

# **AGENDA**

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

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

**REGULAR MEETING OF NOVEMBER 15, 2023**

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

### **ANNOUNCEMENT:**

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

1. Comments from the Public  
(By Commission policy, the public comment period is limited to three minutes per person for comments related to other items under the jurisdiction of LAFCO not on the agenda.)

### **CONSENT ITEMS:**

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

2. [Approval of Minutes for Regular Meeting of September 20, 2023](#)
3. [Approval of Executive Officer's Expense Report](#)
4. [Ratify Payments as Reconciled and Note Cash Receipts for the Months of August and September 2023](#)
5. Consent Items Deferred for Discussion

### **PUBLIC HEARING ITEMS:**

6. [Consideration of: \(1\) CEQA Exemption for LAFCO SC#517; and \(2\) LAFCO SC#517 -City of Chino Covenant Agreement to Annex for Sewer Service \(APN 1016-331-05\)](#)
7. Consideration of (1) CEQA Exemption for LAFCO 3260; and (2) LAFCO 3260 – Annexation to the Lake Arrowhead Community Services District (Hesperia Farms Property - District Owned) **TAKEN OFF CALENDAR**
8. [Consideration of \(1\) CEQA Exemption for LAFCO 3262; and \(2\) LAFCO 3262 - Annexation to the Helendale Community Services District \(Lower Eastern Sphere of Influence\)](#)

**DISCUSSION ITEMS:**

9. First Quarter Financial Review for FY 2023/24

**INFORMATION ITEMS:**

10. Legislative Update Report

11. Executive Officer's Report

12. 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.

The Commission may adjourn for lunch from 12:00 to 1:30 p.m. The Commission may take action on any item listed in this Agenda whether or not it is listed for Action. In its deliberations, the Commission may make appropriate changes incidental to the above-listed proposals.

Materials related to an item on this Agenda submitted to the Commission or prepared after distribution of the agenda packet will be available for public inspection in the LAFCO office at 1170 West Third Street, Unit 150, San Bernardino, during normal business hours, on the LAFCO website at [www.sbclafco.org](http://www.sbclafco.org).

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

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

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

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

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

**REGULAR MEETING**

**9:00 A.M.**

**SEPTEMBER 20, 2023**

**PRESENT:**

**COMMISSIONERS:**

**Regular Member**

Joe Baca, Jr.  
James Bagley  
Kimberly Cox  
Steven Farrell, Vice Chair  
Curt Hagman  
Acquanetta Warren, Chair

**Alternate Member**

Jim Harvey  
Kevin Kenley

**STAFF:**

Samuel Martinez, Executive Officer  
Paula de Sousa, Legal Counsel  
Michael Tuerpe, Assistant Executive Officer  
Arturo Pastor, Analyst  
Rebecca Lowery, Acting Commission Clerk  
Tom Dodson, Environmental Consultant

**ABSENT:**

**COMMISSIONERS:**

**Regular Member**

Phill Dupper

**Alternate Member**

Rick Denison  
Dawn Rowe

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –  
9:03 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

**ANNOUNCEMENT OF CONTRIBUTIONS**

**1. Comments from the Public**

There are none.

**CONSENT ITEMS:**

**2. Approval of Regular Meeting of August 16, 2023**

**3. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card

Purchases from July 25 to August 22, 2023.

**4. Ratify Payments as Reconciled and Note Revenue Receipts for the Month of July 2023**

Recommendation: Ratify payments as reconciled for the month of July 2023 and note revenue receipts for the same period.

**5. Ratify Action of the Commission Chair Warren's Appointment of Voting Delegate and Alternate Voting Delegate for the CALAFCO Conference**

Recommendation: Staff recommends that the Commission ratify the authorization and revise the naming of Vice Chair Steven Farrell and the voting delegate and Jim Bagley as the alternate voting delegate.

**6. Consent Items Deferred for Discussion**

*Executive Officer Samuel Martinez provides a minor correction to the minutes under public comment indicating Mr. Maya spoke on behalf of Item 5, not Item 4 as noted in the minutes.*

*Commissioner Baca moves to approve Consent Items with modified minutes. Second by Commissioner Cox. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Cox, Farrell, and Warren.*

*Noes: None.*

*Abstain: None.*

*Absent: Dupper, Hagman.*

**DISCUSSION ITEM:**

*Executive Officer Samuel Martinez requests moving the agenda items out of order and taking the one Discussion item first prior to the Public Hearing items as it contains information that would be a good introduction and segue to the four service contract items.*

*Commissioner Hagman arrives at the dais at 9:20 a.m.*

**11. Discussion on Government Code Section 56133 and Policy and Procedure Manual, Section IV, Chapter 2 (Out-of-Agency Service Contracts)**

Recommendation: Staff recommends that the Commission:

1. Receive and file this report.
2. Provide staff with any direction on its Policies and Procedures related to Government Code Sections 56133 and 56133.5.

*Chair Warren states the item is to receive and file and requires no action from the Commission.*



**PUBLIC HEARING ITEMS:**

**7. LAFCO SC#508 – Cucamonga Valley Water District Irrevocable Agreement to Annex for Sewer Service – 8545 Pecan Avenue (APN 0229-171-02)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#508 by taking the following actions:

1. For environmental review, take the following actions as a responsible agency:
  - a) Certify that the Commission, staff, and environmental consultant, have independently reviewed and considered the City of Rancho Cucamonga's Notice of Exemption ("NOE") package approving a Class 32 Categorical Exemption (Infill Development Project) to develop a 103,945 sq. ft. warehouse distribution facility on approximately 4.75 acres and found it to be adequate for the Commission's use as Responsible Agency;
  - b) The Commission has considered the City's NOE and the minimal environmental effects of the project and finds the information adequate for the Commission's use for its authorization of said service agreement;
  - c) 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 City of Rancho Cucamonga and/or others, not the Commission; and are self-mitigating through the Conditions of Approval; and,
  - d) Direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve SC#508 authorizing the Cucamonga Valley Water District to extend sewer service outside its boundaries to Assessor Parcel Number 0229-171-02; and,
3. Adopt LAFCO Resolution #3383 setting forth the Commission's determinations and approval of the agreement for service outside the Cucamonga Valley Water District's boundaries.

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

Ayes: Baca, Bagley, Cox, Farrell, Hagman, and Warren.  
Noes: None.  
Absent: Dupper.

**8. LAFCO SC#510 - City of Redlands OSC 23-03 for Water and Sewer Service (APNs 0298-391-01, -03, -09, and -10)**

*Public Comment: Jan Orbaker, Mentone Chamber of Commerce.*

Recommendation: Staff recommends that the Commission approve LAFCO SC#510 by taking the following actions:

1. Certify that LAFCO SC#510 is exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC#510 authorizing the City of Redlands to extend water and sewer service outside its boundaries to Assessor Parcel Numbers 0298-391-01, 0298-391-03, 0298-391-09, and 0298-391-10.
3. Adopt LAFCO Resolution #3382 setting forth the Commission's determinations and approval of the agreement for service outside the City of Redlands' boundaries.

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

Ayes: Baca, Bagley, Cox, Farrell, Hagman, and Warren.  
Noes: None.  
Absent: Dupper.

**9. LAFCO SC#513 - City of San Bernardino Irrevocable Agreement to Annex No. 2023-372 for Sewer Service (APN 0267-021-02)**

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

1. Certify that LAFCO SC #513 is exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC #513 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number 0267-021-02.
3. Adopt LAFCO Resolution #3381 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

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

Ayes: Baca, Bagley, Cox, Farrell, Hagman, and Warren.  
Noes: None.  
Absent: Dupper.

*Commissioner Baca leaves the dais at 10:03 a.m.*

*Chair Warren leaves the dais at 10:05 a.m. Vice Chair Farrell takes over as Chair for the remainder of the LAFCO proceedings.*

**10. LAFCO SC#514 – City of Chino Pre-Annexation and Development Agreement for Sewer Service (Yorba Villas, LLC; APNs 1013-211-21 & 1013-211-22)**

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

1. For environmental review as a responsible agency:

- a. Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City of Chino's Addendum #1 and the County's Complete Final Environmental Impact Report (EIR) for the Yorba Villas Residential Project (SCH# 2021060049) that includes a County Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR), Zoning Amendment from Single Residential 1-Acre Minimum (RS-1) to Single Residential (RS), Planned Development Permit to Allow for Reduced Setbacks from County Development Code Standards, and Tentative Tract Map (TTM #20394) to Subdivide the Project Site into a 45-Unit Residential Housing Tract and two Lettered Lots on Approximately 13.35 Acres;
  - b. Determine that the City's Addendum #1 and the County's Complete Final EIR for the Yorba Villas Residential Project are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO SC#514;
  - c. 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 and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
  - d. Direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
2. Approve LAFCO SC#514 authorizing the City of Chino to extend sewer service outside its boundaries to Tentative Tract 20394, proposed for a 45-unit residential subdivision on Assessor Parcel Numbers 1013-211-21 and 1013-211-22; and,
  3. Adopt LAFCO Resolution #3384 setting forth the Commission's determinations and approval of the agreement for service outside the City of Chino's boundaries.

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

Ayes: Bagley, Cox, Farrell, and Hagman.  
 Noes: None.  
 Absent: Baca, Dupper and Warren.

## **INFORMATION ITEMS:**

### **12. Legislative Update Report**

Executive Officer Samuel Martinez states he has no legislative report for today.

### **13. Executive Officer's Report**

Executive Officer Samuel Martinez notes the Commission meeting schedule for the remainder of the calendar year. He notes that the month of October will be dark due to the CALAFCO Conference and that the Commission will return for a November meeting.

Executive Officer Samuel Martinez informs the Commission that staff is processing the service review of the Barstow Cemetery District. He also informs the Commission that staff has attended the CA Department of Conservation's training session on Williamson Act Contracts.

**14. Commissioner Comments**

There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:22 A.M.**

ATTEST:

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


LOCAL AGENCY FORMATION COMMISSION

\_\_\_\_\_  
ACQUANETTA WARREN, Chair

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE :** NOVEMBER 6, 2023  
**FROM:** SAMUEL MARTINEZ, Executive Officer   
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #3 – APPROVAL OF EXECUTIVE OFFICER'S  
EXPENSE REPORT**

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## **RECOMMENDATION:**

Approve the Executive Officer's Expense Report for Procurement Card Purchases from August 23, 2023 to September 22, 2023 and September 23, 2023 to October 23, 2023.

## **BACKGROUND INFORMATION:**

The Commission participates in the County of San Bernardino's Procurement Card Program to supply the Executive Officer a credit card to provide for payment of routine official costs of Commission activities as authorized by LAFCO Policy and Procedure Manual Section II – Accounting and Financial Policies #3(H). Staff has prepared an itemized report of purchases that covers the billing period of:

- August 23, 2023 to September 22, 2023
- September 23, 2023 to October 23, 2023

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

SM/AS

Attachment



## PROCUREMENT CARD PROGRAM

## ATTACHMENT G

## MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period 8/23/23 to 9/22/2023	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX INCL
08/23/23	Thomas West	1	Law Library Updates	Law Library Updates	8900005012	52002080	\$316.68			
08/22/23	Southwest Airlines	2	Air Travel - J. Bagley	Annual Conf. Monterey, CA	8900005012	52002945	\$242.89			
08/23/23	Southwest Airlines	3	Air Travel - K. Cox	Annual Conf. Monterey, CA	8900005012	52002945	\$186.91			
08/31/23	Dell Technologies	4	Office Expense	Docking Station	8900005012	52002305	\$238.15			
08/31/23	Dell Technologies	5	Office Expense	Multiport Adapter	8900005012	52002305	\$97.43			
09/01/23	Microsoft	6	Computer Software	Microsoft Renewal Subscription	8900005012	52002115	\$69.99			
09/07/23	Dell Technologies	7	Office Expense	Laptop Computer	8900005012	52002305	\$1,648.05			
09/06/23	Thomas West	8	Law Library Updates	Law Library Updates	8900005012	52002080	\$316.68			
09/12/23	Zoom	9	Video Conferencing	View Commission Meeting	8900005012	52002305	\$16.15			
09/21/23	Panera Bread	10	Office Expense	Commission Meeting	8900005012	52002305	\$49.36			

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	11/06/23

Approving Official (Print & Sign)	Date
Acquanetta Warren	11/15/23





## PROCUREMENT CARD PROGRAM

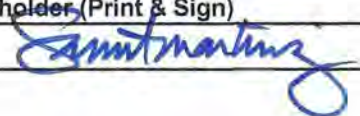
## ATTACHMENT G

## MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period 9/23/23 to 10/23/2023	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX INCL
09/21/23	Office Depot	1	Office Expense	Computer Wireless Mouse	8900005012	52002305	\$21.74			
09/27/23	Eventbrite	2	CALAFCO Annual Conference Fee	CALAFCO Annual Conference	8900005012	52942941	\$727.45			
09/27/23	Southwest Airlines	3	Air Travel - A. Warren	CALAFCO Annual Conference	8900005012	52942945	\$297.96			
10/11/23	Thomas West	4	Law Library Updates	Law Library Updates	8900005012	52002080	\$316.68			
10/10/23	Southwest Airlines	5	Air Travel - A. Warren	CALAFCO Annual Conference	8900005012	52942945	\$90.00			
10/12/23	Zoom	6	Video Conferencing	Commission Admin Meeting	8900005012	52002305	\$16.15			
10/17/23	Chipotle	7	3 Staff Mmbs Dinner	CALAFCO Annual Conference	8900005012	52002305	\$35.15			
10/21/23	Hyatt Regency	8	Hotel Room Credit - Sam Martinez	CALAFCO Annual Conference	8900005012	52942942	\$113.60	CREDIT		
10/20/23	Hyatt Regency	9	Hotel Rm - Jim Bagley	CALAFCO Annual Conference	8900005012	52942942	\$713.34			
10/20/23	Hyatt Regency	10	Hotel Rm - Arturo Pastor	CALAFCO Annual Conference	8900005012	52942942	\$713.34			
10/20/23	Hyatt Regency	10	Hotel Rm - Michael Tuerpe	CALAFCO Annual Conference	8900005012	52942942	\$713.34			
10/20/23	Hyatt Regency	11	Hotel Rm - Kimberly Cox	CALAFCO Annual Conference	8900005012	52942942	\$718.31			
10/20/23	Hyatt Regency	12	Hotel Rm - Steven Farrell	CALAFCO Annual Conference	8900005012	52942942	\$754.34			
10/20/23	Hyatt Regency	13	Hotel Rm - Catherine Janowicz	CALAFCO Annual Conference	8900005012	52942942	\$475.56			
10/20/23	Hyatt Regency	14	Hotel Rm - Samuel Martinez	CALAFCO Annual Conference	8900005012	52942942	\$826.94			

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 	11/06/23

Approving Official (Print & Sign)	Date
Acquanetta Warren	11/15/23

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : NOVEMBER 8, 2023   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #4 - RATIFY PAYMENTS AS RECONCILED FOR  
THE MONTHS OF AUGUST AND SEPTEMBER 2023 AND NOTE  
REVENUE RECEIPTS

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## **RECOMMENDATION:**

Ratify payments as reconciled for the months of August and September 2023 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, 2023
- September 1 through September 30, 2023

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

SM/MT

Attachment



AUGUST 2023 PAYMENTS PROCESSED						
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount
1901558752	52002085	08/08/23	SB Sun	B3721910	Notice of Hearing SB County Sun	\$ 708.40
1901558751	52002090	08/08/23	Jan Pro	94160	Fee for Janitorial Service Month of August 2023	\$ 588.00
1901562417	52002180	08/14/23	So Cal Edison	6433-8-9-23	Cust acct 700099666433 Svc Acct 8002108287	\$ 735.01
1901555911	52002305	08/02/23	Shred-It	8004447489	7-24-2023 Select Purge Service On-site Tote-Large	\$ 25.00
1901561522	52002315	08/11/23	Vital Records Control	3647839LAX1	Storage Summary 316 Contracted Cubic Feet	\$ 137.85
1901555949	52002335	08/02/23	Rebecca Lowery	01-6598835	Lowery, Rebecca 1 Office Asst 04/08/2023	\$ 196.40
1901569147	52002400	08/23/23	Best, Best, Krieger	972570	Legal Counsel	\$ 1,393.80
1901569149	52002400	08/23/23	Best, Best, Krieger	972569	Legal Counsel	\$ 1,473.60
1901572882	52002424	08/29/23	Tom Dodson	LAFCO 23-6	LAFCO Projects - 2022 FY22/23 - Invoice LAFCO 23-6	\$ 1,520.00
1901558754	52002445	08/08/23	Rebecca Lowery	2	Invoice for July 1 - July 15, 2023	\$ 637.50
1901569143	52002445	08/23/23	Event Design Lab	03759	Live Stream Broadcast Package Per Event Day	\$ 750.00
1901569144	52002445	08/23/23	Rebecca Lowery	3	Invoice for: Aug 1 - Aug 15 2023	\$ 612.50
1901569154	52002445	08/23/23	Baca	BACA8-16-23	Baca Stipend for Aug 16 Commission meeting	\$ 200.00
1901569156	52002445	08/23/23	Cox	COX8-16-23	Cox Stipend for Aug 16 Commission meeting	\$ 200.00
1901569157	52002445	08/23/23	Bagley	BAGLEY8-16-23	Bagley Stipend for Aug 16 Commission meeting	\$ 200.00
1901569158	52002445	08/23/23	Dupper	DUPPER8-16-23	Dupper Stipend for Aug 16 Commission meeting	\$ 200.00
1901569161	52002445	08/23/23	Farrell	FARRELL8-16-23	Farrell Stipend for Aug 16 Commission meeting	\$ 200.00
1901569162	52002445	08/23/23	Hagman	HAGMAN8-16-23	Hagman Stipend for Aug 16 Commission meeting	\$ 200.00
1901569164	52002445	08/23/23	Harvey	HARVEY8-16-23	Harvey Stipend for Aug 16 Commission meeting	\$ 200.00
1901569165	52002445	08/23/23	Kenley	KENLEY8-16-23	Kenley Stipend for Aug 16 Commission meeting	\$ 200.00
1901569166	52002445	08/23/23	Warren	WARREN8-16-23	Warren Stipend for Aug 16 2023	\$ 200.00
1901572884	52002445	08/29/23	Hannah Larsen	#9	Story Maps Revision	\$ 50.00
1901572885	52002445	08/29/23	Hannah Larsen	#10	6/12/23 & 6/16/23 Tasks Mtg w/Sam; Updates w/Art	\$ 75.00
1901572887	52002445	08/29/23	Hannah Larsen	#11	7/2/23 & 7/27/23 Tasks: Updates to Maps; StoryMap	\$ 75.00
1901561521	52002895	08/11/23	Konica Minolta	42862872	Inv 42862872	\$ 365.38
1901561521	52002895	08/11/23	Konica Minolta	42862872	Inv 42862872	\$ 49.23
1901555690	52002905	08/01/23	Inland Valley Dev. Authority	1637	Monthly rent for using Auditorium Aug 2023	\$ 405.00
1901573351	52002905	08/30/23	Inland Valley Dev. Authority	1622	Monthly rent for using Auditorium July 2023	\$ 405.00
1901569156	52942940	08/23/23	Cox	COX8-16-23	Cox Stipend for Aug 16 Commission meeting	\$ 77.29
1901569157	52942940	08/23/23	Bagley	BAGLEY8-16-23	Bagley Stipend for Aug 16 Commission meeting	\$ 113.97
1901569161	52942940	08/23/23	Farrell	FARRELL8-16-23	Farrell Stipend for Aug 16 Commission meeting	\$ 23.97
1901569164	52942940	08/23/23	Harvey	HARVEY8-16-23	Harvey Stipend for Aug 16 Commission meeting	\$ 110.04
1901569165	52942940	08/23/23	Kenley	KENLEY8-16-23	Kenley Stipend for Aug 16 Commission meeting	\$ 31.70
1901569166	52942940	08/23/23	Warren	WARREN8-16-23	Warren Stipend for Aug 16 2023	\$ 25.67
1901568175	52942941	08/22/23	CALAFCO	2023 OCT CONF	Ann. Conf. Reg. Forms Monterey, CA Oct 18-20	\$ 4,760.00
1901573099	40709545	08/30/23	Lucina Galicia	Refund	SC#511 Refund	\$ 2,962.00
<b>TOTAL</b>						<b>\$ 20,107.31</b>
AUGUST 2023 COUNTY TRANSFERS PROCESSED						
4103045937	52002031	08/01/23	IT		JUL 2023 Payroll System Services (EMACS)	\$ 83.88
4103045938	52002032	08/01/23	IT		JUL 2023 Virtual Private Network (VPN)	\$ 13.84
4103045807	52002037	08/01/23	IT		JUL 2023 Dial Tone	\$ 249.84
4103045940	52002322	08/01/23	IT		JUL 2023 Enterprise Printing (EMACS)	\$ 7.48
4103045813	52002420	08/01/23	IT		JUL 2023 Data Storage and Backup	\$ 100.76
4103045813	52002420	08/01/23	IT		JUL 2023 Enterprise Content Management	\$ 115.00
4103045813	52002420	08/01/23	IT		JUL 2023 File Sharing Storage	\$ 100.18


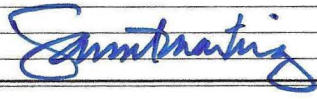


4103045813	52002420	08/01/23	IT		JUL 2023 Wireless Device (Exchange Active Sync)	\$ 24.21
4103045834	52002421	08/01/23	IT		JUL 2023 Desktop Support Services	\$ 782.16
4103045810	52412410	08/01/23	IT		IT Infrastructure - Period 2	\$ 711.00
4200119987	52002424	08/01/23	Clerk to the Board		NOE - LAFCO SC#507	\$ 50.00
4200119990	52002424	08/01/23	Clerk to the Board		NOE - LAFCO jSC#503	\$ 50.00
4200119992	52002424	08/01/23	Clerk to the Board		NOE-LAFCO SC#504	\$ 50.00
4200119993	52002424	08/01/23	Clerk to the Board		NOE-LAFCO SC#505	\$ 50.00
4200120003	52002424	08/01/23	Clerk to the Board		NOE-LAFCO SC#512	\$ 50.00
4200120568	52002445	08/22/23	Auditor		2023 Q2 Quaterly Tax Filing	\$ 992.25
4200120579	52002310	08/11/23	Mail		Mail Services - DEL	\$ 213.36
4200120580	52002310	08/11/23	Mail		Mail Services - FLAT	\$ 11.88
4200120581	52002310	08/11/23	Mail		Mail Services - HAN	\$ 655.45
<b>TOTAL</b>						<b>\$ 4,311.29</b>
<b>AUGUST 2023 CASH RECEIPTS</b>						
4103035842	various	08/07/23	City of San Bernardino		SC# 511	\$ 3,568.00
4103035842	40709800	08/07/23	City of San Bernardino		SC# 512	\$ 606.00
4103035842	various	08/07/23	City of San Bernardino		SC# 513	\$ 3,568.00
4103035842	various	08/07/23	City of Chino		SC# 514	\$ 8,240.00
<b>TOTAL</b>						<b>\$ 15,982.00</b>
<b>AUGUST 2023 COUNTY TRANSFERRED RECEIVED</b>						
2700015613	40308500	08/01/23	Treasury		QE 6/30/2023 INTEREST APPORTIONMENT	\$ (6,480.52)
2700015616	40309984	08/01/23	Treasury		GASB 31 ADJ 2023	\$ 20,257.71
4200119940	40608842	08/03/23	Auditor		2023-24 LAFCO Apportionment Payment, COUNTY	\$ (390,761.00)
<b>TOTAL</b>						<b>\$ (376,983.81)</b>
COMPLETED BY:	MICHAEL TUERPE			APPROVED BY:	SAMUEL MARTINEZ	
	Senior Analyst				Executive Officer	
	Date: 11/8/2023				11/8/2023	



