Communications infrastructure exists in the Project area and it is not anticipated that new or expanded communication facilities would be required to serve the Project site. It is anticipated that the Project would require some amount of natural gas to support future operations, which would be supplied by SCGC. Similar to electrical services, natural gas lines already exist in the Project area. Additionally, it is not anticipated that new or expanded gas supply facilities would be required to serve the Project site. Additionally, there are overhead SCE powerlines present along the northern property line of the Project site. The relocation of the overhead lines from the center of the property to the southern property line, would not reduce services or require the construction of additional facilities, but would facilitate the development of the site. Therefore, impacts related to the expansion of utilities to serve the Project would be less than significant and no mitigation is required.

Supportive Evidence: Please refer to DEIR pages 4.13-15 through 4.13-18.

Impact 4.13-2: Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Basis of Conclusion: The Project is estimated to result in an average potable water building demand of 37 AFY and a landscape demand of 10 AFY with a total demand of 51 AFY. FWC's available water supplies would be sufficient to meet all present and future water supply requirements of the Project, as well as demands from other planned and potential developments within FWC's service area between now and 2040, including single and multiple dry years. Therefore, impacts related to insufficient water supplies for the Project and reasonably foreseeable future development would be less than significant.

Supportive Evidence: Please refer to DEIR pages 4.13-18 through 4.13-20.

Impact 4.13-3: Would the Project 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?

Basis of Conclusion: The Project proposes an approximately 655,878 sf of warehouse buildings with ancillary office spaces on 35.38 acres. The Alternate Project would develop a single fulfillment/E-Commerce building, Building A only (500,648 sf), for fulfillment use with ancillary

office space. The Project would produce wastewater at a rate of approximately 29,300 gpd. This rate is equal to 0.2 percent of RP-4's capacity of 14 MGD and 0.07 percent of RF-1's treatment capacity of 44 MGD. As a result, the FWC would have sufficient treatment capacity to serve the Project and its existing customers. Therefore, impacts related to insufficient wastewater treatment capacity would be less than significant impact.

Supportive Evidence: Please refer to DEIR pages 4.13-20.

Impact 4.13-4: Would the Project 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?

Basis of Conclusion: The Project and Alternate Project is anticipated to generate solid waste during the temporary, short-term construction phase, as well as the operational phase, but it would not be anticipated to result in inadequate landfill capacity. According to CalRecycle's Estimated Solid Waste Generation Rates, a warehouse facility similar to the Project is estimated to produce 13.82 pounds of waste per employee per day.²³ The estimated number of employees to operate the facility under the Project (worst-case) would be approximately 1,172 people and approximately 750 under the Alternate Project. The 1,172 employees under the Project equates to approximately 16,197 pounds (8 tons) of waste per day from Project-related activities, which would account for approximately 0.11 percent of the Mid-Valley Sanitary Landfill's maximum daily throughput of 7,500 tons per day. Further, the Project, as with all other development in the City, would be required to adhere to City ordinances with respect to waste reduction and recycling. For these reasons, the Project's solid waste disposal needs during construction and operation could be met by the Mid-Valley Sanitary Landfill. Therefore, impacts related to the generation of excess solid waste would be less than significant.

Supportive Evidence: Please refer to DEIR pages 4.13-20 through 4.13-21.

Impact 4.13-5: Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Basis of Conclusion: The Project and Alternate Project would comply with applicable local, state, and federal regulations regarding solid waste, including those of the City. Rancho Cucamonga Municipal Code Section 8.17 provides policies and regulation regarding solid waste handling by both customers and collectors. In coordination with Burrtec Waste Management, the Project would comply with the City's various programs to increase recycling efforts. In addition, the City implements AB 939 source reduction and recycling measures to reduce solid waste generation and has been found to be compliant with AB 939. Therefore, impacts related to compliance with solid waste reduction statutes and regulations would be less than significant.

Supportive Evidence: Please refer to DEIR pages 4.13-21 through 4.13-22.

²³ CalRecycle. 2020. Estimated Solid Waste Generation Rates. <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates#Industrial>. Accessed October 14, 2020.

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Section 5: Environmental Impacts Found to be Less Than Significant with Mitigation Incorporated

Pursuant to PRC § 21081(a) and CEQA Guidelines § 15091(a)(1), based on substantial evidence, the Commission concurs with the City findings that for each of the impacts discussed below the Project's potentially significant impacts have been avoided, offset or reduced to less than significant levels in consideration of existing regulatory plans and programs (described in the DEIR Section 4 for each applicable impact topic), PDFs (summarized in Findings **Table 1**), and EIR mitigation measures (as listed in Resolution Attachment 5d, Mitigation Monitoring and Reporting Program [MMRP], and summarized below).

Air Quality

Impact 4.1-2: *Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable state or federal ambient air quality standard?*

Environmental Analysis: Construction associated with the Project would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include O₃-precursor pollutants (i.e., ROG and NO_x) and PM₁₀ and PM_{2.5}. Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD's thresholds of significance.

All criteria pollutant emissions associated with construction of the Project would remain below their respective thresholds. As well, all criteria pollutant emissions associated with construction of the Alternate Project would remain below their respective thresholds. Finally, Construction emissions attributable to the 100 Percent E-Commerce Worst Case Scenario would remain below their respective thresholds. However, operations associated with the Project would exceed the SCAQMD threshold for NO_x. The majority of NO_x emissions are from area and mobile sources. Mitigation measures would be required to reduce emissions to the extent feasible; however, emissions of motor sources are controlled by State and Federal standards and the Project has no jurisdiction over these standards.

Mitigation Measures: Based upon the analysis presented in **Section 4.1, Air Quality** of the DEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

MM AQ-1: Prior to issuance of occupancy permits for the Project, the Project operator shall prepare and submit a Transportation Demand Management (TDM) program for review and approval of the City of Rancho Cucamonga detailing strategies that would reduce the use of single-occupant vehicles by employees by increasing the number of trips by walking, bicycle, carpool, vanpool and transit.

The TDM shall include, but is not limited to the following:

- Provide a transportation information center and on-site TDM coordinator to educate residents, employers, employees, and visitors of surrounding transportation options;
- Promote bicycling and walking through design features such as showers for employees, self-service bicycle repair area, etc. around the project site;
- Provide on-site car share amenities for employees who make only occasional use of a vehicle, as well as others who would like occasional access to a vehicle of a different type than they use day-to-day;
- Promote and support carpool/vanpool/rideshare use through parking incentives and administrative support, such as ride-matching service; and
- Incorporate incentives for using alternative travel modes, such as preferential load/unload areas or convenient designated parking spaces for carpool/vanpool users.
- Provide meal options onsite or shuttles between the facility and nearby meal destinations.

MM AQ-2: For the Project, electrical hookups shall be provided at all loading bays for truckers to plug in any onboard auxiliary equipment and power refrigeration units while their truck is stopped.

MM AQ-3: All truck access gates and loading docks (both interior- and exterior-facing signs) within the Project site shall have a sign posted that states:

- Truck drivers shall turn off engines when not in use.
- Truck drivers shall shut down the engine after five minutes of continuous idling operation. Once the vehicle is stopped, the transmission is set to “neutral” or “park,” and the parking brake is engaged.
- Telephone numbers of the building facilities manager and CARB to report Violations.

MM AQ-4: The Project will require contractors and building operator(s) (by contract specifications) to utilize on-road heavy-duty diesel trucks with a gross vehicle weight rating greater than 14,000 pounds to meet or exceed 2010 engine emission standards or to be equipped with a particulate matter trap (as available) or to be powered by natural gas, electricity, or other diesel alternative.

MM AQ-5: Prior to the issuance of building permits for the Project, the City of Rancho Cucamonga Building and Safety Department shall confirm that applicable Project plans and specifications indicate that refrigerated space for the Project does not exceed 56,000 square feet.

MM AQ-6: Post signs at every truck exit driveway providing directional information to the truck route-, so that trucks will not travel on Arrow Route and Foothill Boulevard next to or near sensitive land uses (e.g., residences).

MM AQ-7: The Applicant shall make its tenants aware of the funding opportunities, such as the Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer Program), and other similar funding

opportunities, by providing applicable literature available from the California Air Resources Board (CARB). The Moyer Program On-Road Heavy-Duty Vehicles Voucher Incentive Program (VIP) provides funding to individuals seeking to purchase new or used vehicles with 2013 or later model year engines to replace an existing vehicle that is to be scrapped.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Supportive Evidence: Please refer to DEIR page 4.1-14 through 4.1-23.

Biological Resources

Impact 4.2-1: *Would the Project have a substantial adverse effect, 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?*

Environmental Analysis: The Project would be developed on a previously vacant and disturbed site. Construction activities would include the demolition of existing infrastructure including utilities, road improvements associated with the easement on the west side of the property, and relocation of the overhead utility line. The site is located in an area that is surrounded by developed industrial property with infrastructure including roadways, electrical, and utilities. The Project site is bordered to the west by the East Etiwanda Creek and to the east by San Sevaine Channel. There are no trees on the site, however, the Project site contains ground cover and shrubs that provide suitable habitat for nesting migratory birds. Thus, there is a potential for nesting bird impacts to occur.

The habitat assessment conducted for the Project included focused plant surveys conducted in April, June, and August of 2020. No special-status plants were detected at the Project site and none are expected to occur due to a lack of suitable habitat. The Project would not impact special-status plants due to a lack of suitable habitat for all species and the high level of site disturbance. The Project would result in the loss of habitat that supports or potentially supports one listed special-status species: Swainson's hawk. The Project would also result in the loss of habitat that supports or potentially supports two non-listed special-status species: golden eagle and San Diego black-tailed jackrabbit. With the implementation of Mitigation Measures, potential construction impacts to special-status animals would be less than significant.

Mitigation Measures: Based upon the analysis presented in **Section 4.2, Biological Resources** of the DEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

MM BIO-1: In accordance with the CDFG Staff Report on Burrowing Owl (2012), a qualified biologist shall conduct a pre-construction presence/absence survey for burrowing owls between 30 and 14 days prior to site disturbance. If burrowing owls are detected on-site, the qualified biologist shall contact California Department of Fish and Wildlife (CDFW) and conduct an impact assessment in accordance with Staff

Report on Burrowing Owl Mitigation prior to commencing project activities to determine appropriate mitigation, including the acquisition and conservation of occupied replacement habitat at no less than a 2:1 ratio and the owls shall be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to approval by CDFW. A qualified biologist shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities onsite. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.

Prior to passive relocation, suitable replacement burrows site(s) shall be provided within adjacent open space lands and/or other off-site lands, as approved by CDFW at a ratio of 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW. A qualified biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted and a reporting plan shall be prepared. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years.

MM BIO-2: Vegetation clearing should be conducted outside of the nesting season (typically February 1 through August 31). If avoidance of the nesting season cannot be accomplished, then a qualified biologist shall conduct a nesting bird survey in all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, during appropriate weather conditions within three days prior any disturbance of the site, including disking and grading. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Typically established buffers are greater for raptors than songbirds and depend upon the species, the nesting stage, and type of construction activity proposed. The buffer should generally be a minimum of 300 feet for raptors and 100 feet for songbirds; unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Supportive Evidence: Please refer to DEIR page 4.-26 through 4.2-28.

Cultural Resources

Impact 4.3-2: *Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

Environmental Analysis: Although the presence of creeks and washes within the Project vicinity suggests the area may have been attractive to prehistoric groups both as a source of water and resource procurement area, the lack of identified prehistoric resources suggests the Project site is not highly sensitive to prehistoric archaeological remains. Further, because the Project site was primarily used for agricultural purposes, it is unlikely to contain significant historic period archaeological deposits. Following completion of construction of the Project and disturbances of the site, the proposed Project would include use for industrial warehousing. These land use operations would not impact any known or unknown historical resources. However, in the event that that a potentially significant archaeological resource is encountered during Project-related ground-disturbing activities, Mitigation Measures would further minimize potential impacts to human remains.

Mitigation Measures: Based upon the analysis presented in *Section 4.3, Cultural Resources* of the DEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

MM CUL-1: In the unlikely event that cultural resources are exposed during construction of the Project, all ground disturbing activities within 100-feet of the potential resource(s) shall be suspended. A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, shall evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find, the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted and shall be submitted to the Development Services Director or his/her designee. If the resource(s) are determined to be Native American in origin, the project archaeologist shall notify the appropriate Native American Tribe(s) from a list provided by the City.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Supportive Evidence: Please refer to DEIR page 4.3-13 through 4.3-14.

Geology and Soils

Impact 4.5-1: *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

ii. Strong seismic ground shaking?

Environmental Analysis: The City is located within 10 miles of two of California's active faults, the San Andreas and San Jacinto Faults which are capable of producing ground shaking motions to the region. Significant damage to structures may be unavoidable in earthquake conditions. However, the proposed buildings would be designed to resist structural collapse and provide protection from serious injury, catastrophic property damage and loss of life. These design standards would be congruent with the 2019 California Building Code. With implementation of Mitigation Measure GEO-1, all project plans would be reviewed for compliance with applicable building requirements, in order to prevent harmful effects resulting from strong seismic ground shaking. Therefore, impacts regarding strong seismic ground shaking would be less than significant with mitigation incorporated.

Mitigation Measures: Based upon the analysis presented in *Section 4.5, Geology and Soils* of the DEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

MM GEO-1: Prior to the issuance of any grading permit or building permit, City Staff shall review all Project plans involving grading, foundation, structural, infrastructure, and all other relevant construction to ensure compliance with the applicable recommendations from the Geotechnical Investigation and other applicable Code requirements. Specific design considerations as outlined in the Geotechnical Investigation included in *Appendix D* shall be implemented to minimize the risk for geological hazards included in the Project construction plans.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Supportive Evidence: Please refer to DEIR page 4.5-15 through 4.5-16.

Impact 4.5-2: Would the proposed Project result in substantial soil erosion or the loss of topsoil?

Environmental Analysis: SoCalGeo performed a subsurface exploration at 10 borings at depths of 15 to 25± feet below the existing site grades. Artificial fill soils were encountered at the ground surface of most of the boring and trench locations, extending to depths of 1½ to 5½± feet below the existing site grades. SoCalGeo concluded that the existing artificial fill material would be unsuitable to support the proposed structures. Therefore, remedial grading would be utilized within the proposed building areas in order to remove all undocumented fill soils in their entirety including the upper portion of the near-surface native alluvial soils and replaced with compacted structural fill. In addition to the excavation and removal of the fill material, development of the Project would require grading preparation, excavation, site stripping and demolition that could result in soil erosion if exposed to periods of high wind or storm-related events. General dust control measures such as watering would be required to minimize erosion and construction-related dust. Construction contractors would also be required to create a dust control plan in compliance with SCAQMD Rule 403 to further reduce wind erosion. Furthermore, the construction contractor would be required to implement a Storm Water Pollution Prevention Plan (SWPPP) that lists Best Management Practices (BMPs) for reducing the potential for water erosion and runoff during construction. Operation

activities for Site Plan A or Site Plan B would not involve procedures which would result in substantial soil erosion. The site would be covered with hardscape and landscaping, which would include ground cover to reduce erosion or loss of on-site soils post-construction. This would ensure that operations under the Development Scenarios would not result in the loss of topsoil or sedimentation into local drainage facilities and water bodies. In addition, a network of storm drains and gutters would be installed, upgraded if needed, and maintained as necessary throughout the developed site. Therefore, the potential for substantial soil erosion or the loss of topsoil is considered less than significant.

Mitigation Measures: Based upon the analysis presented in *Section 4.5, Geology and Soils* of the DEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

MM GEO-1 would be applied.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Supportive Evidence: Please refer to DEIR pages 4.5-17 through 4.5-18.

Impact 4.5-3: *Would the proposed Project 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?*

Environmental Analysis: The Project site is not located within any known fault lines or zones, included those considered Alquist-Priolo fault lines and fault zones. The Project site and the surrounding area is relatively flat and/or developed which indicates that the Project would not be susceptible to landslides nor cause significant erosion that would result in a landslide or lateral spreading. The Project site location is outside of a landslide and liquefaction susceptibility area. This combined with compliance of seismic design parameters recommended by SoCalGeo pursuant to the 2019 CBC, and implementation of Mitigation Measure GEO-1, impacts related to unstable soils, landslide, lateral spreading, subsidence, liquefaction or collapse would be less than significant.

Mitigation Measures: Based upon the analysis presented in *Section 4.5, Geology and Soils* of the DEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

MM GEO-1 would be applied.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Supportive Evidence: Please refer to DEIR pages 4.5-18 through 4.5-19.

Impact 4.5-6: *Would the proposed Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Environmental Analysis: According to PaleoWest's PRA, shallow excavations in the Project site (approximately nine feet in depth or less) would be unlikely to yield any significant paleontological resources. This determination is based on the fact that younger Quaternary deposits are void of fossils and near-surface alluvium is usually too young to contain fossils, and therefore, possesses low sensitivity. As a result, no effects to paleontological resources would be expected from earth-moving activities at shallow depths at the proposed Project site. However, deeper excavations that may extend down into older Quaternary (Pleistocene) alluvial deposits would be more likely to unearth fossil vertebrate remains (McLeod 2020 listed in the PRA). Older Quaternary deposits underlying the general Project vicinity are considered to have a high paleontological sensitivity because they have proven to yield significant paleontological resources (i.e., identifiable vertebrate fossils) in the past. Generally, ground-disturbing activities exceeding depths beyond Holocene soils and younger Quaternary alluvium would encounter older Quaternary alluvium. In order to reduce impacts to any undiscovered paleontological resource, Mitigation Measure GEO-2 through Mitigation Measure GEO-5 shall be implemented. With the following mitigation measures implemented, impacts on paleontological resources would be less than significant.

Mitigation Measures: Based upon the analysis presented in *Section 4.5, Geology and Soils* of the DEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

MM GEO-1 would be applied.

MM GEO-2: Worker's Environmental Awareness Program (WEAP). Prior to the start of the proposed Project activities, all field personnel will receive a worker's environmental awareness training on paleontological resources. The training will provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the Project area, the role of the paleontological monitor, outline steps to follow in the event that a fossil discovery is made, and provide contact information for the Project Paleontologist. The training will be developed by the Project Paleontologist and can be delivered concurrent with other training including cultural, biological, safety, etc.

MM GEO-3: Paleontological Mitigation Monitoring. Prior to the commencement of ground-disturbing activities, a professional paleontologist will be retained to prepare and implement a PRMMP for the proposed Project. The PRMMP will describe the monitoring required during excavations that extend into older Quaternary (Pleistocene) age sediments, and the location of areas deemed to have a high paleontological resource potential. Monitoring will entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted, based on the geologic conditions at depth, he or she may recommend that monitoring be reduced or cease entirely.

MM GEO-4: Fossil Discoveries. In the event that a paleontological resource is discovered, the monitor will have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:

1. Salvage of Fossils. If fossils are discovered, all work in the immediate vicinity should be halted to allow the paleontological monitor, and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) should recover them following standard field procedures for collecting paleontological as outlined in the PRMMP prepared for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

2. Fossil Preparation and Curation. The PRMMP will identify the museum that has agreed to accept fossils that may be discovered during project-related excavations. Upon completion of fieldwork, all significant fossils collected will be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens will be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository no later than 90 days after all fieldwork is completed. The cost of curation will be assessed by the repository and will be the responsibility of the client.

MM GEO-5: Final Paleontological Mitigation Report. Upon completion of ground-disturbing activity (and curation of fossils if necessary) the Project Paleontologist should prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report should include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Supportive Evidence: Please refer to DEIR pages 4.5-20 through 4.5-22.

Greenhouse Gas Emissions

Impact 4.6-1: *Would the Project generate GHG emissions, either directly or indirectly, that could have a significant impact on the environment?*

Environmental Analysis: Development of the Project would result in the generation of approximately 1,410 MTCO₂e over the course of construction. Construction GHG emissions are typically summed and amortized over the lifetime of the Project (assumed to be 30 years), then added to the operational

emissions²⁴. The amortized Project construction emissions would be 47 MTCO₂e per year. Once construction is complete, the generation of these GHG emissions would cease. The development of the 100 Percent E-Commerce Worst-Case Scenario would result in the generation of approximately 1,290 MTCO₂e over the course of construction. Construction GHG emissions are typically summed and amortized over the lifetime of the Project (assumed to be 30 years), then added to the operational emissions²⁵. The amortized Project construction emissions would be 43 MTCO₂e per year. Once construction is complete, the generation of these GHG emissions would cease.

Operation of the Project would generate approximately 14,394 MTCO₂e annually from both construction and operations of the Project. Project-related GHG emissions would exceed the SCAQMD's 10,000 MTCO₂e per year threshold for industrial uses without mitigation. Approximately 56 percent of the GHG emissions would be from energy consumption and approximately 37 percent of the emissions would be from mobile sources. Mitigation measures have been identified to reduce emissions. It should be noted that emissions of motor vehicles are controlled by State and Federal standards and the City and Project have no control over these standards. Mitigated GHG emissions associated with the Project would not exceed the 10,000 MTCO₂e per year threshold. Furthermore, GHG emissions from the 100 Percent E-Commerce Worst Case Scenario would not exceed the SCAQMD's 10,000 MTCO₂e per year threshold.

Mitigation Measures: Based upon the analysis presented in *Section 4.6, Greenhouse Gas Emissions* of the DEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

MM: Refer to MMs AQ-1 through AQ-7 for the Project and MMAQ-1 for the 100 Percent E-Commerce Worst-Case Scenario. No additional mitigation is required.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Supportive Evidence: Please refer to DEIR pages 4.6-13 through 4.6-21.

Hazards and Hazardous Materials

Impact 4.7-1: *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Environmental Analysis: The routine transport, use, and disposal of hazardous materials must adhere to federal, state, and local regulations for transport, handling, storage, and disposal of hazardous substances. Compliance with the regulatory framework would ensure Project construction would not create a

²⁴ The project lifetime is based on the standard 30-year assumption of the South Coast Air Quality Management District (South Coast Air Quality Management District, *Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #13*, August 26, 2009).

²⁵ Ibid.

significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during construction.

The proposed facilities would be expected to use limited hazardous materials and substances which would include cleaners, paints, solvents, and fertilizers and pesticides for site landscaping. The Project would not create a significant impact through the transport, use, or disposal of hazardous materials since the facilities are required to comply with all applicable Federal, State, and regional regulations. Although not anticipated, mitigation measures are proposed in order to ensure that the Project does not exceed threshold quantity of a regulated substance greater than as specified by the applicable health and safety code. With implementation of Mitigation Measures and compliance with all applicable Federal, State, and regional regulations regarding hazardous material generation and usage on the site, potential impacts related to transport, use, or disposal of hazardous materials would be reduced to less than significant levels.

Mitigation Measures: Based upon the analysis presented in *Section 4.7, Hazards and Hazardous Materials* of the DEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

MM HAZ-1: If a proposed use at the Project has a threshold quantity of a regulated substance greater than as specified by the applicable health and safety code, the user shall prepare and implement a Hazardous Materials Risk Management Plan for facilities that store, handle, or use regulated substances as defined in the California Health and Safety Code 25532 (g) in excess of threshold quantities. This plan shall be reviewed and approved by the San Bernardino County Department of Environmental Health through the Certified Unified Program Agencies (CUPA) process prior to implementation as required by the California Accidental Release Prevention (CalARP) Program.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Supportive Evidence: Please refer to DEIR pages 4.6-19 through 4.6-20.

Impact 4.7-2: *Would the project 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?*

Environmental Analysis: The Phase I ESA identified one REC associated with the Project site. Subsequently, a Phase II investigation was conducted to evaluate the potential for soil or groundwater contamination in association with the REC on the Project site. The Phase II investigation did not result in significant soil impairments associated with the past and present use of the proposed Project site. However, if site development plans involve net export of soil from the Project site, then a Soil Management Plan (SMP) is warranted to manage off-site reuse or disposal options based on the presence of anthropogenic chemicals in the soil.

Project operations would involve typical hazardous materials/chemicals associated with warehousing uses such as cleaners, paints, solvents, and fertilizers and pesticides for site landscaping. Any routine transport, use, and disposal of these materials during Project operations must adhere to federal, state, and local regulations for transport, handling, storage, and disposal of hazardous substances. Furthermore, hazardous materials/chemicals such as cleaners, paints, solvents and fertilizers in low quantities do not pose a significant threat related to the release of hazardous materials into the environment.

Mitigation Measures: Based upon the analysis presented in *Section 4.7, Hazards and Hazardous Materials* of the DEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

MM HAZ-2: If site development plans involve net export of soil from the Project site, a Soil Management Plan shall be prepared to manage off-site reuse or disposal options based on the presence of anthropogenic chemicals in the soil. The Plan would be submitted to the City for review and approval.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Supportive Evidence: Please refer to DEIR pages 4.6-20 through 4.6-21.

Tribal Cultural Resources

Impact 4.12-1: *Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC 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:*

- iii. Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k) or*
- iv. 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 PRC Section 5024.1, the Lead Agency shall consider the significance of the resource to a California Native American tribe?*

Environmental Analysis: Paleo West contacted the NAHC, as part of the cultural resource assessment, on April 24, 2020, for a review of the Sacred Lands File Search (SLF). The NAHC responded on April 29, 2020, stating that the SLF was completed with negative results; however, the NAHC requested that 13 individuals representing 12 Native American tribal groups be contacted to elicit information regarding cultural resource issues related to the proposed Project.

Paleo West sent outreach letters to the 13 recommended individuals on May 7, 2020. These letters were followed up by phone calls and emails on May 28, 2020. As of September 2020, four responses have been

received. Jill McCormick, Historic Preservation Officer for the Quechan Indian Tribe, responded on May 11, 2020 and stated that the tribe did not wish to provide comments on the Project and would defer to more local tribes. On May 13, 2020, Alexandra McCleary, Tribal Archaeologist for the San Manuel Band of Mission Indians, emailed and stated that the proposed Project is within the Serrano ancestral territory and is of interest to the tribe. Ms. McCleary further noted that the Project area is not located within the immediate vicinity of any sacred sites, but it is located near Etiwanda Creek, which the tribe considers to be sensitive for cultural resources. Donna Yocum, Chairwoman of the San Fernando Band of Mission Indians, emailed on May 28, 2020 and stated that the tribe would defer this Project to the San Manuel Band of Mission Indians. Finally, Patricia Garcia-Plotkin, Tribal Historic Preservation Office for the Agua Caliente Band of Cahuilla Indians, called and stated that the Project area is outside of the tribe's ancestral territory and had no information on cultural resources located within the Project vicinity.

The City sent letters on August 24, 2020 to all tribes in conformance with SB 18 and on December 23, 2020 to all tribes inviting consultation in conformance with AB 52. An email response was received on January 13, 2021 from the San Manuel Band of Mission Indians (SMBMI) that indicated that Project was within the Serrano ancestral territory and, therefore, was of interest to the Tribe. A phone consultation was received in January 2021 from the San Gabriel Band of Mission Indians to the City with a request to include an archeologist and/or Native American Monitor during ground disturbance. No additional consultation requests were received. The cultural resources assessment did not identify any archaeological or tribal cultural resources on the Project site. Mitigation Measures will ensure the protection of any unknown or inadvertently discovered archaeological resources and human remains, or other tribal cultural significant resources. With implementation of these measures, impacts to tribal cultural resources would be less than significant.

Mitigation Measures: Based upon the analysis presented in *Section 4.12, Tribal Cultural Resource* of the DEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

MM TCR-1: Tribal Cultural Resources Discovery: The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in TCR-2, of any pre-contact cultural resources discovered during Project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the Project archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the Project, should SMBMI elect to place a monitor on-site.

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

MM TCR-3: Retain an Archeologist and/or Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effect on the environment to below a level of significance.

Supportive Evidence: Please refer to DEIR pages 4.12-6 through 4.12-8.

Section 6: Alternatives to the Proposed Project

CEQA requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project, that could feasibly attain the basic objectives of the project, and to evaluate the comparative merits of the alternatives (14 CCR 15126.6[a]). The CEQA Guidelines direct that the selection of alternatives be governed by “a rule of reason” (14 CCR 15126.6[a], [f]). As defined by the CEQA Guidelines, “The range of alternatives required in an EIR is governed by a ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR needs to examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project” (14 CCR 15126.6[f]). The Project objectives are set forth in DEIR Section 6.3. The Project’s unavoidable significant impacts are set forth in DEIR Section 6.4.

The Alternative Project and 100% E-Commerce Worst Case Scenario Projects referenced above were not analyzed in the EIR as Project alternatives for purposes of CEQA Guidelines Section 15126.6. Instead, they were analyzed at a project-level of detail in conjunction with the Project to provide the applicant and decision-makers additional information and analysis of alternative project site plans.

Alternatives Rejected from Further Consideration

The CEQA Guidelines provide that this EIR should “identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency’s determination” (14 CCR 15126.6[c]). The following is a discussion of the proposed project alternatives developed during the scoping and planning process and the reasons they were not selected for detailed analysis in this EIR.

With respect to the feasibility of potential alternatives to the proposed project, CEQA Guidelines § 15126.6(t)(l) states, “Among the factors that may be taken into account when addressing the feasibility

of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries . . . and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.”

In determining an appropriate range of project alternatives to be evaluated in this EIR, a number of possible alternatives were initially considered and then rejected. Project alternatives were rejected because they could not accomplish the basic objectives of the proposed Project; they would not have resulted in a reduction of significant adverse environmental impacts; or they were considered infeasible to construct or operate.

The following alternative has been rejected from further consideration and the Commission concurs with this decision:

Alternative Sites

In the case of the proposed Project, an alternative site is not considered applicable or feasible, as the Project Applicant does not control other undeveloped property of similar size within the City or in the immediate area. Additionally, there are very few remaining developable sites in the City that are approximately commensurate in size to the Project. Further, due to the lack of significant environmental impacts identified during Project analysis, an alternative site would not be likely to substantially reduce any potential impact created by Project implementation. For the above reasons, the Alternative Site Alternative was rejected from further consideration.

Alternatives Selected for Further Analysis

The following alternatives were addressed in the DEIR:

1. The No Project Alternative
2. The No Annexation Alternative
3. The Reduced Footprint Alternative

Alternative 1: “No Project” Alternative

Description: Consistent with CEQA Guidelines Section 15126.6, the No Project Alternative assumes that the existing land uses and condition of the Project sites at the time the NOP was published (September 3, 2020) would continue to exist without the Project. The No Project Alternative assumes the Project would not be implemented and land uses and other improvements would not be constructed. This Alternative serves as the baseline against which the effects of the Project and other Project alternatives are evaluated. Under this Alternative, none of the proposed improvements would occur. However, development allowed by right under the existing Industrial Employment District, Regional Industrial and General Industrial (I-G) General Plan designation within each jurisdiction, could occur. The existing zoning would allow for industrial development, but the parcels would remain within multiple jurisdictional boundaries. Access to the site is from Napa Street, currently a County of San Bernardino road.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. Although the No Project Alternative would generate lower amounts of environmental impacts, this alternative would meet none of the Project's objectives. The Commission concurs with these findings for the No Project Alternative

Supporting Evidence – Please see DEIR Pages 6-6 through 6-11.

Alternative 2: “No Annexation” Alternative

Description: Alternative 2 was developed to eliminate the need for the annexation (and associated Pre-zone and GPA) of a portion of Assessor Parcel Number (APN) 0229-291-23 (not a part of the development project and not analyzed in this EIR) and the whole of APN 0229-291-46, each located in unincorporated San Bernardino County along the southern Project boundary. This Alternative, inclusive of the Project and Alternate Project, would develop APN 0229-291-54 in accordance with the existing Industrial Employment (IE) land use zoning classification and Industrial Employment District General Plan land use designation. This Alternative would develop the new public street constructed east of Etiwanda Creek along the west property line. The public street would be constructed per City standards and dedicated to the City. Alternative 2 would be subject to the same development standards as the Project including parking, setback, and landscape requirements. The development of parcel APN 0229-291-46 for parking, site improvements, landscaping, driveways and roadways would occur within the County of San Bernardino to support the Project.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. The No Annexation Alternative would generate equal amounts of environmental impacts. As well, this alternative would meet all of the Project's objectives. However, implementation of this alternative would not include the consistent establishment of land use designation/zoning classifications and jurisdictional boundaries and would require review of the project by both the County and the City. This could delay the anticipated rate of development and make development of the site inconsistent as the development standards within each boundary would be based on development criteria unique to each jurisdiction. The Commission concurs with the preceding findings.

Supporting Evidence – Please see DEIR Pages 6-11 through 6-19.

Alternative 3: “Reduced Footprint” Alternative

Description: This Alternative would reduce the overall development footprint within the Project site by 50 percent. Building A would be approximately 250,324 sf and Building B would be approximately 77,615 sf. This Alternative would result in smaller warehouse buildings and associated parking and landscaped areas and would concentrate development on the southerly/easterly end of the Project site, avoiding the areas not presently disturbed by Auto Club Speedway overflow parking. This Alternative would reduce overall impacts to the site.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. The Reduced Footprint Alternative would generate overall lower amounts of environmental impacts. As well, this alternative would meet most of the Project's objectives. Specifically,

this Alternative with a smaller warehouse would not meet Project objective (2) Implement the City's desire to create revenue-generating uses. The Commission concurs with the preceding findings.

Supporting Evidence – Please see DEIR Pages 6-19 through 6-24.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be designated and states that if the environmentally superior Alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Based on the summary of information presented in Section 6 of the DEIR, the environmentally superior Alternative is Alternative 1: No Project Alternative. Because Alternative 1 would leave the Project site essentially unchanged and would not have the operational effects that would be associated with any of the alternatives, this Alternative has fewer environmental impacts than the Project or any of the other alternatives.

Section 15126.6(e)(2) of the State CEQA Guidelines states that if the “No Project” alternative is found to be environmentally superior, “the EIR shall also identify an environmentally superior alternative among the other alternatives.” Aside from the No Project Alternative, Alternative 3: Reduced Footprint Alternative would have the least environmental impacts because it would develop less of the Project area, result in a reduction of vehicle trips and would incrementally reduce impacts to resource areas; such as air quality, greenhouse gas emissions, noise, and traffic.

Section 7: Additional CEQA Considerations

Significant and Irreversible Environmental Changes (DEIR Section 5.1)

The Project would consume limited, slowly renewable, and non-renewable resources. Fossil fuels would be used by construction vehicles and heavy equipment during the construction period and by vehicles and equipment used during Project operations. Though the Project would endeavor to utilize fossil fuels efficiently, their use would be vital for construction and operations activities, making their nonuse unlikely. However, the Project would not require the continued use of fossil fuels after the end of its operational life. The Project would also require the commitment of land on which the Project would be developed for industrial use. None of the proposed improvements are incapable of removal or nonuse after the end of the Project. Although changes to the Project parcels are designed to remain for the life of the Project and beyond, these changes may be amendable by future uses beyond the life of the proposed Project. The Commission concurs with the preceding findings.

The majority of identified impacts were anticipated to create a less than significant impact or no impact. The Project's potential impacts, though, would not commit future generations to similar uses. Although the Project would be developed in a HI land use zone, the Project does not actually propose uses beyond warehousing and office uses. The land on which the Project would be constructed would be graded and developed for large-scale buildings. However, the development activities would not affect the land in such a way that other structures could not be developed there in the future. The industrial warehousing, or E-

Commerce, nature of the Project is unlikely to lead to impacts that would relegate future generations and developments to similar uses. The Project would also comply with any relevant environmental policy regarding the storage and disposal of hazardous materials. Through this compliance the Project would minimize the potential for any environmental impacts due to accidental discharges. Mitigation measures have also been proposed to further prepare for potential environmental hazards. With the addition of mitigation and compliance with federal, state, and regional regulations and laws, the Project is not expected to produce accidents that would pose an irreversible risk to the surrounding environment. The Project was also determined to produce a less than significant impact to public services such as police and fire protection. The Commission concurs with these findings.

Growth Inducing Impacts (DEIR Section 5.2)

The Project is intended to develop a warehousing facility. In regard to economic growth, the Project will not directly create significant economic growth within the City. However, the Project site may cause an indirect economic growth due to its development. While the Project site would generate revenue to the City through taxes on its revenue, comparative to the City overall it is a relatively small increase. Construction of the Project site would generate employment consistent with other similar construction activities, and only temporarily until construction activities are complete. Most construction workers would be anticipated to come from within the City or from the nearby region, which already has a population of substantial size to supply the needed workers.

It was concluded that the Project would potentially generate approximately 1,172 employees and the Alternate Project would generate approximately 750 employees. This would be less than the City's 10,600-person unemployed population as estimated by the EDD. The Project would, therefore, not necessarily spur a boost in population since the employees could be found within the City's existing unemployment numbers. As well, the Project is not expected to directly affect the housing availability within the City since no new housing units or renovations to existing housing units are included as objectives. Indirectly, the Project could affect housing stock due to the expansion of the City's economic potential.

The Project would request a GPA to designate the area north of Napa Street, west of the San Sevaine Channel to East Etiwanda Creek and within the County of San Bernardino to Industrial Employment District Land Use designation consistent with the Industrial Employment District land use designation to the north within the City of Rancho Cucamonga limits. The existing and proposed land use and zoning designations do not allow for the development of residential development. The obstacle to population growth under existing conditions is due to the existing zoning/land use designation, and this obstacle would remain with the proposed GPA and Pre-zone; therefore, the Project would not remove obstacles to population growth.

The proposed Project would include new infrastructure improvements to allow for the use of resources such as electricity and water, and potentially natural gas. The environmental impacts associated with the facility improvements associated with the proposed Project have been analyzed in DEIR *Section 4.1, Air Quality* through *Section 4.13, Utilities and Service Systems*. As concluded in those sections, no significant unavoidable impacts were discovered through the development of the Project. In the presence of

potentially significant impacts which were not minimized by the Project Design Features, mitigation measures have been proposed which, when implemented, would further reduce potential impacts stemming from the proposed Project's development to less than significant levels. Further, the Project would not require the expansion of utility facilities such as water treatment plants or landfills. Adequate capacity was concluded for each of those facilities. As well, no cumulative impacts were discovered during the analysis of the Project. The Commission concurs with the preceding findings.

Mandatory Findings of Significance (DEIR Section 5.3)

In regard to habitats and wildlife, it was concluded that the Project site had a low capability to harbor special status plants and animals. Nevertheless, mitigation was proposed in the section to further reduce the risk to special status species. Regarding impacts to cultural and historical resources, no recorded historic or prehistoric resources were identified within the Project site. Further, mitigation proposed within the section would include the retainment of a professional archaeologist and paleontologist to further minimize potential effects to the City's historical and prehistorical resources, in the unlikely event that cultural or paleontological resources are exposed during construction of the Project.

The Project would not achieve short term environmental goals to the detriment of long term environmental goals. The Project and Alternate Project would occupy an area previously undeveloped and vacant. This area would then be developed and used. This would assist the short term goal of the Project by providing an area for the development of warehousing and the associated parking and landscaping improvements and facilitating the usage of the Project site by the Applicant. The Project area is in an area of the City designated for industrial land uses. As a warehousing project proposed at a scale that is considered regionally significant according to CEQA Guidelines Section 15206(b), the uses incorporated in the Project would align with the intended uses for the Project area and with the City's long-term goals as outlined in the Rancho Cucamonga GP Land Use Element. In addition, no significant and unavoidable impacts would occur from the Project that would result in a long-term impact on the environment. The Commission concurs with the preceding findings.

Regarding cumulatively considerable impacts, the DEIR provides a cumulative impact analysis for all thresholds that result in a less than significant impact, a potentially significant impact unless mitigated, or a significant and unavoidable impact. Cumulative impacts are addressed for each of the environmental topics listed above and are provided in DEIR Sections 4.1 through 4.13. Where the Project may result in cumulatively considerable impacts that are significant and unavoidable, these are summarized in the respective DEIR section. No significant and unavoidable impacts were identified. The Commission concurs with the preceding findings.

Section 8: General CEQA Findings

The City hereby finds as follows and the Commission concurs with these findings:

- 1) The foregoing statements are true and correct;

- 2) The City is the “Lead Agency” for the Project evaluated in the CEQA Documents; independently reviewed and analyzed in the DEIR and FEIR for the Project; and the Commission is a CEQA responsible agency and has considered the DEIR and FEIR and these findings for the project;
- 3) The Notice of Preparation (NOP) of the DEIR was circulated for public review. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency’s specific responsibilities, and the Commission Staff provided a response to the NOP;
- 4) The public review period for the DEIR was for 45 days between June 29, 2021 and August 13, 2021. The DEIR and appendices were available for public review during that time. A Notice of Completion and copies of the DEIR were sent to the State Clearinghouse, and notices of availability of the DEIR were published by the City. The DEIR was available for review on the City’s website. Physical copies of the environmental documents are available at the City of Rancho Cucamonga Planning Department.
- 5) The CEQA Documents were completed in compliance with CEQA;
- 6) The CEQA Documents reflect the City’s independent judgment and the judgment of the Commission as a responsible agency;
- 7) The City evaluated comments on environmental issues received from persons who reviewed the DEIR. The Commission submitted comments to the City on the DEIR as a CEQA responsible agency. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The FEIR provided adequate, good faith and reasoned responses to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information to the DEIR regarding adverse environmental impacts. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the FEIR. The Commission concurs with the preceding findings.
- 8) The City finds that the CEQA Documents, as amended, provide objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit all comments made during the public review period;
- 9) The CEQA Documents evaluated the following impacts: (1) air quality; (2) biological resources; (3) cultural resources; (4) energy; (5) geology and soils; (6) greenhouse gas emissions; (7) hazards and hazardous materials; (8) hydrology and water quality; (9) land use and planning; (10) noise; (11) transportation; (12) tribal cultural resources; and (13) utilities and service systems. Additionally, the CEQA Documents considered, in separate sections, any potential significant irreversible environmental changes and growth-inducing impacts of the Project, as well as effects found not to be significant and a reasonable range of project

alternatives. All of the significant environmental impacts of the Project were identified in the CEQA Documents and the Commission concurs with this finding;

- 10) The MMRP includes all of the mitigation measures identified in the CEQA Documents and has been designed to ensure compliance during implementation of the Project. The MMRP provides the steps necessary to ensure that the mitigation measures are fully enforceable;
- 11) The MMRP designates responsibility and anticipated timing for the implementation of mitigation; the City's Community Development Director will serve as the MMRP Coordinator, and all mitigation measures are the responsibility of the City or other agencies, not the Commission;
- 12) In determining whether the Project may have a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2 and the Commission concurs with this finding;
- 13) The impacts of the Project have been analyzed to the extent feasible at the time of certification of the CEQA Documents;
- 14) The City made no decisions related to approval of the Project prior to the initial recommendation of certification of the CEQA Documents. The City also did not commit to a definite course of action with respect to the Project prior to the initial consideration of the CEQA Documents.
- 15) Copies of all the documents incorporated by reference in the CEQA Documents are and have been available upon request at all times at the offices of the City of Rancho Cucamonga Planning Department, the custodian of record for such documents or other materials;
- 16) The responses to the comments on the DEIR, which are contained in the FEIR, clarify and amplify the analysis in the DEIR and the Commission concurs with this finding;
- 17) Having reviewed the information contained in the CEQA Documents and in the administrative record, the Commission concurs with the City finding that there is no new significant information regarding adverse environmental impacts of the Project in the FEIR; and
- 18) Having received, reviewed and considered all information and documents in the CEQA Documents, as well as all other information in the record of proceedings on this matter, these Findings are hereby adopted by the Commission in its capacity as a CEQA responsible agency.

Based on the consideration of the DEIR, FEIR and these findings, the Commission finds it has sufficient information to make its decision on LAFCO 3255 and LAFCO 3256.


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**ENVIRONMENTAL DOCUMENTS RELATED TO THE CITY OF RANCHO
CUCAMONGA'S APPROVAL OF THE SPEEDWAY COMMERCE
DEVELOPMENT PROJECT (SCH NO. 2020090076)**

1. [Notice of Determination \(Filed January 21, 2022\)](#)
2. [Resolution No. 2022-006 Certifying the EIR \(SCH #2020090076\)](#)
3. [Ordinance No. 992 \(Pre-zoning\)](#)
4. [Findings of Fact](#)
5. [Mitigation Monitoring and Reporting Program](#)
6. [Final Environmental Impact Report \(FEIR\)](#)
7. [Draft Environmental Impact Report \(DEIR\)](#)
 - [DEIR Appx A – Air Quality Assessment, GHG Emissions Assessment, and Health Risk Assessment](#)
 - [DEIR Appx B – Biological Technical Report](#)
 - [DEIR Appx C – Cultural Resources Assessment](#)
 - [DEIR Appx D – Geotechnical Investigation and Paleontological Resources Assessment](#)
 - [DEIR Appx E – Phase 1 Envi. Site Assessment Report & Phase 2 Envi. Site Assessment](#)
 - [DEIR Appx F – Preliminary Drainage Study, Preliminary WQMP, and Water Supply Assessment](#)
 - [DEIR Appx G – Acoustical Assessment](#)
 - [DEIR Appx H – Traffic Impact Analysis and CEQA Transport Impact Analysis Warehouse Scenario & 100% E-Commerce Scenario TIA and VMT](#)
 - [DEIR Appx I – Notice of Preparation, Initial Study, and Comments](#)
 - [DEIR Appx J – Fiscal Impact Analysis](#)

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: NOVEMBER 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #7B: LAFCO 3255 – Sphere of Influence Amendment for the City of Rancho Cucamonga (expansion), Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), West Valley Mosquito and Vector Control District (expansion), City of Fontana (reduction), and Fontana Fire Protection District (reduction)

INITIATED BY:

Landowner Petition

RECOMMENDATION:

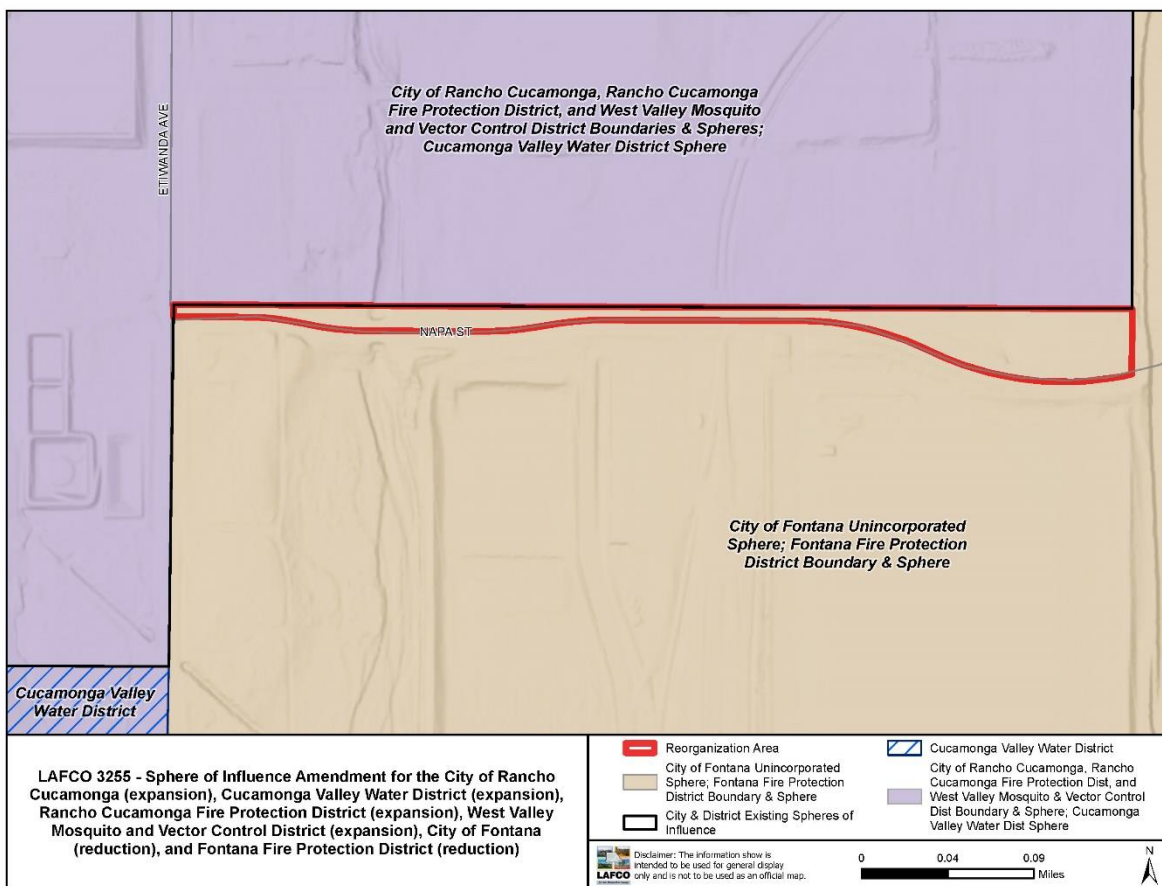
LAFCO staff recommends that the Commission approve LAFCO 3255 by taking the following actions:

1. Determine that the proposed sphere of influence amendments, submitted under the provisions of Government Code Section 56428, does not require a service review;
2. Approve the sphere of influence expansion for the City of Rancho Cucamonga and the concurrent sphere of influence reduction for the City of Fontana;
3. Approve the sphere of influence expansion for the Cucamonga Valley Water District;
4. Approve the sphere of influence expansion for the Rancho Cucamonga Fire Protection District and the concurrent sphere of influence reduction for the Fontana Fire Protection District;
5. Approve the sphere of influence expansion for the West Valley Mosquito and Vector Control District;

6. Affirm the descriptions of the functions and services for the Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, West Valley Mosquito and Vector Control District, and Fontana Fire Protection District, as identified in the *LAFCO Policy and Procedure Manual*; and,
7. Adopt LAFCO Resolution No. 3357 reflecting the Commission's determinations for LAFCO 3255.

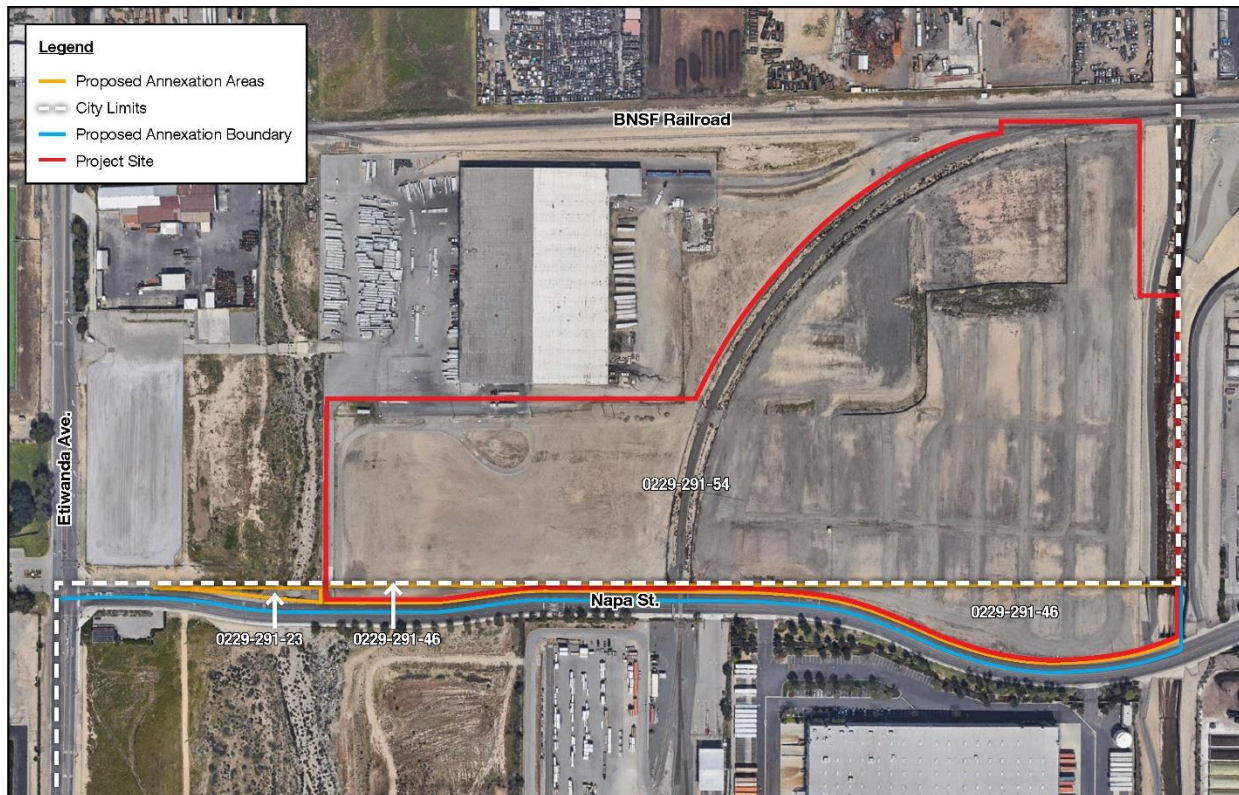
BACKGROUND:

The property owner/developer, Speedway Commerce Center Development, LLC, initiated the sphere amendment proposal (and the concurrent reorganization proposal – see Item 7C) to annex territory into the City of Rancho Cucamonga (City) in order to place the entirety of the Speedway Commerce Development Project (Project), a proposal to develop two (2) warehouse facilities, into a single jurisdiction. The proposed sphere amendment area is generally located north of Napa Street and generally east of Etiwanda Avenue.



The proposed sphere of influence amendment area includes two parcels, Assessor Parcel Number (APN) 0229-291-46, a portion of APN 0229-291-23, and the northerly right-of-way portion of Napa Street encompassing approximately 4.8 acres.

When the City incorporated in 1977, its boundary along the Project area was drawn along an existing section line, which—at that time—no road existed east of Etiwanda Avenue. Then, in 1995, the Napa Road right-of-way was created and the road itself was built soon after. Unfortunately, Napa Road was not built along the existing city boundary -- which created an unincorporated strip of land between the City's boundary and the new road.



Majority of the Project is already within the City of Rancho Cucamonga and the property owner/developer is requesting that the boundary of the City be adjusted to match the Napa Road right-of-way in order to place the entirety of its Project within a single jurisdiction – within the City of Rancho Cucamonga.

The concurrent reorganization to the City of Rancho Cucamonga will also include annexations to local agencies serving the community such as the Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District (a subsidiary district of the City), as well as the regional West Valley Mosquito and Vector Control District pursuant to Commission policy on Concurrent City-District Annexation. In addition, the reorganization will also include the detachment of the area from the Fontana Fire Protection District.

SPHERE OF INFLUENCE AMENDMENTS:

A “sphere of influence” is defined as a planning boundary that designates an agency’s probable future boundary and service area.

The sphere of influence amendments between the City of Rancho Cucamonga (expansion) and the City of Fontana (reduction) is required in order to move forward with the annexation of the area into the City of Rancho Cucamonga. LAFCO staff believes the proposed sphere of influence amendment between the City of Rancho Cucamonga and the City of Fontana is a reasonable exchange in order to move forward with the concurrent reorganization (LAFCO 3256) and place the entirety of the Project being developed within a single jurisdiction – within the City of Rancho Cucamonga.

The rationale for amending the spheres of influence for Cucamonga Valley Water District (expansion), West Valley Mosquito and Vector Control District (expansion), and the sphere of influence exchange between the Rancho Cucamonga Fire Protection District (expansion) and Fontana Fire Protection District (reduction) is to have consistent spheres among all community-based service providers. Therefore, LAFCO staff also believes the proposed sphere of influence expansions for Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District and the sphere of influence reduction for Fontana Fire Protection District are reasonable amendments in order to move forward with the concurrent reorganization (LAFCO 3256) that will align all service providers that will serve the Project within the City of Rancho Cucamonga.

SERVICE REVIEW DETERMINATION:

It is the staff’s position that a sphere of influence “amendment” does not require that a service review be conducted pursuant to Government Code Section 56430 as this section reads in part, “In order to prepare and to update spheres of influence in accordance with 56425, the commission shall conduct a service review...” In this particular case, LAFCO 3255 include sphere of influence amendments pursuant to Section 56428, not updates pursuant to Section 56430. Therefore, a service review is not required.

SPHERE OF INFLUENCE FACTORS OF CONSIDERATION:

Staff’s responses to the “factors of consideration” required by State law for sphere of influence amendment proposals, as outlined in Government Code Section 56425, are as follows:

- 1. The present and planned land uses in the area, including agricultural and open space lands**

The existing uses within the sphere of influence amendment areas include a mix of vacant land and road right-of-way.

The County's General Plan designates the area as Regional Industrial (IR). The City of Fontana's General Plan designates APN 0229-291-46 as General Industrial (GI) and APN 0229-291-23 as Public Utility Corridor (P-UC). The City of Rancho Cucamonga has assigned the area a General Plan and zoning designation of Heavy Industrial (HI).

Currently, the service need within the area is minimal due to its vacant nature. Upon development of the Project, the area will remain generally vacant as ancillary to the Project's parking area and access point to the warehouse facilities from Napa Road.

2. The present and probable need for public facilities and services in the area

There will be no change to the public facilities and/or utility services within the area. The sphere of influence amendments and the concurrent reorganization will place the area within the agencies that will serve the Project; however, the area will remain generally vacant as ancillary to the Project's parking area and access point to the warehouse facilities from Napa Road.

3. The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide

The City of Rancho Cucamonga provides a full range of municipal services such as law enforcement, solid waste services, and street sweeping. Cucamonga Valley Water District will be providing wastewater collection service only (water service to the area is currently provided by Fontana Water Company). Rancho Cucamonga Fire Protection District, a subsidiary district of the City, will be the responsible agency for fire protection and emergency medical services. Finally, the West Valley Mosquito and Vector Control District provides prevention and control of vector and vector-borne diseases within the west valley region of the County.

The proposed sphere of influence amendment and the concurrent reorganization will place the area within the agencies that will serve the Project; however, the area will remain generally vacant as ancillary to the Project's parking area and access point to the warehouse facilities from Napa Road.

4. The existence of any social or economic communities of interest

The City of Rancho Cucamonga and its sphere of influence, which is considered the Rancho Cucamonga community, is served by a number of agencies including Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, as well as the regional West Valley Mosquito and Vector Control District. The sphere of influence amendments (and ultimately the boundaries) will align all service providers that will serve the Project within the City of Rancho Cucamonga.

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

There are no disadvantaged unincorporated communities within the City of Rancho Cucamonga's unincorporated sphere of influence or within the spheres of influence for Cucamonga Valley Water District or Rancho Cucamonga Fire Protection District.

FUNCTIONS AND SERVICES FOR SPECIAL DISTRICTS:

Government Code Section 56425(i) requires that during a sphere of influence amendment or update for a Special District, the Commission is required to review and identify the range of services to be provided, as well as the nature and location of these services. At present the Commission's Policy and Procedure Manual identifies the authorized functions and services to be provided by the special districts under its purview. That listing identifies the following functions and services for:

1. Cucamonga Valley Water District:

<u>FUNCTION</u>	<u>SERVICES</u>
Water	Wholesale and retail water
Sewer	Sewer collection

2. Rancho Cucamonga Fire Protection District:

<u>FUNCTION</u>	<u>SERVICES</u>
Fire Protection	Fire protection and emergency medical

3. West Valley Mosquito and Vector Control District:

<u>FUNCTION</u>	<u>SERVICES</u>
Vector Extermination	Conduct surveillance and other appropriate studies of vectors and vector-borne diseases; prevention of the occurrence of vectors and vector-borne diseases; abate or control vector and vector-borne diseases

4. Fontana Fire Protection District:

<u>FUNCTION</u>	<u>SERVICES</u>
Fire Protection	Structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services, rescue, first aid, paramedic, emergency response, and disaster preparedness planning

LAFCO staff recommends that the Commission affirm the service descriptions for the Cucamonga Valley Water District, the Rancho Cucamonga Fire Protection District, the West Valley Mosquito and Vector Control District, and the Fontana Fire Protection District as identified in the *LAFCO Policy and Procedure Manual, Section VI, Chapter 3: Listing of Special Districts within San Bernardino LAFCO Purview - Authorized Functions and Services*.

ADDITIONAL DETERMINATIONS:

1. As required by State Law, notice of the Commission's consideration of this issue has been advertised as required by State law through publication in *Inland Valley Daily Bulletin*, a newspaper of general circulation in the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies wishing mailed notice.
2. LAFCO staff has also provided individual notices in conjunction with noticing the proposed reorganization proposal, LAFCO 3255, to landowners and registered voters surrounding the sphere amendment area including the entire reorganization area including (totaling 105) in accordance with state law and adopted Commission policies. To date, no written comments in support or opposition have been received regarding the consideration of this proposal.
3. As a CEQA responsible agency, the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has reviewed the City's environmental documents for the sphere amendment proposal (LAFCO 3255) and has indicated that the City's environmental assessment for the Speedway Commerce Development Project (SCH No. 2020090076) is adequate for the Commission's use as CEQA responsible agency. Copies of the City's Complete Final EIR and all associated documents were previously provided to Commission members and are also included (as Web links) in Attachment #2 of Item 7A. Discussion and recommendations related to environmental assessment for LAFCO 3255 are outlined in the Item 7A staff report for the November 16, 2022 LAFCO meeting.
4. The maps and legal descriptions for these sphere of influence amendments, were certified by the County Surveyor's office.

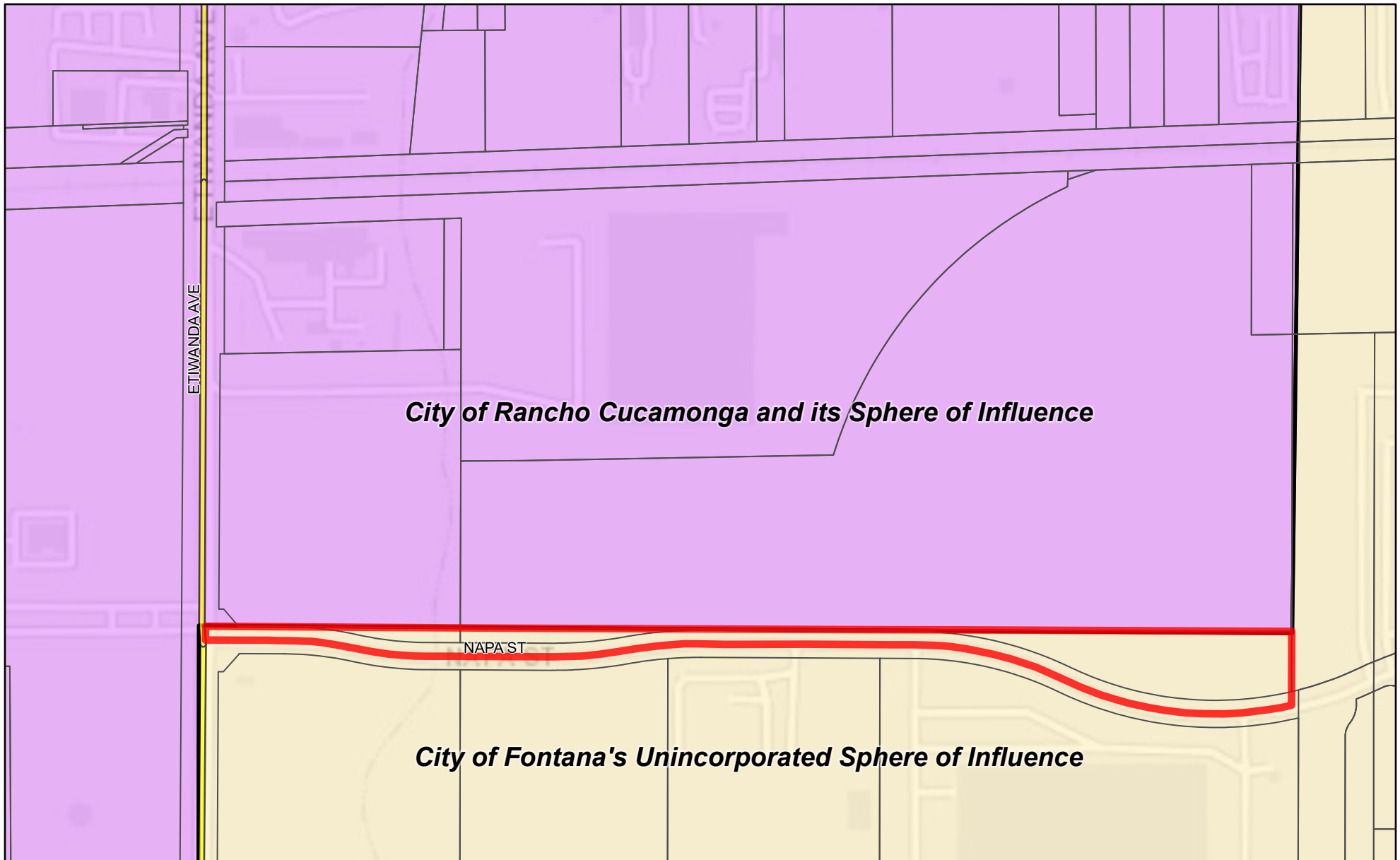
CONCLUSION:

LAFCO 3255 represents reasonable sphere of influence amendments for the City of Rancho Cucamonga (expansion), Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), West Valley Mosquito and Vector Control District (expansion) and the City of Fontana (reduction) and Fontana Fire Protection District (reduction).

This proposal has been submitted in order to move forward with the reorganization proposal (LAFCO 3256). For all these reasons, and those identified within this report, staff recommends approval of LAFCO 3255. The actions recommended for the Commission are outlined on pages one and two of this report.



Attachments:



1. [Vicinity Maps and Maps of Proposed Sphere of Influence Amendments](#)
2. [Application for Sphere of Influence Amendment](#)
3. [Draft LAFCO Resolution No. 3357](#)





LAFCO 3255 – Sphere of Influence Amendment for the City of Rancho Cucamonga (expansion), Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), West Valley Mosquito and Vector Control District (expansion), City of Fontana (reduction), and Fontana Fire Protection District (reduction)

Sphere Expansion for City of Rancho Cucamonga and Sphere Reduction for City of Fontana

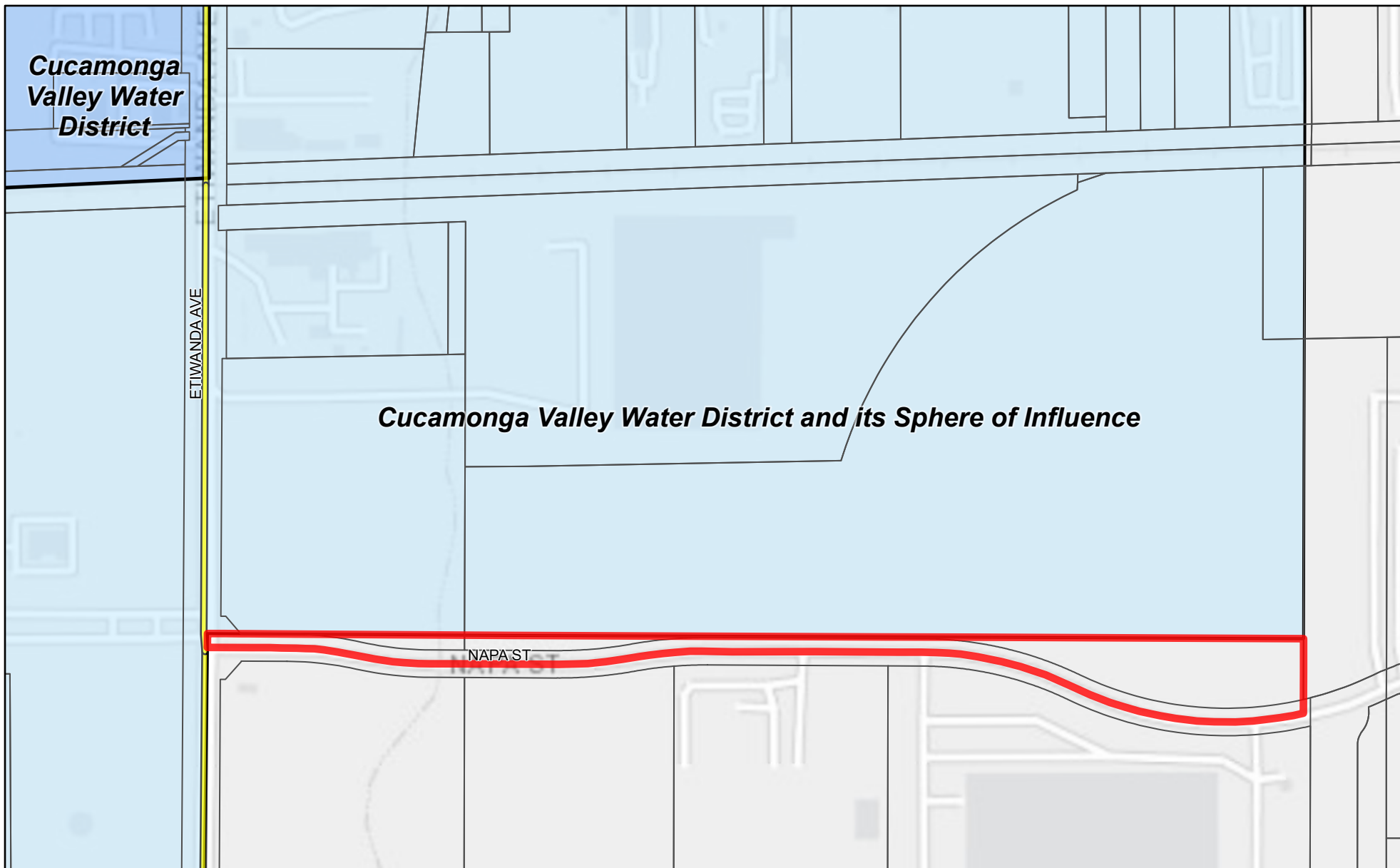
 Sphere Amendment Area
 Major Roads

 CITY OF RANCHO CUCAMONGA
 FONTANA UNINCORPORATED SPHERE

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LAFCO 3255 – Sphere of Influence Amendment for the City of Rancho Cucamonga (expansion), Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), West Valley Mosquito and Vector Control District (expansion), City of Fontana (reduction), and Fontana Fire Protection District (reduction)

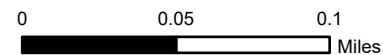
Sphere Expansion for Cucamonga Valley Water District

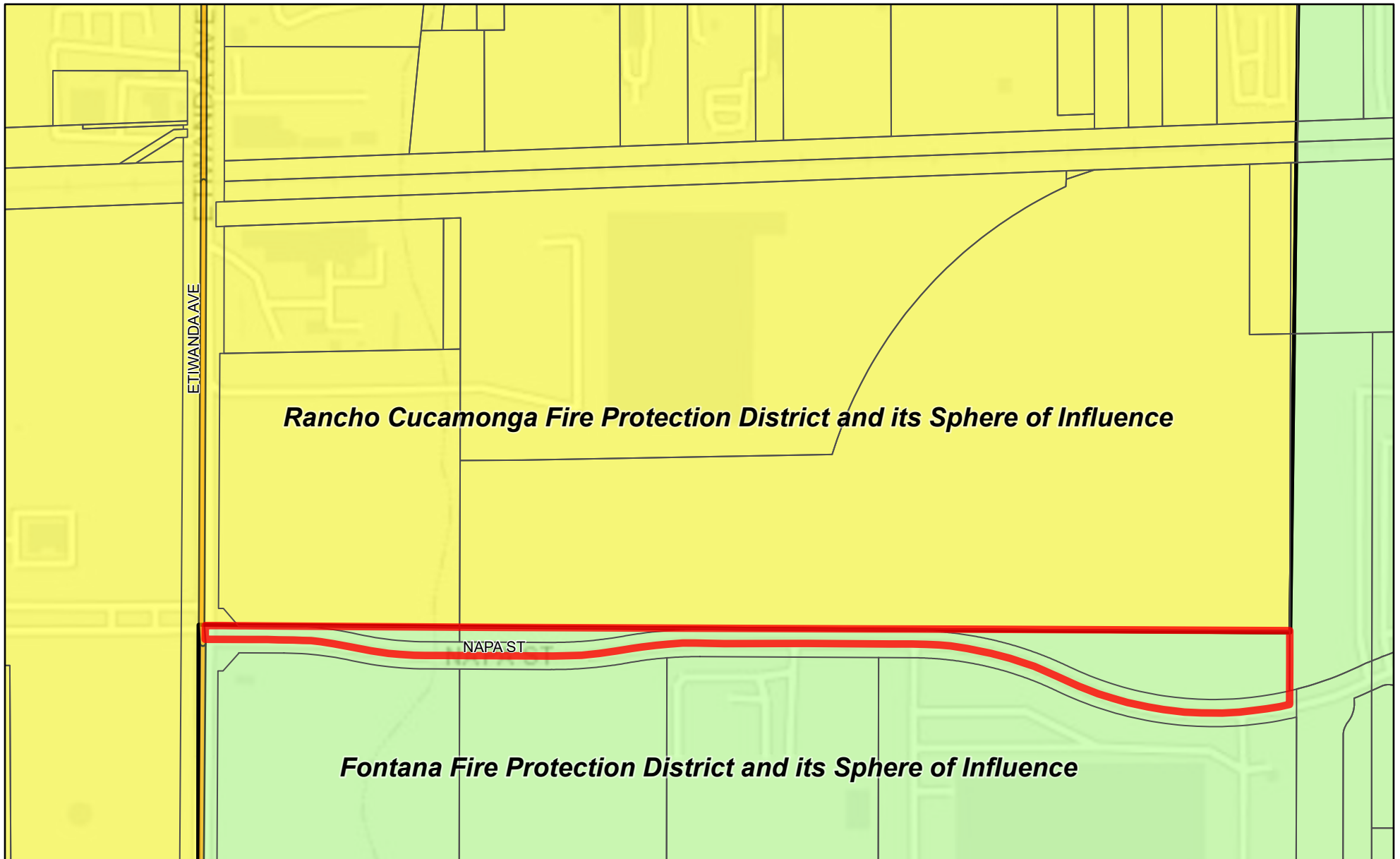
-  Sphere Amendment Area
-  Major Roads

-  Cucamonga Valley Water District
-  Cucamonga Valley Water District Sphere of Influence





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







LAFCO 3255 – Sphere of Influence Amendment for the City of Rancho Cucamonga (expansion), Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), West Valley Mosquito and Vector Control District (expansion), City of Fontana (reduction), and Fontana Fire Protection District (reduction)


Sphere Expansion for Rancho Cucamonga FPD and Sphere Reduction for Fontana FPD

 Sphere Amendment Area
 Major Roads

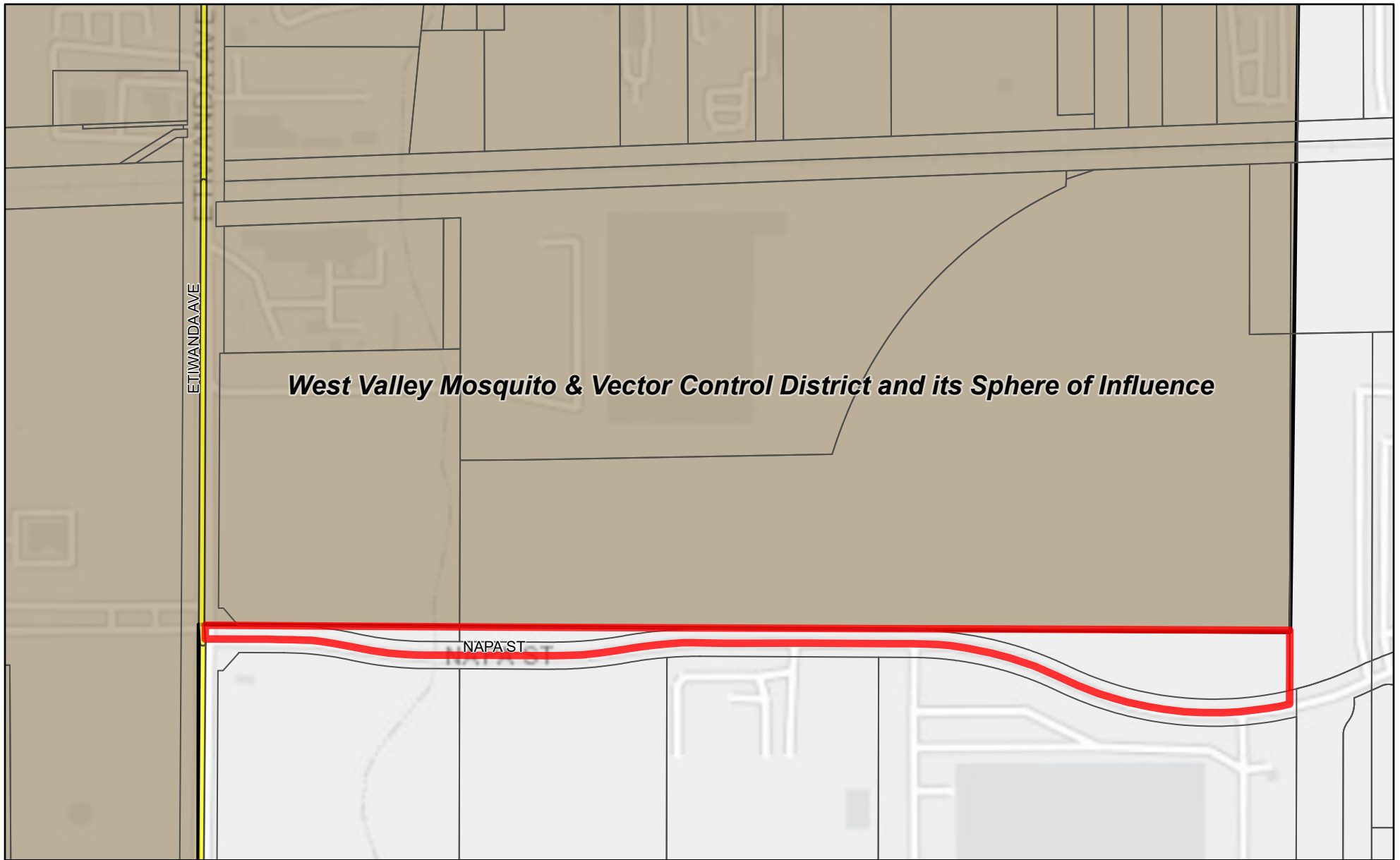
 RANCHO CUCAMONGA FPD
 FONTANA FPD



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



0 0.05 0.1
 Miles





LAFCO 3255 – Sphere of Influence Amendment for the City of Rancho Cucamonga (expansion), Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), West Valley Mosquito and Vector Control District (expansion), City of Fontana (reduction), and Fontana Fire Protection District (reduction)


Sphere of Influence Expansion for West Valley MVCD

 Sphere Amendment Area
 Major Roads

 WEST VALLEY MOSQUITO & VECTOR CONTROL DISTRICT



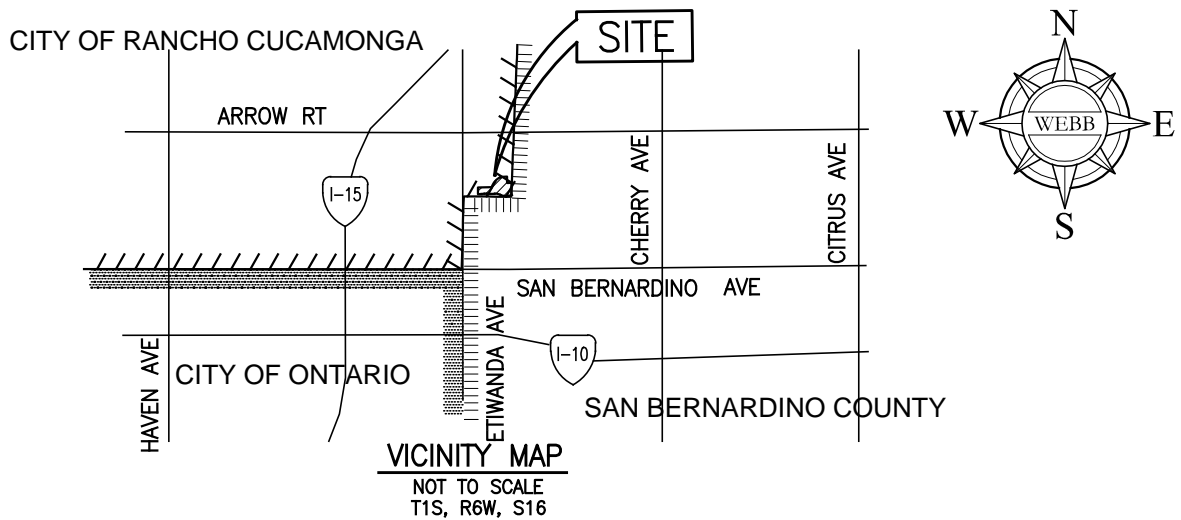
Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.

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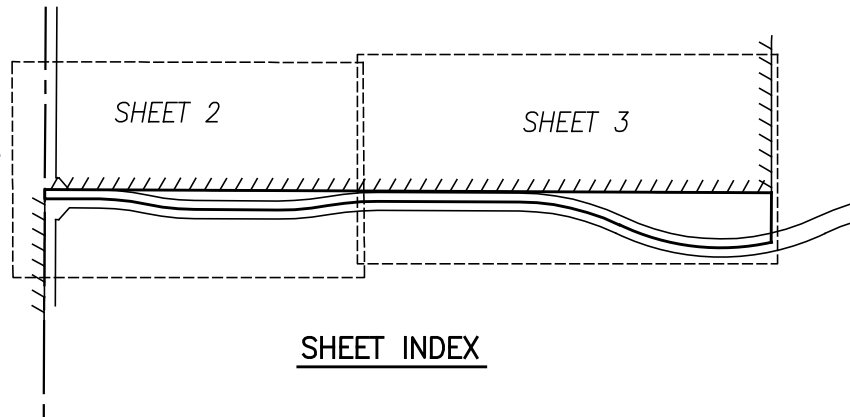


LAFCO 3255

SPHERES OF INFLUENCE AMENDMENTS FOR THE CITY OF RANCHO CUCAMONGA (EXPANSION), CUCAMONGA VALLEY WATER DISTRICT (EXPANSION), RANCHO CUCAMONGA FIRE PROTECTION DISTRICT (EXPANSION), WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT (EXPANSION), CITY OF FONTANA (REDUCTION), AND FONTANA FIRE PROTECTION DISTRICT (REDUCTION)



09/29/22



SHEET INDEX

SEC. 16, T1S, R6W, SBM

ALBERT A.
WEBB
ASSOCIATES

LAFCO 3255

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 3

W.O.
20-0066

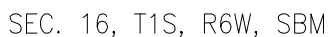
SCALE: N.T.S.

DRWN BY LB
CHKD BY MJ

DATE 2/26/22
DATE 09/29/22

SUBJECT: LAFCO 3255

SPHERES OF INFLUENCE AMENDMENTS FOR THE CITY OF RANCHO CUCAMONGA (EXPANSION), CUCAMONGA VALLEY WATER DISTRICT (EXPANSION), RANCHO CUCAMONGA FIRE PROTECTION DISTRICT (EXPANSION), WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT (EXPANSION), CITY OF FONTANA (REDUCTION), AND FONTANA FIRE PROTECTION DISTRICT (REDUCTION)



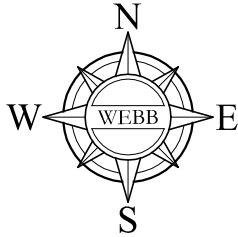
LAFCO 3255

W.O.
20-0066

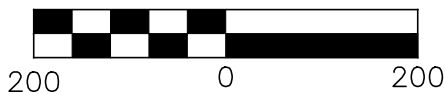
SUBJECT: LAFCO 3255

LAFCO 3255

SPHERES OF INFLUENCE AMENDMENTS FOR THE CITY OF RANCHO CUCAMONGA (EXPANSION), CUCAMONGA VALLEY WATER DISTRICT (EXPANSION), RANCHO CUCAMONGA FIRE PROTECTION DISTRICT (EXPANSION), WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT (EXPANSION), CITY OF FONTANA (REDUCTION), AND FONTANA FIRE PROTECTION DISTRICT (REDUCTION)



1" = 200'



09/29/22

MATCH LINE - SEE SHEET 2

POR. NW 1/4 SECTION 16, T1S, R6W, SBM

ROAD EASEMENT TO CO. OF
SAN BERNARDINO RECORDED
NOV. 22, 1995 AS DOC. NO.
19950404553, O.R.