SEPTEMBER 2023 PAYMENTS PROCESSED						
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount
1901586989	52002075	09/26/23	CALAFCO	2023-35	Member LAFCOs 2023-24 LAFCO Member Dues	\$ 12,221.00
1901578760	52002085	09/08/23	SB Sun	B3732028	Notice of Hearing SB County Sun	\$ 579.60
1901578759	52002090	09/08/23	Jan Pro	94515	Fee for Janitorial Service Month of Sept 2023	\$ 588.00
1901585787	52002180	09/25/23	So Cal Edison	6433-9-8-23	Cust acct 700099666433 Svc Acct 8002108287	\$ 674.59
1901575279	52002305	09/05/23	Shred-It	8004637862	Site#3000409182 County of SBDO LAFCO	\$ 19.25
1901587781	52002400	09/27/23	Best, Best, Krieger	974706	Legal Counsel	\$ 522.00
1901587782	52002400	09/27/23	Best, Best, Krieger	974705	Legal Counsel	\$ 944.39
1901578762	52002424	09/08/23	Tom Dodson	LAFCO 23-5	LA-1044 - LAFCO 3262	\$ 170.00
1901585609	52002424	09/22/23	Tom Dodson	LAFCO 23-7	LAFCO projects 2023 FY23/24	\$ 2,005.00
1901575273	52002445	09/05/23	Rebecca Lowery	4	Invoice for Aug. 16 to Aug. 31, 2023	\$ 700.00
1901585580	52002445	09/22/23	Baca	BACA9-20-23	Baca Stipend for Sept 20 Commission mtg	\$ 200.00
1901585583	52002445	09/22/23	Bagley	BAGLEY9-20-23	Bagley Stipend for Sept 20 Commission mtg	\$ 200.00
1901585585	52002445	09/22/23	Cox	COX9-20-23	Cox Stipend for Sept. 20 Commission mtg.	\$ 200.00
1901585589	52002445	09/22/23	Farrell	FARRELL9-20-23	Farrell Stipend for Sept. 20 Commission mtg	\$ 200.00
1901585595	52002445	09/22/23	Hagman	HAGMAN9-20-23	Hagman Stipend for Sept. 20 Commission mtg	\$ 200.00
1901585598	52002445	09/22/23	Harvey	HARVEY9-20-23	Harvey Stipend for Sept. 20 Commission mtg	\$ 200.00
1901585600	52002445	09/22/23	Kenley	KENLEY9-20-23	Kenley Stipend for Sept. 20 Commission mtg	\$ 200.00
1901585602	52002445	09/22/23	Warren	WARREN9-20-23	Warren Stipend Sept. 20 Commission mtg	\$ 200.00
1901585606	52002445	09/22/23	Event Design Lab	03764	Live Stream Broadcast Package Per Event Day 9-20	\$ 750.00
1901585617	52002445	09/22/23	Rebecca Lowery	5	Invoice for Sept 1 thru Sept 15 2023	\$ 600.00
1901585620	52002449	09/22/23	Coluntuano, Highsmith, Wh.	57352	In reference to: Lake Arrowhead CSD Annex	\$ 32.50
1901578761	52002895	09/08/23	Konica Minolta	43051704	Konica Invoice 43051704	\$ 365.38
1901578761	52002895	09/08/23	Konica Minolta	43051704	Konica Invoice 43051704	\$ 92.55
1901575276	52002905	09/05/23	IVDA	1653	Monthly rent for using Auditorium Sept 2023	\$ 405.00
1901585583	52942940	09/22/23	Bagley	BAGLEY9-20-23	Bagley Stipend for Sept 20 Commission mtg	\$ 113.97
1901585585	52942940	09/22/23	Cox	COX9-20-23	Cox Stipend for Sept. 20 Commission mtg.	\$ 77.29
1901585589	52942940	09/22/23	Farrell	FARRELL9-20-23	Farrell Stipend for Sept. 20 Commission mtg	\$ 23.97
1901585598	52942940	09/22/23	Harvey	HARVEY9-20-23	Harvey Stipend for Sept. 20 Commission mtg	\$ 110.04
1901585600	52942940	09/22/23	Kenley	KENLEY9-20-23	Kenley Stipend for Sept. 20 Commission mtg	\$ 31.70
1901585602	52942940	09/22/23	Warren	WARREN9-20-23	Warren Stipend Sept. 20 Commission mtg	\$ 25.67
<b>TOTAL</b>						<b>\$ 22,651.90</b>
SEPTEMBER 2023 COUNTY TRANSFERS PROCESSED						
4103091303	52002031	09/01/23	IT		AUG 2023 Payroll System Services (EMACS)	\$ 55.92
4103091304	52002032	09/01/23	IT		AUG 2023 Virtual Private Network (VPN)	\$ 13.84
4103091305	52002037	09/01/23	IT		AUG 2023 Dial Tone	\$ 249.84
4103067432	52002305	09/04/23	Purchasing		Staples Surcharge	\$ 18.65
4103072073	52002305	09/11/23	Purchasing		Staples Surcharge	\$ 1.34
4103091308	52002322	09/01/23	IT		AUG 2023 Enterprise Printing (EMACS)	\$ 7.48
4103091312	52002420	09/01/23	IT		AUG 2023 Data Storage and Backup	\$ 100.76
4103091312	52002420	09/01/23	IT		AUG 2023 Enterprise Content Management	\$ 115.00
4103091312	52002420	09/01/23	IT		AUG 2023 File Sharing Storage	\$ 100.18
4103091312	52002420	09/01/23	IT		AUG 2023 Wireless Device (Exchange Active Sync)	\$ 24.21
4103091313	52002421	09/01/23	IT		AUG 2023 Desktop Support Services	\$ 782.16
4103091309	52412410	09/01/23	IT		IT Infrastructure - Period 3	\$ 711.00
4103067432	55405012	09/04/23	Purchasing		Staples Purchase	\$ 155.40




4103072073	55405012	09/11/23	Purchasing		Staples Purchase	\$	11.14
4200121361	52002424	09/08/23	Clerk to the Board		NOE - LAFCO SC511	\$	50.00
4200121364	52002424	09/08/23	Clerk to the Board		NOE - LAFCO SC509	\$	50.00
4200121375	52002424	09/08/23	Clerk to the Board		NOD - LAFCO 3259	\$	50.00
4200122423	52002424	09/25/23	Clerk to the Board		NOE-LAFCO SC#508	\$	50.00
4200122424	52002424	09/25/23	Clerk to the Board		NOE-LAFCO SC#510	\$	50.00
4200122425	52002424	09/25/23	Clerk to the Board		NOE-LAFCO SC #513	\$	50.00
4200122426	52002424	09/25/23	Clerk to the Board		NOD-LAFCO SC#514	\$	50.00
4200122060	52002310	09/15/23	Mail		Mail Services - HAN	\$	1,351.22
4200122084	52002310	09/15/23	Mail		Mail Services - DEL	\$	233.68
<b>TOTAL</b>						<b>\$</b>	<b>4,281.82</b>
<b>SEPTEMBER 2023 CASH RECEIPTS</b>							
4103091279	various	09/26/23	Bighorn-Desert View WA		LAFCO 3265, Application	\$	9,840.00
4103091279	various	09/26/23	City of Loma Linda		LAFCO 3259, Protest	\$	2,380.00
4103091279	40709800	09/26/23	City of Rialto		SC# 515	\$	606.00
4103075128	40759930	09/11/23	Samuel Martinez		Reimbursement	\$	78.22
<b>TOTAL</b>						<b>\$</b>	<b>12,904.22</b>
<b>SEPTEMBER 2023 COUNTY TRANSFERRED RECEIVED</b>							
<b>TOTAL</b>	none					<b>\$</b>	<b>-</b>
COMPLETED BY: MICHAEL TUERPE				APPROVED BY: SAMUEL MARTINEZ			
Senior Analyst				Executive Officer			
Date: 11/8/2023				11/8/2023			

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

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**DATE:** NOVEMBER 8, 2023   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
ARTURO PASTOR, Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #6: LAFCO SC#517 - City of Chino Covenant Agreement to Annex for Sewer Service (APN 1016-331-05)

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## **INITIATED BY:**

City of Chino, on behalf of property owner.

## **RECOMMENDATION:**

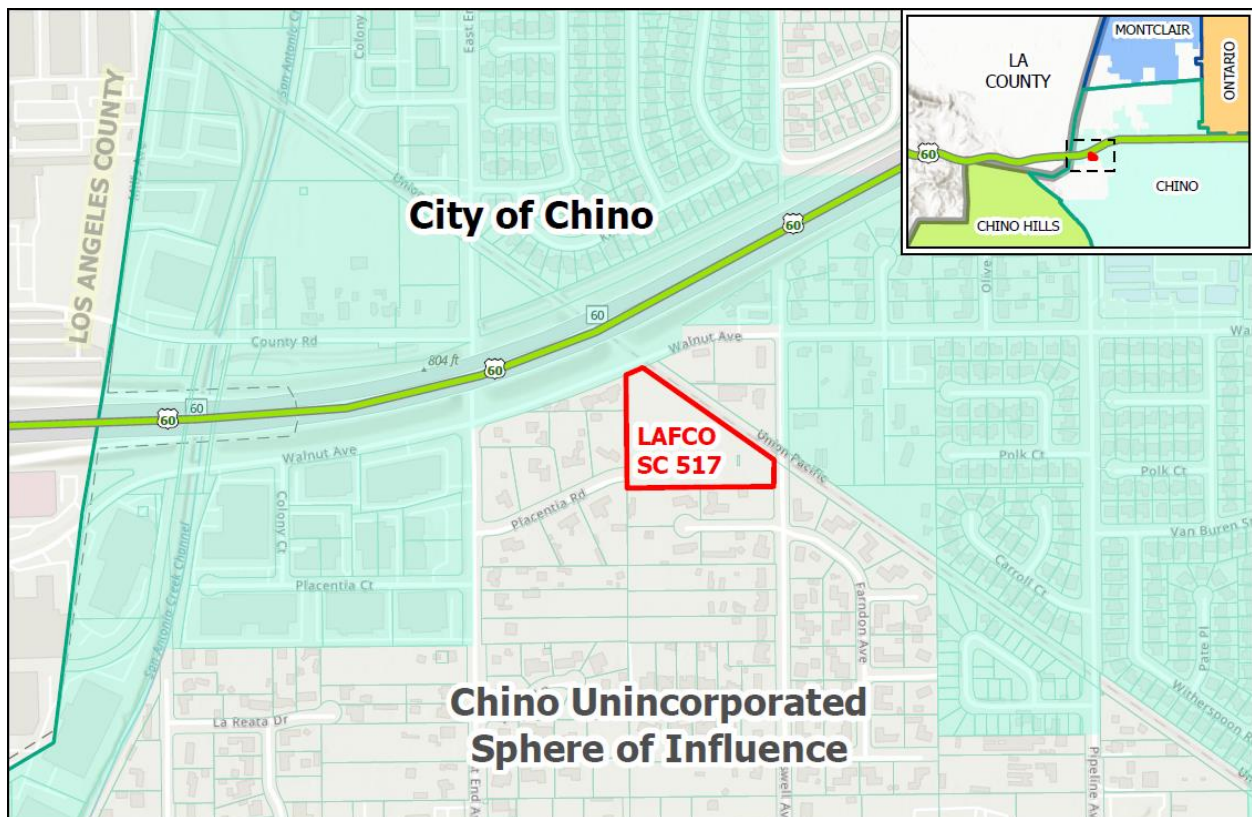
Staff recommends that the Commission approve LAFCO SC#517 by taking the following actions:

1. Certify that LAFCO SC#517 is exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC#517 authorizing the City of Chino to extend sewer service outside its boundaries to Assessor Parcel Number 1016-331-05.
3. Adopt LAFCO Resolution #3385 setting forth the Commission's determinations and approval of the agreement for service outside the City of Chino boundaries.

## **BACKGROUND:**

The City of Chino (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) 1016-331-05, comprising a total of approximately 4.93 acres. The parcel is generally located on the south side of Walnut Avenue and the Union Pacific Railroad, and west of Rosswell Avenue, within the City of Chino's northwestern sphere of influence. The vicinity map below, which is also included as Attachment #1, provides the location of the parcel. In addition, Attachment

#2 outlines the City's application including a map outlining the location of the sewer infrastructure to be extended to the parcel.



Vicinity Map

In 2020, the County Land Use Services Department processed and approved a Conditional Use Permit to construct a two-story 32,400 sq. ft. place of worship (temple) and a 4,000 sq. ft. caretaker's unit on the 4.93-acre site (Project). The County's Conditions of Approval for the project originally required an on-site septic system because connection to the City's sewer system at that time was not feasible. However, in 2022, the applicant reached out to City to request sewer service since the on-site septic system approved as part of the County entitlement process was no longer considered a viable long-term solution due to the septic system being under-capacity per the minimum size permitted and recommended by the County for the Project.

City staff evaluated the sewer facilities near the Project area and determined that the City's sewer facilities needed to be extended, which the property owner agreed to do.

Therefore, the City, on behalf of the property owner, requests 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 action to implement the terms in the agreement.

### **PLAN FOR SERVICE:**

The City's application identifies that sewer service would be provided to the proposed Project through installation of a new 8-inch sewer line in Placentia Road from the City's existing 8" sewer main in East End Avenue extending 750 feet to the contract parcel.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside the City's boundaries. The City estimates a total cost of \$255,760 (known costs) in fees and charges for the extension of sewer service to the parcel. Following is a list of the City's sewer fees:

Description of Fees/Charges	Cost/Unit	Total
Sewer DIF (32,400 plus 4,000 SF)	\$0.15	\$5,460.00
IEUA Fee (based on fixtures)	<b>TBD</b>	<b>TBD</b>
Estimated Construction Costs	\$250,000.00	\$250,000.00
Plan Check & Inspection	<b>TBD</b>	<b>TBD</b>
City Permit	\$300.00	\$300.00
<b><i>TOTAL KNOWN COSTS</i></b>		<b><i>\$255,760.00</i></b>

The total fees/charges noted above do not include the Inland Empire Utilities Agency (IEUA) Sewer Fee and the City's Plan Check and Inspection Fee, which are to be determined later. In addition, the total costs also do not include other costs such as County permit fees, mobilization, road repair, etc.

### **ENVIRONMENTAL DETERMINATION:**

In 2020, the County prepared an Initial Study and a Mitigated Negative Declaration for a Conditional Use Permit to construct the two-story 32,400 sq. ft. place of worship and a 4,000 sq. ft. caretaker's unit on approximately 4.93 acres.

The Commission's Environmental Consultant, Tom Dodson from Tom Dodson and Associates, has reviewed the County's environmental assessment and the Mitigated Negative Declaration prepared for the Project. One change occurred since the original approval was made, which is the transition from the use of a septic wastewater disposal system to now connect to the City's sewer collection system. Mr. Dodson has concluded that, because of the proposed connection to the City's sewer system and the developed character of the project area, his recommendation is that it is more appropriate for the Commission to function as a CEQA Lead Agency rather than a Responsible Agency and indicate that the Commission's review of LAFCO SC#517 is exempt from the California Environmental Quality Act (CEQA). This recommendation is

based on the finding that the Commission's authorization of the out-of-agency service agreement has no potential to cause a significant adverse impact on the environment. Therefore, the service contract application is exempt (under the "Common Sense Rule") from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3). A copy of Mr. Dodson's response is included as Attachment #3 to this report.

### **CONCLUSION:**

The purpose of the service contract application is for the City to receive authorization to provide sewer service outside its boundaries via a contract with the property owner of the parcel who requested connection to the City of Chino's sewer facilities.

Staff has reviewed this request for the provision of sewer service from the City of Chino outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcel to be served is within the sphere of influence assigned to the City of Chino 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 1016-331-05 since its facilities are near the parcel and there is no other existing entity available to provide these services within the area.

### **DETERMINATIONS:**

1. The contract parcel, Assessor Parcel Number 1016-331-05, is within the sphere of influence assigned the City of Chino and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Chino sewer service.

Water service will be provided by the Monte Vista Water District.

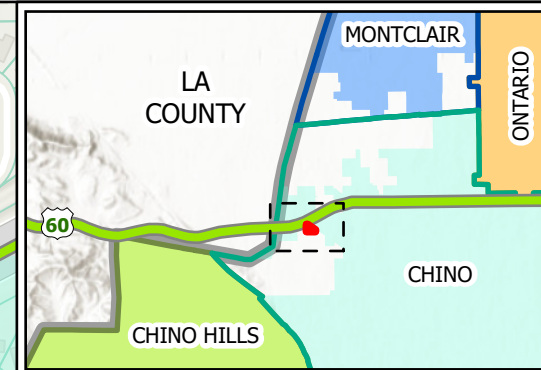
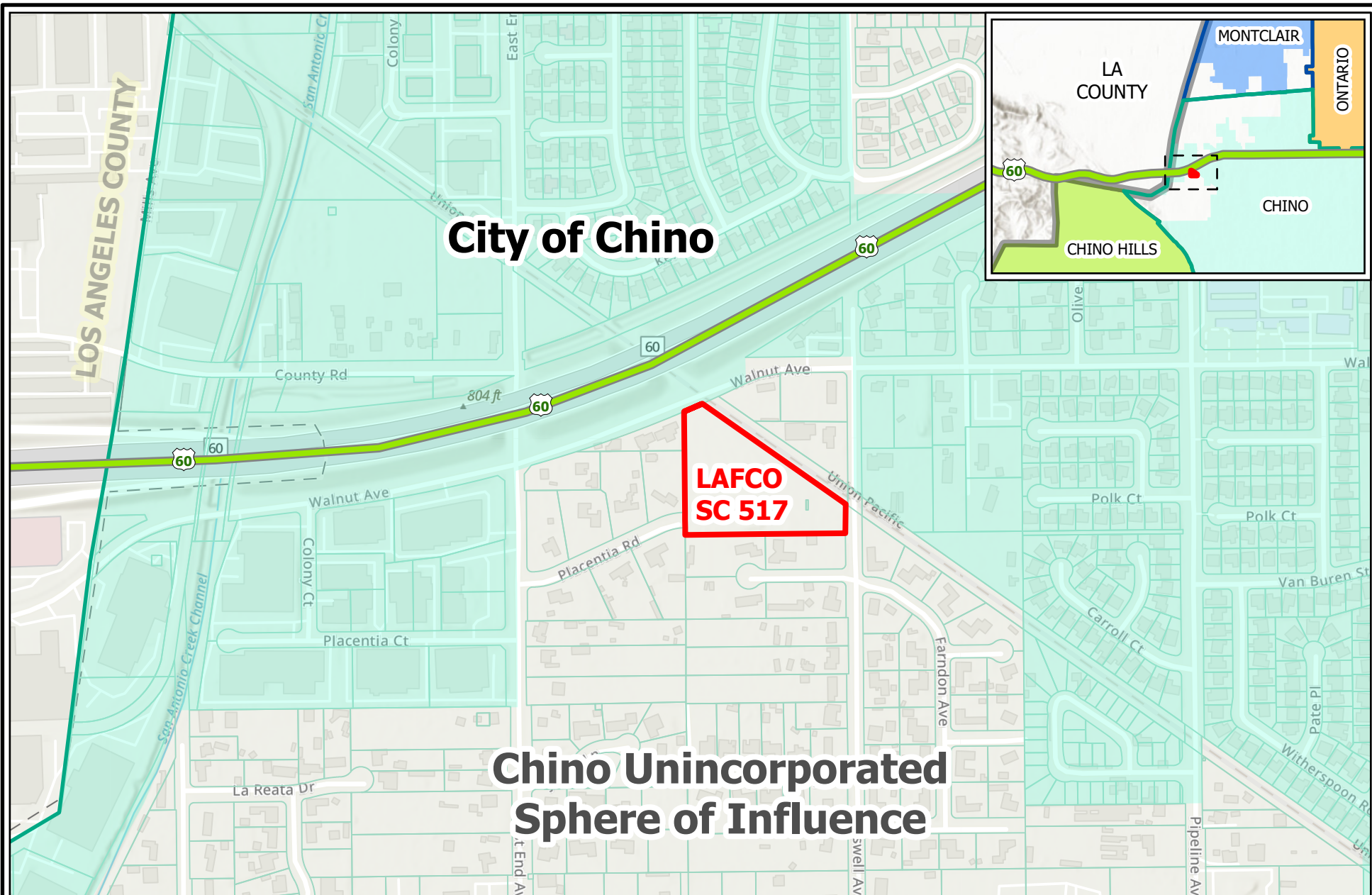
2. The City of Chino's Covenant Agreement to Annex being considered is for the provision of sewer service to parcel, Assessor Parcel Number 1016-331-05, generally located on the west side of Roswell Avenue (12594 Roswell Avenue). This contract will remain in force in perpetuity or until such time as the parcels are annexed. Approval of this request will allow the property owner and the City of Chino to proceed in finalizing the contract for the extension of sewer service.
3. The City of Chino estimates a total of \$255,760 (known costs) for the extension of sewer service to the proposed project. Payment of these fees/charges are required prior to connection to the City's sewer facilities.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review under



the “Common Sense Rule” since it has no potential to cause a significant adverse impact on the environment (Section 15061[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this service contract is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission’s adopted CEQA Guidelines. The Commission hereby adopts the Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

Attachments:


1. [Vicinity Map](#)
2. [City of Chino’s Application and Contract](#)
3. [Response from Tom Dodson and Associates including the County’s Notice of Determination and Initial Study/Mitigated Negative Declaration for the Project](#)
4. [Draft Resolution No. 3385](#)

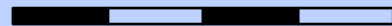


**Vicinity Map**  
 LAFCO SC#517 - City of Chino Covenant  
 Agreement to Annex for Sewer Service  
 (APN 1016-331-05)

Chino's Sphere  
 City of Chino  
 LAFCO SC517  
 Highway  
 Parcels

Created by: Arturo Pastor on 10/05/23

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

0 0.1 0.2 Miles  




**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 Chino

CONTACT PERSON: Jesus Plasencia

ADDRESS: 13220 Central Avenue  
Chino, CA 91710

PHONE: (909) 334-3417

EMAIL: jplasencia@cityofchino.org

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: Surya M. Reddy & Arunasri M. Reddy

CONTACT PERSON: Arunasri M. Reddy

MAILING ADDRESS: 3579 E. Foothill Blvd., #714  
Pasadena, CA 91107

PHONE: (951) 544-5832

EMAIL: jayabidda@gmail.com

ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 12594 Roswell Avenue  
Chino, CA 91710

CONTRACT NUMBER/IDENTIFICATION: See attached Exhibit A - Legal Description

PARCEL NUMBER(S): 1016-331-05

ACREAGE: 4.93-acre lot

*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.

Sewer service to a 32,400 square-foot place of worship ("Temple") and  
a 4,000 square-foot care takers unit on a 4.93-acre lot.

- (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.

The developer will construct 700+ linear feet of 8" sewer main on Placentia Rd.  
to connect to the City's existing sewer main on East End Avenue.

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.

Refer to the Covenant Agreement to Annex for Sanitary Sewer Connection.  
(attached as Exhibit B)

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

Annexation will not occur until a logical block of properties, such as a tract  
or whole block is ready to annex to the City.

*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.

See response 4(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).
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

Vacant lot

Zoning - RD2

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

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

The owner received approval from the County's Planning Commission in Dec. 2020.

(attached as Exhibit C)

\_\_\_\_\_

\_\_\_\_\_

*Extension of Service by Contract  
Application Form*

(FOR LAFCO USE ONLY)

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

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

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

10. Plan for Service:

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

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Refer to 1(b) & Exhibit B - Covenant Agreement (Location Map)

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Permits must be obtained from the City of Chino and the County of  
San Bernardino.

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Extension of Service by Contract  
Application Form

(FOR LAFCO USE ONLY)

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

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
LAFCO Fees	\$ 7,072.00	\$ 7,072.00
Sewer DIF (32,400, plus 4,000 SF)	\$ 0.15	\$ 5,460.00
Water DIF	n/a	n/a
IEUA SFDF Fee (based on fixtures)	tbd	tbd
Estimated Construction Costs	\$ 250,000.00	\$ 250,000.00
Plan Check & Inspection	tbd	tbd
City Permit	\$ 300.00	\$ 300.00
Note: Does not include other costs such as		
County permit fees, mobilization, road		
repair, etc.		
<b>Total Costs</b>		<b>\$ 262,832.00</b>

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

SB County permits for both on-site private sewer and road/sidewalk.

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- (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.

See attached Exhibit D - City Council Resolution No. 2022-041

## CERTIFICATION

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

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

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



*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:

Jesus Plasencia

POSITION TITLE:

Assistant City Engineer

DATE:

9 / 14 / 23

**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

## **EXHIBIT A**

### **PROPERTY DESCRIPTION**

That certain real property in the County of San Bernardino, State of California, legally described as follows:

THAT PORTION OF LOT 35, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 8 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO MAP OF SUBDIVISION OF PART OF RANCHO SANTA ANA DEL CHINO, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHWESTERLY OF THE CENTERLINE OF THE RIGHT OF WAY OF THE POMONA AND ELSINORE RAILROAD.

EXCEPTING THEREFROM THAT PORTION DEEDED TO THE STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EAST LINE OF EAST END AVENUE, 66 FEET WIDE, ADJOINING LOT 36 OF SAID SECTION 4 ON THE WEST, DISTANT ALONG SAID EAST LINE SOUTH 0° 32' 13" EAST 383.34 FEET FROM THE SOUTH LINE OF WALNUT AVENUE, 66 WIDE, ADJOINING SAID LOTS 35 AND 36 ON THE NORTH; THENCE 36° 6' 37" EAST 43.54 FEET TO A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 5,033 FEET; THENCE EASTERLY ALONG SAID CURVE FROM A TANGENT BEARING NORTH 73° 45' 5" EAST, THROUGH AN ANGLE OF 7° 13' 5" AN ARC DISTANCE OF 634.05 FEET TO THE TRUE POINT OF BEGINNING; THENCE TANGENT TO SAID CURVE, NORTH 66° 32' 00" EAST 112.2 FEET, MORE OR LESS, TO SAID CENTERLINE OF RAILROAD RIGHT OF WAY.

ALSO EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE WELL AND PUMPING PLANT LOCATED ON THE WEST 8 FEET OF THE EAST 170.48 FEET OF THE SOUTH 39.5 FEET OF THE NORTH 499.92 FEET THEREOF.

NOTE: NOTWITHSTANDING ANYTHING TO THE CONTRARY, NO INSURANCE WILL BE MADE AS TO THE TITLE OF ANY PERSONAL PROPERTY.

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RECORDING REQUESTED BY AND WHEN  
RECORDED MAIL TO:

City of Chino  
City Clerk  
P.O. Box 667  
Chino, CA 91708

Exempt from recording fees according to  
Government Code Section No. 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## COVENANT AGREEMENT TO ANNEX AND FOR SANITARY SEWER CONNECTION

This Covenant Agreement ("**Agreement**") is made this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the City of Chino, a municipal corporation, hereinafter referred to as "**City**", and Surya M. Reddy and Arunasri M. Reddy, hereinafter referred to as "**Owner**."

### RECITALS

A. Owner owns that certain real property located at 12594 Roswell Avenue, Chino, CA (APN 1016-331-05) in the County of San Bernardino, State of California, and more particularly described in Exhibit "A" attached hereto ("**Property**").

B. The Property is outside of City's territorial boundaries but within City's Sphere of Influence.

C. Owner has requested permission to connect the Property, and existing and/or proposed improvements on the Property, to the City's sanitary sewer system ("**Sewer**").

D. City is willing to allow Owner to connect the Property to the Sewer on the condition that Owner (i) enter into an irrevocable agreement to annex the Property to the City at such time as the City determines a sufficient number of parcels are assembled for annexation and the number of parcels or area qualifies for annexation in accordance with the Local Agency Formation Commission (LAFCO) policy pertaining to such annexations, and (ii) that Owner constructs those certain Sewer main improvements on Placentia Road shown in Exhibit "B" attached hereto ("Sewer Main Improvements") based on a Public Improvement Agreement to be entered into between the City and Owner as a condition to plan check approval for the Sewer connection.

E. As required by Government Code Section 56133, the City has requested and received approval from the Local Agency Formation Commission (LAFCO) of San Bernardino County ("**LAFCO**") to provide Sewer services to the Property.

### AGREEMENT

NOW, THEREFORE, the Parties agree as follows:

1. **Incorporation of Recitals.** The foregoing recitals are incorporated herein by reference.
2. **Effective Date; Duration.** This Agreement shall be effective ("**Effective Date**") on the date it is recorded in the Official Records of San Bernardino County ("**Official Records**") and shall continue in full force and effect until terminated in accordance with Section 7 below. Owner shall execute and acknowledge this Agreement and deliver it to City for execution after which City shall have it recorded in the Official Records and send a recorded copy to Owner.
3. **Owner's Representations and Warranties.** Owner represents and warrants to the City that, as of the Effective Date, Owner is the fee owner of the Property, that there are no other owners of the Property other than those listed in this Agreement, and that Owner has authority to execute this Agreement which shall be binding on the Property.
4. **Covenants, Restrictions and Obligations.** Owner covenants and agrees as follows:
  - (a) **Annexation.**
    - (i) At such time as the City decides to seek annexation of the Property to the City ("**Annexation**"), in the City's sole discretion, Owner shall consent to the Annexation, shall fully cooperate with and provide all necessary assistance to the City during the Annexation process, and shall take all actions required to effectuate the Annexation. Owner waives all rights to protest or otherwise oppose the Annexation of the Property to the City of Chino. Specifically, Owner shall not present any written or oral protest of or objection to Annexation to LAFCO and shall not object (either orally or in writing) to any proposal by LAFCO to waive protest proceedings concerning the Annexation, whether at a public hearing or otherwise.
    - (ii) Additionally, Owner shall pay all fees and costs, at the time that they become due and payable, as would ordinarily be charged to an Owner whose property is being considered for annexation or is annexed to the City, if any.
    - (iii) Additionally, as a condition to plan check approval by the City for the connection of the Sewer, owner shall enter into a Public Improvement Agreement with the City committing to perform the Sewer Main Improvements shown in Exhibit B and as shall be further described in the Public Improvement Agreement within the timeline to be set forth therein, providing applicable bonds for such Sewer main Improvements, complying with the public works procedures and standards imposed by City pursuant to such agreement and all other relevant provisions therein. Owner acknowledges that it has been provided with a copy of the City's standard Public Improvement Agreement and agrees to the use of such form and terms.
  - (b) **Sewer Connection.** Owner shall (i) pay all fees, charges, and deposits required by the City for connection to and use of the Sewer including but not limited to fees for Sewer Maintenance and IEUA Sewage Treatment; (ii) shall complete all improvements required to extend the Sewer to the Property, in accordance with City standards (as determined by the City Engineer), at Owner's sole expense; and (iii) shall comply with all City

codes and standards regarding use of the Sewer, including but not limited to, discharge regulations. At such time Owner completes the Sewer Main Improvements, owner shall have nor further liability or obligation with respect to the Sewer Main Improvements except as otherwise provided in this Section 4(b).

5. **Extension of Sewer Services.** City agrees to allow the Property to connect to the Sewer, subject to Owner's compliance with the terms of this Agreement and subject to any conditions imposed by LAFCO in its approval of City's request to extend Sewer services to the Property, if any, which are incorporated herein.

6. **Runs with the Land.** This Agreement shall run with and burden the Property and all future owners, tenants, and occupants of the Property, and shall run in favor of the City in gross as a covenant and equitable servitude and shall benefit all real property owned by the City from time to time.

7. **Release of Covenant.** Provided Owner is not in default of this Agreement, Owner may request that this Agreement be released by sending written notice to City requesting the release after the Property has been annexed to the City of Chino. Upon confirmation of compliance with the foregoing to the reasonable satisfaction of the City, City shall execute a release in a form approved by the City Attorney, which shall be executed and acknowledged by the City and recorded in the Official Records. The release may be executed by the City Manager.

8. **Violations; Remedies.**

(a) **Breach of Annexation Covenant.**

(i) Owner's breach of Section 4(a)(i) of this Agreement will cause substantial injury to the City, including but not limited to delaying and potentially preventing City's ability to annex the Property and other properties to the City, which is the City's primary aim and intent in entering into this Agreement. Since the determination of actual damages caused by a breach of Section 4(a)(i) would be difficult or impractical to determine, City and Owner agree that if Owner breaches Section 4(a)(i) either by making a protest or objection as described in Section 4(a)(i) or refusing to take any actions required to effectuate the Annexation, Owner shall be liable for and shall pay to the City the sum of Ten Thousand Dollars (\$10,000), and shall also reimburse the City for all costs (including legal fees) incurred by the City as a result of Owner's breach, all of which shall be due upon demand by the City, and shall be due whether or not Owner's breach prevents Annexation. City may also seek any other remedy for such breach available under law.

(ii) If Owner refuses or fails to timely make any payment described in Section 4(a)(ii), Owner authorizes City to make such payment on Owner's behalf and Owner shall reimburse City for such payment within (30) days of a written demand by the City.

(b) **Breach of Sewer Regulations.** If the City believes Owner has violated Section 4(c) of this Agreement, City may provide written notice of breach and demand that Owner remedy the breach within thirty (30) days of receipt of the notice. If Owner fails to remedy the breach in the specified time period and provide proof thereof to the reasonable satisfaction of the City, Owner shall be liable for and shall pay to the City One Hundred Dollars (\$100.00) per day until the breach is cured to the City's reasonable satisfaction.

(c) **Rights and Remedies are Cumulative.** The rights and remedies of the City listed in this Section 8 are cumulative and the exercise by City of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by Owner.

(d) **Lien.** If any amount due to the City under this Section 8 is not paid within thirty (30) days of a written demand by the City, City shall have the right to record a lien against the Property for such amount.

9. **Amendment or Modification.** This Agreement may not be amended or modified except (i) in writing executed by the then current owner(s) of the Property and the City, and (ii) recorded in the Official Records.

10. **Notices.** Any notice to be given under this Agreement shall be given by personal delivery or by depositing the same in the United States Mail, certified or registered, postage prepaid, at the following addresses:

City:	City of Chino 13220 Central Avenue Chino, CA 91710 Attn: Director of Development Services
With Copy to:	City of Chino 13220 Central Avenue Chino, CA 91710 Attn: City Attorney
Owner:	Surya M. Reddy and Arunasri M. Reddy 3579 E. Foothill Blvd., #714 Pasadena, CA 91107

Any notice delivered personally shall be effective upon delivery. Any notice given by mail as above provided shall be effective forty-eight (48) hours after deposit in the mail. Any party may change address for notice by giving written notice of such change to the other party.

11. **Miscellaneous.**

(a) **Severability.** If any term of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this Agreement, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable term had never been included.

(b) **Governing Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of California and any legal action shall be brought in a court of competent jurisdiction in San Bernardino County.

(c) **Attorney's Fees.** In the event of any litigation or other legal proceeding arising from this Agreement, the prevailing party will be entitled to recover, in addition to any other relief awarded or granted, its reasonable costs and expenses, including attorney's fees, incurred in the proceeding.

(d) **Final Agreement.** This Agreement contains the entire understanding and agreement with respect to the subject matter of this Agreement and all prior or contemporaneous documents, communications, understandings, representations, and statements shall be of no force or effect.

(e) **Construction.** This Agreement shall be construed according to its fair meaning as if prepared by all parties to this Agreement. Headings used in this Agreement are provided for convenience only and shall not be used to construe meaning or intent.

(f) **No Waiver.** The failure to enforce any term, covenant, or condition of this Agreement shall not be construed as a waiver of the right to enforce this, or any other, term, covenant, or condition of this Agreement.

(g) **Counterparts.** This Agreement may be executed in any number of counterparts each of which shall be an original but all of which shall constitute one and the same document.

[Signatures on Following Page]

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

**CITY:**

**CITY OF CHINO, a municipal corporation**

\_\_\_\_\_  
Linda Reich, City Manager

**ATTEST:**

\_\_\_\_\_  
Natlíe Gonzaga, City Clerk

**APPROVED AS TO FORM:  
ALESHIRE & WYNDER, LLP**

\_\_\_\_\_  
Fred Galante, City Attorney  
Department

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Warren Morelion, AICP  
Interim Director of Development Services

**OWNERS:**

By: \_\_\_\_\_

Name: Surya M. Reddy

By: \_\_\_\_\_

Name: Arunasri M. Reddy

**[OWNERS' SIGNATURES SHALL BE NOTARIZED]**



## **EXHIBIT A**

### **PROPERTY DESCRIPTION**

**That certain real property in the County of San Bernardino, State of California, legally described as follows:**

THAT PORTION OF LOT 35, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 8 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO MAP OF SUBDIVISION OF PART OF RANCHO SANTA ANA DEL CHINO, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHWESTERLY OF THE CENTERLINE OF THE RIGHT OF WAY OF THE POMONA AND ELSINORE RAILROAD.

EXCEPTING THEREFROM THAT PORTION DEEDED TO THE STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EAST LINE OF EAST END AVENUE, 66 FEET WIDE, ADJOINING LOT 36 OF SAID SECTION 4 ON THE WEST, DISTANT ALONG SAID EAST LINE SOUTH  $0^{\circ} 32' 13''$  EAST 383.34 FEET FROM THE SOUTH LINE OF WALNUT AVENUE, 66 WIDE, ADJOINING SAID LOTS 35 AND 36 ON THE NORTH; THENCE  $36^{\circ} 6' 37''$  EAST 43.54 FEET TO A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 5,033 FEET; THENCE EASTERLY ALONG SAID CURVE FROM A TANGENT BEARING NORTH  $73^{\circ} 45' 5''$  EAST, THROUGH AN ANGLE OF  $7^{\circ} 13' 5''$  AN ARC DISTANCE OF 634.05 FEET TO THE TRUE POINT OF BEGINNING; THENCE TANGENT TO SAID CURVE, NORTH  $66^{\circ} 32' 00''$  EAST 112.2 FEET, MORE OR LESS, TO SAID CENTERLINE OF RAILROAD RIGHT OF WAY.

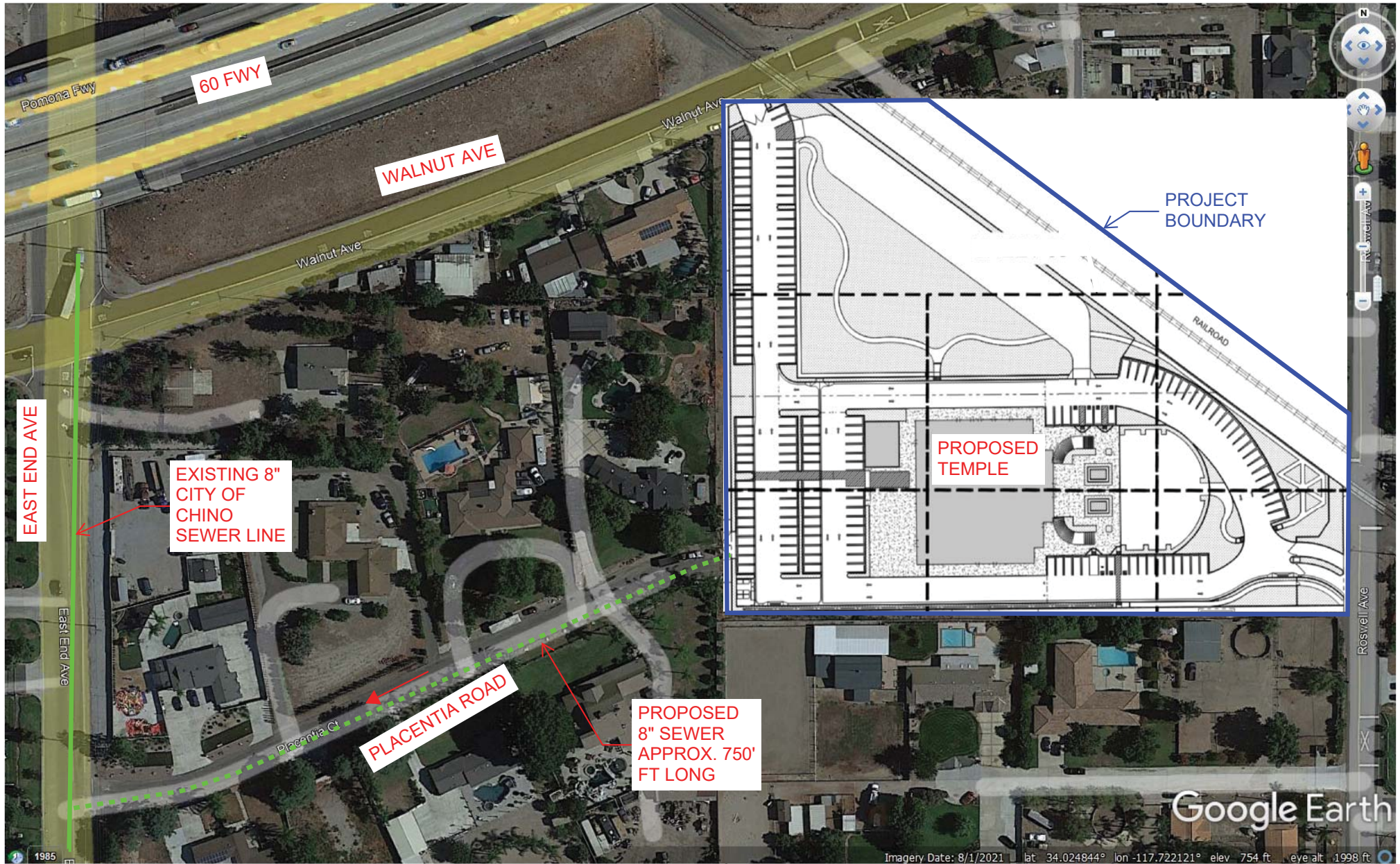
ALSO EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE WELL AND PUMPING PLANT LOCATED ON THE WEST 8 FEET OF THE EAST 170.48 FEET OF THE SOUTH 39.5 FEET OF THE NORTH 499.92 FEET THEREOF.

NOTE: NOTWITHSTANDING ANYTHING TO THE CONTRARY, NO INSURANCE WILL BE MADE AS TO THE TITLE OF ANY PERSONAL PROPERTY.

**EXHIBIT B**

**SEWER MAIN IMPORVEMENTS**

[attached]







## Land Use Services Department Planning

Terri Rahhal  
Director

December 29, 2020

Arunasri M. Reddy  
3579 E. Foothill Boulevard # 714  
Pasadena, CA 91107

Pravin Shukla  
23750 Gamma Street  
Moreno Valley, CA 92553

**RE: A CONDITIONAL USE PERMIT REQUEST TO CONSTRUCT A TWO-STORY, 32,400 SQUARE-FOOT PLACE OF WORSHIP (TEMPLE) AND A 4,000 SQUARE FOOT CARE TAKERS UNIT ON A 4.93 ACRE LOT AT 12594 ROSWELL AVENUE, CHINO, CA 91710 IN THE RS-20M ZONING DISTRICT AND VERY LOW DENSITY RESIDENTIAL (VLDR) LAND USE CATEGORY; APN: 1016-331-05 & 06; 4th SUPERVISORIAL DISTRICT; PROJECT NO.: P201800549 (PROJ-2020-00056)**

Dear Mrs. Reddy,

On December 17, 2020, the Planning Commission approved the above-referenced Project, a Conditional Use Permit to construct a two-story, 32,400 square-foot place of worship (Temple) and 4,000 square foot caretakers unit on a 4.93 acre lot, pursuant to Chapter 85.12.030 of the San Bernardino County Development Code and the conditions of approval contained herein.

This decision becomes effective on December 29, 2020, unless an appeal is filed. Any person may file an appeal to the Planning Commission prior to the effective date. The appeal, accompanied by the \$1,712.00 appeal fee, must be made in writing on the forms available from the Public Information Counter or on the San Bernardino County Land Use Services webpage (<http://cms.sbcounty.gov/lus/Planning/Applications.aspx>).

These Conditions of Approval and the approved site plan are considered the final development criteria and design for this project. This is not considered approval of a conceptual design. Therefore, any proposed revisions or modifications will require submittal of a Revision to Approved Action application for review and approval, and the corresponding additional fees.

The Conditions of Approval are listed under specific headings according to when each condition must be completed for the applicable County Department. The headings are: General Requirements, Prior to Issuance of Grading Permits or Land Disturbing Activities, Prior to Issuance of Building Permits, and Prior to Final Inspection or Occupancy. Also enclosed are Condition Compliance Release Forms that list each County Department/Division or outside agency – when applicable, that must sign-off on the project for each stage of development before Building and Safety permits can be issued. In accordance with SBCC §86.06.060, the Conditional Use Permit must be deemed “exercised” within thirty-six (36) months of the effective date or the approval shall expire. The Conditional Use Permit is deemed to have been exercised when actual construction or alternation under a valid Building Permit has commenced. An extension of time in compliance with SBCC §86.06.060(b) may be granted for a maximum of thirty-six (36) months,

### BOARD OF SUPERVISORS

COL. PAUL COOK (RET.)  
First District

JANICE RUTHERFORD  
Second District

DAWN ROWE  
Third District

CURT HAGMAN  
Chairman, Fourth District

JOE BACA, JR.  
Fifth District

Leonard X. Hernandez  
Chief Executive Officer

upon filing an Extension of Time Application and the necessary fee to this office at least thirty (30) days prior to the expiration date.

If you have any questions regarding this approval, you can reach me directly at (909) 387-4421 or via e-mail at [Steven.Valdez@lus.sbcounty.gov](mailto:Steven.Valdez@lus.sbcounty.gov).

Sincerely,

 *Steven A. Valdez*  
Steven Valdez, Senior Planner

SV/drp/lb

**RESOLUTION NO. 2022-041****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, SUPERSEDING RESOLUTION NO. 2020-060 AND AMENDING EXISTING POLICY RELATED TO SANITARY SEWER SERVICE WITHIN THE CITY'S SPHERE OF INFLUENCE**

**WHEREAS**, on December 15, 2020, the City Council of the City of Chino ("City") adopted Resolution No. 2020-060 amending the conditions under which the City will permit new and existing developments within the City's sphere-of-influence ("SOI") to apply for and receive sanitary sewer service from the City;

**WHEREAS**, the City Council has considered a change in the policy articulated by Resolution No. 2020-060 to allow for additional flexibility in the consideration of provision of sanitary sewer services by the City within the SOI;

**WHEREAS**, State law requires flexibility in the consideration of utility connections for an accessory dwelling unit ("ADU"), including but not limited to, pursuant to Government Code section 65852.2(e)(1)(A)(i) providing that local agencies ministerially permit one ADU and one Junior ADU if "The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure"; Government Code section 65952.2 (f)(2) providing that "An accessory dwelling unit shall not be considered by a local agency. . . to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling"; and Government Code section 65852.2(f)(4) providing that "For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency . . . shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling;" and

**WHEREAS**, the City Council now wishes to formally state this policy change, better accommodate flexibility to uphold the objectives of State law related to ADUs, and replace the policy articulated in Resolution No. 2020-060.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** The City of Chino will only allow new and existing developments on parcels within the City's SOI to connect to the City's sanitary sewer system in accordance with the following criteria:

1. If the SOI parcel is not adjacent to the City boundary, the owner of the parcel must execute and file an irrevocable agreement to annex to the City at such time as sufficient parcels can be assembled and qualify for annexation in accordance with Local Agency Formation Commission ("LAFCO") policy pertaining to such annexations.
2. If the SOI parcel is contiguous to the City boundary, the owner will be required to annex the parcel to the City, or, if this is determined to be infeasible, to execute an irrevocable agreement to annex.