E'LY LINE NW 1/4 SEC. 16

CITY OF RANCHO CUCAMONGA
SAN BERNARDINO COUNTY

(2) S89°45'18"E 2647.88'

CITY OF RANCHO CUCAMONGA

SAN BERNARDINO COUNTY

APN 0229-291-46

(6) N89°43'51"W 518.47'

(5) R=850.00'
Δ=25°22'43"
L=376.50'
C=373.43'

PM 194/28-32

C/L NAPA STREET

(4) R=850.00'
Δ=38°12'45"
L=566.89'
C=556.45'

PM 210/38-39

(3) S12°33'53"E(R)
S0°06'53"W
180.99'

LEGEND



EXISTING CITY BOUNDARY



EXPANSION BOUNDARY (4.80 ACRES)

SEC. 16, T1S, R6W, SBM

ALBERT A.
WEBB
ASSOCIATES

LAFCO 3255

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 3 OF 3

W.O.
20-0066

SCALE: 1"=200'

DRWN BY LB
CHKD BY MJ

DATE 2/26/22
DATE 09/29/22

SUBJECT: LAFCO 3255

RECEIVED

MAR 28 2022

LAFCO
San Bernardino County

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given of the intention to circulate a petition proposing

The Project includes the proposed reorganization and Sphere of Influence (SOI) amendment of two parcels including APN 0229-291-46, of approximately 2.9 acres in size, and a portion of parcel of approximately 0.69 acres (APN 0229-291-23), and half width of Napa Street that extends along the centerline of Napa Street from San Sevaine Channel to Etiwanda Avenue.

A written statement of the reasons for the proposal, not to exceed 500 words in length is as follows:

~~The Project would require SOI Amendments for the Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), Fontana Fire Protection District (reduction), and West Valley Mosquito and Vector Control District (expansion). As well as reorganization to include Annexations to the Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70. The proposed reorganization and SOI amendment is to create a logical boundary and annex a small parcel for the project for parking and access for the two building warehouse project.~~

Name and address of proponent:

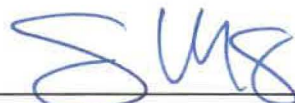
Speedway Commerce Center Development, LLC

Scott Morse, Executive Vice President

901 Via Piemonte Suite 175, Ontario, Ca 91764

SIGNED BY:

DATED:


March 21, 2022

Required Attachments:

Sample Petition

Legal Description(s) and Map(s) of Changes within the Proposal

(The "Notice of Intent to Circulate Petition" must be filed with the Executive Officer of the Local Agency Formation Commission for San Bernardino County prior to circulating the petition. Upon receipt of this Notice, the Executive Officer is required to notify all affected agencies.)

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

1170 W. Third Street, Unit 150,
San Bernardino, CA 92415-0490 • (909) 388-0480 • FAX (909) 388-0481
E-MAIL: lafco@lafco.sbcounty.gov

RECEIVED

APR 13 2022

LAFCO
San Bernardino County

LANDOWNER PETITION INITIATING PROCEEDINGS

We, the undersigned Landowners, do hereby petition the Local Agency Formation Commission, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), as follows:

A proposed annexation of approximately 4.8 acres into the City of Rancho Cucamonga, CVWD, RCFPD, and WWMVCD, and the SOI amendments for the City of Fontana (reduction) and the City of Rancho Cucamonga (expansion), RCFPD, Fontana Fire Protection District and WWMVCD.

(List all proposed changes of organization)

To the best of our knowledge, the proposal is consistent with the adopted sphere(s) of influence for an affected agency or agencies, and we understand that this proposal cannot be considered unless and until such spheres are consistent.

We certify that we are true and legal landowners of the named property and understand that these petitions may not be circulated separately from a current legal description and a current map showing the area of review.

The names and addresses of the Chief Petitioners for this proposal are as follows (not to exceed three persons):

Speedway Commerce Center Development, LLC

Scott Morse, Executive Vice President

901 Via Piemonte, Suite 175, Ontario Ca
91764

The reason(s) for this proposal is (are):

To create a logical boundary and to annex a parcel for the project for access and parking.

The requested terms and conditions for this proposal, if any, are as follows: Standard LAFCO Terms and Conditions

We hereby request that the Local Agency Formation Commission for San Bernardino County conduct proceedings on this proposal pursuant to the provisions of Government Code Sections 56000 et seq.

The landowner must sign his/her name, residence address, and the date of signing in his/her own handwriting. His/her parcel number must be included. If signing on behalf of a business or corporation, documentation must be attached showing ability to sign as legal representative for that enterprise.

SIGN NAME PRINT NAME <u>Scott Morse</u>	RESIDENCE ADDRESS	DATE <u>04/05/2022</u>	PARCEL NUMBER <u>0229-291-46</u>
SIGN NAME PRINT NAME	RESIDENCE ADDRESS	DATE	PARCEL NUMBER
SIGN NAME PRINT NAME	RESIDENCE ADDRESS	DATE	PARCEL NUMBER
SIGN NAME PRINT NAME	RESIDENCE ADDRESS	DATE	PARCEL NUMBER
SIGN NAME PRINT NAME	RESIDENCE ADDRESS	DATE	PARCEL NUMBER

SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

GENERAL INFORMATION

1. NAME OF PROPOSAL: Speedway Commerce Center. The proposed annexation and jurisdictional boundary amendment/ Sphere of Influence (SOI) amendment of two parcels of approximately 4.8 acres for a warehouse project.

2. NAME OF APPLICANT: Speedway Commerce Center Development, LLC
 APPLICANT TYPE: ☒ Landowner ☐ Local Agency
☐ Registered Voter ☐ Other _____
 MAILING ADDRESS: 901 Via Piemonte Suite 175, Ontario, CA 91764
 PHONE: (909) 380-7292
 FAX: ()
 E-MAIL ADDRESS: scott.morse@hillwood.com

3. GENERAL LOCATION OF PROPOSAL: The Project site is located partially in the City of Rancho Cucamonga and within San Bernardino County. The Project site is located south of the BNSF railway, west of the San Sevaine Channel, north of Napa St, and east of East Etiwanda Creek. Annexation includes APN 0229-292-46, 0.69-ac of APN 0229-291-23, and from the centerline of Napa St from the San Sevaine Channel to Etiwanda Ave.

4. Does the application possess 100% written consent of each landowner in the subject territory?
 YES ☒ NO ☐ If YES, provide written authorization for change.

5. Indicate the reason(s) that the proposed action has been requested. The annexation would allow for a logical boundary along Napa Street between the City of Rancho Cucamonga, the County of San Bernardino, and the City of Fontana sphere of influence (SOI). The request would include a SOI amendment for the City of RC, CVWD, RCFD, and a reduction for Fontana Fire Protection District (FFPD) and West Valley Mosquito and Vector Control District (WVMVCD). The request would include a reorganization to annex to the City of RC, CVWD, RCFPD and WVMVCD, and detachment from FFPD and CSA 70.

LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres):
The project is 34.61 acres but the annexation area is a total of 4.8 acres.
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments) Zero

3. Approximate current population within area: Zero

4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):
City of Rancho Cucamonga - D Industrial Employment - light and medium industrial, logistics centers, low impact manufacturing, research parks, and machining operations. Office and retail permitted as accessory use only.

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):
General Industrial (GI) - Among other permitted uses, general or heavy industrial, manufacturing, and processing. Wholesale, warehouse, and distribution are all permitted uses in the general industrial GP designation.

5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:
No special land use concerns. The Project would construct new roads, infrastructure, and buildings to support uses consistent with the 2020-2045 RTP/SCS. The Project would connect people and employment with this new infrastructure.
6. Indicate the existing use of the subject territory.
Existing uses of the parcels are vacant land. One parcel owned by Southern California Edison (SCE) and occupied by overhead utility lines. This parcel will continue to be owned and operated by SCE.

What is the proposed land use?

The parcels identified for annexation would be developed as part of the project for two new industrial buildings and the land use would remain the same. The SCE utility corridor and easement will continue to be utilized for overhead power lines.

7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ☐ NO ☒ If YES, please explain.
The individual parcels identified for annexation would require public services but are able to be served.

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

<input type="checkbox"/> Agricultural Land Uses	<input type="checkbox"/> Agricultural Preserve Designation
<input type="checkbox"/> Williamson Act Contract	<input type="checkbox"/> Area where Special Permits are Required
<input type="checkbox"/> Any other unusual features of the area or permits required: _____	
<u>GPA, Pre-zone, jurisdictional boundary change</u>	

9. Provide a narrative response to the following factor of consideration as identified in §56668(p):
The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:

N/A

ENVIRONMENTAL INFORMATION

1. Provide general description of topography. _____
 Generally flat vacant land, slight NE to SW slope

2. Describe any existing improvements on the subject territory as % of total area.

Residential	_____ %	Agricultural	_____ %
Commercial	_____ %	Vacant	<u>90</u> %
Industrial	_____ %	Other	<u>10</u> %

3. Describe the surrounding land uses:

NORTH	<u>Warehousing, Railroad, Vacant</u>
EAST	<u>Warehousing, Channel, Vacant</u>
SOUTH	<u>Warehousing, Channel, Vacant</u>
WEST	<u>Warehousing, Unimproved Channel, Vacant/Utility</u>

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

Water utility connections, sewer system connection, site grading, storm water sewer infrastructure, roadway improvements, and other appurtenant improvements

5. Will service extensions accomplished by this proposal induce growth on this site? YES ☒ NO ☐ Adjacent sites? YES ☐ NO ☒ Unincorporated ☐ Incorporated ☒

The Project proposes the development of warehousing within the City of Rancho Cucamonga and allow for the expansion of employment opportunities within the City. Services are already available on and adjacent to the Project site.

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐ NO ☒ If YES, please identify.

7. Is this proposal a part of a larger project or series of projects? YES ☒ NO ☐ If YES, please explain.

One of the parcels identified for annexation are part of the development project. The Project proposes the development of two warehouse buildings within the City of Rancho Cucamonga, including e-Commerce logistics warehousing.

NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME Monica Contreras TELEPHONE NO. 606-607-7563

ADDRESS: Monica.3.Contreras@SCE.com

NAME Candyce Burnett TELEPHONE NO. 951-824-8697

ADDRESS: 3880 Lemon Street Suite 420, Riverside Ca. 92501

NAME John Grace TELEPHONE NO. 909-256-5924

ADDRESS: 901 Piemonte Suite 175, Ontario Ca. 91764

CERTIFICATION

As a part of this application, the City/Town of City of Rancho Cucamonga, or the N/A District/Agency, Speedway Commerce Center Development LLC (the applicant) and/or the N/A (real party in interest - landowner and/or registered voter of the application subject property) 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.

As the person signing this application, I 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 and/or the real party in interest 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 supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE March 21, 2022



SIGNATURE

Speedway Commerce Center Development, LLC, a Delaware limited liability company

By: Scott Morse

Printed Name of Applicant or Real Property in Interest

(Landowner/Registered Voter of the Application Subject Property)

Scott Morse, Executive Vice President

Title and Affiliation (if applicable)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:



ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT



SPHERE OF INFLUENCE CHANGE SUPPLEMENT



CITY INCORPORATION SUPPLEMENT



FORMATION OF A SPECIAL DISTRICT SUPPLEMENT



ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT

SUPPLEMENT SPHERE OF INFLUENCE AMENDMENT

INTRODUCTION: The questions on this form are designed to obtain data about the specific sphere of influence amendment application to allow the Commission, staff and others to adequately assess the application. You may also include any additional information that you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please provide an identification of the agencies involved in the proposed sphere of influence change(s):

SPHERE EXPANSION

City of Rancho Cucamonga
Cucamonga Valley Water District
Cucamonga Fire Protection District
West Valley Mosquito and Vector Control

SPHERE REDUCTION

City of Fontana
City of Fontana Fire Protection District

2. Provide a narrative description of the following factors of consideration as outlined in Government Code Section 56425. (If additional room for response is necessary, please attach additional sheets to this form.)

The present and planned land uses in the area, including agricultural and open-space lands.

Industrial Employment (IE) .Industrial land use that allows industrial uses
including warehouse including e-commerce.

The present and probable need for public facilities and services in the area.

The project EIR evaluated the need for the extension of services to the project
site. The Project can be served by existing facilities and infrastructure and the
project will construct the necessary connections and infrastructure to the site.

The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide.

The project EIR evaluated the adequacy of public services and determined
that no additional facilities were necessary to serve the project. The project
will pay DIF fees and will construct a new road and other facilities to serve
the site. No further services are required with the proposed annexation.

The existence of any social or economic communities of interest in the area.

Although the site is not within an EJ area an HRA was prepared for the project. No impacts were determined.

The present and probable need for public facilities or services related to sewers, municipal and industrial water, or structural fire protection for any disadvantaged unincorporated community, as defined by Govt. Code Section 56033.5, within the existing sphere of influence.

The site is served by water and sewer and the site will construct additional facilities to connect the site and two new warehouse buildings. No additional facilities are required as part of the annexation.

3. If the sphere of influence amendment includes a city sphere of influence change, provide a written statement of whether or not agreement on the sphere change between the city and county was achieved as required by Government Code Section 56425. In addition, provide a written statement of the elements of agreement (such as, development standards, boundaries, zoning agreements, etc.) (See Government Code Section 56425)

The SOI amendment is only necessary to include the parcels to be annexed. The County and the City of Fontana had no concern with the proposed annexation of the 4.8 acres for the project.

4. If the sphere of influence amendment includes a special district sphere of influence change, provide a written statement: (a) specifying the function or classes of service provided by the district(s) and (b) specifying the nature, location and extent of the functions or classes of service provided by the district(s). (See Government Code Section 56425(i))

N/A the project will be reducing the CSA 70 SOI.

5. For any sphere of influence amendment either initiated by an agency or individual, or updated as mandated by Government Code Section 56425, the following service review information is required to be addressed in a narrative discussion, and attached to this supplemental form (See Government Code Section 56430):

- a. Growth and population projections for the affected area.

- b. Location and characteristics of disadvantaged unincorporated communities within or contiguous to the sphere of influence.
- c. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, including those associated with a disadvantaged unincorporated community.
- d. Financial ability of agencies to provide services.
- e. Status of, and opportunities for, shared facilities.
- f. Accountability for community service needs, including governmental structure and operational efficiencies.

If additional sheet are submitted or a separate document provided to fulfill Item #5, the narrative description shall be signed and certified by an official of the agency(s) involved with the sphere of influence review as to the accuracy of the information provided. If necessary, attach copies of documents supporting statements.

CERTIFICATION

As a part of this application, the City/Town of Rancho Cucamonga, or the NA District/Agency, Speedway Commerce Center Development, LLC (the applicant) and/or the NA (real party in interest - landowner and/or registered voter of the application subject property) 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.

As the person signing this application, I 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 and/or the real party in interest 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 present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE 03/21/2022



SIGNATURE

Speedway Commerce Center Development, LLC

By: Scott Morse

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

Scott Morse, Executive Vice President

Title and Affiliation (if applicable)

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 3255

HEARING DATE: January 20, 2021

RESOLUTION NO. 3357

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3255 AND APPROVING THE SPHERE OF INFLUENCE AMENDMENTS FOR THE CITY OF RANCHO CUCAMONGA (EXPANSION), CUCAMONGA VALLEY WATER DISTRICT (EXPANSION), RANCHO CUCAMONGA FIRE PROTECTION DISTRICT (EXPANSION), WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT (EXPANSION), CITY OF FONTANA (REDUCTION), AND FONTANA FIRE PROTECTION DISTRICT (REDUCTION)

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

WHEREAS, an application for the proposed sphere of influence amendments (expansions/reduction) in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

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 November 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 support and opposition; the Commission considered all objections and evidence which were made, presented, or filed; and all persons present were given an opportunity to hear and be

RESOLUTION NO. 3357

heard in respect to any matter relating to the application, in evidence presented at the hearing; and,

WHEREAS, a Complete Final Environmental Impact Report (EIR) was prepared and certified as adequate by the City of Rancho Cucamonga for the Speedway Commerce Development Project (SCH No. 2020090076). This Complete Final EIR addresses environmental impacts of the Project itself including the proposed spheres of influence amendments and the jurisdictional changes associated with said Project. (Copies of the City's Complete Final EIR and all associated documents were previously provided to Commission members). The Commission's staff and its Environmental Consultant have independently reviewed the Complete Final EIR and found them to be adequate for the sphere amendments (LAFCO 3255) decision; and,

The Commission certified that it had reviewed and considered the City's Complete Final EIR and the environmental effects as outlined therein, and as referenced in the environmental Findings of Fact prior to reaching a decision as a CEQA responsible agency. The Commission acknowledged the mitigation measures and Mitigation Monitoring and Reporting Program contained in the City's Complete Final EIR and found that no additional alternatives or mitigation measures would be adopted by the Commission. The Commission found that all changes alterations, and mitigation measures are within the responsibility and jurisdiction of the City and other agencies, not the Commission. The Commission found that it is the responsibility of the City to oversee and implement these measures and the Mitigation Monitoring and Reporting Program; and,

The Commission adopted the Findings of Fact regarding the environmental effects of the sphere of influence amendments, a copy of which is available for review in the LAFCO office. The Commission found that all feasible changes or alterations have been incorporated into the project; that these changes are the responsibility of the City and other agencies identified in the Findings of Fact and the Complete Final EIR; and,

WHEREAS, the Commission determined that the proposed sphere of influence amendments, submitted under the provisions of Government Code Section 56428, does not require a service review; and,

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

1. The present and planned land uses in the area, including agricultural and open space lands

The existing uses within the sphere of influence amendment areas include a mix of vacant land and road right-of-way. The County's General Plan designates the area as Regional Industrial (IR). The City of Fontana's General Plan designates APN 0229-291-46 as General Industrial (GI) and APN 0229-291-23 as Public Utility Corridor (P-UC). The City of Rancho Cucamonga has assigned the area a General Plan and zoning designation of Heavy Industrial (HI).

RESOLUTION NO. 3357

Currently, the service need within the area is minimal due to its vacant nature. Upon development of the Speedway Commerce Development Project (Project), the area will remain generally vacant as ancillary to the Project's parking area and access point to the warehouse facilities from Napa Road.

2. The present and probable need for public facilities and services in the area

There will be no change to the public facilities and/or utility services within the area. The sphere of influence amendments and the concurrent reorganization will place the area within the agencies that will serve the Speedway Commerce Development Project; however, the area will remain generally vacant as ancillary to the Project's parking area and access point to the warehouse facilities from Napa Road.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide

The City of Rancho Cucamonga provides a full range of municipal services such as law enforcement, solid waste services, and street sweeping. Cucamonga Valley Water District will be providing wastewater collection service only (water service to the area is currently provided by Fontana Water Company). Rancho Cucamonga Fire Protection District, a subsidiary district of the City, will be the responsible agency for fire protection and emergency medical services. Finally, the West Valley Mosquito and Vector Control District provides prevention and control of vector and vector-borne diseases within the west valley region of the County.

The proposed sphere of influence amendment and the concurrent reorganization will place the area within the agencies that will serve the Speedway Commerce Development Project; however, the area will remain generally vacant as ancillary to the Project's parking area and access point to the warehouse facilities from Napa Road.

4. The existence of any social or economic communities of interest

The City of Rancho Cucamonga and its sphere of influence, which is considered the Rancho Cucamonga community, is served by a number of agencies including Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, as well as the regional West Valley Mosquito and Vector Control District. The sphere of influence amendments (and ultimately the boundaries) will align all service providers that will serve the Project within the City of Rancho Cucamonga.

RESOLUTION NO. 3357

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

There are no disadvantaged unincorporated communities within the City of Rancho Cucamonga's unincorporated sphere of influence or within the spheres of influence for Cucamonga Valley Water District or Rancho Cucamonga Fire Protection District.

Additional Determinations

- As required by State Law, notice of the Commission's consideration of this issue has been advertised as required by State law through publication in *Inland Valley Daily Bulletin*, a newspaper of general circulation in the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies wishing mailed notice.
- LAFCO staff has also provided individual notices in conjunction with noticing the proposed reorganization proposal, LAFCO 3255, to landowners and registered voters surrounding the sphere amendment area including the entire reorganization area including (totaling 105) in accordance with state law and adopted Commission policies.
- The map and legal description for these sphere of influence amendments, was certified by the County Surveyor's office.

WHEREAS, pursuant to the provisions of Government Code Section 56425(i), the range of services provided by the Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, West Valley Mosquito and Vector Control District, and Fontana Fire Protection District shall be limited to the following:

- **Cucamonga Valley Water District:**

<u>FUNCTION</u>	<u>SERVICES</u>
Water	Wholesale and retail water
Sewer	Sewer collection

- **Rancho Cucamonga Fire Protection District:**

<u>FUNCTION</u>	<u>SERVICES</u>
Fire Protection	Fire protection and emergency medical

RESOLUTION NO. 3357

- **West Valley Mosquito and Vector Control District:**

<u>FUNCTION</u>	<u>SERVICES</u>
------------------------	------------------------

Vector Extermination	Conduct surveillance and other appropriate studies of vectors and vector-borne diseases; prevention of the occurrence of vectors and vector-borne diseases; abate or control vector and vector-borne diseases
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- **Fontana Fire Protection District:**

<u>FUNCTION</u>	<u>SERVICES</u>
------------------------	------------------------

Fire Protection	Structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services, rescue, first aid, paramedic, emergency response, and disaster preparedness planning
-----------------	--

WHEREAS, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it determines to amend the spheres of influence for the City of Rancho Cucamonga (expansion), Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), West Valley Mosquito and Vector Control District (expansion) and the City of Fontana (reduction) and Fontana Fire Protection District (reduction).

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall consider the territory described in Exhibits "A" and "A-1" as being within the sphere of influence for the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, West Valley Mosquito and Vector Control District and removed from the sphere of influence for the City of Fontana and Fontana Fire Protection District, it being fully understood that the amendments of such spheres of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

BE IT FURTHER RESOLVED that the Local Agency Formation Commission for San Bernardino County, State of California, does hereby determine that the Speedway Commerce Center Development, LLC, as the applicant, shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

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

RESOLUTION NO. 3357

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 November 16, 2022.

DATED:

SAMUEL MARTINEZ
Executive Officer

LAFCO 3255

SPHERES OF INFLUENCE AMENDMENTS FOR THE CITY OF RANCHO CUCAMONGA (EXPANSION), CUCAMONGA VALLEY WATER DISTRICT (EXPANSION), RANCHO CUCAMONGA FIRE PROTECTION DISTRICT (EXPANSION), WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT (EXPANSION), CITY OF FONTANA (REDUCTION), AND FONTANA FIRE PROTECTION DISTRICT (REDUCTION)

A PORTION THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16, SAID CORNER ALSO BEING ON THE CENTERLINE OF ETIWANDA AVENUE;

COURSE 1. THENCE SOUTH 00°17'58" WEST ALONG THE WESTERLY LINE OF SAID SECTION 16 AND SAID CENTERLINE OF ETIWANDA AVENUE, A DISTANCE OF 662.77 FEET TO AN ANGLE POINT IN THE EXISTING CITY OF RANCHO CUCAMONGA BOUNDARY PER LAFCO 1608 AND THE **TRUE POINT OF BEGINNING**;

COURSE 2. THENCE SOUTH 89°45'18" EAST ALONG SAID BOUNDARY, A DISTANCE OF 2647.88 FEET TO AN ANGLE POINT THEREON, SAID POINT BEING ON THE EASTERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 16;

COURSE 3. THENCE SOUTH 00°06'53" WEST ALONG SAID EASTERLY LINE, A DISTANCE OF 180.99 FEET TO A POINT ON THE CENTERLINE OF NAPA STREET (66.00 FEET IN FULL WIDTH) AS DESCRIBED IN THAT CERTAIN GRANT OF EASEMENT TO THE COUNTY OF SAN BERNARDINO, RECORDED NOVEMBER 22, 1995 AS DOCUMENT NO. 19950404553, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING ON A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 850.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 12°33'53" EAST;

COURSE 4. THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 38°12'45", AN ARC DISTANCE OF 566.89 FEET AND A CHORD DISTANCE OF 556.45 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 850.00 FEET;

COURSE 5. THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 25°22'43", AN ARC DISTANCE OF 376.50 FEET AND A CHORD DISTANCE OF 373.43 FEET;

COURSE 6. THENCE ALONG SAID CENTERLINE NORTH 89°43'51" WEST, A DISTANCE OF 518.47 FEET AND TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1000.00 FEET;

COURSE 7. THENCE WESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF $10^{\circ}25'48''$, AN ARC DISTANCE OF 182.04 FEET AND A CHORD DISTANCE OF 181.79 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1000.00 FEET;

COURSE 8. THENCE WESTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $10^{\circ}27'29''$, AN ARC DISTANCE OF 182.53 FEET AND A CHORD DISTANCE OF 182.28 FEET;

COURSE 9. THENCE NORTH $89^{\circ}42'10''$ WEST, A DISTANCE OF 305.07 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 820.00 FEET;

COURSE 10. THENCE WESTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $12^{\circ}08'36''$, AN ARC DISTANCE OF 173.79 FEET AND A CHORD DISTANCE OF 173.47 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 820.00 FEET;

COURSE 11. THENCE WESTERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF $12^{\circ}08'15''$, AN ARC DISTANCE OF 173.71 FEET AND A CHORD DISTANCE OF 173.38 FEET;

COURSE 12. THENCE NORTH $89^{\circ}41'49''$ WEST, A DISTANCE OF 199.97 FEET TO A POINT ON SAID CENTERLINE OF ETIWANDA AVENUE AND THE BOUNDARY LINE OF CITY OF RANCHO CUCAMONGA;

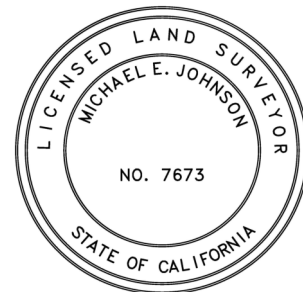
COURSE 13. THENCE NORTH $00^{\circ}17'09''$ EAST ALONG SAID WESTERLY LINE AND SAID CENTERLINE, A DISTANCE OF 32.96 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 4.80 ACRES, MORE OR LESS.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.
PREPARED UNDER MY SUPERVISION


MICHAEL E. JOHNSON, L.S. 7673

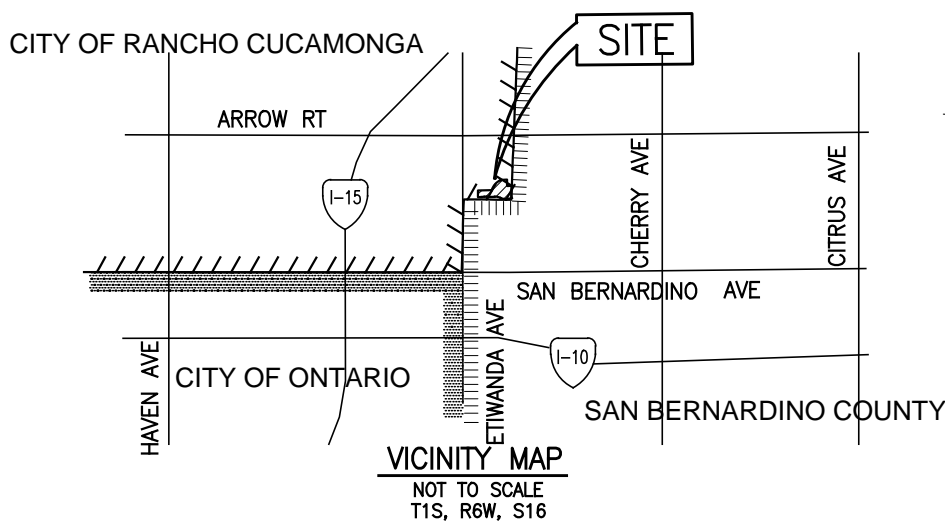
09/29/22
DATE



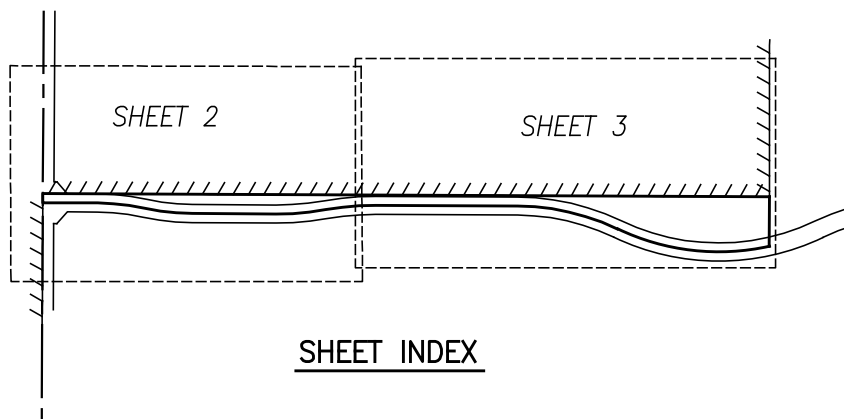
PREPARED BY: zj
CHECKED BY: mf

LAFCO 3255

SPHERES OF INFLUENCE AMENDMENTS FOR THE CITY OF RANCHO CUCAMONGA (EXPANSION), CUCAMONGA VALLEY WATER DISTRICT (EXPANSION), RANCHO CUCAMONGA FIRE PROTECTION DISTRICT (EXPANSION), WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT (EXPANSION), CITY OF FONTANA (REDUCTION), AND FONTANA FIRE PROTECTION DISTRICT (REDUCTION)



09/29/22



SEC. 16, T1S, R6W, SBM

ALBERT A.
WEBB
ASSOCIATES

LAFCO 3255

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 3

W.O.
20-0066

SCALE: N.T.S.

DRWN BY LB
CHKD BY MJ

DATE 2/26/22
DATE 09/29/22

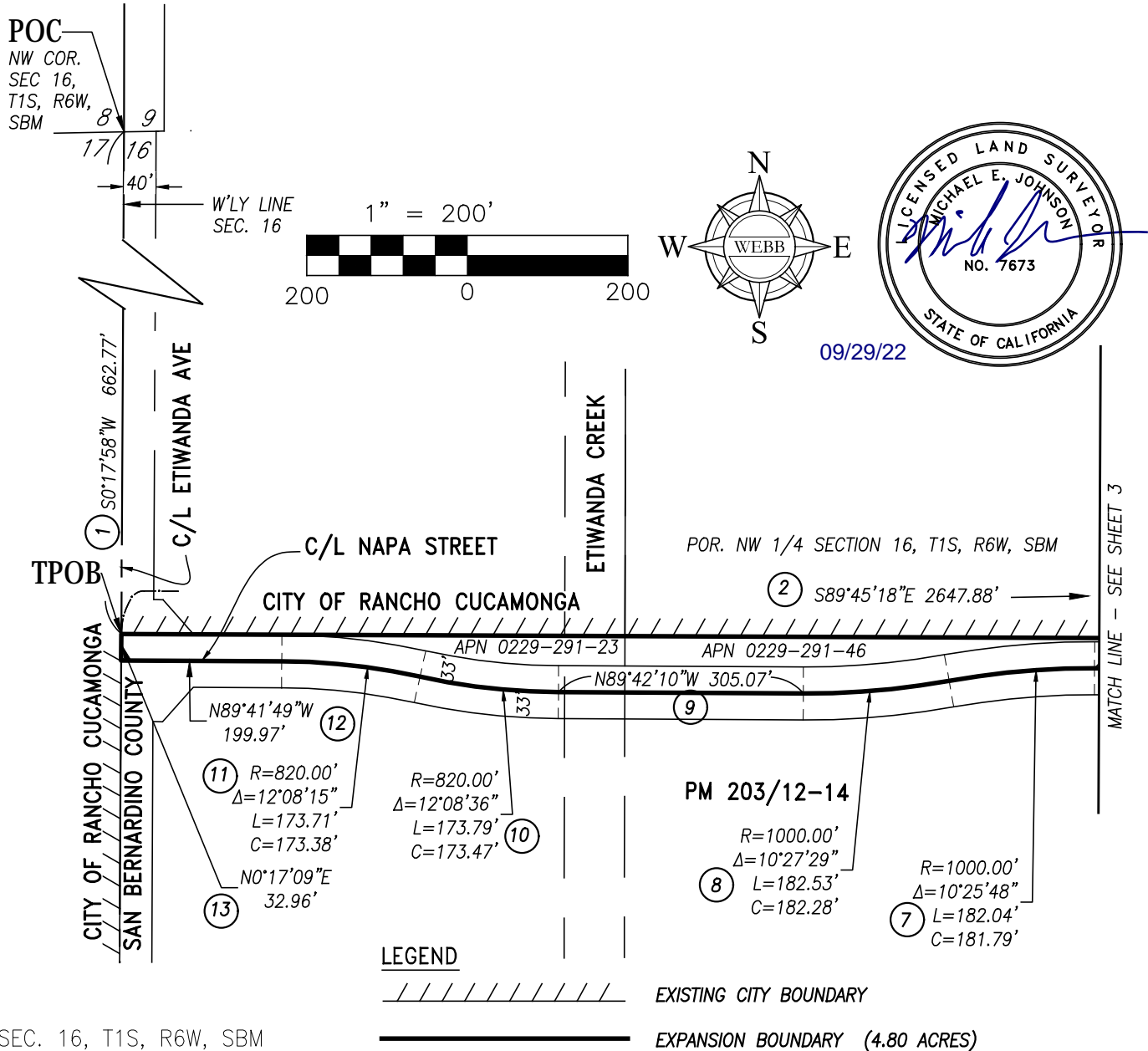
SUBJECT: LAFCO 3255

FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY

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LAFCO 3255

SPHERES OF INFLUENCE AMENDMENTS FOR THE CITY OF RANCHO CUCAMONGA (EXPANSION), CUCAMONGA VALLEY WATER DISTRICT (EXPANSION), RANCHO CUCAMONGA FIRE PROTECTION DISTRICT (EXPANSION), WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT (EXPANSION), CITY OF FONTANA (REDUCTION), AND FONTANA FIRE PROTECTION DISTRICT (REDUCTION)



ALBERT A.
WEBB
ASSOCIATES

LAFCO 3255

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 2 OF 3

W.O.
20-0066

SCALE: 1"=200'

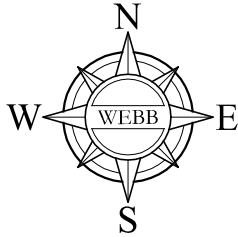
DRWN BY LB
CHKD BY MJ

DATE 2/26/22
DATE 09/29/22

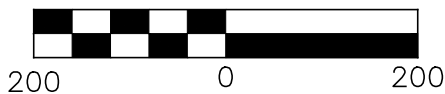
SUBJECT: LAFCO 3255

LAFCO 3255

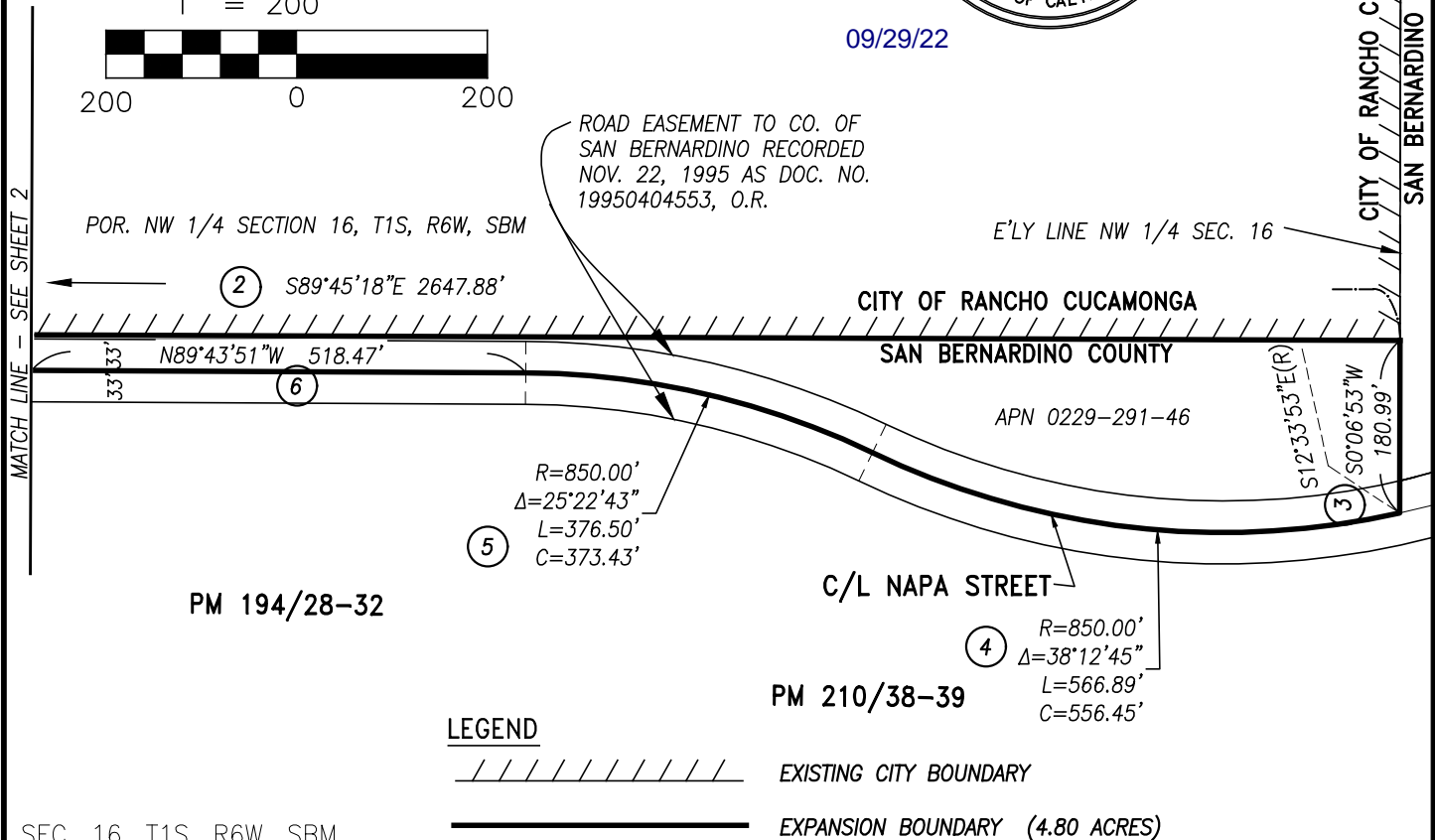
SPHERES OF INFLUENCE AMENDMENTS FOR THE CITY OF RANCHO CUCAMONGA (EXPANSION), CUCAMONGA VALLEY WATER DISTRICT (EXPANSION), RANCHO CUCAMONGA FIRE PROTECTION DISTRICT (EXPANSION), WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT (EXPANSION), CITY OF FONTANA (REDUCTION), AND FONTANA FIRE PROTECTION DISTRICT (REDUCTION)



1" = 200'



09/29/22



ALBERT A.
WEBB
ASSOCIATES

LAFCO 3255

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 3 OF 3

W.O.
20-0066

SCALE: 1"=200'

DRWN BY LB
CHKD BY MJ

DATE 2/26/22
DATE 09/29/22

SUBJECT: LAFCO 3255

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.sbcclafco.org

DATE: NOVEMBER 9, 2022
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #7C: LAFCO 3256 – Reorganization to Include Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70 (Speedway Commerce Development Project)

INITIATED BY:

Landowner Petition

RECOMMENDATION:

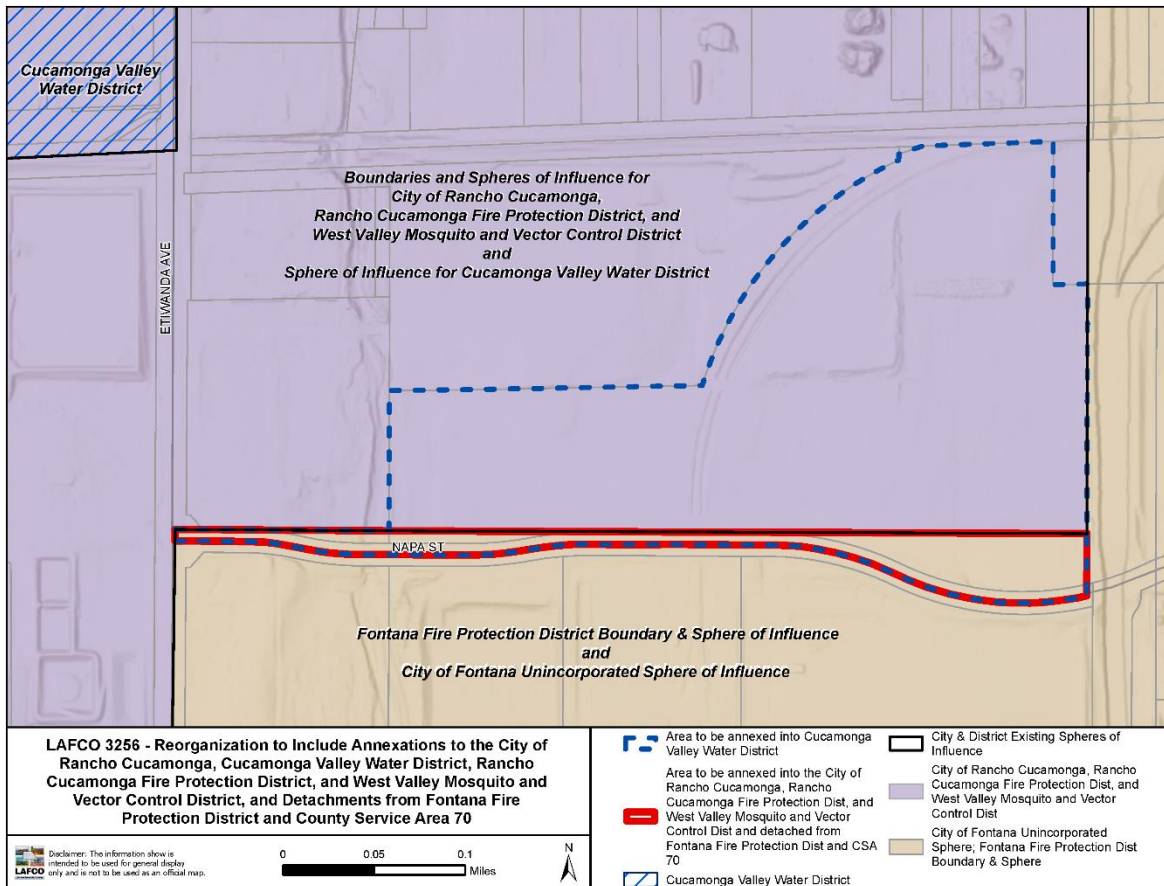
The staff recommends that the Commission approve LAFCO 3256 by taking the following actions:

1. Approve LAFCO 3256, with the standard terms and conditions that include, but are not limited to, the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, and the identification that the transfer of utility accounts will occur within 90 days of the recording of the Certificate of Completion; and,
2. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization proposal; and,
3. Adopt LAFCO Resolution No. 3358 setting forth the Commission’s determinations and conditions of approval concerning for LAFCO 3256.

LAFCO 3256 is a reorganization proposal initiated by the property owner/developer, Speedway Commerce Center Development, LLC, that includes annexation to the City of Rancho Cucamonga (City), the Rancho Cucamonga Fire Protection District (a subsidiary district of the City), and the West Valley Mosquito and Vector Control District, and

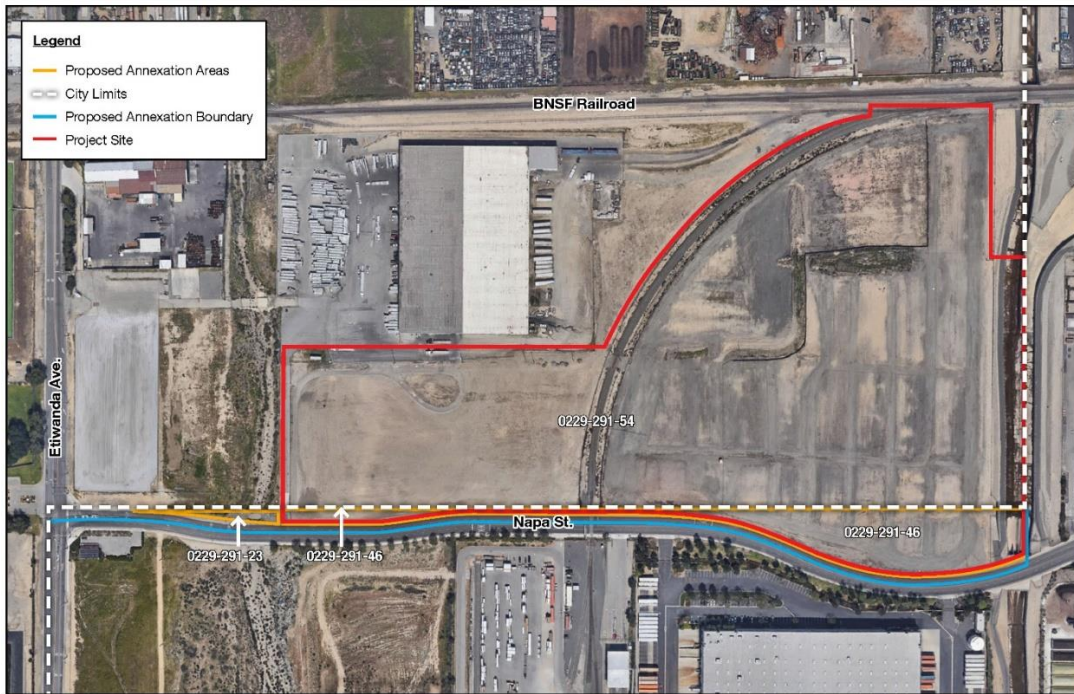
detachment from the Fontana Fire Protection District encompassing approximately 4.8 acres, and annexation to the Cucamonga Valley Water District encompassing approximately 37 acres.

The entire reorganization area is generally located north of Napa Street and generally east of Etiwanda Avenue. Below is a vicinity map of the reorganization area. Location and vicinity maps are also included as Attachment #1 to this report.

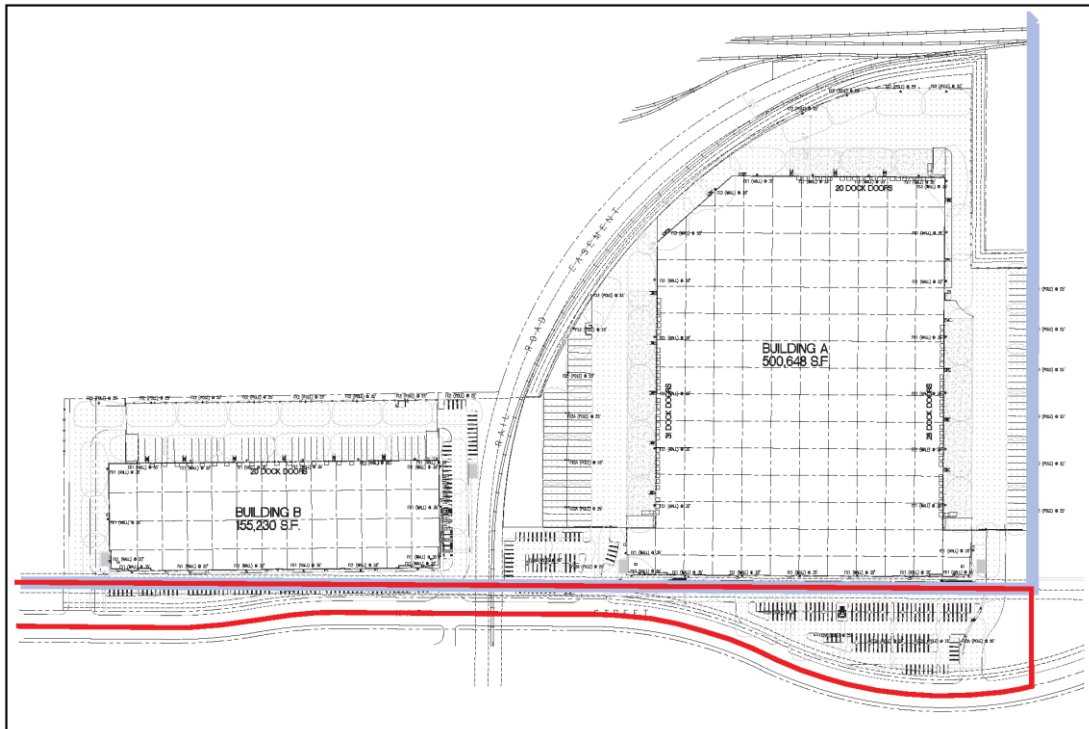


The property owner/developer initiated the reorganization proposal (and the concurrent sphere of influence amendment proposal – see Item 7B) to annex territory into the City of Rancho Cucamonga in order to place the entirety of the Speedway Commerce Development Project (Project), a proposal to develop two (2) warehouse facilities, within a single jurisdiction.

When the City incorporated in 1977, its boundary along the Project area was drawn along an existing section line, which—at that time—no road existed east of Etiwanda Avenue. Then, in 1995, the Napa Road right-of-way was created and the road itself was built soon after. Unfortunately, Napa Road was not built along the existing city boundary -- which created an unincorporated strip of land between the City's boundary and the new road.



Majority of the Project is already within the City of Rancho Cucamonga and the property owner/developer is requesting that the boundary of the City be adjusted to match the Napa Road right-of-way in order to place the entirety of its Project within a single jurisdiction – within the City of Rancho Cucamonga.



Concurrent City-District Annexation Policy:

The Commission has a policy that requires the concurrent annexation of all community-based agencies. The policy (Policy #3 of Chapter 1 - Proposals, Section IV - Application Processing), reads as follows:

“For any annexation within a community served by a variety of community-based local agencies, the Commission shall require concurrent annexation to all of the local agencies serving the community (concurrent city/district annexations).”

The community-based districts for the City of Rancho Cucamonga are: Rancho Cucamonga Fire Protection District (a subsidiary district of the City), Cucamonga Valley Water District, Inland Empire Utilities Agency, and Metropolitan Water District of Southern California, including the regional West Valley Mosquito and Vector Control District.

The entire reorganization area is already within boundaries of both the Inland Empire Utilities Agency and the Metropolitan Water District of Southern California.

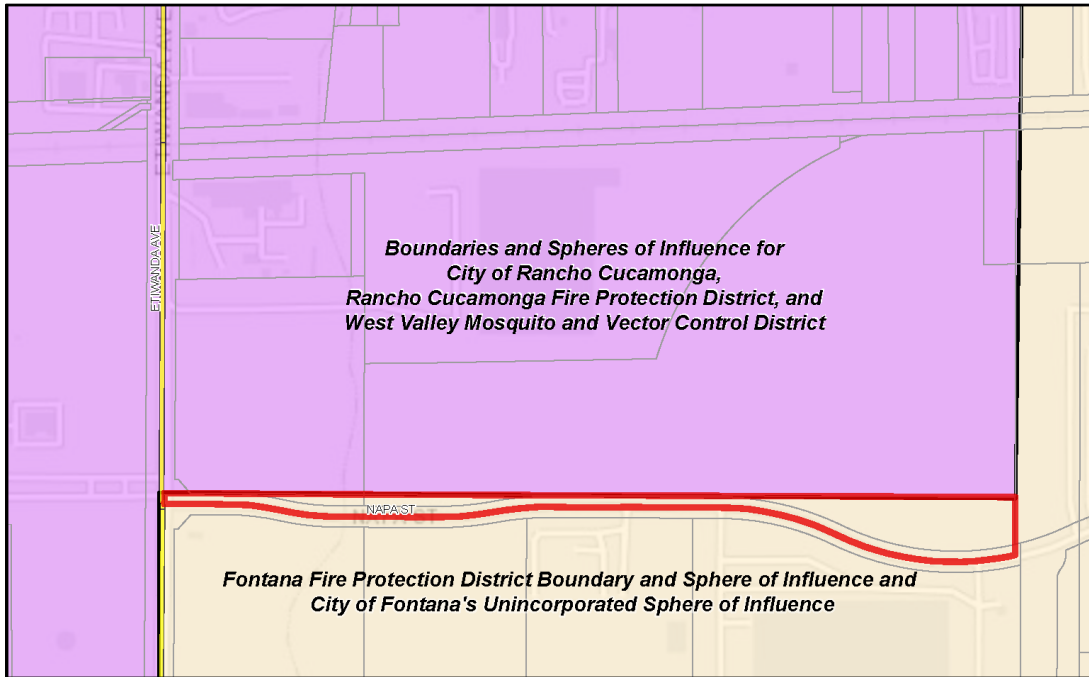
Therefore, in order to comply with the Commission’s policy, this reorganization includes the annexation to Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and the regional West Valley Mosquito and Vector Control District (which also includes the detachment from the Fontana Fire Protection District) to ensure that the boundaries of all local agencies that serve the community of Rancho Cucamonga are consistent and that the entire reorganization area is within the boundaries of said agencies.

BOUNDARIES:

The proposed reorganization area includes multiple changes of organization to ensure that the reorganization provides for a clear and efficient service delivery among all affected local agencies:

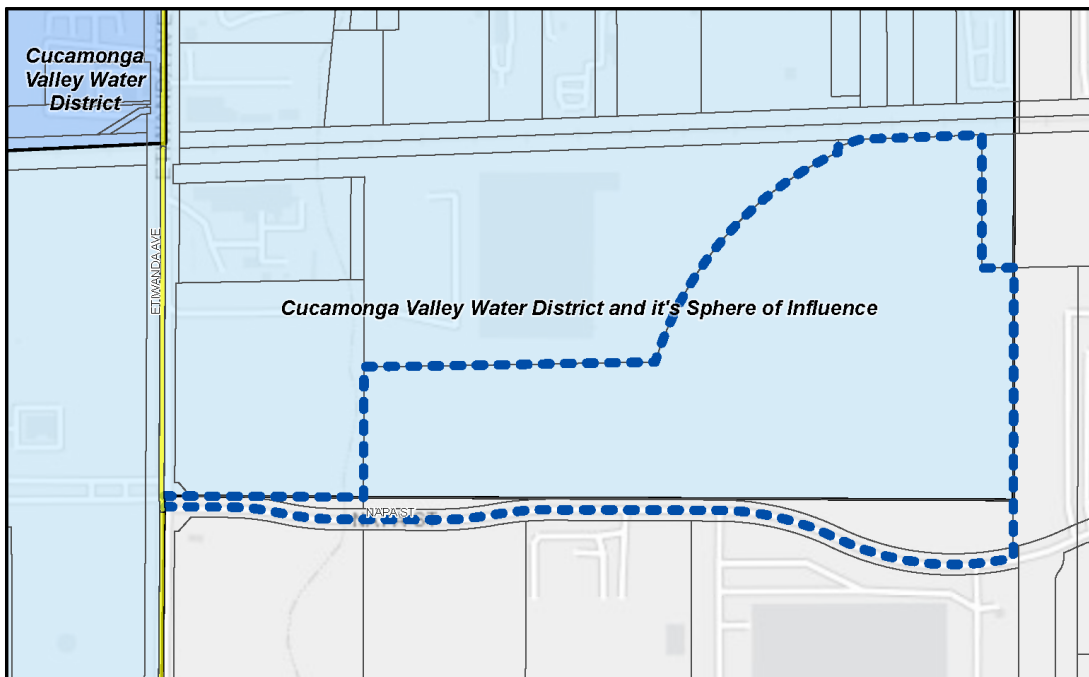
- *Annexation to the City of Rancho Cucamonga, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District and Detachment from Fontana Fire Protection District and County Service Area 70*

The proposed annexation to the City, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District and detachment from the Fontana Fire Protection District and County Service Area 70 includes two parcels, Assessor Parcel Number (APN) 0229-291-46, a portion of APN 0229-291-23, and the northerly right-of-way portion of Napa Street encompassing approximately 4.8 acres.



- *Annexation to Cucamonga Valley Water District*

The entire Project area is not within the Cucamonga Valley Water District. Therefore, the proposed annexation to the Cucamonga Valley Water District includes three parcels, APNs 0229-291-54, 0229-291-46, a portion of APN 0229-291-23, and the northerly right of way of Napa Street encompassing approximately 37.6 acres.



It is LAFCO staff's position that this reorganization proposal provides for a logical boundary since it places the entirety of the proposed Project within a single jurisdiction – the City of Rancho Cucamonga. In addition, the proposed reorganization includes all the necessary changes in boundaries for all community-based local agencies that serve the community of Rancho Cucamonga to ensure that their boundaries are consistent with the City's boundary.

LAND USE:

The entire reorganization area is primarily a mix of vacant land and a portion of the road right-of-way. Existing uses surrounding the incorporated and unincorporated area are general industrial in nature, which include a combination of industrial development and a railroad right-of-way to the north, vacant utility land and a road right-of-way to the west, vacant utility land and industrial development (warehousing) to the south, and vacant land and an unimproved channel to the east.

County Land Use Designations:

The County's current land use designation for the reorganization area is Regional Industrial (IR), which provides sites for heavy industrial uses that have the potential to generate severe negative impacts, incidental commercial uses, agricultural support services, salvage operations, and similar and compatible uses.

City's General Plan and Pre-Zone Designations:

The City of Rancho Cucamonga, through its consideration and approval of the Project, adopted a General Plan and Zoning designation of Heavy Industrial (HI) for the entire project site, which allows for heavy industrial uses including warehousing, storage, and freight handling. This pre-zone designation is consistent with the City's General Plan for the area and is also consistent with surrounding land uses.

Pursuant to the provisions of Government Code Section 56375(e), this zoning designation shall remain in effect for a period of two (2) years following annexation. The law allows for a change in designation if the City Council makes the finding, at a public hearing, that a substantial change has occurred in circumstances that necessitate a departure from the pre-zoning outlined in the application made to the Commission.

SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area.

The service providers within the entire Project Area include the City of Rancho Cucamonga, Rancho Cucamonga Fire Protection District (City subsidiary district – providing fire protection and emergency medical response services), Cucamonga Valley Water District

(wastewater collection provider), and the West Valley Mosquito and Vector Control District. In addition, the following entities overlay the entire reorganization area: Inland Empire Utilities Agency (wastewater treatment provider), Metropolitan Water District of Southern California (State Water Contractor), and the Inland Empire Resource Conservation District. The Fontana Water Company, a private water company that provides retail water service, also overlays the Project area.

Plans for Service:

As required by law and Commission policy, Plans for Services have been submitted for the proposed reorganization.

City of Rancho Cucamonga and its Subsidiary, Rancho Cucamonga Fire Protection District

The City of Rancho Cucamonga, through adoption of Ordinance No. 992, outlined its consent to the reorganization proposal, adopted the pre-zoning for the area, and certified the Plan for Service for the proposed reorganization. The City Council, as the ex-officio Board of Directors for the Rancho Cucamonga Fire Protection District, also adopted Resolution FD No. 2022-001 consenting to the annexation and adopted the Plan for Service. A copy of the Plan for Service and Fiscal Impact Analysis are included as Attachment #3a to this report. In general, the Plan identifies the following:

- Fire Protection/Emergency Medical Services:

The Project area is primarily within the boundaries of the City and its subsidiary district, the Rancho Cucamonga Fire Protection District (FPD), which serves the entire City and its sphere of influence.

The annexation area is currently within the Fontana Fire Protection District and is primarily served by Fontana Fire Station 73, which is approximately 2.6 miles from the Project site.

Upon annexation, Rancho Cucamonga FPD will be the responsible agency for fire protection and emergency response services. The annexation area will be served primarily by the Jersey Fire Station located approximately 3 miles from the Project site and the Day Creek Fire Station, which is approximately 3.3 miles northwest of the Project site. Fire protection and emergency medical response services are currently funded through its share of property tax and Community Facilities District (CFD) No. 85-1.

Given that Fire Station 72 is closer to the Project, Fontana FPD will continue to be first on site and responding through their mutual aid agreement; however, Rancho Cucamonga FPD will be the responsible agency for fire protection and emergency medical response.

The American Medical Response (AMR) a private ambulance service provider, provides ambulance services to the City.

- Law Enforcement:

There will be no change in service provider as a result of this reorganization. Law enforcement responsibilities, which are currently the responsibility of the County Sheriff's Department, will transition to the City's contract with the Sheriff's Department for service following the completion of the reorganization. Law enforcement services are funded through the City's General Fund.

- Park and Recreation:

Regional park and recreation services are currently provided by the County Regional Parks system. The closest regional park is Cucamonga Guasti Regional Park in Ontario, which has various recreation activities.

The City of Rancho Cucamonga has a variety of parks and recreation facilities. The City operates and maintains over 30 local park sites within the City.

- Streetlighting

The reorganization area currently does not contain any streetlights. Upon annexation, the City will be responsible for operating and maintaining streetlights. Streetlighting is funded through the City's street lighting finance district SLD No. 1.

- Water Service:

The entire project area is already within the Fontana Water Company, a private water company that serves parts of the City and the City of Fontana. In addition, the entire Project area is also within the boundaries of Inland Empire Utilities Agency (IEUA), who provides wholesale water service within the western San Bernardino Valley area. IEUA is a member agency of the Metropolitan Water District of Southern California, which is the State Water Contractor for the region.

- Solid Waste:

Solid waste services are currently provided within the reorganization area and within the City of Rancho Cucamonga by Burrtec Waste Industries. No change in service provider will occur through the reorganization.

Cucamonga Valley Water District

The Cucamonga Valley Water District provided its consent to the reorganization proposal and certified its Plan for Service. A copy of the Plan for Service and Fiscal Impact Analysis are included as Attachment #3b to this report.

The Cucamonga Valley Water District provides for wastewater collection within its boundaries and wastewater treatment is the responsibility of IEUA. Treatment of

wastewater will be conveyed to IEUA's Regional Plant No. 4 (RP-4), which is the nearest regional plant to the annexation area. RP-4 currently treats an average flow of 10 MGD of wastewater and it has a treatment capacity of 14 MGD, which is 71 percent of its treatment capacity. The Project will connect to IEUA's regional line in Etiwanda Avenue.

West Valley Mosquito and Vector Control District

The West Valley Mosquito and Vector Control District also provided its consent to the reorganization proposal and certified its Plan for Service. A copy of the Plan for Service and Fiscal Impact Analysis are included as Attachment #3c to this report.

The West Valley Mosquito and Vector Control District provides for mosquito and vector control services in the west valley region of San Bernardino County. The annexation area will be subject to an annual assessment through its Assessment District No. 2.

As required by Commission policy and State law, the Plans for Service show that the extension of services will maintain, and/or exceed, current service levels provided through the County and/or other entities.

Waiver of Protest Procedures:

The reorganization area is uninhabited (as determined by the Registrar of Voters) and LAFCO staff verified that the study area possesses 100% landowner consent to the annexation with both parcels signed by their respective property owner representatives. Copies of the signed Landowner Consent Forms are included as Attachment #4.

Therefore, if the Commission approves LAFCO 3256, and since none of the affected agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending that protest proceedings be waived. The action would include direction to the Executive Officer to complete the reorganization following completion of the mandatory 30-day reconsideration period.

CONCLUSION:

The property owner/developer initiated the reorganization proposal (and the concurrent sphere of influence amendment proposal) to annex territory into the City of Rancho Cucamonga in order to place the entirety of the Speedway Commerce Development Project (Project), a proposal to develop two (2) warehouse facilities, within a single jurisdiction.

In addition, the proposed reorganization includes all the necessary changes in boundaries for all community-based local agencies to ensure that the boundaries of all local agencies that serve the community of Rancho Cucamonga are consistent and that the entire reorganization area is within the boundaries of said agencies.

Therefore, for these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3256.

DETERMINATIONS:

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

1. The County Registrar of Voters Office has determined that the reorganization area is legally uninhabited containing zero registered voters as of October 17, 2022.
2. The County Assessor's Office has determined that the total assessed value of land within the reorganization area is \$45,345,000 as of July 21, 2022.
3. Through approval of the companion proposal, LAFCO 3255, the entire reorganization area is within the spheres of influence of the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District.
4. Legal advertisement of the Commission's consideration has been provided through publication in the *Inland Valley Daily Bulletin*, a newspaper of general circulation within the reorganization area. As required by State law, individual notice was provided to affected and interested agencies, County departments, and those individual and agencies having requested such notice.
5. In accordance with State law and adopted Commission policies, LAFCO staff has provided individual notice to landowners (96) and registered voters (9) surrounding the reorganization area (totaling 105 notices).

To date, no written comments in support or opposition have been received. Comments from registered voters, landowners, and other individuals and any affected local agency in support or opposition will be reviewed and considered by the Commission in making its determination.

6. The City of Rancho Cucamonga pre-zoned the reorganization area as Heavy Industrial (HI). This pre-zone designation is consistent with the City's General Plan and surrounding land uses within the City and in the County. Pursuant to the provisions of Government Code Section 56375(e), this pre-zone designation shall remain in effect for two years following annexation unless specific actions are taken by the City Council.
7. The Southern California Associated Governments (SCAG) recently adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3256 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy; however, the Project is close to the I-10 and I-15 Freeways, which are part of the RTP-SCS's regional express lane network that will be adding two express lanes on both freeways in each direction for completion by 2040.

8. The City of Rancho Cucamonga approved and adopted its 2021 Local Hazard Mitigation Plan and is currently in the process of preparing a Community Wildfire Protection Plan.
9. As a CEQA responsible agency, the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has reviewed the City's environmental documents for the reorganization proposal (LAFCO 3256) and has indicated that the City's environmental assessment for the Speedway Commerce Development Project (SCH No. 2020090076) is adequate for the Commission's use as CEQA responsible agency. Copies of the City's Complete Final EIR and all associated documents were previously provided to Commission members and are also included (as Web links) in Attachment #2 of Item 7A. Discussion and recommendations related to environmental assessment for LAFCO 3256 are outlined in the Item 7A staff report for the November 16, 2022 LAFCO meeting.

Attachment #3 of Item 7A includes the Candidate Findings of Fact that has been prepared for the Commission's use in addressing this proposal.

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

County of San Bernardino
City of Rancho Cucamonga (portion)
Cucamonga Valley Water District and its Improvement District
Rancho Cucamonga Fire Protection District (portion)
Fontana Fire Protection District (portion)
West Valley Mosquito and Vector Control District (portion)
Inland Empire Resource Conservation District
Inland Empire Utilities Agency and its Improvement Districts
Metropolitan Water District of Southern California
County Service Area 70 (multi-function unincorporated area Countywide)

The area will be detached from County Service Area 70 as a function of the reorganization. A portion of the reorganization area will also be detached from the Fontana Fire Protection District.

11. Plans were prepared for the extension of services to the reorganization area, as required by law. The Plans for Service and the Fiscal Impact Analysis, as certified by the City, the Cucamonga Valley Water District, and the West Valley Mosquito and Vector Control District indicates that the City and other agencies can maintain and/or improve the level and range of services currently available in the area.

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

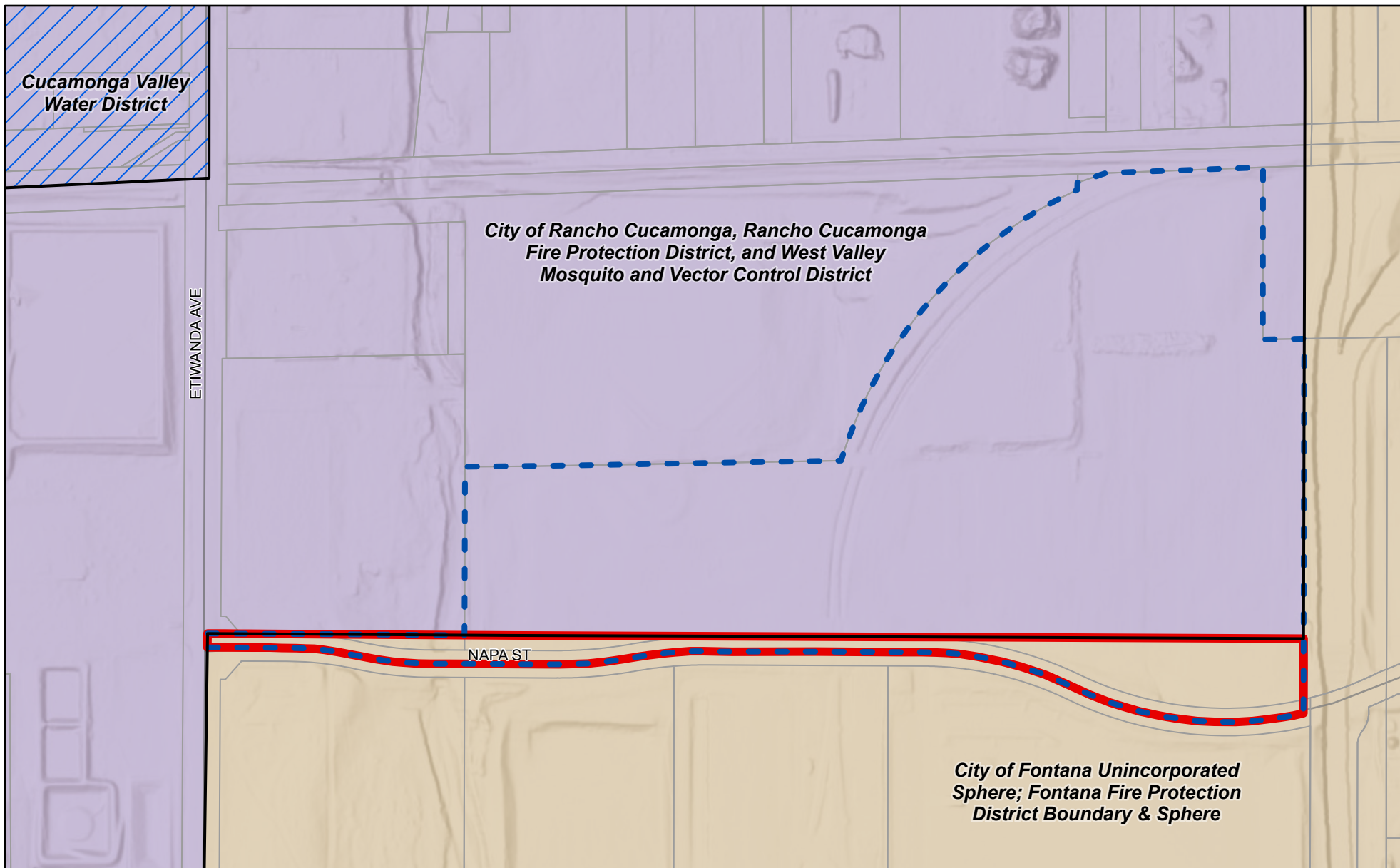
The Plans indicate that the revenues to be provided through the transfer of property tax revenues and existing and potential financing mechanisms are anticipated to be sufficient to provide for the infrastructure and ongoing maintenance and operation of the services to be provided from the City of Rancho Cucamonga and its subsidiary, the Rancho Cucamonga Fire Protection District, as well as the services from the Cucamonga Valley Water District and the West Valley Mosquito and Vector Control District. Copies of the Plans for Service are included as a part of Attachments #3a, 3b, and 3c to this report.

12. The reorganization proposal complies with Commission policies and directives and State law that indicate the preference for areas proposed for urban intensity development to be included within a City so that the full range of municipal services can be planned, funded, extended, and maintained.
13. The reorganization area can benefit from the availability and extension of municipal-level services from the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, as evidenced by their Plans for Service.
14. This proposal will not have an effect on the City of Rancho Cucamonga's ability to achieve its fair share of the regional housing needs since the Project is a proposal to build two (2) warehouse facilities.
15. With respect to environmental justice, the reorganization proposal will not result in the unfair treatment of any person based on race, culture or income since the area is vacant and the southerly and easterly neighboring areas already receive water from Fontana Water Company, fire and emergency medical services from Fontana Fire Protection District, law enforcement from the County Sheriff's Department, and wastewater service is available through out-of-agency service agreements with the City of Fontana.
16. The County of San Bernardino and the City of Rancho Cucamonga have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this reorganization. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
17. The maps and legal descriptions, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

Attachments:

1. [Vicinity Maps and Reorganization Area Maps](#)
2. [Application for Reorganization](#)
3. Plans for Service and Fiscal Impact Analysis
 - a. [City's Ordinance No. 992 Including Certified Plan for Service and Copy of RCFPD Resolution FD No. 2022-001](#)
 - b. [Cucamonga Valley Water District's Consent Letter and Certified Plan for Service](#)

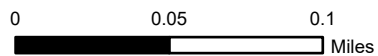
- c. [West Valley Mosquito and Vector Control District's Consent Letter and Certified Plan for Service](#)
- 4. [Landowner Consent Forms](#)
- 5. [Draft Resolution No. 3358](#)



LAFCO 3256 - Reorganization to Include Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70



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



Area 2 - area to be annexed into Cucamonga Valley Water District

Area 1 - area to be annexed into the City of Rancho Cucamonga, Rancho Cucamonga Fire Protection Dist, and West Valley Mosquito and Vector Control Dist and detached from Fontana Fire Protection Dist and CSA 70



Cucamonga Valley Water District



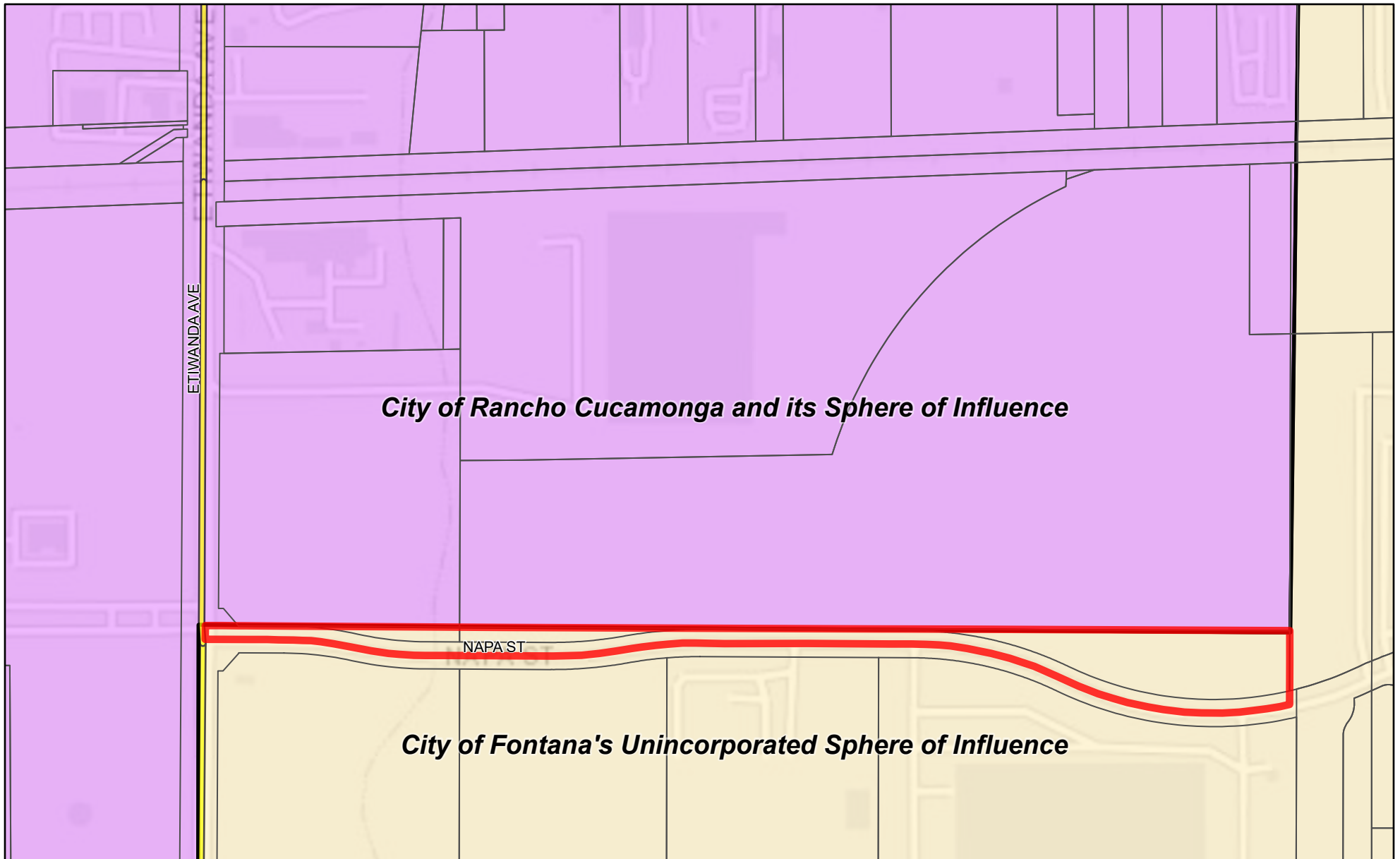
City & District Existing Spheres of Influence



City of Rancho Cucamonga, Rancho Cucamonga Fire Protection Dist, and West Valley Mosquito and Vector Control Dist







City of Fontana Unincorporated Sphere; Fontana Fire Protection Dist Boundary & Sphere




LAFCO 3256 - Reorganization to Include Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70

Annexation to the City of Rancho Cucamonga

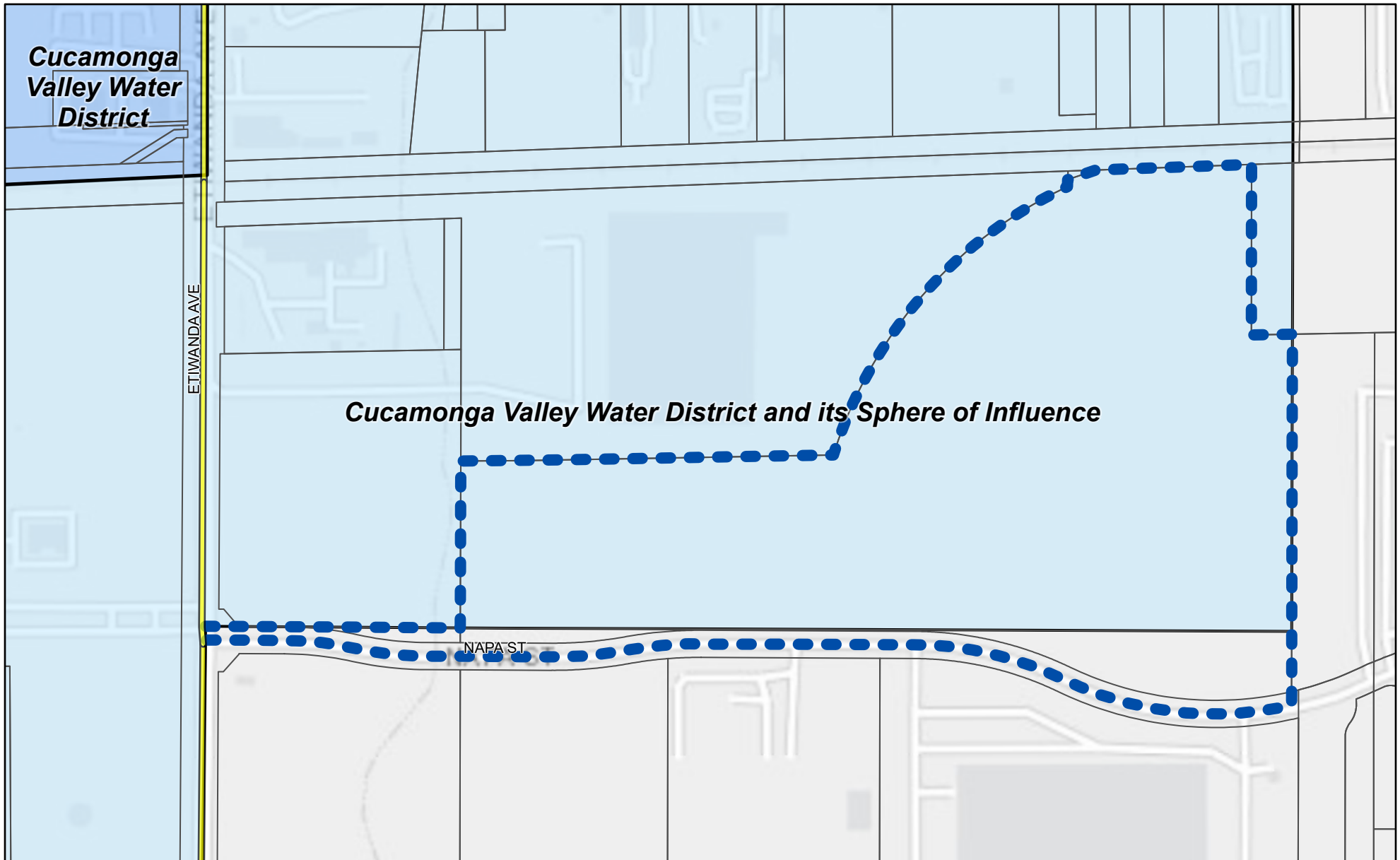
-  Annexation Area
-  Major Roads

-  CITY OF RANCHO CUCAMONGA
-  FONTANA UNINCORPORATED SPHERE

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





0 0.05 0.1
Miles






LAFCO 3256 - Reorganization to Include Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70

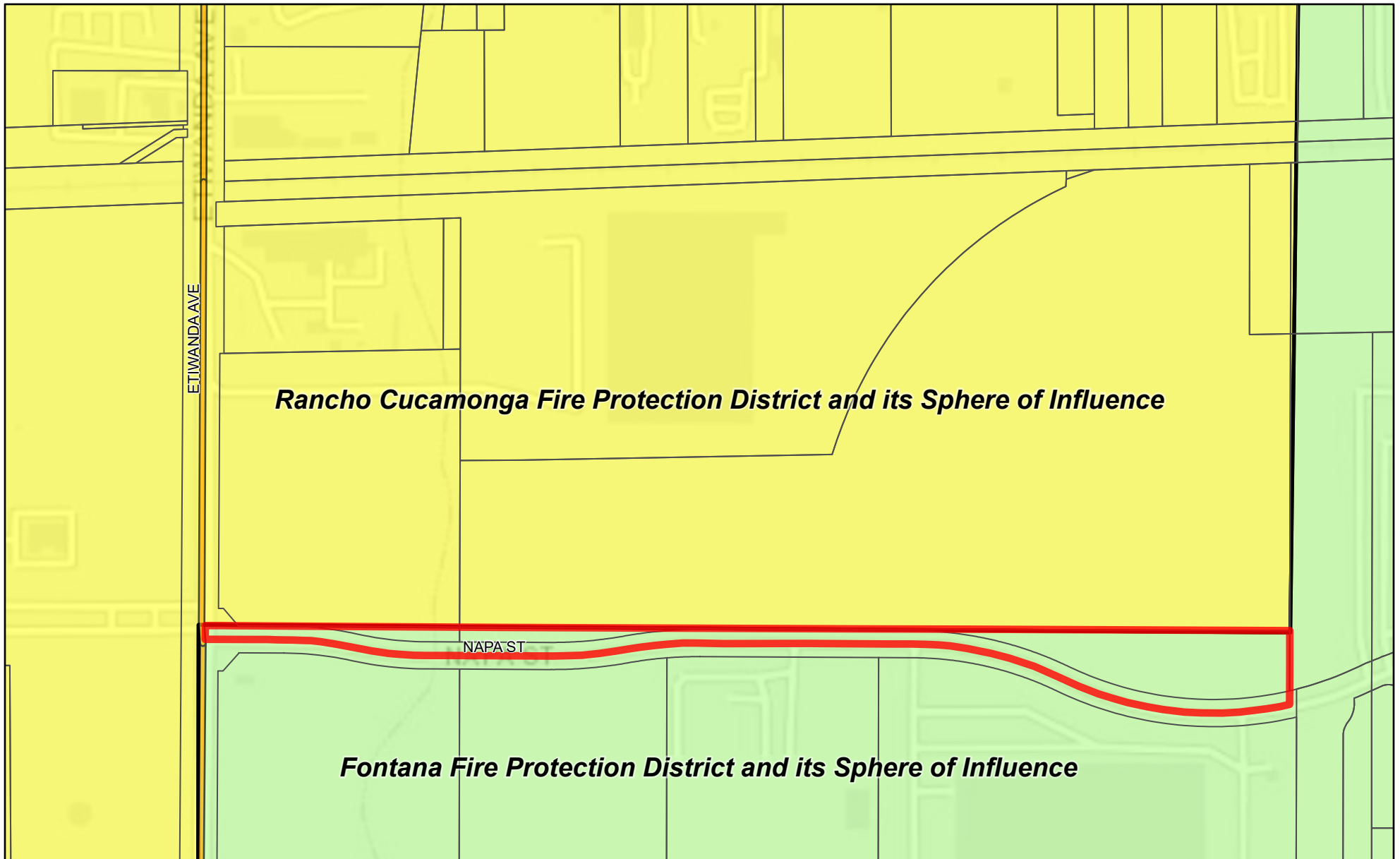
Annexation to Cucamonga Valley Water District

-  Area to be annexed into Cucamonga Valley Water District
-  Major Roads
-  Cucamonga Valley Water District
-  Cucamonga Valley Water District Sphere of Influence

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



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Miles







LAFCO 3256 - Reorganization to Include Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70


**Annexation to Rancho Cucamonga FPD
and Detachment from Fontana FPD**

 Annexation/Detachment Area
 Major Roads

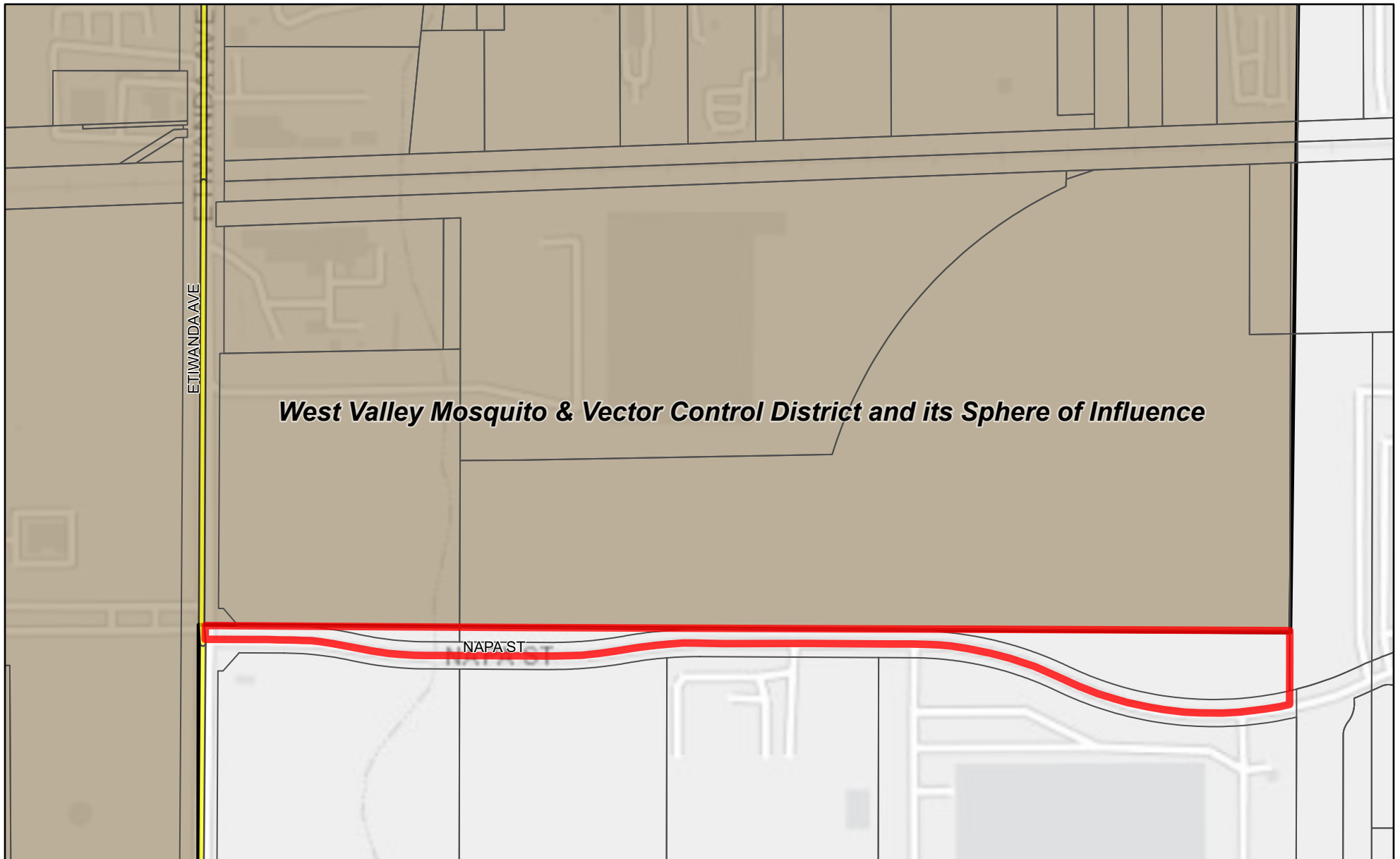
 RANCHO CUCAMONGA FPD
 FONTANA FPD



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



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 Miles






LAFCO 3256 - Reorganization to Include Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70

Annexation to West Valley Mosquito & Vector Control District

-  Annexation Area
-  Major Roads

 WEST VALLEY MOSQUITO & VECTOR CONTROL DISTRICT

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

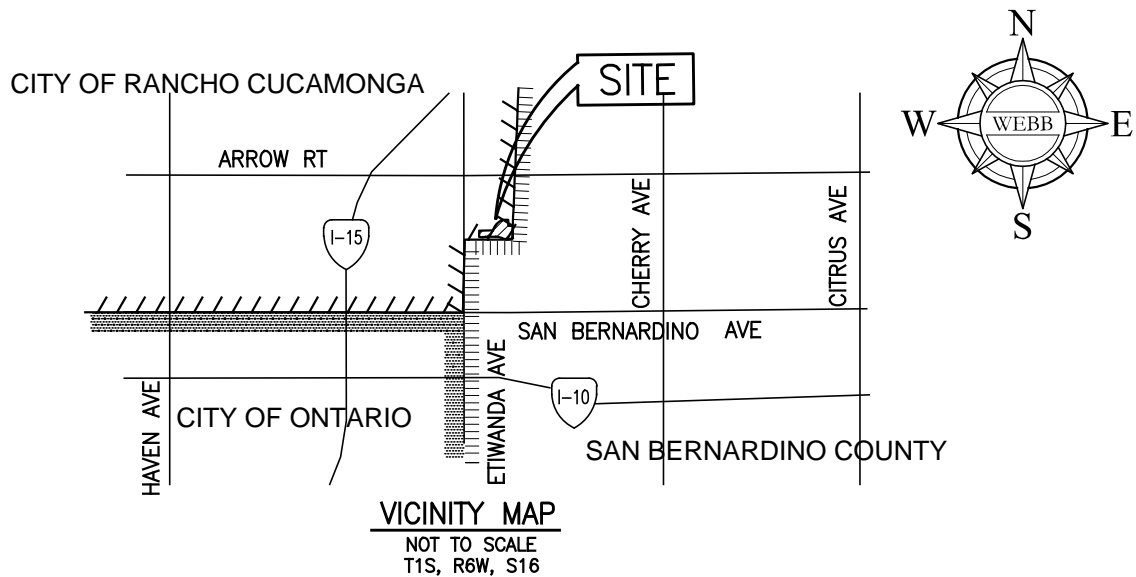
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Miles



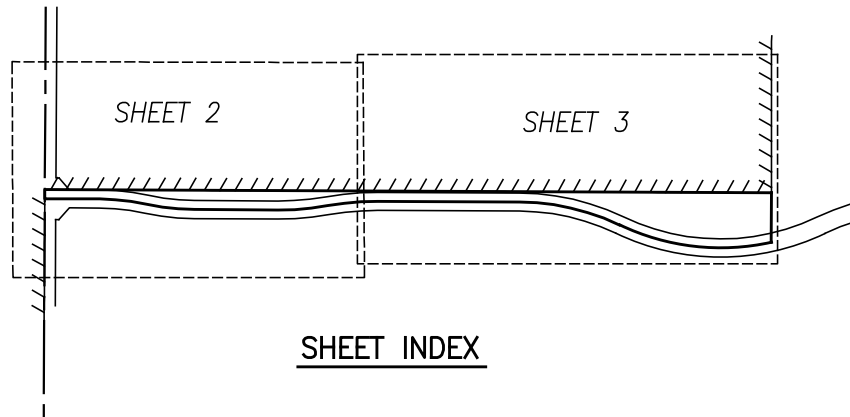
LAFCO 3256

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70

ANNEXATION TO THE CITY OF RANCHO CUCAMONGA, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENT FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70.



09/29/22



SEC. 16, T1S, R6W, SBM

ALBERT A.
WEBB
ASSOCIATES

LAFCO 3256

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 3

W.O.
20-0066

SCALE: N.T.S.

DRWN BY LB
CHKD BY MJ

DATE 2/26/22
DATE 09/29/22

SUBJECT: LAFCO 3256

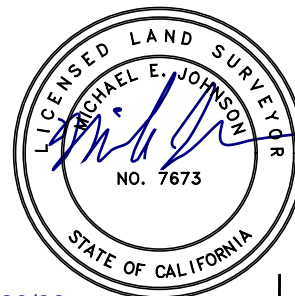
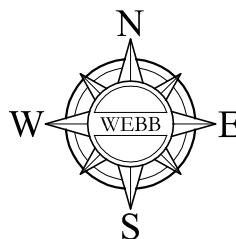
REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70

POC—
NW COR.
SEC 16,
T1S, R6W,
SBM

W'LY LINE
SEC. 16

$$1'' = 200'$$

200 0 200



09/29/22

[illegible]

LEGEND

EXISTING CITY BOUNDARY

REORGANIZATION BOUNDARY (4.80 ACRES)

SEC. 16, T1S, R6W, SBM

**ALBERT A.
WEBB
ASSOCIATES**

LAFCO 3256

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SHEET 2 OF 3

W.O.
20-0066

SCALE: 1"=200'

DRWN BY LB
CHKD BY MJ

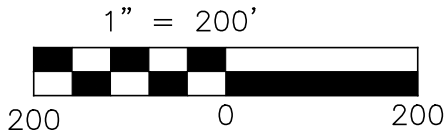
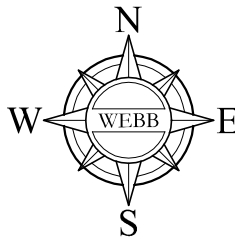
DATE 2/26/22
DATE 09/29/22

SUBJECT: LAFCO 3256

LAFCO 3256

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70

ANNEXATION TO THE CITY OF RANCHO CUCAMONGA, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENT FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70.



09/29/22

MATCH LINE - SEE SHEET 2

POR. NW 1/4 SECTION 16, T1S, R6W, SBM

ROAD EASEMENT TO CO. OF
SAN BERNARDINO RECORDED
NOV. 22, 1995 AS DOC. NO.
19950404553, O.R.

E'LY LINE NW 1/4 SEC. 16

CITY OF RANCHO CUCAMONGA
SAN BERNARDINO COUNTY

② S89°45'18"E 2647.88'

CITY OF RANCHO CUCAMONGA

SAN BERNARDINO COUNTY

33' 33" N89°43'51"W 518.47'

APN 0229-291-46

⑥

R=850.00'
Δ=25°22'43"
L=376.50'
C=373.43'

⑤

PM 194/28-32

C/L NAPA STREET

④ R=850.00'
Δ=38°12'45"
L=566.89'
C=556.45'

PM 210/38-39

S12°33'53"E(R)
S0°06'53"W
180.99'

③

LEGEND



EXISTING CITY BOUNDARY



REORGANIZATION BOUNDARY (4.80 ACRES)

SEC. 16, T1S, R6W, SBM

ALBERT A.
WEBB
ASSOCIATES

LAFCO 3256

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SHEET 3 OF 3

W.O.
20-0066

SCALE: 1"=200'

DRWN BY LB
CHKD BY MJ

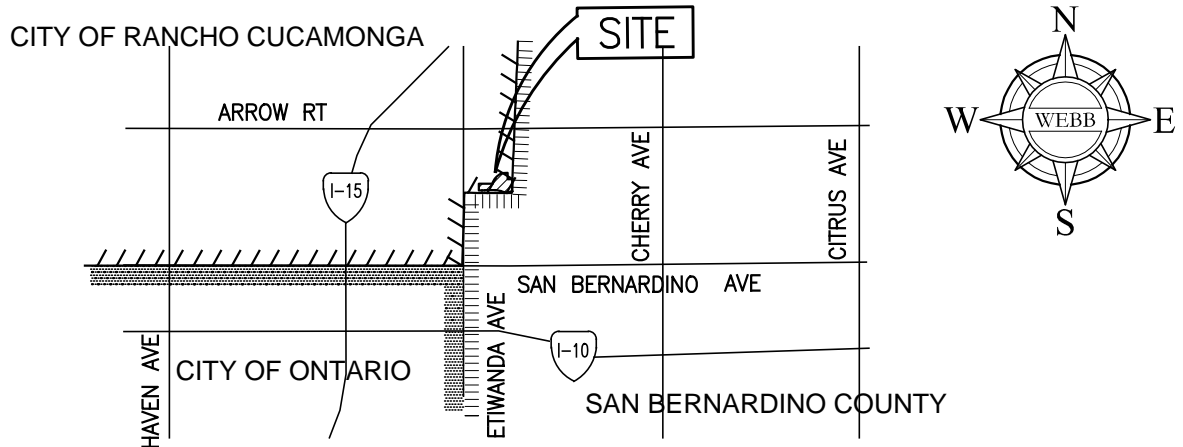
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DATE 09/29/22

SUBJECT: LAFCO 3256

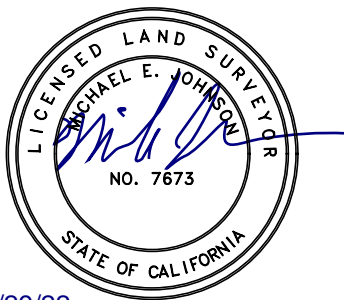
LAFCO 3256

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ANNEXATION TO THE CUCAMONGA VALLEY WATER DISTRICT

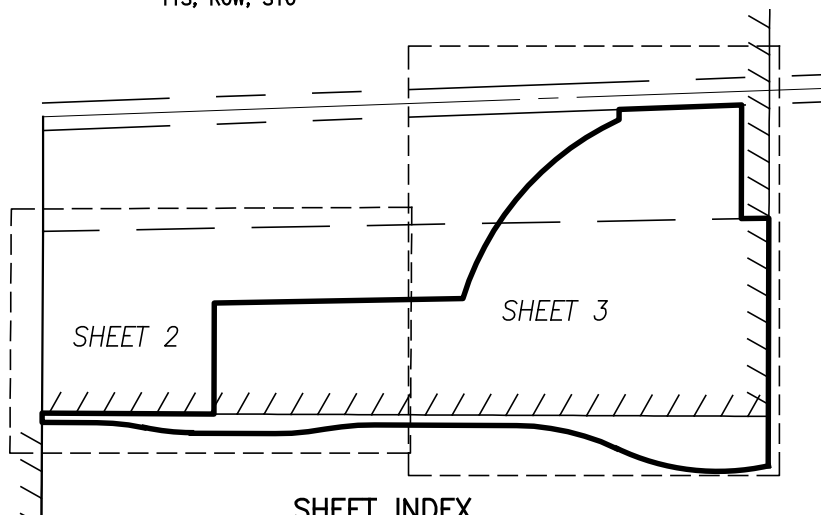


VICINITY MAP
NOT TO SCALE
T1S, R6W, S16



09/29/22

SEC. 9 & 16, T1S, R6W, SBM



SHEET INDEX
NOT TO SCALE

ALBERT A.
WEBB
ASSOCIATES

LAFCO 3256

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SHEET 1 OF 3

W.O.

SCALE: N.T.S.

DRWN BY LB
CHKD BY MJ

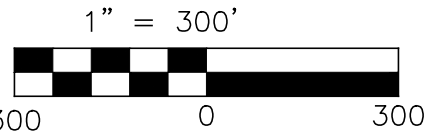
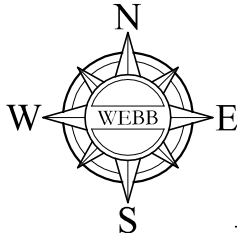
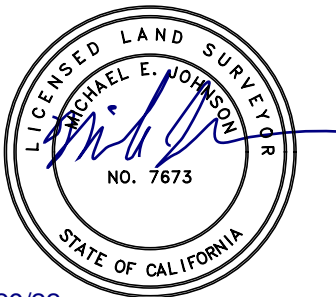
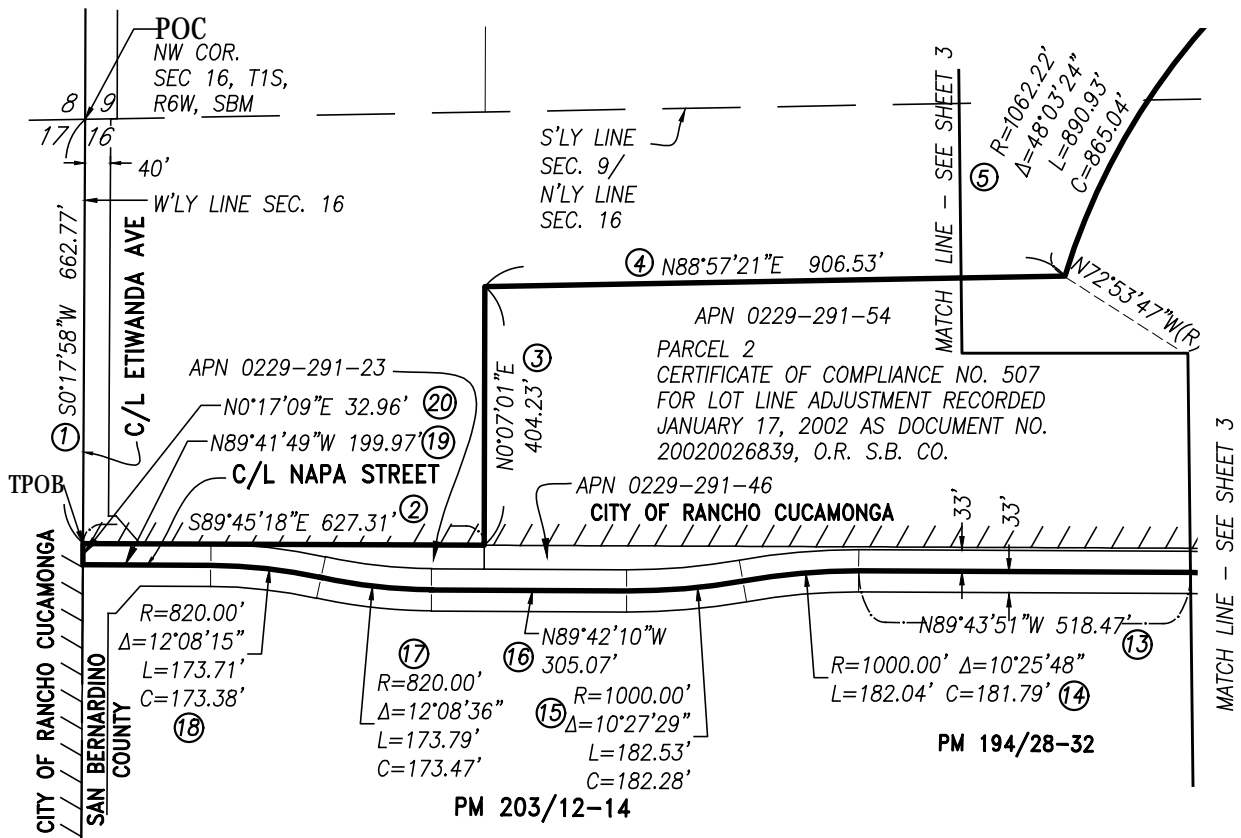
DATE 2/26/22
DATE 09/29/22

SUBJECT: LAFCO 3256

LAFCO 3256

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE 70

ANNEXATION TO THE CUCAMONGA VALLEY WATER DISTRICT



LEGEND

- EXISTING CITY BOUNDARY
- REORGANIZATION BOUNDARY (37.64 ACRES)

09/29/22

SEC. 9 & 16, T1S, R6W, SBM

ALBERT A. WEBB ASSOCIATES

LAFCO 3256

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SHEET 2 OF 3

W.O.

SCALE: 1"=300' DRWN BY LB DATE 2/26/22 CHKD BY MJ DATE 09/29/22 SUBJECT: LAFCO 3256

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE 70

ANNEXATION TO THE CUCAMONGA VALLEY WATER DISTRICT

REORGANIZATION OF THE CUCAMONGA VALLEY WATER DISTRICT

100' A.T.S.F. RAILROAD R/W

⑥ N0°08'28"E 37.52'

N87°55'02"E 447.77' ⑦

N24°50'23"W(R)

R=1062.22' Δ=48°03'24" L=890.93' C=865.04'

⑤

POR. SW 1/4 SECTION 9, T1S, R6W, SBM

S'LY LINE SEC. 9

N'LY LINE SEC. 16

N88°57'21"E ⑨ 100.03'

⑧ S0°14'59"W 414.26'

SE COR NW 1/4 SEC 9 & NE COR NW 1/4 SEC 16

PARCEL 2

CERT. OF COMPLIANCE NO. 507 FOR LOT LINE ADJ. RECORDED JAN. 17, 2002 AS DOC. NO. 20020026839

APN 0229-291-54

ROAD EASEMENT TO CO. OF SAN BERNARDINO RECORDED NOV. 22, 1995 AS DOC. NO. 19950404553, O.R.

E'LY LINE NW 1/4 SEC. 16

CITY OF RANCHO CUCAMONGA

SAN BERNARDINO COUNTY

APN 0229-291-46

⑩ S00°06'53"W 903.29'

⑪ S12°33'53"E(R)

⑫ R=850.00' Δ=25°22'43" L=376.50' C=373.43'

C/L NAPA STREET

⑪ R=850.00' Δ=38°12'45" L=566.89' C=556.45'

180.99'

MATCH LINE - SEE SHEET 2

LEGEND

EXISTING CITY BOUNDARY

REORGANIZATION BOUNDARY (37.64 ACRES)

PM 210/38-39

09/29/22

SEC. 9 & 16 T1S R6W SBM

LICENSED LAND SURVEYOR

MICHAEL E. JOHNSON

NO. 7673

STATE OF CALIFORNIA

1" = 300'

300 0 300

W E

N S

WEBB

LAFCO 3256

W.O.

SUBJECT: LAFCO 3256

RECEIVED

MAR 28 2022

LAFCO
San Bernardino County

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given of the intention to circulate a petition proposing

The Project includes the proposed reorganization and Sphere of Influence (SOI) amendment of two parcels including APN 0229-291-46, of approximately 2.9 acres in size, and a portion of parcel of approximately 0.69 acres (APN 0229-291-23), and half width of Napa Street that extends along the centerline of Napa Street from San Sevaine Channel to Etiwanda Avenue.

A written statement of the reasons for the proposal, not to exceed 500 words in length is as follows:

~~The Project would require SOI Amendments for the Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), Fontana Fire Protection District (reduction), and West Valley Mosquito and Vector Control District (expansion). As well as reorganization to include Annexations to the Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70. The proposed reorganization and SOI amendment is to create a logical boundary and annex a small parcel for the project for parking and access for the two building warehouse project.~~

Name and address of proponent:


Speedway Commerce Center Development, LLC

Scott Morse, Executive Vice President

901 Via Piemonte Suite 175, Ontario, Ca 91764

SIGNED BY:

DATED:


March 21, 2022

Required Attachments:

Sample Petition

Legal Description(s) and Map(s) of Changes within the Proposal

(The "Notice of Intent to Circulate Petition" must be filed with the Executive Officer of the Local Agency Formation Commission for San Bernardino County prior to circulating the petition. Upon receipt of this Notice, the Executive Officer is required to notify all affected agencies.)

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

1170 W. Third Street, Unit 150,
San Bernardino, CA 92415-0490 • (909) 388-0480 • FAX (909) 388-0481
E-MAIL: lafco@lafco.sbcounty.gov

RECEIVED

APR 13 2022

LAFCO
San Bernardino County

LANDOWNER PETITION INITIATING PROCEEDINGS

We, the undersigned Landowners, do hereby petition the Local Agency Formation Commission, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), as follows:

A proposed annexation of approximately 4.8 acres into the City of Rancho Cucamonga, CVWD, RCFPD, and WWMVCD, and the SOI amendments for the City of Fontana (reduction) and the City of Rancho Cucamonga (expansion), RCFPD, Fontana Fire Protection District and WWMVCD.

(List all proposed changes of organization)

To the best of our knowledge, the proposal is consistent with the adopted sphere(s) of influence for an affected agency or agencies, and we understand that this proposal cannot be considered unless and until such spheres are consistent.

We certify that we are true and legal landowners of the named property and understand that these petitions may not be circulated separately from a current legal description and a current map showing the area of review.

The names and addresses of the Chief Petitioners for this proposal are as follows (not to exceed three persons):

Speedway Commerce Center Development, LLC

Scott Morse, Executive Vice President

901 Via Piemonte, Suite 175, Ontario Ca
91764

The reason(s) for this proposal is (are):

To create a logical boundary and to annex a parcel for the project for access and parking.

The requested terms and conditions for this proposal, if any, are as follows: Standard LAFCO Terms and Conditions

We hereby request that the Local Agency Formation Commission for San Bernardino County conduct proceedings on this proposal pursuant to the provisions of Government Code Sections 56000 et seq.

The landowner must sign his/her name, residence address, and the date of signing in his/her own handwriting. His/her parcel number must be included. If signing on behalf of a business or corporation, documentation must be attached showing ability to sign as legal representative for that enterprise.

SIGN NAME PRINT NAME <u>Scott Morse</u>	RESIDENCE ADDRESS	DATE <u>04/05/2022</u>	PARCEL NUMBER <u>0229-291-46</u>
SIGN NAME PRINT NAME	RESIDENCE ADDRESS	DATE	PARCEL NUMBER
SIGN NAME PRINT NAME	RESIDENCE ADDRESS	DATE	PARCEL NUMBER
SIGN NAME PRINT NAME	RESIDENCE ADDRESS	DATE	PARCEL NUMBER
SIGN NAME PRINT NAME	RESIDENCE ADDRESS	DATE	PARCEL NUMBER

SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

GENERAL INFORMATION

1. NAME OF PROPOSAL: Speedway Commerce Center. The proposed annexation and jurisdictional boundary amendment/ Sphere of Influence (SOI) amendment of two parcels of approximately 4.8 acres for a warehouse project.

2. NAME OF APPLICANT: Speedway Commerce Center Development, LLC
 APPLICANT TYPE: ☒ Landowner ☐ Local Agency
☐ Registered Voter ☐ Other _____
 MAILING ADDRESS: 901 Via Piemonte Suite 175, Ontario, CA 91764
 PHONE: (909) 380-7292
 FAX: () _____
 E-MAIL ADDRESS: scott.morse@hillwood.com

3. GENERAL LOCATION OF PROPOSAL: The Project site is located partially in the City of Rancho Cucamonga and within San Bernardino County. The Project site is located south of the BNSF railway, west of the San Sevaine Channel, north of Napa St, and east of East Etiwanda Creek. Annexation includes APN 0229-292-46, 0.69-ac of APN 0229-291-23, and from the centerline of Napa St from the San Sevaine Channel to Etiwanda Ave.

4. Does the application possess 100% written consent of each landowner in the subject territory?
 YES ☒ NO ☐ If YES, provide written authorization for change.

5. Indicate the reason(s) that the proposed action has been requested. The annexation would allow for a logical boundary along Napa Street between the City of Rancho Cucamonga, the County of San Bernardino, and the City of Fontana sphere of influence (SOI). The request would include a SOI amendment for the City of RC, CVWD, RCFD, and a reduction for Fontana Fire Protection District (FFPD) and West Valley Mosquito and Vector Control District (WVMVCD) . The request would include a reorganization to annex to the City of RC, CVWD, RCFPD and WVMVCD, and detachment from FFPD and CSA 70.

LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres):
The project is 34.61 acres but the annexation area is a total of 4.8 acres.
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments) Zero

3. Approximate current population within area: Zero

4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):
City of Rancho Cucamonga - D Industrial Employment - light and medium industrial, logistics centers, low impact manufacturing, research parks, and machining operations. Office and retail permitted as accessory use only.

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):
General Industrial (GI) - Among other permitted uses, general or heavy industrial, manufacturing, and processing. Wholesale, warehouse, and distribution are all permitted uses in the general industrial GP designation.

5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:
No special land use concerns. The Project would construct new roads, infrastructure, and buildings to support uses consistent with the 2020-2045 RTP/SCS. The Project would connect people and employment with this new infrastructure.
6. Indicate the existing use of the subject territory.
Existing uses of the parcels are vacant land. One parcel owned by Southern California Edison (SCE) and occupied by overhead utility lines. This parcel will continue to be owned and operated by SCE.

What is the proposed land use?

The parcels identified for annexation would be developed as part of the project for two new industrial buildings and the land use would remain the same. The SCE utility corridor and easement will continue to be utilized for overhead power lines.

7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ☐ NO ☒ If YES, please explain.
The individual parcels identified for annexation would require public services but are able to be served.

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

- | | |
|--|--|
| <input type="checkbox"/> Agricultural Land Uses | <input type="checkbox"/> Agricultural Preserve Designation |
| <input type="checkbox"/> Williamson Act Contract | <input type="checkbox"/> Area where Special Permits are Required |
| <input type="checkbox"/> Any other unusual features of the area or permits required: _____ | |
| <u>GPA, Pre-zone, jurisdictional boundary change</u> | |

9. Provide a narrative response to the following factor of consideration as identified in §56668(p):
The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:

N/A

ENVIRONMENTAL INFORMATION

1. Provide general description of topography. _____
 Generally flat vacant land, slight NE to SW slope

2. Describe any existing improvements on the subject territory as % of total area.

Residential	_____ %	Agricultural	_____ %
Commercial	_____ %	Vacant	<u>90</u> %
Industrial	_____ %	Other	<u>10</u> %

3. Describe the surrounding land uses:

NORTH	<u>Warehousing, Railroad, Vacant</u>
EAST	<u>Warehousing, Channel, Vacant</u>
SOUTH	<u>Warehousing, Channel, Vacant</u>
WEST	<u>Warehousing, Unimproved Channel, Vacant/Utility</u>

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

Water utility connections, sewer system connection, site grading, storm water sewer infrastructure, roadway improvements, and other appurtenant improvements

5. Will service extensions accomplished by this proposal induce growth on this site? YES ☒ NO ☐ Adjacent sites? YES ☐ NO ☒ Unincorporated ☐ Incorporated ☒

The Project proposes the development of warehousing within the City of Rancho Cucamonga and allow for the expansion of employment opportunities within the City. Services are already available on and adjacent to the Project site.

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐ NO ☒ If YES, please identify.

7. Is this proposal a part of a larger project or series of projects? YES ☒ NO ☐ If YES, please explain.

One of the parcels identified for annexation are part of the development project. The Project proposes the development of two warehouse buildings within the City of Rancho Cucamonga, including e-Commerce logistics warehousing.

NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME Monica Contreras TELEPHONE NO. 606-607-7563

ADDRESS: Monica.3.Contreras@SCE.com

NAME Candyce Burnett TELEPHONE NO. 951-824-8697

ADDRESS: 3880 Lemon Street Suite 420, Riverside Ca. 92501

NAME John Grace TELEPHONE NO. 909-256-5924

ADDRESS: 901 Piemonte Suite 175, Ontario Ca. 91764

CERTIFICATION

As a part of this application, the City/Town of City of Rancho Cucamonga, or the N/A District/Agency, Speedway Commerce Center Development LLC (the applicant) and/or the N/A (real party in interest - landowner and/or registered voter of the application subject property) 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.

As the person signing this application, I 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 and/or the real party in interest 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 supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE March 21, 2022



SIGNATURE

Speedway Commerce Center Development, LLC, a Delaware limited liability company

By: Scott Morse

Printed Name of Applicant or Real Property in Interest

(Landowner/Registered Voter of the Application Subject Property)

Scott Morse, Executive Vice President

Title and Affiliation (if applicable)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:



ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT



SPHERE OF INFLUENCE CHANGE SUPPLEMENT



CITY INCORPORATION SUPPLEMENT



FORMATION OF A SPECIAL DISTRICT SUPPLEMENT



ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT

SUPPLEMENT ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS

INTRODUCTION: The questions on this form are designed to obtain data about the specific annexation, detachment and/or reorganization proposal to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please identify the agencies involved in the proposal by proposed action:

ANNEXED TO <u>City of Rancho Cucamonga</u> <u>Cucamonga Valley Water District</u> <u>Rancho Cucamonga Fire Protection District</u> <u>West Valley Mosquito and Vector Control District</u>	DETACHED FROM <u>Fontana Fire Protection District</u> <u>County Service Area 70</u>
---	--

2. For a city annexation, State law requires pre-zoning of the territory proposed for annexation. Provide a response to the following:

- a. Has pre-zoning been completed? YES ☒ NO ☐
 b. If the response to "a" is NO, is the area in the process of pre-zoning? YES ☐ NO ☐

Identify below the pre-zoning classification, title, and densities permitted. If the pre-zoning process is underway, identify the timing for completion of the process.

Industrial Employment (IE), Industrial land use that allows industrial uses including
warehouse including e-commerce.

3. For a city annexation, would the proposal create a totally or substantially surrounded island of unincorporated territory?
 YES ☐ NO ☒ If YES, please provide a written justification for the proposed boundary configuration.

4. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

The Project will be required to annex into a CFD and pay associated DIF and impact fees.

5. Will the territory be relieved of any existing special taxes, assessments, district charges or fees required by the agencies to be detached?

The project area will no longer be within CSA 70. No additional special taxes, assessments, etc. apply.

6. If a Williamson Act Contract(s) exists within the area proposed for annexation to a City, please provide a copy of the original contract, the notice of non-renewal (if appropriate) and any protest to the contract filed with the County by the City. Please provide an outline of the City's anticipated actions with regard to this contract.

The project is not subject to a Williamson Act Contract.

7. Provide a description of how the proposed change will assist the annexing agency in achieving its fair share of regional housing needs as determined by SCAG.

The project was designated for industrial land use and will remain industrial when annexed and therefore will not impact RHNA or the City's or County's fair share housing numbers.

8. **PLAN FOR SERVICES:**

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

- A. A description of the level and range of each service to be provided to the affected territory.
- B. An indication of when the service can be feasibly extended to the affected territory.
- C. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.
- D. The Plan shall include a Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditures. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.

- E. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
- F. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).

CERTIFICATION

As a part of this application, the City/Town of Rancho Cucamonga or the N/A District/Agency, Speedway Commerce Center Development, LLC (the applicant) and/or the N/A (real party in interest - landowner and/or registered voter of the application subject property) 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.

As the person signing this application, I 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 and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

As the proponent, I acknowledge that annexation to the City/Town of Rancho Cucamonga or the N/A District/Agency may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles XIIC and XIID of the State Constitution (Proposition 218) to a hearing, assessment ballot processing or an election on those existing taxes, fees and assessments.

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE 03/21/2022



SIGNATURE
Speedway Commerce Center Development, LLC
By: Scott Morse

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

Scott Morse, Executive Vice President

Title and Affiliation (if applicable)

ORDINANCE NO. 992

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, CONSENTING TO ANNEXATION DRC2020-00185 AND APPROVING PREZONING DRC2020-00186 IN CONNECTION WITH THE PROPOSED DEVELOPMENT OF TWO NEW INDUSTRIAL BUILDINGS TOTALING APPROXIMATELY 655,878 SQUARE FEET ON AN APPROXIMATE 35-ACRE PROJECT SITE LOCATED EAST OF ETIWANDA AVENUE AND NORTH OF NAPA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APNs: 0229-291-23, 46 AND 54.

A. Recitals.

1. **WHEREAS**, Kimley-Horn and Associates, on behalf of Hillwood Enterprises, L.P. (the "Applicant"), filed an application for the approval of Prezoning DRC2020-00186 (the "Prezoning"), as described in the title of this Resolution. The Prezoning is part of a proposed development of two new industrial buildings totaling approximately 655,878 square feet on an approximately 35-acre project site located approximately 650 feet east of Etiwanda Avenue and north of Napa Street, APNs: 0229-291-23, 46 and 54 (the "Project Site"); and

2. **WHEREAS**, the portion of the Project Site located within the City and identified as APN 0229-291-54 is currently zoned as Industrial Employment (IE); and

3. **WHEREAS**, Prezoning DRC2020-00186 is depicted in Exhibit "A," attached hereto and incorporated herein by this reference, and would pre-zone a portion of the Project Site, specifically a 2.9-acre parcel identified as APN: 0229-291-46 and a 0.69-acre portion of a parcel identified as APN: 0229-291-23 currently located within unincorporated San Bernardino County and within the City of Fontana's Sphere of Influence (the "Annexation Area"), and ultimately incorporate these parcels and portions thereof into the City's official Zoning Map. To accomplish this objective, the Prezoning would result in the entire Project Site being zoned as Industrial Employment (IE), which would implement the General Plan's regulating zones across the Project Area; and

4. **WHEREAS**, the Applicant is expected to submit a petition to annex the unincorporated portions of the Project Site into the City of Rancho Cucamonga. The Applicant has submitted a request to the City to consent to this annexation, DRC2020-00185 (the "Annexation"). To that end, the City and the Rancho Cucamonga Fire Protection District must consent to the annexation and approve plans of service for their respective agencies; and

5. **WHEREAS**, on December 8th, 2021, the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing on Annexation DRC2020-00185 and Prezoning DRC2020-00186 and voted unanimously to recommend that the City Council consent to Annexation DRC2020-00185 and approve Prezoning DRC2020-00186; and

6. **WHEREAS**, on January 5th, 2022, the City Council of the City of Rancho Cucamonga conducted a noticed public hearing and introduced for First Reading of Ordinance 992 adopting Annexation DRC2020-00185 and Prezoning DRC2020-00186 and concluded said hearing on that date; and

7. **WHEREAS**, All legal prerequisites prior to the adoption of this Ordinance have occurred.

B. Ordinance.

The City Council of the City of Rancho Cucamonga does ordain as follows:

SECTION 1: This City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Ordinance are true and correct.

SECTION 2: Based upon the substantial evidence presented to the City Council during the above-referenced public hearing on January 5th, 2022, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

a. In addition to Annexation DRC2020-00185 and Prezoning DRC2020-00186, the project scope includes: General Plan Amendment (DRC2020-00184), to assign a land use designation of Industrial Employment District to the Annexation Area; Tentative Parcel Map (SUBTPM20251) to create two new parcels; and Design Review (DRC2020-00177), Conditional Use Permit (DRC2021-00317), and Uniform Sign Program (DRC2020-00178) to permit the use, construction and signage of the proposed project. The project also includes a Development Agreement (DRC2021-00180); and

b. The Project Site includes APN 0229-291-46 which is currently located within unincorporated San Bernardino County and within the City of Fontana's Sphere of Influence and currently has a zoning designation of Regional Industrial (I-R) under San Bernardino County and General Industrial (M-2) under the City of Fontana; and

c. The application also requests the Annexation and Prezoning of an additional 0.69-acre portion of a parcel identified as APN: 0229-291-23. This parcel, also currently located within unincorporated San Bernardino County and the City of Fontana's Sphere of Influence currently has a zoning designation of Regional Industrial (I-R) under San Bernardino County and a zoning designation of Public Utility (P-UC) under the City of Fontana; and

d. Upon approval of the Prezoning and following approval of the Annexation by the Local Agency Formation Commission (LAFCO), both parcels APN: 0229-291-46 and APN: 0229-291-23 will be assigned a zoning designation of Industrial Employment (IE) by the City of Rancho Cucamonga, which is consistent with the existing zoning classification of the remainder of the Project Site which is currently located within the City; and

e. The City Council and Fire Protection District Board must consent to the Annexation and adopt plans for service for the Annexation Area.

f. As reflected in Exhibit "A," upon approval of the Annexation by LAFCO, these parcels will be assigned a land use designation of Industrial Employment District pursuant to the City of Rancho Cucamonga General Plan with a zoning designation of Industrial employment (IE).

SECTION 3: Based upon the substantial evidence presented to this Council during the above-referenced public hearing and upon the specific findings of facts set forth in Paragraphs 1 and 2 above, this Council hereby finds and concludes as follows:

a. The City Council has independently reviewed the General Plan Consistency Analysis included as Table 4.11-5 in the EIR. The City Council has also considered the changes to the General Plan adopted on December 15, 2021 as the 2020 PlanRC General Plan Update. Based on this comprehensive consistency analysis, the Planning Commission finds that, subject to the City Council's approval of the related documents and approvals associated with the Project (Annexation DRC2020-00185, Prezoning DRC2020-00186, General Plan Amendment DRC2020-00184, Tentative Parcel Map SUBTPM20251, Design Review (DRC2020-00177), Conditional Use Permit (DRC2021-00317), Uniform Sign Program (DRC2020-00178) and Development Agreement DRC2021-00180, the Annexation and Prezoning would be consistent with the goals, policies and implementation programs of the General Plan and will not conflict with any specific plan applicable to the

Project Area. Given that this Prezoning affects parcels located outside of the City and its Sphere of Influence, the General Plan does not currently address the Annexation Area. The approval of General Plan Amendment DRC2020-00184 will designate the Annexation Area as Industrial Employment under the General Plan and will ensure consistency between the zoning and General Plan.

b. Approval of the Annexation and Prezoning would not be materially injurious or detrimental to adjacent properties based on the finding in the Project's EIR.

c. The findings set forth in this Ordinance reflect the independent judgment of the City Council.

SECTION 4: The Annexation and Prezoning, in addition to the General Plan Amendment, Tentative Parcel Map, Design Review Conditional Use Permit, Uniform Sign Program and Development Agreement (collectively, the "Project") were environmentally reviewed pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. Pursuant to CEQA Guidelines Section 15060(d), the City determined that an EIR would clearly be required for the Project, and therefore prepared an environmental impact report (EIR) that focused on the potentially significant effects of the Project. By separate Resolution No. 2022-006, the City Council has: (i) made the required CEQA findings and determinations, (ii) certified the Final EIR; and (iii) adopted a Mitigation Monitoring and Reporting Program for the Project. Resolution No. 2022-006 is incorporated herein by reference, and made a part hereof as if fully set forth herein. The documents and other materials that constitute the record on which this determination was made are located in the Planning Department and are in the custody of the Planning Director. Further, the mitigation measures set forth therein are made applicable to the Project.

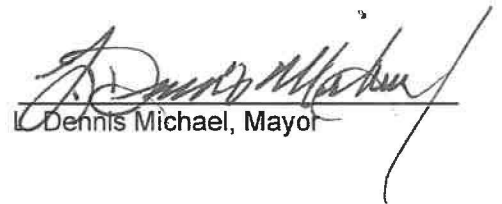
SECTION 5: The City Council hereby adopts Prezoning DRC2020-00186. The Official Zoning Map for the City of Rancho Cucamonga is hereby amended to assign a zoning designation of "Industrial Employment (IE) Pre-District" for the Annexation Area parcels of land, as shown in Attachment A. Pursuant to Section 17.22.050 of the Rancho Cucamonga Municipal Code, the zoning of the Annexation Area shall become effective at the time the proposed annexation for such area becomes effective. Until such time, the Official Zoning Map shall show the prezoning classification with the label "PRE DISTRICT"

SECTION 6: The City Council hereby consents to the San Bernardino County LAFCO's approval of an annexation into the City of Rancho Cucamonga and related sphere of influence amendment for the Annexation Area parcels identified as APNs 0229-291-23 and 0229-291-46. The City Council further approves the plan for service for the Annexation Area attached hereto as Exhibit "B".

SECTION 7: If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Rancho Cucamonga hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or words thereof, regardless of the fact that anyone or more sections, subsections, clauses, phrases, or words might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published in the manner prescribed by law.

PASSED, APPROVED, AND ADOPTED this 19th day of January, 2022.


Dennis Michael, Mayor

ATTEST:


Janice C. Reynolds, Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RANCHO CUCAMONGA)

I, **JANICE C. REYNOLDS**, City Clerk of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 5th day of January 2022, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 19th day of January 2022.

AYES: Hutchison, Kennedy, Michael, Scott, Spagnolo
NOES: None
ABSENT: None
ABSTAINED: None

Executed this 20th day of January 2022, at Rancho Cucamonga, California.

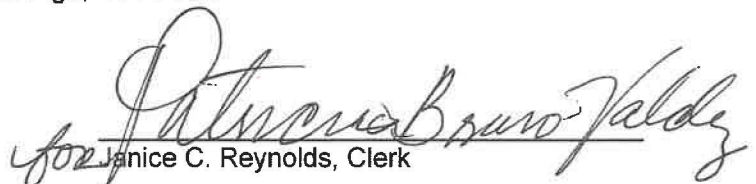

for Janice C. Reynolds, Clerk

EXHIBIT A

ZONING MAP AMENDMENT

CITY OF RANCHO CUCAMONGA ZONING MAP

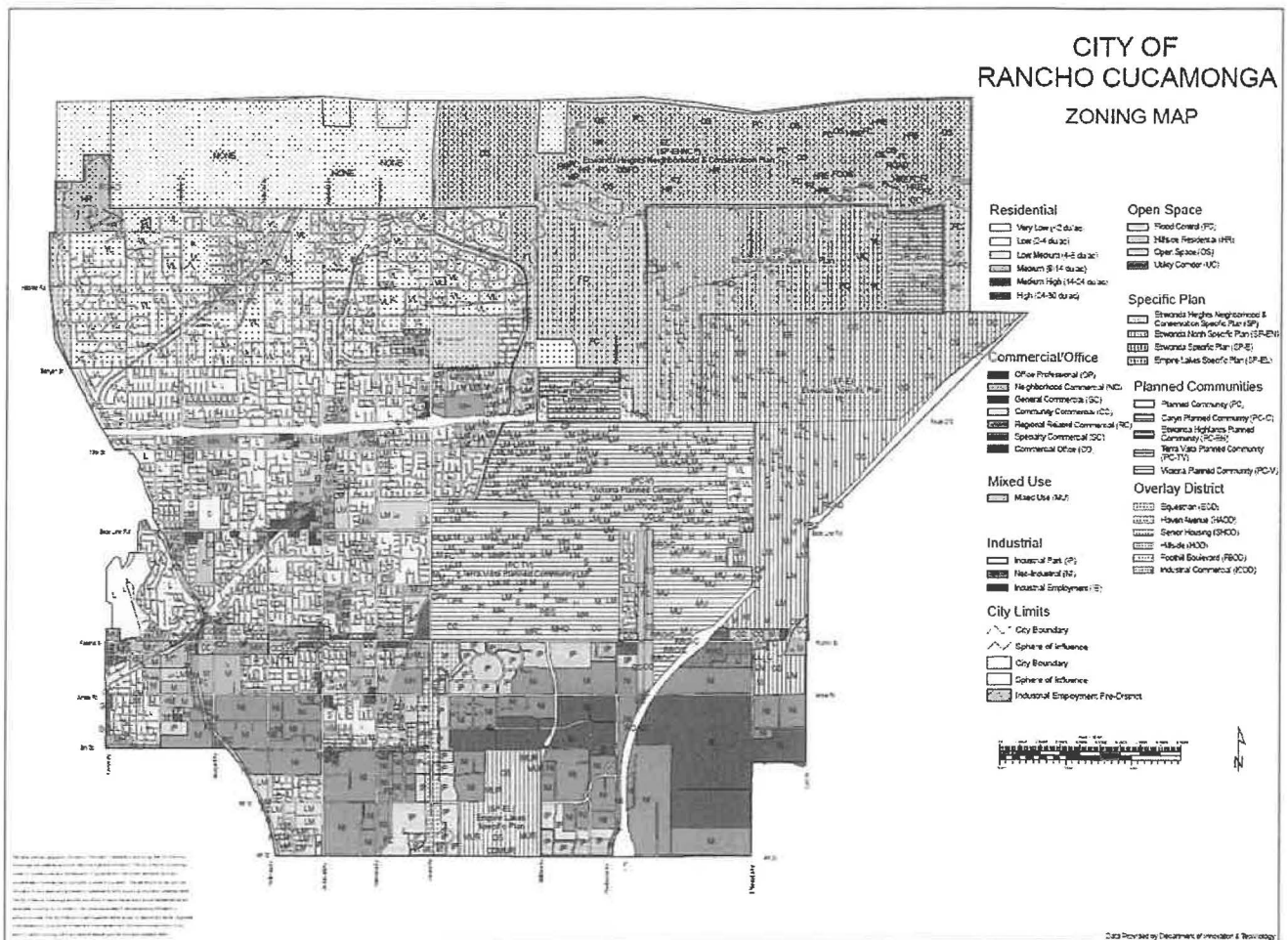


EXHIBIT B

PLAN FOR SERVICE



5000 Birch Street, Suite 3000 Newport Beach, CA 92660
www.FinanceDTA.com

CITY OF RANCHO CUCAMONGA



PLAN FOR SERVICE

ANNEXATION OF 4.8 ACRES IN CONNECTION WITH
PROPOSED SPEEDWAY COMMERCE CENTER PROJECT

Prepared for:

City of Rancho Cucamonga

10500 Civic Center Drive

Rancho Cucamonga, CA 91730

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I INTRODUCTION

The Speedway Commerce Center project (the “Project”) is currently under consideration for approval by the City of Rancho Cucamonga (the “City”) City Council. The Project site includes an estimated 35.73 acres of vacant land in the eastern portion of the City located approximately 1.3 miles east of Interstate 15 and approximately 1.5 miles north of Interstate 10. An estimated 92% of the Project site is currently located within the City, with the remainder located in unincorporated San Bernardino County (the “County”) within the City of Fontana Sphere of Influence. The Project has submitted a pre-zone application and annexation proposal for the portion of the Project located in the unincorporated County and certain adjacent property to the west to create a logical boundary into the City from the centerline of Napa Street, east of Etiwanda Avenue and west of the San Sevaine Channel.

While all of the Project’s building square footage is to be constructed within 32.83 acres of the Project site that is already located within the City, a remaining 2.9-acre portion of the site consisting solely of a portion of the Project’s parking lot is currently located in the unincorporated County and will need to be annexed into the City. The entire area to be annexed (the “Annexation Area”) will also include 1.9 additional acres that consist of an unmanned parcel owned by Southern Cal Edison (the “SCE Parcel”) on which transmission wires are located, and a portion of the right of way for Napa Street. The intent of this Plan for Service (“PFS”) is to provide the County of San Bernardino Local Agency Formation Commission (“LAFCO”) with sufficient information to assess which public agencies will be responsible for providing municipal services to the Annexation Area once it has been absorbed by the City. DTA is also preparing a separate PFS focusing specifically on the Cucamonga Valley Water District (“CVWD”), which will be annexing not just the Annexation Area, but also the remainder of the Project. As the remainder of the Project is already located in the City, it is not discussed in depth within this Annexation Area PFS, which is why the separate PFS is being prepared to cover the provision of wastewater services by CVWD.

While a standard PFS typically also includes information on the fiscal impacts of an annexation action on the City General Fund and the General Funds of other municipal agencies that will be providing the annexed area, this Annexation Area is different because it is expected to include only very minimal development in terms of a 2.9-acre portion of a parking lot and a 1.9-acre SCE parcel containing only electrical transmission lines. Therefore, it is anticipated that no new revenues will be generated within the Annexation Area, and the services to be provided therein will be minimal. However, DTA has previously prepared a fiscal impact analysis (“FIA”) that has been reviewed and approved by the City that analyzes the impacts of the overall Project on the City General Fund. As this FIA (the “Project FIA”) includes the small portion of the Project that is located in the Annexation Area, it will also be submitted separately from this PFS to the City for review and certification in-lieu of a new FIA analyzing just the Annexation Area.

SECTION I INTRODUCTION

In addition, as the fiscal impacts of the Project on the Rancho Cucamonga Fire Protection District (“RCFPD”) and the CHWD were not included in the Project FIA, DTA will also be preparing separate FIAs specifically focusing on the entire Project’s impacts on both of these agencies. Notably, the CHWD fiscal analysis will be packaged together with the separate PFS for CHWD wastewater services previously discussed because the area to be annexed into CHWD will include the entire 35.73-acre Project site, not just the 4.8-acre Annexation Area.

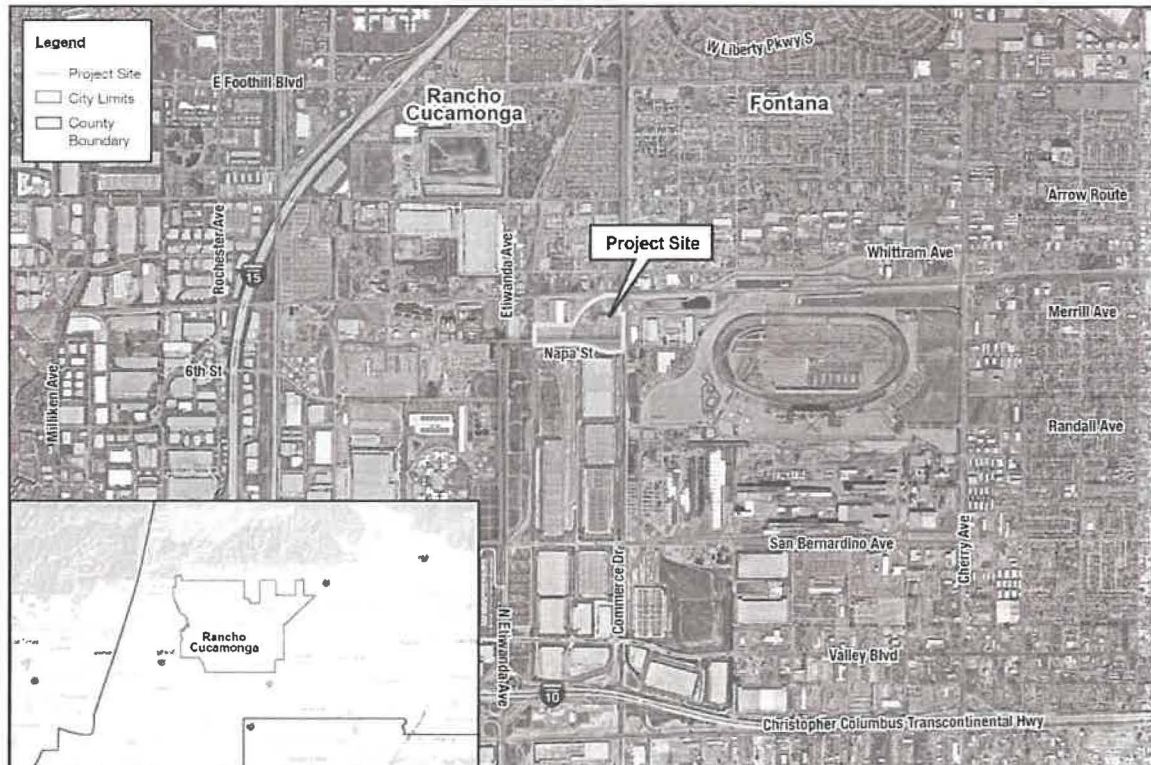
SECTION II DESCRIPTION OF PROPOSED SPEEDWAY COMMERCE CENTER PROJECT AND THE 4.8 ACRE ANNEXATION AREA

II DESCRIPTION OF PROPOSED SPEEDWAY COMMERCE CENTER PROJECT AND THE 4.8 ACRE ANNEXATION AREA

A Description of the Project Site

The Project site, as depicted in Figure 1 below, encompasses approximately 35.73 acres of vacant land in the eastern portion of the City and is located directly south of the Burlington Northern Santa Fe Railway, directly west of San Sevaine Channel, north of Napa Street in the City and County, and east of the East Etiwanda Creek channel.

Figure 1: Aerial Map for Proposed Project Site



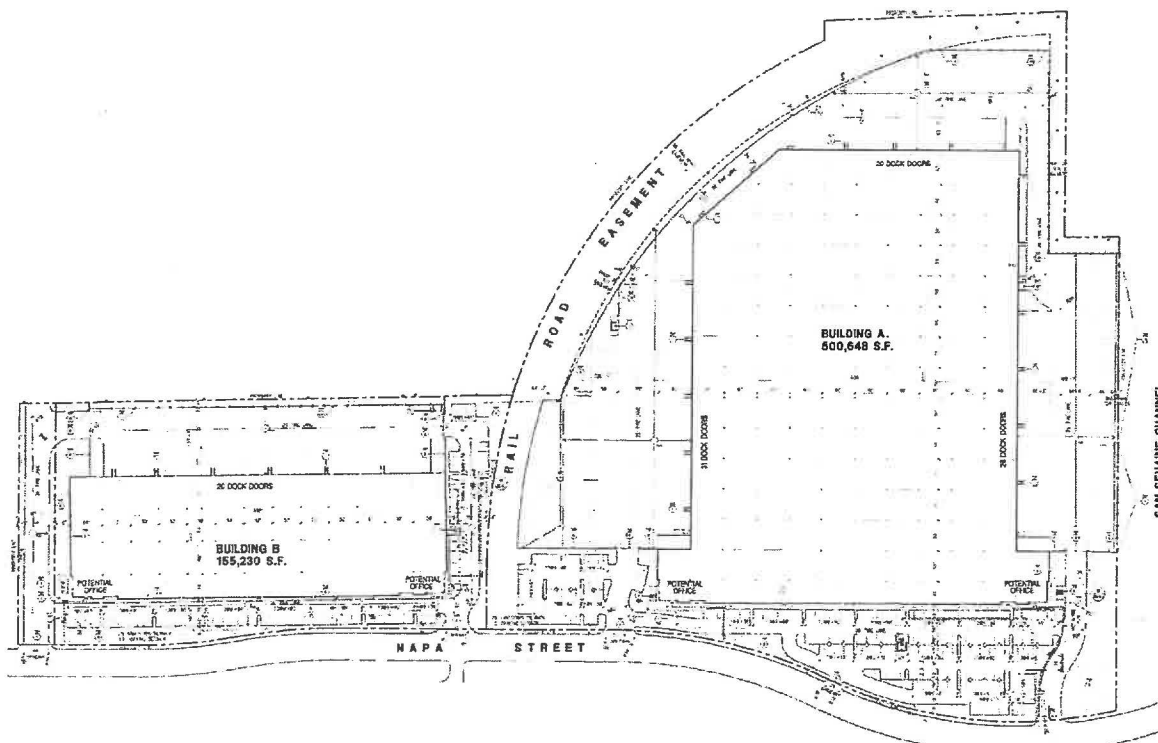
The Project site is proposed to be developed into two industrial buildings totaling approximately 655,878 square feet of new warehouse space and related on-site and off-site improvements. A summary of the land uses and building square footage ("BSF") associated with each land use in the Project is listed below in Table 1. The conceptual site plan for Buildings A and B within the Project is illustrated in Figure 2 below.

SECTION II DESCRIPTION OF PROPOSED SPEEDWAY COMMERCE CENTER PROJECT AND THE 4.8 ACRE ANNEXATION AREA

Table 1: Proposed Land Uses for the Project

Land Use	BSF
Building A - Warehouse	500,648
Building B - Warehouse	155,230

Figure 2: Proposed Speedway Commerce Center Project

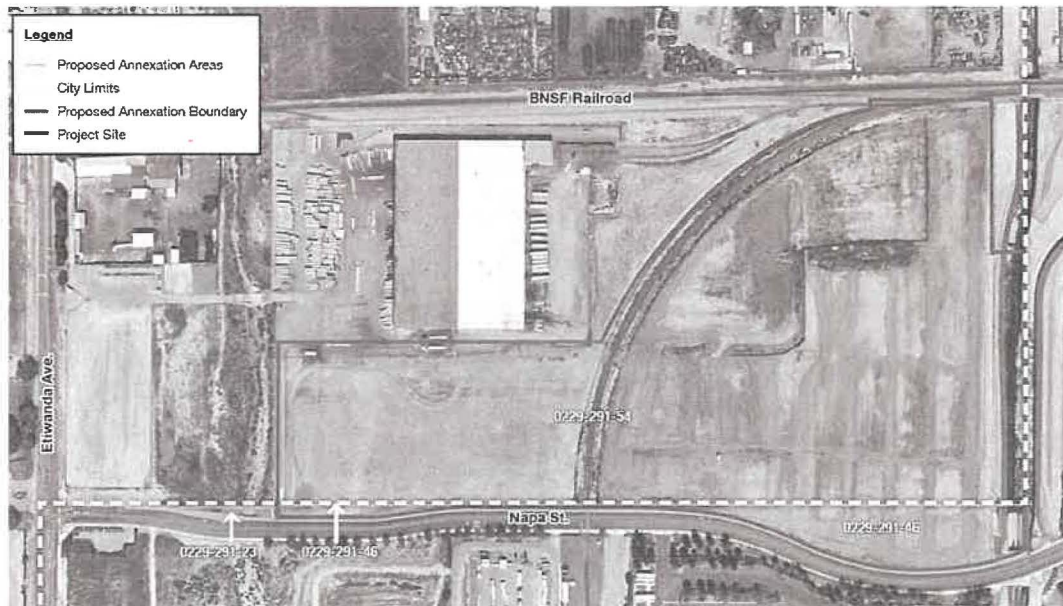


B Description of the Annexation Area

The proposed Annexation Area consists of 4.8 acres that include 2.9 acres representing the southeast portion of the proposed Speedway Commerce Center project (the "Project"), as well as 1.9 acres made up of an undeveloped parcel containing transmission wires owned by Southern Cal Edison ("SCE") and a portion of Napa Street right of way. A map delineating the Annexation Area is shown below in Figure 3.

SECTION II DESCRIPTION OF PROPOSED SPEEDWAY COMMERCE CENTER PROJECT AND THE 4.8 ACRE ANNEXATION AREA

Figure 3: Proposed Annexation Area for Speedway Commerce Center Project



As reflected in Figures 2 and 3 above, the 2.9-acre portion of the Annexation Area is anticipated to be used solely as a portion of the Project's parking lot, with the SCE parcel continuing its current use as a transmission tower site.

III PLAN FOR SERVICE BEFORE AND AFTER ANNEXATION OF 4.8 ACRES

As noted previously, the Annexation Area consists of a 4.8-acre portion of the Project and adjacent SCE Site that is currently being serviced by the County that will need to be annexed into the City. However, as neither the City nor the County provide certain required municipal services, the Annexation Area will also be subject to annexations to additional districts, as detailed below. However, as noted previously, the entire Project, as opposed to just the Annexation Area, will be annexed into CVWD to obtain sewer services. As the entire Project encompasses 35.7 acres, which is significantly larger than the 4.8-acre Annexation Area, DTA has prepared an entirely separate PFS covering wastewater services that will be submitted directly to CHWD for review and confirmation, and is not included in this PFS.

The list of municipal services necessary to serve the Annexation Area are the following:

- General Government and Administrative Services;
- Fire Protection and Emergency Response Services;
- Sheriff/Police and Public Safety Services;
- Library;
- Parks and
- Recreation; Animal
- Control; Street
- Lighting;
- Landscape Maintenance;
- Water;
- Wastewater;
- Transportation;
- Flood Control and Drainage;
- Utilities;
- Schools; and
- Solid Water Management.

Table 2, below, provides a summary of which public agencies are currently responsible for providing each type of municipal service now, prior to the annexation, as well as which public agency is anticipated to be providing that same service after the annexation. In addition, one-time development impact fees ("DIFs") are collected by a number of public agencies to fund the capital costs of public facilities, as summarized in Section IV of this Study.

Table 2: Municipal Services Providers for Proposed Annexation Area ¹

Municipal Services	Current Municipal Provider	Future Municipal Provider After Annexation
General Government and Administrative Services ²	County of San Bernardino	City of Rancho Cucamonga
Fire Protection and Emergency Response Services	<ul style="list-style-type: none"> Fontana Fire Protection District ("FFPD") contract with County of San Bernardino Fire Department; and American Medical Response. 	<ul style="list-style-type: none"> Rancho Cucamonga Fire Protection District ("RCFPD"); and American Medical Response
Sheriff/Police and Public Safety	County of San Bernardino Sheriff's Department	City contract with County of San Bernardino Sheriff's Department
Library	San Bernardino County Public Library	Rancho Cucamonga Public Library
Parks and Recreation Regional Facilities	County of San Bernardino	County of San Bernardino
Local Facilities	None	Rancho Cucamonga Community Services Department
Animal Control	San Bernardino County Animal Care and Control	Rancho Cucamonga Animal Care and Services Department
Street Lighting	None	<ul style="list-style-type: none"> Rancho Cucamonga Municipal Utility ("RCMU"); and Citywide street lighting district.
Landscape Maintenance	San Bernardino County	Rancho Cucamonga Public Works Services Department
Water	<ul style="list-style-type: none"> Inland Empire Utilities Agency ("IEUA") - wholesale; and Fontana Water Company ("FWC"). 	<ul style="list-style-type: none"> IEUA - wholesale; and FWC.
Sewer	<ul style="list-style-type: none"> IEUA - regional. 	<ul style="list-style-type: none"> IEUA - regional; and Cucamonga Valley Water District.
Transportation <ul style="list-style-type: none"> Freeways and Interchanges Transit 	Cal Trans Omnitrans	Cal Trans Omnitrans

¹ Some of the municipal services listed may not apply to the Proposed Annexation Area because it is anticipated that only a parking lot and unmanned utility easement will be located within that area. However, should future development plans change, the municipal services providers responsible for managing the public facilities associated with that future development are listed in this table.

² Including General municipal administration, planning and community development services, economic development, local road operation and maintenance ("O&M"), street lighting O&M, local parks O&M, and human resources, among other services.

SECTION III PLAN FOR SERVICE
BEFORE AND
AFTER ANNEXATION OF 4.8

Municipal Services	Current Municipal Provider	Future Municipal Provider After Annexation
Flood Control and Drainage		
▪ Regional Facilities	San Bernardino County Flood Control District	San Bernardino County Flood Control District
▪ Local Facilities	San Bernardino County - Public Works	Rancho Cucamonga Public Works Services Department
Utilities		
▪ Cable/Internet Provider/Phone	Charter Communications, Spectrum, and Frontier	Charter Communications, Frontier, and RCMU
▪ Power	Southern California Edison Southern California Gas Company	RCMU
▪ Natural Gas		Southern California Gas Company
Schools	<ul style="list-style-type: none"> ▪ Etiwanda School District (K-8); and ▪ Chaffey Joint Union High School District (9-12) 	<ul style="list-style-type: none"> ▪ Etiwanda School District (K-8); and ▪ Chaffey Joint Union High School District (9-12)
Solid Waste Management	Burrtec Waste Management Industries through franchise agreement with San Bernardino County Solid Waste Management Division.	Burrtec Waste Management Industries through franchise agreement with City of Rancho Cucamonga.

A written narrative describing the pre-annexation and post-annexation provision of each service listed above follows:

A General Government and Administrative Services

A.1 Before Annexation

The County currently provides general government and administrative services to the Annexation Area. These include certain services that the County only provides in the unincorporated County, such as planning and community development services, economic development, arterial, collector and other local road operation and maintenance ("O&M"), street lighting and local parks O&M and human resources, among other services. In addition, the County provides certain services on a Countywide basis to both cities and the unincorporated County, such as criminal justice services related to jails and courts, which include district attorney, public defender and probation services, as well as health and welfare services and other Countywide functions.

A.2 After Annexation

The City will assume responsibility for all of the administrative and general government services that had been previously provided by the County exclusively for unincorporated County areas. As discussed above, these would include planning

and community development services, economic development, local road and street light O&M, etc. within the Annexation Area. The City's road maintenance responsibilities would include the operations and maintenance of the ½ width of Napa Street that is being annexed into the City. However, the other services currently provided by the County on a Countywide basis, as also discussed above, will continue to be the County's responsibility within the Annexation Area. These would include criminal justice services, health and welfare services, etc.

B Fire Protection and Emergency Response Services

B.1 Before Annexation

FFPD currently provides the fire protection and emergency response services to the Annexation Area. FFPD, through contract with the San Bernardino County Fire Department, serves approximately 52.4 square miles ("SM"), encompassing 42.4 SM within the limits of the City of Fontana and 10 SM within Fontana's Sphere of Influence area ("SOI"). The Annexation Area is primarily served by Fire Station 73, located at 14360 Arrow Boulevard in Fontana. American Medical Response provides private ambulance services.

B.2 After Annexation

The RCFPD will provide the fire protection and emergency response services to the Annexation Area after its annexation. RCFPD encompasses approximately 50 SM of service area within the City limits and the City's SOI. The Annexation Area will be served by (i) the Jersey Fire Station, located at 11297 Jersey Boulevard, which is approximately 3 roadway miles west of the Annexation Area, and (ii) Day Creek Fire Station, located at 12270 Firehouse Court, which is approximately 3.3 roadway mile to the northwest of the Annexation Area. Based on its proximity to two existing fire stations, the Annexation Area will be adequately served by fire protection services, and no new or expanded unplanned facilities would be required.

In addition, the entire Project site, including the portion within the Annexation Area, is required to be annexed into Community Facilities District ("CFD") No. 85-1 as one of the City's conditions of development approval. CFD No. 85-1 was initially approved by the qualified voters within the CFD in a special election to authorize the levy of a special tax to fund fire suppression services and facilities within the boundaries of Archibald Avenue, Etiwanda Avenue, Highland Avenue and Fourth Street.

The American Medical Response, a private ambulance service, provides ambulance services to the Annexation Area. AMR is located at 7925 Center Avenue in Rancho Cucamonga.

C Wildland Fire Prevention and Protection

C.1 Before Annexation

FFPD, through a contract with the San Bernardino County Fire Department, currently provides the wildfire prevention and protection services to the Annexation Area.

C.2 After Annexation

RCFPD will provide the wildfire prevention and protection services to the Annexation Area after its annexation.

D Law Enforcement

D.1 Before Annexation

The San Bernardino County Sheriff's Department ("SBCSD") provides public safety services to the unincorporated areas.

D.2 After Annexation

Since incorporation in 1977, law enforcement services in the City have been provided through a contract with SBCSD. The closest police station to the Annexation Area is the Victoria Gardens Substation, located at 7743 Kew Avenue, which is approximately 2.5 roadway miles northwest of the Annexation Area. In addition, the Police Department Headquarters (SBCSD Rancho Cucamonga Patrol Station) is located at 10510 Civic Center Drive, which is approximately 3.9 roadway miles northwest of the Annexation Area. Furthermore, a joint facility including a police substation and several other municipal offices, is proposed at the Empire Lakes development located approximately 3.8 roadway miles west of the Annexation Area.

Based on its proximity to these existing and proposed police stations and their projected staffing levels, the Annexation Area will be adequately served by existing police protection services, and no new or expanded unplanned facilities would be required.

E Library

E.1 Before Annexation

Currently, the Annexation Area is served by the San Bernardino County Library system. The nearest County library is the Fontana Lewis Library & Technology Center, located at 8437 Sierra Avenue in Fontana.

E.2 After Annexation

The Rancho Cucamonga Public Library will serve the Annexation Area after its annexation. The closest City library to the Annexation Area is the Paul A. Biane Library, located at 12505 Cultural Center Drive, which is approximately 2.4 roadway miles northwest of the Annexation Area.

F Parks and Recreation

F.1 Before Annexation

The County Regional Parks Department (“CRPD”) provides regional park services to all residents and employed persons within the County, including located in both incorporated and unincorporated areas. The closest regional park is Cucamonga Guasti Regional Park in Ontario, which includes recreational areas for water sports, hiking and picnicking. But CRPD’s mandate is only to provide regional park facilities, so it does not support the construction, operations or maintenance of local parks anywhere within its jurisdiction, including within the Annexation Area.

F.2 After Annexation

The City’s Community Services Department will operate and maintain the City’s local parks and recreation facilities after annexation. This City Department currently supports the operations and maintenance of over 30 local park sites within the City which are available for use by residents and employed persons located within the Annexation Area. The largest park and recreational facilities operated by this City Department includes the Community Center at Lions East and Lions West, Family Resource Center, Central Park Senior/Community Center, Rancho Cucamonga Sports Center, Epicenter/Sports Complex, and Victoria Gardens Cultural Center.

G Animal Control

G.1 Before Annexation

The San Bernardino County Animal Care and Control Program currently operates two animal shelters within the County, located in Big Bear and Devore, both of which are relatively distant from the Annexation Area.

G.2 After Annexation

The Rancho Cucamonga Animal Care and Services Department will provide animal control services to the Annexation Area after its annexation. The Department’s animal shelter facilities are located at 11780 Arrow Route in the City.

H Street Lighting

H.1 Before Annexation

The Annexation Area presently does not contain any streetlights.

H.2 After Annexation

Upon annexation, RCMU will be responsible for operating and maintaining streetlights in the Annexation Area. The Annexation Area is conditioned by the City to be annexed into SLD No. 1, which is the City’s street lighting finance district,

I Landscape Maintenance

I.1 Before Annexation

Currently, the County is responsible for the limited amount of landscape maintenance required within the Annexation Area.

I.2 After Annexation

Upon annexation, the City's Public Works Department will be responsible for providing operations and maintenance services for the landscaping of any publicly owned parkways and medians within the Annexation Area, including operations and maintenance work on the ½ width of Napa Street that is being annexed into the City.

J Water

J.1 Before Annexation

FWC is a local water company currently providing water treatment, storage, and distribution of domestic water to the Annexation Area. FWC owns and operates three water treatment facilities, treating a combination of well and surface water. In 2020, water utilized within the City originated from three main sources; (i) approximately 60% groundwater, (ii) 15% local surface water, and (iii) 25% water from the State Water Project. Groundwater is produced from Chino Basin, Rialto Basin and Lytle Basin, and an unnamed basin. Local surface water from Lytle Creek and imported surface water from the State Water Project originating in Northern California are treated at the Sandhill Water Treatment Plant, a 29 million-gallon-per-day (MGD) treatment plant that is comprised of a 12 MGD Conventional filtration treatment facility and a 17 MGD Diatomaceous Earth filtration treatment facility.

IEUA is a state water contractor for the Metropolitan Water District of Southern California ("MWD"), and is a regional wholesaler that delivers water at an average of 1.5 billion gallons of water per day to a 5,200 square mile service area.

J.2 After Annexation

FWC will continue to be the retail water service provider for the Annexation Area after its annexation, and IEUA will continue to be its wholesale water supplier.

K Wastewater

K.1 Before Annexation

IEUA is a regional wastewater treatment agency and wholesale distributor of imported water that operates wastewater treatment facilities. The entire Project site, including the portion within the Annexation Area, currently does not receive any local wastewater services.

K.2 After Annexation

IEUA will continue to be the regional wastewater treatment agency for the Annexation Area, while the CVWD will be the local wastewater service provider for the Annexation Area. CVWD currently operates and maintains approximately 421 miles of wastewater collection system ranging from 8 to 36 inches in diameter. Wastewater generated by the Project site would be transported through this collection system and conveyed to IEUA's RP-1 and RP-4 regional water recycling plants where it is processed into recycled water. IEUA owns and operates a system of regional trunk and interceptor sewers that transport wastewater to the regional wastewater treatment plants. In order to avoid overloading issues at any one facility, wastewater can be diverted from one regional plant to another.

As the entire Project, not just the Annexation Area, will be annexed into CVWD, aPFS and FIA are required to analyze the annexation of the entire Project into CVWD. These two analyses are being prepared separately from this Annexation Area PFS, and will be submitted to CVWD upon their completion.

L Transportation

L.1 Before Annexation

Caltrans currently operates and maintains freeways located in unincorporated County, while, as noted in Section A.1 of this study, arterials, collectors and other local roads are operated and maintained by the County Public Works Department. Omnitrans provide public transit in the unincorporated County.

L.2 After Annexation

Caltrans and Omnitrans will continue to provide freeway and public transit services to the Annexation Area once the annexation has been completed. As noted previously in Section A.2, the City will be responsible for the operations and maintenance of local roads within the Annexation Area.

M Flood Control and Drainage

M.1 Before Annexation

The County Flood Control District provides operations and maintenance services for regional flood control facilities, while any local drainage facilities, such as neighborhood detention basins, channels and bioswales are managed by the County's Public Works Department.

M.2 After Annexation

The County Flood Control District will continue to manage regional flood control facilities on behalf of the Annexation Area, whereas the City's Department of Public Works will take over responsibilities for the local drainage facilities cited above.

N Utilities

N.1 Before Annexation

The current providers of cable television and internet service within the area are Charter Communications, Spectrum and Frontier Communications. Telephone services are also provided by Frontier Communications, whereas electricity is supplied by Southern California Edison and natural gas by Southern California Gas Company.

N.2 After Annexation

Most of the utility services in the Annexation Area will continue to be maintained by the same private parties, with the exception of cable service and electricity, which will be furnished by RCMU.

O Schools

O.1 Before Annexation

The local primary elementary school is being operated by the Etiwanda School District ("ESD"). High School facilities are the responsibility of Chaffey Joint Union High School District ("CJUHS").

O.2 After Annexation

Both primary and secondary school services will continue to be the responsibility of ESD and CJUHS, respectively.

P Solid Waste Management

P.1 Before Annexation

Burrtec Waste Management Industries currently provides waste and recycling services to the Annexation Area through a franchise agreement with the County Solid Waste Management Division.

P.2 After Annexation

Burrtec Waste Management Industries will continue to provide waste and recycling services to the Annexation Area after its annexation, although its franchise agreement will be executed with the City rather than with the County.

IV ONE-TIME DEVELOPMENT IMPACT FEES

Development impact fees (“DIFs”) are one-time fees utilized to fund a project’s fair share of a municipality’s infrastructure and capital needs, and are generally paid upon issuance of building permits and/or Certificates of Occupancy. As noted previously, the Annexation Area consists of 4.8 acres that will include the following anticipated land uses:

- 2.9 acres representing the southeast portion of the Project that is anticipated to be used solely as a portion of the Project’s parking lot;
- 1.9 acres of SCE-owned parcel containing transmission wires; and
- A portion of the Napa Street right of way.

Based on these currently proposed land uses within the Annexation Area, no structures are to be built within the area, so no DIFs are anticipated to be collected within the Annexation Area itself. Only portions of the Project outside of the Annexation Area on which structures are to be built would require the payment of DIFs, and they would be paying DIFs equal to the Project’s fair share of the capital costs of public facilities necessitated by the structures built on the Project site. Notably, if the development plan for the Project changes such that the Annexation Area would include actual development other than the currently anticipated parking lot, DIFs could be collected. However, as DIF levels generally vary dependent upon the land use types being constructed, specific fee levels cannot be assigned to the Annexation Area at this time.

RESOLUTION NO. FD 2022-001

**A RESOLUTION OF THE RANCHO CUCAMONGA FIRE
PROTECTION DISTRICT BOARD OF DIRECTORS
CONSENTING TO THE ANNEXATION OF LAND IDENTIFIED
AS APNs 0229-291-23 AND 46 AND ADOPTING A PLAN OF
SERVICE FOR SUCH LAND**

A. Recitals.

1. Kimley-Horn and Associates, on behalf of Hillwood Enterprises, L.P. (the "Applicant"), filed an application for entitlements to the City of Rancho Cucamonga for a proposed development of two new industrial buildings totaling approximately 655,878 square feet on an approximately 35-acre project site located approximately 650 feet east of Etiwanda Avenue and north of Napa Street, APNs: 0229-291-23, 46 and 54 (the "Project Site").

2. A portion of the Project Site, specifically a 2.9-acre parcel identified as APN: 0229-291-46 and a 0.69-acre portion of a parcel identified as APN: 0229-291-23, is currently located within unincorporated San Bernardino County and within the City of Fontana's Sphere of Influence (the "Annexation Area").

3. The Applicant is expected to submit a petition to annex the Annexation Area into the City of Rancho Cucamonga. To that end, the City and the Rancho Cucamonga Fire Protection District must consent to the annexation and approve plans of service for their respective agencies.

4. All legal prerequisites to the adoption of this Resolution have occurred.

B. Resolution.

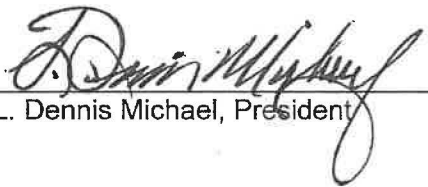
NOW, THEREFORE, the Board of Directors of the Rancho Cucamonga Fire Protection District hereby resolves as follows:

Section 1. The facts set forth in the Recitals, Part A of this Resolution, are true and correct.

Section 2. The Board of Directors hereby consents to the San Bernardino County LAFCO's approval of an annexation into the Rancho Cucamonga Fire Protection District and related sphere of influence amendment for the Annexation Area parcels identified as APNs 0229-291-23 and 0229-291-46. The Board of Directors further approves the plan for service for the Annexation Area attached hereto as Exhibit "A".

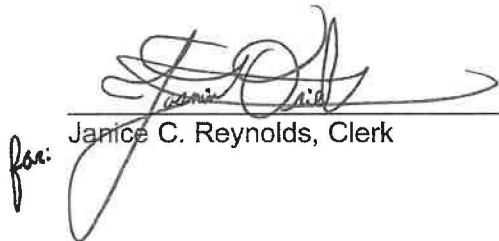
Section 3. The District Secretary shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 5th day of January, 2022.



L. Dennis Michael, President

ATTEST:

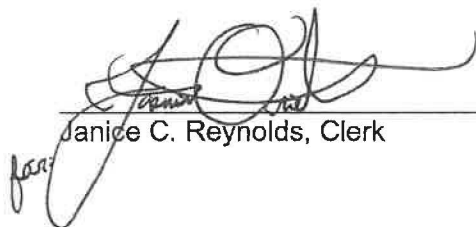


for: Janice C. Reynolds, Clerk

I, **JANICE C. REYNOLDS**, **SECRETARY** of the Rancho Cucamonga Fire Protection District, do hereby certify that the foregoing Resolution was duly passed, approved, and adopted by the Board of Directors of the Rancho Cucamonga Fire Protection District, at a Regular Meeting of said Board held on the 5th day of January 2022.

AYES: Hutchison, Kennedy, Michael, Scott, Spagnolo
NOES: None
ABSENT: None
ABSTAINED: None

Executed this 6th day of January, 2022, at Rancho Cucamonga, California.



for: Janice C. Reynolds, Clerk

EXHIBIT A

PLAN FOR PLAN FOR SERVICE



5000 Birch Street, Suite 3000 Newport
Beach, CA 92860
www.FinancedTA.com

CITY OF RANCHO CUCAMONGA



PLAN FOR SERVICE

ANNEXATION OF 4.8 ACRES IN
CONNECTION WITH PROPOSED SPEEDWAY
COMMERCE CENTER PROJECT

Prepared for:

City of Rancho

Cucamonga

10500 Civic

Center Drive

Rancho

Cucamonga, CA

91730

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John Bosler
Secretary/General Manager/CEO

August 1, 2022

RECEIVED

AUG 16 2022

LAFCO Commissioners
Local Agency Formation Commission
1170 West Third Street #150
San Bernardino, CA 92415

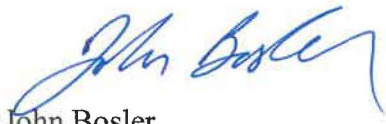
LAFCO
San Bernardino County

**Subject: Support Proposed Annexation of the Speedway Commerce Center into
Cucamonga Valley Water District's Sewer Service Area**

Honorable Commissioners:

The Speedway Commerce Center project area consists of a 35.73 acre site located within the Local Agency Formation Commission (LAFCO) assigned sphere of influence for the Cucamonga Valley Water District (District). The construction of the Project requires an annexation of the project area into the District to allow the provision of sewer service. The District has reviewed and certified the Plan for Service and is supportive of the annexation.