3. Finally, all SOI parcels requesting sewer service must be developed in accordance with the City's General Plan and in conformance with all City codes and standards, subject to the following exemption: Sewer service shall not be denied to a property based solely on the incompatibility of development standards related to an ADU that otherwise meets the requirements of State law and separate sewer connection shall not be required for an ADU, nor shall a separate connection fee or capacity charge be applied if the connection meets the requirements of Government Code section 65952.2(f)(2), as amended.

**Section 2.** This Resolution shall supersede Resolution No. 2020-060.

APPROVED AND ADOPTED THIS 5<sup>th</sup> DAY OF JULY 2022.

  
EUNICE ULLOA, MAYOR

ATTEST:

  
ANGELA ROBLES, CITY CLERK

State of California            )  
County of San Bernardino    ) §  
City of Chino                 )

I, ANGELA ROBLES, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting held on the 5<sup>th</sup> day of July 2022 by the following votes:

AYES:               COUNCIL MEMBERS: ULLOA, LUCIO, COMSTOCK, FLORES, POCOCK

NOES:               COUNCIL MEMBERS: NONE

ABSENT:            COUNCIL MEMBERS: NONE

  
\_\_\_\_\_  
ANGELA ROBLES, CITY CLERK



# **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

**Web:** tdaenvironmental.com



October 31, 2023

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

Dear Sam:

LAFCO SC#517 consists of an application for Extension of Service by the City of Chino to a single 4.93-acre parcel located in the City's northwestern Sphere of Influence (Sphere). The specific action before the Local Agency Formation Commission (LAFCO) consists of a request by the City of Chino (City) to extend sewer collection and wastewater treatment service to a proposed religious facility and caretaker unit on parcel of land (APN 1016-331-05) located at the south of Walnut Avenue and the Union Pacific Railroad, west of Roswell Avenue and north and east of parcel lines within the City's Sphere. Refer to the attached vicinity map. If the Commission approves LAFCO SC#517, the project can move forward with development under San Bernardino County jurisdiction, and connect to the City's sewer collection system, which is located about 700+ linear feet from the existing sewer main located in Placentia Road.

The County prepared an Initial Study and adopted a Mitigated Negative Declaration (MND) for this project to comply with the California Environmental Quality Act (CEQA). This document addressed the whole of the project as it was defined in 2020, which resulted in a Conditional Use Permit being approved in December 2020. 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. However, one change in the project has occurred. The original approval considered use of a subsurface septic tank-leach line wastewater disposal system, but eventually a decision was made to connect to the City's sewer collection system as a better way to manage site wastewater. This project now includes the installation of a sewer lateral to the project site, plus an extension of a new sewer line about 700+ feet within the adjacent Placentia Road public right-of-way.

LAFCO Staff concurs with this decision and supports the connection of the religious facility and caretakers unit to the City's sewer collection system, but has concluded that with this change in the project, it is more appropriate for the Commission to function as a CEQA Lead Agency than a Responsible Agency. Based on the existing developed character of the project area and the proposed connection to the City's sewer collection system, LAFCO has concluded that this project has no potential to cause a significant adverse impact on the environment.

Therefore, I conclude that LAFCO SC#517 does not constitute a project under CEQA and adoption of an exemption (under the "Common Sense" finding in the State CEQA Guidelines) and filing of a Notice of Exemption is the most appropriate determination to comply with the CEQA. This exemption is found in Section 15061(b)(3) for this action. The Commission can approve this review and finding for this action and I recommend that you notice LAFCO SC#517 as exempt from CEQA for the reasons outlined in the State CEQA Guideline section cited above. The

Commission needs to file a Notice of Exemption (NOE) with the County Clerk of the Board for this action once a decision is made for this out-of-area service agreement.

Thus, after independent review of this proposed action, this proposed out-of-area service extension does not appear to have any potential to significantly alter the existing physical environment. Since no other project is known to be pending or will occur as a result of approving this application, no other potential significant physical changes in the environment are forecast to result from this action.

Based on this review of LAFCO SC#517 and the pertinent sections of CEQA and the State CEQA Guidelines, I believe it is appropriate for the Commission's CEQA environmental determination to cite the "Common Sense" exemption, as adequate documentation in accordance with the Commission's CEQA lead agency status.

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

Sincerely,

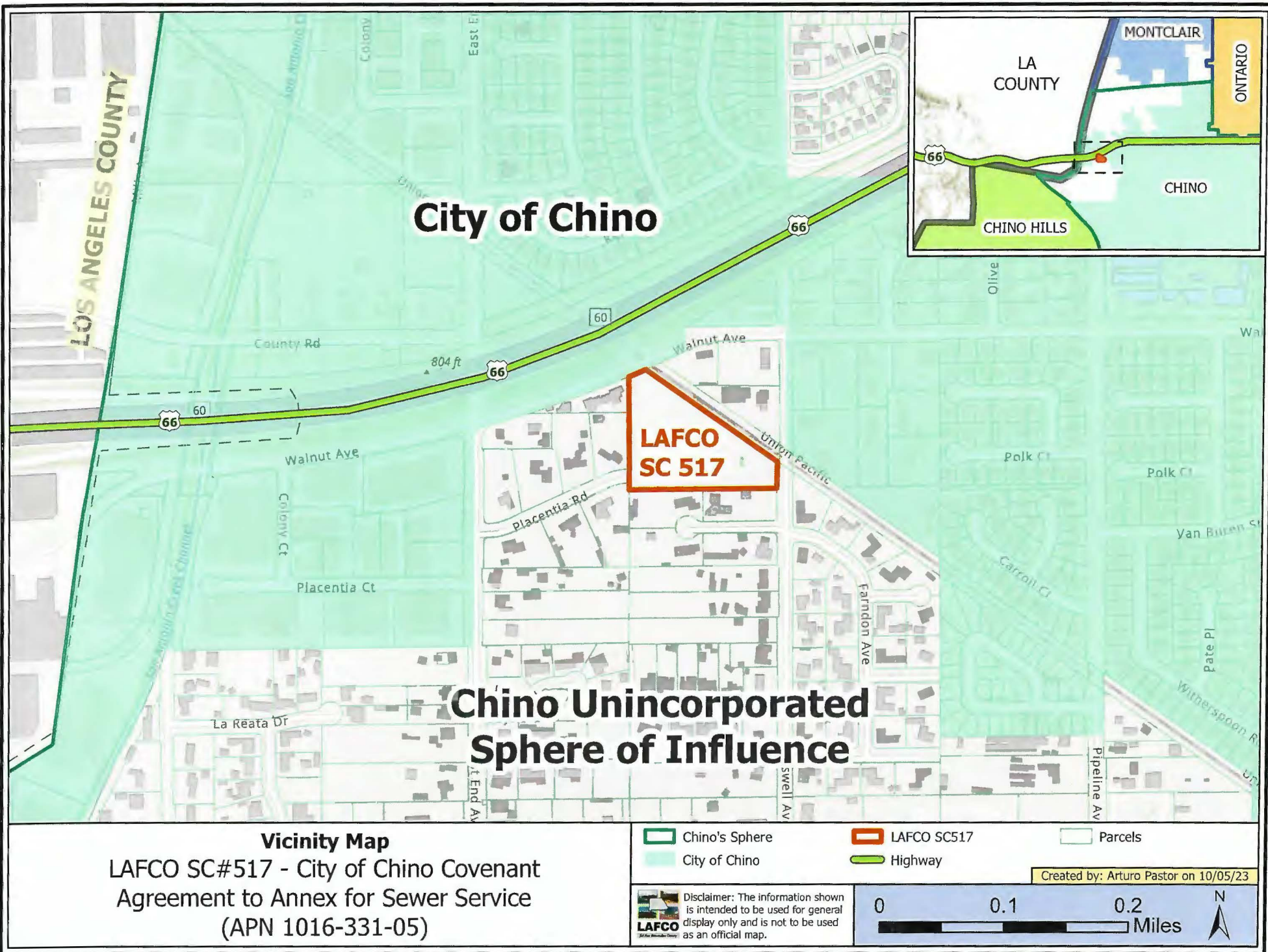
A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson

TD/cmc

Attachments

LAFCO SC#517 Resp Agency





Posted On: 01/05/2021Removed On: 02/27/2021**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:**Receipt No: 30-01152021-009

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

Contact: Steven ValdezPhone: 909-387-4421

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): 2020100151Project Title: Sri Sairam MandirProject Applicant: Aruna ReddyProject Location (include county): 12594 Roswell Avenue

PROJECT DESCRIPTION: A CONDITIONAL USE PERMIT REQUEST TO CONSTRUCT A TWO-STORY, 32,400 SQUARE-FOOT PLACE OF WORSHIP (TEMPLE) ON A 4.93 ACRE LOT AT 12594 ROSWELL AVENUE, CHINO, CA 91710 IN THE RS-20M ZONING DISTRICT AND VERY LOW DENSITY RESIDENTIAL (VLDR) LAND USE CATEGORY.

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

described project on December 29, 2020 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 final and record of project approval are the Mitigated Negative Declaration are available to the General Public at:

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

Signature (Public Agency): Steven Valdez Title: Senior PlannerDate: January 13, 2021 Date Received for filing at OPR: \_\_\_\_\_

Initial Study P201800549/PROJ-2020-00056  
Arunasri Reddy  
APN: 1016-331-05  
October 2020

**SAN BERNARDINO COUNTY  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
ENVIRONMENTAL CHECKLIST FORM**

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

**PROJECT LABEL:**

<b>APNs:</b>	1016-331-05	<b>USGS Quad:</b>	Un-sectioned area of Township 2 south, Range 8 west
<b>Applicant:</b>	Sri Jayaram Foundation, Inc. 3579 East Foothill Boulevard # 714 Pasadena, CA 91107	<b>T, R, Section:</b>	TO2S, R08W, S4
<b>Location</b>	12594 Roswell Avenue	<b>Thomas Bros</b>	
<b>Project No:</b>	PROJ-2020 -00056 (P201800549)	<b>Community Plan:</b>	None
<b>Rep</b>	Arunasri Reddy	<b>LUZD:</b>	Current: RS – 20M Proposed LUC: VLDR – Very Low Density Residential Proposed Zone: RS-20M
<b>Proposal:</b>	The proposed project consists of the construction of a 32,400 square foot place of worship (temple) and associated infrastructure, including a parking lot with one hundred and fifty-nine (159) stalls and a three-story caretaker residence. In addition, project activities will include landscaping and the installation of paved driveways.	<b>Overlays:</b>	Burrowing Owl

**PROJECT CONTACT INFORMATION:**

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

**Contact person:** Steven Valdez, Senior Planner  
**Phone No:** (909) 387-4421      **Fax No:** (909) 387-3223  
**E-mail:** [Steven.Valdez@lus.sbcounty.gov](mailto:Steven.Valdez@lus.sbcounty.gov)

**Project Sponsor:** Sri Jayaram Foundation, Inc.  
Arunasri Reddy  
3579 East Foothill Boulevard # 714  
Pasadena, CA 91107

**PROJECT DESCRIPTION:**

***Summary***

The proposed project consists of the construction of a 32,400 square foot place of worship (temple), meditation, educational, sports, community events and activities, three story caretakers unit (4,500

square feet) and associated infrastructure, including a parking lot with one hundred and fifty-nine (159) parking stalls. In addition, project activities will include an extensive landscaping and the installation of paved driveways.

### ***Conditional Use Permit***

The Project proposes the following improvements:

#### **Improvements Adjacent to Roswell Avenue**

- Construct two (2) drive approaches, install landscaping/fences/walls along both side, and rear property lines.
- Construct a sidewalk along the entire frontage to the north and connect to Roswell Avenue

#### **Walnut Avenue Improvements:**

- Per City Standards.

#### **Drainage Improvements**

The site runoff will be directed to an on-site underground detention basin, which is located in the northeast corner of the site. Runoff from the north and east driveways, roofs, parking spaces and landscape areas will be collected by a total of six (6) catch basins and directed to the proposed on-site underground detention basin through onsite storm drain line network. The underground basin will include Stormtech MC-3500 arch pipes to retain the runoff and infiltrate into the subsurface soils. The proposed basin will provide a total volume of 10,564 cubic feet that exceeds the DA 1's Design Capture Volume (DCV) of 10,417 cubic feet. The treated volume will infiltrate into the subsurface soils under 48-hours. The overflow after detention in the basin will be discharged to a proposed 18-inch storm drain line and conveyed to an existing 24-inch storm drain in Roswell Avenue. There is no offsite drainage impact to the site from any direction.

The underground detention basin is proposed to store the volume from the 85<sup>th</sup> percentile storm as well as the volume from the increased runoff from the development in the event of a 100-year storm reducing the impact on the downstream properties while protecting the onsite development from flooding.

#### **Water and Wastewater Improvements**

Water: The project will construct an 8-inch fire water line and either a 2-inch or 3-inch domestic water line that will connect to an existing water line located on Roswell Avenue.

Wastewater: An on-site septic system is proposed to provide wastewater treatment.

#### **Construction Duration**

Project construction is anticipated to occur over an approximately 1-year period.

### **Operational Characteristics**

The first level is designed to serve as the main 270-seat congregation area for the purpose of worship and prayer. There will also be a kitchen facility for cooking and a dining hall located adjacent to the main congregation hall at the first floor, as well as classrooms for the youth, multipurpose meeting

rooms, administrative offices and prayer/meditation rooms. A detailed site plan is attached with this document. The second level will house a prayer hall where devotees can view the idols and perform rituals. There will also be three classrooms for youth to learn about music, dance, yoga, education, etc.

The facility will also be designed to offer spaces for community events and activities. Both the larger hall or the smaller multipurpose rooms and classrooms will function individually for community services such as health fairs, counseling sessions, job search assistance, environmental awareness campaigns, community pantry, food drive, etc.

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

<b>Existing Land Use and Land Use Zoning Districts</b>		
<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Zoning District</b>
<b>Project Site</b>	Vacant	RS-20M
North	State Highway 60	City of Chino
South	Single Family Homes	RS-20M
East	Single Family Homes	RS-20M and City of Chino
West	Single Family Homes	RS-20M

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

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced..." (CEQA Guidelines §15125[a]). The Project does not require the preparation of an Environmental Impact Report and a Notice of Preparation. Thus, the environmental setting for the Project is the approximate date that the project's Initial Study Checklist commenced in August 2019. The project site consists of a disturbed, un-vegetated lot located southwest of the intersection of Roswell Avenue and Walnut Avenue. The project site contains evidence of a high level of human disturbance as a result of ongoing weed abatement activities (i.e. disking) and illegal dumping. Areas surrounding the project site primarily consist of residential land uses. State Route 60 is located directly north of the project site and State Route 71 is located approximately 1.5 miles to the west. In addition, an active railway runs along the northern boundary of the project site in a northwest/southeast direction. On-site surface elevation ranges from approximately 751 to 758 feet above mean sea level (msl) and gently slopes to the south. According to the USDA NRCS Custom Soil Resource Report for San Bernardino County, the project site is underlain by the following soil units: Grangeville fine sandy loam (Gr); and Hilmar loamy fine sand (Hr). The project site is covered with a light to moderate growth of natural grasses and weeds.

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

Federal: None.

State of California: None.

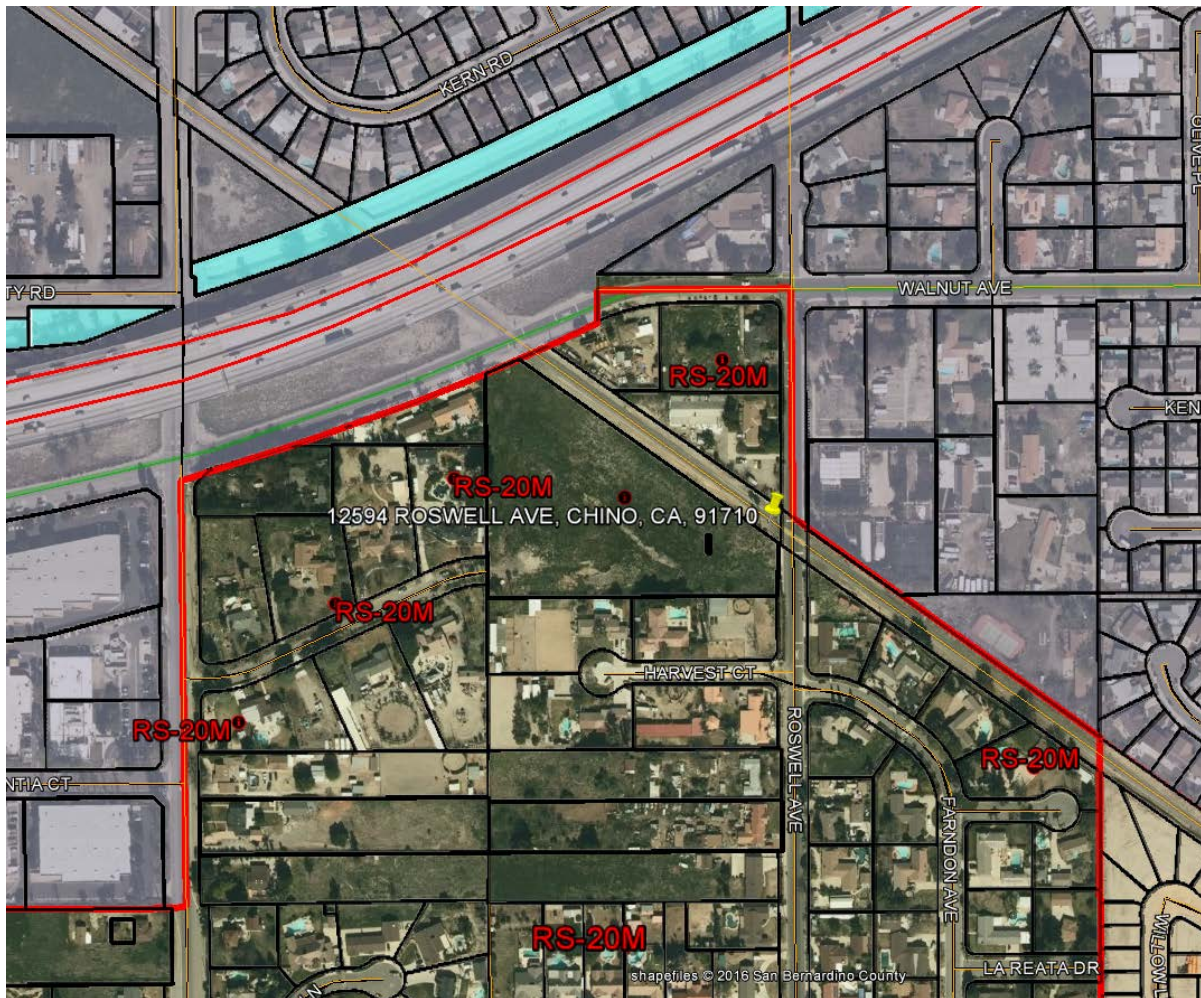
County of San Bernardino: Land Use Services Department-Building and Safety, Public Health-Environmental Health Services, Special Districts, and Public Works.

Regional: Santa Ana Regional Water Quality Control Board, South Coast Air Quality Management District.

Local: None

## Site Photographs

**Figure 1 Land Use of the Property**





**Figure 2 Project Vicinity Map**

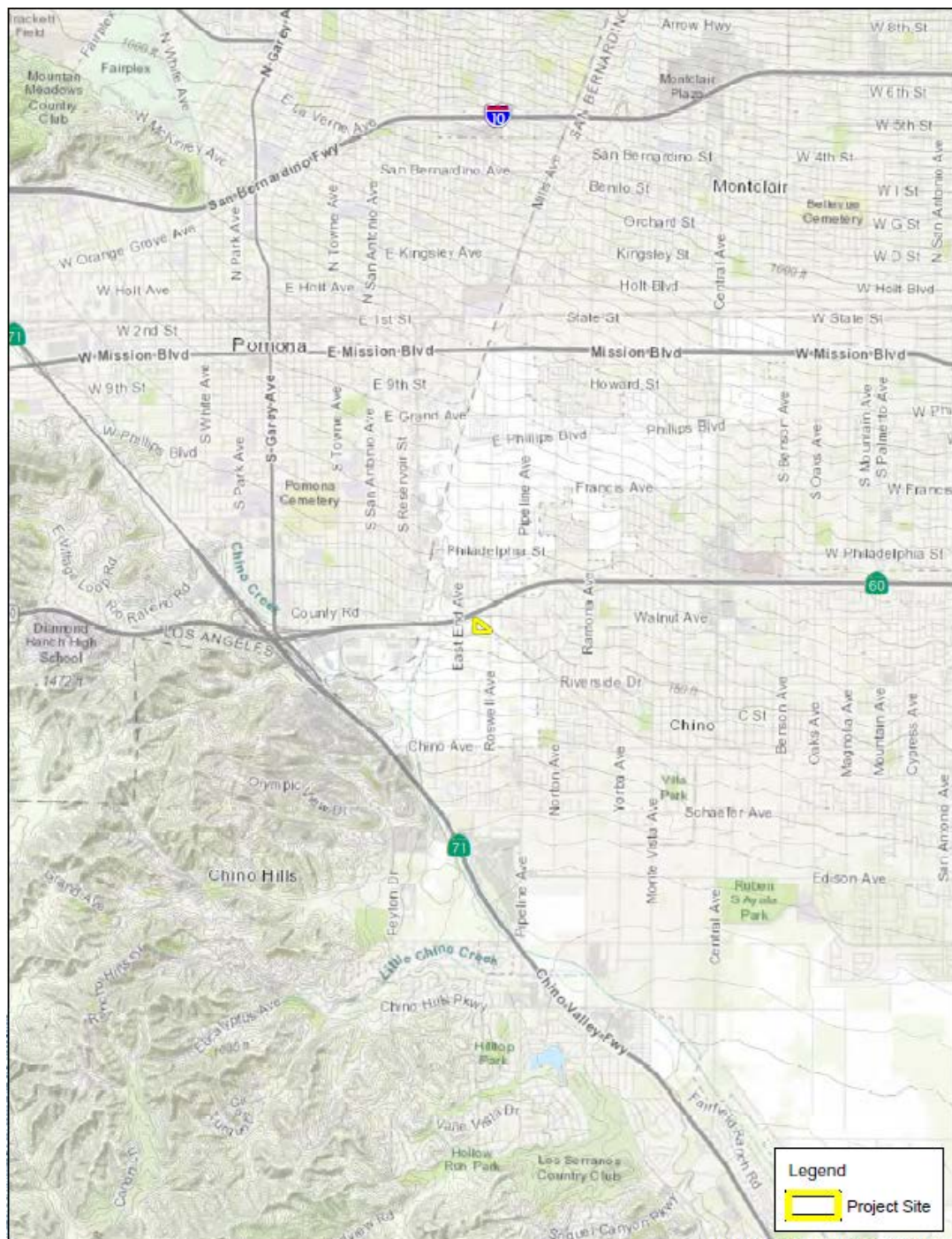
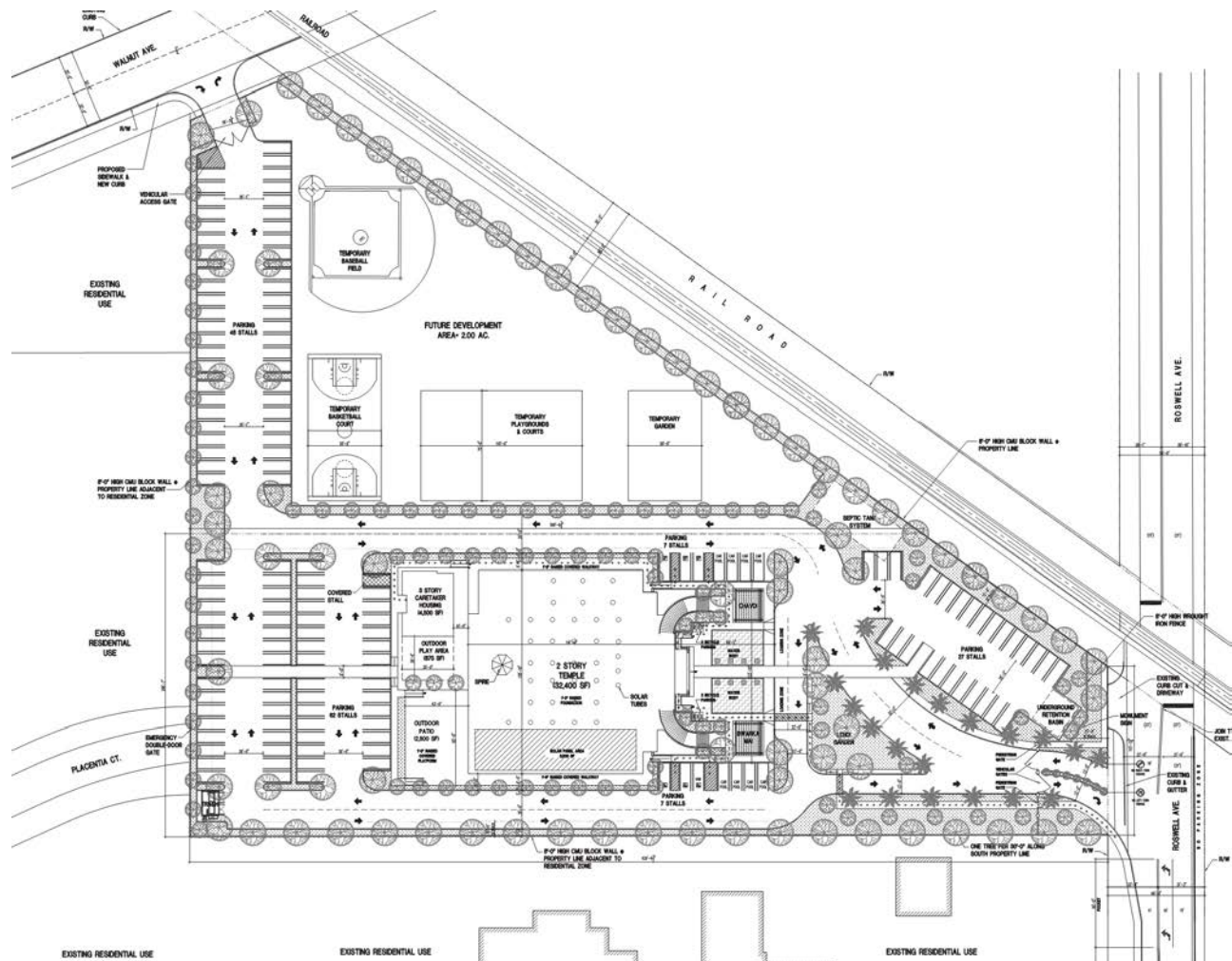