Sincerely,



John Bosler
General Manager/CEO
Cucamonga Valley Water District



www.FinanceDTA.com

5000 Birch Street, Suite 3000
Newport Beach, CA 92660

CUCAMONGA VALLEY WATER DISTRICT



Service Beyond Expectation

PLAN FOR SERVICE

ANNEXATION OF PROPOSED SPEEDWAY COMMERCE CENTER PROJECT AND DESIGNATED ADJACENT PROPERTIES

Prepared for:

Cucamonga Valley Water District

10440 Ashford St.

Rancho Cucamonga, CA 91730-2799

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I INTRODUCTION

DTA has been retained to prepare a Plan for Service (“PFS”) for the Cucamonga Valley Water District (the “District”) to serve the proposed annexation of the Speedway Commerce Center project and designated adjacent properties (collectively referred to hereinafter as the “Annexation Area”). The Annexation Area encompasses a 35.73-acre site for the proposed Speedway Commerce Center project (the “Project”) in the City of Rancho Cucamonga (the “City”), an unmanned parcel owned by Southern Cal Edison (the “SCE Parcel”) on which transmission wires are located, and a portion of the right of way for Napa Street, all of which are currently in the unincorporated portion of the County of San Bernardino (the “County”).

A Purpose of the Plan for Service

The County Local Agency Formation Commission (“LAFCO”) requires the preparation and certification of a study when a jurisdiction is affected by a proposed change of organization or reorganization. The construction of the Project will require the annexation of the entire Annexation Area into the District to ensure the provision of wastewater services to the new development. The intent of this PFS is to provide LAFCO with sufficient information to assess the capabilities of the District related to providing wastewater services to the Annexation Area once it has been absorbed by the District. In addition, the PFS includes information on the fiscal impacts of such annexation action on the District’s General Fund.

B Description of the Annexation Area

The Project site, as depicted in Figure 1 below, encompasses approximately 35.73 acres of vacant land in the eastern portion of the City and is located directly south of the Burlington Northern Santa Fe Railway, directly west of San Sevaine Channel, north of Napa Street in the City and County, and east of the East Etiwanda Creek channel.

Figure 1: Aerial Map for Proposed Project Site



As reflected in Figure 2 below, the Annexation Area includes the entire Project site, the SCE Parcel, and a portion of the right of way for Napa Street. The Project has submitted a pre-zone application and annexation proposal for the Annexation Area to create a logical boundary into the City from the centerline of Napa Street, east of Etiwanda Avenue and west of the San Sevaine Channel. Figure 3 below depicts the location of the Annexation Area relative to the District's eastern boundaries.

Figure 2: Proposed Annexation Area for Speedway Commerce Center Project

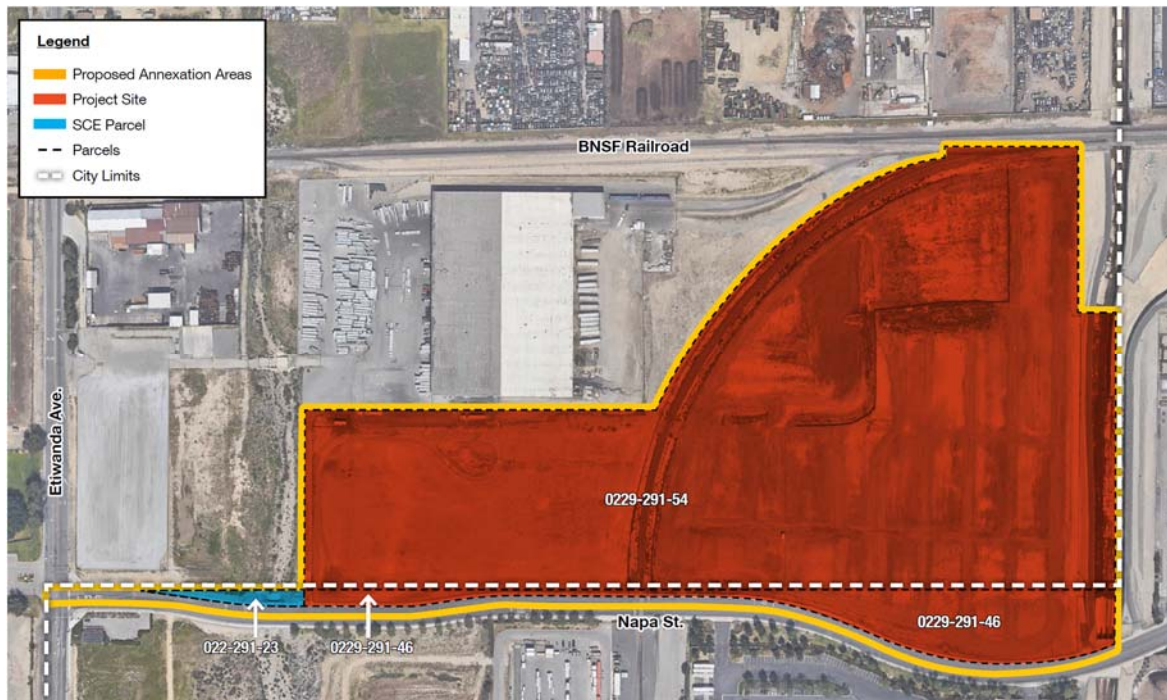
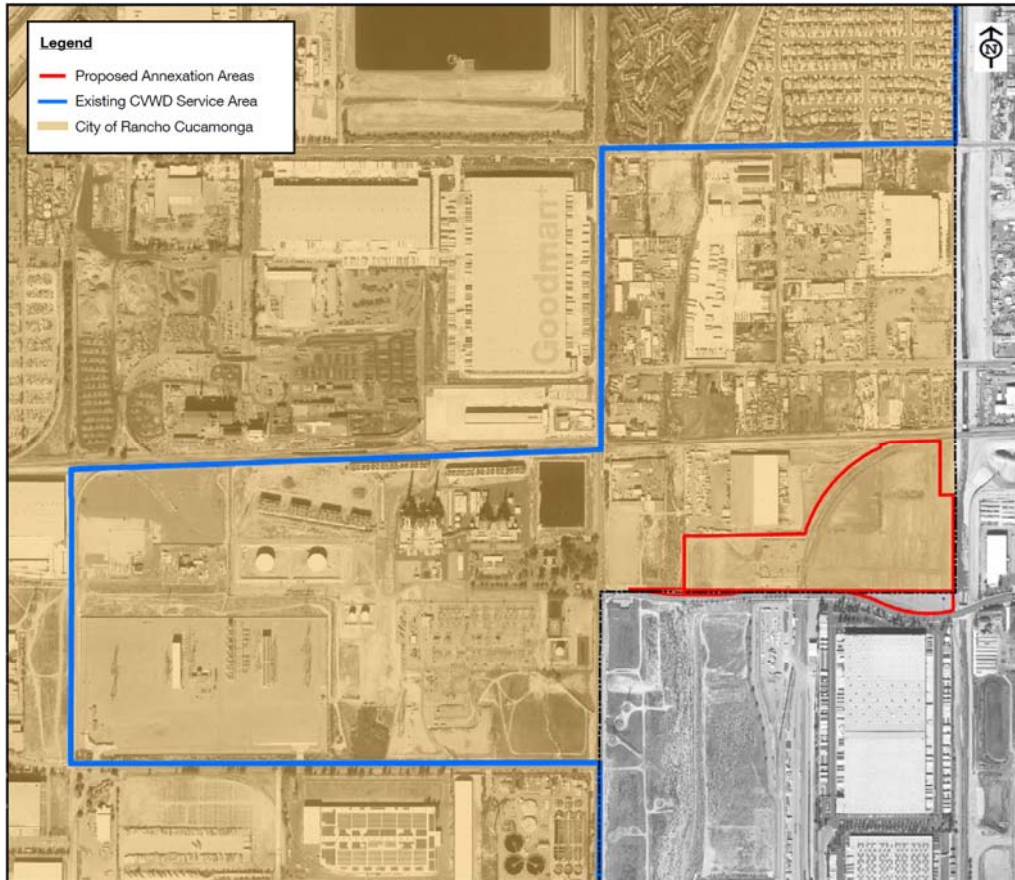
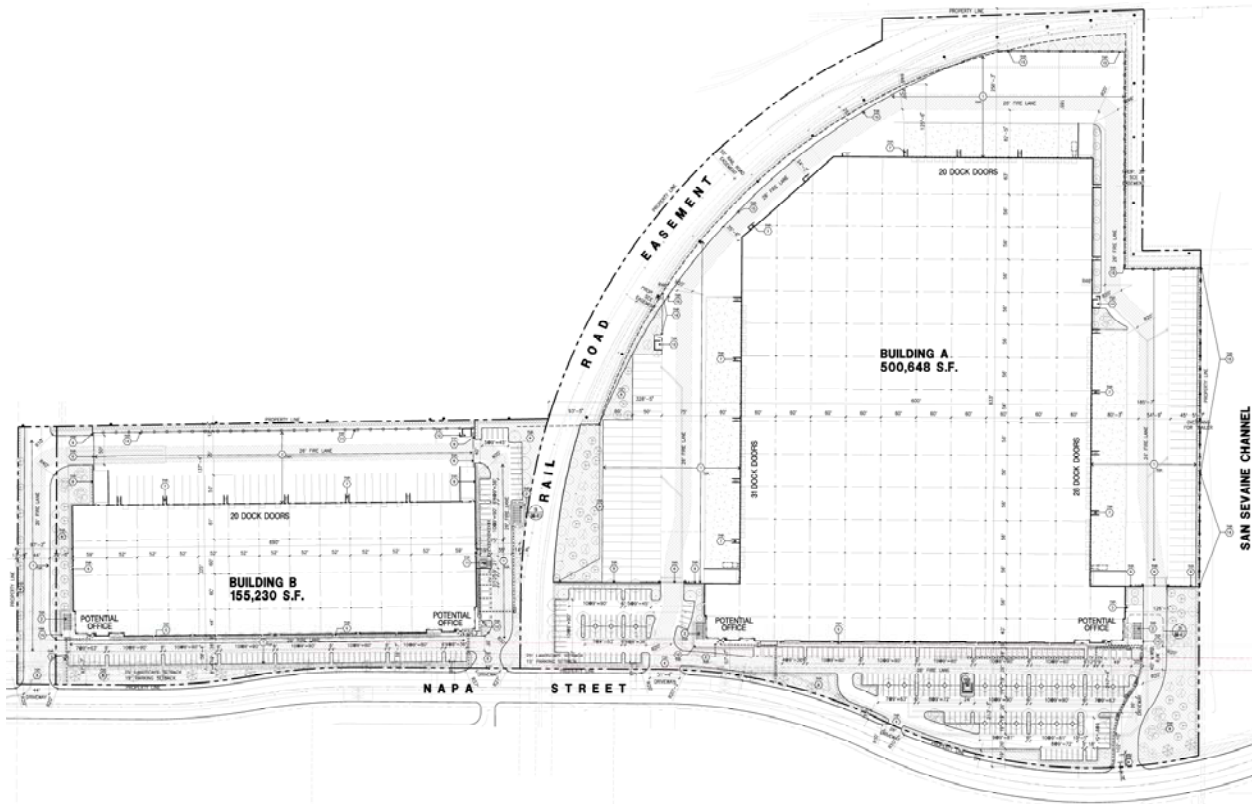


Figure 3: Location of Annexation Area Relative to District's Eastern Boundaries



The Project site is proposed to be developed into two industrial buildings totaling approximately 655,878 square feet of new warehouse space and related on-site and off-site improvements under its primary site plan. The conceptual site plan for the Project is illustrated in Figure 4 below.

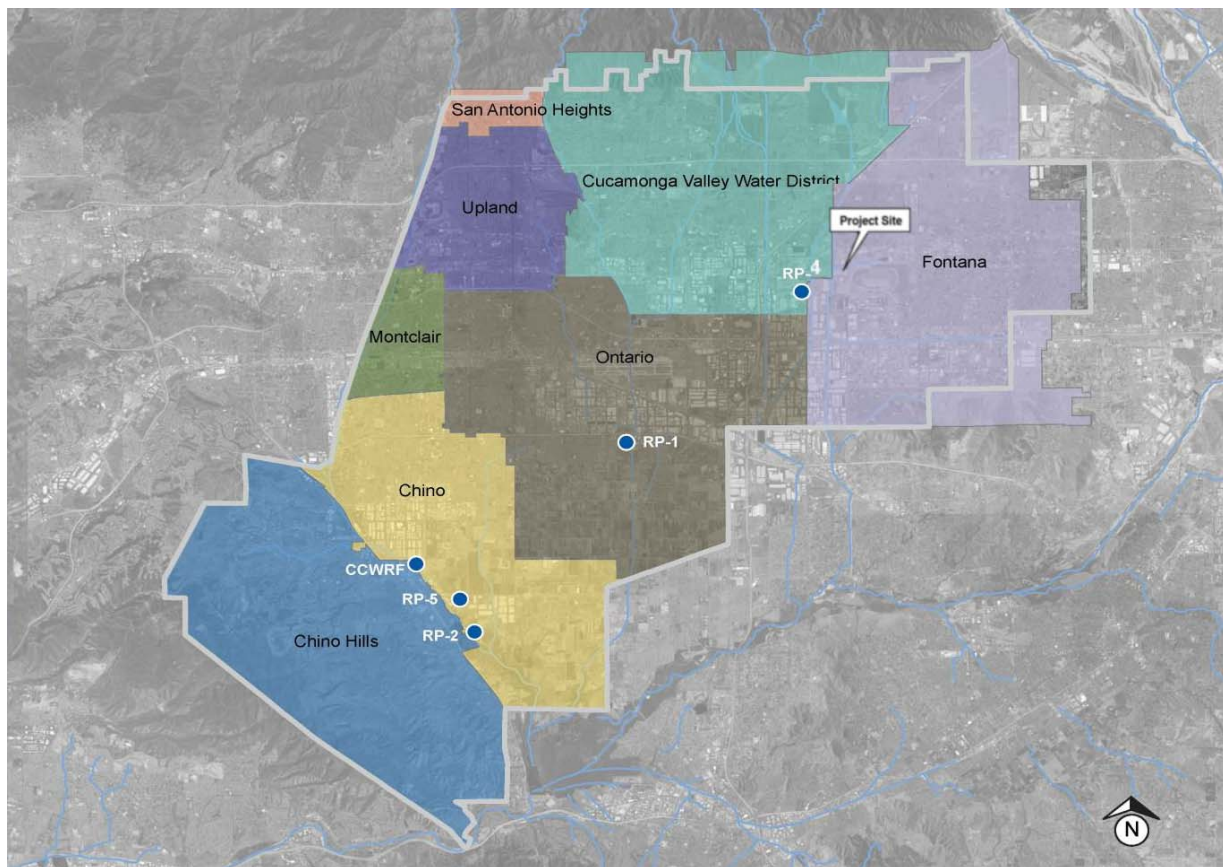
Figure 4: Proposed Speedway Commerce Center Project



II PLAN FOR SERVICE BEFORE AND AFTER ANNEXATION OF THE ANNEXATION AREA

As depicted in Figure 5 below, the entire Annexation Area is currently within the Inland Empire Utilities Agency (the "IEUA"), which only provides regional water treatment facilities and does not offer local retail wastewater services. While the Project is already located within the Fontana Water Company's ("Water Company") jurisdiction, the Water Company does not provide wastewater services. As a result, the Annexation Area will need to be annexed into the District. Since the SCE site within the Annexation Area will not generate any wastewater given its current use as an unmanned parcel with transmission wires, below is a written narrative describing the pre-annexation and post-annexation provision of wastewater services to the Project.

Figure 5: IEUA Service Area



A Before Annexation

As noted above, IEUA is a regional wastewater treatment agency that operates wastewater treatment facilities. The Annexation Area does not currently receive any local wastewater services.

B After Annexation

IEUA will continue to be the regional wastewater treatment agency for the Annexation Area, while the District will be the local wastewater service program administrator for the Project. It is important to note that even though the District currently operates and maintains approximately 421 miles of wastewater collection system ranging from 8 to 36 inches in diameter, the Project will not utilize the District's collection system to transport wastewater to IEUA's regional treatment facilities. **Instead, the Project will construct tie-ins to IEUA's existing 36-inch Etiwanda sewer line (the "Etiwanda Line"), with such tie-ins owned and maintained by the District as discussed in greater detail below.**

Pursuant to the Draft Environmental Impact Report prepared by Kimley-Horn dated June 2021, the worst-case scenario for the Project's wastewater generation is estimated at 29,300 gallons per day ("gpd"), or 0.029 MGD, based on 25 gpd generated by 1,172 employees at the Project's build-out. IEUA owns and operates a system of regional trunk and interceptor sewers that transport wastewater to the regional wastewater treatment plants. RP-4, located at 12811 6th Street in Rancho Cucamonga and the nearest regional water recycling plant to the Annexation Area, was recently expanded to a treatment capacity of 14 MGD and treats an average flow of 10 MGD of wastewater, or 71 percent of its treatment capacity.

In order to serve the Project, the District submitted a request to IEUA on February 8, 2022 for the approval of a new Regional Connection No. CW-22 (the "CW-22") to the Etiwanda Line at Station 50+12.73, a 12-inch VCP sewer main through an existing manhole within Etiwanda Avenue from the east side of Napa Street. The District estimated an average dry weather flow ("ADWF") rate of 0.00743 MGD for the CW-22, with peak dry weather flow ("PDWF") and peak wet weather flow ("PWWF") rates of 0.002605 and 0.003683 MGD, respectively.

The hydraulic model was employed by the District to analyze the impact of connecting the CW-22 to the Etiwanda Line and RP-4. The hydraulic analysis shows that such connections will not create a capacity deficiency within the noted collection system at Project's build-out under PWWF. The Etiwanda Line was designed with the sewer flowing 37% full at peak flow condition and a flowrate of 14.21 MGD, which are just below the projected ADWF rate for CW-22. The full capacity of Etiwanda Line is 49.94 MGD, leaving an available capacity of 35.73 MGD. The capacity to RP-4 is sufficient to meet the sewer flows added by the Project.

III FISCAL IMPACT ANALYSIS OF THE ANNEXATION ACTION ON THE DISTRICT

As previously noted, the Project is the only site within the Annexation Area that will generate wastewater flow and receive wastewater service from the District. This section will focus on the recurring and one-time fiscal impacts of the Project on the District General Fund after its annexation into the District.

A Recurring Fiscal Impacts of the Annexation Area

Since the Project will pay the prevailing wastewater service rate for its wastewater generation, it is assumed there will be net zero fiscal impact to the District General Fund after annexing the Annexation Area.

B One-time Fiscal Impacts of the Annexation Area

Development impact fees ("DIFs") are one-time fees utilized to fund a project's fair share of a municipality's infrastructure and capital needs. The Project is subject to the following DIFs collected by the District:

- Sewer System Capacity Fee ("SSCF"): Assessed for each paid meter in accordance with its size. Currently, the SSCF ranges from \$2,070 to \$99,140 for a 1" - to 10"-meter.
- Capital Capacity Reimbursement Fee ("CCRF"): Currently assessed at \$7,379 per equivalent dwelling unit ("EDU"), where one EDU represents the sewage discharged from a single residential dwelling unit. EDU determinations for industrial projects are calculated based on the type of business operation and the facility's sewer drainage fixture count, or by direct measurement of sewage quality and volume, or a combination of both. Therefore, CCRF for these types of projects must be assessed during the tenant improvement plan check approval process.

The actual amount of SSCF and CCRF payable by the Project will be contingent on its paid meter size(s) and types of on-site business operations.

Certification

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability and that the facts, statements and information presented herein are true and correct to the best of my knowledge.



Eduardo Espinoza, PE
Assistant General Manager
Cucamonga Valley Water District

June 20, 2022

Date



WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT

1295 E. LOCUST STREET, ONTARIO, CA 91761 TELEPHONE (909)-635-0307
www.wvmvcd.org

BOARD OF TRUSTEES

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Paul Leon

RANCHO CUCAMONGA

William Wiittkopf

UPLAND

Carlos Garcia

DISTRICT MANAGER

Michelle Brown, Ph.D.

April 28, 2022

Local Agency Formation Commission
County of San Bernardino

Subject: Support West Valley Mosquito and Vector Control District proposed
Annexation of the Speedway Commerce Center

To whom it may concern:

The West Valley Mosquito and Vector Control District (WVMVCD) supports the annexation of the Speedway Commerce Center into the West Valley Mosquito and Vector Control District. As a part of this annexation the Speedway Commerce Center would also need to be annexed into WVMVCD, Mosquito, Vector and Disease Control Assessment (Assessment No. 2) to provide funding for WVMVCD services.

Sincerely,

Michelle Brown, PhD
District Manager



www.FinanceDTA.com

5000 Birch Street, Suite 3000
Newport Beach, CA 92660

WEST VALLEY MOSQUITO & VECTOR CONTROL DISTRICT



PLAN FOR SERVICE

ANNEXATION OF 4.8 ACRES IN CONNECTION WITH PROPOSED SPEEDWAY COMMERCE CENTER PROJECT

Prepared for:

West Valley Mosquito & Vector Control District

1295 E. Locust Street

Ontario, CA 91761

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I INTRODUCTION

DTA has been retained to prepare a Plan for Service (“PFS”) for the West Valley Mosquito & Vector Control District (the “District”) to serve the proposed Speedway Commerce Center project (the “Project”) in the City of Rancho Cucamonga (the “City”).

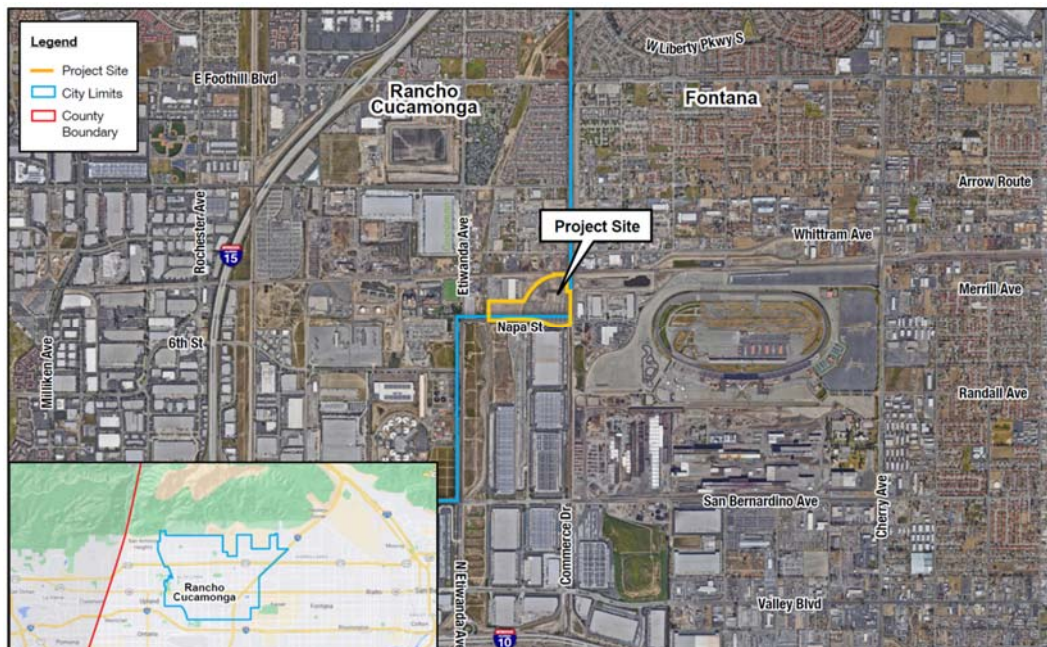
A Purpose of the Plan for Service

The Local Agency Formation Commission (“LAFCO”) for the County of San Bernardino (the “County”) requires the preparation and certification of a study when a jurisdiction is affected by a proposed change of organization or reorganization. The construction of the Project will require the annexation of the unincorporated portion of the Project and an adjacent public utility parcel (collectively referred to hereinafter as the “Annexation Area”) into the District. The intent of this PFS is to provide LAFCO with sufficient information to assess the capabilities of the District related to providing mosquito and vector control services to the Annexation Area once it has been absorbed by the District. In addition, the PFS includes information on the fiscal impacts of such annexation action on the District’s General Fund.

B Description of the Project and Annexation Area

The Project site, as depicted in Figure 1 below, encompasses approximately 35.73 acres of vacant land in the eastern portion of the City and is located directly south of the Burlington Northern Santa Fe Railway, directly west of San Sevaine Channel, north of Napa Street in the City and County, and east of the East Etiwanda Creek channel.

Figure 1: Aerial Map for Proposed Project Site



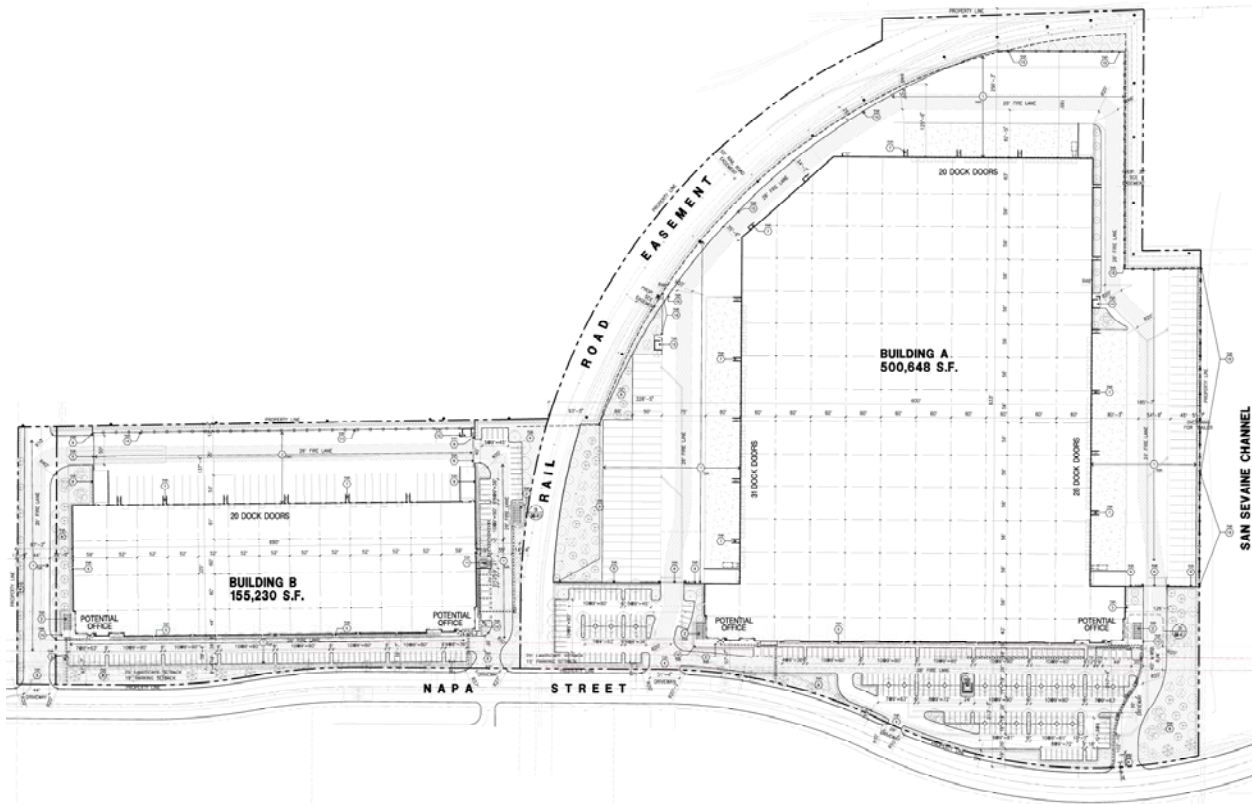
As reflected in Figures 2 below, an estimated 92% of the Project site (32.83 acres) is currently located within the City and the District, with the remaining 2.9 acres located in the unincorporated County within the City of Fontana Sphere of Influence. The 4.8 acre Annexation Area will also include 1.9 additional acres that consist of an unmanned parcel owned by Southern Cal Edison (the "SCE Parcel") on which transmission wires are located, and a portion of the right of way for Napa Street. The Project has submitted a pre-zone application and annexation proposal for the Annexation Area to create a logical boundary into the City from the centerline of Napa Street, east of Etiwanda Avenue and west of the San Sevaine Channel.

Figure 2: Proposed Annexation Area for Speedway Commerce Center Project



The Project site is proposed to be developed into two industrial buildings totaling approximately 655,878 square feet of new warehouse space and related on-site and off-site improvements under its primary site plan. The conceptual site plan for the Project is illustrated in Figure 3 below.

Figure 3: Proposed Speedway Commerce Center Project



As reflected in Figures 2 and 3 above, all of the Project's building square footage is to be constructed within 32.83 acres of the Project site that is already located within the District, with a remaining 2.9-acre portion of the site consisting solely of a portion of the Project's parking lot that is currently located in the unincorporated County.

**II PLAN FOR SERVICE BEFORE AND AFTER ANNEXATION OF THE
ANNEXATION AREA**

The Annexation Area consists of a 4.8-acre portion of the Project and adjacent SCE Site that is currently receiving mosquito and vector control services from the County that will need to be annexed into the Assessment No. 2 service area of the District. Below is a written narrative describing the pre-annexation and post-annexation provision of mosquito and vector control services in the Annexation Area.

A Before Annexation

The County Environmental Health Services, through its Mosquito and Vector Control Program, currently provides mosquito and vector control services to the Annexation Area.

B After Annexation

The District, an independent special district that was created in 1983 by the County Board of Supervisors, will provide comprehensive mosquito and vector control services to the Annexation Area once its annexation is approved. **The Annexation Area would then be eligible to receive direct services from the District that would reduce the number of mosquitoes and vectors impacting the Annexation Area, based on vector surveillance activities conducted by the District.**

III FISCAL IMPACT ANALYSIS OF THE ANNEXATION ACTION

As noted previously, the Annexation Area consists of 4.8 acres that include the following anticipated land uses:

- 2.9 acres representing the southeast portion of the Project that is anticipated to be used solely as a portion of the Project's parking lot;
- 1.9 acres of SCE-owned parcel containing transmission wires and a portion of the Napa Street right of way.

Based on these currently proposed land uses within the Annexation Area, **the fiscal impact of annexing the Annexation Area will be de minimis to the District.** The SCE Parcel is not subject to the annual Assessment No. 2 because it is a public utility site, and it will not incur any services costs to the District. The entire 35.73-acre Project site is anticipated to generate a maximum annual assessment of \$418.70 based on the maximum assessment for an industrial use parcel¹. The portion of the Project site already located within the District, which excludes the Annexation Area, would generate a maximum annual assessment of \$396.27. Therefore, the incremental annual assessment generated by the Annexation Area when it is brought into the District is estimated to be \$22.43. As there will be no buildings located within the Project's portion of the Annexation Area, it is not anticipated to generate any significant incremental demands on the District for mosquito and vector control services.

¹ The District's maximum annual Assessment No. 2 equals \$7.48 per 1/5th of an acre for the first 5 acres and \$7.48 for every acre over 5 acres rounded up to the acre.

LANDOWNER CONSENT FORM

Local Agency Formation Commission For San Bernardino County

I (We), Speedway Commerce Center Development, LLC, consent to the
annexation/ reorganization of my (our) property located at:

Napa Street and the San Sevaine Channel

which is identified as Assessor's Parcel Number(s) APN 0229-291-46

to the City of Rancho Cucamonga .
(name of agency)

Signature(s):


By: Scott Morse, Executive Vice President

Address:

901 Via Piemonte, Suite 175

City, State, Zip

Ontario Ca 91764

Date Signed:


March 21, 2022

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

LANDOWNER CONSENT FORM

Local Agency Formation Commission For San Bernardino County

I (We), Southern California Edison, consent to the
annexation/ reorganization of my (our) property located at: the intersection
of Napa Street and Etiwanda Avenue, City of Rancho Cucamonga
which is identified as Assessor's Parcel Number(s) _____
0229-291-23 (Portion of - approx. .69 acres),
to the City of Rancho Cucamonga .
(name of agency)

Signature(s): Southern California Edison (Land Management)
 Monica Contreras, Advisor
Address: 2 Innovation Way, 2nd Floor, (Attn: LM - Eastern)
City, State, Zip Pomona CA 91768
Date Signed: 9/28/2022

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



AUTHORIZATION LETTER FOR REPRESENTATION

I, RICHARD CHEN hereby give authorization to MONICA CONTRERAS (Advisor, Land Management - Eastern) to complete and execute the Local Agency Formation Commission's Landowner Consent Form on behalf of Southern California Edison (SCE) towards the annexation of portion of SCE property (APN: 0229-291-23) located at the intersection of Napa Street and Etiwanda Avenue in the City of Rancho Cucamonga.

I ensure that the representative has substantial knowledge about the nature of the business and will provide credible information if and when necessary for the processing of this Consent.

Yours truly,

DocuSigned by:
A handwritten signature in blue ink that reads "Richard Chen".

Richard Chen
Manager, Land Management - Eastern Region

10/7/2022

Date

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

PROPOSAL NO.: LAFCO 3256

HEARING DATE: NOVEMBER 16, 2022

RESOLUTION NO. 3358

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3256 - REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70 (SPEEDWAY COMMERCE DEVELOPMENT PROJECT)

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

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

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

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

WHEREAS, the public hearing by this Commission was called for November 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 support and/or opposition; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received

RESOLUTION NO. 3358

evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing.

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

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

CONDITIONS:

Condition No. 1. The boundaries of this change of organization are approved as set forth in Exhibits "A", "A-1", "B" and "B-1" attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3256.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District (annexing agencies) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

Condition No. 4. The Speedway Commerce Center Development, LLC shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

Condition No. 5. Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

Condition No. 6. The date of issuance of the Certification of Completion shall be the effective date of the reorganization.

SECTION 2. The Commission determines that:

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

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

RESOLUTION NO. 3358

SECTION 3. DETERMINATIONS. The following determinations are required to be provided by Commission policy and Government Code Section 56668:

1. The reorganization area is legally uninhabited containing zero registered voters as certified by the Registrar of Voters as of October 17, 2022.
2. The County Assessor's Office has determined that the total assessed value of land within the reorganization area is \$45,345,000 as of July 21, 2022.
3. Through approval of the companion proposal, LAFCO 3255, the entire reorganization area is within the spheres of influence of the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in the *Inland Valley Daily Bulletin*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to landowners (96) and registered voters (9) surrounding the reorganization area (totaling 105 notices). Comments from registered voters, landowners, and other individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.
6. The City of Rancho Cucamonga pre-zoned the reorganization area as Heavy Industrial (HI).

This zoning designation is consistent with the City's General Plan and is generally compatible with the surrounding land uses in the area. The City's pre-zone designation will remain in effect for a minimum of two years following annexation unless specific actions are taken by the City Council.

7. The Southern California Associated Governments ("SCAG") recently adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3256 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy; however, the Project is close to the I-10 and I-15 Freeways, which are part of the RTP-SCS's regional express lane network that will be adding two express lanes on both freeways in each direction for completion by 2040.
8. The City of Rancho Cucamonga approved and adopted its 2021 Local Hazard Mitigation Plan and is currently in the process of preparing a Community Wildfire Protection Plan.
9. A Complete Final Environmental Impact Report (EIR) was prepared and certified as adequate by the City of Rancho Cucamonga for the Speedway Commerce

RESOLUTION NO. 3358

Development Project (SCH No. 2020090076). This Complete Final EIR addresses environmental impacts of the Project including the proposed sphere of influence amendments and the jurisdictional changes associated with said Project. (Copies of the City's Complete Final EIR and all associated documents were previously provided to Commission members). The Commission's staff and its Environmental Consultant have independently reviewed the Complete Final EIR and found them to be adequate for the reorganization proposal (LAFCO 3256) decision.

The Commission certified that it had reviewed and considered the City's Complete Final EIR and the environmental effects outlined therein, and as referenced in the environmental Findings of Fact, prior to reaching a decision as a CEQA responsible agency. The Commission acknowledged the mitigation measures and Mitigation Monitoring and Reporting Program contained in the City's Complete Final EIR and found that no additional alternatives or mitigation measures would be adopted by the Commission. The Commission found that all changes alterations, and mitigation measures are within the responsibility and jurisdiction of the City and other agencies, not the Commission. The Commission found that it is the responsibility of the City to oversee and implement these measures and the Mitigation Monitoring and Reporting Program.

The Commission adopted the Findings of Fact regarding the environmental effects of, regarding the environmental effects of the reorganization, a copy of which is available for review in the LAFCO office. The Commission found that all feasible changes or alterations have been incorporated into the project; that these changes are the responsibility of the City and other agencies identified in the Findings of Fact and the Complete Final EIR.

10. The reorganization area is served by the following local agencies: County of San Bernardino, City of Rancho Cucamonga (portion), Cucamonga Valley Water District and its Improvement District, Rancho Cucamonga Fire Protection District (portion), Fontana Fire Protection District (portion), West Valley Mosquito and Vector Control District (portion), Inland Empire Resource Conservation District, Inland Empire Utilities Agency and its Improvement Districts, Metropolitan Water District of Southern California, and County Service Area 70 (multi-function unincorporated area Countywide)

County Service Area 70 will be detached and its sphere of influence reduced upon successful completion of this proposal. A portion of the reorganization area will also be detached from the Fontana Fire Protection District.

11. Plans were prepared for the extension of services to the reorganization area, as required by law. The Plans for Service and the Fiscal Impact Analysis, as certified by the City, the Cucamonga Valley Water District, and the West Valley Mosquito and Vector Control District indicates that the City and other agencies can maintain and/or improve the level and range of services currently available in the area.

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

RESOLUTION NO. 3358

and the Fiscal Impact Analysis conform to those adopted standards and requirements.

12. The reorganization proposal complies with Commission policies that indicate the preference for areas proposed for development at an urban-level land use be included within a City so that the full range of municipal services can be planned, funded, extended and maintained.
13. The reorganization area can benefit from the availability and extension of municipal services from the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fontana Fire Protection District, and West Valley Mosquito and Vector Control District, as evidenced by their Plans for Service.
14. This proposal will not have an effect on the City of Rancho Cucamonga's ability to achieve its fair share of the regional housing needs since the Project is a proposal to build two (2) warehouse facilities.
15. With respect to environmental justice, the reorganization proposal will not result in the unfair treatment of any person based on race, culture or income since the area is vacant and the southerly and easterly neighboring areas already receive water from Fontana Water Company, fire and emergency medical services from Fontana Fire Protection District, law enforcement from the County Sheriff's Department, and wastewater service is available through out-of-agency service agreements with the City of Fontana.
16. The County of San Bernardino and the City of Rancho Cucamonga have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this reorganization. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
17. The maps and legal descriptions, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

SECTION 4. The primary reason the property owner/developer initiated the reorganization proposal (and the concurrent sphere of influence amendment proposal) is to annex territory into the City of Rancho Cucamonga in order to place the entirety of the Speedway Commerce Development Project, a proposal to develop two (2) warehouse facilities, within a single jurisdiction—the City of Rancho Cucamonga. In addition, the proposed reorganization includes all the necessary changes in boundaries for all community-based local agencies.

SECTION 5. The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations of the City of Rancho Cucamonga, the Cucamonga Valley Water District, or the West Valley Mosquito and Vector Control District through the reorganization. The regular County assessment rolls are utilized by all the above-mentioned agencies.

SECTION 6. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

RESOLUTION NO. 3358

SECTION 7. The Commission hereby orders the territory described in Exhibits “A”, “A-1”, “B”, and “B-1” reorganized. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

SECTION 8. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

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 November 16, 2022.

DATED:

SAMUEL MARTINEZ
Executive Officer

LAFCO 3256

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70

ANNEXATION TO THE CITY OF RANCHO CUCAMONGA, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENT FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70

A PORTION THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16, SAID CORNER ALSO BEING ON THE CENTERLINE OF ETIWANDA AVENUE;

COURSE 1. THENCE SOUTH 00°17'58" WEST ALONG THE WESTERLY LINE OF SAID SECTION 16 AND SAID CENTERLINE OF ETIWANDA AVENUE, A DISTANCE OF 662.77 FEET TO AN ANGLE POINT IN THE EXISTING CITY OF RANCHO CUCAMONGA BOUNDARY PER LAFCO 1608 AND THE **TRUE POINT OF BEGINNING**;

COURSE 2. THENCE SOUTH 89°45'18" EAST ALONG SAID BOUNDARY, A DISTANCE OF 2647.88 FEET TO AN ANGLE POINT THEREON, SAID POINT BEING ON THE EASTERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 16;

COURSE 3. THENCE SOUTH 00°06'53" WEST ALONG SAID EASTERLY LINE, A DISTANCE OF 180.99 FEET TO A POINT ON THE CENTERLINE OF NAPA STREET (66.00 FEET IN FULL WIDTH) AS DESCRIBED IN THAT CERTAIN GRANT OF EASEMENT TO THE COUNTY OF SAN BERNARDINO, RECORDED NOVEMBER 22, 1995 AS DOCUMENT NO. 19950404553, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING ON A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 850.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 12°33'53" EAST;

COURSE 4. THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 38°12'45", AN ARC DISTANCE OF 566.89 FEET AND A CHORD DISTANCE OF 556.45 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 850.00 FEET;

COURSE 5. THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 25°22'43", AN ARC DISTANCE OF 376.50 FEET AND A CHORD DISTANCE OF 373.43 FEET;

COURSE 6. THENCE ALONG SAID CENTERLINE NORTH $89^{\circ}43'51''$ WEST, A DISTANCE OF 518.47 FEET AND TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1000.00 FEET;

COURSE 7. THENCE WESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF $10^{\circ}25'48''$, AN ARC DISTANCE OF 182.04 FEET AND A CHORD DISTANCE OF 181.79 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1000.00 FEET;

COURSE 8. THENCE WESTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $10^{\circ}27'29''$, AN ARC DISTANCE OF 182.53 FEET AND A CHORD DISTANCE OF 182.28 FEET;

COURSE 9. THENCE NORTH $89^{\circ}42'10''$ WEST, A DISTANCE OF 305.07 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 820.00 FEET;

COURSE 10. THENCE WESTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $12^{\circ}08'36''$, AN ARC DISTANCE OF 173.79 FEET AND A CHORD DISTANCE OF 173.47 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 820.00 FEET;

COURSE 11. THENCE WESTERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF $12^{\circ}08'15''$, AN ARC DISTANCE OF 173.71 FEET AND A CHORD DISTANCE OF 173.38 FEET;

COURSE 12. THENCE NORTH $89^{\circ}41'49''$ WEST, A DISTANCE OF 199.97 FEET TO A POINT ON SAID CENTERLINE OF ETIWANDA AVENUE AND THE BOUNDARY LINE OF CITY OF RANCHO CUCAMONGA;

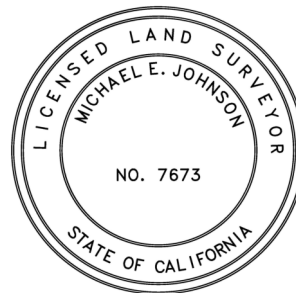
COURSE 13. THENCE NORTH $00^{\circ}17'09''$ EAST ALONG SAID WESTERLY LINE AND SAID CENTERLINE, A DISTANCE OF 32.96 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 4.80 ACRES, MORE OR LESS.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.
PREPARED UNDER MY SUPERVISION


MICHAEL E. JOHNSON, L.S. 7673

09/29/22
DATE

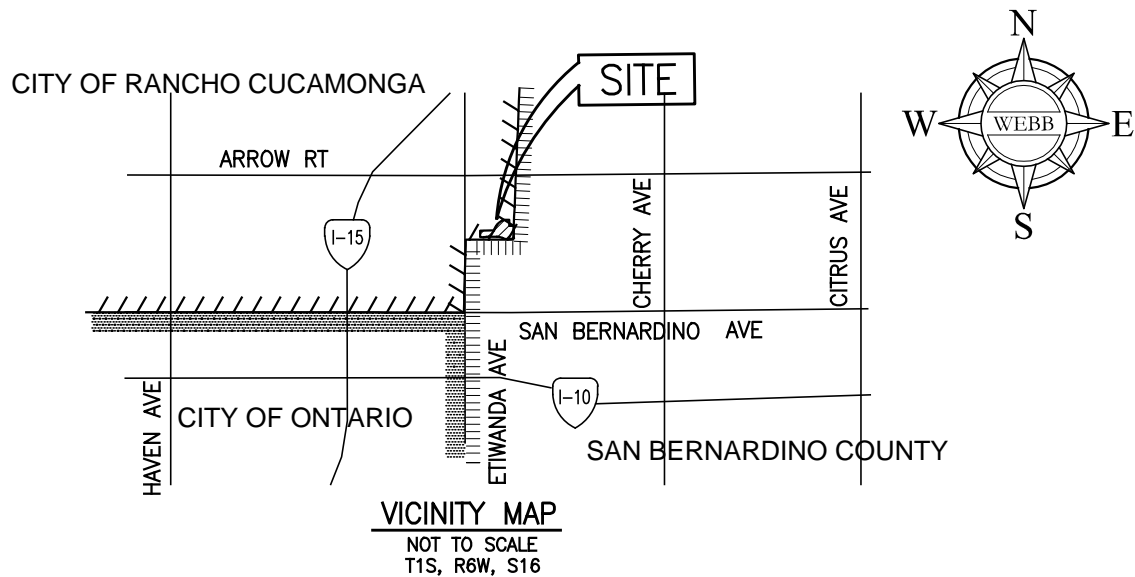


PREPARED BY: ZP
CHECKED BY: mf

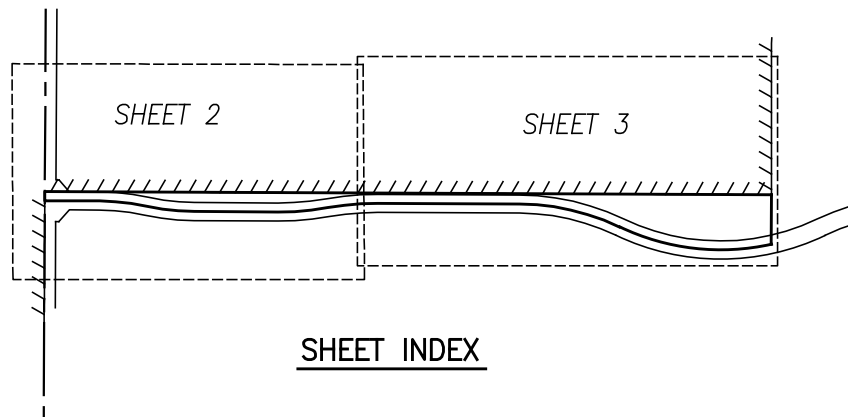
LAFCO 3256

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70

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09/29/22



SEC. 16, T1S, R6W, SBM

ALBERT A.
WEBB
ASSOCIATES

LAFCO 3256

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 3

W.O.
20-0066

SCALE: N.T.S.

DRWN BY LB
CHKD BY MJ

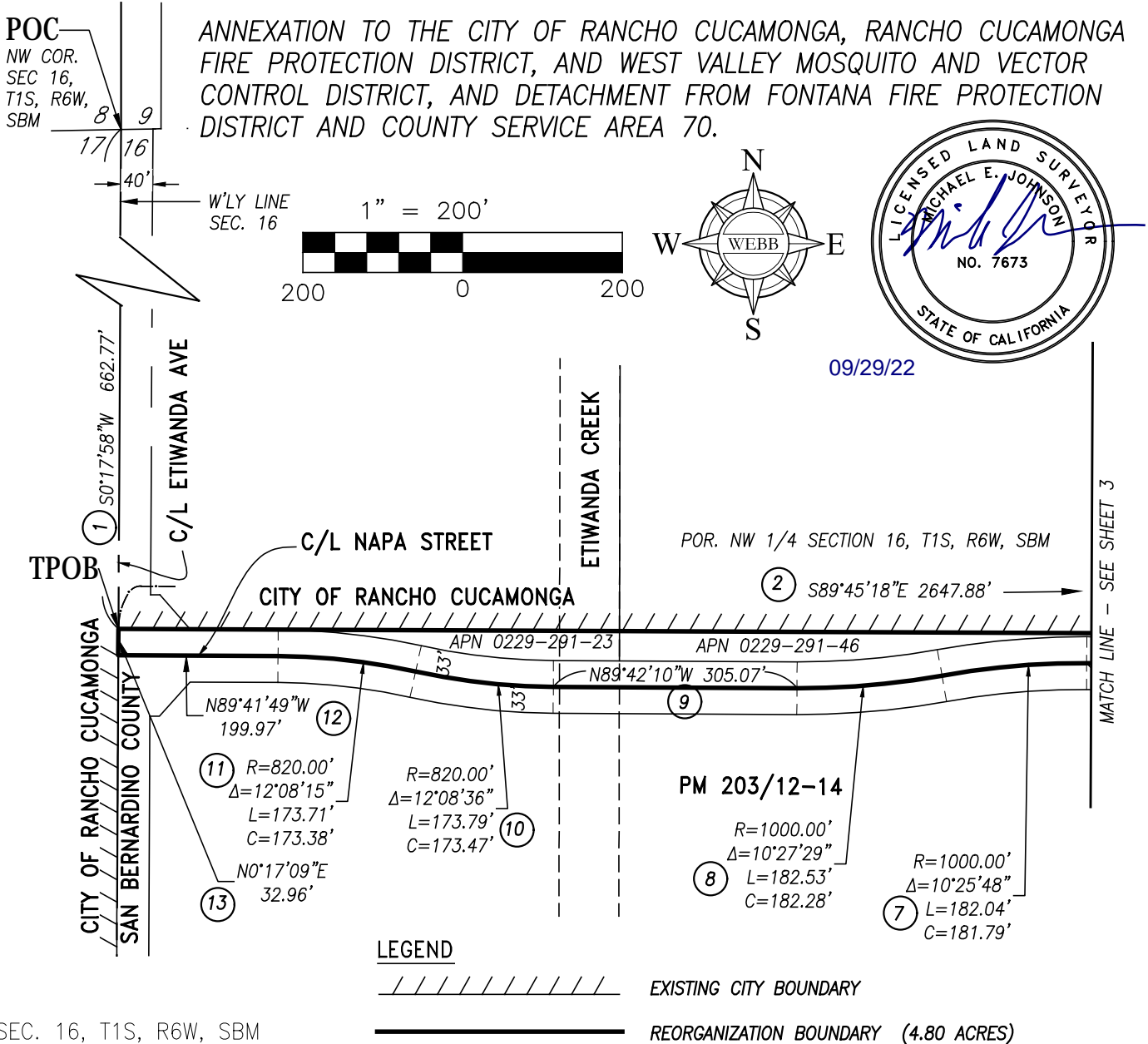
DATE 2/26/22
DATE 09/29/22

SUBJECT: LAFCO 3256

LAFCO 3256

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70

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SEC. 16, T1S, R6W, SBM

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SHEET 2 OF 3

W.O.
20-0066

SCALE: 1"=200'

DRWN BY LB
CHKD BY MJ

DATE 2/26/22
DATE 09/29/22

SUBJECT: LAFCO 3256

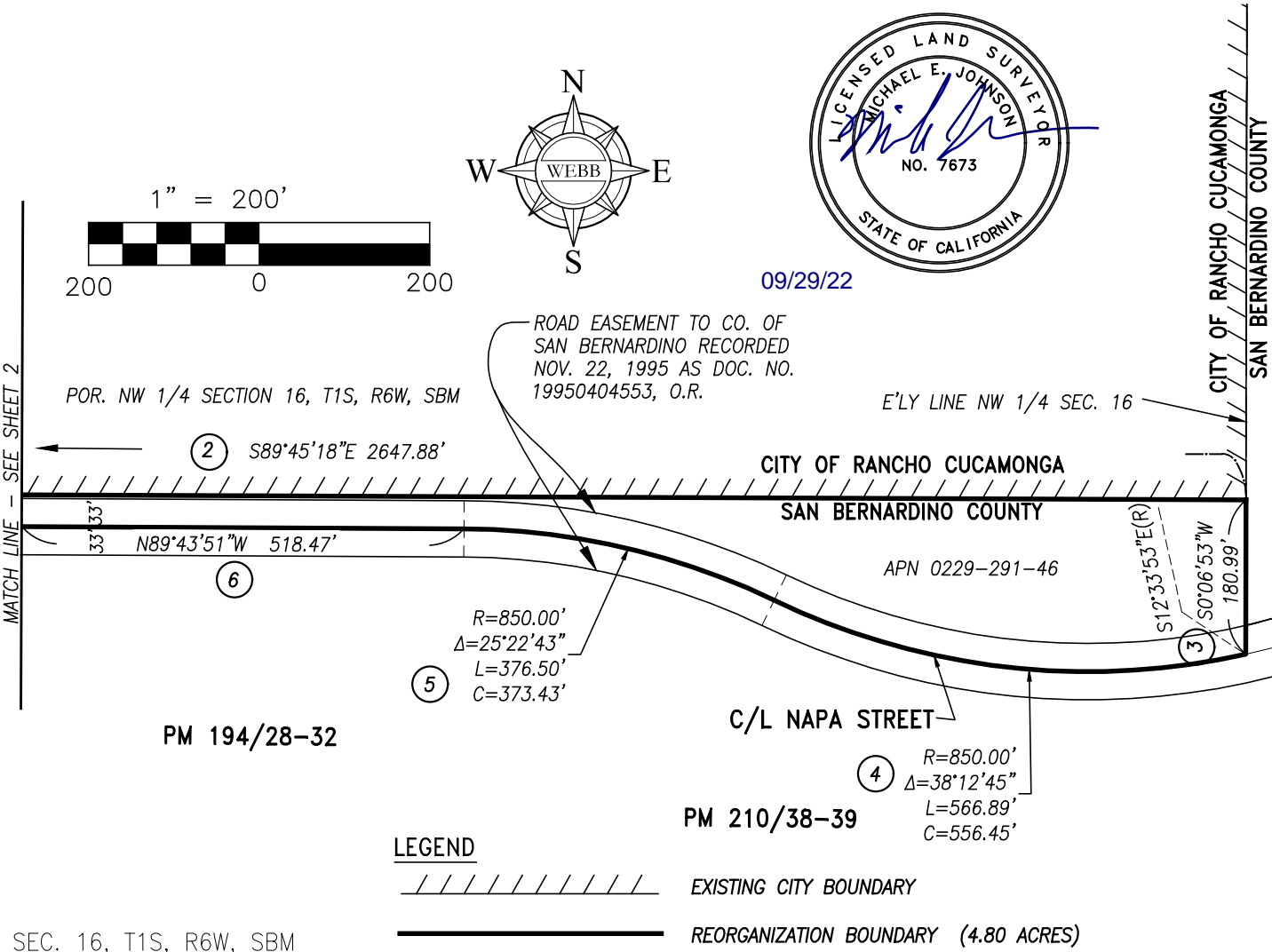
FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY

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ALBERT A.
WEBB
ASSOCIATES

LAFCO 3256

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SHEET 3 OF 3
W.O.
20-0066

SCALE: 1"=200'
DRWN BY LB
CHKD BY MJ
DATE 2/26/22
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SUBJECT: LAFCO 3256

LAFCO 3256**REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA PROTECTION DISTRICT AND COUNTY SERVICE AREA 70****ANNEXATION TO THE CUCAMONGA VALLEY WATER DISTRICT**

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 9 TOGETHER WITH A PORTION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 6 WEST, SAN BERNARDINO BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16, SAID CORNER ALSO BEING ON THE CENTERLINE OF ETIWANDA AVENUE;

COURSE 1. THENCE SOUTH 00°17'58" WEST ALONG THE WESTERLY LINE OF SAID SECTION 16 AND SAID CENTERLINE OF ETIWANDA AVENUE, A DISTANCE OF 662.77 FEET TO AN ANGLE POINT IN THE EXISTING CITY OF RANCHO CUCAMONGA BOUNDARY PER LAFCO 1608 AND THE **TRUE POINT OF BEGINNING**;

COURSE 2. THENCE SOUTH 89°45'18" EAST ALONG SAID BOUNDARY, A DISTANCE OF 627.31 FEET TO A POINT ON THE WESTERLY LINE OF PARCEL 2 OF CERTIFICATE OF COMPLIANCE NO. 507 FOR LOT LINE ADJUSTMENT RECORDED JANUARY 17, 2002 AS DOCUMENT NO. 20020026839, OFFICIAL RECORDS OF SAN BERNARDINO COUNTY;

COURSE 3. THENCE NORTH 00°07'01" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 404.23 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2;

COURSE 4. THENCE NORTH 88°57'21" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 2, A DISTANCE OF 906.53 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1062.22 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 72°53'47" WEST;

COURSE 5. THENCE NORTHEASTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 48°03'24", AN ARC DISTANCE OF 890.93 FEET AND A CHORD DISTANCE OF 865.04 FEET;

COURSE 6. THENCE NORTH 00°08'28" EAST, A DISTANCE OF 37.52 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE ATCHISON TOPEKA AND SANTA FE RAILWAY (100.00 FEET IN FULL WIDTH);

COURSE 7. THENCE NORTH 87°55'02" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 447.77 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT

WESTERLY 100.00 FEET, MEASURED AT A RIGHT ANGLE, FROM THE EASTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 9;

COURSE 8. THENCE SOUTH $00^{\circ}14'59''$ WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 414.26 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 9;

COURSE 9. THENCE NORTH $88^{\circ}57'21''$ EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 100.03 FEET TO A POINT ON SAID CITY OF RANCHO CUCAMONGA BOUNDARY, SAID POINT BEING THE SOUTHEAST CORNER OF SAID SECTION 9, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 16;

COURSE 10. THENCE SOUTH $00^{\circ}06'53''$ WEST ALONG SAID CITY OF RANCHO CUCAMONGA BOUNDARY AND ALONG THE EASTERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 16, A DISTANCE OF 903.29 FEET TO A POINT ON THE CENTERLINE OF NAPA STREET (66.00 FEET IN FULL WIDTH) AS DESCRIBED IN THAT CERTAIN GRANT OF EASEMENT TO THE COUNTY OF SAN BERNARDINO, RECORDED NOVEMBER 22, 1995 AS DOCUMENT NO. 19950404553, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING ON A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 850.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH $12^{\circ}33'53''$ EAST;

COURSE 11. THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $38^{\circ}12'45''$, AN ARC DISTANCE OF 566.89 FEET AND A CHORD DISTANCE OF 556.45 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 850.00 FEET;

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COURSE 18. THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF $12^{\circ}08'15''$, AN ARC DISTANCE OF 173.71 FEET AND A CHORD DISTANCE OF 173.38 FEET;

COURSE 19. THENCE NORTH $89^{\circ}41'49''$ WEST, A DISTANCE OF 199.97 FEET TO A POINT ON SAID CENTERLINE OF ETIWANDA AVENUE AND THE BOUNDARY LINE OF CITY OF RANCHO CUCAMONGA;

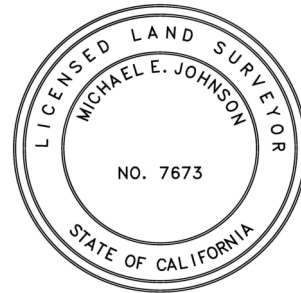
COURSE 20. THENCE NORTH $00^{\circ}17'09''$ EAST ALONG SAID WESTERLY LINE OF SECTION 16 AND SAID CENTERLINE, A DISTANCE OF 32.96 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 37.64 ACRES, MORE OR LESS.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.
PREPARED UNDER MY SUPERVISION


MICHAEL E. JOHNSON, L.S. 7673

09/29/22
DATE



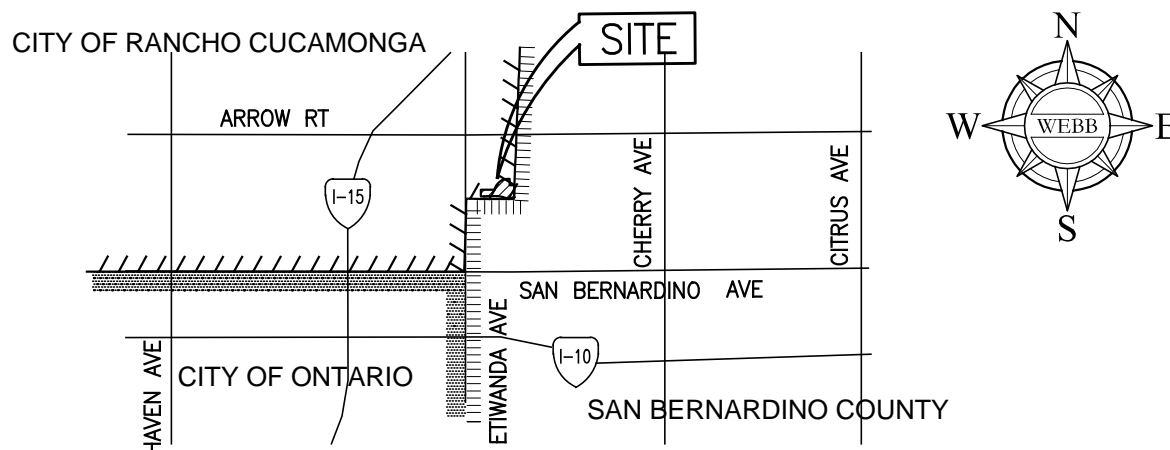
PREPARED BY: LP
CHECKED BY: mf

EXHIBIT "B"

LAFCO 3256

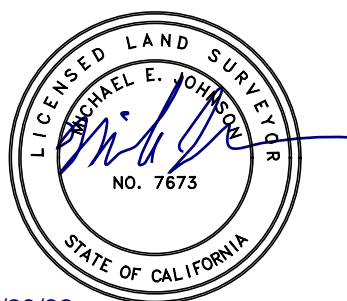
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ANNEXATION TO THE CUCAMONGA VALLEY WATER DISTRICT



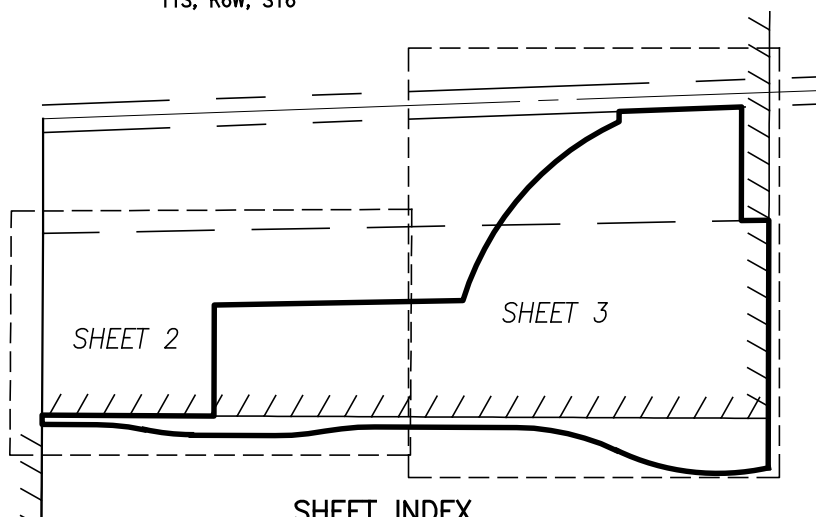
VICINITY MAP

NOT TO SCALE
T1S, R6W, S16



09/29/22

SEC. 9 & 16, T1S, R6W, SBM



SHEET INDEX

NOT TO SCALE

ALBERT A.
WEBB
ASSOCIATES

LAFCO 3256

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SHEET 1 OF 3

W.O.

SCALE: N.T.S.

DRWN BY LB
CHKD BY MJ

DATE 2/26/22
DATE 09/29/22

SUBJECT: LAFCO 3256

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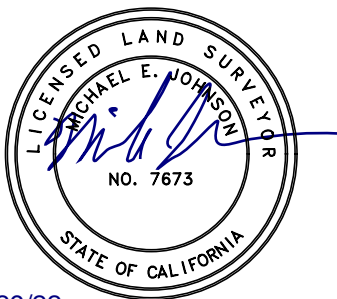
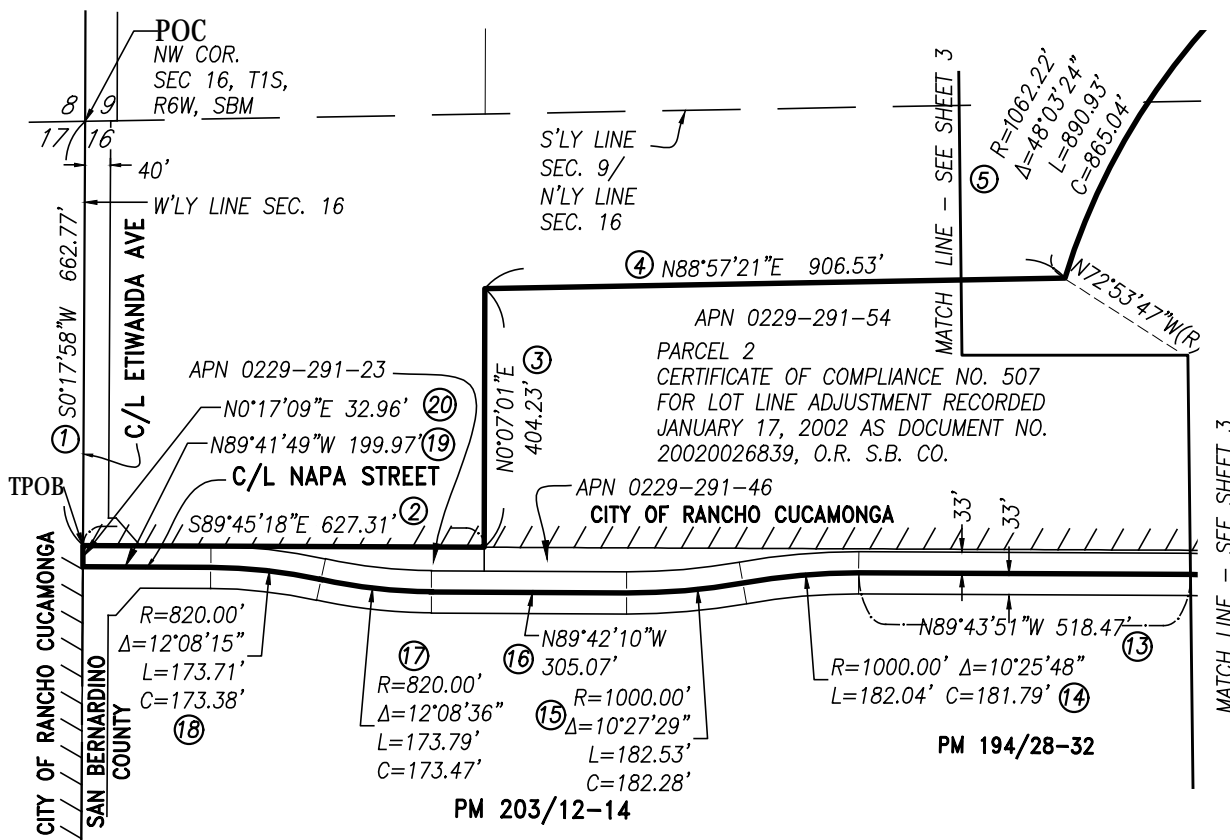
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LAFCO 3256

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ANNEXATION TO THE CUCAMONGA VALLEY WATER DISTRICT



09/29/22

SEC. 9 & 16, T1S, R6W, SBM

ALBERT A.

WEBB

ASSOCIATES

LAFCO 3256

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SHEET 2 OF 3

W.O.

SCALE: 1"=300'

DRWN BY LB

CHKD BY MJ

DATE 2/26/22

DATE 09/29/22

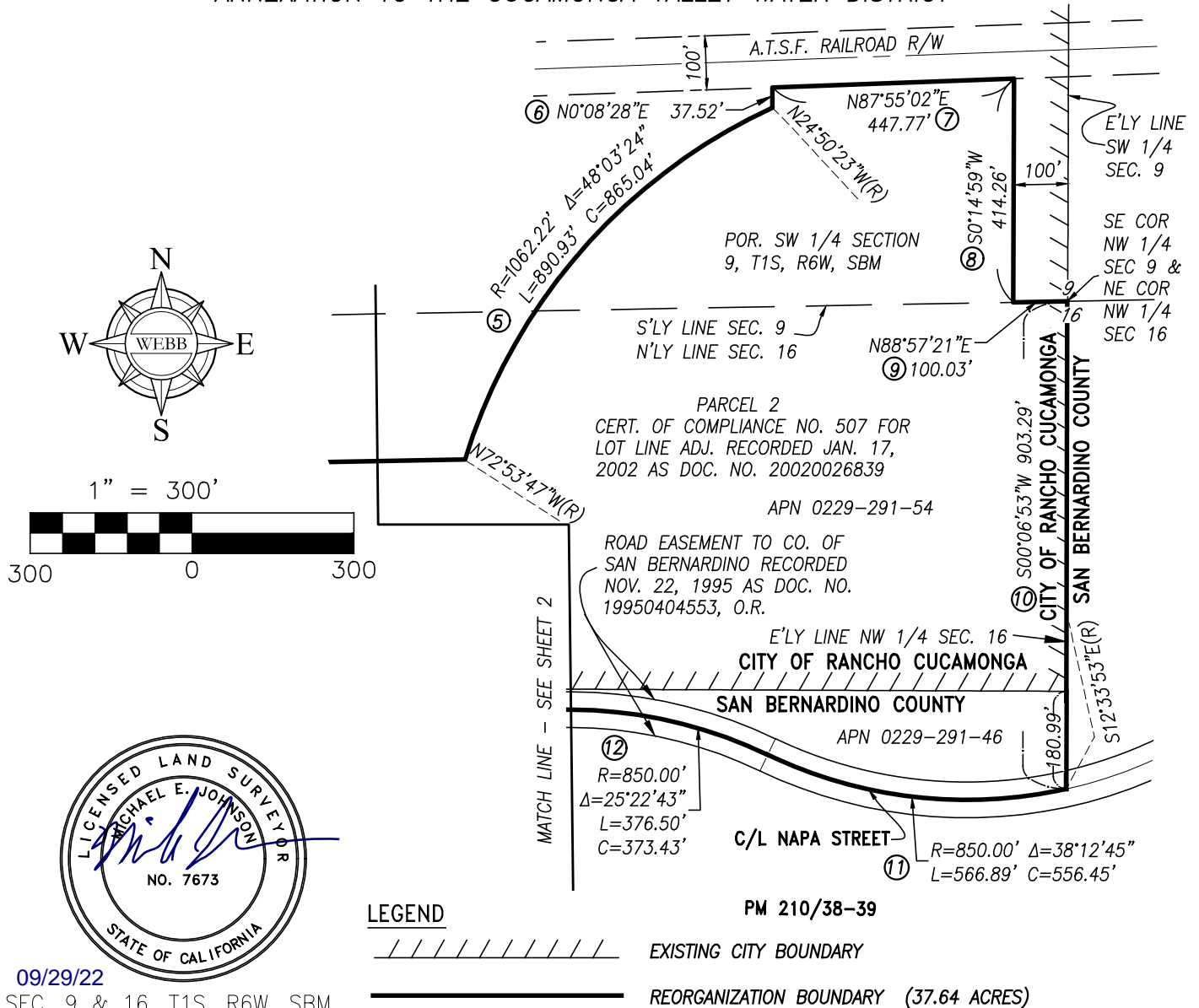
SUBJECT: LAFCO 3256

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LAFCO 3256

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE 70

ANNEXATION TO THE CUCAMONGA VALLEY WATER DISTRICT



ALBERT A.
WEBB
ASSOCIATES

LAFCO 3256

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SHEET 3 OF 3

W.O.

SCALE: 1"=200'


DRWN BY LB
CHKD BY MJ

DATE 2/26/22
DATE 09/29/22

SUBJECT: LAFCO 3256

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

DATE : NOVEMBER 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #8: LAFCO 3254 - Reorganization to include:

- Annexation to Running Springs Water District,
- Dissolution of CSA 79 and CSA 79 Zone R-1, and
- Formation of CSA 70 Zone R-52

INITIATION

Initiated by resolutions by the San Bernardino County Board of Supervisors, acting as the Governing Body of County Service Area 79, and the Board of Directors for the Running Springs Water District

RECOMMENDATIONS

The staff recommends that the Commission approve LAFCO 3254 by taking the following actions:

1. For environmental review, certify that LAFCO 3254 is exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3254, with the standard terms and conditions that include, but are not limited to, the "hold harmless" clause for potential litigation costs by the applicants, and the continuation of fees, charges, assessments, etc. currently charged by County Service Area 79; and,
3. Adopt LAFCO Resolution #3359, setting forth the Commission's determinations and conditions of approval concerning LAFCO 3254.

EXECUTIVE SUMMARY

Initiation and Objective

LAFCO 3254 is a request from San Bernardino County and the Running Springs Water District (Running Springs WD, or RSWD) to reorganize wastewater collection services in the Green Valley Lake area (substantially similar resolutions and joint application). The objective is for the County to divest itself of responsibility for wastewater collection and for residents to assume local control over the service in their community.

Currently the County, via its County Service Area 79 (CSA 79), provides wastewater collection to the area. Under contract, CSA 79 sends the effluent to the adjacent Running Springs WD for treatment and disposal. This application proposes annexation of the area to the Water District (thereby assuming service responsibility) and dissolution of CSA 79 (thereby divesting service responsibility). Note that even though Running Springs WD provides water and fire protection/emergency medical services, this proposal will not extend these services into the reorganization area and will remain the responsibility of the Green Valley Mutual Water Company and San Bernardino County Fire Protection District (County Fire), respectively.

Additionally, CSA 79 has a zone (CSA 79 Zone R-1) that was formed in 2007 to provide snow removal services to a designated area funded by a voter-approved special tax. Dissolution of CSA 79 would also dissolve its Zone R-1. In its place, the application proposes the formation of a zone to County Service Area 70, CSA 70 R-52, to continue the service and voter-approved special tax.

The table below identifies the responsible service agencies, currently and following reorganization.

SERVICE	CURRENT	REORGANIZATION
Wastewater Collection	CSA 79	Running Springs WD
Wastewater Treatment & Disposal	Running Springs WD (CSA 79 contracts out)	Running Springs WD
Snow Removal to a zone	CSA 79 Zone R-1	CSA 70 Zone R-52
Water	Green Valley Mutual Water Co.	Green Valley Mutual Water Co.
Fire Protection & Emergency Medical	San Bernardino County Fire Protection District (County Fire)	San Bernardino County Fire Protection District (County Fire)

This Proposal is Consistent with a Prior Action of the Commission

The 2011 Hilltop Community Service Review, 2017 Countywide Water Service Review, and 2018 Countywide Wastewater Service Review identified that a reorganization of water and/or wastewater services under a single or fewer agency(ies) would benefit the community. In March 2011, the Commission assigned a single (combined) sphere of influence for the Running Springs WD, Arrowbear Park County Water District (CWD), and CSA 79. This action signaled the Commission's intent for a future reorganization.

Staff Recommendation, Commission Action, and Protest Proceedings

Staff recommends that the Commission approve this proposal. This is based upon:

- Substantially similar resolutions of the County and Water District as well as a joint application.
- Plan for service, fiscal impact analysis, and transition plan submitted by the applicants.
- The factors required for consideration in a reorganization outlined in law.
- The reorganization will make the community's wastewater collection system more efficient since Running Springs Water District already processes the collected wastewater from CSA 79. Additionally, it puts the entire operation under control of a mountain agency with a locally elected board of directors.
- This proposal is consistent with a prior action of the Commission.

Further, Gov Code Section 56853(a) requires the Commission to approve this proposal. Said section states that:

If a majority of the members of each of the legislative bodies of two or more local agencies adopt substantially similar resolutions of application making proposals either for the consolidation of districts or for the reorganization of all or any part of the districts into a single local agency, the commission shall approve, or conditionally approve, the proposal.

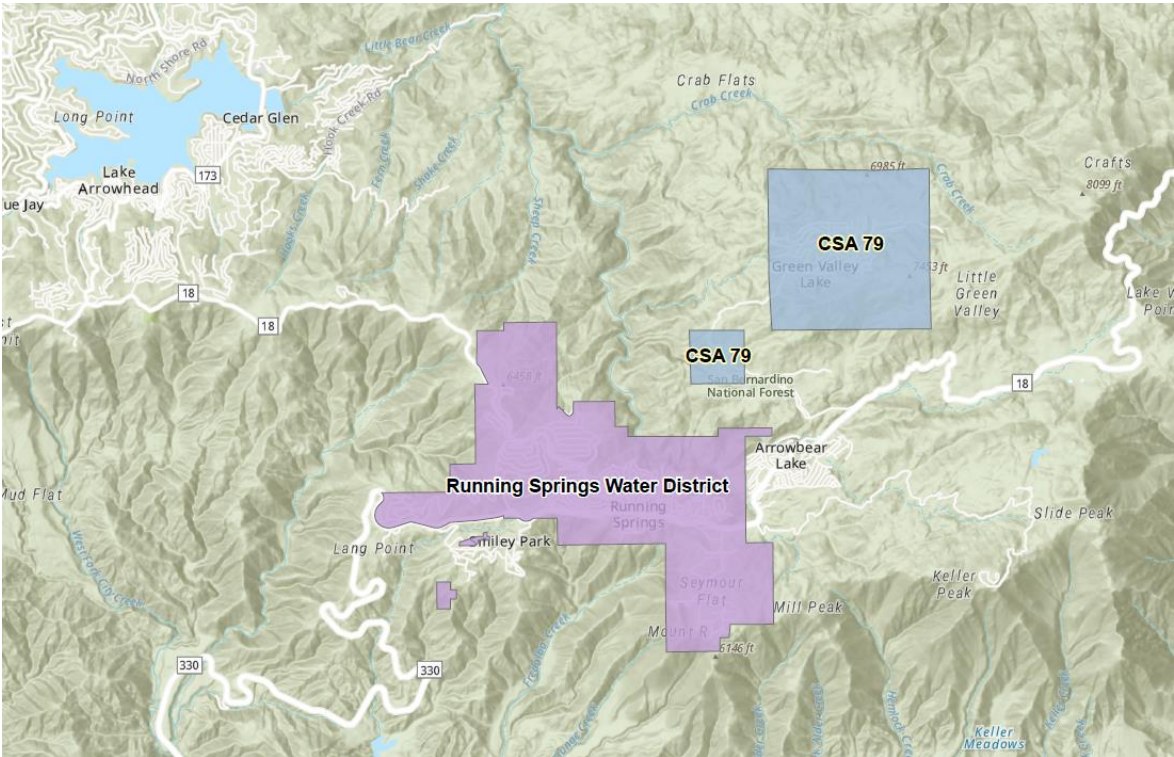
Should the Commission either approve or conditionally approve this proposal, then the Executive Officer would initiate a 30-day protest proceedings pursuant to Gov Code Section 57077.3 to determine the levels of protests filed by the voters and landowners within the affected territory, the territory of CSA 79.

MAPS

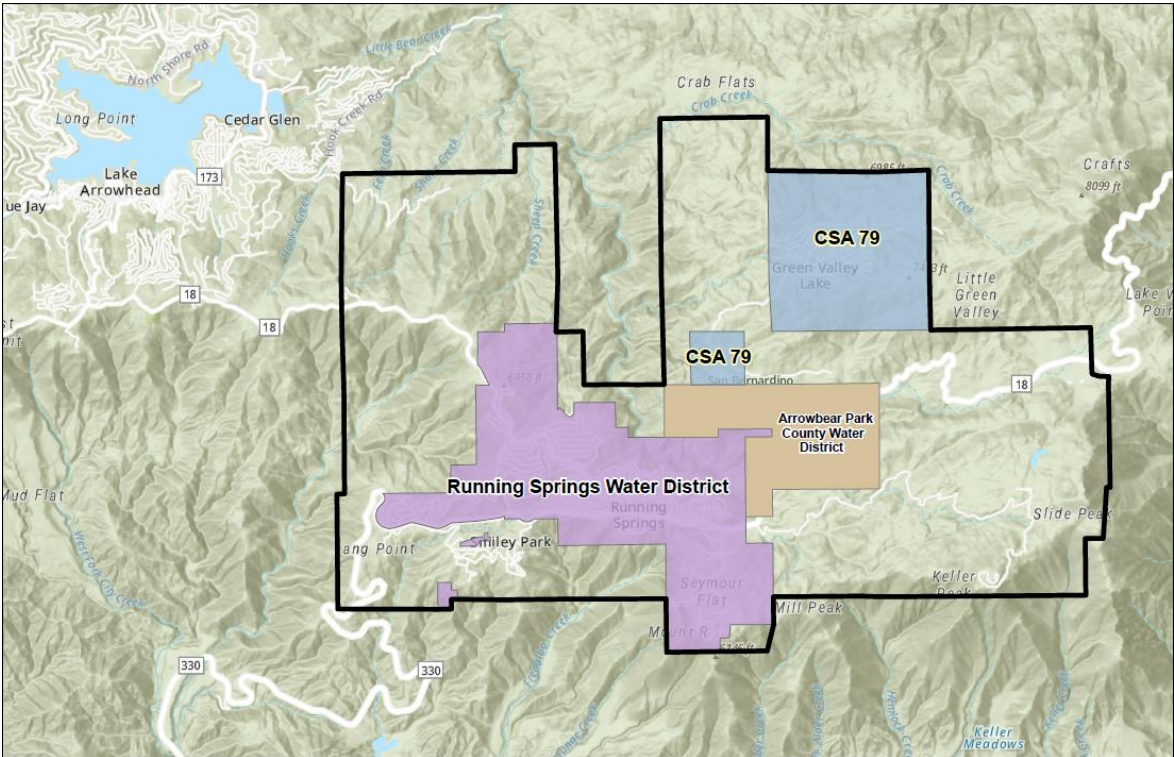
The maps on page 4 show the boundaries of spheres of influence of the agencies. The first map shows the two agencies affected by the proposed reorganization. The second map shows the single (combined) sphere of influence for the three Hilltop agencies: Arrowbear Park CWD, CSA 79, and the Running Springs WD.

Attachment #1 includes: (1) a map showing the boundaries and single (combined) sphere of influence; (2) a focused map for the area of the road service, and (3) the official reorganization maps.

Map of Reorganization Agencies, Current



Map of Single (Combined) Sphere of Influence, Current



INTRODUCTION

Hilltop Community

The Hilltop community is located in the central section of the Commission's defined Mountain Region, approximately 18 miles north of the Cities of San Bernardino and Highland. In addition to Arrowbear Lake, Green Valley Lake, and Running Springs, the Hilltop community includes the areas commonly known as Crab Tree Flats, Fredalba, Nob Hill, Seymour Flats, Smiley Park County Club and the Snow Valley ski area. Highways 18 and 330 converge in Running Springs, and it is often a stopping point for travelers to either Bear Valley or Lake Arrowhead. There are a number of lakes within the community including Green Valley Lake, Arrowbear Lake, and Deep Creek Lake.

County Service Area 79 and its Zone R-1

County Service Area 79 is governed by the County Board of Supervisors and is authorized by LAFCO to provide the following functions: sewer, water (not active), and roads/snow removal (through its Zone R-1). The district has no direct employees, it operates with personnel and supplies provided by County Service Area 70. CSA 79 maintains a sewer collection system and interceptor, with sewage treatment provided through a contract with Running Springs WD. CSA 79 Zone R-1 maintains and provides snow removal for approximately .65 mile of paved road in "The Meadow" area of Green Valley Lake. In 2007 Zone R-1 voters approved a \$325 per parcel, per year special tax with a 2.5% inflationary factor each year thereafter for snow removal.

Running Springs Water District

The Running Springs WD is authorized by LAFCO to provide the following functions: water, sewer, fire protection (to include ambulance), park and recreation, and sanitation. The district's service area includes four square miles of Running Springs, Enchanted Forest and portions of Smiley Park and Fredalba of the Hilltop community.

Wastewater Collection and Treatment/Disposal

CSA 79 and the adjacent Arrowbear Park County Water District collect the wastewater within their respective areas. Under contract since 1977, each agency sends its effluent to the treatment plant owned and maintained by Running Springs WD. The capital investment and maintenance costs for the treatment plant located within the Running Springs WD are shared by Arrowbear Park CWD, CSA 79, and Running Springs WD based on a proportionate share of costs.

LAFCO Service Reviews and Signal

The *2011 Hilltop Community Service Review*, *2017 Countywide Water Service Review*, and *2018 Countywide Wastewater Service Review* identified that a reorganization of water and/or wastewater services under a single or fewer agency(ies) would benefit the community. In March 2011, the Commission assigned a single (combined) sphere of influence for the Running Springs WD, Arrowbear Park CWD, and CSA 79. This action signaled the Commission's intent for a future reorganization.

STAFF ANALYSIS

This section provides the Commission with an analysis of the application materials as well as additional information obtained during processing.

(1) BOUNDARIES:

This application proposes dissolution of CSA 79 (thereby divesting service responsibility) and annexation of the area to the Running Springs WD (thereby assuming service responsibility).

Additionally, CSA 79 has a zone (CSA 79 Zone R-1) that was formed in 2007 to provide snow removal services to a designated area funded by a voter-approved special tax. Dissolution of CSA 79 would also dissolve its Zone R-1. In its place, the application proposes the formation of a zone to County Service Area 70, CSA 70 R-52, to continue the service and voter-approved special tax.

(2) GOVERNANCE AND MANAGEMENT:

Upon the effective date of this reorganization, governance and management over the wastewater collection system will transfer from the County Board of Supervisors to the Running Springs Water District Board of Directors. No additional board of director seats will be added to the Running Springs Water District, however, any registered voter in the District would be eligible to run for a seat on the District's Board.

(3) SERVICE PLAN:

The Running Springs WD, as the successor agency, provided a Plan for Service (included as a part of Attachment #2). Below is a summary and analysis of the Plan.

A. Wastewater

Since 1977, the Running Springs WD processed CSA 79's collected wastewater under an agreement. In 2019, the Running Springs WD entered into a new Wastewater Transportation, Treatment and Disposal Agreement with CSA 79. There is adequate capacity in the existing wastewater collections and treatment systems for the continued operation by the Running Springs WD.

Running Springs WD staff and management will initially plan to operate the Green Valley Lake wastewater collection system with existing staff and evaluate if there is a need to add any additional staff or equipment.

B. Water

Even though the Running Springs WD provides water service, this proposal will not extend this service into the reorganization area and will remain the responsibility of the Green Valley Mutual Water Company.

C. Fire Protection and Emergency Medical Services

Even though the Running Springs WD provides fire protection/emergency medical services, this proposal will not extend these services into the reorganization area and will remain the responsibility of the San Bernardino County Fire Protection District (County Fire) and its service zones.

(4) FISCAL IMPACT:

A. Fiscal Impact Summary

There will be no additional financial burden placed on the Running Springs WD to annex and continue providing wastewater collection services to this territory. There is not anticipated to be any significant fiscal impact due to the fact that the Running Springs WD already provides wastewater treatment and ambulance services to the territory. All costs of operating and maintaining the wastewater collection facilities will be recovered through rates and fees charged annually on the San Bernardino County property tax roll to the Green Valley Lake community property owners.

Based upon the information in the application documents and additional information provided, it is the staff's position that the Commission can make the following determinations:

- The reorganization is financially feasible.
- The reorganization can maintain the pre-reorganization service levels that are currently provided within the area and provide for the long-range planning necessary to maintain service levels.
- This proposal will not result in a potentially significant indirect physical impact to the residual agencies managed by the County Special District's Division.
- The implementation of the reorganization would not impair any other agency currently serving within the area.

B. Fiscal Impact Analysis

The Fiscal Impact Analysis prepared by the applicant's consultant examines the revenues and financial obligations of CSA 79, considering historical changes in revenues and expenditures by category over a five-year period from Fiscal Years ("FY") 2016-17 through 2020-21. This Analysis presents ten-year financial projections for CSA 79 and RSWD sewer services, both as independent agencies and with sewer services consolidated under RSWD. The Fiscal Impact Analysis is included as a part of Attachment #2. Below are excerpts from the Analysis.

The Analysis evaluated the sufficiency and reliability of anticipated revenues that RSWD proposes to use to fund CSA 79 wastewater collection and treatment activities assumed upon dissolution. The Analysis's baseline budget projection indicated that, if RSWD maintains current service charges, a modest deficit of \$3,776 could result in 2031 that would continue to grow annually thereafter. RSWD may need to consider a service charge increase to cover its operational costs and capital improvements. Since a deficit is projected even without reorganization, RSWD would need to consider how much to increase the rates for current RSWD customers versus CSA 79 customers. A March 2017 sewer rate study concluded that an increase is necessary to cover operational costs and capital improvements.

CSA 79 public services costs are projected to be significantly less if reorganized to RSWD by eliminating redundancies. The largest expenditures in the baseline budget projections are the RSWD wastewater treatment agreement, salaries and benefits, and operating and maintenance costs. The wastewater treatment agreement and salaries and benefits would be removed if reorganized. The agreement would be obsolete upon reorganization. RSWD would fund the wastewater treatment services it already provides to CSA 79 customers directly from service charges. The County would no longer staff CSA 79, and RSWD does not expect a need to increase its staffing levels.

Operations and maintenance costs are also projected to be significantly reduced. CSA 79's operating costs are significantly higher per EDU than RSWD, at \$227.55 per EDU compared to \$48.65 per EDU. This Analysis assumes that RSWD will operate CSA 79's wastewater collection system at \$48.65 per EDU. Although it is possible that CSA 79's wastewater collection system could cost more to operate than RSWD's system due to unique circumstances. Removing the cost of Indirect Services & Supplies alone would reduce CSA 79's wastewater collection expense to \$199.73 per EDU. Indirect Services & Supplies are payments made by CSA 79 to the County Special Districts Division for its proportionate share of County operating costs.

(5) TRANSITION PLAN:

The County Department of Public Works, Special Districts Division, together with the Running Springs WD approved and signed a transition plan for the purpose of outlining the transition of the governance, management, and operation of the service from CSA 79 to the Running Springs WD. The categories identified in the Transition Plan are business operations, system operations, financial operations, information technology operations, and other (to include but not limited to: permit requirements, duration, emergency, training, and legal). The Transition Plan is included as Attachment #3.

(6) TERMS AND CONDITIONS:

The resolutions of the County and Water District both identify that this proposal be subject to LAFCO's standard terms and conditions as well as 11 additional terms and conditions of their own, outlined below. In italics LAFCO staff provides clarification or an update where warranted.

- 1) Running Springs Water District will fix the Green Valley Lake community wastewater rates at their current level (Connection Fee \$5,336.22 and User Rate \$65.77 per Equivalent Dwelling Unit per month) for the first five years and account for the area as a separate enterprise fund barring any unforeseen circumstances that would require additional revenue; current wastewater rates for Running Springs Water District are: Connection Fee \$5,815 and User Rates \$54.08 per Equivalent Dwelling Unit per month plus \$0.0105 per cubic foot of water usage);
- 2) Depending on the timing of LAFCO approval of the proposed reorganization, Running Springs Water District will arrange for the Green Valley Lake community wastewater rates to be placed on the San Bernardino County property tax roll at the expense of Running Springs Water District's separate enterprise fund for the Green Valley Lake community;
- 3) After the initial 5 year period, a rate study will be prepared and the Green Valley Lake community will be merged with the existing Running Springs Water District wastewater enterprise such that a uniform wastewater rate will be applied for all wastewater customers of Running Springs Water District at that time;
- 4) Running Springs Water District will not assume any of CSA 79's pension liability. CSA 79 may withhold from transfer to Running Springs Water District a portion of its existing wastewater reserve funds to fund CSA 79's pension liabilities through LAFCO's issuance of the Certificate of Completion for the reorganization, with the method of calculation and the amount withheld to be determined and agreed to by both CSA 79 and Running Springs Water District;

CSA 79 has a proportionate share of the County's net pension liability allocated by the San Bernardino County Employees' Retirement Association ("SBCERA"). According to the County, CSA 79's net pension liability as of June 30, 2021 is \$318,808. The exact net pension liability will be recalculated as of the effective date of this reorganization.

- 5) CSA 79 R-1 funds for road services will transfer to the new CSA 70 road district zone, once formed;
- 6) All application fees and any other costs associated with the LAFCO reorganization will be paid for with CSA 79 reserve funds;
- 7) The remaining CSA 79 wastewater reserve funds, not withheld to cover CSA 79's pension liabilities, will be transferred to Running Springs Water District and be placed in a separate enterprise fund;

The County provided a listing of CSA 79's cash balances, lands, and assets, which will all transfer to the successor agency, the Running Springs WD. These listings are included as Attachment #4 to this report.

- 8) No additional Board of Director seats will be added to Running Springs Water District;

- 9) Running Springs Water District will enter into a new agreement as a permittee for a Special Use Permit with the United States Forest Service (USFS) for encroachment of the gravity sewer line under Green Valley Lake Road within the USFS;

County Land Use Services has a special use permit with the U.S. Forest Service for a main down by the highway. According to the Running Springs WD, there is apparently no successor clause so the District will need to apply for a new USFS Special Use Permit.

- 10) Running Springs Water District acknowledges and agrees to the LAFCO requirement imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual;

- 11) Running Springs Water District will continue to provide out of district sewer service to Snow Valley [Ski Area], which is consistent with the sphere of influence, and will be billed based off an equivalent dwelling unit (EDU) count;

Since 1978, CSA 79 has provided service outside of its boundary to the Snow Valley Ski area. The agreement expired in April 2018, and the County and Snow Valley opted not to extend the former contract where Snow Valley was charged based upon flow rate. Rather, in lieu of a contract, Snow Valley is now charged under the same method as CSA 79's other customers, by EDU. Snow Valley is outside the boundaries of the Running Springs WD but within the District's sphere of influence.

According to the Running Springs WD, it will also need to enter into a new agreement with Snow Valley. Ownership of Snow Valley is currently changing so it is working on coordinating this new agreement.

This reorganization will recognize that the Running Springs WD will succeed to the service that has been provided to Snow Valley since 1978. As long as the service continues, no further LAFCO review is necessary.

(7) ENVIRONMENTAL CONSIDERATIONS:

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Tom Dodson and Associates, has indicated that the review of LAFCO 3254 is exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the fact that the reorganization will not result in any physical impacts on the environment. Therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3). This circumstance applies to LAFCO 3254 because the Running Springs Water District will simply replace the existing wastewater collection service within the reorganization area.

Staff recommends that the Commission adopt the Common Sense Exemption for this proposal. A copy of Mr. Dodson's analysis is included as Attachment #5 to this report.

FACTORS TO BE CONSIDERED

The following are the factors to be considered in the review of a proposal pursuant to Government Code Section 56668 and Commission policy:

1. The Registrar of Voters has determined that the reorganization study area is legally inhabited, containing 295 registered voters within LAFCO 3254 as of October 26, 2022.
2. The reorganization does not conflict with the sphere of influence of any other entity because the proposal transfers existing service from one agency (to be dissolved) to another agency. Further, the territory is already within the Running Springs Water District sphere of influence.
3. The County Assessor has determined that the value of land and improvements within the reorganization area is broken down as follows:

Land:	\$ 46,786,369
Improvements:	\$186,124,694
Total:	\$232,911,063
4. In compliance with Commission policy and Government Code Section 56157, the Notice of Hearing for this proposal was provided by publication of an eight-page (1/8 page) legal ad in the *Alpine Mountaineer*, a newspaper of general circulation in the area. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination.
5. The proposed reorganization includes a variety of land uses established under the San Bernardino County's General Plan, however, such reorganization has no direct impact on said land use designations.
6. The Southern California Association of Governments (SCAG) has adopted a Regional Transportation Plan and Sustainable Community Strategy pursuant to the provisions of Government Code Section 65352.5. Approval of LAFCO 3254 has no direct impact on these determinations.
7. The Commission's Environmental Consultant, Tom Dodson and Associates, has recommended that this proposal is exempt from environmental review based on the finding that the Commission's approval of the reorganization has no potential to cause any adverse effect on the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). Mr. Dodson recommends that the Commission adopt the Exemption and direct its Executive Officer to file a Notice of Exemption within five (5) days. A copy of Mr. Dodson's response letter is included as Attachment #5 to this report.
8. The local agencies currently serving the area are:
 - County of San Bernardino
 - County Service Area 79
 - County Service Area 70 (unincorporated countywide, multi-function)
 - Crestline-Lake Arrowhead Water Agency

Mojave Desert Resource Conservation District
Rim of the World Recreation and Park District
San Bernardino County Fire Protection District, its North Desert Service
Zone, and its Service Zone FP-5
San Bernardino Mountains Community Hospital District

CSA 79 will be dissolved as a function of this reorganization. In addition, its Zone R-1 will also be dissolved but formed as a new zone of CSA 70, CSA 70 Zone R-52. The other agencies are not affected by this reorganization as they are either regional in nature or identified for other services to a specific area.

9. A plan was prepared for the extension of wastewater collection service to the annexation area, as required by law. The Plan for Service indicates that the Agency can maintain and/or improve the level of service currently available to the area. A copy of this plan is included as a part of Attachment #2 to this report.

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

10. The reorganization area can benefit from the availability and continuation wastewater services, as evidenced by the Plan for Service and Fiscal Impact Analysis.
11. This proposal will not affect the fair share allocation of the regional housing needs assigned to the County of San Bernardino through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process.
12. With respect to environmental justice, the reorganization provides for the continuation of wastewater services within the area. The delivery of these services, through a locally-elected special district, will not result in the unfair treatment of any person based upon race, culture or income.
13. The County of San Bernardino adopted a resolution determining there will be a zero property tax transfer as a result of the reorganization. This resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.
14. The maps and legal descriptions are in substantial compliance with LAFCO and State standards.

CONCLUSIONS

The annexation, dissolution, and formation do not change the geographical area in which previously existing powers are exercised but is a reorganization to allow the continued provision of existing services.

Staff recommends that the Commission approve this proposal. This is based upon:

- Substantially similar resolutions of the County and Running Springs WD as well as a joint application.
- Plan for service, fiscal impact analysis, and transition plan submitted by the applicants.
- The factors required for analysis in a reorganization outlined in law.
- The reorganization will make the community's wastewater collection system more efficient since Running Springs WD already processes the collected wastewater from CSA 79. Additionally, it puts the entire operation under control of a mountain agency with a locally elected board of directors.
- This proposal is consistent with a prior action of the Commission.

Further, Gov Code Section 56853(a) requires the Commission to approve this proposal. Said section states that:

If a majority of the members of each of the legislative bodies of two or more local agencies adopt substantially similar resolutions of application making proposals either for the consolidation of districts or for the reorganization of all or any part of the districts into a single local agency, the commission shall approve, or conditionally approve, the proposal.

Should the Commission approve or conditionally approve this proposal, then the Executive Officer would initiate a 30-day protest proceedings pursuant to Gov Code Section 57077.3 to determine the levels of protests filed by the voters and landowners within the affected territory, the territory of CSA 79.

The table below identifies the responsible service agencies, currently and following reorganization.

SERVICE	CURRENT	REORGANIZATION
Wastewater Collection	CSA 79	Running Springs WD
Wastewater Treatment & Disposal	Running Springs WD (CSA 79 contracts out)	Running Springs WD
Snow Removal to a zone	CSA 79 Zone R-1	CSA 70 Zone R-52
Water	Green Valley Mutual Water Co.	Green Valley Mutual Water Co.
Fire Protection & Emergency Medical	San Bernardino County Fire Protection District (County Fire)	San Bernardino County Fire Protection District (County Fire)

ATTACHMENTS

Attachment 1. Maps

- Reorganization Agencies Boundaries and Sphere of Influence
- Proposed Formation of County Service Area 70 Zone R-52
- Official Reorganization Maps

Attachment 2. Application Packet

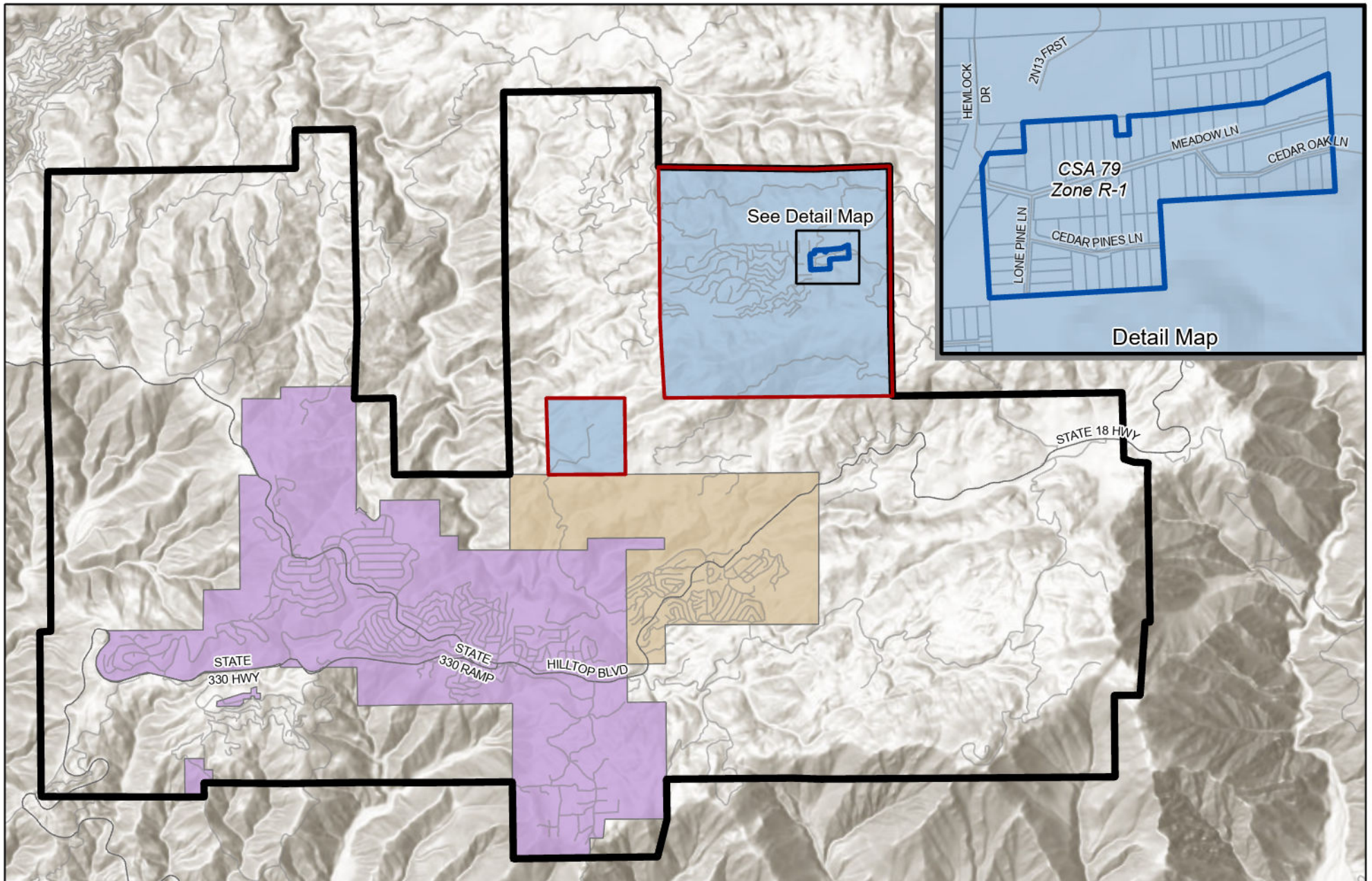
- [Resolutions Initiating the Proposal](#)
- [Application Forms](#)
- [Plan for Service](#)
- [Fiscal Impact Analysis](#)

Attachment 3. Transition Plan

Attachment 4. Listing of Assets, Reserves, and Properties

Attachment 5. Environmental Recommendation from the Commission's Environmental Consultant

Attachment 6. Draft Resolution #3359 for LAFCO 3254



LAFCO 3254 - Reorganization to Include Annexation to the Running Springs Water District, Dissolution of County Service Area 79 and its Zone R-1, and Formation of County Service Area 70 Zone R-52



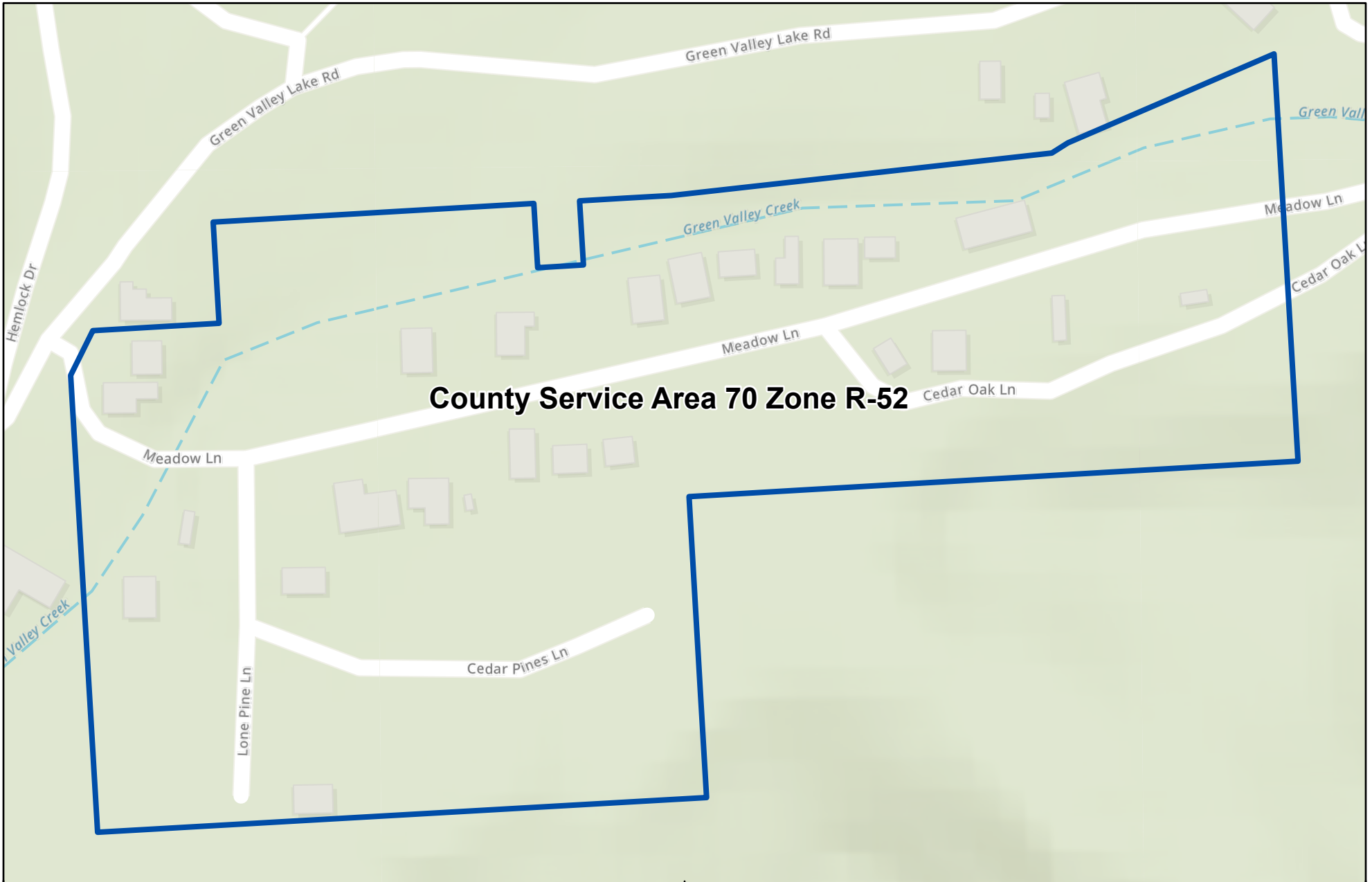
Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.

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Miles



- Reorganization Area
- CSA 79 Zone R-1 (to be formed as CSA 70 R-52)
- Arrowbear Park County Water District

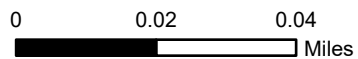
- Running Springs Water District
- CSA 79
- Spheres of Influence for CSA 79, Running Springs Water District, and Arrowbear Park County Water District




LAFCO 3254 - Reorganization to Include Annexation to the Running Springs Water District, Dissolution of County Service Area 79 and its Zone R-1, and Formation of County Service Area 70 Zone R-52

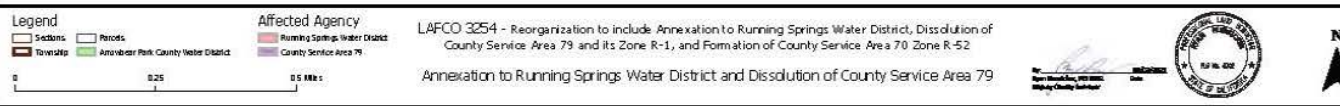


Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.



Legend

-  CSA 79 Zone R-1 (to be formed as CSA 70 Zone R-52)



RESOLUTION NO. 2022-20

RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA 79, STATE OF CALIFORNIA, REQUESTING THE SAN BERNARDINO COUNTY LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR A REORGANIZATION TO DISSOLVE COUNTY SERVICE AREA 79 (WASTEWATER COLLECTION SERVICE) AND ITS ZONE R-1 (ROAD SERVICE), ANNEX SAID COUNTY SERVICE AREA 79 TO THE RUNNING SPRINGS WATER DISTRICT AND FORM A NEW ZONE FOR COUNTY SERVICE AREA 70

On Tuesday January 25, 2022, on motion of Supervisor Cook, duly seconded by Supervisor Baca Jr., and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County acting as the governing body of County Service Area 79, State of California.

WHEREAS, San Bernardino County Service Area (CSA) 79, which provides wastewater collection and road services to the Green Valley Lake community, desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for reorganization resulting in the dissolution of CSA 79 and annexation of said area of CSA 79 into the Running Springs Water District for wastewater collection service, dissolution of CSA 79 Zone R-1, and formation of a new zone for CSA 70 for the continuation of the road service for the CSA 79 R-1 area; and

WHEREAS, the territory proposed to be reorganized is inhabited; and the descriptions and maps of the areas proposed to be reorganized are included in the attached Exhibits A and B; and

WHEREAS, the Running Springs Water District currently provides wastewater treatment and disposal services for a portion of CSA 79 known as the Green Valley Lake community under an Outside Wastewater Treatment Agreement since 2019, and prior to that since 1977; and

WHEREAS, the justification for the proposed action is to reorganize and clarify which agency is responsible for providing wastewater services (collection and treatment) and road services to the Green Valley Lake community; and

WHEREAS, it is desired that the proposed dissolution, annexation and formation be subject to the standard terms and conditions imposed by the San Bernardino County Local Agency Formation Commission (LAFCO) and the following:

1. Running Springs Water District will fix the Green Valley Lake community wastewater rates at their current level (Connection Fee \$5,336.22 each and User Rates \$65.77 per each dwelling unit) for the first 5 years and account for the area as a separate enterprise fund barring any unforeseen circumstances that would require additional revenue; current wastewater rates for the Running Springs Water District are: Connection Fee \$5,815 each and User Rates \$54.08 per each dwelling unit plus \$0.0105 per cubic foot of water usage);
2. Running Springs Water District will coordinate for the Green Valley Lake community wastewater rates to be placed on the San Bernardino County property tax roll at the expense of the Running Springs Water District's separate enterprise fund for the Green Valley Lake Community;
3. After the initial five years following annexation, a rate study will be conducted, and the Green Valley Lake wastewater collection will be merged with the Running Springs Water District's

existing wastewater enterprise. Running Springs Water District anticipates having a uniform wastewater rate for all wastewater customers at that time;

4. CSA 79 will withhold reserve funds to fund pension liabilities through LAFCO's issuance of the Certificate of Completion for the reorganization, with the method and amount to be withheld to be determined and agreed to by CSA 79 and the Running Springs Water District;
5. CSA 79 R-1 funds for road services will transfer to the new CSA 70 road district zone, once formed;
6. All application fees and any other costs associated with the LAFCO reorganization will be paid for with CSA 79 reserve funds;
7. The remaining CSA 79 sewer reserve funds will transfer to the Running Springs Water District and be placed in a separate enterprise fund;
8. No additional Board of Director seats will be added to the Running Springs Water District;
9. Running Springs Water District will enter into a new agreement as a permittee for a Special User Permit with the United States Forest Service (USFS) for encroachment of the gravity sewer line under Green Valley Lake Road within the USFS;
10. Running Springs Water District acknowledges and agrees to the LAFCO requirement imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual;
11. Running Springs Water District will continue to provide out of district sewer service to Snow Valley, which is consistent with the sphere of influence, and will be billed based off an equivalent dwelling unit (EDU) count; and

WHEREAS, the proposed reorganization is consistent with the sphere of influence assigned to the Running Springs Water District; and

WHEREAS, San Bernardino County Service Area 79 certifies that:

1. Adoption of this Resolution and the approval of the proposed activity is not a "project" as defined by California Environmental Quality Act (CEQA) and is exempt from CEQA review. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. (CEQA Guidelines Section 15061(b)(3)). Additionally, "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment" because there will be no reasonably foreseeable change in the types, intensity, and manner of service as a result of any approval and no construction or other physical alteration of the environment is proposed.
2. To the extent the annexation, dissolution and formation is a "project" subject to CEQA review, it is exempt under CEQA Guidelines Section 15301. This "Existing Facilities" exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. The

reorganization of CSA 79 only allows for the continued operation of existing public facilities without any expansion of use.

3. The annexation, dissolution and formation do not change the geographical area in which previously existing powers are exercised but is a mere boundary change to allow the continued provision of existing services as provided for under CEQA Guidelines Section 15320.
4. Adoption of this Resolution does not meet the circumstances described in CEQA Guidelines Section 15300.2 (Exceptions). An analysis of each of these exceptions is below:
 - a. Location. The location of the proposed action is not changing. All existing infrastructure and assets are remaining as-is throughout this administrative action.
 - b. Cumulative Impact. There is no cumulative impact to successive projects of the same type in the same place, as this administrative action is a one-time, specific-in-nature action.
 - c. Significant Effect. As a result of this administrative action, there is no reasonable possibility that the activity will have a significant effect on the environment.
 - d. Scenic Highways. This administrative action will not cause damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.
 - e. Hazardous Waste Sites. This administrative action is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
 - f. Historical Resources. This administrative action will not cause a substantial adverse change in the significance of a historical resource.

NOW, THEREFORE, BE IT RESOLVED, by the San Bernardino County Board of Supervisors acting as the governing body of County Service Area 79 (Board) that:

1. This Resolution of Initiation is hereby adopted and approved and the Board hereby requests the San Bernardino County LAFCO undertake proceedings for the dissolution of CSA 79 and its Zone R-1 so that the Green Valley Lake community can annex into the Running Springs Water District for wastewater collection service and formation of a new zone for CSA 70 for the same territory within CSA 79 Zone R-1 is formed according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. The Chief Executive Officer is directed and authorized on behalf of the CSA 79 to finalize the reorganization application including the preparation and certification of the Plan for Service and Fiscal Impact Analysis, and any and all other required documents, to the San Bernardino County LAFCO initiating the reorganization as set forth in this Resolution, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
3. The Clerk of the Board shall certify to the passage and adoption of this Resolution and is hereby authorized and directed to file, or cause to be filed, a certified copy of this Resolution with the Executive Officer of the LAFCO for San Bernardino County.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County acting as the governing body of County Service Area 79, State of California, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe,
Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

* * * * *

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors acting as the governing body of County Service Area 79 of San Bernardino County, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of January 25, 2022.
#52 LA

LYNNA MONELL
Clerk of the Board of Supervisors acting as the
Governing Body of County Service Area 79

By _____

Deputy



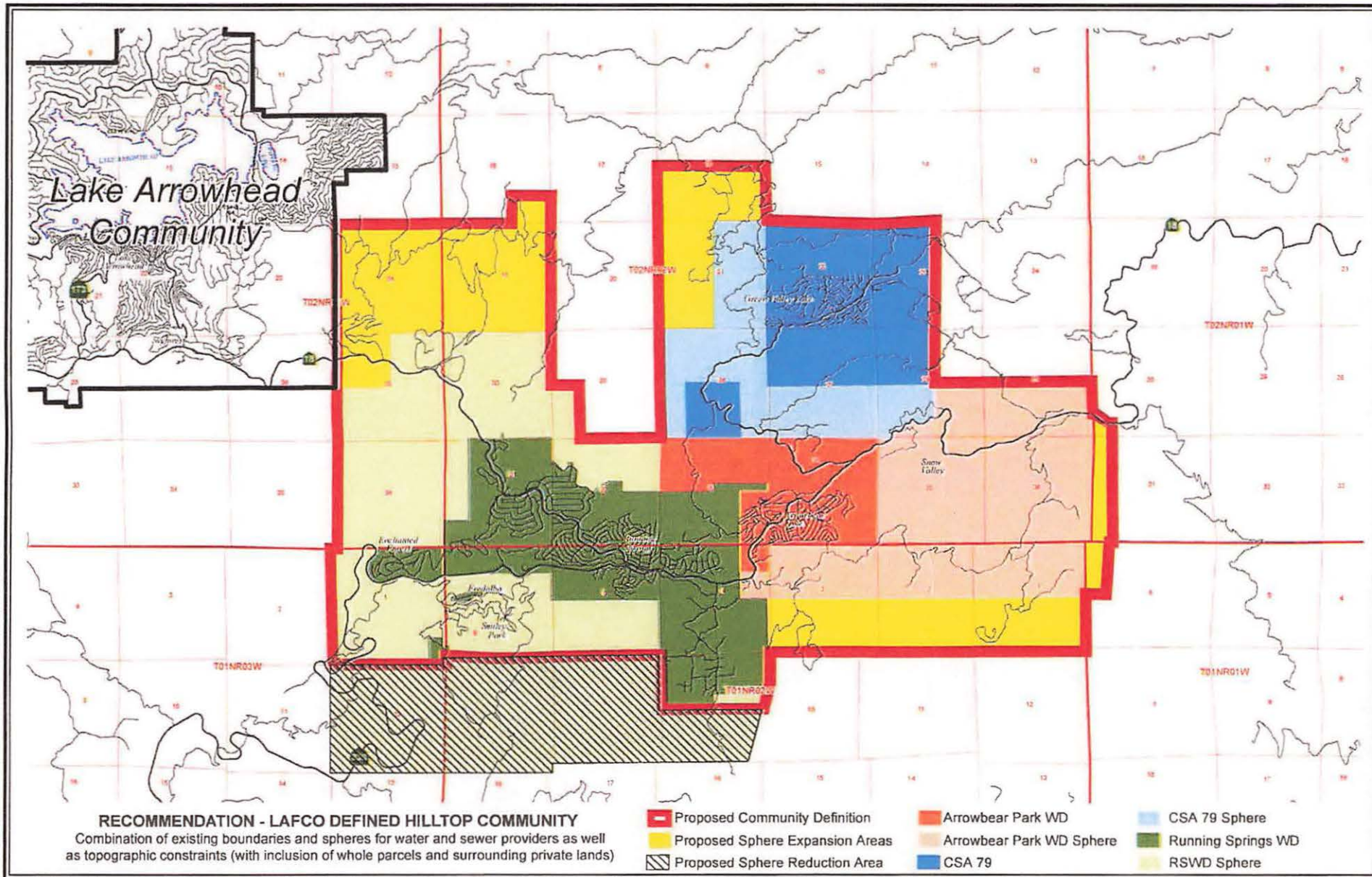
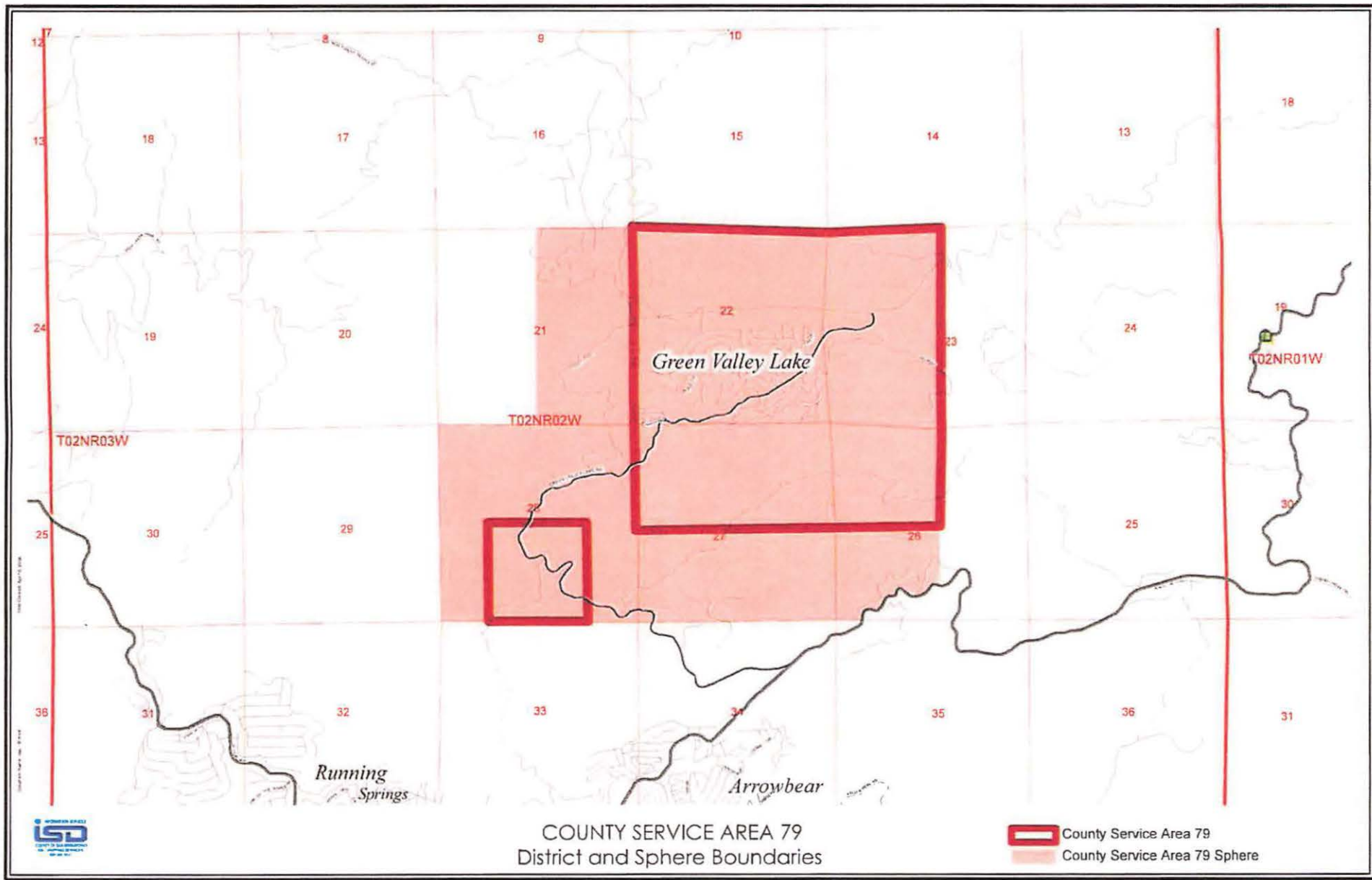
EXHIBIT A

EXHIBIT B



RESOLUTION NO. 03-22

A RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS OF RUNNING SPRINGS WATER DISTRICT REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR A REORGANIZATION TO DISSOLVE COUNTY SERVICE AREA 79 (WASTEWATER COLLECTION SERVICE) AND ITS ZONE R-1 (ROAD SERVICE), ANNEX SAID COUNTY SERVICE AREA 79 TO RUNNING SPRINGS WATER DISTRICT FOR WASTEWATER COLLECTION SERVICE AND TO COUNTY SERVICE AREA 70 FOR ROAD SERVICE, AND ALSO TO FORM A NEW ZONE FOR COUNTY SERVICE AREA 70, AND FINDING THAT THE REQUESTED REORGANIZATION IS NOT A PROJECT AND THEREFORE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, On Tuesday, January 25, 2022, the Board of Supervisors of San Bernardino County acting as the governing body of County Service Area No. 79 ("CSA 79"), which provides wastewater collection and road services to the Green Valley Lake community, adopted Resolution No. 2022-20 to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for a reorganization resulting in the dissolution of CSA 79 and annexation of said area of CSA 79 into Running Springs Water District for wastewater collection service, dissolution of CSA 79 Zone R-1, and formation of a new zone for CSA 70 for the continuation of the road service for the CSA 79 R-1 area; and

WHEREAS, the Board of Directors of Running Springs Water District likewise proposes a reorganization pursuant to Part 3 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for the same above-described reorganization; and

WHEREAS, the proposed reorganization would simply re-organize and clarify which agencies are responsible for providing wastewater service and road service to the Green Valley Lake community ("territory"), but do not propose any new development or any increase in the use of the territory; and

WHEREAS, the proposal includes reorganization resulting in the dissolution of CSA 79 and annexation of said area of CSA 79 into Running Springs Water District for wastewater collection service and into CSA 70 for road service, dissolution of CSA 79 Zone R-1, and formation of a new zone for CSA 70 for the continuation of the road service for the CSA 79 Zone R-1 area; and

WHEREAS, the territory proposed to be reorganized is inhabited; and the descriptions and maps of the areas proposed to be reorganized are included in Exhibits "A" and "B" attached hereto and by this reference incorporated herein; and

WHEREAS, Running Springs Water District currently provides wastewater treatment services to CSA 79 under an Outside Wastewater Treatment Agreement; and

WHEREAS, Running Springs Water District desires that the proposed reorganization be subject to the standard terms and conditions imposed by the Local Agency Formation Commission ("LAFCO") and to the following terms and conditions with respect to the provision of wastewater service:

- 1) Running Springs Water District will fix the Green Valley Lake community wastewater rates at their current level (Connection Fee \$5,336.22 and User Rate \$65.77 per Equivalent Dwelling Unit per month) for the first five years and account for the area as a separate enterprise fund barring any unforeseen circumstances that would require additional revenue; current wastewater rates for Running Springs Water District are: Connection Fee \$5,815 and User Rates \$54.08 per Equivalent Dwelling Unit per month plus \$0.0105 per cubic foot of water usage);
- 2) Depending on the timing of LAFCO approval of the proposed reorganization, Running Springs Water District will arrange for the Green Valley Lake community wastewater rates to be placed on the San Bernardino County property tax roll at the expense of Running Springs Water District's separate enterprise fund for the Green Valley Lake community;
- 3) After the initial 5 year period, a rate study will be prepared and the Green Valley Lake community will be merged with the existing Running Springs Water District wastewater enterprise such that a uniform wastewater rate will be applied for all wastewater customers of Running Springs Water District at that time;
- 4) Running Springs Water District will not assume any of CSA 79's pension liability. CSA 79 may withhold from transfer to Running Springs Water District a portion of its existing wastewater reserve funds to fund CSA 79's pension liabilities through LAFCO's issuance of the Certificate of Completion for the reorganization, with the method of calculation and the amount withheld to be determined and agreed to by both CSA 79 and Running Springs Water District;
- 5) CSA 79 R-1 funds for road services will transfer to the new CSA 70 road district zone, once formed;
- 6) All application fees and any other costs associated with the LAFCO reorganization will be paid for with CSA 79 reserve funds;
- 7) The remaining CSA 79 wastewater reserve funds, not withheld to cover CSA 79's pension liabilities, will be transferred to Running Springs Water District and be placed in a separate enterprise fund;
- 8) No additional Board of Director seats will be added to Running Springs Water District;
- 9) Running Springs Water District will enter into a new agreement as a permittee for a Special Use Permit with the United States Forest Service (USFS) for encroachment of the gravity sewer line under Green Valley Lake Road within the USFS;

10) Running Springs Water District acknowledges and agrees to the LAFCO requirement imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual;

11) Running Springs Water District will continue to provide out of district sewer service to Snow Valley, which is consistent with the sphere of influence, and will be billed based off an equivalent dwelling unit (EDU) count; and

WHEREAS, the reason for the proposed annexation to Running Springs Water District is to permanently provide wastewater services to the territory; and

WHEREAS, Running Springs Water District requests that the proceedings be taken for the proposal pursuant to Part 3 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for reorganization; and

WHEREAS, the proposed reorganization is consistent with the sphere of influence assigned Running Springs Water District.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of Running Springs Water District as follows:

Section 1. Findings under the California Environmental Quality Act ("CEQA") (Pub. Res. Code §§ 21000 et seq.; 14 Cal. Code Regs. §§ 15000 et seq.). This Board of Directors hereby determines that adoption of this Resolution is not a "project" under CEQA because no environmental impacts will result. However, to the extent the reorganization is found to be a CEQA "project," this Board of Directors alternatively determines that the reorganization is exempt from environmental review under CEQA because it has no environmental impacts that will result under State CEQA Guidelines § 15061(b)(3), and because the reorganization merely allows for the continued operation of existing facilities without any expansion in use under State CEQA Guidelines § 15301 (the "Existing Facilities" exemption) and because the reorganization consists of changes in the organization of local government agencies where the changes do not change the geographic area in which previously existing powers are exercised under State CEQA Guidelines § 15320. This Board of Directors further finds that none of the "exceptions" to the application of the Existing Facilities under State CEQA Guidelines 15300.2 exist because there are no unusual circumstances present, no sensitive resources will be impacted by the reorganization, no cumulative impacts or other significant effects are foreseeable from the reorganization, the reorganization will not impact visual resources within a scenic highway or historic resources, and because the reorganization does not involve hazardous waste sites.

Section 2. This Resolution of Application is hereby adopted and approved by Running Springs Water District Board of Directors and hereby requests the Local Agency Formation Commission for San Bernardino County to take proceedings for the reorganization of territory as described above, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Section 3. Running Springs Water District acknowledges and agrees to the Local Agency Formation Commission for San Bernardino County's requirement for imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual.

Section 4. The General Manager of Running Springs Water District is hereby directed and authorized on behalf of Running Springs Water District to finalize and submit a petition, including but not limited to the reorganization application to include annexation, dissolution and reorganization including the preparation and certifying of the Plan for Service and Fiscal Impact Analysis, copies of which are on file in the Running Springs Water District office and any and all other necessary and required documents to the San Bernardino County Local Agency Formation Commission initiating the reorganization as set forth in this resolution, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Section 5. That the Secretary to the Board of Directors of Running Springs Water District shall certify to the passage and adoption of this resolution and is hereby authorized and directed to file, or cause to be filed, a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission for San Bernardino County.

Section 6. The General Manager shall be the custodian of record for all documents relating to the adoption of this resolution, which may be reviewed by the public at the Running Springs Water District's offices located at 31242 Hilltop Boulevard, Running Springs, CA 92382.

ADOPTED this 16th day of February 2022.

Ayes: MACKZUM, TERRY, CONRAD, ACCIANI, DYBERG

Noes: 0

Abstentions: 0

Absent: 0

ATTEST:



Secretary of the Board of Directors
Running Springs Water District



President, Board of Directors
Running Springs Water District



EXHIBIT A

A reorganization to include annexation to Running Springs Water District

and dissolution of County Service Area 79

LAFCO # _____

THOSE PORTIONS OF SECTIONS 22, 23, 26, 27 AND 28 TOWNSHIP 2 NORTH RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER OFFICIAL GOVERNMENT SURVEY.

Area A:

THE EAST 1/2 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 2 NORTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER OFFICIAL GOVERNMENT SURVEY.

THE SOUTHERLY BOUNDARY OF WHICH LIES ADJACENT TO THE EXISTING BOUNDARY OF THE ARROWBEAR PARK COUNTY WATER DISTRICT AS ESTABLISHED IN 1953 BY ANNEXATION # 1

CONTAINING 160 ACRES, MORE OR LESS

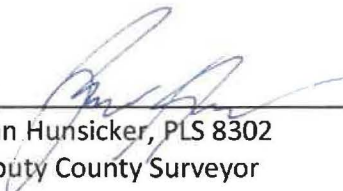
Area B:

ALL OF SECTION 22, THE WEST 1/2 OF SECTION 23, THE NORTHWEST 1/4 OF SECTION 26, THE NORTH 1/2 OF SECTION 27 TOWNSHIP 2 NORTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER OFFICIAL GOVERNMENT SURVEY.

CONTAINING 1,440 ACRES, MORE OR LESS

THE TOTAL COMPUTED ACREAGE CONTAINING 1,600 ACRES OF LAND, MORE OR LESS.

This legal description was prepared
by me or under my direction.

By: 
Ryan Hunsicker, PLS 8302
Deputy County Surveyor

09/02/2021
Date



EXHIBIT A

A reorganization to include annexation to Running Springs Water District
and dissolution of Improvement zone "R1" to County Service Area 79

LAFCO # _____

That portion of Map of Green Valley Park, in the County of San Bernardino, State of California, as per map recorded in Book 23 of Maps, page 17, records of said County, lying within the following described portion of the Southwest quarter of Section 23, Township 2 North, Range 2 West, San Bernardino Meridian:

Commencing at the West 1/4 corner of said section 23;

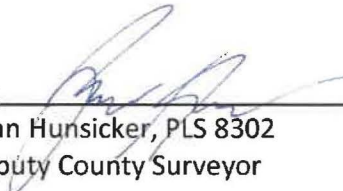
1. Thence S03°20'07"E 486.88' along the West line of said section 23 to the Southeasterly right of way line of Green Valley Lake Road also being the **Point of Beginning**;
2. Thence leaving said West line N26°12'40"E 54.34' along said right of way line to the North line of Lot 13, Block 5 of said Map of Green Valley Park;
3. Thence leaving said right of way line N86°40'26"E 137.57' along the North line of said Lot 13 to the West line of Lot 10, said Block 5;
4. Thence leaving said North line N03°20'07"W 110.45' along said West line to the Northwest corner of said Lot 10 said point also being on the North boundary of said map of Green Valley Park;
5. Thence leaving said West line N86°40'26"E 350.15' along said North boundary to the Northeast corner of Lot 4, of said Block 5;
6. Thence leaving said North boundary S03°20'07"E 70.00' along the East line of said Lot 4 to the South line of the North 70 feet of Lot 3, of said Block 5;
7. Thence leaving said East line N86°40'26"E 50.08' along said South line to the West line of Lot 2, of said Block 5;
8. Thence leaving said South line N03°20'07"W 70.00' along said West line to the Northwest corner of said Lot 2 said point also being on the said North boundary of said Map of Green Valley Park;
9. Thence leaving said West line N86°40'26"E 99.76' along said North boundary to the Northwest corner of Lot 13, Block 2 of said Map of Green Valley Park;
10. Thence leaving said North boundary N83°39'01"E 417.06' along the north line of Lots 13, 14, 15, 16, 17 of said Block 2 to the Northwest corner of Lot 18, of said Block 2;

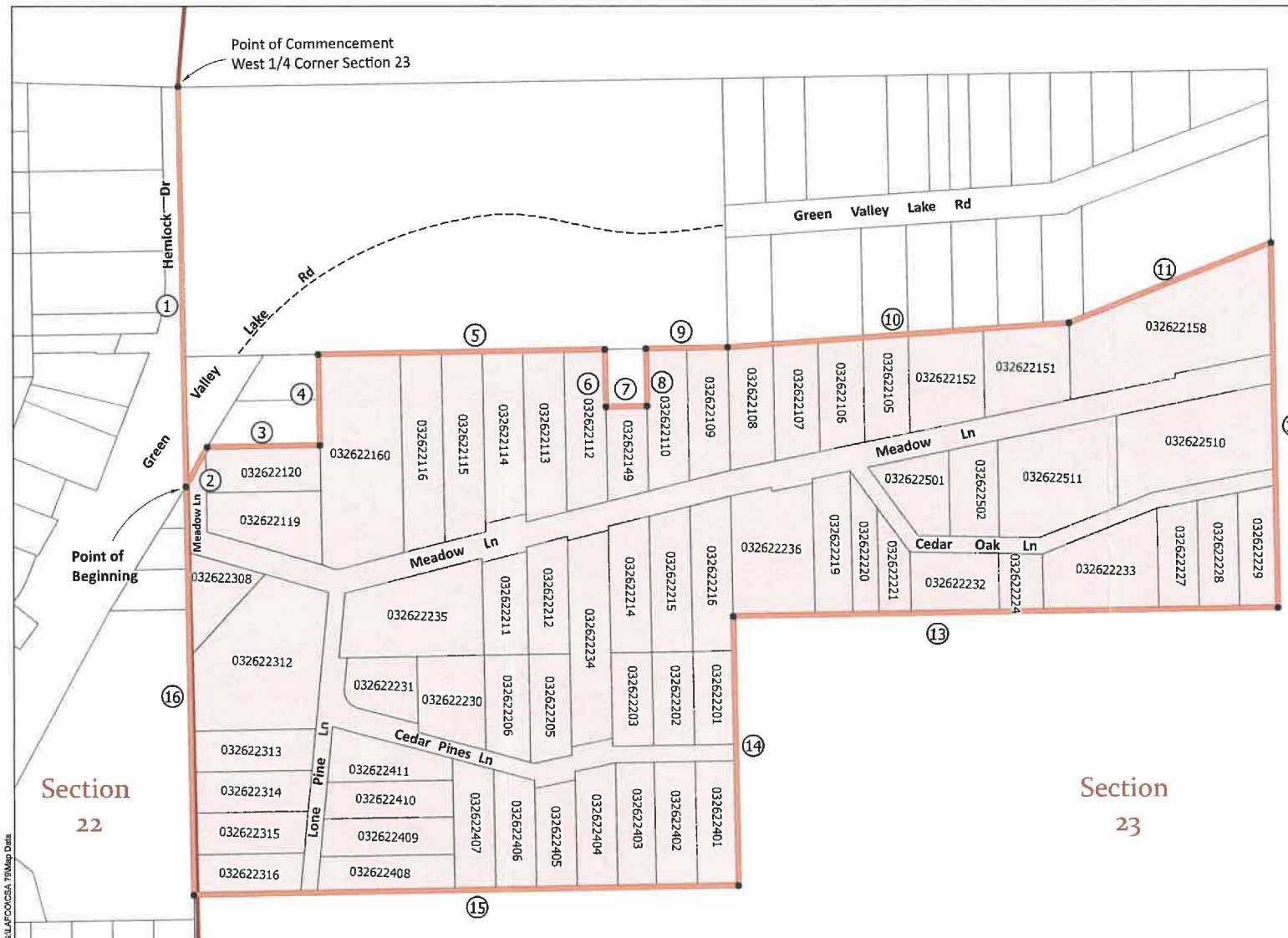
11. Thence leaving said North line of said lots 13, 14, 15, 16, 17 N65°58'08"E, 265.51' along the North line of said lot 18 and lot 19 of said Block 2 to the Northeast corner of said lot 19 said point also being on the most Easterly boundary of said map of Green Valley Park;
12. Thence leaving said North line S03°20'07"E 444.45 along said most Easterly boundary to the Southerly boundary of said map of Green Valley Park;
13. Thence leaving said most Easterly boundary S86°40'26"W 664.48' along said Southerly boundary to the Easterly boundary of said map of Green Valley Park;
14. Thence leaving said Southerly boundary S03°20'07"E 327.62' along said Easterly boundary to the most Southerly boundary of said map of Green Valley Park;
15. Thence leaving said Easterly boundary S86°40'26"W 664.68' along said most Southerly Boundary to the West line of said section 23;
16. Thence leaving said most Southerly Boundary N03°20'07"W 498.47' along said West line to the **Point of Beginning**.

COMPUTED ACREAGE CONTAINING 15 ACRES OF LAND, MORE OR LESS.

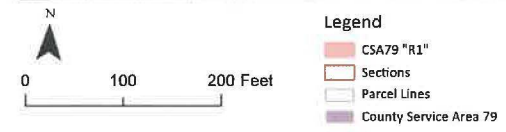
This legal description was prepared
by me or under my direction.



By:  02/07/2022
Ryan Hunsicker, PLS 8302 Date
Deputy County Surveyor



Course	Bearing	Distance
1	S 03° 20' 07" E	486.88
2	N 26° 12' 40" E	54.34
3	N 86° 40' 26" E	137.57
4	N 03° 20' 07" W	110.45
5	N 86° 40' 26" E	350.15
6	S 03° 20' 07" E	70.00
7	N 86° 40' 26" E	50.08
8	N 03° 20' 07" W	70.00
9	N 86° 40' 26" E	99.76
10	N 83° 39' 01" E	417.06
11	N 65° 58' 08" E	265.51
12	S 03° 20' 07" E	444.45
13	S 86° 40' 26" W	664.48
14	S 03° 20' 07" E	327.62
15	S 86° 40' 26" W	664.68
16	N 03° 20' 07" W	498.47



- Legend**
- CSA79 "R1"
 - Sections
 - Parcel Lines
 - County Service Area 79

EXHIBIT B
 A reorganization to include annexation to Running Springs Water District
 and dissolution of Improvement zone "R1" to County Service Area 79

LAFCO# _____

Affected Agency
 CSA79 "R1"
 Running Springs Water District

By:
 Ryan Hunsicker, PLS 8302
 Deputy County Surveyor

02/02/22
 Date



CERTIFICATION

I, Amie R. Crowder, Board Secretary of Running Springs Water District, hereby certify that the foregoing is a full, true, and correct copy of the Resolution No. 03-22 adopted by the Board of Directors of Running Springs Water District at the regular meeting of said Board held on the 16th day of February 2022, by the following vote:

AYES: MACKZUM, TERRY, CONRAD, ACCIANI, DYBERG

NOES: 0

ABSTENTIONS: 0

ABSENT: 0



Amie R. Crowder

Amie R. Crowder, Secretary of Running Springs Water District and to the Board of Directors

SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

GENERAL INFORMATION

1. NAME OF PROPOSAL: Annexation of CSA 79, Green Valley Lake Sanitation District, to
Running Springs Water District.
2. NAME OF APPLICANT: Curt Hagman, Chairman, San Bernardino County Board of Supervisors
APPLICANT TYPE: ☐ Landowner ☐ Local Agency
☐ Registered Voter ☒ Other San Bernardino County on behalf of
MAILING ADDRESS: CSA 79 & RunningSprings Water District
385 N. Arrowhead Ave., 5th Floor, San Bernardino, CA 92415
PHONE: (909) 387-4384
FAX: ()
E-MAIL ADDRESS: rgross@runningspringswd.com & Maria.Meza@cao.sbcounty.gov
3. GENERAL LOCATION OF PROPOSAL: The communities of Green Valley Lake and Running
Springs California.
4. Does the application possess 100% written consent of each landowner in the subject territory?
YES ☐ NO ☒ If YES, provide written authorization for change.
5. Indicate the reason(s) that the proposed action has been requested. To consolidate and therefore
increase efficiency of the Green Valley Lake sewer system.

LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres):
Approximately 200 acres +/-
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)
Approximately 1100 single-family residential units.
3. Approximate current population within area:
Approximately 300
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):
N/A

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):
Primarily residential zone with a small commercial zone.

5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:
N/A

6. Indicate the existing use of the subject territory.
Residential

What is the proposed land use?

No change.

7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ☐ NO ☒ If YES, please explain.
N/A

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

- | | |
|--|--|
| <input type="checkbox"/> Agricultural Land Uses | <input type="checkbox"/> Agricultural Preserve Designation |
| <input type="checkbox"/> Williamson Act Contract | <input type="checkbox"/> Area where Special Permits are Required |
| <input type="checkbox"/> Any other unusual features of the area or permits required: _____ | |

None that the County is aware of.

9. Provide a narrative response to the following factor of consideration as identified in §56668(p):
The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:

Environmental justice is not applicable for this proposal.

ENVIRONMENTAL INFORMATION

1. Provide general description of topography. Green Valley Lake is located in a mountainous terrain
at an elevation of 7200 feet within the San Bernardino National Forest.

2. Describe any existing improvements on the subject territory as % of total area.

Residential	<u>90</u> %	Agricultural	<u>0</u> %
Commercial	<u>10</u> %	Vacant	<u>0</u> %
Industrial	<u>0</u> %	Other	<u>0</u> %

3. Describe the surrounding land uses:

NORTH	<u>National Forest</u>
EAST	<u>National Forest</u>
SOUTH	<u>National Forest</u>
WEST	<u>National Forest</u>

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

None

5. Will service extensions accomplished by this proposal induce growth on this site? YES ☐
NO ☒ Adjacent sites? YES ☐ NO ☒ Unincorporated ☒ Incorporated ☐

None

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☒
NO ☐ If YES, please identify.

USFS use agreement for a sewer line placed within USFS land.

Agreement with Snow Valley Resort for treatment. This is outside of the District and will be billed
by equivalent dwelling unit (EDU).

7. Is this proposal a part of a larger project or series of projects? YES ☐ NO ☒ If YES, please explain.

NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME List will be provided upon request. TELEPHONE NO. _____

ADDRESS: _____

NAME _____ TELEPHONE NO. _____

ADDRESS: _____

NAME _____ TELEPHONE NO. _____

ADDRESS: _____

CERTIFICATION

As a part of this application, the San Bernardino County on behalf of CSA 79 and Running Springs Water District (co-applicants) 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.

As the person signing this application, I 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 and/or the real party in interest 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 supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE JAN 25 2022



Co-Applicant SIGNATURE

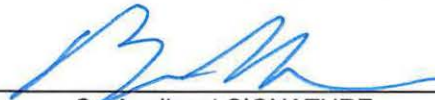
Curt Hagman

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

Chairman, Board of Supervisors

Title and Affiliation (if applicable)

DATE 2-10-22



Co-Applicant SIGNATURE

Ryan Gross

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

General Manager, Running Springs Water District
Title and Affiliation (if applicable)

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD
LYNNA MONELL
Clerk of the Board of Supervisors
of the County of San Bernardino

By  Deputy

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- ☒ ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT
- ☐ SPHERE OF INFLUENCE CHANGE SUPPLEMENT
- ☐ CITY INCORPORATION SUPPLEMENT
- ☐ FORMATION OF A SPECIAL DISTRICT SUPPLEMENT
- ☐ ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT

SUPPLEMENT ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS

INTRODUCTION: The questions on this form are designed to obtain data about the specific annexation, detachment and/or reorganization proposal to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please identify the agencies involved in the proposal by proposed action:

ANNEXED TO
Running Springs Water District

DETACHED FROM
County Service Area 79

2. For a city annexation, State law requires pre-zoning of the territory proposed for annexation. Provide a response to the following:

a. Has pre-zoning been completed? YES ☐ NO ☐

b. If the response to "a" is NO, is the area in the process of pre-zoning? YES ☐ NO ☐

Identify below the pre-zoning classification, title, and densities permitted. If the pre-zoning process is underway, identify the timing for completion of the process.

N/A

3. For a city annexation, would the proposal create a totally or substantially surrounded island of unincorporated territory?

YES ☐ NO ☐ If YES, please provide a written justification for the proposed boundary configuration.

N/A

4. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

No.

5. Will the territory be relieved of any existing special taxes, assessments, district charges or fees required by the agencies to be detached?

No.

6. If a Williamson Act Contract(s) exists within the area proposed for annexation to a City, please provide a copy of the original contract, the notice of non-renewal (if appropriate) and any protest to the contract filed with the County by the City. Please provide an outline of the City's anticipated actions with regard to this contract.

N/A

7. Provide a description of how the proposed change will assist the annexing agency in achieving its fair share of regional housing needs as determined by SCAG.

N/A

8. **PLAN FOR SERVICES:**

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

- A. A description of the level and range of each service to be provided to the affected territory.
- B. An indication of when the service can be feasibly extended to the affected territory.
- C. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.
- D. The Plan shall include a Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditures. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.

- E. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
- F. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).

CERTIFICATION

As a part of this application, the San Bernardino County on behalf of CSA 79 and Running Springs Water District (co-applicants) 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.

As the person signing this application, I 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 and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

As the proponent, I acknowledge that annexation to the Running Springs Water District may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles XIIC and XIID of the State Constitution (Proposition 218) to a hearing, assessment ballot processing or an election on those existing taxes, fees and assessments.

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

(FOR LAFCO USE ONLY)

DATE JAN 25 2022



Co-Applicant SIGNATURE

Curt Hagman

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

Chairman, Board of Supervisors

Title and Affiliation (if applicable)

DATE 2-10-22



Co-Applicant SIGNATURE

Ryan Gross

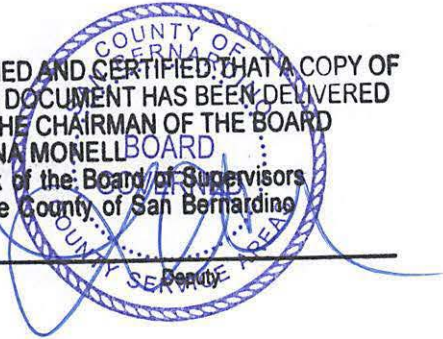
Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

General Manager, Running Springs Water District

Title and Affiliation (if applicable)

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD
LYNNA MONELL
Clerk of the Board of Supervisors
of the County of San Bernardino

By





RUNNING SPRINGS WATER DISTRICT
RUNNING SPRINGS FIRE DEPARTMENT

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

Plan for Service and Fiscal Impact Analysis

LAFCO 3254

Reorganization to include Annexation to the Running Springs Water District

In 2019, the Running Springs Water District (District) entered into a Wastewater Transportation, Treatment and Disposal Agreement with the County of San Bernardino County Service Area No. 79 (CSA 79), a County Service Area for Green Valley Lake which is located within the sphere of influence of the District. On July 17, 2019, the CSA 79 Special Advisory Committee met with the Running Springs Water District Board of Directors and requested that the District consider annexing the CSA 79 into the District's jurisdictional boundary in order to continue wastewater service and to provide for a more logical, efficient and effective delivery of the services provided by the District. This proposed reorganization only includes wastewater services.

The District desires that the proposed reorganization be subject to the standard terms and conditions imposed by the Local Agency Formation Commission ("LAFCO") and to the following terms and conditions:

- 1) Running Springs Water District will fix the Green Valley Lake community wastewater rates at their current level (Connection Fee \$5,336.22 and User Rate \$65.77 per Equivalent Dwelling Unit per month) for the first five years and account for the area as a separate enterprise fund barring any unforeseen circumstances that would require additional revenue; current wastewater rates for Running Springs Water District are: Connection Fee \$5,815 and User Rates \$54.08 per Equivalent Dwelling Unit per month plus \$0.0105 per cubic foot of water usage);
- 2) Depending on the timing of LAFCO approval of the proposed reorganization, Running Springs Water District will arrange for the Green Valley Lake community wastewater rates to be placed on the San Bernardino County property tax roll at the expense of Running Springs Water District's separate enterprise fund for the Green Valley Lake community;
- 3) After the initial 5 year period, a rate study will be prepared and the Green Valley Lake community will be merged with the existing Running Springs Water District wastewater enterprise such that a uniform wastewater rate will be applied for all wastewater customers of Running Springs Water District at that time;
- 4) Running Springs Water District will not assume any of CSA 79's pension liability. CSA 79 may withhold from transfer to Running Springs Water District a portion of its existing wastewater reserve funds to fund CSA 79's pension liabilities through LAFCO's issuance of the Certificate of Completion for the reorganization, with the method of calculation and the amount withheld to be determined and agreed to by both CSA 79 and Running Springs Water District;

- 5) CSA 79 R-1 funds for road services will transfer to the new CSA 70 road district zone, once formed;
- 6) All application fees and any other costs associated with the LAFCO reorganization will be paid for with CSA 79 reserve funds;
- 7) The remaining CSA 79 wastewater reserve funds, not withheld to cover CSA 79's pension liabilities, will be transferred to Running Springs Water District and be placed in a separate enterprise fund;
- 8) No additional Board of Director seats will be added to Running Springs Water District;
- 9) Running Springs Water District will enter into a new agreement as a permittee for a Special Use Permit with the United States Forest Service (USFS) for encroachment of the gravity sewer line under Green Valley Lake Road within the USFS;
- 10) Running Springs Water District acknowledges and agrees to the LAFCO requirement imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual;
- 11) Running Springs Water District will continue to provide out of district sewer service to Snow Valley, which is consistent with the sphere of influence, and will be billed based off an equivalent dwelling unit (EDU) count; and

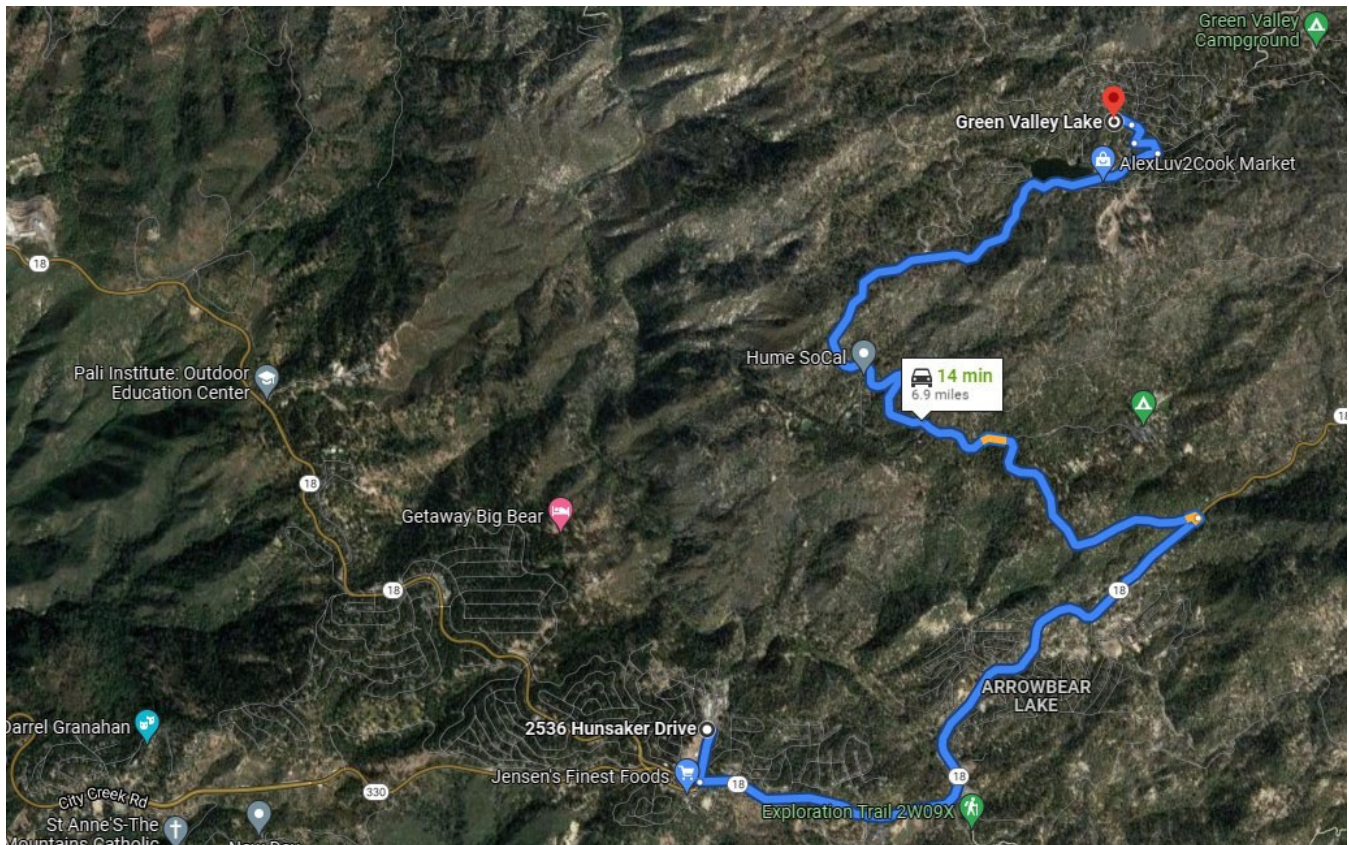
Description of Services:**Water**

Water service in the Green Valley Lake community is currently provided by the Green Valley Mutual Water Company and will continue to be provided by the Green Valley Mutual Water Company.

Wastewater

Wastewater collection service is currently provided by CSA 79 and would be transferred to the District. Wastewater transportation, treatment and disposal services are currently provided by an outside service agreement Between the District and CSA 79 and would continue. There is adequate capacity in the existing wastewater collections and treatment systems for the continued operation by the District.

The District's existing wastewater collections division building is located at 2536 Hunsaker Way, Running Springs, CA 92382 which is less than seven miles from Green Valley Lake. The District's main office and Board room is located at 31242 Hilltop Blvd. in Running Springs.



Current staffing includes a Wastewater Collections Lead Operator and two Wastewater Collections Operators one of which resides in Green Valley Lake. There are also six additional operators available as support staff if needed. The Operations Manager and General Manager are also certified operators. District staff and management will initially plan to operate the Green Valley Lake wastewater collection system with existing staff and evaluate if there is a need to add any additional staff or equipment.

Available equipment includes:

- 2020 Video Inspection Van
- Hydro jetting sewer collection cleaning equipment
- Two backhoes
- One wheel loader
- Two compressors with jackhammers, welders and other ancillary tools
- Multiple utility pickup trucks, snowplows and a skid steer Bobcat.
- Two snow cats

The District also contracts with various contractors and vendors for additional services and equipment on an as-needed and emergency basis such as emergency bypass pumping equipment, combination sewer cleaning/vactor equipment, construction services for emergency sewer repairs, etc.

It is the District's understanding that there is a United States Forest Service (USFS) Special Use Permit (SUP) for encroachment of the gravity sewer line under Green Valley Lake Road within the USFS and that this SUP would need to be renewed with the District as the permittee.

The existing agreement with Snow Valley for sewer service would also need to be transferred to the District.

Fire Protection

Fire Protection Service is currently under the Jurisdiction of the San Bernardino County Fire Protection District and its Mountain Service Zone and will continue to be provided by the San Bernardino County Fire Protection District and its Mountain Service Zone.

Ambulance Emergency Medical Service (EMS)

Running Springs Fire Department (RSFD) currently does and will continue to provide Advance Life Support (ALS) Ambulance EMS to the Green Valley Lake community, which is already within the RSFD Exclusive Operating Area (EOA 19). Ambulance EMS is provided by one or more of three ambulance units, and if necessary, a Squad that is equipped with an additional Paramedic and rescue gear and a local CalFire Unit that is stationed at the Running Springs Fire Station No. 51 to assist with EMS services or rescue.

Road Services

Road services will continue to be provided by the County of San Bernardino.

Timing and Improvements

The wastewater services described above are currently being provided and no additional infrastructure is required.

Fiscal Impact Analysis

This annexation is for the Green Valley Lake community/CSA 79 which is within the District's sphere of influence. There will be no additional financial burden placed on the District to annex and continue providing wastewater services to this territory. The revenues anticipated would be sufficient to cover the expenses for wastewater services.

There is not anticipated to be any significant fiscal impact due to the fact that the Running Springs Water District already provides wastewater and emergency medical services to the territory.

All costs of operating and maintaining the District wastewater facilities will be recovered through rates and fees charged annually on the San Bernardino County property tax roll to the Green Valley Lake community property owners. The annexing territory will be included within the existing jurisdictional service boundaries of the District.

The County is in the process of updating the fiscal impact analysis report.

All fees for the LAFCO Reorganization, Annexation and Detachment process to be paid by the CSA 79.

CERTIFICATION

I hereby certify that the statements furnished above and the documents attached present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

Name: Ryan Gross, P.E.

Title: General Manager

Organization: Running Springs Water District

Signature: 

Date: 4/22/2022

SAN BERNARDINO COUNTY, ADMINISTRATIVE OFFICE
385 N. ARROWHEAD AVENUE, 5TH FLOOR
SAN BERNARDINO, CA 92415-0110

**SAN BERNARDINO
COUNTY SERVICE AREA 79
REORGANIZATION**

FISCAL IMPACT ANALYSIS

JUNE 28, 2022

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INTRODUCTION

San Bernardino County (“County”) is considering reorganizing County Service Area (“CSA”) 79, a dependent special district of the County. CSA 79 provides sewer and road maintenance services to a portion of the Hilltop community near Green Valley Lake in the San Bernardino Mountains. The reorganization would annex CSA 79 territory into the Running Springs Water District (“RSWD”), an independent special district that would take over sewer services. A new zone within CSA 70 would be created to continue providing road maintenance services through the County’s Special Districts Department. Figure 1 presents a map of each district (at the end of the “CSA 79 and RSWD Background” section).

The reorganization of CSA 79 has been discussed for decades to provide more efficient services to residents, most recently in Municipal Service Reviews (“MSR”) on water and wastewater completed by the Local Agency Formation Commission for San Bernardino County (“LAFCO”) in July 2017 and August 2018, respectively. Residents of CSA 79 requested that the County and RSWD proceed with the reorganization. RSG prepared this Fiscal Impact Analysis (“Analysis”) to assess the financial, operational, and political implications of reorganization.

RSG prepared this Analysis in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §§56000 et seq.) (“CKH Act”) and the Annexation, Detachment, and Reorganization Proposals form provided in LAFCO’s Policy & Procedures Manual. It examines the revenues and financial obligations of CSA 79, considering historical changes in revenues and expenditures by category over a five-year period from Fiscal Years (“FY”) 2016-17 through 2020-21. This Analysis presents ten-year financial projections for CSA 79 and RSWD sewer services, both as independent agencies and with sewer services consolidated under RSWD. The purpose of the Analysis is to assist the County, RSWD, LAFCO, and others in making a balanced and well-informed decision on merits of the proposed CSA 79 reorganization.

CSA 79 & RSWD BACKGROUND

CSA 79 and RSWD have an existing contractual agreement in which RSWD provides wastewater treatment services to CSA 79. The districts were previously considered for reorganization in 2018. The sections that follow outline the history, scope of services, governance structure, and annual budget for CSA 79 and RSWD.

COUNTY SERVICE AREA 79 (CSA 79)

CSA 79 currently provides sewer collection services to the Green Valley Lake Area in the San Bernardino Mountains, and road maintenance, paving, and snow removal services to an area of Green Valley Lake known as “The Meadow.”

HISTORY AND OVERVIEW

CSA 79 Green Valley Lake was established by the San Bernardino County Board of Supervisors (“Board of Supervisors”) on September 7, 1971 to provide sewer and fire protection services. Fire protection services were later removed, as explained later in this section. CSA 79 R-1 Green Valley was established by the Board of Supervisors on September 14, 1993 to maintain 0.65 miles of paved roads. Collectively, CSA 79 segregates these two components with separate funds and budgets: “CSA 79 R-1 Green Valley Lake” and “CSA 79 R-1 Meadow Green Valley Lake” (collectively referred to as “CSA 79”).

While CSA 79 is responsible for all sewer services in the district territory, CSA 79 does not do so independently. CSA 79 maintains a sewer collection system and interceptor; sewage treatment is provided through an agreement with RSWD. The original Wastewater Transportation, Treatment and Disposal Agreement between CSA 79 and RSWD dates back to January 20, 1977. In 2019, CSA 79 and RSWD signed a new Wastewater Transportation, Treatment and Disposal Agreement, wherein CSA 79 will compensate RSWD for their wastewater services for a ten-year term. The term will automatically renew unless either party provides a cancellation notice.

CSA 79 sewer collection services are funded mostly by service charges to 1,255 equivalent dwelling units (“EDUs”) in the Green Valley Lake area of the San Bernardino mountains. Other revenues include special assessments for a standby fee charged to 373 parcels that have the ability to connect to the sewer system but have not because they remain undeveloped. CSA 79 also collects a small amount of revenues from interest and fees.

CSA 79 R-1 provides road maintenance, paving, and snow removal for Meadow Lane, a 0.65-mile paved road in the “The Meadow” area of Green Valley Lake. On August 7, 2007, voters approved an annual \$352 per parcel special tax with a 2.5 percent inflationary factor to fund these services. The FY 2021-22 special tax is \$497.39, billed on 63 parcels.¹

The same year in which the voters approved the special tax for road services, CSA 79 coincidentally ceased to provide fire services within its territory as a result of the LAFCO approval

¹ Number of CSA 79 parcels subject to road maintenance special tax as of February 2022.

FISCAL IMPACT ANALYSIS SAN BERNARDINO COUNTY SERVICE AREA 79

of the reorganization of fire services throughout the County that resulted in the formation of the San Bernardino County Fire Protection District and its Mountain Service Zone.

GOVERNANCE AND STAFFING

CSA 79 is overseen by the Board of Supervisors and has no direct employees or payroll. It operates with pooled personnel and supplies from CSA 70 within the County Special Districts Department. Although CSA 70 has multiple staff members that contribute to CSA 79 operations, CSA 79 funds the equivalent of approximately one full-time staff position.

BUDGET

CSA 79's FY 2021-22 Modified Budget was \$926,178 for sewer services (Fund 4850) and \$26,926 for road maintenance (Fund 1798), or \$953,104 total.

Of the CSA 79 sewer budget, \$1,007,300 is funded from service charges and \$34,900 is derived from other sources such as interest. Special Districts noted that approximately \$225,000 to \$250,000 of the budget is a contingency for as-needed repairs, therefore it may not be necessary to use the sewer fund balance.

The CSA 79 R-1 road maintenance budget of \$26,926 is funded entirely from the special tax. The Budget for CSA 79 sewer and CSA 79 R-1 road maintenance is presented in Table 1.

Table 1: CSA 79 Modified Budget for FY 2021-22

	CSA 79 Sewer	CSA 79 R-1	Total
Revenues	\$1,042,200	\$28,900	\$1,071,100
Expenditures	(926,178)	(26,926)	(953,104)
Use of Net Position	\$116,022	\$1,974	\$117,996
<i>Sources: San Bernardino County Finance Department and FY 2021-22 Modified Budget for Funds 4850 and 1798</i>			

RUNNING SPRINGS WATER DISTRICT (RSWD)

RSWD is contracted by CSA 79 to provide sewer transportation, treatment, and disposal. RSWD also provides fire protection and ambulance services within its jurisdiction. The sections that follow outline RSWD's history, scope of services, governance, and annual budget. Figure 1, which follows the RSWD detailed discussion, illustrates the CSA 79, CSA 79 R-1, and RSWD district boundaries.

HISTORY AND OVERVIEW

RSWD is an independent special district formed in March 1958 to provide retail water to its constituents. RSWD established a Fire Department in 1962 to provide fire protection services. A sewage disposal system was completed in 1976 to provide sewer service. Ambulance service was established in 1976.

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

POWERS AND SERVICES

RSWD operates three departments: a water department that provides retail water distribution, a fire department that provides fire protection and ambulance services, and a wastewater department that collects, treats, and disposes of wastewater. RSWD services a five-square mile area of unincorporated San Bernardino County that includes Running Springs, Enchanted Forest, and portions of Smiley Park and Fredalba of the Hilltop community. The FY 2022-23 Budget accounted for 2,992 residential and commercial EDUs. RSWD's power and authority is regulated by Division 12, Sections 30000-33901 of the California Water Code.

GOVERNANCE AND STAFFING

RSWD is governed by a five-member Board of Directors elected from the community. A General Manager oversees three department heads: Fire Chief, Administration Supervisor, and Operations Manager. At the time the FY 2022-23 budget was adopted, RSWD had approximately 25 employees and an annual salaries and benefits payroll of approximately \$4.8 million (of which \$1.4 million is for the water and administrative departments).