Figure 3 Site Plan





**Figure 4 Site Photos**



### **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, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

Tribal Consultation has occurred with the Gabrieleño Band of Mission Indians-Kizh Nation. Recommended mitigation measures were provided by the Gabrieleño Tribe and incorporated into this document as both mitigation measures and conditions of approval.

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.

(see Tribal Cultural Resources Section XVIII later in this document)

## **EVALUATION FORMAT**

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

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

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

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

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

## **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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


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

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

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

  
Signature: (prepared by Steven Valdez, Senior Planner)

October 6, 2020  
Date

  
Signature: (David Prusch, Supervising Planner)

October 8, 2020  
Date

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

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

**San Bernardino General Plan, 2007; Submitted Project Materials**

a) **Would the project have a substantial adverse effect on a scenic vista?**

The site is located in a rural area of the County of San Bernardino and is bordered by single-family residences to the south, north, and east of the project site. An un-used railroad right-of-way is located north of the project site. The site is not located near any County scenic vistas, as identified in the County's Open Space Element (San Bernardino 1997). The site and surroundings are flat and do not offer scenic vistas or protected views - and the site is not adjacent to a historic vista. The nearest scenic vista in the Valley Region in Chino is State Route 71, which is located south of the project site. Although, the project does not affect any County scenic vistas, the building has the potential to affect a City of Chino View Corridor - The San Gabriel Mountains to the north and Chino Hills to the south. City Land Use Policies (P1&2) requires that new developments preserve views of the surrounding environment through building design and orientation, and not obstruct, detract from or negatively affect views of the San Gabriel Mountains to the north and the Chino Hills to the south. The views are seen as part of the City's geographic space that allow residents to develop a sense of place unique to Chino. The proposed two-story Place of worship and three-story caretaker unit will be located in the center of the subject property and surrounded by parking on all

sides, and is designed to meet County and City height limits. To protect the views of the San Gabriel and Chino Hills mountains, which are unique to the City of Chino, the applicant has prepared renderings showing the before and after views from the residents located both north and south of the proposed Place of worship. The renderings show that the views from the mountains to the north and south are not being affected by the Place of worship given the placement of the structure in reference to the lot. There will be a less than significant impact, given that there are no protected view shed ordinances in the City of Chino.

#### **LESS THAN SIGNIFICANT**

- b) ***Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings in a state scenic highway?***

The project site appeared to have been recently disked and as a result is primarily un-vegetated with a few scattered ruderal/weedy, low-growing plant species. Several ornamental tree species, including date palm (*Phoenix* sp.) and Mexican fan palm (*Washingtonia robusta*), associated with surrounding residential properties were also observed within and along the northern property line. Many of these trees will be removed in order to construct the new building, parking lot, and caretaker residence, but will not damage a scenic resource, as there are no scenic resources or protected views in the City of Chino or County of San Bernardino. There are no rock outcroppings or historic buildings on the site. New landscaping would be added to the site in conjunction with the project and in compliance with County Landscaping Standards. Lastly, the project site is not near a State-designated scenic highway in the City of Chino. Although the site contains trees that may be removed, impacts are less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- c) ***Would the project substantially degrade the existing visual character or quality of the site and its surroundings, or conflict with applicable zoning, specific, or other regulations that govern scenic quality?***
- d) ***Would the project substantially degrade the existing visual character or quality of the site and its surroundings, or conflict with applicable zoning, specific, or other regulations that govern scenic quality?***

The Place of worship and ancillary caretaker residences, including the parking lot are located in an urban residential area that is currently undeveloped, but previously contained an agricultural use. The site and its surroundings are located in a Census designated urban environment with low levels of nighttime lighting.

The project involves the construction of a place of worship and caretaker residence. Light and glare from the proposed buildings would create additional light and glare on a currently vacant lot; however, the light would be similar to the light and glare currently produced from nearby residences. The security lighting proposed for the project would impact the surrounding area. However, it would be comparable to the existing lighting in the area and would conform to lighting requirements of the San Bernardino County Development Code, including Section 83.07.030 (a)(1), which states that light trespass to residential land uses is limited to five-tenths foot candles, as measured to the property line of a residential land use district. As all

light would be directed and shielded on site, and in compliance with County Standards, views in the area would not be adversely affected, and the impact is less than significant.

**LESS THAN SIGNIFICANT IMPACT**

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

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



**SUBSTANTIATION:** (Check ☐ if project is located in the Important Farmlands Overlay):

***San Bernardino County General Plan, 2007; California Department of Conservation Farmland Mapping and Monitoring Program; Submitted Project Materials***

- a) ***Would the project convert Prime Farmland, Unique Farmland, 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?***

The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the Project Site as "Urban and Built-Up Land" in the San Bernardino County Important Farmland 2016 Sheet 2 of 2 maps. Examples of this category include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures. No prime farmland, unique farmland, or farmland of statewide importance occurs at the Project site or within the immediate vicinity. The proposed Project would not convert farmland to a non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact.**

- b) ***Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?***

The Project Site is not under a Williamson Act Contract as identified in the latest map prepared by the California Department of Conservation, Division of Land Resource Protection. According to the Williamson Act Maps used by the Land Use Services Division, there are no active Williamson Act Contracts within the Chino area. Therefore, no impacts are identified or anticipated, and no mitigation measures are required. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact.**

- 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))?***

Implementation of the Proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for Timberland Production because the Project Site is within an urbanized area and the Project Site is disturbed. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact.**

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

The Project site does not support forest land. Implementation of the proposed Project would not result in loss of forest land or conversion of forest land to non-forest use. No impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact.**

**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?**

Implementation of the proposed Project would not result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. No impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact.**

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

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>III. AIR QUALITY</b> - Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b> (Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):					
<b>San Bernardino County General Plan, 2007; Submitted Project Materials</b>					

An Air Quality and Greenhouse Gas Assessment was completed to determine potential impacts to air quality associated with the development of the Proposed Project (Appendix A – *Air Quality/Greenhouse Gas Assessment for the Sai Ram Mandir Project, Chino, California*, August 2019). The results of the analysis are based on CalEEMod version 2016.3.2.

The project site is inside the South Coast Air Basin (the Basin), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The local air quality management agency is required to monitor air pollutant levels to ensure that applicable air quality standards are met and, if they are not met, to develop strategies to meet the standards.

#### Air Quality Thresholds

SCAQMD methods recommend that air pollutant emissions be analyzed in regional and local contexts. Regional emissions refer to all emissions that would be associated with construction and operation of a project, while local emissions refer only to those emissions that would be produced by sources located on the project site. The California Air Pollution Control Officers Association's (CAPCOA) California Emissions Estimator Model, Version 2016.3.2 (CalEEMod), was used to quantify emissions from anticipated construction and operations activities (CAPCOA, 2016). The CalEEMod model is approved by SCAQMD. CalEEMod uses emission factors for onsite and offsite emissions. Project construction-related and operation-related criteria air pollutant emissions were estimated using CalEEMod, then compared to SCAQMD's Mass Daily Threshold (MST), a regional daily emission threshold for onsite and offsite construction and operations activities and SCAQMD's Localized Significance Thresholds (LST), local thresholds that only apply to construction-related and operations-related onsite emissions to determine significance. Mass Daily Thresholds (MDT), the regional daily emission thresholds for onsite and offsite construction and operations activities for the project are listed in Table 4.

**Table 4. Mass Daily Thresholds (lb/day)**

Pollutant	Construction	Operations
NO <sub>x</sub>	100	55
VOC	75	55
PM <sub>10</sub>	150	150
PM <sub>2.5</sub>	55	55
SO <sub>x</sub>	150	150
CO	550	550
Pb	3	3

Source: SCAQMD CEQA Handbook (SCAQMD, 1993).

SCAQMD developed LST methods to determine, without dispersion modeling, if a project would cause or contribute to an exceedance of the applicable ambient air quality standard (SCAQMD, 2008). The LST methods are based on the maximum daily allowable construction-related and operations-related onsite emissions, the total area of the emissions source, the ambient air quality in each SRA in which the emission source is located, and the distance to the nearest exposed individual. For projects less than 5 acres in area, SCAQMD has developed lookup tables showing the maximum daily onsite emissions that would not cause an exceedance of any LST. Proposed project onsite emissions should be less than the LST values for the proposed activity to not violate or substantially contribute to an existing or projected air quality standard. SCAQMD's LST methods were used to assess local onsite and offsite emissions of criteria air pollutants and precursors during construction and operation of the project. SCAQMD's LST

methods were used in this analysis to evaluate ambient air quality impacts from proposed project construction. The Chino Sensitive Receptor Area 1 (SRA 33) thresholds for 5 acres were used for the project site, as shown in Table 5.

Depending on whether or not the standards are met or exceeded, the Basin is classified as being in “attainment” or “nonattainment.” The part of the Basin in which the project site is located is in nonattainment for both the federal and state standards for ozone, particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and lead, as well as the state standard for nitrogen dioxide (NO<sub>x</sub>) (CARB 2011, 2013). Thus, the Basin currently exceeds several state and federal ambient air quality standards and is required to implement strategies that would reduce the pollutant levels to recognized acceptable standards. This non-attainment status is a result of several factors, the primary ones being the naturally adverse meteorological conditions that limit the dispersion and diffusion of pollutants, the limited capacity of the local airshed to eliminate pollutants from the air, and the number, type, and density of emission sources in the Basin. The SCAQMD has adopted an Air Quality Management Plan (AQMP) that provides a strategy for the attainment of state and federal air quality standards.

The SCAQMD has adopted the following thresholds for temporary construction-related pollutant emissions:

- 75 pounds per day reactive organic compounds (ROC)
- 100 pounds per day NO<sub>x</sub>
- 550 pounds per day carbon monoxide (CO)
- 150 pounds per day sulfur oxides (SO<sub>x</sub>)
- 150 pounds per day PM<sub>10</sub>
- 55 pounds per day PM<sub>2.5</sub>

The SCAQMD has adopted the following thresholds for operational pollutant emissions:

- 55 pounds per day ROC
- 55 pounds per day NO<sub>x</sub>
- 550 pounds per day CO
- 150 pounds per day SO<sub>x</sub>
- 150 pounds per day PM<sub>10</sub>
- 55 pounds per day PM<sub>2.5</sub>

The SCAQMD has also developed Localized Significance Thresholds (LSTs) in response to the Governing Board’s Environmental Justice Enhancement Initiative (1-4), which was prepared to update the SCAQMD’s California Environmental Quality Act (CEQA) Air Quality Handbook. LSTs were devised in response to concern regarding exposure of individuals to criteria pollutants in local communities. LSTs represent the maximum emissions from a project that would not cause or contribute to an air quality exceedance of the most stringent applicable federal or state ambient air quality standard at the nearest sensitive receptor, taking into consideration ambient concentrations in each source receptor area (SRA), project size, and distance to the sensitive receptor. LSTs only apply to emissions in a fixed stationary location, including idling emissions during both project construction and operation. LSTs have been developed only for NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. LSTs do not apply to mobile sources such as cars on a roadway (SCAQMD June 2003).

LSTs have been developed for emissions in areas up to five acres in size, with air pollutant modeling recommended for activity in larger areas. The SCAQMD provides lookup tables for project sites that measure one, two, or five acres. The proposed project involves approximately

4.83 acres of on-site grading and construction. SCAQMD's Sample Construction Scenarios for projects less than 5 Acres in size contains methodology for determining the thresholds for projects that are not exactly one, two, or five acres in size. This methodology was implemented to determine the thresholds for the proposed project. The project site is located in Source Receptor Area 4 (SRA-33, Chino). LSTs are provided for sensitive receptors at a distance of 82 to 1,640 feet from the project site boundary. Sensitive receptors typically include residences, schools, hospitals, and the elderly. The closest sensitive receptors to the project site are the residential houses approximately 25 feet north of the project site. Although the closest sensitive receptor is approximately 25 feet from the project site, LSTs are only available for distances of 82 feet. Therefore, the 82-feet (25 meters) threshold was used. LSTs for construction on a 4.8-acre site in SRA-33 are shown in Table 2.

**Table 1 SCAQMD LSTs for Emissions in SRA-33**

<b>Pollutant</b>	<b>Allowable emissions<sup>1</sup> (lbs./day)</b>
Gradual conversion of NO <sub>x</sub> to NO <sub>2</sub>	270
CO	2,193
PM <sub>10</sub>	16
PM <sub>2.5</sub>	9

<sup>1</sup> Allowable emissions from site involving 4.83 acres of grading in SRA-33 for a receptor 25 meters away.

- a) Source: SCAQMD, Appendix C – Mass Rate LST Look-up Table. Accessed December 2016.

***Would the project conflict with or obstruct implementation of the applicable air quality plan?***

According to the SCAQMD Guidelines, to be consistent with the AQMP, a project must conform to the local General Plan and must not result in or contribute to an exceedance of the County's projected population growth forecast.

Implementation of the project involves the construction of a place of worship and caretakers unit, with an associated parking lot.

According to the County of San Bernardino Land Use Element, the Maximum Population Density Average (MPDA) will vary, but not exceed 43,187 persons per square mile in the Valley Planning Region, 22,758 persons per square mile in the Mountain Planning Region, and 24,013 persons per square mile in the Desert Planning Region. This assumes a maximum housing density of 20 dwelling units per acres. The place of worship and parking lot are not residential uses, and therefore would not have a direct impact on population. Therefore, the project would not obstruct implementation of the AQMP and this impact would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- b) ***Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?***
- c) ***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 (including releasing emissions that exceed quantitative thresholds for ozone precursors)?***

The project would generate both temporary construction and long-term operational emissions. Emissions generated during construction are typically associated with the operation of heavy diesel equipment and grading. Operational emissions would primarily be dependent upon vehicular traffic increases. Both construction- and operational-phase emissions are discussed below.

Under CEQA, the SCAQMD is an expert commenting agency on air quality within its jurisdiction or impacting its jurisdiction. Under the Federal Clean Air Act, the SCAQMD has adopted Federal attainment plans for O<sub>3</sub> and PM<sub>10</sub>. The SCAQMD reviews projects to ensure that they would not: (1) cause or contribute to any new violation of any air quality standard; (2) increase the frequency or severity of any existing violation of any air quality standard; or (3) delay timely attainment of any air quality standard or any required interim emission reductions or other milestones of any Federal attainment plan.

The *CEQA Air Quality Handbook* also provides significance thresholds for both construction and operation of projects within the SCAQMD jurisdictional boundaries. If the SCAQMD thresholds are exceeded, a potentially significant impact could result. The SCAQMD recommends that any project over five acres should perform air quality dispersion modeling to assess impacts to nearby sensitive receptors. If a project proposed development in excess of the established thresholds, as outlined in Table 3, *South Coast Air Quality Management District Emissions Thresholds*, a significant air quality impact may occur, and additional analysis is warranted to assess the significance of impacts.

**Table 5. Localized Significance Thresholds for SRA 33**

Project Phase	Source-Receptor Distance (m)	Localized Significance Threshold (lb/day)			
		NO <sub>x</sub> /NO <sub>2</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Construction	25	270	2,193	16	9
Operations	25	270	2,193	4	2

Notes: (1) Assumes a 5-acre project site for Source Receptor Area 33 and (2) SCAQMD has not developed LSTs for VOC or SO<sub>2</sub> emissions. VOC = volatile organic compounds; NO<sub>x</sub> = nitrogen oxides; CO = carbon monoxide; SO<sub>2</sub> = sulfur dioxide; PM<sub>10</sub> = particulate matter less than 10 microns in diameter; PM<sub>2.5</sub> = particulate matter less than 2.5 microns in diameter; lb/day = pounds per day

Source: South Coast Air Quality Management District, 2008.

## Impact Analysis - Construction

Construction of the project is expected to begin in 2021 and to last approximately 12 months until 2022. Construction activity-generated air pollutant activities include typical on-road vehicles. These emissions sources would primarily use diesel fuel, emitting combustion exhaust gases such as VOC, CO, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Offsite emissions associated with vehicle trips to and from the project site during construction would be dispersed throughout the region and would have a nominal local impact in the project site vicinity. Air quality could be impacted by combustion emissions from fossil-fueled off-road equipment and construction vehicles; VOC emissions from applying asphalt, pavement markings, and road dust. Project construction emissions include exhaust, fugitive dust, particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) from earthmoving activities, and vehicle trips to and from the project site for construction workers, material delivery, and hauling.

Construction activities for the proposed project would generate maximum daily emissions that are shown in Table 6 below. As shown, the peak daily construction emissions would not exceed any of the SCAQMD MDT for construction. Project emissions were also compared to the project-



specific local emission LST values from Table 5 to determine the significance of project impacts. As shown, the peak daily construction emissions would not exceed any of the SCAQMD daily LST thresholds for construction. Fugitive dust would be controlled per SCAQMD Rule 401 (Visible Emissions) and Rule 403 (Fugitive Dust), which apply to construction sites in the SCAB.

**Table 6. Maximum Daily Construction-Related Emissions (lb/day)**

Source/Description	VOC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Total Construction	19.2	40.5	21.8	0.04	9.7	5.9
SCAQMD Regional Thresholds (MDT for Construction from Table 3)	75	100	550	150	150	55
Exceeds Regional Thresholds	No	No	No	No	No	No
SCAQMD Localized Thresholds (from Table 4)	NA	270	2,193	NA	16	9

The data demonstrate that at no time during construction of the proposed project would maximum unmitigated daily emissions exceed an applicable SCAQMD threshold of significance for regional and local emissions. Local and regional air pollutant emissions generated by construction of the proposed project would not cause a violation of an air quality standard or contribute to an existing violation. Therefore, the project would have no significant effect on air quality because it would not violate any air quality standard.

## Analysis - Operations

The day-to-day operations activity of the project after construction would generate offsite emissions. Operation-related offsite mobile-source emissions would primarily include vehicle trips by visitors to the place of worship. According to the Traffic Impact Analysis (June 2020) for this project, daily trip volumes to the place of worship are 247 trips per day Monday to Friday, 313 trips per day on Saturday and 905 trips per day on Sunday. Onsite operational emissions would include direct and indirect emissions that result from natural gas and electricity usage. The estimated daily project criteria air pollutant emissions from operations are shown in Table 7.

**Table 7. Maximum Daily Operational Emissions (lb/day)**

[illegible]

Source: See Attachment 1.

The data demonstrate that at no time during operation of the proposed project would maximum unmitigated daily emissions exceed an applicable SCAQMD threshold of significance for regional and local emissions. Local and regional air pollutant emissions generated by operation of the proposed project would not cause a violation of an air quality standard or contribute to an existing violation. Therefore, the project would have no significant effect on air quality because it would not violate any air quality standard.

### **LESS THAN SIGNIFICANT IMPACT**

#### **d) *Would the project expose sensitive receptors to substantial pollutant concentrations?***

Certain population groups, such as children, the elderly, and people with health problems, are particularly sensitive to air pollution. Sensitive receptors are defined as land uses that are more likely to be used by these population groups and include health care facilities, retirement homes, school and playground facilities, and residential areas. The sensitive receptors nearest to the project include single-family residences located to the north, east, and west.

As discussed above, neither temporary construction nor long-term project emissions would exceed SCAQMD thresholds. Therefore, the project would not subject sensitive receptors to significant pollutant concentrations.

Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis.

The nearest sensitive receptors are residential uses adjoining the Project Site to the south and west. In order to identify impacts to sensitive receptors, the SCAQMD recommends addressing localized significance thresholds (LSTs) for construction and operations impacts (area sources only). The CO hotspot analysis following the LST analysis addresses localized mobile source impacts.

#### **Construction-Related Localized Air Quality Impacts**

LSTs were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the Final Localized Significance Threshold Methodology (dated June 2003 [revised 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized air quality impacts. The SCAQMD provides the LST screening lookup tables for one, two, and five-acre projects emitting CO, NOX, PM2.5, or PM10. The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways. The SCAQMD recommends that any project over five acres should perform air quality dispersion modeling to assess impacts to nearby sensitive receptors. The Project Site is located within SRA 33, Chino.