BUDGET

RSWD's budget for FY 2022-23 is \$1,010,858 for wastewater collection (including interest) and \$1,393,292 for wastewater treatment, or \$2,404,150 total.

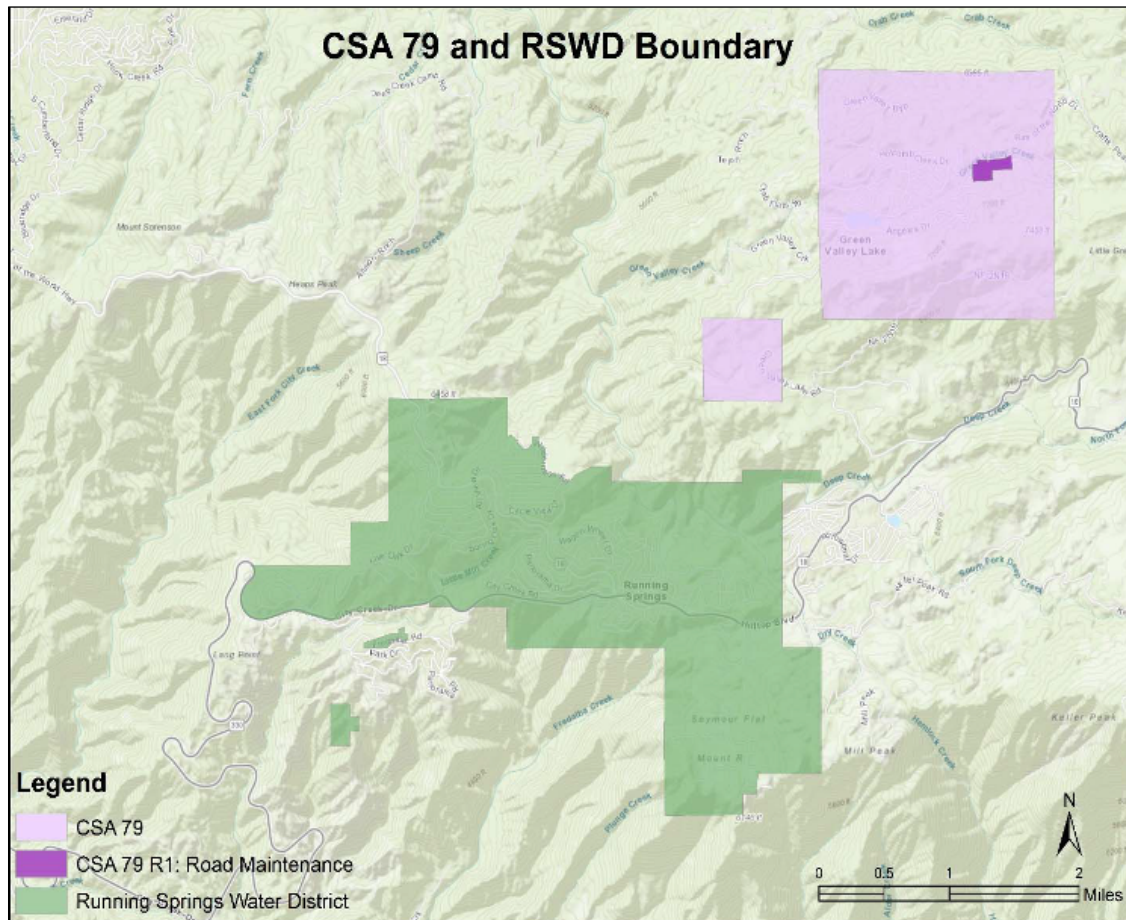
The wastewater collection budget is funded almost entirely by service charges and fees, with a small portion funded by interest income (\$10,652). The majority of the wastewater treatment budget is funded by service charges and fees to its rate payers. RSWD also receives revenues from wastewater treatment contracts with the Arrowbear Park County Water District ("Arrowbear") and CSA 79 (\$842,675 budgeted). Table 2 presents the RSWD budget for FY 2022-23.

Table 2: RSWD FY 2021-22 and 2022-23 Budget

	2021-22	2022-23
Wastewater Revenues	\$2,982,540	\$3,067,682
Wastewater Expenditures	(2,302,667)	(2,404,150)
Use of Net Position	\$679,873	\$663,532
<i>Source: RSWD Final Budget Fiscal Years Ending 2022 and 2023</i>		

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

Figure 1: CSA 79 & RSWD Boundary Map



**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

PLAN FOR SERVICES

The Preliminary Plan for Services describes services currently provided by CSA 79 and the proposed Plan for Services considered in this Analysis. The earliest the reorganization could take effect is most likely January 1, 2023 based on LAFCO's review schedule. Table 3 presents a summary of the Preliminary Plan for Services.

Table 3: Preliminary Plan For Services			
EXISTING PROVIDER	DESCRIPTION	CURRENT FUNDING & STAFFING	NEW PROVIDER
CSA 79 Sewer	CSA 79 maintains a sewer collection system and interceptor. Sewage treatment is provided through an agreement with RSWD.	Sewer services are funded through sewer fees. CSA 79 is staffed by pooled staff from CSA70, and overseen by the County Board of Supervisors.	RSWD would take over sewer maintenance and collection and continue providing sewer treatment. All sewer-related activities would be staffed and funded by RSWD.
CSA 79 R-1 Road Maintenance	CSA 79 R-1 maintains and provides snow removal for Meadow Lane, a 0.65-mile pavedroad in the "The Meadow" area of Green Valley Lake.	Snow removal is funded by a special tax approved by voters in 2007 that increases each year for inflation. The FY 2021-22 special tax is \$497.39 per parcel, billed on 63 parcels. Road maintenance is staffed by CSA 70.	A new zone in CSA 70 would be created to continue providing road maintenance services, which would continue to be provided by the County. The special tax would remain the same and be accounted for under the new CSA 70 zone. There would be no change to level of service, staffing, or Board oversight.
<i>Source: San Bernardino County</i>			

FISCAL IMPACT ANALYSIS

The sections that follow outline RSG's approach and methodology, an evaluation of historical revenue and expenditure trends, forecast assumption details for CSA 79 and RSWD, RSG's consolidated district ten-year forecast assumptions, and a summary of assets and liabilities.

APPROACH & METHODOLOGY

This section of the Analysis provides a due diligence assessment of the financial issues involved in the proposed reorganization. It considers the following components required by the CKH:

- Sufficiency of Revenues: "The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change" (§56668(k)).
- Public Service Costs: "Public service costs of a proposal that the commission is authorizing are likely to be less than or substantially similar to the costs of alternative means of providing the service" (§56881(b)(1)).
- Financial Accountability: "A change of organization or reorganization that is authorized by the commission promotes public access and accountability for community services needs and financial resources" (§56881(b)(2)).

RSG prepared a historical trends analysis of CSA 79's actual revenues and expenditures from FYs 2016-17 through 2020-21 using year-end audited financial reports, as well as budgeted amounts for FYs 2021-22 and 2022-23. This information was used to prepare ten-year cash flow projections for CSA 79 sewer services and RSWD as independent districts, and for RSWD providing consolidated sewer services. RSG did not prepare financial projections for CSA 79 R-1 road maintenance because these services would remain with County Special Districts in CSA 70.

The major findings are summarized in the following sections. Detailed tables are provided in the "Appendix" section at the end of this report.

TRENDS ANALYSIS

The following sections outline historical revenue, expenditure, and net position trends for CSA 79 sewer and CSA 79 R-1 road maintenance.

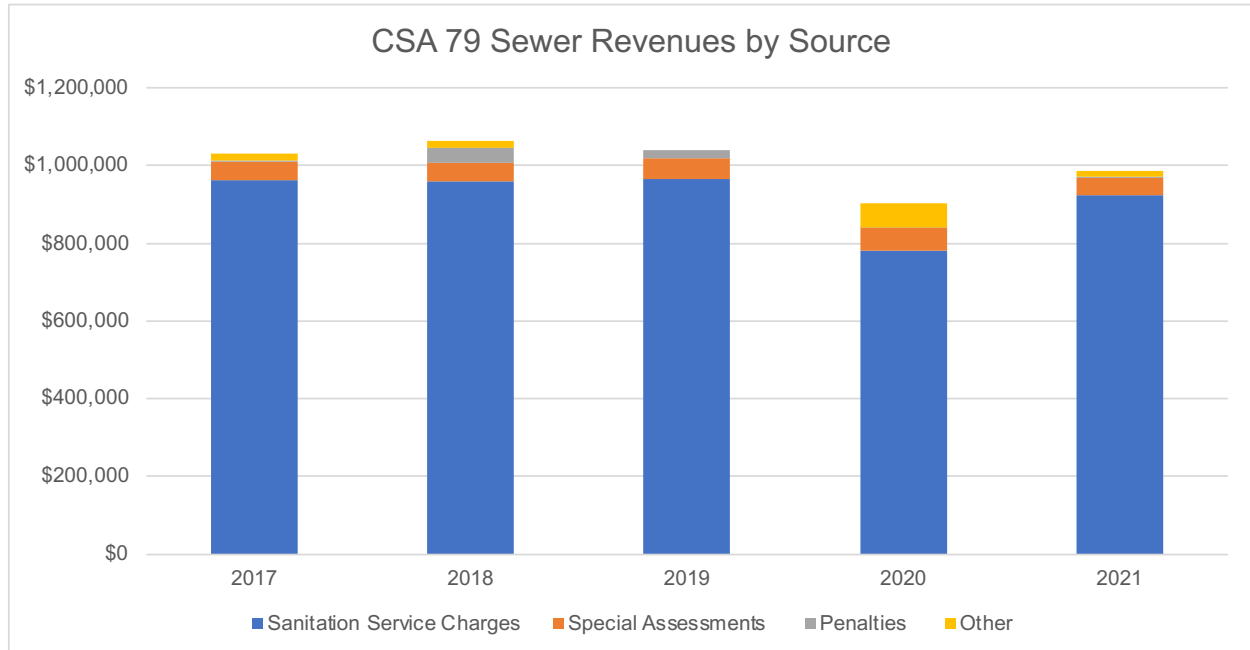
CSA 79 SEWER

Over the past five years from FYs 2016-17 through 2020-21, revenues have decreased by one percent, ranging from \$902,051 to \$1,064,438 per year. There was a 20 percent drop in revenue between 2019 and 2020 due to unpaid bills during the COVID-19 pandemic. CSA 79 received money from the State for sewer arrearages due to the pandemic. These funds have been credited toward customers' unpaid bills. Any unused funds are required to be returned to the State and no State received monies will be available to be transferred to RSWD.

FISCAL IMPACT ANALYSIS SAN BERNARDINO COUNTY SERVICE AREA 79

Revenues in 2021 returned to pre-pandemic levels. Sanitation service charges are the primary revenue source, accounting for 94 percent of total (operating and non-operating) revenues in FY 2020-21. The sanitation service fee as of February 2022 is \$65.77 monthly charged to 1,255 EDUs. Other revenue sources include non-recurring permit and inspection fees, connection fees, and other miscellaneous sources such as interest revenue. Appendix 1 at the end of this report presents a five-year history of CSA 79's sewer revenues and expenditures. Chart 1 illustrates the historical revenues and expenditures over the last five years.

Chart 1: CSA 79 Sewer Revenues by Source

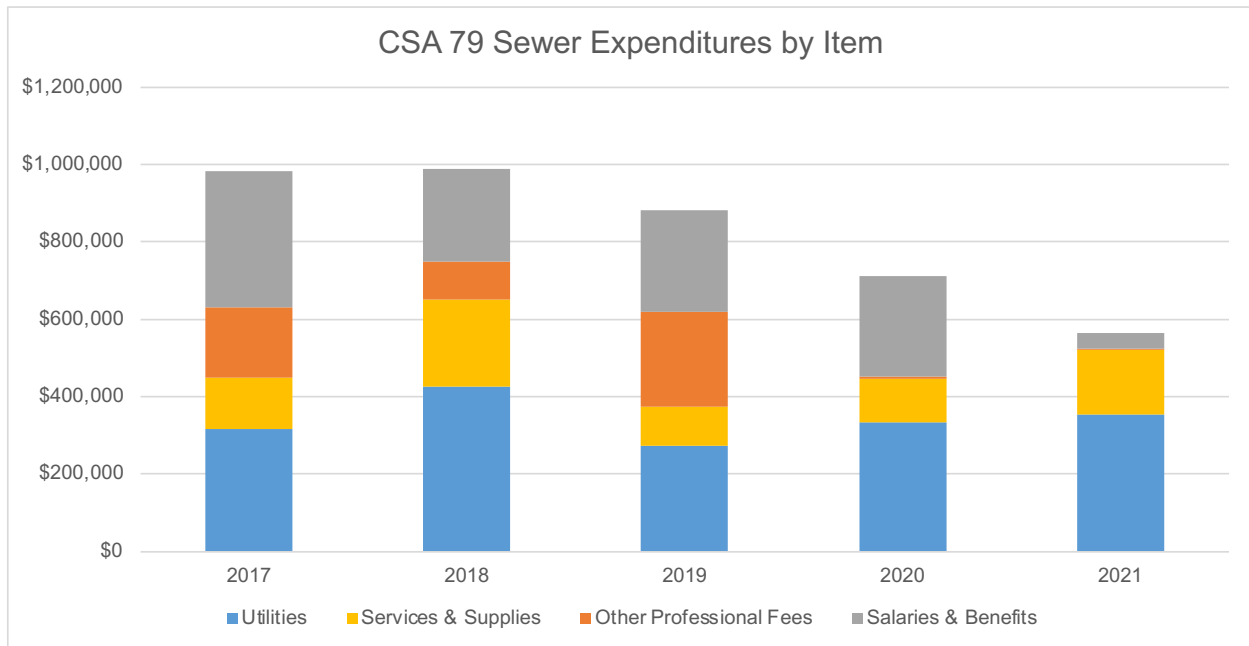


Source: CSA 79 Audited Financial Statements

FISCAL IMPACT ANALYSIS SAN BERNARDINO COUNTY SERVICE AREA 79

Total CSA 79 sewer expenditures have decreased by eleven percent over the past five years, ranging from \$700,000 to \$1.1 million per year with depreciation, or \$564,000 and \$989,000 excluding depreciation. This Analysis focuses on expenditures excluding depreciation, which is a cost allocation for the depreciating value of assets. The largest expense was for operations and maintenance, which comprised 93 percent of expenditures (net of depreciation) in FY 2020-21. Operations and maintenance costs include the RSWD agreement for sewage treatment, professional fees and services, services and supplies, and utilities. Transfers out to the County for CSA 79's proportionate share of pooled labor accounted for the remaining seven percent of expenditures. Chart 2 illustrates CSA 79's annual sewer expenditures by item.

Chart 2: CSA 79 Sewer Expenditures by Item



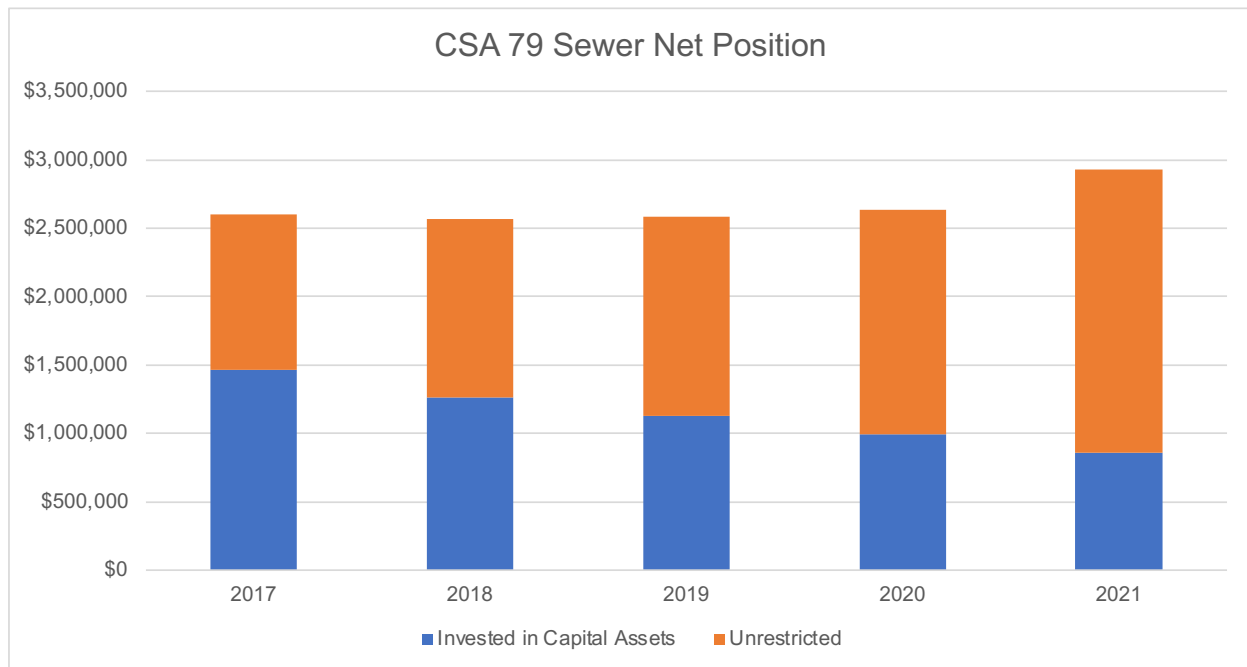
Source: CSA 79 Audited Financial Statements

Although CSA 79's sewer fund shows a net operating deficit each year from 2017 to 2020 when comparing revenues minus expenditures, the loss is primarily attributable to depreciation. The fund had a positive net position over three of the past five years net of depreciation.

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

As of June 30, 2021, the fund had \$3.2 million in current assets, including approximately \$2.3 million in unrestricted cash, \$25,000 in receivables, and \$857,000 in capital assets (primarily fixed infrastructure such as lift stations). Liabilities totaled approximately \$439,000, including \$82,900 in payables and a \$318,808 pension liability. As previously noted, CSA 79 has no direct employees; the pension liability represents 3.08 percent of the Special District Department's proportionate share of the County's net pension liability. Appendix 2 at the end of this report presents CSA 79's assets, liabilities, and net position from FYs 2016-17 through 2020-21. Chart 3 illustrates the CSA 79 sewer service net position between FYs 2016-17 and 2020-21.

Chart 3: CSA 79 Sewer Net Position

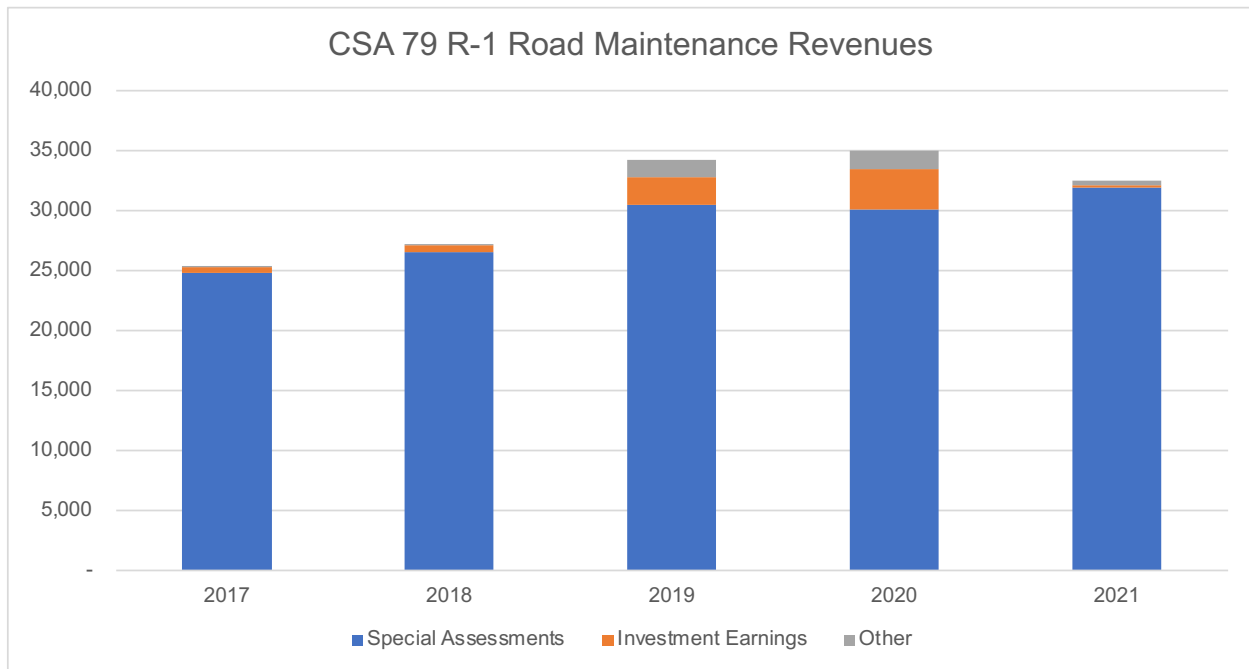


Source: CSA 79 Audited Financial Statements

CSA 79 R-1 ROAD MAINTENANCE

CSA 79 R-1 Road Maintenance is funded primarily by the special parcel tax. Revenues ranged between \$25,000 to \$35,000 over the past five years, and expenditures ranged between \$4,000 and \$45,000. The largest expense is services and supplies. Chart 4 illustrates the historical CSA 79 R-1 road maintenance revenues between FYs 2016-17 and 2020-21.

Chart 4: CSA 79 R-1 Road Maintenance Revenues

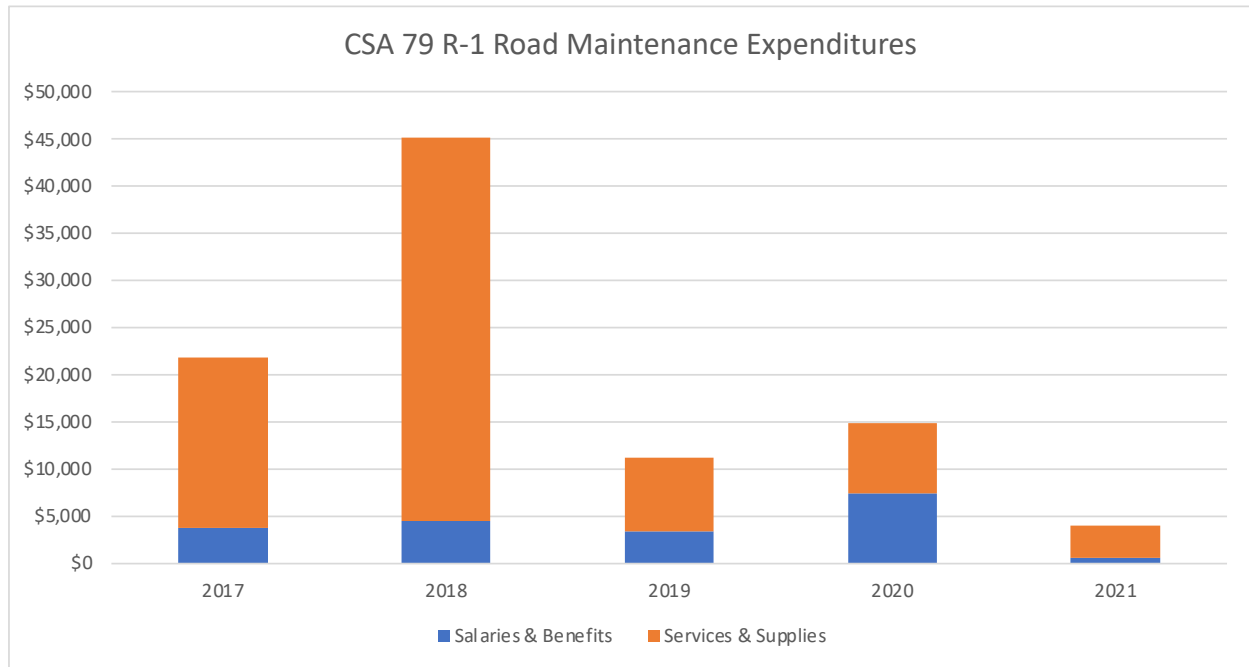


Source: CSA 79 Audited Financial Statements

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

CSA 79 R-1 expenditures dropped by 75 percent from 2018 to 2019 due to the completion of a chip seal capital improvement project in 2017-18. Historical CSA 79 R-1 Road Maintenance expenditures are illustrated in Chart 5.

Chart 5: CSA 79 R-1 Road Maintenance Expenditures

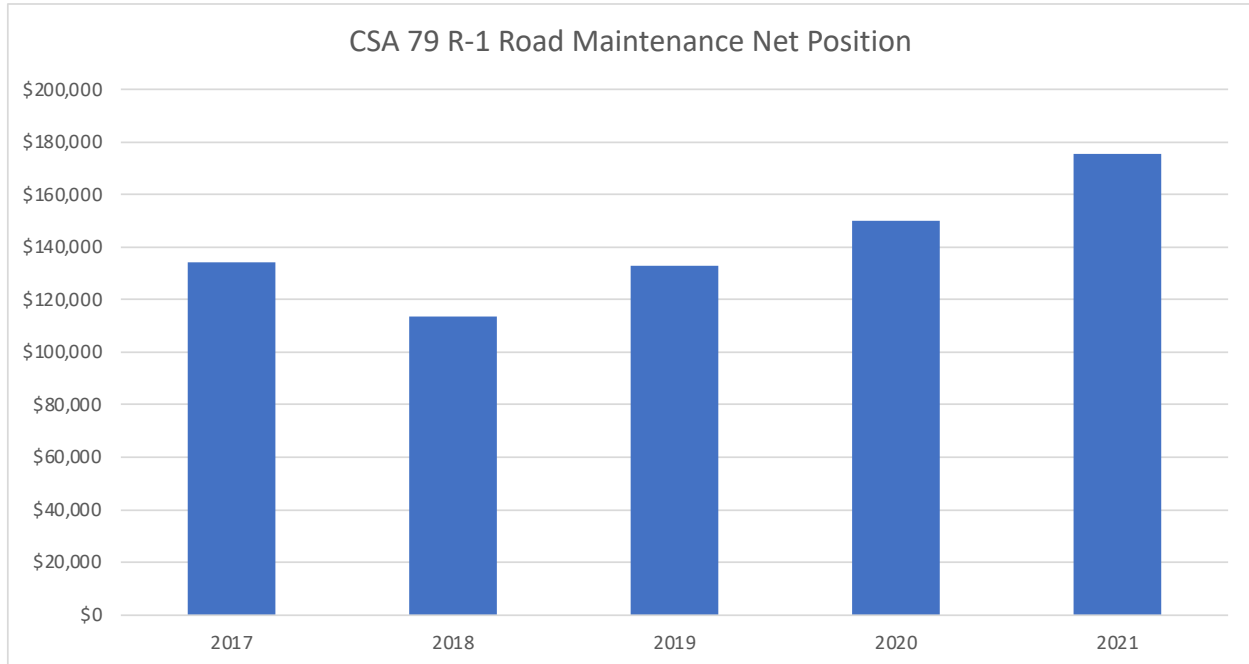


Source: CSA 79 Audited Financial Statements

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

The fund had a positive net position with revenues exceeding expenditures four of the past five years. The cash balance was \$136,487 as of June 30, 2021. Appendices 3 and 4 provide a detailed five-year history of revenues, expenditures, assets, liabilities, and net position from FYs 2016-17 through 2020-21. Chart 6 illustrates the CSA 79 R-1 road maintenance net position between FY 2016-17 and FY 2020-21.

Chart 6: CSA 79 R-1 Road Maintenance Net Position



Source: CSA 79 Audited Financial Statements

The proposed reorganization of CSA 79 will have minimal impact on CSA 79 R-1 road maintenance services and operations since its services will remain with County Special Districts, and revenues have exceeded expenditures each of the past five years. Therefore, this Analysis does not include a baseline projection of revenues and expenditures for the CSA 79 R-1 road maintenance fund.

FORECAST ASSUMPTIONS

To prepare a baseline projection of revenues and expenditures for CSA 79 sewer services, RSG identified revenues and expenditures that are reasonably expected to continue into the future based on historic trends and consultations with the County Special District Department's Finance Department. The following charts discuss the forecast methodology for projecting future values by category from fiscal years ending ("FYE") in 2023 through 2032, considering actual revenues and expenditures from FYE 2017 through 2021 and budgeted figures from FYE 2022 and 2023.

CSA 79 SEWER REVENUES (INDEPENDENT)

Using CSA 79's audited financial reports, RSG compiled assumptions about CSA 79's revenues over a ten-year period beginning in fiscal year 2022-23. Two different revenue scenarios are presented for CSA 79:

- Scenario 1: Monthly fees remain constant over the 10-year projection period. County staff noted that this scenario is expected to result in an operating deficit.
- Scenario 2: Monthly fees remain constant for a period of 5 years followed by a 3 percent annual increase beginning in 2028.

Table 4 details the assumptions used in the ten-year forecast.

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Table 4: CSA 79 Sewer Revenues (Independent)

ITEM	DESCRIPTION	FORECAST METHODOLOGY	DISCUSSION
Sanitation Services	Fees charged for CSA 79 sanitation services	<p>Scenario 1: Monthly fee of \$65.77 remains constant with 0% increase.</p> <p>Scenario 2: Monthly fee of \$65.77 remains constant until 2027, then increases by 3% annually beginning in 2028.</p> <p>Number of EDUs increase by 2 EDUs annually, from 1,255 EDUs in 2022 to 1,275 EDUs in 2032.</p>	<p>The current CSA 79 sewer rate has not been adjusted since FYE 2014.</p> <p>The County conducted a sewer rate study in March 2017 (completed by Black & Veatch) that resulted in recommendations to increase the current monthly sewer fee by 7% annually over five years.</p> <p>In 2022, Special Districts is considering a potential increase of 2.8% annually over three years. At the time of this report, this increase has not been implemented.</p> <p>This Analysis makes projections for both the rate remaining constant and a 3% increase in fees after five years.</p> <p>The number of EDUs grew from 1,227 in 2018 to 1,255 in 2022, or an average of 7 EDUs per year. A smaller growth rate of 2 EDUs per year has been assumed for this Analysis due to taking into account staff recommendation for long term trending.</p>
Special Assessments	Standby fee charged to 373 parcels that have ability to connect but are undeveloped	\$50,000 per year	<p>Special assessment revenues averaged \$51,000 from FYE 2017-2021, ranging from \$43,000 to \$59,000. The County budgeted \$53,300 for 2022.</p> <p>The projections estimate \$50,000 per year.</p>
Penalties & Delinquent Taxes	Penalties for late fees or taxes	\$5,900 per year	<p>Revenues from penalties averaged \$14,000 from FYE 2017-2021, ranging from \$1,300 to \$38,000. The audited financials do not identify revenues from delinquent taxes. The County budgeted \$5,900 from both sources combined in FYE 2022.</p> <p>Assume no change at \$5,900 per year.</p>
Permit & Inspection Fees	Permit and inspection fees for new development	\$75 per new connection, assuming 2 new connections annually	<p>CSA 79 received \$75 in annual revenues in this category in FYE 2017 and \$150 in FYE 2019.</p> <p>Assume \$75 is the average fee per new connection.</p>

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Table 4: CSA 79 Sewer Revenues (Independent)

ITEM	DESCRIPTION	FORECAST METHODOLOGY	DISCUSSION
Connection Fees	Fees charged to connect new EDUs	\$5,336 per EDU, assuming 2 new EDUs are connected annually	<p>CSA 79 received \$6,510 in connection fees in FYE 2019; the only year fees were collected over the past five years.</p> <p>Assume 2 new EDUs connected annually at a rate of \$5,336 per EDU.</p>
Investment Earnings / Interest	Interest earned on cash in bank accounts	\$10,000 annually	<p>Earnings over the past five years ranged from \$5,000 to \$57,000 annually. The County budgeted \$10,000 in FYE 2022.</p> <p>Actual interest earned will vary based on interest rates and cash balances. RSG has estimated \$10,000 per year for the purposes of these projections.</p> <p>County staff noted that, if CSA 79 begins to utilize cash balances to offset annual operating deficits, this figure will decrease over time.</p>
Other	Miscellaneous revenues	\$0 per year	<p>These revenues have varied widely since FYE 2017, ranging from \$4,000 to \$9,000 annually. The County budgeted \$23,000 for FYE 2022 (under residential sales “other” and residual equity transfers in).</p> <p>Assume an average of \$0 per year.</p>

Sources: CSA 79 Audited Financial Statements, San Bernardino County Finance Department and 2021-2022 Adopted Budget, RSG, Inc.

**FISCAL IMPACT ANALYSIS
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CSA 79 SEWER EXPENDITURES (INDEPENDENT)

Based on RSG’s review of historical expenditure trends and conversations with County staff, RSG developed assumptions for CSA 79’s sewer expenditures. Table 5 outlines CSA 79’s sewer expenditures assumptions.

Table 5: CSA 79 Sewer Expenditures (Independent)			
ITEM	DESCRIPTION	FORECAST METHODOLOGY	DISCUSSION
RSWD Contract O&M	Payment to RSWD for wastewater treatment under negotiated agreement	\$350,000 in FY 2022 increased by 0.16% annually	<p>The RSWD agreement was renegotiated in 2019 for CSA 79 to pay a proportionate share of monthly costs based on average annual wastewater flow to Joint Use Facilities plus a peaking capacity factor of 28 percent. The estimated fee for FYE 2022 is \$29,167 per month, or \$350,000 annually.</p> <p>The projections assume the fee will grow by 0.16% annually to match the growth rate of 2 EDUs per year in CSA 79. The actual rate will vary based on wastewater flow.</p>
RSWD Contract CIP	Payment to RSWD for proportionate share of wastewater treatment capital improvements	RSWD budgeted CIP amounts through 2025 x CSA 79's share (24.52% as of FYE 2022). Held constant after FYE 2025.	<p>CSA 79 pays for a proportionate share of RSWD wastewater treatment capital improvement projects (24.52% as of FYE 2022). The estimated fee for FYE 2022 is \$17,317 per month or \$207,807 annually.</p> <p>RSWD’s budget includes cash flow projections from FYE 2019 to 2025 that estimate annual capital improvement costs from FYEs 2019 to 2025.</p> <p>The CSA 79 projections in this Analysis multiply 24.52% by RSWD’s budgeted CIP costs through 2025. The CIP costs are held constant after 2025.</p>
Professional Services – O&M	Fees paid to third parties contracted for operating and maintenance expenses, including	\$255,000 per year	Over the past five years, “other” professional fees ranged from \$2,029 to \$180,284. The County budgeted \$250,655 in FYE 2022.

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Table 5: CSA 79 Sewer Expenditures (Independent)

ITEM	DESCRIPTION	FORECAST METHODOLOGY	DISCUSSION
	collection system inspection, cleaning, repair and replacement.		The projections assume a \$255,000 expense annually.
Services & Supplies	Direct operating and maintenance costs such as equipment and grounds maintenance, tools, and infrastructure insurance.	FYE 2022 budgeted amount of \$34,917 increased by 2.9% annually for inflation (average CPI-U for the Riverside region from 2018-2021).	<p>Over the past five years, costs ranged from \$101,000 to \$255,000, varying up and down each year.</p> <p>This Analysis assumes services and supply costs will continue to remain relatively constant, with a slight annual increase for inflation based on the average Consumer Price Index for the past five years.</p>
Salaries & Benefits	CSA 79's proportionate share of the County Special Districts Department's pooled employees	FYE 2018 ² budgeted amount of \$241,064 increased by 2.9% annually for inflation (average CPI-U for the Riverside region from 2018-2021).	<p>Over the past five years, this expense ranged from \$40,000 to \$353,000, decreasing from FYEs 2017 to 2021. This decrease is due to both a change in methodology of the way salaries are budgeted, and due to the completion of a capital improvement project.</p> <p>This Analysis assumes salaries and benefits will stabilize at the FYE 2018 rate and increase for cost of living based on the average Consumer Price Index for the past five years.</p>
Utilities	Utility costs	FYE 2022 budgeted amount of \$28,300 increased by 2.9% annually for inflation (average CPI-U for the Riverside region from 2018-2021).	<p>Over the past five years, this expense ranged from \$25,000 to \$427,000. The increase is due to the RSWD contract being classified as a utility cost in the annual audited financial statements.</p> <p>This Analysis assumes utilities (separate from the RSWD sewer contract) will continue to remain relatively constant, with a slight annual increase for</p>

² This analysis assumes salaries and benefits will stabilize at the FYE 2018 rate after the completion of the capital improvement manhole project.

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Table 5: CSA 79 Sewer Expenditures (Independent)

ITEM	DESCRIPTION	FORECAST METHODOLOGY	DISCUSSION
			inflation based on the average Consumer Price Index for the past five years.
Operating Transfers Out – CIP Reserve	Transfers out to Capital Improvement Project Reserve Fund	Variable	<p>The County transfers available fund balances to a reserve to pay for Capital Improvement Projects as needed. \$218,074 was budgeted for FYE 2022.</p> <p>The transfers out are tied to the capital improvement plan provided by the County.</p>
<i>Sources: CSA 79 Audited Financial Statements, San Bernardino County Finance Department and 2021-2022 Adopted Budget, CSA 79 Fund 4850 Budget for RSWD and Actual Expenditures, and RSWD 5 Year Capital Improvement Program Plan</i>			

Appendices 5-A through 5-D present a ten-year projection of revenues and expenditures for CSA 79 continuing to operate as an independent district. It is discussed in greater detail in the “Baseline Budget Projections” section.

RSWD REVENUES & EXPENDITURES (INDEPENDENT)

Appendices 6-A and 6-B present a ten-year projection of revenues and expenditures for RSWD continuing to operate as an independent district. RSWD revenues and expenditures were taken directly from the FYE 2022 and 2023 budget for wastewater collection and treatment. RSWD’s FYE 2022 and 2023 budget includes cash flow projections from FYE 2019 through 2025, which assumes O&M reimbursements from both Arrowbear and CSA 79 will increase by three (3) percent annually, CIP reimbursements from both agencies will increase by two (2) percent annually, and other revenues will increase by zero percent. RSWD also assumes expenditures will increase by four (4) percent annually, with the exception of long-term debt principal which will increase by two (2) percent annually and long-term debt interest which will decrease by five (5) percent annually. This Analysis assumes the same growth rates.

RSWD & CSA 79 CONSOLIDATED REVENUES

Appendices 7-A and 7-B presents a ten-year projection of revenues for RSWD with CSA 79 sewer services consolidated under the district. Table 6 details the forecast methodology for projections under the consolidated model. According to the Draft Plan for Service created by RSWD, after an initial five-year period a rate study will be prepared so that a uniform wastewater rate will be applied for all wastewater customers of RSWD.³ This analysis keeps the fees constant.

³ Source: Draft Plan for Service and Fiscal Impact Analysis, Reorganization to include Annexation to the Running Springs Water District, Running Springs Water District (Not Dated)

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Table 6: CSA 79 and RSWD Sewer Revenues

ITEM	DESCRIPTION	FORECAST METHODOLOGY	DISCUSSION
RSWD Service Charges	Fees charged for wastewater collection and treatment services to existing RSWD customers	Current fees with no increase in rates or EDUs. ⁴	<p>Assume no growth in revenues to match cash flow model in RSWD's FYE 2023 budget.</p> <p>RSWD charges a \$54.08 base service charge to 2,992 residential and commercial units. An additional usage charge is billed at \$0.0105 x 15% of water usage for residential units and 1/3 of water usage for commercial units.</p>
CSA 79 Service Charges	Fees charged for wastewater collection and treatment services to existing CSA 79 customers	<p>Current fees of \$65.77 monthly with no increase in rates.</p> <p>Number of EDUs increased by 2 EDUs annually, from 1,257 EDUs in 2023 to 1,275 EDUs in 2032.</p> <p>Divided evenly between RSWD's Wastewater Collection and Wastewater Treatment budget categories.</p>	<p>RSWD has stated they do not plan to change CSA 79 sewer fees. This will be reevaluated after an initial transition period, however RSWD does not anticipate a need for an increase.</p> <p>The number of EDUs is assumed to grow at the same rate as CSA 79 operating independently.</p>
CSA 79 Special Assessments and Penalties	CSA 79 Special Assessments, Penalties, and Delinquent Taxes	\$55,900 per year allocated to RSWD's Wastewater Collection budget category.	Assume these are transferred to RSWD. Same budget assumptions as CSA 79 operating as an independent district.

⁴ In this analysis, fees are left constant under the reorganization based on RSG's conversations with RSWD. It is possible the fees will increase after reorganization per the plan for services originally proposed by RSWD.

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Table 6: CSA 79 and RSWD Sewer Revenues

ITEM	DESCRIPTION	FORECAST METHODOLOGY	DISCUSSION
RSWD Other Revenues – Wastewater Collection	Outside sewer service charges, infrastructure repair and replacement, non-operating charges, and interest income.	FYE 2023 budgeted amount of \$8,303 with no annual increase.	Matches RSWD FYE 2023 budgeted cash flow assuming no growth in revenues.
RSWD Other Revenues – Wastewater Treatment	Outside sewer services charges, nonoperating charges, interest income, and a wastewater treatment agreement with Arrowbear. CSA 79 Agreement removed.	FYE 2023 budgeted amount of \$6,187 minus \$473,471 for CSA 79 wastewater treatment agreement payments.	Removes revenues from CSA 79 payments under its wastewater treatment agreement. For RSWD, their revenues from the agreement will be replaced by CSA 79 service charges paid directly to RSWD. Other revenues match the RSWD FYE 2023 budgeted cash flow assuming no growth in revenues.
CSA 79 Other Revenues	Permit & Inspection Fees, Connection Fees, Investment Earnings / Interest, Miscellaneous	None	<p>This Analysis assumes these revenues (totaling \$20,411 annually) will not transfer from CSA 79 to RSWD. RSWD will have its own permit, inspection, and connection fees.</p> <p>Investment Earnings / Interest will be based on RSWD's investing practices; revenues from this category are nominal.</p> <p>RSWD will have its own miscellaneous revenues.</p>

Source: RSWD Final Budget Fiscal Years Ending 2022 and 2023

RSWD & CSA 79 CONSOLIDATED EXPENDITURES

Appendices 7-A and 7-B present ten-year projections of expenditures for RSWD with CSA 79 sewer services consolidated under the district. Table 7 presents the key assumptions utilized in the CSA 79 and RSWD consolidated expenditures forecast.

Table 7: CSA 79 and RSWD Sewer Expenditures			
ITEM	DESCRIPTION	FORECAST METHODOLOGY	DISCUSSION
Wastewater Collection			
RSWD Personnel	Salaries and benefits to staff wastewater collection	FYE 2023 budgeted amount of \$615,295 increased by 4% annually	Matches RSWD FYE 2023 budgeted cash flow. RSWD has stated they do not anticipate a need to increase staff by consolidating CSA 79 sewer services. This will be reevaluated after an initial transition period.
RSWD Operations & Maintenance	Costs to operate and maintain wastewater collection for existing RSWD customers	FYE 2023 budgeted amount of \$150,552 increased by 4% annually	Matches RSWD FYE 2023 budgeted cash flow. CSA 79 O&M costs are estimated separately.
RSWD Depreciation	Accounting adjustment to depreciate capital assets. Non-cash expense.	The FYE 2023 budgeted amount of \$202,818 increased by 4% annually. Depreciation is net out at the end of the cash flow.	Matches RSWD FYE 2023 budgeted cash flow. Depreciation is net out and has no impact on expenditures.
RSWD Long-Term Debt	Bond debt service payments	No change	Based on bond debt service schedule provided by RSWD.
RSWD Capital Projects & Fixed Assets	Estimated capital improvement project costs	No change	Matches projections in RSWD FYE 2023 budget.

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Table 7: CSA 79 and RSWD Sewer Expenditures

ITEM	DESCRIPTION	FORECAST METHODOLOGY	DISCUSSION
Wastewater Collection			
CSA 79 O&M, Services & Supplies	Direct operating and maintenance costs to CSA 79 collection system, grounds, and equipment. Indirect operating costs borne by RSWD such as office space and overhead.	FYE 2023 pro rata cost of \$52.33 per EDU, increased by 4% annually. Assumes 1,257 EDUs in FYE 2023 plus 2 new EDUs added per year.	Assumes that CSA 79 operating costs will be similar to those currently borne by RSWD due to practices and expenses unique to the district. According to Special Districts staff, there are no outstanding professional services contracts that would need to be transferred and fulfilled by RSWD.
CSA 79 Utilities	Utility costs (excluding sewer) for CSA 79 capital assets that are transferred to RSWD	FYE 2023 forecasted amount of \$28,725 increased by 2.9% annually for inflation (average CPI-U for the Riverside region from 2018-2021).	Same assumption applied to CSA 79 operating independently. This Analysis assumes that reorganization will not impact utility costs for capital assets transferred from CSA 79 to RSWD.
CSA 79 Excluded Expenditures	RSWD Contract Salaries & Benefits (including pension liabilities) Operating Transfers Out for CIP Projects	Excluded from consolidated forecast	This Analysis assumes that these costs incurred by CSA 79 will not be transferred to RSWD. The RSWD Contract will be obsolete. CSA 79 Salaries & Benefits will be replaced by RSWD Personnel Costs with no change in staffing levels. RSWD will absorb CSA 79 CIP expenses into its own budget.

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Table 7: CSA 79 and RSWD Sewer Expenditures			
ITEM	DESCRIPTION	FORECAST METHODOLOGY	DISCUSSION
Wastewater Collection			
All RSWD Expenses	Personnel, Operations & Maintenance, and Depreciation	<p>FYE 2023 budgeted amount of \$1,393,292 increased by 4% annually.</p> <p>Depreciation of \$308,152 is net out as a non-cash expense.</p>	<p>Matches RSWD FYE 2023 budgeted cash flow.</p> <p>Assume no impact to costs due to consolidation.</p> <p>RSWD already provides wastewater treatment to CSA 79 customers.</p>
<i>Source: RSWD Final Budget Fiscal Years Ending 2022 and 2023</i>			

BASELINE BUDGET PROJECTIONS

Using the forecasting methodologies described in the previous section, revenues and expenditures were forecasted for a period of ten years from FYs 2022-23 through 2032-33 for CSA 79 Sewer as an independent district (Appendices 5-A through 5-D), RSWD as an independent district (Appendices 6-A and 6-B), and RSWD with CSA 79 Sewer reorganized into the district (Appendices 7-A and 7-B). The projections reveal there are considerable cost savings when consolidating the districts due to economies of scale. While revenues from service fees remain relatively constant, CSA 79 personnel and operating and maintenance costs are expected to significantly decrease. Revenues before and after the reorganization (which is assumed to take place in FY 2022-23) are illustrated in Chart 7 under Scenario 1 (no fee inflation over time), and Chart 8 under Scenario 2 (no fee inflation for five years, followed by 3 percent annual inflation thereafter), while expenditures before and after the reorganization (FY 2022-23) are presented in Chart 9.

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Chart 7: CSA 79 Revenues Pre- and Post-Consolidation, Scenario 1: No Change in Fees

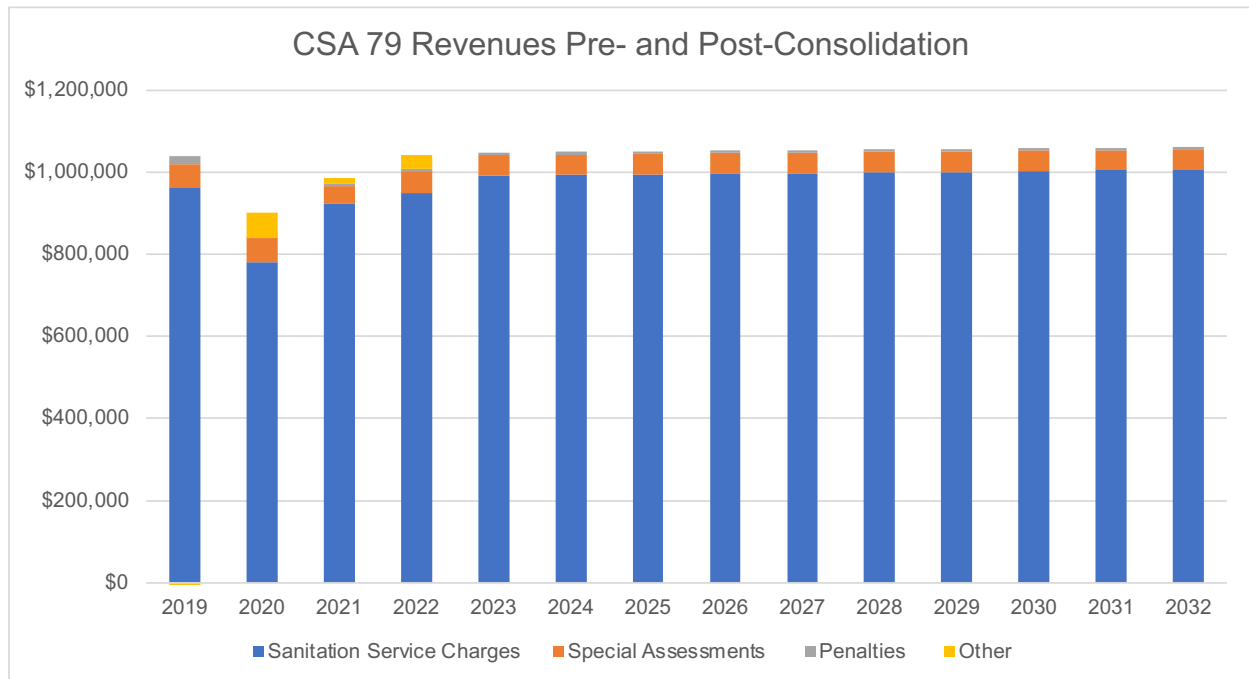


Chart 8: CSA 79 Revenues Pre- and Post-Consolidation, Scenario 2: 3% Increase in Fees After 5 Years

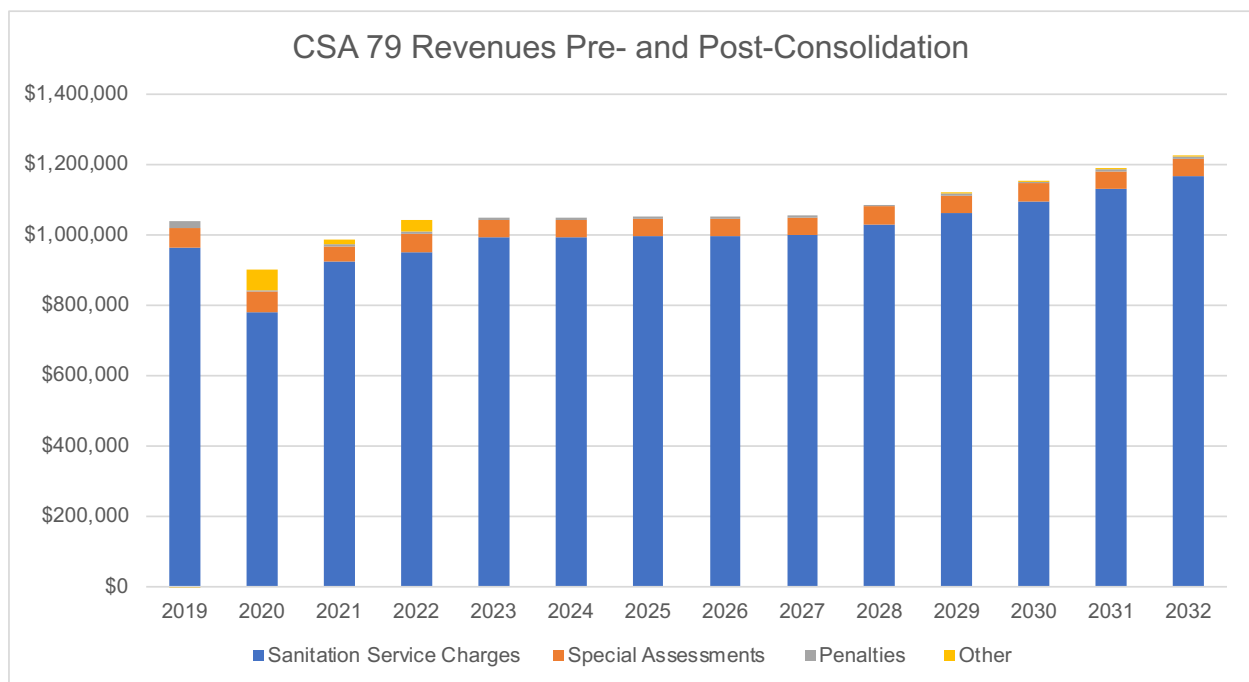
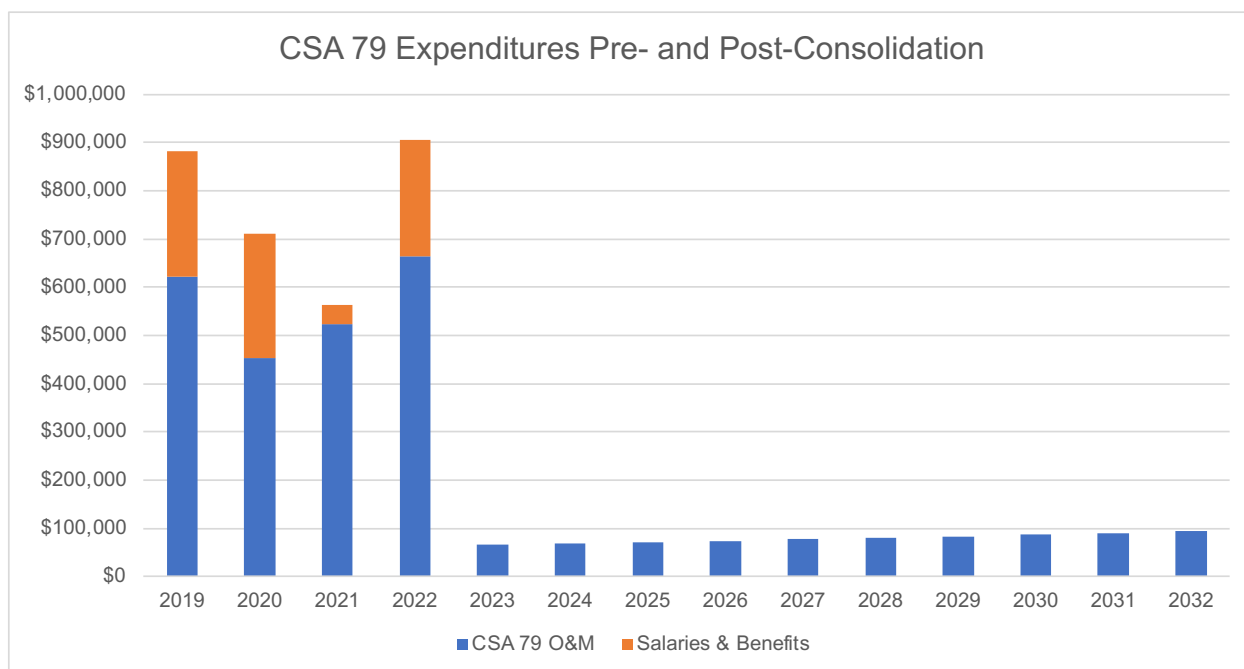


Chart 9: CSA 79 Expenditures Pre- and Post-Consolidation



Appendices 8-A and 8-B detail the estimated amount of savings by category, which total approximately \$814,000 in 2022-23 and \$1 million by 2031-32. Savings are from:

- **Reduced Personnel Costs:** RSWD does not anticipate a need to change staffing levels under consolidation. CSA 79's salaries and benefits costs, budgeted at \$44,232 in FYE 2022, are removed and reallocated to different CSAs staffed by the County Special Districts Department.
- **Reduced Water Treatment Contract Costs:** CSA 79's payment to RSWD under its water treatment agreement will be obsolete. RSWD's water treatment costs will not increase because they already treat CSA 79 sewer. Although RSWD will lose revenues collected from the CSA 79 agreement, they are replaced by service charges collected from CSA 79.
- **Reduced Operating Costs:** CSA 79's operating costs are significantly higher per EDU than RSWD. CSA 79's FYE 2022 budgeted cost was \$285,572 for 1,255 EDUs (\$227.55 per EDU). In comparison, RSWD's budgeted costs total \$145,561 for 2,992 EDUs (\$48.65 per EDU).

CSA 79's FYE 2022 budget allocated \$250,655 for Professional Services (collection system inspection, cleaning, repair, and replacement) and \$34,917 for Services & Supplies. In contrast, RSWD's FYE 2022 budget allocated \$145,561 for all Wastewater Collection Operations & Maintenance.

This Analysis assumes that RSWD would operate CSA 79 wastewater collection at a similar cost under its existing system based on a pro rata cost per EDU. Although it's possible that CSA 79's

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wastewater collection system could cost more to operate than RSWD's system due to unique circumstances, removing the cost of Services & Supplies alone would reduce the wastewater collection expense to \$199.73 per EDU.

Appendices 9-A and 9-B provide a comparison of ten-year projected revenues, expenditures, and net position (beginning cash balance minus ending cash balance) for CSA 79 and RSWD independently and as consolidated districts. As shown in Chart 10, which is based on Scenario 1 (no change in fees), consolidating the districts would result in a positive net position, or cash balance, after considering changes in revenues and expenditures. Chart 11 reflects Scenario 2 (no change in fees for 5 years followed by 3 percent inflation thereafter) and also presents a positive net position.

Chart 10: Change in Net Position Post-Consolidation, Scenario 1: No Increase in Fees

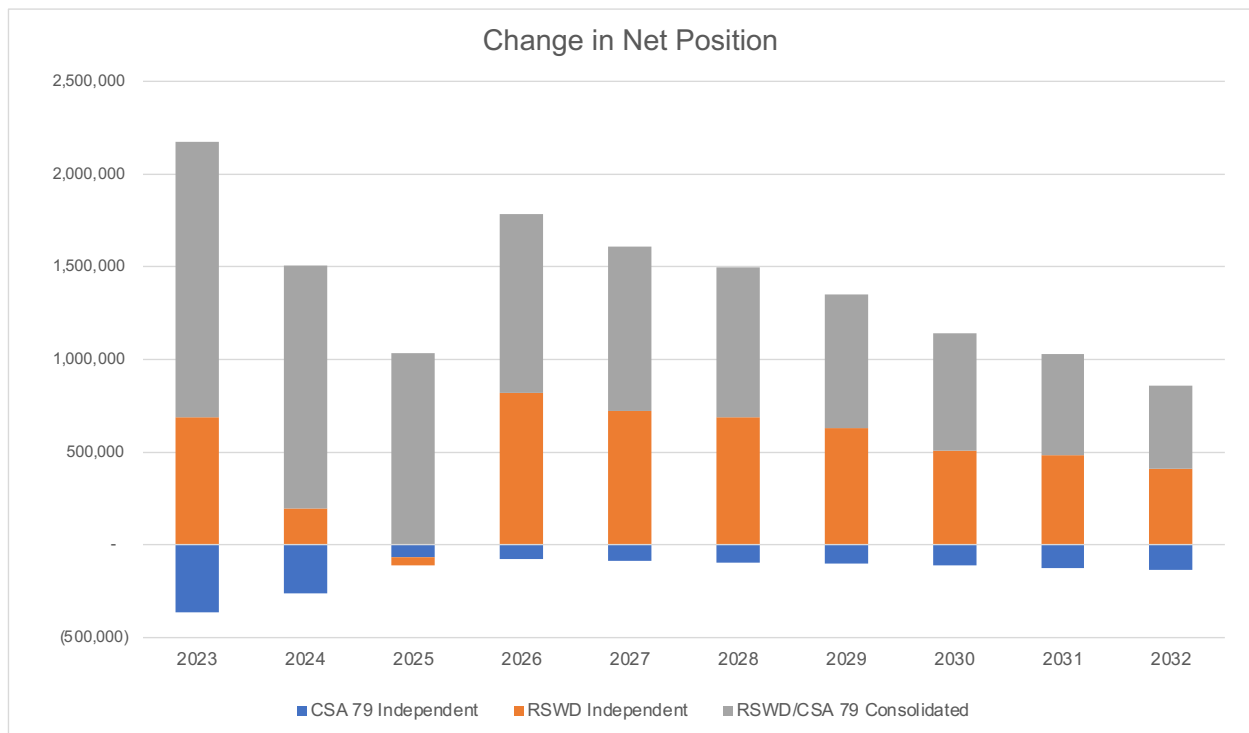
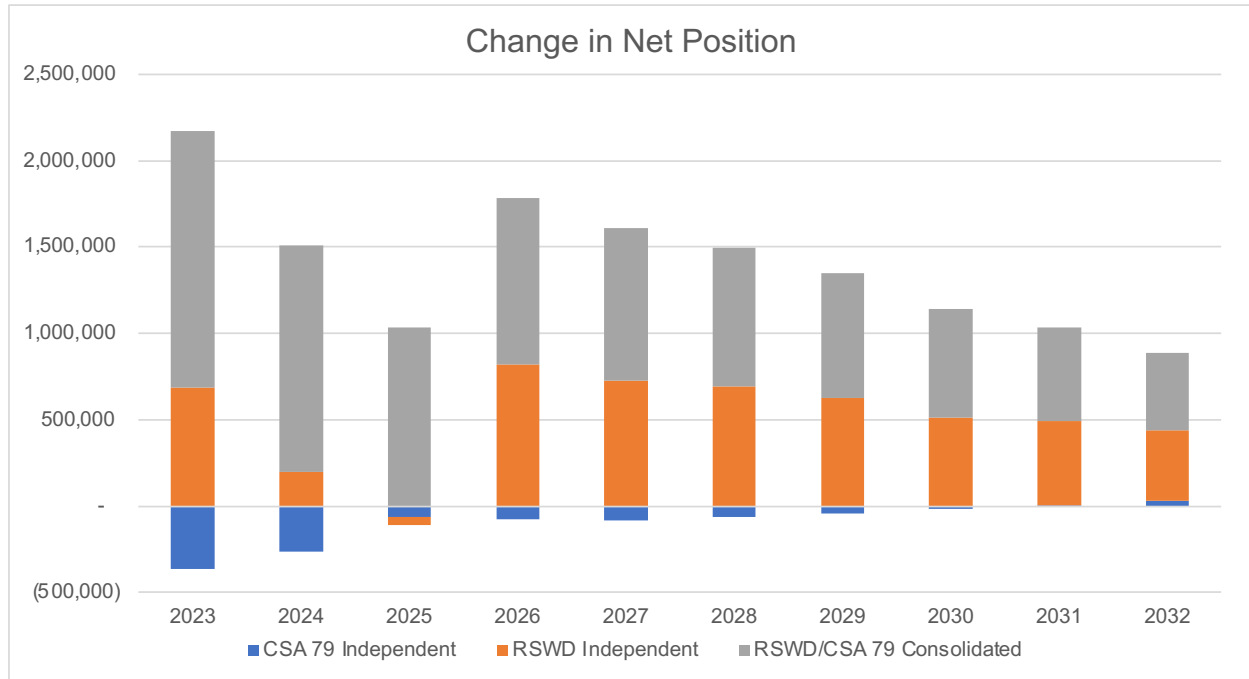


Chart 11: Change in Net Position Post-Consolidation, Scenario 2: 3% Increase in Fees After 5 Years



It is worthwhile to note that based on this Analysis' projections, RSWD is projected to have a negative net operating income beginning in FYE 2031 (Year 8) if it continues to operate as an independent district. If CSA 79 is reorganized into RSWD, the revenues from CSA 79's current service charges would offset expenses and result in a positive net position at least through FYE 2032 (Year 10). If CSA 79 were to remain an independent district, it is projected to have a positive net position through FYE 2032 (Year 10).

If RSWD maintains current service charges, an operating deficit of \$3,776 could result beginning in FYE 2031 that would continue to grow annually thereafter. RSWD may need to consider a service charge increase to cover its operational costs and capital improvements. Since a deficit is projected even without reorganization, RSWD would need to consider how much to increase rates for current RSWD customers versus CSA 79 customers.

RSWD has indicated that it does not expect to change CSA 79 customers' sewer rates if it is reorganized into RSWD, at least for an initial transition period while it evaluates actual revenues and expenditures after reorganization. It is possible that sewer fees would increase regardless of reorganization in order to cover capital improvement project costs and unanticipated repairs.

ASSETS & LIABILITIES

Appendix 2 lists assets and liabilities identified in CSA 79's audited financial statements over the last five years. The following discusses key variables that affected parties should consider in its deliberations.

PENSION LIABILITY

As of June 30, 2021, CSA 79 had a \$318,808 pension liability. Although CSA 79 has no direct staff, it utilizes pooled staff and resources within the County Special Districts Department. The FYE 2021 audited financials note that CSA 79's pension liability represents 3.08 percent of the Special Districts Department's proportionate share of the County's net pension liability.

LAFCO does not have an official position on how pension liabilities should be transferred under special district reorganization. Based on historical practices LAFCO has seen in other reorganizations, there are two options:

- Transfer the pension liability from CSA 79 to RSWD.
- Payoff the pension liability using CSA 79's available cash balance.

The County and RSWD will negotiate the payoff of the pension liability.

CSA 79 UNRESTRICTED CASH

The projected FYE 2022 ending cash balance is \$2,008,111 after capital improvement projects. The actual pension obligation as of June 30, 2021 was \$318,808 and will be different based on the date reorganization goes into effect. The County and RSWD need to negotiate the amount of unrestricted cash to transfer to RSWD after considering all receivables, payables, and liabilities. Appendix 7B presents a conservative scenario in which no cash would be transferred to RSWD, however the beginning balance could increase by the amount of cash that is negotiated between RSWD and CSA 79, net of receivables, payables, and liabilities (including CSA 79's pension obligation) and reorganization costs.

CSA 79 CAPITAL ASSETS

The FYE 2021 audited financials identified \$857,276 in non-current assets. This consists primarily of fixed infrastructure related to CSA 79's the wastewater collection system. There are no vehicles or equipment to transfer. Capital assets should be clearly identified for transfer.

FINDINGS AND CONCLUSIONS

The following findings and conclusions address the financial factors LAFCO must consider in reviewing a consolidation proposal and the Commission's determinations required by the CKH Act. It is important to emphasize that these findings and conclusions should be weighed in the context of all the decision-making factors required by the CKH Act, both financially and as a matter of public policy. Beyond the assumptions used in the Analysis, the Commission should consider the operational efficiencies gained by consolidation through economies of scale and scope, as well as RSWD's ability to absorb CSA 79's operations from a management perspective.

SUFFICIENCY OF REVENUES

"The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change" (§56668(j)).

The Analysis evaluated the sufficiency and reliability of anticipated revenues that RSWD proposes to use to fund CSA 79 wastewater collection and treatment activities assumed upon consolidation. The Analysis's baseline budget projection indicated that, if RSWD maintains current service charges, a modest deficit of \$3,776 could result in FYE 2031 that would continue to grow annually thereafter. RSWD may need to consider a service charge increase to cover its operational costs and capital improvements. Since a deficit is projected even without reorganization, RSWD would need to consider how much to increase rates for current RSWD customers versus CSA 79 customers. A March 2017 sewer rate study concluded that an increase is necessary to cover operational costs and capital improvements.

PUBLIC SERVICE COSTS

"Public service costs of a proposal that the commission is authorizing are likely to be less than or substantially similar to the costs of alternative means of providing the service" (§56881(b)(1)).

CSA 79 public services costs are projected to be significantly less if reorganized to RSWD by eliminating redundancies. The largest expenditures in the baseline budget projections are the RSWD wastewater treatment agreement, salaries and benefits, and operating and maintenance costs. The wastewater treatment agreement and salaries and benefits would be removed if reorganized. The agreement would be obsolete upon reorganization; RSWD would fund the wastewater treatment services it already provides to CSA 79 customers directly from service charges. The County would no longer staff CSA 79, and RSWD does not expect a need to increase its staffing levels.

Operations and maintenance costs are also projected to be significantly reduced. CSA 79's operating costs are significantly higher per EDU than RSWD, at \$227.55 per EDU compared to \$48.65 per EDU. This Analysis assumes that RSWD will operate CSA 79's wastewater collection system at \$48.65 per EDU. Although it is possible that CSA 79's wastewater collection system could cost more to operate than RSWD's system due to unique circumstances. Removing the cost of Indirect Services & Supplies alone would reduce CSA 79's wastewater collection expense

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to \$199.73 per EDU. Indirect Services & Supplies are payments made by CSA 79 to the County Special Districts department for its proportionate share of County operating costs.

FINANCIAL ACCOUNTABILITY

“A change of organization or reorganization that is authorized by the commission promotes public access and accountability for community services needs and financial resources” (§56881(b)(2)).

CSA 79 customers would be served directly by RSWD rather than the County. RSWD already provides wastewater treatment services to CSA 79 customers. Consolidating wastewater collection services would improve economies of scale and reduce redundancies. CSA 79 customers would have the opportunity to vote for RSWD Board members and contact RSWD directly for customer service. RSWD's power and authority is regulated by the California Water Code and is held to high standard of governmental accountability and transparency.

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APPENDICES

Historic Five-Year Revenues & Expenditures (FYE 2017-2021)
CSA 79 Sewer Enterprise Fund

Appendix 1

	2017	2018	2019	2020	2021	CAGR
Operating Revenues						
Sanitation Service Charges	\$960,972	\$960,446	\$964,543	\$780,591	\$923,437	-0.79%
Permit & Inspection Fees	75	-	150	-	-	-100%
Connection Fees	-	-	6,510	-	-	N/A
Other	3,002	240	-	78	763	-23.96%
Total Operating Revenues	\$964,049	\$960,686	\$971,203	\$780,669	\$924,200	-0.84%
Expenditures						
Other Professional Fees	\$180,284	\$95,510	\$245,798	\$4,431	\$2,029	-59.24%
Salaries & Benefits	353,480	241,064	260,965	258,213	40,143	-35.28%
Services & Supplies	134,098	225,468	101,218	112,949	166,886	4.47%
Utilities ¹	25,272	427,334	274,008	334,963	354,926	69.63%
RSWD Agreement	221,212	-	-	-	-	-100%
RSWD Filtration Project	69,645	-	-	-	-	-100%
Depreciation	131,493	137,107	136,846	136,064	136,063	0.69%
Total Operating Expenses	\$1,115,484	\$1,126,483	\$1,018,835	\$846,620	\$700,047	-8.90%
<i>Excluding Depreciation</i>	<i>\$983,991</i>	<i>\$989,376</i>	<i>\$881,989</i>	<i>\$710,556</i>	<i>\$563,984</i>	<i>-10.53%</i>
Net Operating Gain/Loss	(\$151,435)	(\$165,797)	(\$47,632)	(\$65,951)	\$224,153	-208.16%
<i>Excluding Depreciation</i>	<i>(\$19,942)</i>	<i>(\$28,690)</i>	<i>\$89,214</i>	<i>\$70,113</i>	<i>\$360,216</i>	<i>-278.39%</i>
Nonoperating Revenues						
Property Taxes	-	-	-	-	-	N/A
Special Assessments	48,813	47,231	55,107	59,213	43,585	-2.24%
Investment Earnings	7,019	10,156	45,413	56,912	4,689	-7.75%
Penalties	3,330	38,140	20,398	1,280	4,896	8.01%
Other	6,254	8,225	(54,907)	3,977	9,376	8.44%
Total Nonoperating Revenues	\$65,416	\$103,752	\$66,011	\$121,382	\$62,546	-0.89%
Change in Net Position	(\$86,019)	(\$62,045)	\$18,379	\$55,431	\$286,699	-227.22%
<i>Excluding Depreciation</i>	<i>\$45,474</i>	<i>\$75,062</i>	<i>\$155,225</i>	<i>\$191,495</i>	<i>\$422,762</i>	<i>56.19%</i>
Fund Balance						
Beginning	2,688,113	2,602,094	2,565,049	2,583,428	2,641,424	-0.35%
Ending	2,602,094	2,565,049	2,583,428	2,638,859	2,928,123	2.39%
Net Change	(\$86,019)	(\$37,045)	\$18,379	\$55,431	\$286,699	-227.22%

1: The CSA 79 Financial Statements began reporting expenditures associated with the RSWD Agreement and Filtration Project within the Utilities category in 2018.

Source: County Service Area No. 79 R-1 Green Valley Lake Financial Statements: Statement of Revenues, Expenses, and Changes in Net Position: Proprietary Funds

FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79

Historic Five-Year Statement of Net Position (FYE 2017-2021)

Appendix 2

CSA 79 Sewer Enterprise Fund

	2017	2018	2019	2020	2021
Assets					
Current Assets					
Cash and investments	\$1,313,762	\$1,300,538	\$1,467,370	\$1,919,426	2,340,897
Accounts receivable	210,874	211,017	218,877	23,097	24,870
Interest receivable	9,299	-	-	-	-
Taxes receivable	-	-	3,011	151	-
Special assessment receivable	1,283	4,804	-	3,090	1,895
Due from other government	-	-	1,246	-	-
Total Current Assets	\$1,535,218	\$1,516,359	\$1,690,504	\$1,945,764	\$2,367,662
Non-Current Assets					
Improvements to land	5,216,517	5,328,771	5,328,771	5,328,771	5,328,771
Structures and improvements	159,050	159,050	159,050	159,050	159,050
Vehicles	64,440	64,440	64,440	64,440	64,440
Equipment	31,006	31,006	31,006	31,006	31,006
Construction in progress	173,406	-	1,335	-	-
Accumulated depreciation	(4,179,910)	(4,317,017)	(4,453,863)	(4,589,927)	(4,725,991)
Total Non-Current Assets	\$1,464,509	\$1,266,250	\$1,130,739	\$993,340	\$857,276
Total Assets	\$2,999,727	\$2,782,609	\$2,821,243	\$2,939,104	\$3,224,938
Deferred Outflows of Resources					
Pensions	\$136,783	\$133,135	\$112,507	\$92,172	\$156,998
Liabilities					
Current Liabilities					
Accounts payable	131,834	-	19,737	25,774	82,900
Retention payable	-	-	-	-	-
Due to other governments	63,086	17,273	21,624	92,651	37,352
Total Current Liabilities	\$194,920	\$17,273	\$41,361	\$118,425	\$120,252
Long-Term Liabilities					
Net pension liability	277,203	269,885	253,480	245,069	318,808
Total Liabilities	\$472,123	\$287,158	\$294,841	\$363,494	\$439,060
Deferred Inflows of Resources					
Pensions	\$62,293	\$60,281	\$55,481	\$28,923	\$14,753
Net Position					
Invested in Capital Assets	1,464,509	1,266,250	1,130,739	993,340	857,276
Unrestricted	1,137,585	1,298,799	1,452,689	1,645,519	2,070,847
Total Net Position	\$2,602,094	\$2,565,049	\$2,583,428	\$2,638,859	\$2,928,123

Source: County Service Area No. 79 R-1 Green Valley Lake Financial Statements: Statement of Net Position, Proprietary Funds

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

**Historic Five-Year Revenues & Expenditures (FYE 2017-2021)
CSA79 R-1 Meadow Green Valley Lake**

Appendix 3

	2017	2018	2019	2020	2021	CAGR
Revenues						
Special Assessments	24,831	26,563	30,480	30,110	31,923	5.15%
Investment Earnings	435	535	2,349	3,404	215	-13.15%
Other	151	95	1,448	1,520	340	17.63%
Total Revenues	\$25,417	\$27,193	\$34,277	\$35,034	\$32,478	5.03%
Expenditures						
Salaries & Benefits	3,814	4,529	3,381	7487	625	-30.35%
Services & Supplies	18,005	40,599	7,873	7328	3,356	-28.54%
Contingencies	-	-	-	0	-	N/A
Professional Fees	-	-	-	0	-	N/A
Total Expenditures	\$21,819	\$45,128	\$11,254	\$14,815	\$3,981	-28.84%
Fund Balance						
Beginning	81,316	84,720	66,785	\$ 89,808	\$ 110,027	6.23%
Ending	84,914	66,785	89,808	\$110,027	\$ 138,524	10.28%
Net Change	\$3,598	(\$17,935)	\$23,023	\$20,219	\$28,497	51.27%

Source: County Service Area No. 79 R-1 Green Valley Lake Financial Statements: Statement of Revenues, Expenditures and Changes in Fund Balances, Governmental Funds

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

**Historic Five-Year Statement of Net Position (FYE 2017-2021)
CSA79 Sewer Enterprise Fund - R1**

Appendix 4

	2016	2017	2018	2019	2020	2021
Assets						
Cash and investments	82,087	86,177	65,658	89,346	111,326	136,487
Accounts receivable	-	-	-	-	-	-
Interest receivable	156	263	-	-	-	-
Taxes receivable	-	880	-	-	-	-
Special assessment receivable	215	880	1,127	462	1,184	2,132
Total Assets	\$ 82,458	\$88,200	\$66,785	\$89,808	\$112,510	\$138,619
Deferred outflows of resources						
Pension	-	84,720	-	-	-	-
Liabilities						
Due to other funds	-	-	-	-	-	-
Due to other governments	-	-	-	-	2,483	95
Accounts payable	-	2,600	-	-	-	-
Total Liabilities	\$ -	\$2,600	\$-	\$-	\$2,483	\$95
Fund Balance						
Restricted for Road Maintenance	81,316	84,720	66,785	89,808	110,027	138,524
Total Liabilities & Fund Balance	\$ 81,316	\$87,320	\$66,785	\$89,808	\$112,510	\$138,619
Total Fund Balance - Governmental Fund	\$ 81,316	\$84,720	\$66,785	\$89,808	\$110,027	\$138,524
Capital Assets	131,675					
Accumulated depreciation	(79,005)					
Net capital assets	\$ 52,670	\$49,378	\$46,997	\$42,997	\$39,907	\$36,818
Net position of governmental activities	\$ 133,986	\$134,098	\$113,782	\$132,805	\$149,934	\$175,342

Source: County Service Area No. 79 R-1 Green Valley Lake Financial Statements: Balance Sheet, Governmental Funds

FISCAL IMPACT ANALYSIS SAN BERNARDINO COUNTY SERVICE AREA 79

Ten-Year Projected Revenues & Expenditures
CSA 79 Sewer Enterprise Fund - No Reorganization, Constant Service Charges

Appendix 5A

	Budgeted		Projected									
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Service Charges												
EDUs	1,255	1,257	1,259	1,261	1,263	1,265	1,267	1,269	1,271	1,273	1,275	
Monthly Service Charge	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	
Total Annual Charge	\$990,496	\$992,075	\$993,653	\$995,232	\$996,810	\$998,389	\$999,967	\$1,001,546	\$1,003,124	\$1,004,703	\$1,006,281	
Revenues												
Sanitation Service Charge	\$950,000	\$992,075	\$993,653	\$995,232	\$996,810	\$998,389	\$999,967	\$1,001,546	\$1,003,124	\$1,004,703	\$1,006,281	
Special Assessments	53,300	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	
Penalties & Delinquent Taxes	5,900	5,900	5,900	5,900	5,900	5,900	5,900	5,900	5,900	5,900	5,900	
Investment Earnings/Interest	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	
Permit, Inspection, & Conn. Fees	0	10,822	10,822	10,822	10,822	10,822	10,822	10,822	10,822	10,822	10,822	
Other	23,000	-	-	-	-	-	-	-	-	-	-	
Total Revenues	1,042,200	1,068,797	1,070,375	1,071,954	1,073,532	1,075,111	1,076,689	1,078,268	1,079,846	1,081,425	1,083,003	
Expenditures												
Utilities - Sewer (RSWD)	\$350,000	\$350,560	\$351,121	\$351,683	\$352,245	\$352,809	\$353,373	\$353,939	\$354,505	\$355,072	\$355,640	
Utilities - Other	28,300	29,121	29,965	30,834	31,728	32,649	33,595	34,570	35,572	36,604	37,665	
Professional and Special Services	250,655	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	
Services & Supplies - General	34,917	35,930	36,972	38,044	39,147	40,282	41,450	42,653	43,889	45,162	46,472	
Salaries & Benefits	241,064	248,055	255,248	262,651	270,268	278,105	286,170	294,469	303,009	311,796	320,838	
Transfers Out	218,074	514,000	404,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	
Total Operating Expenses	\$1,123,010	\$1,432,665	\$1,332,306	\$1,138,211	\$1,148,388	\$1,158,845	\$1,169,590	\$1,180,630	\$1,191,976	\$1,203,634	\$1,215,616	
Net Operating Income / (Deficit)	\$(80,810)	\$(363,868)	\$(261,931)	\$(66,258)	\$(74,856)	\$(83,734)	\$(92,900)	\$(102,363)	\$(112,130)	\$(122,210)	\$(132,613)	
Excl. CIP Transfers Out	\$137,264	\$150,132	\$142,069	\$133,742	\$125,144	\$116,266	\$107,100	\$97,637	\$87,870	\$77,790	\$67,387	
Beginning Cash (Unrestricted)												
Ending Cash Before CIP	\$2,070,847	\$2,208,111	\$2,358,243	\$2,500,312	\$2,634,054	\$2,759,198	\$2,875,463	\$2,982,563	\$3,080,200	\$3,168,071	\$3,245,861	
	\$2,208,111	\$2,358,243	\$2,500,312	\$2,634,054	\$2,759,198	\$2,875,463	\$2,982,563	\$3,080,200	\$3,168,071	\$3,245,861	\$3,313,248	

Source: County Budget for FYE 2022; RSG Projections from FYE 2023

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

Ten-Year Projected Revenues & Expenditures
CSA 79 Sewer Enterprise Fund - No Reorganization, Increased Service Fees After Five Years **Appendix 5B**

	Budgeted		Projected									
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Service Charges												
EDUs	1,255	1,257	1,259	1,261	1,263	1,265	1,267	1,269	1,271	1,273	1,275	
Monthly Service Charge	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$67.74	\$69.78	\$71.87	\$74.02	\$76.25	
Total Annual Charge	\$990,496	\$992,075	\$993,653	\$995,232	\$996,810	\$998,389	\$1,029,966	\$1,062,540	\$1,096,141	\$1,130,802	\$1,166,555	
Revenues												
Sanitation Service Charge	\$950,000	\$992,075	\$993,653	\$995,232	\$996,810	\$998,389	\$1,029,966	\$1,062,540	\$1,096,141	\$1,130,802	\$1,166,555	
Special Assessments	53,300	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	
Penalties & Delinquent Taxes	5,900	5,900	5,900	5,900	5,900	5,900	5,900	5,900	5,900	5,900	5,900	
Investment Earnings/Interest	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	
Permit, Inspection, & Conn. Fees	0	10,822	10,822	10,822	10,822	10,822	10,822	10,822	10,822	10,822	10,822	
Other	23,000	-	-	-	-	-	-	-	-	-	-	
Total Revenues	1,042,200	1,068,797	1,070,375	1,071,954	1,073,532	1,075,111	1,106,688	1,139,262	1,172,863	1,207,524	1,243,277	
Expenditures												
Utilities - Sewer (RSWD)	\$350,000	\$350,560	\$351,121	\$351,683	\$352,245	\$352,809	\$353,373	\$353,939	\$354,505	\$355,072	\$355,640	
Utilities - Other	28,300	29,121	29,965	30,834	31,728	32,649	33,595	34,570	35,572	36,604	37,665	
Professional and Special Services	250,655	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	
Services & Supplies - General	34,917	35,930	36,972	38,044	39,147	40,282	41,450	42,653	43,889	45,162	46,472	
Salaries & Benefits	241,064	248,055	255,248	262,651	270,268	278,105	286,170	294,469	303,009	311,796	320,838	
Transfers Out	218,074	514,000	404,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	
Total Operating Expenses	\$1,123,010	\$1,432,665	\$1,332,306	\$1,138,211	\$1,148,388	\$1,158,845	\$1,169,590	\$1,180,630	\$1,191,976	\$1,203,634	\$1,215,616	
Net Operating Income / (Deficit)	\$(80,810)	\$(363,868)	\$(261,931)	\$(66,258)	\$(74,856)	\$(83,734)	\$(62,901)	\$(41,369)	\$(19,113)	\$3,889	\$27,662	
Excl. C/P Transfers Out	\$137,264	\$150,132	\$142,069	\$133,742	\$125,144	\$116,266	\$137,099	\$158,631	\$180,887	\$203,889	\$227,662	
Beginning Cash (Unrestricted)	\$2,070,847	\$2,208,111	\$2,358,243	\$2,500,312	\$2,634,054	\$2,759,198	\$2,875,463	\$3,012,562	\$3,171,193	\$3,352,081	\$3,555,970	
Ending Cash Before CIP	\$2,208,111	\$2,358,243	\$2,500,312	\$2,634,054	\$2,759,198	\$2,875,463	\$3,012,562	\$3,171,193	\$3,352,081	\$3,555,970	\$3,783,631	

Source: County Budget for FYE 2022; RSG Projections from FYE 2023

Ten-Year Projected Revenues & Expenditures
CSA 79 Sewer Enterprise Fund - No Reorganization, Constant Service Charges

Appendix 5C

	Budgeted	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
	2022										
Beginning Cash (Unrestricted)	\$2,070,847	\$2,208,111	\$2,358,243	\$2,500,312	\$2,634,054	\$2,759,198	\$2,875,463	\$2,982,563	\$3,080,200	\$3,168,071	\$3,245,861
Ending Cash Before CIP	\$2,208,111	\$2,358,243	\$2,500,312	\$2,634,054	\$2,759,198	\$2,875,463	\$2,982,563	\$3,080,200	\$3,168,071	\$3,245,861	\$3,313,248
Capital Improvements											
Ongoing Repair/Replacement of Main Sewer Lines	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000					
Raise Manholes (\$1,200 x 340 manholes)		204,000	204,000								
Pump Upgrade - Canyon Lift Station		20,000									
Driveway Replacement - Deerlick & Crab Flats		75,000									
Transducer - Snow Valley		10,000									
Ahwanee Level Sensors		5,000									
Total	\$200,000	\$514,000	\$404,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
Ending Cash After CIP	\$2,008,111	\$1,844,243	\$2,096,312	\$2,434,054	\$2,559,198	\$2,675,463	\$2,782,563	\$2,880,200	\$2,968,071	\$3,045,861	\$3,113,248
Change in Net Position	\$(62,736)	\$(363,868)	\$(261,931)	\$(66,258)	\$(74,856)	\$(83,734)	\$(92,900)	\$(102,363)	\$(112,130)	\$(122,210)	\$(132,613)

Source: CSA 79 Capital Improvement Budgets for FYEs 2022-2027; RSG Projections from FYE 2027

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

Ten-Year Projected Revenues & Expenditures
CSA 79 Sewer Enterprise Fund - No Reorganization, Increased Service Fees After Five Years

Appendix 5D

	Budgeted		Projected									
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Beginning Cash (Unrestricted)	\$2,070,847	\$2,208,111	\$2,358,243	\$2,500,312	\$2,634,054	\$2,759,198	\$2,875,463	\$3,012,562	\$3,171,193	\$3,352,081	\$3,555,970	
Ending Cash Before CIP	\$2,208,111	\$2,358,243	\$2,500,312	\$2,634,054	\$2,759,198	\$2,875,463	\$3,012,562	\$3,171,193	\$3,352,081	\$3,555,970	\$3,783,631	
Capital Improvements												
Ongoing Repair/Replacement of Main Sewer Lines	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000						
Raise Manholes (\$1,200 x 340 manholes)		204,000	204,000									
Pump Upgrade - Canyon Lift Station		20,000										
Driveway Replacement - Deerlick & Crab Flats		75,000										
Transducer - Snow Valley		10,000										
Ahwannee Level Sensors		5,000										
Total	\$200,000	\$514,000	\$404,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	
Ending Cash After CIP	\$2,008,111	\$1,844,243	\$2,096,312	\$2,434,054	\$2,559,198	\$2,675,463	\$2,812,562	\$2,971,193	\$3,152,081	\$3,355,970	\$3,583,631	
Change in Net Position	\$(62,736)	\$(363,868)	\$(261,931)	\$(66,258)	\$(74,856)	\$(83,734)	\$(62,901)	\$(41,369)	\$(19,113)	\$3,889	\$27,662	

Source: CSA 79 Capital Improvement Budgets for FYEs 2022-2027; RSG Projections from FYE 2027

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

Ten-Year Projected Revenues & Expenditures **Appendix 6A**
RSWD - No Reorganization

	Budgeted			Projected								
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Operating Revenues												
Wastewater Collection												
Service Charges (Base & System)	\$1,126,718	\$1,160,519	\$1,160,519	\$1,160,519	\$1,160,519	\$1,160,519	\$1,160,519	\$1,160,519	\$1,160,519	\$1,160,519	\$1,160,519	\$1,160,519
Availability Charges	8,033	8,033	8,033	8,033	8,033	8,033	8,033	8,033	8,033	8,033	8,033	8,033
Interest Income	10,443	10,652	10,652	10,652	10,652	10,652	10,652	10,652	10,652	10,652	10,652	10,652
Other	8,086	8,303	8,303	8,303	8,303	8,303	8,303	8,303	8,303	8,303	8,303	8,303
Subtotal	\$1,153,280	\$1,187,507	\$1,187,507	\$1,187,507	\$1,187,507	\$1,187,507	\$1,187,507	\$1,187,507	\$1,187,507	\$1,187,507	\$1,187,507	\$1,187,507
Wastewater Treatment												
Service Charges	\$839,631	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820
Usage Charges	148,124	152,568	152,568	152,568	152,568	152,568	152,568	152,568	152,568	152,568	152,568	152,568
Availability Charges	5,987	5,987	5,987	5,987	5,987	5,987	5,987	5,987	5,987	5,987	5,987	5,987
Interest Income	7,783	7,938	7,938	7,938	7,938	7,938	7,938	7,938	7,938	7,938	7,938	7,938
Arrowbear O&M Reimb	199,156	205,131	211,285	217,623	224,152	230,876	237,803	244,937	252,285	259,853	267,649	275,678
CSA 79 O&M Reimb	253,891	261,508	269,353	277,434	285,757	294,329	303,159	312,254	321,622	331,270	341,208	351,445
Arrowbear & CSA 79 CIP	160,856	164,073	167,355	170,702	174,116	177,598	181,150	184,773	188,468	192,238	196,083	200,004
CSA 79 CIP	207,807	211,963	216,202	220,526	224,937	229,436	234,024	238,705	243,479	248,349	253,316	258,382
Other	6,025	6,187	6,187	6,187	6,187	6,187	6,187	6,187	6,187	6,187	6,187	6,187
Subtotal	\$1,829,260	\$1,880,175	\$1,901,695	\$1,923,785	\$1,946,461	\$1,969,739	\$1,993,636	\$2,018,169	\$2,043,354	\$2,069,210	\$2,095,755	\$2,123,009
Total Wastewater Revenues ²												
	\$2,982,540	\$3,067,682	\$3,089,202	\$3,111,292	\$3,133,968	\$3,157,246	\$3,181,143	\$3,205,676	\$3,230,861	\$3,256,717	\$3,283,262	\$3,310,516

2: Revenues estimated to grow 0% annually to match RSWD cash flow projections in 2022-23 budget.

Source: RSWD Budgets for FYE 2022 and 2023; RSG Projections from FYE 2024

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

Ten-Year Projected Revenues & Expenditures
RSWD - No Reorganization

Appendix 6B

	Budgeted		Projected									
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Expenditures												
Wastewater Collection												
Personnel	\$595,339	\$615,295	\$639,907	\$665,503	\$692,123	\$719,808	\$748,600	\$778,544	\$809,686	\$842,074	\$875,757	\$910,787
Operations & Maintenance	145,561	150,552	156,574	162,837	169,351	176,125	183,170	190,496	198,116	206,041	214,282	222,854
Depreciation	199,767	202,818	210,931	219,368	228,143	237,268	246,759	256,629	266,895	277,570	288,673	300,220
Long-Term Debt - Interest	44,605	42,193	40,083	38,079	36,175	34,366	32,648	31,016	29,465	27,992	26,592	25,263
Subtotal	\$985,272	\$1,010,858	\$1,047,495	\$1,085,787	\$1,125,792	\$1,167,568	\$1,211,177	\$1,256,686	\$1,304,162	\$1,353,677	\$1,405,304	\$1,459,123
Wastewater Treatment												
Personnel	\$692,235	\$715,582	\$744,205	\$773,973	\$804,932	\$837,130	\$870,615	\$905,440	\$941,657	\$979,323	\$1,018,496	\$1,059,236
Operations & Maintenance	357,060	369,558	384,340	399,714	415,702	432,331	449,624	467,609	486,313	505,766	525,996	547,036
Depreciation	268,100	308,152	320,478	333,297	346,629	360,494	374,914	389,911	405,507	421,727	438,596	456,140
Subtotal	\$1,317,395	\$1,393,292	\$1,449,024	\$1,506,985	\$1,567,264	\$1,629,955	\$1,695,153	\$1,762,959	\$1,833,477	\$1,906,816	\$1,983,089	\$2,062,413
Total Wastewater Expenses	\$2,302,667	\$2,404,150	\$2,496,519	\$2,592,772	\$2,693,056	\$2,797,522	\$2,906,330	\$3,019,645	\$3,137,639	\$3,260,493	\$3,388,393	\$3,521,536
% Change ³		4%	4%	4%	4%	4%	4%	4%	4%	4%	4%	4%
Net Operating Income / (Deficit)	\$679,873	\$663,532	\$592,683	\$518,520	\$440,912	\$359,724	\$274,813	\$186,031	\$93,222	(\$3,776)	(\$105,131)	(\$211,020)
Beginning Cash	\$825,366	\$585,674	\$1,272,832	\$1,471,993	\$1,430,608	\$2,251,031	\$2,975,512	\$3,666,192	\$4,295,101	\$4,804,149	\$5,290,123	\$5,699,684
Non-Cash Depreciation	467,867	510,970	531,409	552,665	574,772	597,763	621,673	646,540	672,402	699,298	727,270	756,360
Long-Term Debt - Principal	(126,932)	(129,344)	(131,931)	(134,569)	(137,261)	(140,006)	(142,806)	(145,662)	(148,576)	(151,547)	(154,578)	(157,670)
Capital Projects & Fixed Assets	(1,260,500)	(358,000)	(793,000)	(978,000)	(58,000)	(93,000)	(63,000)	(58,000)	(108,000)	(58,000)	(58,000)	(58,000)
Ending Cash	\$ 585,674	\$ 1,272,832	\$ 1,471,993	\$ 1,430,608	\$ 2,251,031	\$ 2,975,512	\$ 3,666,192	\$ 4,295,101	\$ 4,804,149	\$ 5,290,123	\$ 5,699,684	\$ 6,029,355
Change in Net Position	(\$239,692)	\$687,158	\$199,161	(\$41,384)	\$820,423	\$724,481	\$690,680	\$628,908	\$509,048	\$485,975	\$409,561	\$329,671

3: Expenditures estimated to increase 4% annually to match RSWD cash flow projections in 2022-23 budget

Source: RSWD Budgets for FYE 2022 and 2023; RSG Projections from FYE 2024

Ten-Year Projected Revenues & Expenditures											Appendix 7A
RSWD - With CSA 79 Sewer											
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
CSA 79 Sewer Charge⁴											
EDUs	1,257	1,259	1,261	1,263	1,265	1,267	1,269	1,271	1,273	1,275	
Monthly Service Charge	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	\$65.77	
	\$ 992,075	\$ 993,653	\$ 995,232	\$ 996,810	\$ 998,389	\$ 999,967	\$ 1,001,546	\$ 1,003,124	\$ 1,004,703	\$ 1,006,281	
Operating Revenues											
Wastewater collection											
RSWD Service Charges	\$ 1,160,519	\$ 1,160,519	\$ 1,160,519	\$ 1,160,519	\$ 1,160,519	\$ 1,160,519	\$ 1,160,519	\$ 1,160,519	\$ 1,160,519	\$ 1,160,519	
CSA 79 Service Charges	496,037	496,827	497,616	498,405	499,194	499,984	500,773	501,562	502,351	503,141	
CSA 79 Special Assessments & Penalties	55,900	55,900	55,900	55,900	55,900	55,900	55,900	55,900	55,900	55,900	
RSWD Other Revenues	8,303	8,303	8,303	8,303	8,303	8,303	8,303	8,303	8,303	8,303	
CSA 79 Other Revenues	-	-	-	-	-	-	-	-	-	-	
Subtotal	\$ 1,720,759	\$ 1,721,549	\$ 1,722,338	\$ 1,723,127	\$ 1,723,916	\$ 1,724,706	\$ 1,725,495	\$ 1,726,284	\$ 1,727,073	\$ 1,727,863	
Wastewater Treatment											
RSWD Service Charges	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820	\$864,820	
CSA 79 Service Charges	496,037	496,827	497,616	498,405	499,194	499,984	500,773	501,562	502,351	503,141	
RSWD Other Revenues	6,187	6,187	6,187	6,187	6,187	6,187	6,187	6,187	6,187	6,187	
CSA 79 Other Revenues	-	-	-	-	-	-	-	-	-	-	
Arrowbear O&M and CIP	360,012	369,204	378,639	388,325	398,268	408,474	418,953	429,710	440,753	452,091	
Subtotal	\$ 1,727,056	\$ 1,737,037	\$ 1,747,262	\$ 1,757,737	\$ 1,768,469	\$ 1,779,465	\$ 1,790,732	\$ 1,802,279	\$ 1,814,112	\$ 1,826,239	
Total Wastewater Revenues	\$ 3,447,816	\$ 3,458,586	\$ 3,469,600	\$ 3,480,864	\$ 3,492,385	\$ 3,504,170	\$ 3,516,227	\$ 3,528,563	\$ 3,541,185	\$ 3,554,101	
% Change		0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.4%	0.4%	0.4%	

4: CSA 79 service charges are divided evenly between the Wastewater Collection and Wastewater Treatment revenue categories

Source: RSG, Inc.

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

Ten-Year Projected Revenues & Expenditures
RSWD - With CSA 79 Sewer **Appendix 7B**

Expenditures	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Wastewater Collection										
RSWD Personnel	\$615,295	\$639,907	\$665,503	\$692,123	\$719,808	\$748,600	\$778,544	\$809,686	\$842,074	\$875,757
RSWD Operations & Maintenance	150,552	156,574	162,837	169,351	176,125	183,170	190,496	198,116	206,041	214,282
RSWD Depreciation	202,818	210,931	219,368	228,143	237,268	246,759	256,629	266,895	277,570	288,673
RSWD Long-Term Debt - Interest	42,193	40,083	38,079	36,175	34,366	32,648	31,016	29,465	27,992	26,592
CSA 79 O&M, Services, & Supplies	65,780	68,520	71,374	74,347	77,443	80,668	84,027	87,526	91,170	94,966
CSA 79 Utilities	29,121	29,965	30,834	31,728	32,649	33,595	34,570	35,572	36,604	37,665
Subtotal	\$1,105,759	\$1,145,980	\$1,187,995	\$1,231,867	\$1,277,659	\$1,325,441	\$1,375,283	\$1,427,260	\$1,481,451	\$1,537,936
Wastewater Treatment										
Personnel	\$715,582	\$744,205	\$773,973	\$804,932	\$837,130	\$870,615	\$905,440	\$941,657	\$979,323	\$1,018,496
Operations & Maintenance	369,558	384,340	399,714	415,702	432,331	449,624	467,609	486,313	505,766	525,996
Depreciation	308,152	320,478	333,297	346,629	360,494	374,914	389,911	405,507	421,727	438,596
Subtotal	\$1,393,292	\$1,449,024	\$1,506,985	\$1,567,264	\$1,629,955	\$1,695,153	\$1,762,959	\$1,833,477	\$1,906,816	\$1,983,089
Total Wastewater Expenses	\$2,499,051	\$2,595,004	\$2,694,980	\$2,799,131	\$2,907,614	\$3,020,593	\$3,138,242	\$3,260,737	\$3,388,267	\$3,521,025
Net Operating Income / (Deficit)	\$948,765	\$863,582	\$774,620	\$681,733	\$584,772	\$483,577	\$377,986	\$267,825	\$152,918	\$33,077
Beginning Cash	\$585,674	\$2,072,065	\$3,381,125	\$4,415,840	\$5,377,085	\$6,261,613	\$7,066,057	\$7,786,920	\$8,420,572	\$8,963,240
Non-Cash Depreciation	510,970	531,409	552,665	574,772	597,763	621,673	646,540	672,402	699,298	727,270
Long-Term Debt - Principal	(129,344)	(131,931)	(134,569)	(137,261)	(140,006)	(142,806)	(145,662)	(148,576)	(151,547)	(154,578)
RSWD Capital Projects & Fixed Assets	(358,000)	(358,000)	(358,000)	(358,000)	(358,000)	(358,000)	(358,000)	(358,000)	(358,000)	(358,000)
CSA 79 Capital Projects	514,000	404,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
Ending Cash⁵	\$2,072,065	\$3,381,125	\$4,415,840	\$5,377,085	\$6,261,613	\$7,066,057	\$7,786,920	\$8,420,572	\$8,963,240	\$9,411,008
Change in Net Position	\$1,486,391	\$1,309,060	\$1,034,715	\$961,244	\$884,528	\$804,444	\$720,863	\$633,652	\$542,669	\$447,768

5: Cash balance is based on RSWD's cash balance, and could change based on negotiations regarding CSA 79's cash balance and pension liability upon reorganization.
Source: RSG, Inc.

Projected Ten-Year Cost Savings/Difference CSA 79 Reorganization into RSWD - Constant Fees											Appendix 8A
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Revenues Lost											
Sanitation Service Charge	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Special Assessments	-	-	-	-	-	-	-	-	-	-	
Penalties & Delinquent Taxes	-	-	-	-	-	-	-	-	-	-	
Permit, Inspection & Connection Fees	(27,055)	(27,055)	(27,055)	(27,055)	(27,055)	(27,055)	(27,055)	(27,055)	(27,055)	(27,055)	
Investment Earnings/Interest	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	
Other	-	-	-	-	-	-	-	-	-	-	
Total Revenues Lost	(\$37,055)	(\$37,055)	(\$37,055)	(\$37,055)	(\$37,055)	(\$37,055)	(\$37,055)	(\$37,055)	(\$37,055)	(\$37,055)	
Expenditures Saved											
RSWD Contract - O&M	\$261,508	\$269,353	\$277,434	\$285,757	\$294,329	\$303,159	\$312,254	\$321,622	\$331,270	\$341,208	
RSWD Contract - CIP	211,963	216,202	220,526	224,937	229,436	234,024	238,705	243,479	248,349	253,316	
Other Professional Fees - O&M	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	
Services & Supplies - Direct & Indirect	(29,850)	(31,548)	(33,330)	(35,200)	(37,161)	(39,218)	(41,375)	(43,637)	(46,008)	(48,494)	
Salaries & Benefits	248,055	255,248	262,651	270,268	278,105	286,170	294,469	303,009	311,796	320,838	
Utilities	-	-	-	-	-	-	-	-	-	-	
Transfers Out - CIP Reserve	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Total Expenses Saved	\$946,675	\$964,255	\$982,280	\$1,000,761	\$1,019,710	\$1,039,136	\$1,059,053	\$1,079,473	\$1,100,407	\$1,121,868	
Net Savings	\$909,620	\$927,200	\$945,225	\$963,706	\$982,655	\$1,002,081	\$1,021,998	\$1,042,418	\$1,063,352	\$1,084,813	
Source: RSG, Inc.											

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

Projected Ten-Year Cost Savings/Difference CSA 79 Reorganization into RSWD - 3% Increase in Fees After Five Years											Appendix 8B
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Revenues Lost											
Sanitation Service Charge	\$0	\$0	\$0	\$0	\$0	(\$29,999)	(\$60,994)	(\$93,017)	(\$126,099)	(\$160,274)	
Special Assessments	-	-	-	-	-	-	-	-	-	-	
Penalties & Delinquent Taxes	-	-	-	-	-	-	-	-	-	-	
Permit, Inspection & Connection Fees	(27,055)	(27,055)	(27,055)	(27,055)	(27,055)	(27,055)	(27,055)	(27,055)	(27,055)	(27,055)	
Investment Earnings/Interest	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	
Other	-	-	-	-	-	-	-	-	-	-	
Total Revenues Lost	(\$37,055)	(\$37,055)	(\$37,055)	(\$37,055)	(\$37,055)	(\$67,054)	(\$98,049)	(\$130,072)	(\$163,154)	(\$197,329)	
Expenditures Saved											
RSWD Contract - O&M	\$261,508	\$269,353	\$277,434	\$285,757	\$294,329	\$303,159	\$312,254	\$321,622	\$331,270	\$341,208	
RSWD Contract - CIP	211,963	216,202	220,526	224,937	229,436	234,024	238,705	243,479	248,349	253,316	
Other Professional Fees - O&M	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	
Services & Supplies - Direct & Indirect	(29,850)	(31,548)	(33,330)	(35,200)	(37,161)	(39,218)	(41,375)	(43,637)	(46,008)	(48,494)	
Salaries & Benefits	248,055	255,248	262,651	270,268	278,105	286,170	294,469	303,009	311,796	320,838	
Utilities	-	-	-	-	-	-	-	-	-	-	
Transfers Out - CIP Reserve	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Total Expenses Saved	\$946,675	\$964,255	\$982,280	\$1,000,761	\$1,019,710	\$1,039,136	\$1,059,053	\$1,079,473	\$1,100,407	\$1,121,868	
Net Savings	\$909,620	\$927,200	\$945,225	\$963,706	\$982,655	\$972,082	\$961,004	\$949,401	\$937,253	\$924,538	

Source: RSG, Inc.

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

**Projected Ten-Year Cost Savings/Difference
CSA 79 Reorganization into RSWD - Constant Fees** **Appendix 9A**

	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Revenues										
CSA 79 Independent	\$1,068,797	\$1,070,375	\$1,071,954	\$1,073,532	\$1,075,111	\$1,076,689	\$1,078,268	\$1,079,846	\$1,081,425	\$1,083,003
RSWD Independent	3,067,682	3,089,202	3,111,292	3,133,968	3,157,246	3,181,143	3,205,676	3,230,861	3,256,717	3,283,262
RSWD/CSA 79 Consolidated	3,447,816	3,458,586	3,469,600	3,480,864	3,492,385	3,504,170	3,516,227	3,528,563	3,541,185	3,554,101
<i>Additional Revenues to RSWD</i>	380,134	369,384	358,308	346,896	335,139	323,027	310,552	297,702	284,468	270,839
Expenditures										
CSA 79 Independent	\$1,432,665	\$1,332,306	\$1,138,211	\$1,148,388	\$1,158,845	\$1,169,590	\$1,180,630	\$1,191,976	\$1,203,634	\$1,215,616
RSWD Independent	2,404,150	2,496,519	2,592,772	2,693,056	2,797,522	2,906,330	3,019,645	3,137,639	3,260,493	3,388,393
RSWD/CSA 79 Consolidated	2,499,051	2,595,004	2,694,980	2,799,131	2,907,614	3,020,593	3,138,242	3,260,737	3,388,267	3,521,025
<i>Additional Expenditures to RSWD</i>	94,901	98,485	102,208	106,075	110,092	114,263	118,597	123,098	127,774	132,631
Change in Net Position										
CSA 79 Independent	(\$363,868)	(\$261,931)	(\$66,258)	(\$74,856)	(\$83,734)	(\$92,900)	(\$102,363)	(\$112,130)	(\$122,210)	(\$132,613)
RSWD Independent	687,158	199,161	(41,384)	820,423	724,481	690,680	628,908	509,048	485,975	409,561
RSWD/CSA 79 Consolidated	1,486,391	1,309,060	1,034,715	961,244	884,528	804,444	720,863	633,652	542,669	447,768
<i>Difference to RSWD</i>	799,233	1,109,899	1,076,100	140,821	160,047	113,764	91,955	124,604	56,694	38,208
CSA 79 Consolidated										
Revenues	\$1,031,742	\$1,033,320	\$1,034,899	\$1,036,477	\$1,038,056	\$1,039,634	\$1,041,213	\$1,042,791	\$1,044,370	\$1,045,948
<i>Difference - Revenue Lost</i>	(37,055)	(37,055)	(37,055)	(37,055)	(37,055)	(37,055)	(37,055)	(37,055)	(37,055)	(37,055)
Expenditures	\$485,990	\$368,051	\$155,931	\$147,627	\$139,136	\$130,453	\$121,577	\$112,503	\$103,228	\$93,748
<i>Difference - Expenditure Savings</i>	946,675	964,255	982,280	1,000,761	1,019,710	1,039,136	1,059,053	1,079,473	1,100,407	1,121,868
Net Savings in Operating Costs	\$909,620	\$927,200	\$945,225	\$963,706	\$982,655	\$1,002,081	\$1,021,998	\$1,042,418	\$1,063,352	\$1,084,813

Source: RSG, Inc.

**FISCAL IMPACT ANALYSIS
SAN BERNARDINO COUNTY SERVICE AREA 79**

**Projected Ten-Year Cost Savings/Difference
CSA 79 Reorganization into RSWD - 3% Increase in Fees After Five Years**

Appendix 9B

	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Revenues										
CSA 79 Independent	\$1,068,797	\$1,070,375	\$1,071,954	\$1,073,532	\$1,075,111	\$1,106,688	\$1,139,262	\$1,172,863	\$1,207,524	\$1,243,277
RSWD Independent	3,067,682	3,089,202	3,111,292	3,133,968	3,157,246	3,181,143	3,205,676	3,230,861	3,256,717	3,283,262
RSWD/CSA 79 Consolidated	3,447,816	3,458,586	3,469,600	3,480,864	3,492,385	3,504,170	3,516,227	3,528,563	3,541,185	3,554,101
Additional Revenues to RSWD	380,134	369,384	358,308	346,896	335,139	323,027	310,552	297,702	284,468	270,839
Expenditures										
CSA 79 Independent	\$1,432,665	\$1,332,306	\$1,138,211	\$1,148,388	\$1,158,845	\$1,169,590	\$1,180,630	\$1,191,976	\$1,203,634	\$1,215,616
RSWD Independent	2,404,150	2,496,519	2,592,772	2,693,056	2,797,522	2,906,330	3,019,645	3,137,639	3,260,493	3,388,393
RSWD/CSA 79 Consolidated	2,499,051	2,595,004	2,694,980	2,799,131	2,907,614	3,020,593	3,138,242	3,260,737	3,388,267	3,521,025
Additional Expenditures to RSWD	94,901	98,485	102,208	106,075	110,092	114,263	118,597	123,098	127,774	132,631
Change in Net Position										
CSA 79 Independent	(\$363,868)	(\$261,931)	(\$66,258)	(\$74,856)	(\$83,734)	(\$62,901)	(\$41,369)	(\$19,113)	\$3,889	\$27,662
RSWD Independent	687,158	199,161	(41,384)	820,423	724,481	690,680	628,908	509,048	485,975	409,561
RSWD/CSA 79 Consolidated	1,486,391	1,309,060	1,034,715	961,244	884,528	804,444	720,863	633,652	542,669	447,768
Difference to RSWD	799,233	1,109,899	1,076,100	140,821	160,047	113,764	91,955	124,604	56,694	38,208
CSA 79 Consolidated										
Revenues	\$1,031,742	\$1,033,320	\$1,034,899	\$1,036,477	\$1,038,056	\$1,039,634	\$1,041,213	\$1,042,791	\$1,044,370	\$1,045,948
Difference - Revenue Lost	(37,055)	(37,055)	(37,055)	(37,055)	(37,055)	(67,054)	(98,049)	(130,072)	(163,154)	(197,329)
Expenditures	\$485,990	\$368,051	\$155,931	\$147,627	\$139,136	\$130,453	\$121,577	\$112,503	\$103,228	\$93,748
Difference - Expenditure Savings	946,675	964,255	982,280	1,000,761	1,019,710	1,039,136	1,059,053	1,079,473	1,100,407	1,121,868
Net Savings in Operating Costs	\$909,620	\$927,200	\$945,225	\$963,706	\$982,655	\$972,082	\$961,004	\$949,401	\$937,253	\$924,538

Source: RSG, Inc.

**SAN BERNARDINO COUNTY
SPECIAL DISTRICTS DEPARTMENT

TRANSITION PLAN**

Running Springs Water District January 2023

TRANSITION PLAN

San Bernardino County, Department of Public Works, Special Districts Division (SDD) together with the Running Springs Water District (RSWD) has outlined the following transition plan at the Local Agency Annexation Commission's (LAFCO) request. This is for the purposes of outlining proposed services and potential costs of providing those services.

SDD proposes the following actions take place to transition services from the SDD to RSWD upon the issuance of the Certificate of Completion by LAFCO officially forming the new entity. These recommendations are not to be considered all-inclusive of every action necessary to guarantee or ensure the smooth transition of services; however, they do identify those actions required during the mandated transition period from annexation until close of the fiscal year or six months, whichever is longer. This period is referred to in this document as the "transition period".

As a part of this Transition Plan, actions taken by RSWD are at its discretion. SDD cannot be held liable for any failure of RSWD to perform actions required to facilitate the transition based on any exclusion of actions from the recommendations enclosed.

The transition of duties, responsibilities, authority, and documents maintained by and authorized by SDD, are divided into two main categories: transfer of duties and responsibilities and transfer of assets. SDD management would cease to provide services upon annexation and after the transition period.

The following provides an outline of services and administrative support to be provided by SDD to RSWD during the transition period.

SPECIAL DISTRICTS, WATER AND SANITATION DIVISION OPERATING COUNTY SERVICE AREA 79

The final transfer of all business operations duties from the SDD to RSWD shall be initiated by RSWD through direct action of its Board of Directors and is dependent upon RSWD employing staff or contracting from available service providers to perform the mandatory duties.

Business Operations

The transfer of responsibility, information, documentation, and physical assets to be provided to RSWD shall include, but not be limited to the following:

1. Hard copies and/or electronic files of customer account data in a format that is compatible for import into Tyler Incode 10; RSWD to specify the format they would prefer and provide a sample.
2. Hard copies and/or electronic files of billing data in a format that is compatible for import into Tyler Incode 10; RSWD to specify the format they would prefer and provide a sample.
3. Hard copies and/or electronic files of County Service Area (CSA) 79 logs, permits, project files, assessment district "Engineer Reports", and active correspondences related to RSWD.
4. Provide names and supporting documents to RSWD so they may notify all regulatory and permitting agencies to transfer and/or reestablish permits, licenses, rights, etc. Coordinate transfer of properties including land, facilities, equipment, utilities, etc.
5. RSWD may be required to initially adopt the Rules, Regulations, Ordinances, Fee Package, and Purchasing Policy of SDD following annexation until such time as RSWD implements their own.

6. Provide all CSA 79 related historical data, which includes all regulatory reporting, subject to records retention requirements.
7. Arrange for transfer of any assets that may be associated with RSWD.
8. Beginning three months prior to completion of the annexation, SDD and RSWD will coordinate a public information campaign such as a newsletter included in the CSA 79 mail billing to notify CSA 79 customers regarding the status, schedule and recommended steps to take in order to transfer their accounts, Automated Clearing House (ACH), auto bill pay, etc. to RSWD.
9. Provide audited financial statements and other accounting information such as capital assets list, accounts receivable aging report, fees and charges lists and trial balance reports for the last five years.

System Operations

Transfer of duties and responsibilities includes, but is not limited to:

1. Cancellation of existing licenses and permits in the name of CSA 79 for the operation and maintenance of the sewer collection system to allow RSWD to apply for the required licenses and permits for operation of the sewer system. SDD personnel operating as Interim General Manager to assist in providing for this transition.
2. Arrange to transfer CSA 79 equipment and physical assets to RSWD.
3. Provide Closed Circuit Television (CCTV) and main pipeline cleaning records to RSWD.
4. Provide preventative maintenance records for the sewer lift stations and wet-wells.
5. Provide contact information to transfer the California Integrated Water Quality System (CIWQS) required legal data entry to the RSWD.
6. Provide contact information to establish accounts with parts and materials suppliers, contractors and other vendors.
7. Provide related field/operational historical data, including as-builts (and construction drawings), and CSA 79 archives. This will include the last two years of pump station logs, other maintenance logs, and Snow Valley flow meter data.
8. List of hot spots, sags, and any areas of routine maintenance. In order to ensure a smooth transition, this item shall begin to be coordinated three months prior to completion of the annexation.
9. Copies of local pump station PLC program files and control logic. In order to ensure a smooth transition, this item shall begin to be coordinated three months prior to completion of the annexation.
10. Upon completion of transition, SDD shall cease all maintenance and projects, including the manhole raising project.

Financial Operations

The transfer of responsibility is effective upon the annexation and dissolution of the existing entities. Transfer of duties and responsibilities include, but are not limited to:

1. Upon the effective date of annexation and dissolution, request the Auditor-Controller/Treasurer/Tax Collector to assign fund/department codes for RSWD new agency funds, replacing the existing entity's enterprise funds.

2. Upon the effective date of annexation and dissolution, recalculate the Net Pension Liability that is currently identified. The current Net Pension Liability was calculated through June 30, 2021, the end of fiscal year 2020-21.
3. Develop a process to transfer incoming payments and outstanding payables received subsequent to the transition, including notification to customers of change, effective date, and location to send payments.
4. Hard copies and/or electronic files of collection activity i.e., payment arrangements, payment extensions and related banking information including Non-Sufficient Funds (NSF) checks.
5. Contact San Bernardino County, Assessor/Recorder/County Clerk to establish RSWD as the new contact for all Notices of Condition/Liens for delinquent charges recorded in CSA 79's name and update the fund code that all future payments will be deposited. Additionally, the SDD shall provide an electronic copy of the accounts to RSWD.
6. Deactivate and close cash balances from existing entity funds and transfer to RSWD funds, providing RSWD Board of Directors with outline of transfer amounts.
7. Discontinue payment documents from, and receiving deposits into, existing entity funds.
8. Transfer fiscal records to RSWD upon effective date of annexation, in coordination with RSWD Board of Directors.
9. Provide contact information for materials and services vendors if needed.
10. Assist in the transfer of utilities accounts to RSWD as customer/owner.

Information Technology Operations

The transfer of responsibility is effective upon the annexation and dissolution of the existing entities. In order to ensure a smooth transition, these items shall begin to be coordinated three months prior to completion of the annexation. Transfer of Duties and Responsibilities include, but are not limited to:

1. Identify all sites to be transferred, site address and services/functions operated.
2. Identify communication interconnectivity plan.
3. Identify communications methods employed and licenses required (Federal Communications Commission (FCC), Cellular, Telco).
4. Add/Remove non-reprogrammable communication components configured for SDD operations.
5. Extract all data files and application formats if applications are part of RSWD's inventory.
6. Prepare electronic export file of all account data in format specified by RSWD's billing system.
7. Determine communication service providers in areas of RSWD facilities and coordinate transfer of authority and accounting information with service transfer date.
8. If web presence is to continue, provide electronic copy of web pages and application formats.
9. Support RSWD to develop separate supervisory control and data acquisition (SCADA) human-machine interface (HMI) and establish SCADA support agreement.

Other Information

Permit Requirements

The Permit Requirements referred to in this document shall be understood to be any permit issued by the United States Environmental Protection Agency (USEPA), United States Forest Service, or California Regional Water Quality Control Board that amends, revises or replaces these permits while the contract is in effect.

RSWD will need to apply for and obtain permits from Lahontan Regional Water Quality Control Board (RWQCB), South Coast Air, San Bernardino County Fire Protection District, and the United States Forest Service. RSWD will also need to obtain Out of Service Area and Snow Valley agreements. SDD will provide past permits/agreements for their reference.

Regulatory Agency

The term Regulatory Agency referred to in this document shall be understood to be the USEPA, California Environmental Protection Agency (CAL-EPA), South Coast Air Quality Management District (SCAQMD), State Water Resources Control Board (SWRCB), Lahontan RWQCB or any agency imposing regulations upon the district as it refers to the sewer facilities.

Facilities

The sewer facilities referred to in this document shall be understood to be Sewer Collection System Main Pipelines, Sewer Lift Stations, and Appurtenances.

Duration

SDD shall provide transition services for a period of three to six months beyond the approval of the annexation and dissolution of existing entities.

Communications

SDD shall transmit to RSWD all necessary and/or requested information regarding the operation and maintenance of RSWD facilities in a timely manner.

Emergency

During the transition period, if needed, SDD will be required to respond to all emergencies that occur at, or in some way involve, the facilities until the approval of the annexation and dissolution of existing entities. SDD shall designate the appropriate level of "stand by" personnel to respond to emergency calls during unmanned hours. Emergency services shall be charged at County Board approved fee schedule rates. After the approval of the annexation and dissolution of existing entities, RSWD will be responsible for responding to all emergencies that occur at, or in some way involve, the facilities. During the transition period, the emergency notification services shall be transferred to RSWD and will be provided by the current SDD emergency notification system until such time as RSWD completed the migration of the emergency call out systems to RSWD's system.

Business Operations

All business operations equipment such as computers, computer software, printers, fax machines and all other office equipment are the sole property of SDD and are non-transferable. All custom modifications to billing software programs shall be considered proprietary and shall not be duplicated and/or reproduced without express written consent of SDD.

Warranties and Guarantees

SDD shall maintain all warranties on all equipment until the transition duration is completed.

RSWD Access to Facilities

RSWD's staff or its representatives shall have access to facilities, while accompanied by SDD staff, during normal hours of operation three months prior to the approval of the annexation and dissolution of the existing entities.

Transition Services

SDD shall provide transition services during the Transition Period after the issuance of the Certificate of Completion by LAFCO. These services shall include but not be limited to:

- Phone support for technical questions regarding the wastewater collection system and/or sewer lift stations.
- Onsite support for technical and/or operational services at County Board approved fee schedule rates.
- CSA 79's emergency notification information replaced with RSWD's emergency notification information in SDD's existing emergency notification system (alarm callout software).

Training

SDD will provide for training of RSWD's personnel, on a scheduled basis, as needed, during the three months prior to the anticipated date of approval of the annexation and dissolution of existing entities as well as during the transition period. This will include site visits to go over detailed SCADA and communication architecture.

Legal

San Bernardino County will provide any and all non-privileged legal documents, status on any existing unsettled claims, any other non-privileged files that County Counsel has for CSA 79.

The parties below agree to the Transition Plan outlined in this document.

San Bernardino County



Leonard X. Hernandez, Chief Executive Officer

10/26/2022
Date

Running Springs Water District



Ryan Gross, General Manager

10/19/2022
Date

CSA 79 - CASH BALANCES

CSA 79 Cash Balances

Balances as of 9/8/2022

Fund	Fund Name	Amount
4850	CSA 79 Green Valley Lake Sewer Operating	\$ 1,557,259.97
4844	CSA 79 Green Valley Lake CIP	\$ 3,138.62
4846	CSA 79 Green Valley Lake Expansion Rsrv	\$ 47,128.37
4848	CSA 79 Green Valley Lk Replacement Rsrv	<u>\$ 1,049,400.96</u>
		<u>\$ 2,656,927.92</u>

CSA 79 - LAND

<i>Building Code</i>	<i>Building Name</i>	<i>Address 1</i>	<i>Functional Use</i>	<i>Cost Center</i>	<i>Dept Name</i>	<i>APN's</i>
VIC011	Green Vly Lk Sani Dist	32985 Canyon Dr.	SWMD	4850004850	CSA 79 Green Valley Lake Sewer Operating	032605223
ARB001	Green Vly Lk Sanitation	32760 Hilltop Blvd.	SWMD	4850004850	CSA 79 Green Valley Lake Sewer Operating	029524108
VIC012	Green Vly Lk Sani Dist	32965 Juniper Ln.	SWMD	4850004850	CSA 79 Green Valley Lake Sewer Operating	032604329 032604325 032604334 032604335 032604323 032604327

CSA 79 - ASSETS

	Asset	Capitalized on	Asset description	Cost	Accumulated Depreciation	Asset Cost Net of Depreciation
Roads						
	100000017423	6/30/1993	CEDAR OAK LANE 567'	26,465.61	(18,444.60)	8,021.01
	100000017424	6/30/1993	CEDAR PINE LANE 545'	25,438.72	(17,728.96)	7,709.76
	100000017425	6/30/1993	LONE PINE LANE 320'	14,936.50	(10,409.62)	4,526.88
	100000017426	6/30/1993	MEADOW LANE 1389'	64,833.74	(45,184.35)	19,649.39
				131,674.57	(91,767.53)	39,907.04
Sewer						
	100000005440	2/1/1979	WASTEWATER COLLECTION	159,050.00	(146,384.38)	12,665.62
	100000005310	1/1/1981	SEWER SYSTEM	14,444.00	(12,678.62)	1,765.38
	100000005311	2/1/1979	WASTEWATER COLLECTION	4,474,286.00	(4,118,000.36)	356,285.64
	100000005360	7/1/2002	Force Main Project	250,021.56	(100,008.70)	150,012.86
	100000005401	12/21/2012	Replaced pump on lift station	33,171.48	(16,770.01)	16,401.47
	100000005427	7/24/2015	Install UG sewage tank and piping to incr capacity	444,593.99	(88,918.80)	355,675.19
	100000005439	7/1/2017	Road rehab / manhole raising	112,254.21	(16,838.13)	95,416.08
	100000005500	9/12/2008	40 KW POWER GENERAC GENERATOR	17,831.00	(14,066.66)	3,764.34
	100000005501	4/23/2004	GENERAC DIESEL 60HZ GENERATOR	15,623.75	(15,623.75)	-
	100000005502	7/26/2007	2007 GENERAC SD0135	30,985.20	(30,985.20)	-
	100000005561	12/1/1993	VARIABLE FREQUENCY DRIVE-40 HP	8,081.00	(8,081.00)	-
	100000005562	12/1/1993	MOTOR CONTROL EQUIPMENT	10,706.00	(10,706.00)	-
	100000005563	4/1/2001	CCTV SYSTEM	5,806.00	(5,806.00)	-
	100000005564	9/19/2008	MARATHON ELECTRIC MOTOR MODEL 324TTDR4336AN	6,413.44	(5,059.29)	1,354.15
				5,583,267.63	(4,589,926.90)	993,340.73
				5,714,942.20	(4,681,694.43)	1,033,247.77

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



RECEIVED

NOV 01 2022

LAFCO
San Bernardino County

November 1, 2022

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

Dear Sam:

LAFCO 3254 consists of a Reorganization to include Annexation to the Running Springs Water District (District); Dissolution of County Service Area 79 and its Zone R-1 (refer to the attached map); and Formation of County Service Area Zone R-52. The proposed Reorganization includes the entire service area boundary of County Service Area 79, including its Zone R-1 that comprises two areas encompassing a total of approximately 1,600 acres located in the Mountain region of the County, within the community of Green Valley Lake. The proposed Reorganization area is located within the District's northern Sphere of Influence. This Reorganization will extend District wastewater collection services into the approximate 1,600-acre area but it would not result in any specific physical changes to the physical environment.

Therefore, after careful review, I am recommending that the Commission consider the adoption of a Common Sense Exemption for LAFCO 3254. I recommend that the Commission find that a Common Sense Exemption (as defined in CEQA applies to LAFCO 3254 under Section 15061 (b) (3) of the State CEQA Guidelines, which states: "*The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*" It is my opinion, and recommendation to the Commission, that this circumstance applies to LAFCO 3254 because the District will simply replace the existing wastewater collection service within the identified action area.

Based on this review of LAFCO 3254 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3254 does not constitute a project under CEQA and adoption of the common sense exemption and filing of a Notice of Exemption is the most appropriate determination to comply with CEQA for this action. The Commission can approve the review and findings for this action and I recommend that you notice LAFCO 3254 as exempt from CEQA for the reasons outlined in the State CEQA Guideline sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed and assuming the project is approved.

A copy of this exemption recommendation should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record.

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

Sincerely,

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

Tom Dodson

TD/cmc

LAFCO #3254 CS Exemption Memo

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 3254

HEARING DATE: NOVEMBER 16, 2022

RESOLUTION NO. 3359

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3254 AND APPROVING THE REORGANIZATION TO INCLUDE:

- **ANNEXATION TO RUNNING SPRINGS WATER DISTRICT,**
- **DISSOLUTION OF CSA 79 AND CSA 79 ZONE R-1, AND**
- **FORMATION OF CSA 70 ZONE R-52**

The reorganization area comprises two areas encompassing a total of approximately 1,600 acres, consisting of the entire area of County Service Area 79.

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

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

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

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

WHEREAS, the public hearing by this Commission was called for November 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 support and/or opposition; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved;

RESOLUTION NO. 3359

and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing.

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

DETERMINATIONS:

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

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

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3254.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by County Service Area 79 shall be assumed by the annexing territory by Running Springs Water District in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t). In addition, all previously authorized charges, fees, assessments, and/or taxes currently in effect by County Service Area 79 Zone R-1 shall be assumed by the newly formed County Service Area 70 Zone R-52 in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

Condition No. 4. The County of San Bernardino and Running Springs Water District shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

Condition No. 5. Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

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

SECTION 2. TERMS AND CONDITIONS OF THE APPLICANTS. The resolutions of the County and Water District both identify that this proposal be subject to LAFCO's standard terms and conditions as well as 11 additional terms and conditions of their own, outlined below. In italics LAFCO provides clarification or an update where warranted.

- 1) Running Springs Water District will fix the Green Valley Lake community wastewater rates at their current level (Connection Fee \$5,336.22 and User Rate \$65.77 per Equivalent Dwelling Unit per month) for the first five years and account for the area as

RESOLUTION NO. 3359

a separate enterprise fund barring any unforeseen circumstances that would require additional revenue; current wastewater rates for Running Springs Water District are: Connection Fee \$5,815 and User Rates \$54.08 per Equivalent Dwelling Unit per month plus \$0.0105 per cubic foot of water usage);

- 2) Depending on the timing of LAFCO approval of the proposed reorganization, Running Springs Water District will arrange for the Green Valley Lake community wastewater rates to be placed on the San Bernardino County property tax roll at the expense of Running Springs Water District's separate enterprise fund for the Green Valley Lake community;
- 3) After the initial 5 year period, a rate study will be prepared and the Green Valley Lake community will be merged with the existing Running Springs Water District wastewater enterprise such that a uniform wastewater rate will be applied for all wastewater customers of Running Springs Water District at that time;
- 4) Running Springs Water District will not assume any of CSA 79's pension liability. CSA 79 may withhold from transfer to Running Springs Water District a portion of its existing wastewater reserve funds to fund CSA 79's pension liabilities through LAFCO's issuance of the Certificate of Completion for the reorganization, with the method of calculation and the amount withheld to be determined and agreed to by both CSA 79 and Running Springs Water District;

CSA 79 has a proportionate share of the County's net pension liability allocated by the San Bernardino County Employees' Retirement Association ("SBCERA"). According to the County, CSA 79's net pension liability as of June 30, 2021 is \$318,808. The exact net pension liability will be recalculated as of the effective date of this reorganization.

- 5) CSA 79 R-1 funds for road services will transfer to the new CSA 70 road district zone, once formed;
- 6) All application fees and any other costs associated with the LAFCO reorganization will be paid for with CSA 79 reserve funds;
- 7) The remaining CSA 79 wastewater reserve funds, not withheld to cover CSA 79's pension liabilities, will be transferred to Running Springs Water District and be placed in a separate enterprise fund;

The County provided a listing of CSA 79's cash balances, lands, and assets, which will all transfer to the successor agency, the Running Springs WD.

- 8) No additional Board of Director seats will be added to Running Springs Water District;
- 9) Running Springs Water District will enter into a new agreement as a permittee for a Special Use Permit with the United States Forest Service (USFS) for encroachment of the gravity sewer line under Green Valley Lake Road within the USFS;

RESOLUTION NO. 3359

County Land Use Services has a special use permit with the U.S. Forest Service for a main down by the highway. According to the Running Springs WD, there is apparently no successor clause so the District will need to apply for a new USFS Special Use Permit.

10) Running Springs Water District acknowledges and agrees to the LAFCO requirement imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual;

11) Running Springs Water District will continue to provide out of district sewer service to Snow Valley [Ski Area], which is consistent with the sphere of influence, and will be billed based off an equivalent dwelling unit (EDU) count;

Since 1978, CSA 79 has provided service outside of its boundary to the Snow Valley Ski area. The agreement expired in April 2018, and the County and Snow Valley opted not to extend the former contract where Snow Valley was charged based upon flow rate. Rather, in lieu of a contract, Snow Valley is now charged under the same method as CSA 79's other customers, by EDU. Snow Valley is outside the boundaries of the Running Springs WD but within the District's sphere of influence.

According to the Running Springs WD, it will also need to enter into a new agreement with Snow Valley. Ownership of Snow Valley is currently changing so it is working on coordinating this new agreement.

This reorganization will recognize that the Running Springs WD will succeed to the service that has been provided to Snow Valley since 1978. As long as the service continues, no further LAFCO review is necessary.

SECTION 3. FACTORS TO BE CONSIDERED. The following are the factors to be considered in the review of a proposal pursuant to Government Code Section 56668 and Commission policy:

1. The Registrar of Voters has determined that the reorganization study area is legally inhabited, containing 295 registered voters within LAFCO 3254 as of October 26, 2022.
2. The reorganization does not conflict with the sphere of influence of any other entity because the proposal transfers existing service from one agency (to be dissolved) to another agency. Further, the territory is already within the Running Springs Water District sphere of influence.
3. The County Assessor has determined that the value of land and improvements within the reorganization area is broken down as follows:

Land:	\$ 46,786,369
Improvements:	\$186,124,694
Total:	\$232,911,063

RESOLUTION NO. 3359

4. In compliance with Commission policy and Government Code Section 56157, the Notice of Hearing for this proposal was provided by publication of an eight-page (1/8 page) legal ad in the *Alpine Mountaineer*, a newspaper of general circulation in the area. Comments from registered voters, landowners, other individuals, and any affected local agency have been reviewed and considered by the Commission in making its determination.
5. The proposed reorganization includes a variety of land uses established under the San Bernardino County's General Plan, however, such reorganization has no direct impact on said land use designations.
6. The Southern California Association of Governments (SCAG) has adopted a Regional Transportation Plan and Sustainable Community Strategy pursuant to the provisions of Government Code Section 65352.5. Approval of LAFCO 3254 has no direct impact on these determinations.
7. The Commission's Environmental Consultant, Tom Dodson and Associates, has recommended that this proposal is exempt from environmental review based on the finding that the Commission's approval of the reorganization has no potential to cause any adverse effect on the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). Mr. Dodson recommends that the Commission adopt the Exemption and direct its Executive Officer to file a Notice of Exemption within five (5) days.
8. The local agencies currently serving the area are:
 - County of San Bernardino
 - County Service Area 79
 - County Service Area 70 (unincorporated countywide, multi-function)
 - Crestline-Lake Arrowhead Water Agency
 - Mojave Desert Resource Conservation District
 - Rim of the World Recreation and Park District
 - San Bernardino County Fire Protection District, its North Desert Service Zone, and its Service Zone FP-5
 - San Bernardino Mountains Community Hospital District

CSA 79 will be dissolved as a function of this reorganization. In addition, its Zone R-1 will also be dissolved but formed as a new zone of CSA 70, CSA 70 Zone R-52. The other agencies are not affected by this reorganization as they are either regional in nature or identified for other services to a specific area.
9. A plan was prepared for the extension of wastewater collection service to the annexation area, as required by law. The Plan for Service indicates that the Agency can maintain and/or improve the level of service currently available to the area.

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

RESOLUTION NO. 3359

10. The reorganization area can benefit from the availability and continuation wastewater services, as evidenced by the Plan for Service and Fiscal Impact Analysis.
11. This proposal will not affect the fair share allocation of the regional housing needs assigned to the County of San Bernardino through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process.
12. With respect to environmental justice, the reorganization provides for the continuation of wastewater services within the area. The delivery of these services, through a locally-elected special district, will not result in the unfair treatment of any person based upon race, culture or income.
13. The County of San Bernardino adopted a resolution determining there will be a zero property tax transfer as a result of the reorganization. This resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.
14. The maps and legal descriptions are in substantial compliance with LAFCO and State standards.

SECTION 4. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed reorganization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

SECTION 5. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

SECTION 6. The Commission hereby directs that, following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer is hereby directed to initiate protest proceedings in compliance with this resolution and State law (Part 4, commencing with Government Code Section 57000) and set the matter for consideration of the protest proceedings, providing notice of hearing pursuant to Government Code Sections 57025 and 57026.

SECTION 7. Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth his determination on the levels of protest filed and not withdrawn and setting forth the action on the proposal considered.

SECTION 8. Upon adoption of the final resolution by the Executive Officer, either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

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

RESOLUTION NO. 3359

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 November 16, 2022.

DATED:

SAMUEL MARTINEZ
Executive Officer

EXHIBIT A

Reorganization to include Annexation to Running Springs Water District, Dissolution of County Service

Area 79 and its Zone R-1, and Formation of County Service Area 70 Zone R-__

Annexation to Running Springs Water District and Dissolution of County Service Area 79

THOSE PORTIONS OF SECTIONS 22, 23, 26, 27 AND 28 TOWNSHIP 2 NORTH RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER OFFICIAL GOVERNMENT SURVEY.

Area A:

THE EAST 1/2 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 2 NORTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER OFFICIAL GOVERNMENT SURVEY.

THE SOUTHERLY BOUNDARY OF WHICH LIES ADJACENT TO THE EXISTING BOUNDARY OF THE ARROWBEAR PARK COUNTY WATER DISTRICT AS ESTABLISHED IN 1953 BY ANNEXATION # 1

CONTAINING 160 ACRES, MORE OR LESS

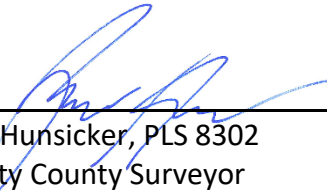
Area B:

ALL OF SECTION 22, THE WEST 1/2 OF SECTION 23, THE NORTHWEST 1/4 OF SECTION 26, THE NORTH 1/2 OF SECTION 27 TOWNSHIP 2 NORTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER OFFICIAL GOVERNMENT SURVEY.

CONTAINING 1,440 ACRES, MORE OR LESS

THE TOTAL COMPUTED ACREAGE CONTAINING 1,600 ACRES OF LAND, MORE OR LESS.

This legal description was prepared
by me or under my direction.

By:  09/02/2021
Ryan Hunsicker, PLS 8302 Date
Deputy County Surveyor



FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY

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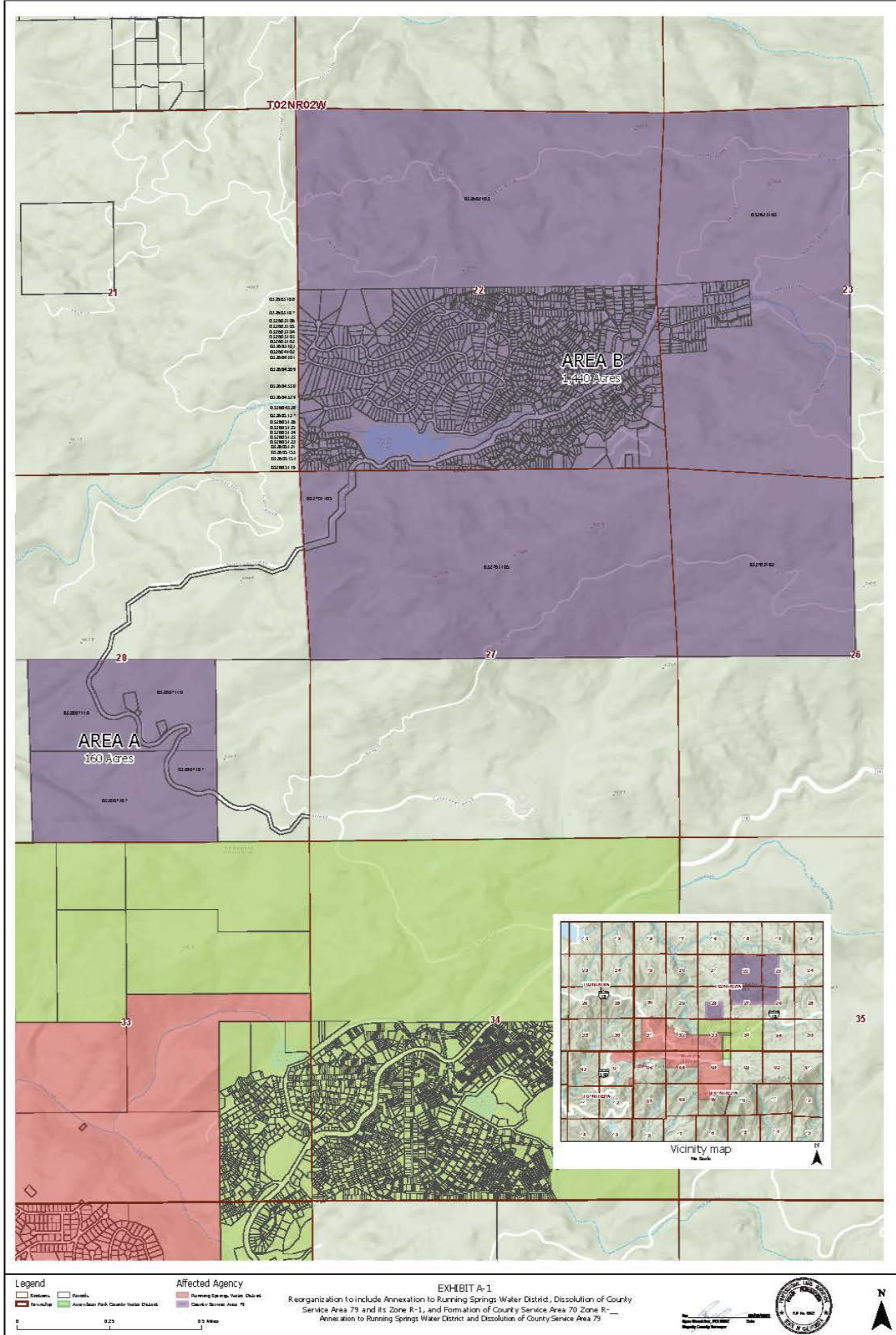


EXHIBIT B

Reorganization to include Annexation to Running Springs Water District, Dissolution of County

Service Area 79 and its Zone R-1, and Formation of County Service Area 70 Zone R-52

Dissolution of County Service Area 79 Zone R-1 and Formation of County Service Area 70 Zone R-52

That portion of Map of Green Valley Park, in the County of San Bernardino, State of California, as per map recorded in Book 23 of Maps, page 17, records of said County, lying within the following described portion of the Southwest quarter of Section 23, Township 2 North, Range 2 West, San Bernardino Meridian:

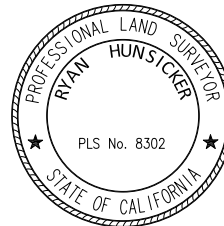
Commencing at the West 1/4 corner of said section 23;

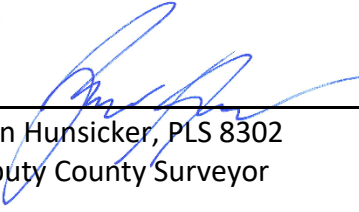
1. Thence $S03^{\circ}20'07''E$ 486.88' along the West line of said section 23 to the Southeasterly right of way line of Green Valley Lake Road also being the **Point of Beginning**;
2. Thence leaving said West line $N26^{\circ}12'40''E$ 54.34' along said right of way line to the North line of Lot 13, Block 5 of said Map of Green Valley Park;
3. Thence leaving said right of way line $N86^{\circ}40'26''E$ 137.57' along the North line of said Lot 13 to the West line of Lot 10, said Block 5;
4. Thence leaving said North line $N03^{\circ}20'07''W$ 110.45' along said West line to the Northwest corner of said Lot 10 said point also being on the North boundary of said map of Green Valley Park;
5. Thence leaving said West line $N86^{\circ}40'26''E$ 350.15' along said North boundary to the Northeast corner of Lot 4, of said Block 5;
6. Thence leaving said North boundary $S03^{\circ}20'07''E$ 70.00' along the East line of said Lot 4 to the South line of the North 70 feet of Lot 3, of said Block 5;
7. Thence leaving said East line $N86^{\circ}40'26''E$ 50.08' along said South line to the West line of Lot 2, of said Block 5;
8. Thence leaving said South line $N03^{\circ}20'07''W$ 70.00' along said West line to the Northwest corner of said Lot 2 said point also being on the said North boundary of said Map of Green Valley Park;
9. Thence leaving said West line $N86^{\circ}40'26''E$ 99.76' along said North boundary to the Northwest corner of Lot 13, Block 2 of said Map of Green Valley Park;
10. Thence leaving said North boundary $N83^{\circ}39'01''E$ 417.06' along the north line of Lots 13, 14, 15, 16, 17 of said Block 2 to the Northwest corner of Lot 18, of said Block 2;

11. Thence leaving said North line of said lots 13, 14, 15, 16, 17 N65°58'08"E, 265.51' along the North line of said lot 18 and lot 19 of said Block 2 to the Northeast corner of said lot 19 said point also being on the most Easterly boundary of said map of Green Valley Park;
12. Thence leaving said North line S03°20'07"E 444.45 along said most Easterly boundary to the Southerly boundary of said map of Green Valley Park;
13. Thence leaving said most Easterly boundary S86°40'26"W 664.48' along said Southerly boundary to the Easterly boundary of said map of Green Valley Park;
14. Thence leaving said Southerly boundary S03°20'07"E 327.62' along said Easterly boundary to the most Southerly boundary of said map of Green Valley Park;
15. Thence leaving said Easterly boundary S86°40'26"W 664.68' along said most Southerly Boundary to the West line of said section 23;
16. Thence leaving said most Southerly Boundary N03°20'07"W 498.47' along said West line to the **Point of Beginning**.

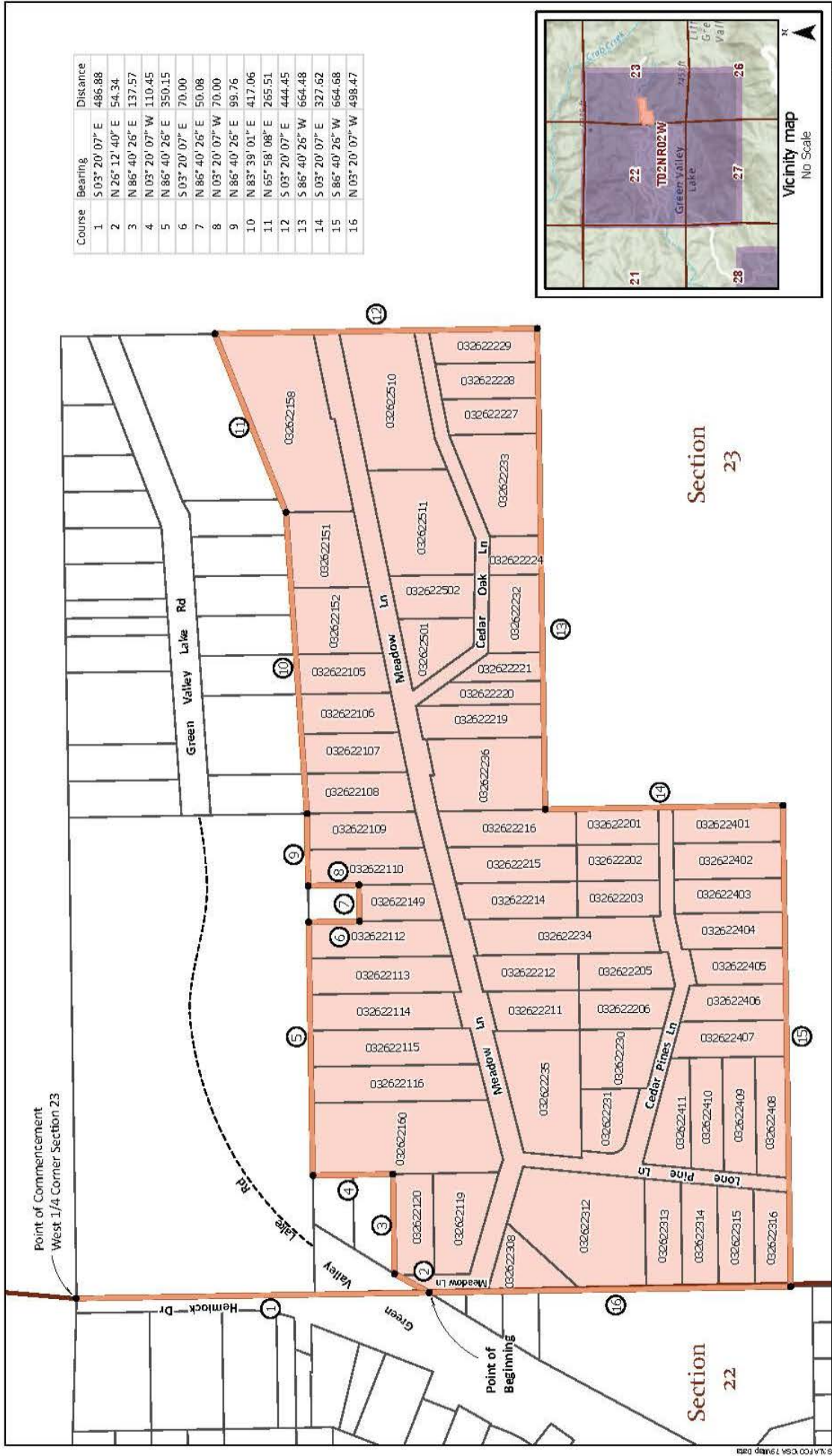
COMPUTED ACREAGE CONTAINING 15 ACRES OF LAND, MORE OR LESS.

This legal description was prepared
by me or under my direction.



By:  02/07/2022
Ryan Hunsicker, PLS 8302 Date
Deputy County Surveyor

FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY



By: *[Signature]* Date: 02/02/22
 Ryan Hummel, PLS 5302
 Deputy County Surveyor

Affected Agency
 CSA 79 R-1
 Running Springs Water District

Reorganization to include Annexation to Running Springs District, Dissolution of County Service Area 79 and its Zone R-1, and Formation of County Service Area 70 Zone R-1
 Dissolution of County Service Area 79 Zone R-1 and Formation of County Service Area 70 Zone R-1


Legend
 CSA 79 R-1
 Sections
 Parcel Lines
 County Service Area 79

0 100 200 Ft
 N

FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY

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

SUBJECT: Agenda Item #9: Review and Approve LAFCO Strategic Plan

RECOMMENDATION:

Staff recommends that the Commission take the following actions:

1. Rescind the Current LAFCO Mission Statement (Policy and Procedure Manual, Section I, Chapter 1, Item 2);
2. Adopt the New LAFCO Mission Statement (Policy and Procedure Manual, Section I, Chapter 1, Item 2); and,
3. Adopt LAFCO's Two-Year Strategic Plan (July 1, 2022 – June 30, 2024)

BACKGROUND:

The Commission held a Strategic Planning Workshop on August 17. The Workshop concluded with direction to the Executive Officer to develop a Strategic Plan to identify LAFCO's goals and objectives for the next two years.

At the September meeting, LAFCO staff provided the Commission an outline of the priorities and strategies that it wanted to accomplish in the next two years based on the discussions at the Workshop. Today, staff is providing the Commission with its Two-Year Strategic Plan for FY 2022-23 and FY 2023-24 (attached). The Strategic Plan contains the five goals, listed below, as well as a list of specific strategies to meet the goals.

Goal 1: Properly assess anticipated litigation issues and costs, recommend appropriate action, and successfully conclude all current litigation.

Goal 2: Develop and adopt Commission open space and agricultural land policies.

Goal 3: Optimize and enhance San Bernardino LAFCO funding and support funding for LAFCOs statewide.

Goal 4: Increase effectiveness of communication, education and outreach with all San Bernardino LAFCO stakeholders and the public.

Goal 5: Continue efforts on conducting meaningful Service Reviews and increase focus on pension liabilities.

The Strategic Plan also incorporates the Commission's Mission Statement that was initially formulated during its strategic planning workshop in 2019 and again provided at the August Workshop for review and consideration. Recommendations #1 and #2 are to rescind the current Mission Statement and to adopt the new Mission Statement.

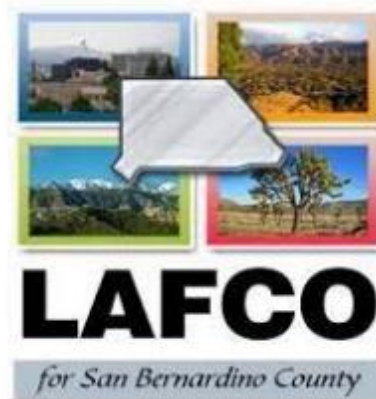
Once the Commission adopts the Strategic Plan, LAFCO staff will work with the Commission's Admin Committee to create an implementation action plan, which will contain ad hoc committee assignments on carrying out specific strategies. LAFCO staff intends to provide progress reports to the Commission on implementation of the Strategic Plan. LAFCO staff anticipates revisiting the Strategic Plan during the budget cycle to confirm or update as appropriate.

Staff requests that the Commission review the Strategic Plan and provide staff with any changes or corrections. Following Commission review, staff recommends that the Commission approve the Strategic Plan (Recommendation #3).

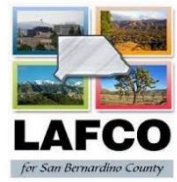
Attachment – Draft Two-Year Strategic Plan (July 1, 2022 – June 30, 2024)

**LOCAL AGENCY FORMATION COMMISSION
for
SAN BERNARDINO COUNTY**

**Two Year DRAFT Strategic Plan
FY 2022-23 and 2023-24
(July 1, 2022 – June 30, 2024)**



**PRESENTED TO THE COMMISSION FOR ADOPTION ON
NOVEMBER 16, 2022**



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY DRAFT MISSION STATEMENT

San Bernardino LAFCO is the guardian of the public interest in ensuring our local public agencies are providing efficient and cost-effective public services in order to maintain or improve our citizens' quality of life.

Request for Commission to adopt on November 16, 2022

FY 2022-23 / 2023-24

San Bernardino LAFCO Goals and Objectives

GOAL ONE (OPERATIONAL/POLICY)

Properly assess anticipated litigation issues and costs, recommend appropriate action, and successfully conclude all current litigation.

OBJECTIVES

Current litigation

1. Focus legal resources towards the successful conclusion of current litigation.

Litigation issues and costs

1. Establish ad hoc committee to evaluate historical litigation costs.
2. Gather best practices in LAFCO litigation budgeting and planning from LAFCOs statewide.
3. Review fiscal funds and policies to ensure adequacy in defending against potential challenge to a decision denying an application.
4. Ad hoc committee to make recommendations to be reviewed and approved by the Commission.

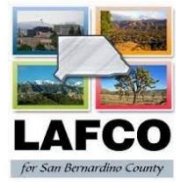
GOAL TWO (POLICY)

Develop and adopt Commission open space and agricultural land policies.

OBJECTIVES

Policy development and adoption

1. Complete the work associated with the Sustainable Agricultural Lands Conservation (SALC) grant.
2. Establish ad hoc committee to develop draft policies to be reviewed and approved by the Commission.



GOAL THREE (OPERATIONAL/LEGISLATIVE)

Optimize and enhance San Bernardino LAFCO funding and support funding for LAFCOs statewide.

OBJECTIVES

Optimize current funding

1. Establish an ad hoc committee to work with staff in conducting a review of annual Workplan and budget based on adopted Strategic Plan goals and objectives to ensure alignment of resources based on Commission stated priorities.

Options to enhance San Bernardino LAFCO funding sources

1. Establish an ad hoc committee to review operating revenues including local agency contributions.
2. Work with local agency partners to develop options for increased levels of funding to support the Strategic and Work Plans and Commission priorities including completing comprehensive Service Reviews.

Support legislative efforts to establish state funding for LAFCOs

1. Participate with CALAFCO and other LAFCOs statewide in efforts to secure state-level funding sources for LAFCOs.

GOAL FOUR (COMMUNICATION)

Increase effectiveness of communication, education and outreach with all San Bernardino LAFCO stakeholders and the public.

OBJECTIVES

Develop Communication Plan

1. Establish ad hoc committee to develop options for LAFCO messaging to the public and all LAFCO stakeholders.
2. Develop and adopt a Commission Communication Plan.

Conduct educational outreach

1. Conduct annual or biennial informational session (San Bernardino LAFCO 101) for the public.
2. Develop San Bernardino LAFCO 101 in recorded format for website posting and continual public access, updating as appropriate.
3. Conduct annual or biannual informational session (San Bernardino LAFCO 101 or similar 101 sessions) for local agency partners.

GOAL FIVE (SERVICE REVIEWS)

Continue efforts on conducting meaningful Service Reviews and increase focus on pension liabilities

OBJECTIVES

Continue with current Service Review Workplan

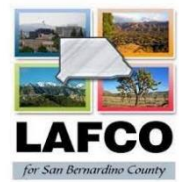
1. Staff to follow Service Review Workplan and report regularly to the Commission on progress of Service Reviews.

Identify possible additional resources for funding of Service Reviews

1. Ad hoc committee and staff to explore additional funding sources to enhance the Service Review process and timeline (can be done as part of Goal Three noted above).

Increase focus on unfunded pension liabilities in Service Reviews

1. Address each local agency's unfunded pension liabilities in Service Reviews. Establish criteria for this component.
2. Bring statewide LAFCO attention to the issue and begin a statewide conversation at the CALAFCO 2022 Annual Conference.



The Commission

Jim Bagley, Chair
Public Member

Acquanetta Warren, Vice Chair
City Member (City of Fontana)

Joe Baca, Jr., Commissioner
County Member (Fifth Supervisorial District)

Dr. Kimberly Cox, Commissioner
Special District Member (Mojave Water Agency)

Phill Dupper, Commissioner
City Member (City of Loma Linda)

Steven Farrell, Commissioner
Special District Member (Crestline Village Water District)

Curt Hagman, Commissioner
County Member (Fourth Supervisorial District)

Rick Denison, Alternate Commissioner
City Member (Town of Yucca Valley)

Jim Harvey, Alternate Commissioner
Public Member

Kevin Kenley, Alternate Commissioner
Special District Member (Cucamonga Valley Water District)

Dawn Rowe, Alternate Commissioner
County Member (Third Supervisorial District)

The Commission Staff

Samuel Martinez, Executive Officer


Michael Tuerpe, Senior Analyst

Angela Schell, Clerk to the Commission/Office Manager

Paula de Sousa, Legal Counsel (Best Best & Krieger)

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: NOVEMBER 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Project Manager
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #10: First Quarter Financial Review for FY 2022/23

RECOMMENDATION:

Staff recommends that the Commission note receipt of this report and file.

SUMMARY:

1. Budget Markers

The first quarter of Fiscal Year 2022/23 has concluded and staff is presenting the Commission with its first financial report. This report includes a review of the financial activities and the presentation of a spreadsheet (Attachment #1) showing the line item expenditures and revenues during the period. The summary table below shows that Total Expenditures are on-track with First Quarter markers. For Revenues, most of the Apportionment receipts were received (with 100% received as of October), and Fees and Deposits are at the 29% mark. The table below is a snapshot through the quarter.

Expenditures		Revenues	
Salaries and Benefits (below appropriations)	20%	Apportionment (met goal)	67%
Services and Supplies (above appropriations)	26%	Fees and Deposits (met goal)	29%
TOTAL	22%	TOTAL	64%

2. Applications

The table below identifies the number of proposals and service contracts received. When taking activity that the Commission approves (proposals and one category of service contracts), four of ten have been received through the first quarter (40%).

Activity	Budget	Through Sept	
		No.	% of Budget
Commission: Proposals	6	2	33%
Commission: Service Contracts	4	2	50%
Administrative: Service Contracts	4	0	0%

3. Cash in Treasury

As of September 30, the Commission's cash in the County Treasury was \$886,282. A breakdown of this amount is shown below. After accounting for reserves and the remaining budget, at this time the year is projected to end with a positive cash carryover. However, staff will refine this figure with subsequent financial updates.

September 30, 2022 Balance		\$886,282
Cash Balance is composed of the following:		
<i>Committed (constrained to specific purposes)</i>		
Compensated Absences (Account 6030)		157,095
Salary for Extra Pay Period: Year 1 of 10 (Account 6035)		6,000
<i>Assigned (intended for specific purposes)</i>		
Contingency (Account 6000)		30,000
General Reserve (Account 6025)		200,000
<i>Remaining Budgeted Revenues (shown as negative)</i>		(447,897)
<i>Remaining Budgeted Expenditures</i>		909,363
Projected Cash Carryover		\$31,721

DETAIL:

The following provides a discussion of (1) expenditures, (2) reserves, (3) projects and programs, and (4) revenues.

1. Expenditures

Expenditures are comprised of two categories of accounts: 1) Salaries and Benefits, and 2) Services and Supplies. Through the first quarter, expenditures were at 22% of Approved Budget authority. No request is being presented, at this time, by staff for authorization to utilize funds maintained in the Contingency or Reserve accounts. A more detailed analysis of the categories is as follows:

A. Salaries and Benefits (1000 series)

(1) First Quarter Activity

The Salaries and Benefits series of accounts (1000 series) had expenditures of \$159,049, representing 20% of Approved Budget authority. The quarter mark should be closer to 25%. However, there was roughly a month and a half gap between the separation and hiring of the GIS Analyst position, which resulted in lower salary and benefits during the quarter.

(2) Anticipated Activity

At this time, no additional activity is anticipated outside of the budget.

B. Services and Supplies (2000 and 5000 series)

(1) First Quarter Activity

For the first quarter, the Services and Supplies series of accounts (2000 and 5000 series) had expenditures of \$100,146, or 26% of Approved Budget authority. The first quarter includes full-year and one-time payments. Payments that are typical to the first quarter that have taken place include: California Association of LAFCOs (CALAFCO) membership, the Commission's property and liability insurance, and the annual payment to SBCERA for GASB 68 processing. These one-time and full-year expenditures are generally on target for the fiscal year.

(2) Anticipated Activity

Even though activity for legal counsel is only at 4% of budget authority through the quarter, staff anticipates significant legal charges for the remainder of the year. As of the end of September, the Commission was engaged in three legal matters where costs were not recoverable.

2. Reserves

No spending activity has been requested by staff or authorized by the Commission to take place in the Reserve accounts during the first quarter. Reserve balances are shown in the Cash Balance figure on page 2.

3. Projects and Programs

The following provides an update on expenditures and progress on projects approved by the Commission.

A. Sustainable Agricultural Lands Conservation (SALC) Program

In May 2021 the CA Department of Conservation (DOC) awarded LAFCO the SALC Program Planning Grant. LAFCO's partner in the grant is the Inland Empire Resource Conservation District (via a cooperative agreement setting terms for roles and reimbursement).

LAFCO and IERCD staffs are currently formulating policies for Commission review after the new year.

B. Service Reviews and Special Studies

In September 2022, LAFCO completed the *Service Review for the Twentynine Palms Community*. Staff began work on the Healthcare District review and the focused review for the Big River Community Services District, which provides park and recreation services.

C. Governance Training Program

In August, CSDA and LAFCO conducted a seminar on Board Member Best Practices Part I. The feedback for this session was positive. Part II of the seminar is scheduled for November 15 at the same location – Mojave Water Agency in Apple Valley.

4. Revenues

The Commission has received 64% of Adopted Budget revenues through the first quarter. The items below outline the revenue activity:

- Interest (Account 8500) – The County made an interest adjustment in August of \$16,582.
- Apportionment (Account 8842) - 67% of the mandatory apportionment payments from the cities and independent special districts billed by the County Auditor have been received. The County's apportionment was received in October, shortly after the first quarter closed.
- Fees and Deposits (Accounts 9545 – 9800) – Through the first quarter, the Fees and Deposits series of accounts have received 29% of its budgeted revenue (\$30,859). This amount is made up of a combination of application fees, service contract filing fees, and cost recovery.
- Carryover of Open Proposals (Account 9970) – Open proposals from FY 2021/22 that carried forward into FY 2022/23 totaled \$43,469.

CONCLUSION:

For the first quarter, total expenditures are on track. 100% of the apportionment receipts were received (through October), and proposal revenue is on track for one quarter.

Staff will be happy to answer any questions from the Commission prior to or at the hearing regarding the items presented in this report.