The SCAQMD guidance on applying CalEEMod to LSTs specifies the number of acres a piece of equipment would likely disturb per day. SCAQMD provides LST thresholds for one-, two- and five-acre site disturbance areas; SCAQMD does not provide LST thresholds for projects

over five acres. Based on information obtained from CalEEMod, the Proposed Project is anticipated to disturb up to 2.92 acres during the grading phase. The grading phase would take approximately 8 days in total to complete. The Proposed Project would actively disturb approximately 0.36 acres per day (2.92 acres divided by 8 days). Therefore, the LST thresholds for two acres were conservatively utilized for the construction LST analysis.

The closest sensitive receptors are residential uses adjoining the Project Site to the south and west. These sensitive land uses may be potentially affected by air pollutant emissions generated during onsite construction activities. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. As the nearest sensitive uses are adjoining the Project Site to the south and west, the LST values for 25 meters were used.

Table 6, *Localized Significance of Construction Emissions*, shows the localized construction related emissions for NOX, CO, PM10, and PM2.5 compared to the LSTs for SRA 33. The localized emissions presented in Table 6 are less than those in Table 5 because localized emissions include only on-site emissions (i.e., from construction equipment and fugitive dust), and do not include off-site emissions (i.e., from hauling activities). As shown in Table 6, the Proposed Project's localized construction emissions would not exceed the LSTs for SRA 33. Therefore, potential localized significance impacts from construction would be less than significant.

Phase	Emissions (pounds per day)			
	NOX	CO	PM10	PM2.5
<b>Construction</b>				
Year 1 (2020) On-Site Emissions <sup>1,2</sup>	42.47	22.247	2.199	2.023
<b>SCAQMD Localized Threshold<sup>3</sup></b>	<b>270</b>	<b>2,193</b>	<b>16</b>	<b>9</b>
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
Year 2 (2021) On-Site Emissions <sup>2,4</sup>	17.842	17.043	0.960	0.902
<b>SCAQMD Localized Threshold<sup>3</sup></b>	<b>270</b>	<b>2,193</b>	<b>16</b>	<b>9</b>
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
Notes:				
1 The grading phase emissions during Year 1 present the worst-case scenario for NOx, CO, PM10, and PM2.5.				
2 The mitigation reduction/credits for construction emissions applied in CalEEMod are based on the application of dust control techniques as required by SCAQMD Rule 403. The dust control techniques include the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces twice daily; cover stockpiles with tarps; water all haul roads three times daily; and limit speeds on unpaved roads to 15 miles per hour.				
3 The Localized Significance Threshold was determined using Appendix C of the SCAQMD Final Localized Significance Threshold Methodology guidance document for pollutants NOx, CO, PM10, and PM2.5. The Localized Significance Threshold was based on the anticipated daily acreage disturbance for construction (approximately 2.5 acre; therefore, the threshold for 2-acre was used), a distance of 82-feet (25) meters to the closest sensitive receptor, and the source receptor area (SRA 33).				
4 The building construction phase emissions during Year 2 present the worst-case scenario for NOx, CO, PM10, and PM2.5.				
Source: Appendix A.				

### Operation-Related Localized Air Quality Impacts

According to SCAQMD localized significance threshold methodology, LSTs would apply to the operational phase of a project if it includes stationary sources or attracts mobile sources. Operation-related offsite mobile-source emissions would primarily include vehicle trips by visitors to the place of worship.. The estimated daily project criteria air pollutant emissions from operations are shown in Table 7.

Although the project site is approximately 4.93 acres, the five-acre operational LST was utilized to provide a conservative estimate of operational LST impacts. Applicable localized thresholds from the SCAQMD's mass-rate LST lookup tables for a five-acre project site within SRA 33 are as follows:

- NOX: 270 pounds per day;
- CO: 2,193 pounds per day;
- PM10: 4 pounds per day; and/or
- PM2.5: 2 pounds per day.

Table 7, *Localized Significance of Operational Emissions*, shows the calculated emissions for the Proposed Project's operational activities compared to the applicable LSTs.

Source	Pollutant (pounds/day)			
	NOX	CO	PM10	PM2.5
<b>Operational</b>				
Area Source Emissions	4.1	9.6	2.6	0.7
<i>Localized Significance Threshold<sup>1</sup></i>	270	2,193	4	2
<b>Thresholds Exceeded?</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Notes:

1. The Localized Significance Threshold was determined using Appendix C of the SCAQMD *Final Localized Significant Threshold Methodology* guidance document for pollutants NOX, CO, PM10, and PM2.5. The Localized Significance Threshold was based on the total acreage for operational (the 5-acre threshold was used), the distance to sensitive receptors, and the source receptor area (SRA 33).

Source: Appendix A.

As shown in Table 7, the proposed project's operational area source emissions would be negligible and would not exceed the LSTs for SRA 33. Therefore, potential localized significance impacts from operations would be less than significant.

Although the proposed project would not exceed the SCAQMD LST thresholds at the nearest sensitive receptors, the analysis below further discusses potential health risks associated with diesel particulate matter (DPM) from heavy trucks accessing and idling on-site during project operations.

### Health Risk Assessment

The project does not require a Health Risk Assessment.

### LESS THAN SIGNIFICANT IMPACT

#### e) *Would the project create objectionable odors affecting a substantial number of people?*

According to the SCAQMD CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical tenant, composting, refineries, landfills, dairies, and fiberglass molding. A Place of worship with associated parking is proposed at the project site. The Proposed Project would not include any uses identified by the SCAQMD as being associated with odors. Construction activities associated with the Proposed Project may generate detectable odors

from heavy-duty equipment exhaust and architectural coatings. However, construction-related odors would be short-term in nature and cease upon project completion. In addition, the Proposed Project would comply with the California Code of Regulations, Title 13, sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes. This would further reduce the detectable odors from heavy-duty equipment exhaust. The Proposed Project would also comply with the SCAQMD Regulation XI, Rule 1113 – Architectural Coating, which would minimize odor impacts from ROG emissions during architectural coating. Any impacts to existing adjacent land uses would be short-term; therefore, potential impacts associated with odors affecting a substantial number of people would be less than significant. Some of these odors may reach sensitive receptors adjacent to the project site. However, the impacts would be temporary in nature. The place of worship, caretakers unit and parking lot typically do not create objectionable odors. Since the project would not create objectionable odors, this impact is less than significant.

#### LESS THAN SIGNIFICANT IMPACT

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

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

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

**San Bernardino County General Plan, 2007; Submitted Project Materials; Add in Studies here**

- a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?**

The project site is located on the outskirts of a rural residential area, whereby heavy industrial uses are located one block west of the proposed development within the City of Chino. The area is not necessarily exposed to on-going weed abatement activities (i.e., disking) because the area is predominately residential, which limits wildlife movement opportunities throughout the area. Further, the project site is surrounded by development and light and noise associated with State Route 60 to the north, the active railway to the east, and the surrounding residential properties to the south, east, and west would likely deter wildlife from utilizing the project site as a movement corridor. As such, development of the project site is not expected to disrupt wildlife movement opportunities within or adjacent to the project site.

The biological report submitted, prepared by Michael Baker International, indicated that the site was heavily disturbed, and the ornamental trees and vegetation associated with the project site and surrounding residential properties provided suitable foraging and limited amount of nesting opportunities for a variety of year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area. Additionally, the project site provides limited ground nesting opportunities due to the high level of weed abatement activities which would likely deter birds from nesting on the open ground.

#### Special-Status Plant Communities

According to the CNDDDB, one (1) special-status plant community has been reported in the Ontario USGS 7.5- minute quadrangle: Riversidian Alluvial Fan Sage Scrub. Based on the



results of the field survey, this special status plant community does not occur within the project site.

#### Special Status Wildlife

Thirty-four (34) special-status wildlife species have been recorded by the CNDDDB within the Ontario USGS 7.5-minute quadrangle. No special-status wildlife species were observed during a field survey of the site. Based on habitat requirements for specific special-status wildlife species and the availability and quality of habitats needed by each species, it was determined that the project site has a low potential to support Cooper's hawk (*Accipiter cooperii*). All remaining special-status wildlife species are presumed to be absent from the project site based on habitat requirements, availability and quality of habitat needed by each species, and known distributions. The potential occurrence of burrowing owl is low on the project site.

#### Burrowing Owl

The project site is located in a Biotic Resource Overlay. According to a field investigation, a search of the project site, showed no signs of burrowing owls or burrowing owl activity (i.e., pellets, feathers, castings, or white wash) because the un-vegetated site contains a variety of low-growing plant species that allow for line-of-sight observation favored by burrowing owls. However, the project site is located within a heavily developed area within Unincorporated San Bernardino County and is exposed to a high level of disturbance associated with the active railway to the north and on-going weed abatement activities which would likely deter burrowing owls from occupying the project site. In addition, several power poles and ornamental trees surround the project site which further decreases the likelihood that burrowing owls would occur as these features provide perching opportunities for larger raptor species (i.e., red-tailed hawk [*Buteo jamaicensis*]) that prey on burrowing owls. Therefore, burrowing owl is presumed absent from the project site and focused surveys are not recommended.

#### Critical Habitat

The project site is not located within federally designated Critical Habitat. Therefore, impacts to Critical Habitat will not occur and consultation with the USFWS will not be required for the loss or adverse modification to Critical Habitat.

### LESS THAN SIGNIFICANT IMPACT WITH MITIGATION

#### Mitigation Measure

The following mitigation measure and compliance with MBTA and California Fish and Game Code (CFGF) requirements would be required to reduce impacts to nesting birds to a less than significant level.

- BIO-1      A pre-construction nesting bird clearance survey shall be conducted by a qualified biologist no more than three (3) days prior to the start of any vegetation removal or ground disturbing activities to ensure that birds protected under the MBTA and California Fish and Game Code are not impacted. A qualified biologist shall survey all suitable nesting habitat within the project site, and**

within a biologically defensible buffer distance surrounding the project site, for nesting birds prior to commencing project activities. Documentation of surveys and findings shall be submitted to Sri Jayaram Foundation Inc. for review and file. If no active nests are detected, construction may begin. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest shall be estimated and the qualified biologist shall establish a "no-disturbance" buffer around the active nest. The distance of the "no-disturbance" buffer may be increased or decreased according to the judgement of the qualified biologist depending on the level of activity and species (i.e., listed, sensitive). The qualified biologist shall periodically monitor any active nests to determine if project-related activities occurring outside the 'no disturbance' buffer disturb the birds and if the buffer should be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

**BIO-2** A pre-construction burrowing owl clearance survey shall be conducted to ensure that burrowing owls remain absent from the project site and impacts to any occupied burrows do not occur. In accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012), two pre-construction clearance surveys shall be conducted 14-30 days and 24 hours prior to any vegetation removal or ground disturbing activities. Documentation of surveys and findings shall be submitted to Sri Jayaram Foundation Inc. for review and file. If no burrowing owls or occupied burrows are detected, construction may begin. If an occupied burrow is found within the development footprint during pre-construction clearance surveys, a burrowing owl exclusion plan will need to be prepared and submitted to CDFW for approval prior to initiating project activities.

**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, or 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 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?*

There is no riparian or wetland habitat present on the Project Site and the property does not support any recognizable drainages that meet the criteria for either jurisdictional water or wetlands under the Army Corps of Engineers (Corps). There are no drainages or other areas of watered habitat that would come under the jurisdiction of the Regional Water Quality Control Board (RWQCB) or provide any Beneficial Uses (BUs) that might come under the RWQCB protection. There are two small drainages in the northeastern corner of the property that have definable beds and banks. There is no riparian habitat along either drainage; however, the evidence of water flow indicates that these drainages may meet the definition of a jurisdictional CDFW stream. A possible significant impact has been identified and the following measures shall be implemented to address potential impacts:

**Less than Significant Impact.**

- 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 wildlife corridors, or impede the use of native wildlife nursery sites?***

Wildlife movement and the fragmentation of wildlife habitat are recognized as critical issues that must be considered in assessing impacts to wildlife. In summary, habitat fragmentation is the division or breaking up of larger habitat areas into smaller areas that may or may not be capable of independently sustaining wildlife and plant populations. Wildlife movement (more properly recognized as species movement) is the temporal movement of individuals (plants and animals) along diverse types of corridors. Wildlife corridors are especially important for connecting fragmented habitat areas. The property is in an area where wildlife movement is restricted by roads, houses and industrial buildings. Impacts to regional wildlife movement are not expected. The site is in a developed area where habitat fragmentation has already occurred. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**Less than Significant Impact.**

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

The project site does not have any trees protected by ordinance. The project will not lead to the removal of protected trees and does not conflict with any local policies or ordinances protecting biological resources as there are no protected biological resources on site. Since the project would not conflict with any local policies or ordinances protecting biological resources, no impact would occur.

**No Impact.**

- 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?***

The project site is not in the area of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

**No Impact.**

**Therefore, no significant adverse impacts are identified or anticipated with the proposed mitigation.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>V. CULTURAL RESOURCES - Would the project:</b>				

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

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

***Bernardino County General Plan, 2007; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials***

- a) ***Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?***

The project site is vacant and surface visibility is approximately 90 percent. Sediments included sandy silts with very few rocks. Disturbances included excavations for adjacent road and railroad construction, terracing for former agricultural uses and house construction, the digging of a well, and dicing for weed abatement. During a field survey, BCR Consulting archaeologists identified and recorded one historic-period vertical well pipe, temporarily designated MBI1802-H-1. No associated apparatus or evidence for the former agricultural or domestic uses were identified. The well pipe has been recorded on DPR 523 forms.

BCR Consulting reviewed and researched the historic period well site. BCR determined that there was no associated apparatus or evidence for former agricultural or domestic activity remains, and therefore, the well cannot be associated with any events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the U.S. As a result, the well is not eligible under California Register Criterion 1. The well was also not associated with any important persons (California Register Criterion 2), and does not exhibit distinctive characteristics of a type, period, region, or method of construction, represent the work of a master, or possess high artistic values (California Register Criterion 3), and has yielded, and is not likely to yield, information important to the prehistory or history of the local area, California, or the nation (California Register Criterion 4). While the well site retains integrity of location, the removal of all other evidence of former agricultural and domestic activity confers poor integrity of setting, design, materials, workmanship, feeling and association. Since the well did not meet the criteria above, it is not eligible for the California Register, and not a recommended historical resource under CEQA

**Less than Significant**

- b) Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?**
- c) Would the project disturb any human remains, including those interred outside of formal cemeteries?**

The project is located in the Chino Valley, which is bounded on the west by the Puente Hills, on the south by the Chino Hills, on the north by the foothills of the San Gabriel Mountains, and on the east by the Jurupa Mountains (USGS 1981). Previous geologic mapping indicates that the proposed project site is situated entirely upon Holocene and late Pleistocene young alluvial fan deposits (Morton and Gray 1995). These locally consist of gray-hued sand and cobble, and gravel-sand deposits coming from diverse sedimentary units. Field observations during the current study are consistent with these descriptions, although heavy disturbances related to grading and fill placement for local roads and agriculture have displaced many of the native soils. None of the materials observed during the field survey exhibited evidence of the manufacture or acquisition of prehistoric stone tools or materials.

#### **LESS THAN SIGNIFICANT IMPACT WITH MITIGATION**

##### **MITIGATION MEASURES**

The following mitigation measures would reduce the impacts of disturbing intact resources and uncovering human remains to a less than significant level.

- CR-1 Archaeological Resource Procedures.** In the event that archaeological resources are unearthed during project construction, a qualified archaeologist should be contacted to assess the nature and significance of the find, diverting construction excavation if necessary.
- CR-2 Paleontological Resource Procedures.** If evidence of subsurface paleontological resources is found during excavation and other ground-breaking activities, all work within 50 feet of the discovery shall cease and the construction contractor shall contact the County of San Bernardino Land Use Service Department. With direction from the Land Use Services Department, a paleontologist certified by the County of San Bernardino shall evaluate the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.
- CR-3 Human Remains Recovery Procedures.** If human remains are found, those remains would require proper treatment, in accordance with applicable laws. State of California Public Resources Health and Safety Code Section 7050.5-7055 describe the general provisions for human remains. Specifically, Health and Safety Code 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission, and consultation with the individual identified by the Native American Heritage Commission to be the “most likely descendant”. If

human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains until the County coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains.

**Mitigation Measures are provided to address potential impacts to cultural resources.**

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

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

- a) ***Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?***

**Electricity**

Southern California Edison (SCE) provides electricity to the Project area. Currently, the existing site does not use any electricity because it is a vacant site (the dilapidated single-family residence is uninhabited). Therefore, Project implementation would result in a permanent increase in electricity over existing conditions. Based on the CalEEMod emissions modeling, the Project would have an annual demand of 374,535-kilowatt-hours (kWh) (0.37 Gigawatt hours [GWh]). In 2018 (latest year for which data is available), the County consumed 15,634 GWh and SCE consumed 85,276 GWh.<sup>1</sup> The Project's increased demand represents approximately less than one percent of electricity consumption compared to the County's and SCE's annual consumption. Therefore, the Project's increased demand is expected to be adequately served by the existing SCE electrical facilities.

It should also be noted that the Project design and materials would be required to comply with the 2019 Building Energy Efficiency Standards, which went into effect on January 1, 2020. Prior to issuance of a building permit, the County would review and verify that the Project

<sup>1</sup> California Energy Commission. 2018. California Energy Consumption Database. Available at <https://ecdms.energy.ca.gov/> (accessed on February 2020).



plans demonstrate compliance with the current version of the Building and Energy Efficiency Standards. The Project would also be required to adhere to the provisions of CALGreen, which establishes planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.

Project development would not interfere with achievement of the 60 percent Renewable Portfolio Standard set forth in SB 100 for 2030 or the 100 percent standard for 2045. These goals apply to SCE and other electricity retailers. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. As electricity retailers reach these goals, end-user non-renewable electricity use would decrease from current estimates. The Project would also be required to comply with the latest applicable building energy efficiency standards, which would minimize building energy consumption.

### **Natural Gas**

The Southern California Gas Company (SoCalGas) provides natural gas service to the Project area. The increased demand is expected to be adequately served by the existing SoCalGas facilities. From 2018 to 2035, natural gas demand is expected to decline from 236 billion cubic feet (bcf) (2.36 billion therms) to 186 Bcf, (1.90 billion therms), while supplies remain constant at 3.775 billion cubic feet per day (bcfd) (0.04 billion therms per day) from 2015 through 2035. Based on the CalEEMod emissions modeling, the Project would have a gross annual demand of 1,198,880 kBtu (0.012 million therms) of natural gas. In 2018 (latest year for which data is available), the County consumed 500 million therms and SoCalGas consumed 5,156 million therms of natural gas.<sup>2</sup> The Project's increased demand represents less than one percent of natural gas consumption for the County and SoCalGas' annual consumption. Therefore, the natural gas demand from the Project would represent a nominal percentage of overall demand in SoCalGas' service area (i.e., less than a fraction of one percent). The Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.

### **Fuel**

During construction, transportation energy use depends on the type and number of trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Transportation energy use during construction would come from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction employee vehicles that would use diesel fuel and/or gasoline. The use of energy resources by these vehicles would fluctuate according to the phase of construction and would be temporary. Most construction equipment during demolition and grading would be gas-powered or diesel-powered, and the later construction phases would require electricity-powered equipment. Impacts related to transportation energy use during construction would not require expanded energy supplies or the construction of new infrastructure; impacts would not be significant.

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<sup>2</sup> California Energy Commission. 2018. California Energy Consumption Database. Available at <https://ecdms.energy.ca.gov/> (accessed on February 2020).

During Project operations, energy consumption would be associated with visitor and employee vehicle trips; delivery and supply trucks; and trips by maintenance and repair crews. The Project will be located near SR-60, reducing the need to drive long distances to a major highway. Based on the Project's vehicle trip generation and emissions modeled in CalEEMod, the Project would consume approximately 15,183 gallons of gasoline per year. In 2020, the non-desert portion of the County consumed 537,434,042 gallons of gasoline.<sup>3</sup> The Project's increased demand represents less than one percent of gasoline consumption of the non-desert portion of the County. Therefore, the gasoline demand from the Project would represent a nominal percentage of overall consumption in the region (i.e., less than a fraction of one percent). Consequently, the Project would not result in a substantial demand for energy that would require expanded supplies or the construction of other infrastructure or expansion of existing facilities. Project operations would comply with all applicable fuel efficiency standards and would not substantially affect existing fuel supplies or resources. Additionally, fuel consumption associated with vehicle trips generated by the Project would not be considered inefficient, wasteful, or unnecessary.

**Less Than Significant Impact.**

**b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?***

The County of San Bernardino has a Renewable Energy and Conservation Element (RECE) as part of the County's General Plan which was adopted August 8, 2017 and amended February 28, 2019. The RECE defines County goals and policies related to renewable energy and energy conservation. The project would consider applicable goals and policies in the RECE. The project would also be required to meet Title 24 Building Energy Efficiency requirements. California's Building Energy Efficiency Standards (updated every three years) are designed to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings. Adherence would ensure that the project would not conflict with or obstruct the recently amended RECE or any other state or local plan for renewable energy or energy efficiency. Impacts are less than significant, and no mitigation is required.

The proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce GHG emissions, including Title 24, AB 32, and SB 32; therefore, the Project is consistent with AB 32, which aims to decrease emissions statewide to 1990 levels by to 2020 as discussed in Sections III and VIII of this document. The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and therefore no impact would occur and no mitigation measures are recommended.

**Less Than Significant Impact**

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

	Issues	Potentially Significant Impact	Less than Significant	Less than Significant	No Impact
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<sup>3</sup> California Air Resources Board, Mobile Source Emissions Inventory, EMFAC2017 model.

			with Mitigation Incorporated		
<b>VII.</b>	<b>GEOLOGY AND SOILS - Would the project:</b>				

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

☐ ☐ ☒ ☐

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 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect 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?

☐ ☒ ☐ ☐

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

☐ ☒ ☐ ☐

**SUBSTANTIATION:** (Check ☐ if project is located in the Geologic Hazards Overlay District):  
**San Bernardino County General Plan, 2007; Submitted Project Materials**

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

- a.1) **Expose people or structures to 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?**
- a.2) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?**

The active Cucamonga, San Jacinto, San Andreas, and Elsinore faults are within the region. Based on well data and magnetic measurements, a principal trace of the Elsinore fault is believed to extend northwesterly, east of the Puente Hills. The San Jacinto fault, which was not considered during early land development, presents the greatest hazard from ground rupture in the urbanized San Bernardino area.

Ground shaking, resulting from fault movement, is a serious seismic hazard in areas of widespread alluvial sediments. The thickness of alluvial sediments averages about 800 feet (240 m) in the valley area with maximum thicknesses of about 1300 feet (396 m) near Ontario and San Bernardino. The surface effects of shaking will probably be greatest in areas of ground-water depletion and subsidence near San Bernardino and Chino.

The Chino-Corona segment of the Elsinore fault zone is the least known of the major fault zones affecting the study area. As referred to in this report, the Chino-Corona segment of the Elsinore fault zone is defined as that portion of the northwest-trending Elsinore fault zone that includes the Chino fault (Gray, 1961), the Central Avenue fault (Woodford and others, 1944), and newly inferred unnamed subsurface fault(s) that separate the Puente Hills from the Perris Block between Bedford Wash on the south and the San Jose Hills on the north.

The current work strongly suggests that a principal northern extension of the Elsinore fault zone trends northwesterly into the study area and includes the Chino, the Central Avenue fault, and the unnamed subsurface fault(s).

According to the County General Plan, Safety Element (April 2007), the two types of subsidence of major concern to San Bernardino County are tectonic subsidence and subsidence caused by groundwater withdrawal. Within geologic time, the County has undergone tectonic activity, including the uplifting of the San Bernardino Mountains in relation to the San Bernardino Valley Region. Plate tectonics is the mechanism responsible for this movement, which has caused miniplates to be formed at major plate boundaries and has reoriented, folded, and faulted these small crustal pieces. This activity has raised some of these miniplates or blocks and has allowed others to subside. This tectonic subsidence is primarily of concern during very large earthquakes, when subsidence could occur instantaneously and may total many feet. Tectonic subsidence is uncontrollable by man.

The San Andreas Fault System, and more notably the San Jacinto Fault, could create substantial ground shaking if a seismic event occurred along that fault. Similarly, a strong

seismic event on any other fault system in Southern California has the potential to create considerable levels of ground shaking throughout the county. However, the project site is not subject to unusual levels of ground shaking and all new structures would be required to comply with all applicable provisions of the CBC. Impacts associated with ground shaking would be less than significant

#### **LESS THAN SIGNIFICANT IMPACT**

**a.3) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking, including liquefaction?***

Liquefaction is a process whereby soil is temporarily transformed to fluid form during intense and prolonged ground shaking or because of a sudden shock or strain. Liquefaction typically occurs in areas where the groundwater is less than 30 feet from the surface and where the soils are composed of poorly consolidated fine to medium sand.

The project site is located northeast of the San Jacinto Fault on loose moderately consolidated, olive gray, fine silted sand (SM), poorly graded, loose to 3-feet and medium dense to dense below up to a maximum depth of 40-feet (Preliminary WQMP Report – City and County Engineering and Testing, Inc.) There is a low potential for ground failure in the region. The project site is not located in an area where liquefiable materials are mapped and/or where liquefaction has occurred in the past according to the State of California Seismic Hazard Zones Ontario Quadrangle (2000). Nevertheless, the project would be required to be constructed in accordance with CBC standards that address liquefaction hazards, including strengthening the foundation and its footings.

#### **LESS THAN SIGNIFICANT IMPACT**

**a.4) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?***

Landslides triggered by earthquakes historically have been a significant cause of earthquake damage. In California, large earthquakes such as the 1971 San Fernando, 1989 Loma Prieta, and 1994 Northridge earthquakes triggered landslides that were responsible for destroying or damaging numerous structures, blocking major transportation corridors, and damaging life-line infrastructure. Areas that are most susceptible to earthquake-induced landslides are steep slopes in poorly cemented or highly fractured rocks, areas underlain by loose, weak soils, and areas on or adjacent to existing landslide deposits. These geologic and terrain conditions exist in many parts of California, including numerous hillside areas that have already been developed or are likely to be developed in the future. The opportunity for strong earthquake ground shaking is high in many parts of California because of the presence of numerous active faults. The combination of these factors constitutes a significant seismic hazard throughout much of California, including the hillside areas of the Ontario Quadrangle. Per the County of San Bernardino Safety Element (2007), in southwestern San Bernardino County, the closest area subject to landslides is in the Chino Hills area, which is underlain by landslide-prone marine rocks, presenting the greatest potential slope stability problem in that area. Landslide and mudslide hazards are more comprehensively discussed in the Safety Background Report. Since the topography of the site and its immediate built environment is

relatively flat. The site is not located in any landside zones. Therefore, there is no risk of landslides on the site.

**NO IMPACT**

**b) *Would the project result in substantial soil erosion or the loss of topsoil?***

The project site is generally flat, which limits the potential for substantial soil erosion. However, there is potential for soil erosion to occur during site preparation and grading activities. Excavation activities, according to the preliminary WQMP would require at least the upper 18 inches of sub grade soils to be over-excavated, bottom be scarified, moisture-conditioned and re-compacted to at least 90% relative compaction as defined by ASTM Standard D-1557 (12). The base materials or upper 6 inches of top sub grade without base shall be compacted to at least 95% relative compaction. The use of Best Management Practices (BMP), to minimize runoff and erosion impacts from project activities during construction would ensure that erosion and loss of topsoil impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

**c) *Would the project be located on a geologic unit or soil that is 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 1-B of the Uniform Building Code, creating substantial risks to life or property?***

The site is located along the western edge of the Chino Basin, which encompasses a broad area of coalescing alluvial fans that extend southward from the San Gabriel Mountains. The Project site primarily consists entirely of Pleistocene Holocene age alluvial deposits. Olive Gray, fine-grained silty sand (SM), poorly graded, loose to 3-feet and medium dense below up to a depth of exploratory borings to 40 feet, according to the Geotechnical Report prepared by City and County Engineering, Inc. The entire site is recently disked, flat, sloping to the south and southeast by about 2% from the north and northwest. The project site is not located in an area where liquefiable materials are mapped and/or where liquefaction has occurred in the past according to the State of California Seismic Hazard Zones Quadrangle (2000). The project would be required to be constructed in accordance with CBC standards. This would ensure that construction of the project would not result in on or off site geologic impacts.

Sand-rich sediments that exist on the project site are typically non-expansive and non-swelling and do not shrink with changes in moisture content. The test results provided from Geotechnical Report prepared by City and County Engineering and Testing, Inc. indicate that the sub soils are poorly graded fine silty sand, which is generally low to very low in expansion potential. However, if more clayey soils are encountered during grading or imported while grading, expansion index tests should be performed on such soil to evaluate expansion potential and remedial measure must be taken. Although no issues with expansive soils are known to be present, additional testing may be required, prior to construction, if determined by the soils report to be necessary; therefore, impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**



- 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?***

The site is covered with grass and weeds sparsely to a depth of 3 inches. Old windblown fill consists of dark gray, fine silty sand (SM), dry and slightly moist and loose up to 2 feet in depth. The subsoil below 2 feet up to a depth of 6 feet found to be dark gray, fine silty sand, poorly graded, slightly moist and medium dense. The underlying soils were found to be olive gray, fine silty sand and sandy silt, slightly moist to moist and medium dense to stiff up to a maximum depth of the borings onsite to 40 feet below existing ground level. Based on the exploration and testing, the fine-grained silty sand and sandy silt are suitable for satisfactory functioning of on-site sewage disposal system utilizing a septic tank and seepage pit. The Septic system was reviewed by Public Health and the Santa Ana Regional Water Quality Control Board and preliminarily approved. The Regional Board indicated that they did not object to the project provided that an estimated flow of 1,981 gallons per day/day, according to the percolation report, is not increased for the seepage pits and provided the seepage pits are constructed in compliance with San Bernardino County's Local Agency Management Plan (LAMP) and not be covered by an impermeable surface. With the approved recommendation incorporated as Mitigations Measures, the impact would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT WITH MITIGATION**

**MMGEO-1:** Prior to issuance of a building permit, the applicant shall obtain approval from County Public Health and State Water Quality Control Board and ensure the proposed septic system will allow for a maximum flow, based on the percolation report, of 1,981 gallons per day. The proposed system shall also be designed in compliance with the Local Agency Management Plan (LAMP)

- f) ***Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

The project is located in the Chino Valley, which is bounded on the west by the Puente Hills, on the south by the Chino Hills, on the north by the foothills of the San Gabriel Mountains, and on the east by the Jurupa Mountains (USGS 1981). Previous geologic mapping indicates that the proposed project site is situated entirely upon Holocene and late Pleistocene young alluvial fan deposits (Morton and Gray 1995). These locally consist of gray-hued sand and cobble, and gravel-sand deposits coming from diverse sedimentary units. Field observations during the current study were consistent with the solid type descriptions, although heavy disturbances related to grading and fill placement for local roads and agriculture have displaced many of the native soils. None of the materials observed during the field survey exhibited evidence of the manufacture or acquisition of prehistoric stone tools or materials. A mitigation measure was included in the event that paleontological or archeological resources are discovered.

**MMGEO-2: Public Resources Code Sections 21083.2(b) for unique archaeological resources.** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological

data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

### LESS THAN SIGNIFICANT IMPACT WITH MITIGATION

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

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

#### **SUBSTANTIATION:**

San Bernardino County General Plan, 2007; Submitted Hazards Report Package; San Bernardino County General Plan, 2007; Submitted Project Materials; Appendix A – *Air Quality/Greenhouse Gas Assessment*

The standard definition of GHG emissions refers to the atmospheric presence of the following six gaseous substances: carbon dioxide (CO<sub>2</sub>); methane (CH<sub>4</sub>); nitrous oxide (N<sub>2</sub>O); hydrofluorocarbons (HFCs); perfluorocarbons (PFCs); and sulfur hexafluoride (SF<sub>6</sub>). Tropospheric ozone and black carbon are also important climate pollutants. CO<sub>2</sub> is the most abundant GHG, and collectively CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O amount to 80 percent of GHG effects.

The California Air Resources Board (ARB) prepared a statewide GHG emissions inventory covering 2000 to 2014, which concluded that GHG emissions have decreased by 7.9 percent over that period from 466 million metric tons (MMT) CO<sub>2</sub>e to 442 MMTCO<sub>2</sub>e (ARB, 2016). Emissions in 2014 from the transportation sector, which represents California's largest source of GHG emissions and contributed 37 percent of total annual emissions, declined marginally relative to 2011 even while the economy and population continued to grow over that 3-year period. The long-term direction of transportation-related GHG emissions is another clear trend, with a 13 percent drop over the past 10 years.

Statewide, mobile vehicular sources account for approximately 36 percent of GHG emissions as of 2014. Direct stationary sources of emissions include solid waste decomposition, haul trucks, and the use of refrigerants. The emissions in 2011 are the lowest of the 12-year period

between 2000 and 2011, while 2004 had the highest emissions at 495 MMTCO<sub>2</sub>e. From 2000–2011, California’s population grew by 10.5 percent. California’s per capita GHG emissions decreased by 11.9 percent over that same period. Emissions were of similar magnitude from 2011–2014.

**State:**

The State has adopted statewide legislation to address issues related to various aspects of climate change and GHG emissions. The Governor of California has also issued several Executive Orders (EO) related to the State’s evolving climate change policy. Of importance to local governments is the direction provided by the 2008 Assembly Bill (AB) 32 Scoping Plan, which recommends that local governments should reduce their GHG emissions to a level consistent with State goals (i.e., 15 percent below current levels).

In the absence of federal regulations, GHG emissions are generally regulated at the State level and typically approached by setting emissions-reduction targets for existing sources of GHG emissions, establishing policies to promote renewable energy and increase energy efficiency, and developing statewide action plans.

**South Coast Air Quality Management District:**

South Coast Air Quality Management District (SCAQMD) has primary responsibility for developing and implementing rules and regulations for attainment of the National Ambient Air Quality Standards and California Ambient Air Quality Standards, as well as permitting new or modified sources, developing air quality management plans, and adopting and enforcing air pollution regulations within the Air Basin. The AB 32 Scoping Plan states that ARB will work actively with air districts in coordinating emissions reporting, encouraging and coordinating GHG reductions, and providing technical assistance in quantifying reductions. Because the SCAQMD has not adopted GHG emissions thresholds that apply to land use projects where the SCAQMD is not the lead agency and no GHG emissions reduction plan or GHG emissions thresholds have been adopted in the County of San Bernardino, the proposed project is evaluated based on the SCAQMD’s recommended/preferred option threshold for all land use types of 3,000 metric tons CDE per year (SCAQMD, “Proposed Tier 3 Quantitative Thresholds – Option 1”, September 2010).

**County of San Bernardino General Plan Conservation Element (GHG):**

Since the project site is not within the precincts of the City of Chino, the applicable general plan would be the County of San Bernardino General Plan (County, 2007). The General Plan text was adopted by the Board of Supervisors on March 13, 2007 and became effective on April 12, 2007. The GHG plan is contained in Section V.C.3 within the Conservation Element. Policies CO 4.1 through 4.12 pertain to Air Quality, while policy 4.13 pertains to greenhouse gas emissions.

All development projects, including those otherwise determined to be exempt from CEQA will be subject to applicable County Development Code provisions (County, 2015), including the GHG performance standards, and state requirements, such as the California Building Code requirements for energy efficiency.

**a) *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?***

The project’s construction activities, energy use, daily operational activities, and mobile sources (traffic) would generate GHG emissions. CalEEMod was used to calculate emissions resulting from project construction and long-term operation. The proposed project would

generate GHG emissions directly from building operations from combustion of natural gas and from vehicle trips generated by the patrons. According to the Trip Generation Report for this project, daily trip volumes to the place of worship are 152 trips per day Monday to Friday, 192 trips per day on Saturday and 556 trips per day on Sunday. Additionally, the proposed project would generate offsite GHG emissions indirectly through its consumption of electricity. Combustion of natural gas would occur in water heaters. Both direct and indirect emissions were estimated using CalEEMod.

As calculated by CalEEMod, operation of the proposed project is expected overall to generate approximately 387 MT per year of CO<sub>2</sub>e. The significance of GHG emissions from operations is not determined independently but is considered cumulatively with construction GHG emissions. It is Project-related construction emissions are confined to a relatively short period of time in relation to the overall life of the proposed project. Therefore, construction-related GHG emissions were amortized over a 30-year period to determine the annual construction-related GHG emissions over the life of the project. As shown in Table 5, the project would result in an increase of 398 metric tons CDE. Since the project's increase is less than the recommended SCAQMD threshold of 3,000 metric tons per year, this impact would be less than significant

**Table 2 Estimated Emissions of Greenhouse Gases**

<b>Emission Source</b>	<b>Annual Emissions (metric tons of CDE)</b>
Construction (amortized over 30 years)	11
Operational and Mobile	387
<b>Total</b>	<b>398</b>
<b>SCAQMD Threshold</b>	<b>3,000</b>
<b>Threshold Exceeded.</b>	<b>No</b>

Sources: Emissions reported are from CalEEMod mitigated construction and operational data. See Appendix A for calculations.

Carbon dioxide equivalent (CDE or CO<sub>2</sub>e) is a quantity that describes, for a given mixture and amount of GHGs, the amount of CO<sub>2</sub> (usually in metric tons; million metric tons [megatonne] = MMTCO<sub>2</sub>e = terragram [Tg] CO<sub>2</sub> Eq; 1,000 MMT = gigatonne) that would have the same global warming potential (GWP) when measured over a specified timescale (generally, 100 years).

#### **LESS THAN SIGNIFICANT IMPACT**

**b) *Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***

In March of 2014, the San Bernardino Associated Governments (SBCOG) adopted a Green House Gas (GHG) Reduction Plan. The reduction plan is a foundation of which partnering cities can develop individual city or county specific CAPs to be adopted and enacted according to their own internal procedures. SBCOG GHG Reduction plan includes a commitment to reduce emissions from transportation sources by promoting transit-oriented development, complete streets and safe route to school policy, and through the expanding transit networks. The proposed place of worship, caretakers unit, and parking lot would help

to complete the streets on a vacant site. The project involves increased efficiency regarding the use of the land.

The County of San Bernardino also adopted a GHG plan within the Conservation Element of the General Plan (County, 2007). The General Plan text was adopted by the Board of Supervisors on March 13, 2007 and became effective on April 12, 2007. The GHG plan is contained in Section V.C.3 within the Conservation Element. Policies CO 4.1 through 4.12 pertain to Air Quality, while policy 4.13 pertains to greenhouse gas emissions. The following GHG policy is applicable to the project: CO 4.13 (emission inventories and GHG reduction plan). The project would also be required to comply with the energy efficiency measures contained in Title 24 of the California Administrative Code (the California Building Energy Efficiency Program).

### **THRESHOLDS**

All development projects, including those otherwise determined to be exempt from CEQA will be subject to applicable County Development Code provisions (County, 2015), including the GHG performance standards, and state requirements, such as the California Building Code requirements for energy efficiency. With the application of the GHG performance standards, projects that are exempt from CEQA and small projects that do not exceed 3,000 MTCO<sub>2</sub>e 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.

Since the project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, this impact would be less than significant.

### **LESS THAN SIGNIFICANT IMPACT**

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |    |  |                          |                          |                                     |                                     |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| d) | Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) | Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**SUBSTANTIATION:**

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

- 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?***

The project would involve the construction of a place of worship, caretakers unit, and associated parking lot. Place of worships and caretakers units do not use or store large quantities of hazardous materials. Potentially hazardous materials such as fuels, lubricants, and solvents would be used during construction of the project. However, the transport, use, and storage of hazardous materials during the construction of the project would be conducted in accordance with all applicable state and federal laws, such as the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and the California Code of Regulations, Title 22. Adherence to these requirements would reduce impacts to a less than significant level.

**LESS THAN SIGNIFICANT IMPACT**

- 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?***



The nearest schools are the Newman Elementary School located approximately 1.2 miles northeast of the site and Chino Valley Christian Academy located approximately 1.3 miles northeast of the site. The project involves the construction a Place of worship, caretakers unit, parking lot, and associated landscaping. These types of uses do not typically emit or involve the handling of hazardous materials. Since the project would not emit hazardous emissions or handle hazardous materials within one-quarter mile of a school, there would be no impact.

## **NO IMPACT**

**d) *Would the project be located on a site included on a list of hazardous material 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?***

The following databases compiled pursuant to Government Code Section 65962.5 were checked (May 10, 2019) for known hazardous materials contamination at the project site:

- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database
- Geotracker search for leaking underground storage tanks (LUST)
- The Department of Toxic Substances Control's Site Mitigation and Brownfields Database

The CERCLIS database showed no evidence of toxic substances at the project site, or within the nearby cities of Pomona and Chino.

Geotracker shows that there are no LUSTs or hazardous waste deposits at the project site. Geotracker does show two LUST sites within 1,958 feet and 2,534 feet from the project site. The first LUST is an underground storage tank at 3501 County Road. The site has a well-used for drinking water that was contaminated with metly tertiary butyl ether, a fuel oxygenate. The likely source was from leaking gasoline at nearby fuel stations. Potential gasoline as a contaminant of concern when first reported leaks occurred in 2007. The case was closed in 2016.

The second LUST is located at 2800 Reservoir Street, approximately 2,534 feet west of the project site. The cleanup status is currently closed. The potential contaminant of concern is gasoline that has infiltrated a well-used for drinking water supply. The case was reported in 2007, and was completely-closed in 2017.

The two LUST sites are currently closed but have the potential of contaminating groundwater supplies in the future. As such, the impact to hazardous material site is considered less than significant and no mitigation is required.

## **LESS THAN SIGNIFICANT IMPACT**

**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?***

The project site is located approximately 5.9 miles to the southwest of the Ontario Airport. The site is not within the airport land use planning area for the airport. The proposed place of worship and caretakers units would have a maximum height of two stories (36 feet), and would

not impact airport operations, alter air traffic patterns, or in any way conflict with established Federal Aviation Administration (FAA) flight protection zones. There would be no impact.

**NO IMPACT**

**f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Access to the project site is proposed from Roswell Avenue, which is an improved roadway that meets County standards. The project site does not contain any emergency facilities, nor does it serve as an emergency evacuation route. During construction and long-term operation, the project would be required to maintain adequate emergency access for emergency vehicles from Roswell Avenue and connecting roadways as required by the County and the City of Chino. Furthermore, the project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. Because the project would not interfere with an adopted emergency response or evacuation plan, there is no impact.

**NO IMPACT**

**g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

The project would not involve the development of structures that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project includes design features that would maintain access for emergency vehicles to Roswell and Walnut Avenue by means of gated entryways. Since the project would not interfere with emergency response or evacuation plans, impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

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

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>X. HYDROLOGY AND WATER QUALITY - Would the project:</b>					
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through				

the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- |      |  |                          |                          |                                     |                                     |
|------|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| i.   | result in substantial erosion or siltation on- or off-site;  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii.  | substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii. | create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv.  | impede or redirect flood flows?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d)   | In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e)   | Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

#### ***SUBSTANTIATION:***

San Bernardino County General Plan, 2007; Submitted Project Materials ; Monte Vista Water District 2015 Urban Water Management Plan (UWMP)

**a) *Would the project violate any water quality standards or waste discharge requirements?***

The Project site consists of approximately 4.83 acres of undeveloped land. Thus, the majority of the site is currently permeable, a condition that would be altered as part of Project implementation. The site is bounded by Walnut Avenue and Railroad tracks on the north, single-family residential homes on the south and west, and Roswell Avenue on the east. There are no known easements on the site. The cover of the land consists of natural grass. The local topography generally slopes in the southeasterly direction at approximately 0.5% to 1%. The proposed development includes a two-story 32,400 square foot place of worship building, and three story 4,500 square feet caretaker building, parking stalls, drive aisles, and landscaping. The project will consist of one (1) Drainage Area (DA). The Drainage Area will have one (1) Drainage Management Area (DMA), referred to as DMA 1. Drainage Management Area (DMA 1) consists of 4.80 acres total. DMA 1 runoff will be collected by swales, gutters, and piped directly to the proposed underground retention basin located near the east/northeast corner of the site. The proposed basin will provide a total volume of 10,564 cubic feet that is a sufficient size for the DMA area's Design Capture Volume (DCV) of 10,417 cubic feet. The treated volume will infiltrate into the subsurface soils in under 48- hours.

Therefore, the Project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems. The Project would be required to comply with the Municipal Storm Water Permitting Program (MS4) Development Code, as

the project has the potential to degrade water quality in the area through erosion and or siltation during construction.

The Municipal Storm Water Permitting Program regulates storm water discharges from municipal separate storm sewer systems (MS4s). The County's incorporated cities and unincorporated areas discharge pollutants from their MS4s. The County's discharges are regulated under the Countywide waste discharge requirements contained in Order No. R8-2010-0036 and is applicable to the Project area. The Permit Order requires all new development projects covered by the Order to incorporate Low Impact Development (LID) Best Management Practices as much as possible.

As discussed, the portion of the site would be covered with impervious surfaces. Because of the size of the Project, a Water Quality Management Plan (WQMP) has been compiled prior to the issuance of permits. The WQMP includes a combination of site design/ LID BMPs (where feasible), source control, and/or treatment control BMPs, including regional treatment systems to address all of the pollutants and hydrologic conditions of concern. Additionally, the WQMP complies with all County regulatory requirements including the San Bernardino County Storm Water Program Technical Guidance Document for Water Quality Management Plans. Thus, the Project would not produce substantial amount of additional polluted storm water.

Potential Project impacts associated with storm water volumes and quality would not be adverse through compliance with NPDES, County Development code, and Technical Guidance Document requirements. The project would comply with Section County Development Code, which requires runoff to be infiltrated, captured and reused, evapotranspired, and/or treated on-site through stormwater BMPs listed in the Low Impact Development (LID) Best Management Practices Manual. The project would also comply with the project SUSMP, which requires that post development peak runoff shall not exceed pre-development rates, the conservation of natural areas, minimization of stormwater pollutants through use of BMPs, protection of slopes and channels, appropriate signage at storm drain systems, and proof of ongoing BMP maintenance. The SUSMP also sets standards for design of outside material storage areas, trash storage areas, and structural or treatment control BMPs that would be followed by the proposed project. Therefore, as no long-term change to hydrology or water quality would occur, this impact would be less than significant.