SM/MT

Attachment: Spreadsheet of Expenditures, Reserves, and Revenues

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ADOPTED FY 22-23	JULY	AUGUST	SEPTEMBER	TOTAL THRU Q1	% TRU Q1
	SALARIES AND BENEFITS						
1010	Earnable Compensation	480,213	33,652.96	32,865.08	32,490.44	99,008	21%
1030	Auto and Cell Phone Allowances	9,275	700.00	700.00	700.00	2,100	23%
1035	Overtime					-	
1045	Termination Payment					-	
1110	General Member Retirement	166,721	11,887.24	10,808.34	11,716.22	34,412	21%
1130	Survivors Benefits	106	7.28	6.37	5.46	19	18%
1200	Medical Premium Subsidy	58,179	3,350.68	3,389.07	3,102.86	9,843	17%
1205	Long-Term Disability	1,087	76.26	71.47	66.68	214	20%
1207	Vision Care Insurance	700	47.92	41.93	35.94	126	18%
1215	Dental Insurance Subsidy	1,106	56.76	56.76	56.76	170	15%
1222	Short-Term Disability	5,367	381.64	356.88	332.12	1,071	20%
1225	Medicare	6,039	378.37	387.21	380.86	1,146	19%
1235	Workers' Compensation (<i>see Account 2245</i>)					-	
1240	Life Insurance & Medical Trust Fund	13,665	1,039.78	1,053.18	1,063.35	3,156	23%
1305	Medical Reimbursement Plan	5,971	190.76	190.76	190.76	572	10%
1314	457/401a Contribution	3,247	227.04	218.12	209.20	654	20%
1315	401k Contribution	32,190	2,153.08	2,185.40	2,217.72	6,556	20%
TOTAL SALARIES & BENEFITS		\$ 783,866	\$ 54,149.77	\$ 52,330.57	\$ 52,568.37	\$ 159,049	20%
	Staffing (Full time equivalent units)	4.5					
	SERVICES AND SUPPLIES						
2031	Payroll System Services (County IT)	884		77.88	51.92	130	15%
2032	Virtual Private Network (County IT)	158		9.15	13.29	22	14%
2033	Network Labor Services (County IT)	-				-	
2037	Dial Tone (County IT)	3,061		226.72	226.72	453	15%
2041	Data Line	8,400	1,356.68		1,356.68	2,713	32%
2043	Electronic Equipment Maintenance (County IT)	-				-	
2075	Membership Dues	12,769	11,287.00			11,287	88%
2076	Tuition Reimbursement	2,000				-	0%
2080	Publications	3,408	538.02		581.08	1,119	33%

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ADOPTED FY 22-23	JULY	AUGUST	SEPTEMBER	TOTAL THRU Q1	% TRU Q1
2085	Legal Notices	20,000	352.66		207.06	560	3%
2090	Building Expense	7,380	960.00	588.00	1,005.38	2,553	35%
2115	Software	2,283	1,664.15		1,047.99	2,712	119%
2135	Utilities	-				-	
2180	Electricity	6,000	539.78	600.46	740.99	1,881	31%
2245	Other Insurance	19,274	12,475.98			12,476	65%
2305	General Office Expense	1,584	126.71	124.97	815.67	1,067	67%
2308	Credit Card Clearing Account	-	(1,057.91)	1,981.68	(1,981.68)	(1,058)	
2310	Postage - Direct Charge	5,716	17.92	255.99	312.53	586	10%
2315	Records Storage	772	64.37	-	64.37	129	17%
2322	Enterprise Printing (County IT)	86	3.57	7.14	7.14	18	21%
2323	Reproduction Services	500				-	0%
2335	Temporary Services	1,500				-	0%
2400	Legal Counsel	40,800	261.69	38.84	1,497.60	1,798	4%
2405	Auditing	11,915				-	0%
2410	IT Infrastructure (County IT)	586	570.00	570.00	570.00	1,710	292%
2414	Application Development & Maintenance		673.00	673.00	673.00	2,019	
2415	Countywide Cost Allocation Program (COWCAP)	-				-	
2416	Enterprise Printing (County IT)	-				-	
2417	Enterprise Content Management (County IT)	1,848				-	0%
2418	Data Storage Services (County IT)	4,116				-	0%
2420	Wireless Device Access (County IT)	211		406.15	406.15	812	385%
2421	Desktop Support Services (County IT)	12,830		802.96	802.96	1,606	13%
2424	Environmental Consultant	8,230	220.00	267.50	150.00	638	8%
2444	Security Services	492		323.00		323	66%
2445	Other Professional Services	101,092	3,706.42	21,571.11	5,831.18	31,109	31%
2449	Outside Legal (Litigation & Special Counsel)	-				-	
2450	Systems Development Charges (County IT)	7,764				-	0%
2460	Aerial Imagery (County IT)	3,000				-	0%
2895	Rent/Lease Equipment (copier)	5,100	455.84	(455.84)	1,117.63	1,118	22%
2905	Office/Hearing Chamber Rental	60,669	14,859.31		405.00	15,264	25%

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ADOPTED FY 22-23	JULY	AUGUST	SEPTEMBER	TOTAL THRU Q1	% TRU Q1
2940	Private Mileage	3,596	423.62	365.12	423.62	1,212	34%
2941	Conference/Training	5,490		5,355.00	261.12	5,616	102%
2942	Hotel	12,350				-	0%
2943	Meals	1,200				-	0%
2945	Air Travel	800				-	0%
2946	Other Travel	300				-	0%
5012	Transfer to County (Staples & Microsoft)	6,689		270.78		271	4%
TOTAL SERVICES & SUPPLIES		\$ 384,854	\$ 49,498.81	\$ 34,059.61	\$ 16,587.40	\$ 100,146	26%
TOTAL EXPENDITURES		\$ 1,168,720	\$ 103,648.58	\$ 86,390.18	\$ 69,155.77	\$ 259,195	22%
TRUST TRANSFERS							
9990	SBCERA Additional Payment	50,000	50,163.00			50,163	
TOTAL TRUST TRANSFERS		\$ 50,000	\$ 50,163.00	\$ -	\$ -	\$ 50,163	100%
TOTAL APPROPRIATION		\$ 1,218,720	\$ 153,811.58	\$ 86,390.18	\$ 69,155.77	\$ 309,358	25%

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 21-22	INCREASES FY 22-23	TOTAL
	RESERVES (Increases)			
6000	Contingency (Assigned)	25,000	5,000	30,000
6025	General (Assigned)	175,000	25,000	200,000
6030	Compensated Absences (Committed)	152,095	5,000	157,095
6035	Salary for Extra Pay Period (Committed)	3,000	3,000	6,000
TOTAL RESERVES (Increases)		\$ 355,095	\$ 38,000	\$ 393,095


Attachment #1

Budget Spreadsheets

ACCT #	ACCOUNT NAME	ADOPTED FY 22-23	JULY	AUGUST	SEPTEMBER	TOTAL THRU Q1	% THRU Q1
8500	Interest	10,000	1,632.64	(1,632.64)		-	0%
9984	Interest Adjustment			16,581.64		16,582	
8842	Apportionment	1,090,497	726,998.00			726,998	67%
	Fees and Deposits (Current Services):						
9545	Individual Notice Deposit	9,000		3,000.00	1,000.00	4,000	44%
9555	Legal Services Deposit	12,000		4,700.00	700.00	5,400	45%
9595	Protest Hearing Deposit	3,000				-	0%
9655	Digital Mapping Fee	2,735				-	0%
9660	Environmental Deposits	7,800		2,700.00	700.00	3,400	44%
9800	LAFCO Fee	71,044		16,983.00	1,112.00	18,095	25%
	Total Fees and Deposits	105,579	-	27,383.00	3,512.00	30,895	29%
	OTHER REVENUES						
9560	Indemnification Recovery					-	
9910	Prior Year Activity (refunds, collections)				(9,299.00)	(9,299)	
9930	Miscellaneous				178.89	179	
9970	Carryover of Open Proposals	50,644		43,469.30		43,469	86%
9973	Stale-dated Checks					-	
	TOTAL OTHER REVENUES	50,644	-	43,469.30	(9,120.11)	34,349	68%
	TOTAL REVENUES	\$ 1,256,720	\$ 728,630.64	\$ 85,801.30	\$ (5,608.11)	\$ 808,824	64%

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

SUBJECT: Agenda Item #11: Review and Amend the Commission Meeting
Schedule for FY 2022/23

RECOMMENDATION:

Staff recommends that the Commission meet on December 21, 2022.

BACKGROUND:

The Commission is usually dark in December due to the holidays but have, in the past, called a meeting on said month to discuss certain items that needed to be addressed before the end of the year or ones that could not wait until the following year.

The Commission received two letters (see attached letters) from agencies requesting that the Commission consider meeting in December to review their proposal items. The items were tentatively scheduled for the Commission's November meeting; however, due to the delay in the processing of the required property tax transfer resolution by the City of San Bernardino, their proposals were not included in the list of items to be considered by the Commission at this hearing.

LAFCO staff has also been made aware that another agency will be asking that the Commission consider having a December meeting as well. The agency is taking an action on November 17 (day after the LAFCO meeting) to potentially provide water service outside its boundary and outside its sphere of influence to a property that is needing water service from said agency due to a Compliance Order that has been placed on the property by the County Environmental Health Services. In order to address the Compliance Order and avoid further health risk associated with the property's onsite water system, the agency will be requesting that their application be considered at the soonest possible opportunity.

Therefore, because of the requests being made through the attached letters and the impending application that will require immediate attention, staff is recommending that the Commission meet on its usual meeting day in December, December 21, 2022.

Attachment



INLAND VALLEY DEVELOPMENT AGENCY
SAN BERNARDINO INTERNATIONAL AIRPORT AUTHORITY



RECEIVED

October 20, 2022

OCT 20 2022

LAFCO

San Bernardino County

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

**RE: REQUEST FOR LAFCO MEETING IN DECEMBER FOR CONSIDERATION OF EXTENSION OF ACTION
ITEMS RELATED TO LAFCO 3257 and 3258**

Dear Mr. Martinez:

The Inland Valley Development Agency would like to request the Local Agency Formation Commission (LAFCO) to consider conducting a meeting in December to discuss items related to LAFCO 3257 and 3258.

Recently, LAFCO approved time extensions for the property tax revenue exchange process for LAFCO 3258. However, the latest 30-day extension fails to provide sufficient time for City of San Bernardino City Council to consider the adoption of the required property tax transfer resolution. Consequently, these items will also miss LAFCO's agenda deadline for the November meeting. We understand that LAFCO typically does not hold a regular meeting in December, but due to these circumstances, we hope that you will consider adding this meeting. Thank you for your understanding.

If you have any questions, please do not hesitate to contact my office at (909)382-4100, ext. 102.

Sincerely,

INLAND VALLEY DEVELOPMENT AGENCY

Michael Burrows
Chief Executive Officer



City of San Bernardino

Community and Economic Development Department

October 21, 2022

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

Re: LAFCO 3257 and 3258 – Request for LAFCO Meeting in December for Consideration

Dear Mr. Martinez:

In partnership with the Inland Valley Development Agency (IVDA), the City of San Bernardino is respectfully requesting that the Local Agency Formation Commission (LAFCO) consider conducting a meeting in December to discuss items related to LAFCO 3257 and 3258.

Recently, LAFCO approved a 30-day time extension at the request of the City to allow the consideration of a Tax Exchange Resolution by the Mayor and City Council on November 2, 2022. Despite this, it has come to the City's attention that the latest 30-day extension fails to provide sufficient time to make LAFCO's agenda deadline for the November meeting. Although LAFCO typically does not hold a regular meeting in December, the City is requesting that a special meeting be considered to accommodate the discussion of these items.

Thank you in advance for your cooperation and consideration. Please contact me with any questions or concerns.


Respectfully,

David Murray
Deputy Director/City Planner

CC: Nathan Freeman, Agency Director of Community, Housing & Economic Development
Robert D. Field, City Manager
Michael Burrows, Inland Valley Development Agency
Myriam Beltran, Inland Valley Development Agency

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: NOVEMBER 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #13: EXECUTIVE OFFICER'S REPORT

LAFCO NEWS:

- **New Hire**

We recently completed our recruitment process for a new Analyst. I hired Art Pastor, who earned his degree in Geography from Cal State San Bernardino and completed his Masters in GIS at the University of Redlands. We welcome Art to the team!

- **Governance Training Program**

The Commission will be having its second Governance Training session on November 15, 2022. The title of the session is "Board Member Best Practices 201: The CA Public Records Act and the Brown Act." This training session will be held again at the Mojave Water Agency in Apple Valley. This course is intended for board members and staff.

CALAFCO NEWS:

- **CALAFCO Annual Conference**

The 2022 CALAFCO Annual Conference was held last month in Orange County. Commissioner's Jim Bagley, Acquanetta Warren, Steven Farrell, Rick Denison, Kevin Kenley, Jim Harvey, and staff attended the conference. This was the first in-person CALAFCO conference since the pandemic.

- **CALAFCO Sphere and 2022 Annual Report**

Enclosed is the latest edition of *The Sphere*. This CALAFCO Journal includes an interesting article by Executive Director LaRoche on CALAFCO's history and another one by former Executive Director Miller featuring interviews she conducted with former and current CALAFCO members. Also enclosed is the CALAFCO 2022 Annual Report that highlights some of the Association's work and a financial summary of CALAFCO's revenue and expenditures.

Enclosure

Journal of the
California Association of Local Agency Formation Commissions

THE SPHERE

2022

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A CALAFCO publication

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THE SPHERE

CALAFCO Journal

October, 2022

The Sphere is a publication of the California Association of Local Agency Formation Commissions.

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Articles, announcements, comments or other materials noteworthy to LAFCo commissioners and staff, may be submitted to the Editor at 916-442-6536 or info@calafco.org.

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CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS

CALAFCO

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ANNUAL REPORT

CALAFCO MISSION

The mission of CALAFCO is to provide educational, information sharing, and technical support for its members by serving as a resource for, and by collaborating with, the public, the legislative and executive branches of state government, and other organizations for the purpose of discouraging urban sprawl, preserving open space and prime agricultural lands, and encouraging orderly growth and development of local agencies.

A Message From The Chair of **CALAFCO**



ANITA PAQUE
Chair of the Board

Change makes us stronger

As I look back over the last 51 years since CALAFCO was formed, I am impressed by how far we have come and the opportunities we have before us.

This last year has been one of change and anticipation. Due to the pandemic we have not had a conference for two years. Zoom calls cannot completely replace seeing everyone, renewing old friendships, and making new ones. Thankfully this will change with our October conference. (While you are there please give a warm welcome René LaRoche, our new Executive Director.)

Over the last half century, CALAFCO has moved from a fledgling organization to a professional association. Over the years LAFcos have also changed - special districts have been added to many commissions, they have more tools, and more responsibilities. In 1963 the legislature formed LAFcos as a vehicle to discourage urban sprawl, preserve open space and agricultural lands and provide for the orderly formation of districts. In 2000 the CORTESE KNOX HERTZBERG LOCAL GOVERNMENT ACT was passed, updating the LAFco statutes and adding the requirement to conduct municipal services reviews. In 2017 the Little Hoover Commission reaffirmed the importance of LAFcos as a part of local governance and the oversight of special districts. This year Governor Newsom signed SB 938, legislation sponsored by CALAFCO, which will make it easier for LAFcos to hold special districts accountable.

These changes have made LAFcos stronger and better able to improve the lives of Californians. We are able to highlight deficiencies in special districts and push for better water, waste water and other services. With the Little Hoover Commission report, CALAFCO became recognized as an educational resource, and LAFcos themselves as an important player in ensuring that special districts provide municipal services to their constituents. With SB 938 CALAFCO demonstrated that we can recognize where changes are needed, bring the stakeholders together, and negotiate a significant piece of legislation to improve the tools we need to fulfill our goals. I am proud of the work that CALAFCO has done and who we have become over the last 51 years. Clearly CALAFCO is equipped to overcome the many challenges we will face in the future.

My thanks to all of the members of CALAFCO, its staff, volunteers and the Board and Executive Committee for all the work you do. You make CALAFCO the association that it is. Special thanks and good bye to Pamela Miller who, after nine years as Executive Director, has moved on. She has been an effective Executive Director and has shown respect and leadership in doing so. She has been a role model for me and I hope to all of our membership. As organizations grow and change so, too, do the people running them. In March René LaRoche became our new Executive Officer. Having worked with René over the past year, I know she will help us realize our visions for a better California.

CALAFCO: 51 Golden Years

Written by: René LaRoche, Executive Director



Happy Belated Birthday, CALAFCO! While the pandemic delayed the celebration, the Big 5-0 birthday did not go unnoticed! For over 50 years, CALAFCO has been providing its membership with the educational resources, information sharing, technical support, and advocacy for which we are known. Obviously, there would be no CALAFCO without LAFCos, so it's appropriate to take a moment to reflect on how we got here.

SQUEEZING ORANGE GROVES INTO SUBURBS

In the post-World War II years, California saw astounding growth. Its population doubled between 1940 and 1960, causing it to become the most populous state in the nation by the early 1960's.¹

Open space and agricultural land were rapidly developed to address the increased demand for jobs, housing, and public services that the growing population needed.² It was in this environment that the State approved the formation of many new local government agencies, often with little thought as to the resulting governance structures. Familiar landscapes, such as the miles upon miles of orange groves in Southern California, were rapidly converted into suburbs, towns, and cities with little thought beyond immediate needs. This lack of regional planning and coordination led to overlapping and inefficient services — a high price to pay for the loss of so much of California's agricultural and open-space land.³

CHAOS YIELDS TO SOUND LOCAL GOVERNMENT

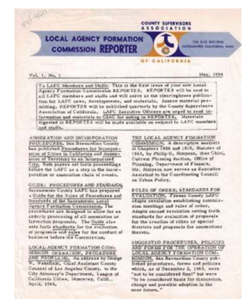
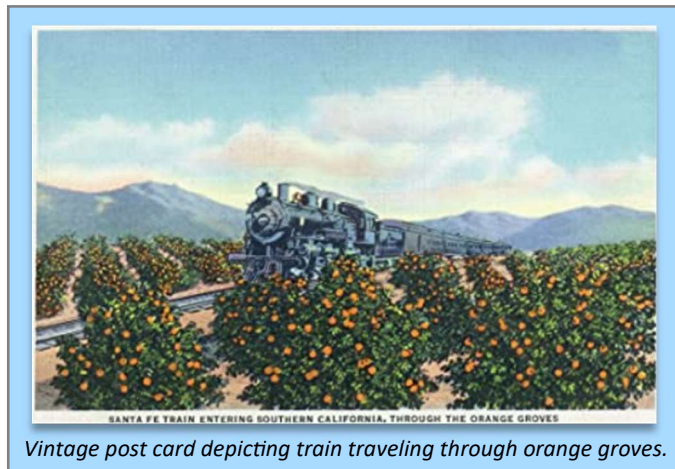
The chaos that ensued from the unchecked growth became the impetus behind the 1959 creation of the Commission on Metropolitan Area Problems by Governor Edmund G. "Pat" Brown, Sr. The Commission was charged with studying and making recommendations regarding the "misuse of land resources" and the growing complexity of local governmental jurisdictions. The following year the

Commission would issue recommendations that spoke to the need for local governmental reorganization. Those recommendations would become the basis for two pieces of legislation during the 1963 legislative session. AB 1662 (Knox), addressed the formation of new cities and new special districts, and SB 861 (Nisbet), sought to establish Local Agency Annexation Commissions.⁴ Both bills presented sound concepts, however, the establishment of annexation commissions was vehemently opposed

by both the League of California Cities and the County Supervisors Association of California (a former iteration of CSAC).⁵ Ultimately, the two bills were combined, annexation commissions became agency formation commissions, and the amended text passed into law as the Knox-Nisbet Act (KNA) of 1963, which created LAFCos.^{6, 7, 8}

In his letter of support to the Governor, William R. MacDougall, CSAC General Counsel and Manager, noted that *"While we have definite objections to this bill in its original form, we feel that the amendments made by the Legislature and agreed to by your office have improved this bill to the point where it deserves the support of everyone truly interested in the soundness of California local government."*⁹

Once KNA passed, it was up to the staff of the newly created LAFCos to develop the procedures necessary to administer the many complicated statutes.¹⁰ While this would be further complicated in 1965 with the passage of the District Reorganization Act (DRA), the need for a central source of LAFCo information was clear right from the beginning. In an attempt to fill this void, CSAC published the *Local*



(Continued on page 10)

INDEMNIFY THIS!

Written by: David J. Ruderman and Aleks R. Giragosian, Colantuono, Highsmith & Whatley, PC

Introduction

If LAFCo denies an annexation application, then wins in court when the applicant sues over the denial, can LAFCo require the applicant to pay LAFCo's attorneys' fees to defend the lawsuit? No, said the Second District Court of Appeal in its published decision this March in *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach* ("SLO LAFCo").¹ The SLO LAFCo case has the potential to impact all LAFCOs' ability to require an applicant to indemnify LAFCo for its decision on a change of organization, reorganization, or sphere of influence amendment.

Background

In SLO LAFCo, the City of Pismo Beach and a developer applied to LAFCo to annex property to Pismo Beach for a housing development. The application form required the applicants to indemnify LAFCo for "any claim, action or proceeding ... asserted by any person or entity, including the Applicant, arising out of or in connection with the application."²

The Commission denied the annexation application and the developer sued LAFCo, challenging the denial. The Commission prevailed in the lawsuit and sought to recover \$400,000 in attorneys' fees from the developer and Pismo Beach under the indemnity provision on the application form, which required applicants to indemnify LAFCo even for lawsuits the applicants themselves bring.

The trial court denied the Commission recovery of its fees. In SLO LAFCo, the Court of Appeal affirmed, concluding LAFCo cannot seek attorneys' fees from applicants after it denies an application because it is not expressly permitted under the LAFCo law,



Cortese-Knox-Hertzberg. "Even broadly construed statutes have boundaries," the Court stated. "It is the Legislature's responsibility to amend statutes. Courts may not do so under the guise of implied powers."³

The SLO LAFCo court found the only provisions of Cortese-Knox-Hertzberg that allow the Commission to impose fees are Government Code sections 56383 and 66016, which allow LAFCOs to charge fees for processing applications through a certificate of completion. These sections only contemplate fees necessary for the administrative process, not post-decision court proceedings like those SLO LAFCo sought under its indemnity. The Court further found LAFCOs have no implied power to require an indemnity and the indemnity provision was not a valid contract because the applicant received nothing in exchange, i.e., no consideration.⁴ In conclusion, the Court invited SLO LAFCo to ask the Legislature for a fix to its inability to recover its attorneys' fees.⁵

What This Means for LAFCOs

While the Court of Appeal's language is broad, SLO LAFCo does not prevent LAFCOs from requesting applicants voluntarily sign indemnification agreements. Most applicants will because they have a practical interest in defending LAFCo from challenges to the requested change of organization. This will ensure that, if sued, LAFCo does not simply default or settle around the applicant rather than defend its decision. Similarly, LAFCo may be able to require indemnification as a condition of approval since

"...SLO LAFCo does not prevent LAFCOs from requesting applicants voluntarily sign indemnification agreements."

(Continued on page 6)

INDEMNIFY THIS!

(Continued from page 5)

approval could constitute adequate consideration to support the indemnification obligation, though the *SLO LAFCo* court implied this might not be the case.⁶ However, both these scenarios apply only if LAFCo **approves** the requested change of organization. When LAFCo denies an application, *SLO LAFCo* holds that it cannot require the applicant to pay for LAFCo's defense. This is particularly true when the party challenging LAFCo's decision is the applicant itself, as was the case in *SLO LAFCo*. Thus, if your Commission denies an application for a change of organization, reorganization, or sphere of influence amendment and is sued by the applicant, LAFCo cannot require the applicant to bear the cost of the LAFCo's defense.

SLO LAFCo exposes the limits of LAFCo authority under Cortese-Knox-Hertzberg. A legislative fix may be worth considering, as the *SLO LAFCo* court suggested. Unlike cities or counties, which can impose indemnification obligations under their police power or based on express statutory authority in particular areas of land use practice, such as challenges to approvals under the Subdivision Map Act,⁷ LAFCOs have no such authority. Without the ability to shift the cost of defense to applicants, the cities, counties and (where they are represented on LAFCo) special districts that fund LAFCo will ultimately be required to cover these costs if not covered by LAFCo's risk pool.

Unless or until there is a legislative fix, LAFCOs should be cognizant of the limits *SLO LAFCo* imposes on the Commission's decision regarding denials. They should review their budgeted contingency or general reserve funds and consider increasing them to ensure LAFCo has adequate funds to defend against a challenge to a Commission's decision to deny an application.

¹ (2021) 61 Cal.App.5th 595, reh'g denied (Mar. 22, 2021), review denied (June 16, 2021).

² *Id.* at p. 599, emphasis added.

³ *Id.* at p. 598.

⁴ *Id.* at pp. 600–602.

⁵ *Id.* at p. 602 (“LAFCO's remedy is with the Legislature”).

⁶ *Id.* at p. 600 (“LAFCO has a statutory duty to accept all completed applications (§ 56658, subd. (e)) and to review and approve or disapprove the application (§ 56375, subd. (a)(1))”).

⁷ Gov. Code, § 66474.9, subd. (b).

DATES TO REMEMBER

2023 CALAFCO Staff Workshop

April 26-28

Ironstone Vineyards, Murphys, California

Hosted by Calaveras, Nevada, and Placer LAFCOs

2023 CALAFCO Annual Conference

October 18-20

Monterey, California

2024 CALAFCO Annual Conference

October 16-18

Fish Camp, California

COURT REPORT:

A District Hoping to Dissolve Itself Cannot Bypass LAFCO and Go Directly to the Voters

Written by Contra Costa LAFCO

An appellate court recently ruled that a special district that wants to dissolve itself cannot ask voters directly whether it should be dissolved, but instead must work through the local agency formation commission to be dissolved, as required by the Cortese-Knox-Hertzberg Act.



The First District Court of Appeal in San Francisco ruled on September 8 that a ballot measure to dissolve the Knightsen Town Community Services District (KTCSD), a small district in rural eastern Contra Costa County, was invalid and issued an order to keep the District's dissolution measure off the November 8 general election ballot.

In an unpublished opinion, the court held that the dissolution measure, which the KTCSD put on the ballot itself, was invalid because the Cortese-Knox-Hertzberg Act is the "sole and exclusive authority" to dissolve a special district. The CKH Act requires all dissolutions to be

reviewed and approved by LAFCO. The court held that a special district may not bypass the LAFCO process by putting the decision to dissolve itself

directly to voters.

The KTCSD was formed in 2005 to provide flood control and drainage services. The District encompasses 5,131 acres and serves a population of approximately 1,600. But since its formation, the District has provided no services in its service area.

In May 2020, the KTCSD applied to Contra Costa LAFCO to be dissolved. Among the reasons for dissolution were: (1) during its 15 years in existence, KTCSD has provided no services and did not intend to initiate or complete any projects in the future; (2) KTCSD's small size means it has a limited tax base to implement, operate, administer, and maintain enhanced drainage and flood control projects; and (3) the majority of Knightsen residents do not have significant drainage or flood control problems and will not benefit from enhanced drainage and flood control projects. But in September 2020, the KTCSD Board of Directors voted to withdraw its dissolution application after Knightsen residents asked that they not dissolve.

Fast-forward to early August 2022, when the KTCSD Board bypassed LAFCO and adopted a resolution to place a measure to dissolve itself on the November 8 ballot. Contra Costa County, which would be the successor agency if the district was dissolved, sued in Superior Court to keep the measure off the ballot. The Superior Court ruled that the validity of the measure, if

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LAFCO LAUGH

Usually, the EO Listserves are full of serious and technical questions and responses. A thought provoking question was recently posed as to how APNs are usually handled for residences that are situated on jurisdictional lines. The favorite of the many responses has to be the following from Dawn Mittleman Longoria, the Napa LAFCO Staff Analyst II and Interim Clerk, who shared this anecdote:

One day a nicely-dressed, elder gentleman arrived at the LAFCO office. His home was split by two agency boundaries and he wasn't sure where he should vote. I was new to LAFCO and anxious to help. I called the Registrar of Voters and they advised that it depended on the location of the bedroom. I turned to the gentleman and asked "Where is your bedroom?" He responded, "It's been a long time since a young woman has asked me that question!" :o)

It's DUC Season!

CALAFCO's Updated DUC Map—Methodology to Identify Disadvantaged Unincorporated Communities Statewide

Submitted by: RSG, Inc. Staff



To provide a tool for under-resourced local agency formation commissions, CALAFCO and Associate Member RSG, Inc. partnered to update the statewide map of Disadvantaged Unincorporated Communities (“DUC”) throughout California. Late last year, RSG was retained by CALAFCO to create the interactive map that identifies DUCs using the most recent and accurate household income data. (The map is currently live on the CALAFCO website under the “Resources” tab.)

This effort began in recognition of Senate Bill 244 (2012, Wolk) which requires LAFCOs to identify DUCs when making municipal review determinations (Gov’t Code Section 56430(a)), sphere of influence determinations (Gov’t Section 56425(e)(5)), and proposed city annexations of over 10 acres. The CALAFCO DUC map was created to be a tool accessible to LAFCOs that may be under-resourced to meet the requirements of SB 244.

Before this undertaking, the RSG team worked with Riverside LAFCO to develop a methodology for identifying DUCs when preparing a municipal services review for the 28 cities in Riverside County. Given the size and potential scale of DUCs, Riverside LAFCO established a methodology by policy to identify DUCs in their jurisdiction that results in a more efficient and accurate process. This methodology involved conducting an analysis of the most recent American Community Survey (“ACS”) 2015–19 data from the Census, current registered voter data, residential values, and land use data. Working with LAFCO staff, RSG applied the methodology in a test area and after refinements, applied it countywide.

To prepare for the statewide CALAFCO DUC map, RSG modified the methodology developed for Riverside LAFCO to make it possible to undertake this effort statewide, resulting in the identification of 1,018 DUCs in California.

A crucial component of the statewide DUC map required establishing which communities would meet the criteria of a DUC. For purposes of our analysis, a “disadvantaged community” was defined as a community with an annual median household income, or MHI, less than 80% of the statewide MHI, as defined by Wa-

ter Code Section 79505.5(a). Further, the statutory definition of DUCs from Government Code Section 56033.5, defines a DUC as an “inhabited territory” that constitutes all or a portion of a “disadvantaged community.” Lastly, an “inhabited territory” is defined as having at least 12 registered voters or determined by “commission policy,” as established in Government Code Section 56046; however, this definition was modified by RSG to use 50 registered voters based on RSG’s experience in the field and availability of voter registration data.

Over the course of several weeks, RSG compiled information from CalFIRE, the US Census Bureau, and the California Redistricting Commission’s Statewide Database to prepare an initial map. Although the map was generally accurate, it required refinement to remove miscoded areas due to inconsistencies in the boundaries of shapefile data used. After the release of this initial map, we received welcome feedback from Kai Luoma from Ventura LAFCO that helped our team identify some of these issues. We then refined our methodology and data to produce a more accurate version.

The full methodology used to prepare the statewide DUC map is detailed below:

1. Our team began by identifying unincorporated areas by acquiring Census block group data for the entire state and shapefiles of all incorporated cities from CalFire GIS.
2. Then our team identified areas that were at or below the 80% MHI threshold. This was done using data from the ACS 5-year MHI dataset for 2015–19, which identifies the state MHI and all Census block groups. Using the state MHI, RSG calculated 80% to establish a maximum MHI threshold. RSG compared this threshold to the MHI of Census block groups to identify unincorporated Census blocks that were at or below this threshold.
3. Next, RSG identified inhabited territory by using registered voter precinct data from the

(Continued on page 13)

PowerPoint Like a Pro

Design Tips for Making Your PowerPoint Presentation Sing

Submitted by: CV Strategies



Chances are you have used PowerPoint at some time in your professional career and know what a powerful tool it is for taking presentations from bland to bold. Chances are equally good that your presentation could have been even better by following some basic design rules.

Below are some tips for getting the most out of PowerPoint and effectively telling the story of your agency. Follow these guidelines and your PowerPoints are sure to sing!

TIP #1: MINIMIZE TEXT

Body copy should briefly state the most important points, and your verbal presentation should explain them in full. Don't read the slides!

Use bullet points, not sentences, and follow the 6 x 6 Rule: One thought per line with no more than six words per line and no more than six lines per slide.

Less text has bigger impact and is easier to remember.

If the subject is complex, make a handout.

TIP #2: WATCH YOUR FONT SIZE

Titles should be limited to one line of text at 32- to 36-point size and should be in the same location and direction on all slides.

Body copy should be 24- to 28-point size.

If you have a lot to say, keep the large font size and use several slides, advancing them as you talk.

TIP #3: SANS-SERIF IS YOUR FRIEND

Use single sans-serif fonts such as Arial or Helvetica.

Avoid serif fonts such as Times New Roman or Palatino because they are sometimes more difficult to read.

Use one font for body copy and different one for headlines.

TIP #4: MAKE IT ENGAGING

To give your presentation a professional edge, start with a blank slide instead of a template and use the automated designer tool on the right side of the screen.

Create an impactful cover slide and include your name as an introduction. Save the last slide for questions and contact information.

Use large graphics or photos to illustrate your point and avoid cliché clipart.

TIP #5: THINK LIKE A GRAPHIC DESIGNER

For simple designs, switch up every third slide, even if it's just flipping a photo to the opposite side, to counteract short attention spans.

When formatting a slide, stick to three layouts: one column with text all the way across; two columns with text one side and a photo on the other; and three columns, usually centered content.

Lastly, no matter how fun you think it looks, don't distract your audience with unnecessary animations or format text with multiple colors.

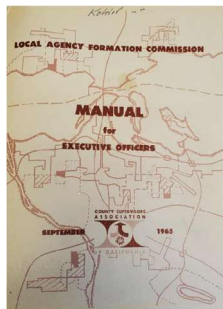
Did you Know?

Alpine County Local Agency Formation Commission has joined the ranks of LAFCOs with special district representatives. That now brings the total number of LAFCOs with special district reps up to 32.

CALAFCO: 51 Golden Years

(Continued from page 4)

Agency Commission *REPORTER* in



May of 1964, which reported exclusively on which LAFcos had developed and published procedures.)¹¹ CSAC would follow that in 1965 by

publishing a Manual for Executive Officers.¹²

BIRTH OF AN ASSOCIATION

At some unidentified point, support of LAFcos transitioned from CSAC to LAFco volunteers. Manned entirely by LAFco volunteers, the first informal association undertook all event planning and communication efforts, with the associated costs borne by the individual commissioners and staff.¹³ However, sometime in 1968, an effort to more formally organize the association began. During that year's conference in San Francisco, a steering committee was appointed and charged with considering and making recommendations for the establishment of a permanent statewide organization of LAFcos. The committee worked on the project for a year and submitted its first set of proposed bylaws to the attendees at the November, 1969 conference. The bylaws were approved, subject to being ratified within sixty days by all of the LAFcos in the state. While there was great support for an association, the majority of LAFcos ended up ratifying the bylaws after the sixty day deadline, which automatically pushed the issue over to the next conference.¹⁴

Unfortunately, the next two years'

worth of records are missing, however, it's safe to assume that the proposed by-laws followed a normal process and were distributed and, most likely, reworked as needed between conferences. The result, of course, was the ultimate approval and ratification of the first set of CALAFCO bylaws.

Finally an official association, the first five-person CALAFCO Executive Board met on February 25, 1972. The minutes note that the staff members present were R. Sherman Coffman of San Mateo (Executive Officer), and William Siegel of Santa Clara (Legal Counsel.) The minutes also note that the full Board was in attendance and consisted of Mayor Maurice K. Hamilton of San Mateo, Mayor Claud Hendon of Riverside, Supervisor Wesley R. Craven of Fresno, Ira "Jack" Chrisman of Tulare, and Supervisor Dominic Cortese of Santa Clara. Supervisor Cortese would also become CALAFCO's first Board chair in a two-step process that saw him informally selected (due to a lack of a quorum) on April 27, 1972, then ratified at the next month's meeting.^{15, 16}

Most of CALAFCO's staple offerings – conferences, workshops, and newsletters – were put into place in those early, formative years when the Executive Board met to strategize about proposed legislation, perform outreach to LAFcos, as well as plan events (both the annual conference and the "Executive Officer's Workshop.")¹⁷

The quarterly newsletter—the cornerstone of CALAFCO member communications—was given life on November 15, 1973 when the Board approved its creation and targeted the next month for the

publication of the first issue.¹⁸

That was followed, in March 1974, by the appointment of an Editorial Committee to curate newsletter content. The initial committee consisted of Kent Taylor of Fresno LAFco, Michael Johnson of San Mateo LAFco, Lolly Haston of Humboldt LAFco, and Peter Detwiler of San Diego LAFco.¹⁹ (Detwiler would go on to take his analytical and writing skills to work in the Governor's Office of Planning and Research, and later would become the Chief Consultant for the California Senate Local Government Committee.)

ASSOCIATION ADVOCACY

In 1977, the complexity of administering LAFco laws grew again with the passage of the Municipal Organization Act (MORGA). Together, the KNA, DRA, and MORGA contained similar, often redundant, provisions. This resulted in CALAFCO sponsoring its first major legislative amendment—a three year effort that began in 1981 to consolidate the three acts. Former CALAFCO Director Dominic Cortese, then serving in the State Assembly, agreed to carry the bill.²⁰

The bill underwent an extended process of preprint reviews, interim hearings, edits and, finally, formal hearings and testimony to ultimately become the Cortese Knox Local Government Reorganization Act of 1985.²¹ (This would later be subject to additional revisions in 2000, which would result in the Cortese–Knox–Hertzberg Act—or CKH.)^{22, 23}

While CALAFCO had previously

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CALAFCO: 51 Golden Years

(Continued from page 10)

contracted for legislative advocacy for specific bills,²⁴ it was during this time that it contracted with Ed Gerber and Associates as its first “general” legislative advocate. The CALAFCO records that exist from the time period show that Gerber had a contract from 1982, to at least 1987.^{25, 26, 27, 28, 29} However, anecdotal evidence has Gerber in that slot until around 1998.³⁰

While the Board was still a working board, it continuously sought to professionalize the Association. Through the years, it adopted numerous policies to guide actions and decision-making, as well as formal job descriptions for volunteer and paid staff.

NONPROFIT EVOLUTION

The next organizational advancement for CALAFCO occurred in 1998, when it was incorporated.³¹ However, the change meant that someone was needed to administer the many facets of a corporation and, in the same year, Mike Gotch, a former LAFCo EO and retired Assembly member, resigned his seat as a CALAFCO Board Director to become CALAFCO’s first paid Executive Director. With most of the administrative work now done by professional staff, the Board was able to shift its focus more on governing. However, Gotch left the next year to become the Legislative Secretary for Governor Davis.³²

Gotch was followed by Scott Harvey, who was contracted as the ED in 2000. However, for a short span between the two, SR Jones, the Nevada EO and CALAFCO EO at the time, would also act as ED.³³

The year 2000 brought another organizational shift, as CALAFCO became a qualified nonprofit organization. Achieving nonprofit status meant that revenue could be used entirely for expenses. Holding nonprofit status also provided an incentive for donors, since donations were now possibly tax deductible. Yet, the tradeoff was that the association suddenly had a legal cap on the amount of money that it could spend on lobbying efforts — and it has been a balancing act ever since.

Harvey would serve as ED until 2004 and would be followed by Bill Chiat, who became the Association’s new contract Executive Director in September of 2004 following the issuance of an RFP. Chiat came to the Association with a broad local government background. His driving philosophies, for which he

would become known statewide, were collaboration, education, and facilitation, and he brought all those traits to the job.^{34, 35}

Among his many achievements, Chiat would create List Serves to allow easy communication and collaboration between LAFCo’s. He would also implement The Sphere as a vehicle to elevate the Association’s communication with its members. His facilitation skills were also important from 2008 to 2010 when dissatisfaction with the board structure was voiced by the Southern California LAFCOs who were seeking a more balanced representation on the CALAFCO Board of Directors. After a two-year process, the association was finally reconstituted in 2010 into the now familiar sixteen Board member structure.

In February 2012, Chiat retired and was succeeded by Pamela Miller. Miller would serve as a contracted Executive Director until June 2020 when her position would be converted to employee status. Ultimately, Miller would retire in February, 2022, but she first announced her retirement in February 2020, then opted to stay on to assist the Association when the COVID-19 pandemic began. Under Miller’s leadership, the Association graciously offered statewide training to all local government entities regarding the requirements of virtual meetings and other timely topics. Miller would also convert some of the Association’s regular educational offerings to virtual presentations, and would successfully shepherd SB 938 (2022) before her ultimate retirement in February of this year when I was appointed to replace her.

CHEERS!

Obviously, much has occurred since LAFCOs were first created and CALAFCO came to life. Together we have lived through the last years of the Vietnam War, saw political and sports scandals come and go, watched the invention and proliferation of technology, noted changing political and socioeconomic climates around the world, survived economic booms and busts, and pivoted hard and fast through a once-in-a-lifetime global pandemic.

So, here’s to YOU LAFCOs! You are the loyal protectors of local control, the facilitators of sound regional planning, and the unsung heroes of sustainable infrastructure and CALAFCO remains

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CALAFCO: 51 Golden Years

(Continued from page 11)

proud to serve you. While laws and technology are sure to change, we are committed to providing you with the support and resources that you need to successfully fulfill your functions, and we pledge that the next fifty years will be even more golden!

For some personal reflections about the Association, see “A Journey on the Path of CALAFCO History” by Pamela Miller starting on page 14.)

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DUC Season!

(Continued from page 8)

California Redistricting Commission Statewide Database. This data was filtered so it only included areas with 50 voters or more.

4. Using the data prepared in the previous steps, RSG identified DUCs by using ArcGIS Pro to eliminate uninhabited areas in the Census block groups with MHI at or below 80% of the statewide MHI.
5. Lastly, RSG conducted a visual analysis using ArcGIS Pro and the most recently published city boundary map from the California State Board of Equalization to remove unpopulated slivers that were a byproduct of the analysis outlined in the steps above. This was done on a county-by-county basis to ensure accuracy.

From this analysis, the CALAFCO DUC map identifies a total of 1,018 DUCs throughout California, varying in size. Based on this analysis, the CALAFCO DUC map shows that Los Angeles County has the highest number of DUCs, with 171 ranging in size from 3 acres to over 3,000 acres. The counties of Alpine, Kings, Mono, and San Benito have one DUC shown on the DUC map, while the counties of El Dorado, Madera, and San Francisco do not have any DUCs.

As stated on the CALAFCO website, the purpose of the map is not to replace DUCs that have been identified locally, which many LAFCOs have done or are presently in the process of updating. Instead, it helps LAFCOs that have not yet had the time or resources to tackle this state mandate by providing a resource that allows LAFCOs to comply with the Cortese-Knox-Hertzberg Act.

As an Associate Member of CALAFCO for many years, RSG is proud to have been a part of this collaborative process that has resulted in a tool that can be utilized by LAFCOs across the state.

COURT REPORT

Continued from page 8

it passed, should be decided after the election. Contra Costa County then filed an emergency petition with the Court of Appeal for an order to keep the measure off the ballot. Six days later, the Court of Appeal ruled in the County's favor and ordered the County Registrar of Voters to keep the measure off the ballot. The Court of Appeal said that under the CKH Act, "a proposal to dissolve the District must go through a local agency formation commission. The District may not bypass this process and put the decision to dissolve itself directly to voters. The District has not cited any authority to the contrary, despite being given the opportunity to do so in the superior court and in our court."

The Court of Appeal case is Contra Costa County v. Superior Court of Contra Costa County, Case No. A166024.



NEW HIRES FOR THREE LAFCOs

San Mateo LAFCo is pleased to welcome **Sofia Recalde** as its new Management Analyst.

Sofia brings several years of experience in local government, healthcare, and the non-profit fields to LAFCo. She has a Bachelor's degree in Psychology from UC Santa Cruz and a Master's degree in Urban Planning from Rutgers University. San Mateo LAFCo is happy to have her as part of the team.

Sacramento LAFCo welcomed Desirae Fox as its new Policy Analyst.

Desirae received her Bachelors of Arts from UC San Diego in Urban Studies and Planning, and previously worked as a Planner for Sacramento County. She is passionate about civic engagement, loves to volunteer, and is always looking for opportunities to educate her community on all things municipal. She is excited to learn and take on the many challenges of the LAFCo world, and is eager to engage with all her new colleagues that span our beautiful state.

MARIN LAFCo is pleased to announce the hiring of **Stephanie Pratt** as Clerk/Jr. Analyst

Stephanie comes to LAFCo with many years of high-level private sector experience. Even though she served under a former POTUS during the building of his Presidential Library, this is her first role in the public sector. She has a Bachelors in Business Administration with a Minor in Journalism from California State University Northridge.

A JOURNEY ON THE PATH OF CALAFCO HISTORY

Written by Pamela Miller, retired CALAFCO Executive Director

In the summer of 2021, CALAFCO was preparing to celebrate its 50th anniversary at the Annual Conference. As the Executive Director at the time, my plan was to write a very special 50th anniversary article for The Sphere. Since the Conference was cancelled due to pandemic-related circumstances, the article was held over until this year when CALAFCO would gather together once again and celebrate its 50th + 1 anniversary.

The article features interviews I conducted in the summer of 2021 with ten people - all of whom have a unique and long-standing relationship with CALAFCO (some now retired and others still active). Each has made substantial and long-lasting contributions to the Association and played significant parts in the evolution and ongoing transformation of CALAFCO. We honor them and everyone who has touched CALAFCO in positive ways, nurturing its mission and supporting its members. Much has changed over the past 51 years and CALAFCO continues evolving as a stronger, more viable organization. One thing that has not changed is the passion and dedication of those who contribute to CALAFCO. We honor and thank all of you who have come before - who built the foundation of CALAFCO. To those who follow, you are encouraged to carry the CALAFCO torch with pride and integrity as you continue to positively transform this great Association. It was my privilege to be a part of CALAFCO's rich history as Executive Director from 2012 - 2022 and I share in that passion and dedication to CALAFCO.

I hope you enjoy this journey on the path of CALAFCO history through the lens of each of these ten people as they take their own journey down memory lane. I want to personally thank them for their time and for sharing their thoughts and memories with me so that I could share them with all of you. We start by honoring two of those amazing contributors who have gone before us, yet left legacies that live on well past their lifetime.



Mike Gotch

Mike Gotch is former LAFCo staff and Commissioner, former CALAFCO Executive Director and Board member, and former CA State Assemblymember. CALAFCO has an Achievement Award named in his honor. This is an interview with his wife, Janet Clare-Gotch.

Mike was involved with LAFCo and CALAFCO for a long time - at least a 20-year relationship. In addition to being San Diego LAFCos Executive Officer from 1977 - 1979, he was also a Commissioner on that same LAFCo. Mike served as CALAFCO's first non-EO Executive Director in 1998-1999. And, just prior to that, he was a CALAFCO Board member representing Napa LAFCo as their alternate public member. What would you say was the allure and passion of LAFCo and CALAFCO for Mike?

Mike certainly did have a passion for LAFCo; he jokingly referred to himself as a LAFCo wonk. The inner workings of government and LAFCo held an innate fascination for him.

Several years out of college Mike learned of and developed an interest in LAFCo after serving with the Chief Administrative Office and the Department of Public Works in San Diego. This eventually led him to apply for an Analyst job opening with San Diego LAFCo. In 1975 he was promoted to Assistant Executive Officer and the following year he was appointed to Executive Officer. In 1979, at the youthful age of 32, Mike was elected to the San Diego City Council. At that time, he thought he had left LAFCo behind, but in 1981, at the urging of then Mayor Pete Wilson, Mike became the first City of San Diego Council representative to sit on the San Diego LAFCo.

In 1987, Mike left the SD City Council and resigned from his city member position on LAFCo, to work for Presidential Candidate Gary Hart, the front-runner for the Democratic nomination - until he dropped out due to revelations of an affair. Mike and I married in 1988, and he re-emerged as the Alternate Public Member to

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A Journey on the Path of CALAFCO History

(Continued from page 14)

(Mike Gotch, continued)

San Diego LAFCo, as well as serving on the California Coastal Commission, and the SD Stadium Board of Governors.

In 1990, Mike was elected to the California State Assembly. He served for two terms and Chaired the Local Government Committee and served as Vice-Chair of the Natural Resources Committee - both great passions of his. While Chair of the Local Government Committee, Mike authored a number of bills, most notably AB 1335, often referred to as the "Gotch bill". This bill provided LAFCos the ability to bring about and regulate changes in local government boundaries and structure. Critics of this bill felt it gave LAFCos too much power, but Mike believed in what LAFCos could and should be.

After leaving the Assembly in 1994, Mike and I moved full-time to a little town in Napa County. Here he served on the Napa LAFCo as an alternate Public Member for a short time before he was elected to CALAFCO. In 1998, Mike resigned from the CALAFCO Board to become its first paid Executive Director, where he helped re-engineer CALAFCO during a time of transition for the Association.

In 1999, Mike resigned from CALAFCO and became the Legislative Director for Governor Gray Davis. He served until 2003. He and his staff were responsible for directing the legislative program through the Senate and the Assembly.

After re-entering public life again, we split our time between Napa and Borrego Springs. Mike served as Board member of the Anza Borrego Foundation and Institute and was a founding member of the Borrego Village Association. Mike died of cancer in 2008 at the young age of 60.

In 2009 after Mike's passing the year prior, CALAFCO created the Mike Gotch Courage & Innovation in Local Government Leadership Award to honor his legacy. Today the award is known as the Mike Gotch Excellence in Public Service Award. What do you think he would say about that?

Mike would have been so honored to have a CALAFCO award named after him! I'm certain that every year the award is made, he gives a nod to the recipient and a

wink to retired San Diego LAFCo Executive Officer, Mike Ott, who proposed creating an award on his behalf for CALAFCO.

Although the political landscape has changed since Mike's service in local and state government, the nature of servant leadership has not. What do you think he would say to those entering the local and state government world in terms of serving at their best in order to make positive change?

Mike took a number of important, and at times, controversial public stands as an elected official, a CALAFCO Board member, and as a LAFCo administrator. I think he would have encouraged those entering government to take a stand on important matters in order to make a difference. He would want them to ask questions and initiate dialogue on tough issues, and to not be afraid of dissenting whether or not one was in the minority. He would also remind of the need to treat one another respectfully. It would be this approach that Mike would encourage others to follow to make a positive change.



Jerry Gladbach

Jerry Gladbach is former Los Angeles LAFCo Commissioner and CALAFCO Board Chair. He served on the CALAFCO Board from 2005 – 2013. He received the 2009 Outstanding CALAFCO Member Award and in 2021 he was awarded CALAFCO's

Lifetime Achievement Award. This interview was conducted prior to Jerry's passing.

You served on the CALAFCO Board for 9 years and during several critical transformation periods for the Association. What one or two events do you remember the most, and in your opinion, how did they improve the Association?

When I was elected to the LAFCo for Los Angeles County in 2002, I had no idea of the opportunities that lay ahead. After a few years, I was elected Chair of the Commission, then elected to the CALAFCO

(Jerry Gladbach, continued)

(Continued on page 16)

A Journey on the Path of CALAFCO History

(Continued from page 15)

(Jerry Gladbach, continued)

Board and later elected its Treasurer, Secretary, Vice-Chair and Chair. Serving on the Board was both rewarding and challenging.

Soon after I was elected to the CALAFCO Board there was a strong belief among some of the members of the Southern California LAFcos that they were not adequately represented on the Board. The beliefs and feelings were so strong that a few LAFcos threatened to leave CALAFCO. It was considered a major issue and therefore the Chair of CALAFCO formed a Task Force to study various options to alleviate the concerns of those LAFcos. After many meetings and looking at various options the Task Force, of which I was a member, agreed on a proposal that would divide the State into four Regions - Northern, Central, Coastal and Southern. This was presented to the CALAFCO Board who reviewed it and after much discussion agreed to support it and present it to the Membership for their approval at the Conference. There was a lot of discussion at the Membership meeting, both pro and con, but in the end, it was approved, and this is what we have today, assuring that each region has an equal number of members on the CALAFCO Board.

Soon after I was elected CALAFCO Chair, Bill Chiat, CALAFCO's Executive Director at the time, informed me that he would be retiring after the next Conference. My first thought was that this is going to be a critical year for CALAFCO. I immediately formed a Task Force, which consisted of the Executive Committee. The members were Ted Novelli, Vice-Chair, Mary Jane Griego, Secretary, and John Leopold, Treasurer. The Task Force reviewed all the applications and selected six to be interviewed. We interviewed the six and presented the top two to the Board for their selection. The Board by a unanimous vote selected Pamela Miller, and the rest is history. I have always been grateful for Pamela applying for the position and for her commitment to the mission of CALAFCO. I am also thankful for the efforts of the Task Force and the Board for their support in hiring her.

Over the years, your LAFCo has had several Commissioners serve on the CALAFCO Board as well as staff serve as an officer for CALAFCO. What do you see as the value of this relationship?

Speaking of gratitude, I appreciate the efforts of the Executive Officers with LA LAFCo that provided so much support of my efforts while on the CALAFCO Board, namely Larry Calemine, Sandy Winger and Paul Novak, and the support and patience of my lovely wife Donna.

There are several benefits of participating in CALAFCO, whether that is on the Board of Directors or serving as a Deputy Executive Officer. As a Board Member, you provide input from your region, guide the organization and give feedback to your region regarding the direction of CALAFCO. The presence of DEOs provide support to the Executive Director and at the same time have an insight into CALAFCO's activities - and are another line of communication from the regions to the Executive Director and back to their region. It is a great way to have informal communication and know quickly what is happening. I am a great fan of Associations and have seen the benefits they can provide. An Association is like a family, where everyone contributes to the benefit of everyone else, and like the saying goes, you get out of it in proportion to what you contribute.

In your 20-year relationship with Los Angeles LAFCo and CALAFCO, you've no doubt witnessed and experienced a great deal of change. Looking forward, if you held one hope for the future of CALAFCO, what would that be?

What about the future? It would be great if CALAFCO had the finances to employ an Executive Director full-time and to somehow get a representative from each LAFCo to attend the Conference.



Clark Alsop

Clark Alsop is a partner in Best Best and Krieger and has been CALAFCO's legal counsel since we began keeping records (a long time). In 2006 Clark was awarded CALAFCO's Distinguished Service Award.

What keeps you interested in working with the

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A Journey on the Path of CALAFCO History

(Continued from page 16)

(Clark Alsop, continued)

CALAFCO Board?

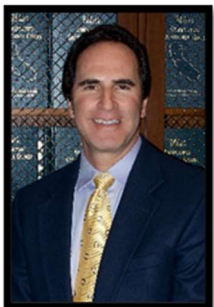
I started representing LAFCo in 1975 as a new Deputy County Counsel. That was my first exposure to local government. I quickly learned to appreciate LAFCo's role to encourage orderly growth and development. I was involved with a number of applications for specific projects. I saw CALAFCO as an entity that took a higher-level approach at issues with a statewide perspective. I appreciated working with the Board to make the LAFCo process work throughout the State. Board members have changed over time, but I believe the Board's work has remained constant in making the State a better place to live.

Is there a special story or memory you have?

I don't have a single special story or memory. I've worked with so many talented people over the years that it's difficult to select one story, but here are a couple that stand out: Jim Roddy, longtime Executive Officer of San Bernardino LAFCo, developed a humorous presentation about the ancient history of LAFCo titled "The Biblical History of LAFCo"; and I was part of a group of longtime LAFCo people on a panel that in draft form was called "Talking With Dinosaurs".

What is your recollection of the first CALAFCO Conference you attended?

I joined the County Counsel Office in early 1975. I attended my first CALAFCO Conference that fall in San Diego. I cannot recall what happened at the Conference except to recall that as a relatively new LAFCo counsel I was quite impressed with the breadth of knowledge displayed by everyone.



Michael Ott

Mike Ott is retired Executive Officer of San Diego LAFCo and served as CALAFCO's first Deputy Executive Officer from 1988 – 1993. He is the 2018 recipient of the Mike Gotch Courage & Innovation in Local Government Leadership Award.

How did you come to be the first Deputy Executive Officer?

There were several factors that led to my becoming CALAFCO's first Deputy Executive Officer (DEO). One factor had to do with the expectations that Commissioners placed on all staff at San Diego LAFCo. In the 1970s, Peter Detwiler worked several years for San Diego LAFCo as its Assistant Executive Officer before becoming the director of the local government unit at the Governor's Office of Planning and Research and later as the chief consultant for the Senate Local Government Committee. And then there was the late Mike Gotch who served as an analyst, Assistant Executive Officer and Executive Officer before being elected to the San Diego City Council and the California State Assembly. So, when I became an analyst in 1983, the expectation bar was set high, and I was expected to make contributions beyond San Diego County. The other pertinent factor was that CALAFCO was staffed exclusively by volunteers and the Association needed help, so I offered my assistance. It was also a good professional development opportunity for me when I was a young analyst and helped propel me to later become the Executive Officer of San Diego LAFCo.

What was the Association like at that time you served as the first Deputy Executive Officer?

With the exception of having a paid lobbyist, the Association was staffed exclusively by volunteers and governed by a group of dedicated Board members. The all-volunteer aspect of CALAFCO surprised other Associations and even the State Legislature, since CALAFCO carried itself like a larger organization with a team of lobbyists, administrators, and educators. In reality, CALAFCO resembled the Great Oz in the famous scene in The Wizard of Oz when Dorothy realized that Oz was merely an old man behind a green curtain projecting an image of himself to the outside world that he wanted others to see. I learned early on as DEO that it was best to not disclose to other Associations and government officials that a handful of volunteers and committees were all that was behind

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A Journey on the Path of CALAFCO History

(Continued from page 17)

(Michael Ott, continued)

CALAFCO's green curtain. Though CALAFCO functioned primarily with volunteers, it was a tight knit group. Among its biggest accomplishments in the 1980s, perhaps even to date, was the consolidation of the three predecessor statutes (Knox-Nisbet Act, District Reorganization Act, and Municipal Organization Act) into the Cortese-Knox Reorganization Act of 1985. Today's staff have no idea how difficult it was in the early years to make sense out of three conflicting predecessor statutes.

The other aspect of early CALAFCO life was its focus on two basic functions that continue today – to monitor and write legislation and educate its members. However, the major difference between the early years and today, was the evangelical approach taken to educate members in the past about what were new concepts at the time, such as spheres of influence, environmental review, property tax exchanges, contiguity definitions, fiscal impacts, etc. These and other concepts are now pro forma aspects of LAFCo life today, but they were new and sometimes controversial in the past.

What's one standout memory when you were Deputy Executive Officer?

I have two standout memories of CALAFCO. One of the proudest personal memories had to do with writing a report that led to the creation of the modern day CALAFCO; an Association run by paid staff – without the Great Oz standing behind a green curtain. The report I prepared took years to implement, but its conclusions and recommendations led to the eventual conversion of an organization run by volunteers to one reliant on a hybrid system with paid staff augmented with volunteers and committees.

The other standout memory had to do with what I consider the Golden Age of CALAFCO. While Deputy, I remember introducing a speaker at a Conference and losing my train of thought, as I saw two burly men get seated in the front row of the ballroom near me. They happened to be Assemblyman Jack Knox and former Governor Edmund "Pat" Brown, the founding fathers of LAFCo. When it came time for Assemblyman Knox and Governor Brown to talk, I remember them being immensely proud of the agency they created and of

the important responsibilities they gave us.

Those early days for me represented the Golden Age of CALAFCO and LAFCo, since both organizations were still fairly new and unproven institutions. It was a time of incredible optimism and promise, but it was also a time of increasing public bewilderment about our ultimate purpose and future. However, I would not trade those early days for anything.



Roseanne Chamberlain

Roseanne Chamberlain is retired LAFCo Executive Officer, former LAFCo Commissioner and former CALAFCO Board Chair. She served on the CALAFCO Board from 1990 – 1995. In 2013 she was awarded CALAFCO's Distinguished

Service Award.

Given your unique, multi-faceted perspective and 35-year LAFCo and CALAFCO tenure, what are your thoughts on the evolution of LAFCo and CALAFCO?

I haven't been doing LAFCo work from the beginning of time, but it does feel that way. I was appointed public member to Sacramento LAFCo in 1986 and became the Chair there in 1988, holding hundreds of hours of incorporation meetings for Citrus Heights and Elk Grove, serving on the CALAFCO Board and lobbying at the capitol for the Gotch Bill and lots of other legislation.

When I became CALAFCO Board Chair, my first goal was to adopt legislative policies with Pat McCormick's help. This may be the most enduring legacy of that period. CALAFCO has come far since those days. While we may take the organization and its consistency for granted now, it was not always that way. In the early years there was little organizational structure. It took a big nudge from Mike Ott and other respected Executive Officers to induce me to run for the Board. For example, there were no goals or objectives, no "job" descriptions and an irregular budget process. I remember when

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A Journey on the Path of CALAFCO History

(Continued from page 18)

(Roseanne Chamberlain, continued)

they asked me to pay my share of the meeting cost for lunch and the meeting room at my first Board meeting!

The people of CALAFCO, however, more than made up for whatever was lacking in those days. The staff volunteers were the core of CALAFCO and the organization depended heavily on LAFcos and individuals to donate time. People like John O'Farrell, Jim Roddy, Bob Braitman, Elizabeth Kemper, Clark Alsop and other generous contributors nurtured the early organization. The network included Peter Detwiler and Randy Pestor at the Legislature. I learned so much from these and others about integrity, public service, leadership and reliability. The legacy of these mentors still endures and is visible in the current organizational culture of CALAFCO, where we continue to generously support and sustain each other.

You've attended a lot of Conferences and Workshops through the years. What is your most memorable Conference or Workshop experience?

My first Conference was memorable because I totaled my car while in Santa Cruz just before the banquet. Bill Pellman (LA Counsel) kindly bought me a drink at the dinner. Because others were so kind, reassuring and supportive, I knew I would be OK. I spoke at Conferences so many times in the years when I was a Board member, I don't have distinct memories of any particular session, but I do recall the exact moment when I realized I was no longer nervous about public speaking. Chairing my first CALAFCO Board meeting was significant for me because I asked each Board member to identify their priority for the next year, which had never been done before.

What one piece of advice or golden nugget of wisdom would you share with current and future LAFco staff and CALAFCO Board members?

Do the homework. Staff needs to verify information as much as possible and avoid relying on secondary sources. The homework includes the research and technical information to cover all sides of an issue to enable informed decisions. Commissioners' "homework" includes reading the Board meeting materials carefully and bringing that understanding into their thinking about the policy implications of the

decision and the potential future consequences.



Patrick McCormick

Pat is retired Executive Officer of Santa Cruz LAFco. In 2009 Pat earned the CALAFCO Outstanding Professional award and in 2018 he was awarded CALAFCO's Lifetime

Achievement Award.

Over the years, you were called on by your CALAFCO colleagues (EO and Commissioner alike) countless times for certain historical information given your encyclopedic knowledge of LAFco. Can you share some historical facts that for you are the most interesting or obscure?

The name "Local Agency Formation Commission" does not describe most of the mission and activities of LAFcos. The origin of the awkward name occurred in the 1963 Legislative session when there were two bills - the Nisbet bill in the Senate initiating the regulation of city and district boundaries at the county level, and the Knox bill in the Assembly establishing a state commission to regulate local agency formations. When the two bills were squished together at the end of the Legislative session, the name that they used, from the Knox bill, was "local agency formation commission" even though the boundary regulations were spliced into the final version.

LAFco folks have had to explain the boundary regulatory functions at numerous public contacts. In 2000, with the preparation of the Growth Within Bounds Report and its implementing bill, CALAFCO vetted within its organization and proposed a name change so that each LAFco would become the "California Boundary Commission of ____ County". This showed that we were executing the State's authority by commissions organized in each county, and that we handled more than just formations. This name change was included in the version of the bill as it was introduced in the Legislature in 2000. To our shock, during one of the first set of amendments, the authors took out the name

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A Journey on the Path of CALAFCO History

(Continued from page 19)

(Patrick McCormick, continued)

change. The legislators were now familiar with “LAFCo” and didn’t want to change it. Perhaps a Commission for Local Governance for the 22nd Century will attempt to tackle the misnomer.

Your LAFCo was (and still is) an active member of CALAFCO. In your opinion, how did your LAFCo benefit from CALAFCO?

Among many benefits of CALAFCO, the best was the network of people to consult. For staffers, the ability to be trained by experienced people and to contact colleagues with urgent, specific questions was invaluable. Commissioners also benefited from the network of their peers. Our Commissioners desired to attend CALAFCO Conferences, even though they had busy personal, professional, and political lives and plenty of other meetings to attend.

In mid-career, you served as chair of the CALAFCO Legislative Committee. Tell us about an experience you had in Sacramento testifying before the Legislature.

As a young Executive Officer in August 1987, I was testifying on behalf of Santa Cruz LAFCo at the final hearing of a bill that would have annexed one 72-acre parcel to a city in Santa Cruz County. LAFCo approval had been overturned by a California Environmental Quality Act challenge. During the litigation, local elections had changed who sat on LAFCo. The property owner didn’t think he could get a majority vote at LAFCo and chose to hire a lobbyist and make some campaign contributions to state legislators to get a bill approved. The concept that the Legislature would start handing out individual annexation approvals was bad government and a horrible precedent to Santa Cruz LAFCo and CALAFCO.

The FBI had been quietly investigating corruption in the Legislature and had secretly gotten a bill introduced to promote aquaculture in Yolo County. Their secret agents would innocently say they were from out-of-state and wanted to know how things were done in California to get this bill through. They would eventually get 12 convictions. The evening before the final hearing on the Santa Cruz bill, 30 FBI agents

raided 4 legislators’ offices in the Capitol in what was later called “Shrimpscam”. The matter was on the front pages of the morning newspapers.

As I was waiting in an ornate Senate Committee room for the bill to be called, a page walked in a side door and put down a stack of bill copies. CALAFCO’s legislative adviser, Ed Gerber, said that I should go over and pick one up. Overnight, the author’s staff had worked and prepared 10 pages of amendments to add all sorts of housing policy and programs. (The bill still would have annexed the property).

I barely had time to read the bill, let alone consult with the LAFCo chair via phone. When I testified, the first question I got was what was Santa Cruz LAFCo’s position on the amended bill. I wanted to scream and respond that if any local government acted this way, the Legislature would probably pass a bill forbidding the practice. Ed quietly advised me to say that I had not had the opportunity to review the amendments with LAFCo. Afterward in the hallway, he heard my rant and explained that I could not criticize the author’s tactic if I wanted to try to convince the committee that LAFCo would give the property owner a fair hearing if the EIR were fixed. I was unsuccessful. The bill passed the committee but was never taken to the floor for a vote. Many Capitol watchers felt that the FBI’s ongoing investigation had something to do with the bill’s demise.



SR Jones

SR Jones is the Executive Officer for Nevada LAFCo. She served as CALAFCO Deputy Executive Officer from 1997 -

1999 and again in 2009, and as CALAFCO’s Executive Officer 2000 - 2001 and again 2010 - 2011. In 2001 she received the CALAFCO Outstanding Member Award.

You’ve been in the LAFCo/CALAFCO family for 29 years. What are your thoughts on the evolution of

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A Journey on the Path of CALAFCO History

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(SR Jones, continued)

LAFCo and CALAFCO?

I started working at Nevada LAFCo in 1993. At that time, the CALAFCO Board was supported by volunteer LAFCo Executive Officers and other LAFCo staffers. Despite the 'all-volunteer' nature of the organization, it nevertheless managed to offer Annual Conferences and Staff Workshops and monitor legislation while working with Senate and Assembly legislative consultants. In 1998 CALAFCO hired its first Executive Director, Mike Gotch, which paved the way for the Association to raise the quality of its educational/development program and to establish a more coherent and robust presence in the legislative arena.

In 1997, a bill authored by Assemblymember Robert Hertzberg established the Commission on Local Governance to review LAFCo law. The Commission's work over the next 16 months paved the way for the passage in 2000 of Assembly Bill 2838, which made significant changes to LAFCos' funding structure (until then, LAFCos had been funded solely by the County). During this entire process, CALAFCO was front and center, attending Commission on Local Governance meetings to provide commission members with valuable information. During the legislative process, CALAFCO worked closely with legislative staff. My sense is that the AB 2838 reforms had a transformative effect on LAFCos by reinforcing our role as independent agencies advocating for the of orderly growth and development in each county.

You served as CALAFCO's Deputy Executive Officer and Executive Officer more than once – first from 1997 – 2001 and again from 2009 – 2011. What made you want to return and serve CALAFCO a second time?

CALAFCO has provided a foundation for my professional development, a venue to meet and learn from other LAFCo staff. It's been a vehicle for orienting new Commissioners into the complexities of the Local Government Reorganization Act and for networking with other Commissioners to share knowledge and perspectives. So naturally, I was happy to give back to the organization in any way I could! Fortunately, the Nevada LAFCo Commission has always fully supported

the mission of CALAFCO and encouraged my involvement as well as the participation of many Nevada LAFCo Commissioners.

Candidly, though, the real reason for my involvement in CALAFCO is the opportunity to engage with LAFCo and CALAFCO staff and Board members. Without exception, LAFCo and CALAFCO staffers are smart, funny, kind and generous. Who could resist such delightful company! I attended my first staff Workshop in 1993 and was struck by the dedication and professionalism of LAFCo staffers. And now, nearly 30 years later, I still marvel at the breadth of knowledge of my colleagues, eager to share insights and strategies, encouragement and cautionary tales, and sometimes a laugh or tears.

You were serving as CALAFCO Deputy Executive Officer when Mike Gotch transitioned from a CALAFCO Board member to CALAFCO's first paid Executive Director, and as CALAFCO Executive Officer you were very involved in the hiring of our second Executive Director, Scott Harvey. What was CALAFCO like at that time?

Prior to Mike taking the Executive Director position, CALAFCO relied on volunteer LAFCo staff for all administrative and operational activities. Courtesy of San Bernardino LAFCos generosity, we had legal advice and assistance from the capable Clark Alsop of Best Best and Krieger. The Executive Officer of CALAFCO, assisted by other LAFCo volunteers, was responsible for all functions, including organization of Annual Conferences and Staff Workshops, legislative activities, and staff support for the CALAFCO Board of Directors. Other volunteer Executive Officers were involved, handling legislative matters with the support and assistance of the Legislative Committee.

Establishing a dedicated Executive Director position poised CALAFCO for evolution into a more professional organization and to raise our Association's profile with the legislature, as well as California Association of Counties, the League of Cities and the California Special Districts Association.

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A Journey on the Path of CALAFCO History

(Continued from page 21)

(SR Jones, continued)

Originally, CALAFCO Board members were selected by the membership as a whole. This structure tended to result in a majority of the Board members being from rural and suburban counties. In 2010, the CALAFCO Board was reorganized to establish the four regions for election of Board members that we use today. This transition occurred under the leadership of Executive Director Bill Chiat. It was not an easy transition, but Bill was patient and worked closely with Board members LAFCo Commissioners and LAFCo staff to pave the way for a more stable and equitable structure for the CALAFCO Board.



Gay Jones

Gay Jones serves as Commissioner for Sacramento LAFCo and is past CALAFCO Board Chair. She has served on the CALAFCO Board since 2007 and is the longest serving CALAFCO Board member.

How did you get involved in your district, LAFCo and CALAFCO?

Print media is the culprit! Our local paper had an article about formation of a new fire district in Sacramento County. The accompanying map showed my address in Division 8 of a new Metro Fire. By this time in 2020, my fire service career had reached almost 20 years. I said to myself "I can do this!" and I did. Friends, mentors if you will, encouraged me all along the way. From being elected as a Fire Board Director, Special District Commissioner and CALAFCO Board member, a lot of people helped me at each and every step.

What does CALAFCO mean to you and your LAFCo?

Today, I find the same type of support from my professional relationships within the CALAFCO community. Many friendships have developed over the years, and a common thread is interest in good governance. Sounds "corny", but it is true. CALAFCO informs my local LAFCo decisions by creating

perspective and assisting me in balancing all the information needed to make decisions.

As an active member, current Board member and past Chair of CALAFCO, what one piece of wisdom or advice would you give to CALAFCO members?

Thank you, CALAFCO! Keep up the good work!



Steve Lucas

Steve Lucas is the Executive Officer for Butte LAFCo. He currently serves as CALAFCO's Executive Officer and is the longest serving Officer for CALAFCO (2012 - 2022). In 2014 Steve was awarded CALAFCO's Outstanding Member Award and in 2016

he earned CALAFCO's Outstanding LAFCo Professional Award.

You've been a regional officer since 2012 and a CALAFCO member for 28 years with Butte LAFCo. In your view, how has the Association evolved?

When I first started as a LAFCo-ite in 1994 as a simple caveman planner, I viewed CALAFCO more as a professional/social club where we all came together to tell war stories, seek advice and... socialize.

I had little concept of how our Association functioned, what its core mission was or just what exactly a professional Association did for its members...but I sure did like to socialize and learn! Little did I know then that one day I would be sitting in a legislative hearing at the Capitol testifying for CALAFCO sponsored legislation! These many years later I have watched and participated in the evolution of our Association into a top tier educational resource for its members and the larger legislative and local government audience. Additionally, CALAFCO has become a significant stakeholder presence in Sacramento addressing legislative issues/proposals from others as well as generating our own legislative agenda and legislation. To summarize, the Association has

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A Journey on the Path of CALAFCO History

(Continued from page 22)

(Steve Lucas, continued)

transformed itself from a loose confederation of all volunteer members with advisory guidance and a very limited bandwidth to an organization with clear leadership, regional networks and a compensated regional staff of executive officers. We've come a long way baby!

What does CALAFCO mean for you and your LAFCo?

CALAFCO represents to us a solid educational resource that promotes communication between all LAFCos through its various initiatives such as the listserves, CALAFCO University and periodic white papers. It also establishes a forum for inter-disciplinary exchanges with our sister organizations as well non-governmental organizations and state and local agencies. In short, the CALAFCO family provides a safe and sane (most of the time) forum to improve our practices and enhance our services which ultimately secures our credibility locally.

As the current CALAFCO Executive Officer, what's your hope for CALAFCO's future?

I am deeply concerned about the level of volunteerism that CALAFCO depends on in so many ways. Many of the regular contributors to the Association (me included) are nearing the end of long careers and we must find a way to translate the experiences and knowledge of the old timers to a new generation of volunteers. It is also clear to me that it will continue to be a tall order for CALAFCO to compete with our sister organizations on the legislative and policy front unless we are committed to funding a larger CALAFCO staff that has the resources to push our agenda and engage in hand-to-hand combat in Sacramento to achieve our goals. On a much lighter note, I personally want to see CALAFCO continue its role as gathering place for social and collegial interaction...a function that has helped inspire me over the years and at times, kept me in the game.



Elliot Mulberg

Elliot Mulberg is currently a CALAFCO Associate Member. He is former LAFCo Executive Officer, former LAFCo Commissioner and served on the CALAFCO Board from 2002 – 2006.

You've been associated with LAFCo and CALAFCO for 26 years and in many ways (LAFCo Commissioner, CALAFCO Board member, EO, consultant and Associate Member). Given that, what are your thoughts on the evolution of LAFCo and CALAFCO?

During that time CALAFCO grew to be a more professional organization. When I was first elected the Board focused on the Conference and the two Staff Workshops, one for clerks and one for analysts. Board meetings were dominated by requests for refunds from registration. As time progressed the Board met to address issues common to the implementation of CKH. CALAFCO published the Sphere which had many articles from LAFCos around the state. I found the Legislative Committee particularly informative about issues that affect the operation of LAFCos. CALAFCO has grown to provide training through CALAFCO University seminars, increased communication among LAFCos, and has a larger presence in the Legislature.

What drew you to serve on the CALAFCO Board from 2002 – 2006?

I was encouraged to run by Chris Tooker and Roseanne Chamberlain who were not only fellow Sacramento LAFCo Commissioners but had served on the CALAFCO Board.

Please share the value of CALAFCO to you as an Associate Member.

As an Associate Member I have access to potential clients through the directory, the Workshops, and Conferences. In some cases, I am called on to provide expertise that I gained as a consultant working with LAFCos throughout the state. I am also informed of changes to CKH through access to the latest version of CKH.

- End -



ANNUAL REPORT 2022

CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS

CALAFCO

Sharing information and resources

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(916) 442-6536



Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, encouraging the efficient provision of government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.

CALAFCO LEADERSHIP

June 30, 2022

BOARD OF DIRECTORS

Anita Paque (*Calaveras - Public*), Chair
Bill Connelly (*Butte - County*), Vice-Chair
Margie Mohler (*Napa - City*), Treasurer
Acquanetta Warren (*San Bernardino - City*), Secretary

Blake Inscore (*Del Norte - City*)
Gay Jones (*Sacramento - District*)
Michael Kelley (*Imperial - County*)
Debra Lake (*Humbolt - District*)
Chris Lopez (*Monterey - County*)
Daron McDaniel (*Merced - County*)

Michael McGill (*Contra Costa - District*)
Derek McGregor (*Orange - Public*)
Jo MacKenzie (*San Diego - District*)
Daniel Parra (*Fresno - City*)
Shane Stark (*Santa Barbara - Public*)
Josh Susman (*Nevada - Public*)

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René LaRoche, *Executive Director*
Clark Alsop, *Legal Counsel*
Jeni Tickler, *Administrator*
Steve Lucas, *Executive Officer*
José Henriquez, *Deputy Executive Officer*
Dawn Mittleman Longoria, *Deputy Executive Officer*
Gary Thompson, *Deputy Executive Officer*

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MESSAGE FROM THE BOARD TREASURER

Margie Mohler

It has been an incredible honor to have served as the CALAFCO Treasurer. Since first becoming a LAFCo commissioner, I have come to embrace and truly appreciate the tenets under which LAFCOs operate—and now I also understand the importance of the work that CALAFCO does.

Everything that this association does, it does for and WITH our members. The partnerships and collaboration show in everything from the planning of our events, such as the staff workshops and annual conferences, our educational offerings like CALAFCO University and, of course, our interactions with legislation and the legislature. Your needs are what drive us, and we strive to provide you with the services and offerings that you need and deserve utilizing sound financial controls and consideration.

Unfortunately, the past two years have been challenging for us all. For CALAFCO, the major effect is found in our revenues which do not reflect the customary conference or workshop revenues. However, the previous steps that the Board took to reduce the structural deficit stood us in good stead and resulting shortfalls have been readily absorbed. We also had two unusual costs. The first resulted from a contractual obligation for hotel rooms that came due when the Spring Workshop was cancelled, and the second was the use of a professional firm for the Executive Director recruitment. Together, these one-time costs resulted in an uptick in expenses.

Of course, we can and should reflect on the many challenges that have been surmounted. However, kudos need to be given to CALAFCO staff, especially former Executive Director Pamela Miller, who managed to keep everything going during the trying times despite the reduction of revenues. She managed to maintain the focus on CALAFCO's mission by pivoting educational offerings to virtual presentations, interfacing with legislative reps via Zoom, and maintaining member communications. While our C.P.A. tells us that the organization is sound financially, its real assets are its people.

All-in-all, while it was not the year that we would have wished for, we managed to make it through in sound financial shape. Thank you for allowing me the opportunity to have served in this capacity.



MESSAGE FROM THE EXECUTIVE DIRECTOR

René LaRoche

Resilient. Innovative. Tenacious. Courageous. There is no other way to describe our members and staff after the way they've handled the last two years of this historic global pandemic. Together, we're all moving forward... often in fits and starts. Sometimes that looks like a setback, as with the cancellation of our Spring Staff Workshop due to a surge in COVID-19 cases. However, at other times it's a solid "return to normal," as with the October Conference - our first since 2019.

As we reflect on the past year, it is natural to start with the major developments, of which there were two. The first, driven by the tenacity of my predecessor, was the passage of SB 938. This multi-year effort clarified statutes related to consolidations and dissolutions, as well as addressing when a LAFCo may initiate the dissolution of a district at the 25 percent protest threshold. It took collaboration, team work, and more to get this done, so congratulations to all!

The second major event, of course, was the change in Executive Directors. Thankfully, Pamela Miller left a strong, financially sound organization, which allowed me to initially focus on continuity of services. (It's hard to keep plates spinning when you don't know what plates are in the air!) But the month of October marks my eighth month as ED, and my gaze has effortlessly shifted forward.

Interestingly, while I had no intentions of changing anything this first year, some things just morphed naturally such as the updated look of our periodicals. As you will note, this report has a more corporate look and feel and clearly aligns with the fiscal year to allow easy comparison of our services versus their costs.

Looking forward, a couple of things stand out. One, the monetization of the CALAFCO U webinars, started in July when non-members from local government entities began paying a small fee to attend the sessions. Other important things on the horizon include Strategic Planning, the pursuit of a Government Code Section 56133 amendment, and a (hopeful) return to at least some in-person sessions of CALAFCO U, as well as some Board meetings. Our website is also in need of a major overhaul to address security issues, but that is an opportunity to move to an Association Management Service (AMS), which will provide better member functions while reducing administrative time.

We also reluctantly accepted notice from Jim Gladfelter that this will be his last year as our CPA, so we will soon be issuing an RFP to find his replacement. However, we are indebted to Jim for his many years of service and dedication to CALAFCO.

Thus, I am pleased to report that the association is strong and active, and it is so because of you! On behalf of myself and the Board, I want to extend sincere thanks and gratitude to our members and many volunteers who contribute to bringing these efforts to life. While the past year has brought challenges, it has also brought opportunities, and I am excited and looking forward to what the next year brings!

STRATEGIC PRIORITIES

Educational Resource | Member Development & Communication | Information Resource & Policy Advocate



HEART. GRIT. DETERMINATION.

All of this and more is performed by 1.5 FTE, 2 Part-time Consultants, 4 Regional Staff, and numerous committee volunteers.

CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS

CALAFCO

Sharing information and resources

1020 12th Street, Suite 222, Sacramento, California 95814
(916) 442-6536



FINANCIAL MANAGEMENT

The financial data that follows has been selected from the Association's financial statements, which were prepared in accordance with Generally Accepted Accounting Principles (GAAP). Unabridged copies of all financial statements can be found in the Board's July 22, 2022 agenda packet or may be obtained by sending an email request to info@calafco.org.

CALAFCO employs multiple safeguards to ensure that the Association's assets are safeguarded from unauthorized use, and that all transactions are scrutinized to ensure that they are authorized, executed, and recorded properly. In addition, the association employs James Gladfelter, C.P.A., of Alta Mesa Group, LLP, who monitors these controls through the performance of quarterly reconciliations.

OVERVIEW

FY 21-22 revenues compare favorably to the previous year but again consist almost entirely of member dues, with LAFCo member dues representing approximately 90%. Revenues again reflect a lack of event receipts since both the 2021 Annual Conference and the 2022 Staff Workshop had to be cancelled. CALAFCO University, on the other hand, generated a small portion of the total revenue, mostly through sponsorships that were transferred from the cancelled conference.

While the lack of events caused expenses to trend downward proportionately, the cancellation of the 2022 Staff Workshop triggered a contractually guaranteed payment for the blocked hotel rooms which resulted in a one-time expense. Similarly, the hiring of a firm to assist with the Executive Director recruitment represents another unusual expense. Overall, the remaining expenses represent normal operational expenses, which have been held at historic levels due to previously implemented austerity measures.

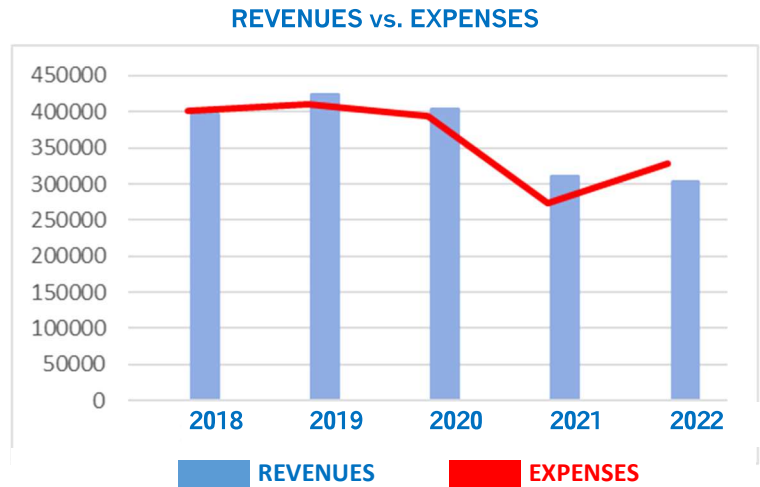
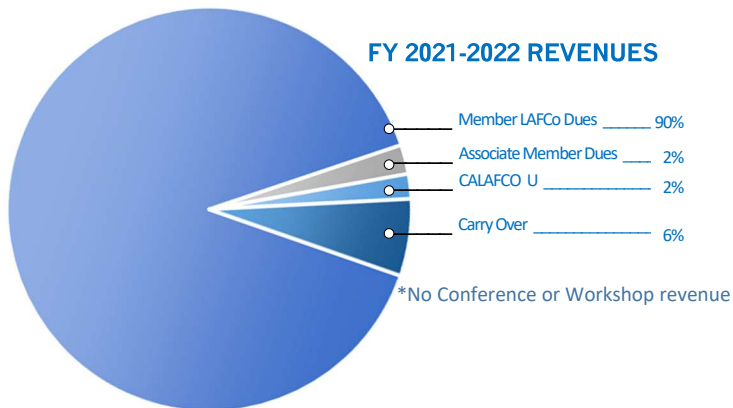
Margie Mohler
CALAFCO Treasurer

René LaRoche
Executive Director

STATEMENT OF FINANCIAL POSITION

AS OF JUNE 30, 2022

ASSETS	2021	2022
Cash and Cash Equivalents	\$270,122	\$200,489
Accounts and Other Receivables	-\$ 18,585	-\$ 13,779
Prepaid and Deferred Expenses	\$ 13,092	\$ 14,792
Total Assets	\$264,629	\$201,502
LIABILITIES		
Accounts and Other Payables	\$ 8,364	\$ 7,992
Deferred Income	\$ 15,633	\$ 3,000
Accrued Expenses	\$ 7,892	\$ 7,930
Total Liabilities	\$ 31,889	\$ 18,922
NET ASSETS		
Unrestricted	\$ 34,161	\$ 69,986
Fund Reserve	\$ 162,754	\$ 162,754
Net Surplus/Deficit	\$ 35,825	-\$ 50,160
Total Net Assets	\$ 232,740	\$ 182,580
Total Liabilities & Net Assets	\$ 264,629	\$ 201,502



Thank You to All of Our Associate Members

CALAFCO GOLD ASSOCIATE MEMBERS



COLANTUONO
HIGHSMITH
WHATLEY, PC



CALAFCO SILVER ASSOCIATE MEMBERS

Berkson Associates
Chase Design, Inc.
City of Rancho Mirage
County Sanitation Districts of L.A. County
Cucamonga Valley Water District
DTA
E Mulberg & Associates
Economic & Planning Systems (EPS)
Goleta West Sanitary District
Griffith, Masuda & Hobbs, a Professional Law Corp
HdL Coren & Cone
Holly Owen, AICP
LACO Associates
Planwest Partners Inc.
Policy Consulting Associates
P. Scott Browne
QK
Rancho Mission Viejo
Sloan Sakai Yeung & Wong, LLP
South Fork Consulting, LLC
SWALE Inc.
Terranomics Consulting



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