**Mitigation Measures Proposed:**

**HYD-1: Prior to issuance of Grading or Building Permit, the Project shall obtain coverage under the General Permit for Discharges of Storm Water Associated with the Municipal Separate Storm Sewer System Permit (MS4 Permit), adopted by the Santa Ana Regional Water Quality Control Board (RWQCB), and shall provide evidence to the County of compliance with NPDES Permit No. CAS 618036.**

***LESS THAN SIGNIFICANT IMPACT WITH MITIGATION***

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

The Project site is located within the Monte Vista Water District service area. The Monte Vista Water District has agreed to provide water service to the site (see attachment I). The Monte Vista Water District 2015 Urban Water Management Plan (UWMP) was prepared to provide water supply planning for the area over a 20-year period year (through 2035) and identify/quantify water supplies for existing and future demands. The Monte Vista Urban Water District water supply sources are from four sources – they include groundwater from the Chino Basin, Imported state water received from Metropolitan Water District of Southern California through the Inland Empire Utility Agency, from the San Antonio Water Company, and from recycled water from the Inland Empire Utilities Agency. The project implementation would not result in population growth, but will result in and increase water demand. The MVWD includes the water demands for institutional uses in its UWMP and has capacity to provide potable water to its service area into the foreseeable future. Additionally, the Project includes design features that would reduce the Project's water demands. The Project would comply with Title 24 requirements, as well as the California Green Building Code standards. Drought tolerant landscaping, drip irrigation, and low impact development would also be incorporated into the Project design. The Project's water demand would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

#### **No Impact**

- ci) ***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:***

***i) Result in substantial erosion or siltation on- or off-site;***

Development of the project site will create impervious surfaces and increase the amount of surface runoff. The project will consist of one (1) Drainage Area. The Drainage Area consists of 4.83 acres total. All runoff will be collected by proposed gutters and catch basin inlets and piped directly to the underground retention basin located near the east/northeast corner of the site. The underground basin will include Stormtech MC-3500 arch pipes to retain the runoff and infiltrate into the subsurface soils. The proposed basin will provide a total volume of 10,564 cubic feet which exceeds the Design Capture Volume (DCV) of 10,417 cubic feet. Other areas of the project have been designed where possible to incorporate LID principles, including draining roof drainage to adjacent landscaping where possible and minimizing impervious areas through use of minimum sizes for hardscape (sidewalks and drive aisles). As such, the project will not result in substantial erosion or siltation on- or off-site.

#### **Less than Significant Impact.**

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

#### **Existing Condition**

The 4.83-acre project site is an undeveloped vacant site with poor land cover. Soil conditions for the site are classified as type B. Topography shows existing grades sloping generally from northwest direction to southeast direction. There is a low point on the site at the southwest corner of the site. Precipitation generated onsite sheet flows to southeast and southwest corners. There is a parkway drain at the southeast corner of the site the drains subarea A2 and discharges the runoff to an existing 18-inch pipe in Roswell Street.

### **Proposed Condition**

The site is proposing approximately 4.83-acre place of worship on the south side of the site with entrances from Roswell Ave to the East and Walnut Avenue to the North. The Religious facility will contain a two-story building approximately 32,400 square foot, caretaker building, approximately 4,500 square foot, along with parking spaces to accommodate the development. Runoff from the development sheet flow to the parking areas and flow along the proposed gutters to catch basins placed throughout the site. Storm flows will confluence while traveling towards the east side of the property and ultimately discharge to a proposed underground retention chambers located at the east corner of the site. The retention basin will capture the first flush (WQMP storm) as well as 100-year storm flows. The captured storm volume will infiltrate from the bottom of basin floor into the soils. Low flows entering the retention system directed to an inline hydrodynamic separator (CDS unit or equivalent) prior to entering for pre-treatment to capture trash, debris, sediment and other pollutants. High flows will bypass the unit and travel via a 34-in pipe into the retention basin. All flows entering the underground retention chambers will be sized to satisfy the WQMP requirements for Design Capture Volume (DCV) and the difference in volume between Pre- and Post-Development condition, whichever is greater.

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

- ciii) ***Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or***

As demonstrated above in the response for Issue Xcii, the drainage system is designed to ensure that the project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems.

The project will provide one underground storage chamber to satisfy the WQMP treatment requirement by providing a storage capacity of 10,564 cubic feet of volume. This proposed underground storage is more than difference between the post- and pre- development 100-year flow rates. Therefore, storm water runoff will not increase under post-development conditions.

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

- civ) ***Impede or redirect flood flows?***

The project site is in FEMA Flood Zone X, Minimal Flood Hazard, according to Flood Map No. 06071C8615H (Effective 8/28/2008), and is outside the 100-year flood plain and has a higher elevation than the 500-year floodplain. These zones are located within a 100-year flood plain. A 100-year flood has a one-percent chance of occurrence in any given year (per FEMA National Flood Hazard Map 06071C8615H) and is not subject to flooding. As such, the project will not Impede or redirect flood flows.

### **No Impact**



**d) Would the project be located in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

The project would not alter the course of any stream or other drainage and would not increase the potential for flooding. The project site is located in the Santa Ana Watershed. As discussed above, adherence to the County's urban runoff programs and implementation of design features to capture and treat stormwater runoff would reduce the quantity and level of pollutants in runoff leaving the site. The project would not impact the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff that would degrade water quality. As such, impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

**e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

The existing drainage patterns will be preserved in the proposed condition. Under the proposed condition, the site runoff will be directed to an on-site detention basins which is located in the northeast corner of the site.

Due to the potential Hydrologic Condition of Concern (HCOC) per California State Water Quality Control Board, the proposed basin was designed as a detention basin to mitigate 2-year runoff from the subject site to address HCOC. The basin also mitigates 100-year peak storm to address downstream capacity constraints. The 100-year runoff generated from the developed site will be less than the existing (undeveloped) runoff. As such, the project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts are less than significant.

**NO IMPACT**

**Therefore, no significant adverse impacts are identified with the incorporated mitigation measure.**

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XI. LAND USE AND PLANNING - Would the project:</b>					
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b>					

San Bernardino County General Plan, 2007; Submitted Project Materials ; City of Chino, General Plan, 2019

**a) *Would the project physically divide an established community?***

The project site is located in the Single Residential (RS-20) Zoning District, and is set to change to Very Low Density Residential (VLDR) in November of 2020, if the Board of Supervisors approves the County Wide Plan update. The VLDR allows for very low-density residential uses when developed as single-family neighborhoods that share common infrastructure, public facilities, and services. Although the General Plan Designation will change to VLDR, the future changes to the Zoning, which will occur at a later time, are proposed to maintain the minimum lot size requirement at 20,000 square feet or greater. Therefore, both the existing RS-20M designation and proposed RS-20M Zone are consistent as both designate the lot as a predominately single-family residential neighborhood with lot sizes that range in size.

The existing area is predominately surrounded by residential properties on three sides (north, south, and east), and contains within that neighborhood a few religious facilities, an elementary school, and commercial uses. This project would provide services that are similar to existing uses in the project vicinity, provide better pedestrian connections in the area by means of required street improvements, and will not intrude or affect the existing residential development pattern. Furthermore, a project that has the potential to divide an established community includes the construction of a new freeway or highway through an established neighborhood. Therefore, the use would not divide the established community. This impact would be less than significant.

***LESS THAN SIGNIFICANT IMPACT***

**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?***

The project site has a zoning designations of Single Family Residential (RS-20M) and a future Zone of RS-20M, which will maintain a minimum lot size standard of 20,000 square feet in size (20M). The proposed project consists of the construction of a place of worship, accessory caretakers unit, parking lot, and associated landscaping. As mentioned above, the Land Use Category (LUC) on the property will change to VLDR if approved by the Board of Supervisors in November of 2020. The changes the LUC will not cause a significant environmental impact because the changes will not lead to a change in the minimum lot sizes or allow for changes in the allowed uses within the zone. However, it should be noted that the existing General Plan land use designations development intensity for both the County and the City of Chino are the same under the Counties future Land Use Category VLDR and the existing RS-20M designation, given that the Cities Land use designation of RD2 (1-2 DU/ac) establishes a similar development density and would allow for a place of worship with a Conditional Use Permit. Therefore, the CEQA baseline for analyzing impacts is the same. The CEQA Thresholds used for determining significance are the same for both the County and the City of Chino as they relate to Land Use and Planning whether the project site is located in the County or the City of Chino. Consequently, the incorporation of the project into the Single Residential Zoning District would not lead to the alteration (increase) of the existing boundary, conflict with a land use plan or policy, and does not avoid a mitigating environmental effect.

The project site is not located in a specific plan area or planned development area. With the requested Conditional Use Permit, the project would not conflict with applicable land use plans and impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

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

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XII. MINERAL RESOURCES - Would the project:</b>					
a)	Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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):

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

- 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?**

*Mineral Extraction*

The Surface Mining and Reclamation Act of 1975 (SMARA) requires the state geologist (Division of Mines and Geology) to identify and classify all mineral deposits in California. In 1979, the California State Mining and Geology Board adopted guidelines that require local general plans to reference identified mineral deposits and sites that are identified for conservation. In addition, the board identified urban areas where irreversible land uses (development with structures) preclude mineral extraction. Since the project site does not contain significant mineral resources, extraction of mineral resources is not currently occurring, and the project does not involve mineral extraction operations or zoning for extraction, there would be no impact towards the loss of availability of known mineral resources.

**NO IMPACT**

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

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>XIII. NOISE</b> - Would the project result in:					
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b>		(Check if the project is located in the Noise Hazard Overlay District <input type="checkbox"/> or is subject to severe noise levels according to the General Plan Noise Element <input type="checkbox"/> ):			
<b>San Bernardino County General Plan, 2007; Submitted Project Materials</b>					
a)	<p><b>Would the project 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></p> <p><b><u>Existing Ambient Noise Environment</u></b></p> <p>a2v consulting group conducted the sound level measurements in accordance to CalTrans technical noise specifications. All measurement equipment meets the American National Standards Institute (ANSI) specifications for sound level meters (S1.4-1983 identified in Chapter 19.68.020.AA). Noise monitoring locations were selected to represent the baseline conditions at or near the project site. The project did not require a traffic impact study and therefore traffic noise is discussed in general terms. It should be noted, however, that changes in traffic noise levels can be calculated using the following equation from the 2013 Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol (as shown below):</p> <p><math display="block">dBAdjustment = 10 \log_{10} X_1 \times 2</math></p> <p>Where:</p> <ul style="list-style-type: none"> <li>• X1 = project + existing roadway segment ADTs</li> </ul>				

- X2 = existing roadway segment ADTs

Generally, the greater the volume of traffic, higher speeds, and truck percentages equate to a louder volume of noise. A doubling of the Average Daily Traffic (ADT) along a roadway will increase noise levels by approximately 3dB.

The future worst-case noise level projections were modeled using reference sound level data for the proposed load/unloading for the building and peak hour trip generation data for the proposed parking lots, dining areas, and playgrounds. Noise include, but are not limited to, idling cars, exhaust and engine noise, starting engine noise, back up alarms, and breaking. Noise associated with parking lots include but are not limited to idling cars, doors closing, and starting engine noise. Noise levels associated with parking lots can reach peak levels of 80 dBA. In addition, the loading docks would include noise from ignition start-up, doors shutting, idling trucks, back-up alarms, (etc.) and was modeled as an area source with a reference noise level of 110 dBA feet across the surface area.

### **Construction Noise**

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, paving). Noise generated by construction equipment, including earthmovers, material handlers, and portable generators, can reach high levels. During construction, exterior noise levels could affect the residential neighborhoods surrounding the construction site. Project construction would occur adjacent to an existing single-family residence to the north and multi-family residential uses to the west, with the closest receptors being approximately 50 feet away from the Project construction area. However, it is acknowledged that construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors.

Construction activities would include demolition, site preparation, grading, building construction, paving, and architectural coating. Such activities would require concrete/industrial saws, excavators, and dozers during demolition; dozers and tractors during site preparation; excavators, graders, and dozers during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, mixers, and paving equipment during paving; and air compressors during architectural coating. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 to 4 minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). Noise generated by construction equipment, including earthmovers, material handlers, and portable generators, can reach high levels.

The Federal Transit Administration (FTA) has compiled data regarding the noise generated characteristics of typical construction activities. The data is presented in the table below:

<b>Table 12: Typical Construction Noise Levels Equipment</b>		
<b>Equipment</b>	<b>Typical Noise Level (dBA) at 50 feet from Source</b>	<b>Typical Noise Level (dBA) at 100(dBA)from Source</b>
Air Compressor	80	74
Backhoe	80	74

	Compactor	82	76
	Concrete Mixer	85	77
	Concrete Pump	82	76
	Concrete Vibrator	76	79
	Crane, Derrick	88	76
	Crane, Mobile	83	70
	Dozer	85	82
	Generator	82	77
	Grader	85	79
	Impact Wrench	85	76
	Jack Hammer	88	79
	Loader	80	79
	Paver	85	82
	Pile-driver (Impact)	101	74
<u>Construction Related Noise</u>			
<p>Construction noise is considered a short-term impact and would be considered significant if construction activities are taken outside the allowable times as described in the city's Municipal Code (Section 15.11.030.) Construction is anticipated to occur during the permissible hours according to San Bernardino County Code Section 83.01.080(g)(3) states that construction activities are exempt from the county's noise standards between the hours of 7:00am and 6:00pm on weekdays and between the hours of 8:00am and 5:00pm on Saturdays, except in the case of urgent necessity or otherwise approved by the city. All motorized equipment used in such activity shall be equipped with functioning mufflers as mandated by the state.</p> <p>The site plan has been amended to an 8-foot masonry wall located on the south and western boundary line. During construction, this boundary wall will be constructed first to serve as a single sound barrier providing noise abatement to the surrounding sensitive receptors.</p> <p>Typical operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Noise levels will be loudest during grading phase. A likely worst-case construction noise scenario during grading assumes the use of a grader, a dozer, and two (2) excavators, two (2) backhoes and a scraper operating at 72 feet from the nearest sensitive receptor.</p> <p>Assuming a usage factor of 40% for each piece of equipment, unmitigated noise levels at 72 feet with an 8-foot concrete masonry unit barrier, the resulting noise at the sensitive receptor has the potential to reach 48dBA Leq and 50 dBA Lmax.</p> <p>Noise levels for the other construction phases would be lower and range between 44 dBA to 48 dBA.</p> <p>Construction activities may also cause increased noise along site access routes due to movement of equipment and workers. Compliance with the San Bernardino County Code and City of Chino Municipal Code would minimize impacts from construction noise, as construction would be limited to the county's and city's allowable construction hours.</p>			

	<p>By following the local noise standards, the project construction activities would result in a less than significant noise impact, provided the noted 8-foot concrete masonry unit wall on the south and west boundary lines are constructed before the grading phase of construction.</p> <p><u>Construction Noise Thresholds</u></p> <p>The degree of construction noise will vary depending on the phase of construction and type of construction activity. The closest sensitive receptors to the project site are existing residential uses to the north and east.</p> <p>Construction noise sources are regulated within San Bernardino County under Section 83.01.090 (G) of the Development Code, which states that temporary construction, maintenance, repair, or demolition activities between 7AM to 7PM, except Sundays and Federal Holidays are exempt from the County's noise regulations.</p> <p>Regardless of the project's consistency with the Section 83.01.090 of the Development Code as described above, construction activities on the project site, especially those involving heavy equipment, would result in noise levels up to 101.5 dBA during construction as shown on Table 12 above, which would exceed the exterior noise level for residential uses of 55 dBA CNEL. The following mitigation measure are required to reduce construction noise impacts to the maximum extent feasible.</p> <p><b><u>Mitigation Measure NOI-1: Construction Noise.</u></b> Prior to the issuance of a grading permit and building permit, the following note shall be placed on the grading plans and building plans.</p> <p><b><i>"a. During the project site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufactures standards.</i></b></p> <p><b><i>b. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.</i></b></p> <p><b><i>c. The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday excluding holidays.</i></b></p> <p><b><i>d. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.</i></b></p> <p><b><i>e. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings."</i></b></p> <p>With implementation of Mitigation Measure NOI-1, impacts are less than significant.</p>
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<p><u>Operational Noise Thresholds</u></p> <p>Section 83.01.080 (c) of the Development Code establishes standards concerning acceptable noise levels for the residential land uses to the north, south, east and west of the project site as 55 dBA Leq between the hours of 7am and 10pm and 45 dBA Leq between the hours of 10pm and 7am. According to Section 83.01.080 (c) (2).</p> <p><i>“No person shall operate or cause to be operated a source of sound at a location or allow the creation of noise on property owned, leased, occupied, or otherwise controlled by the person, which causes the noise level, when measured on another property, either incorporated or unincorporated, to exceed any one of the following:</i></p> <p><i>(A) The noise standard for the receiving land use as specified in Subsection B (Noise-impacted areas), above, for a cumulative period of more than 30 minutes in any hour.</i></p> <p><i>(B) The noise standard plus 5 dB (A) for a cumulative period of more than 15 minutes in any hour.</i></p> <p><i>(C) The noise standard plus 10 dB (A) for a cumulative period of more than five minutes in any hour.</i></p> <p><i>(D) The noise standard plus 15 dB (A) for a cumulative period of more than one minute in any hour.</i></p> <p><i>(E) The noise standard plus 20 dB (A) for any period of time”.</i></p> <p>As noted above, the ambient noise levels in the project area already exceed these standards. According to Section 83.01.080 (e):</p> <p><i>“If the measured ambient level exceeds any of the first four noise limit categories in Subsection (d) (2), above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category in Subsection (d) (2), above, the maximum allowable noise level.”</i></p> <p><u>Operational (Project) Noise</u></p> <p>This project is required to provide 159 automobile parking stalls, including 6 handicap stalls. Parking is located on the northwestern and southeastern portion of the site along the main ingress and egress from Walnut Avenue and Roswell Avenue. Normal parking noise would occur within the on-site parking facilities. Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are based on a time-averages scale such as the CNEL scale. The instantaneous noise caused by a car door slamming, engine starting up, and car pass-bys range from 52dBA to 61dBA. At the closest residential dwelling, this will be between 9.3dBA and 18.3dBA due to the existing concrete masonry unit barrier.</p> <p>Conversation in parking areas may also be an annoyance to adjacent sensitive receptors. Sound levels of speech typically range from 33dBA at 50 feet for normal speech to 50dBA at</p>
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	<p>50 feet for very loud speech. It should be noted, however, the closest noise sensitive receptor will hear these noises to be a maximum of 7.3dBA.</p> <p>Parking lot noises are instantaneous noise levels compared to the hourly Leq metric in the noise standards, which are averaged over the entire duration of a time period.</p> <p>By this understanding, no further mitigation is required for project related noise.</p> <p><u>Traffic Noise</u></p> <p><u>Future Exterior Noise – Noise Impacts to Off-Site Receptors Due to Traffic</u></p> <p>The General Plan Noise Element assumes buildout conditions based on planned roadway width and not for the various land uses and therefore would already take into account the traffic noise levels generated by the project.</p> <p>According to the City's General Plan Transportation Element the buildout ADT volume for Walnut Avenue at the project site (the location where the highest increase in noise level would occur due to proximity to the project site) varies between 11,000 to 20,000 based on a level of service (LOS) C for a 2-lane or 4-lane primary arterial, respectively (see Table from City of General Plan Transportation Element).</p> <p>According the current site plan, the parking stall counts are based off the maximum occupancy level of each of the spaces in the building. With 159 physical parking stalls, including the logical 8 parking stalls for the carpooling, combining with the LOS C ADT values; the additional 162 trips to the roadway network, the worst case increase in traffic noise levels would be 0.06dBA using the dB adjustment calculator detailed in section 5.3.</p> <p>The worst-case change in noise level above the City of Chino's General Plan Noise Element as a result of the project is less than 3dBA and would be considered not significant.</p> <p><u>Conclusions</u></p> <p>The project proposed is a place of worship facility consisting of a 32,400 square foot building on 4.83 acres (209,088.2 square feet), and total of 154 physical parking stalls.</p> <p>Assessing both traffic and stationary noise to and from the project site, this report compares the results to the applicable city noise limits. The sources of traffic noise propagate from Walnut Avenue, the railroad triangulating the site, and Roswell Avenue. The primary recorded traffic noise during the study, besides the railroad, comes from Walnut Avenue. Construction activities within the project area will consist of on-site grading, building, paving, and architectural coating. With the large machinery being used, during the construction phase; both noise and ground born vibration.</p> <p>The new site plan calls for an 8-foot masonry unit boundary wall on the south and west boundaries of the project location. The construction related noise would be of concern due to their associated high SPL levels, however with the erection of this CMU boundary wall prior to the grading phase of construction, the resultant noise level would fall within the County of San</p>
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	<p>Bernardino's and City of Chino's noise ordinance levels. However, in order to reduce noise levels to the maximum extent feasible, Mitigation Measure NOI-3 is required.</p> <p><b><u>Mitigation Measure NOI-2: Perimeter Wall.</u> Prior to the issuance of a building permit the following note shall be placed on the building plans.</b></p> <p><b><i>"Mitigation Measure NOI-2: Perimeter Wall. Install 8-foot masonry block sound wall along the south and west parcel boundaries as measured from the highest adjacent grade."</i></b></p> <p>With implementation of Mitigation Measure NOI-2, noise impacts would be reduced to the maximum extent feasible and impacts are less than significant.</p> <p>With implementation of Mitigation Measures NOI-1, impacts are less than significant.</p>
	<p><b>Less Than Significant Impact With Mitigation Incorporated</b></p>
b)	<p><b><i>Would the project generation of excessive groundborne vibration or groundborne noise levels?</i></b></p> <p>Section 83.01.090 of the Development Code states:</p> <p><i>"No ground vibration shall be allowed 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."</i></p> <p><u>Construction Vibration:</u></p> <p>Construction activities can produce vibration that may be felt by adjacent land uses. The construction of the proposed project would not require the use of equipment such as pile drivers, which are known to generate substantial construction vibration levels. The primary vibration source during construction may be from a bulldozer. A large bulldozer has a vibration impact of 0.089 inches per second peak particle velocity (PPV) at 25 feet which is perceptible but below any risk to architectural damage.</p> <p>The fundamental equation used to calculate vibration propagation through average soil conditions and distance is as follows:</p> $PPV_{equipment} = PPV_{ref} (100/D^{rec})^n$ <p>Where:</p> <ul style="list-style-type: none"> <li>• PPV<sub>ref</sub> = reference PPV at 100ft.</li> <li>• D<sub>rec</sub> = distance from equipment to receiver in ft.</li> <li>• n = 1.1 (the value related to the attenuation rate through ground)</li> </ul> <p>The thresholds from the Caltrans Transportation and Construction Induced Vibration Guidance Manual (below) provides general thresholds and guidelines as to the vibration damage potential from vibratory impacts.</p>

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent/ Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New Residential structures	1.0	0.5
Modern Industrial/commercial buildings	2.0	0.5
Source: Table 19, Transportation and Construction Vibration Guidance Manual, Caltrans, Sept. 2013.		
Note: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.		

**Construction Related Vibration Impact**

Ground born vibration generated by construction equipment spread through the ground and diminish in magnitude with increases in distance. Vibration velocities from typical heavy construction equipment operation used during project construction range from 0.003 to 0.089 in/sec PPV at 25 feet from the source of activity as shown in the table below.

Equipment	Peak Particle Velocity at 25ft (in/sec)	Peak Particle Velocity at 50ft (in/sec)
Large Bulldozer	0.089	0.032
Caisson Drilling	0.089	0.032
Loaded Trucks	0.076	0.027
Jackhammer	0.035	0.012
Small Bulldozer/Tractors	0.003	0.001

<sup>1</sup> Calculated using the following formula:  $PPV_{equip}=PPV_{ref}(25/D)^{1.5}$ , where:  $PPV_{equip}$ =the peak particle velocity in in/sec of the equipment adjusted for the distance;  $PPV_{ref}$  = the reference vibration level in in/sec; D = the distance from the equipment to the receiver.  
Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018.

The nearest off-site structure is a building located approximately 72 feet south of the project site on a residential property. As shown in the table below, at 50 feet, construction equipment vibration velocities would not exceed 0.032 in/sec PPV, which is below the FTA's 0.2 PPV threshold and Caltrans' 0.4 in/sec PPV threshold for human annoyance. It is acknowledged that construction activities would occur throughout the project site and would not be concentrated at the point closest to the nearest off-site structure.

Therefore, vibration impacts associated with the project would be less than significant.

**Less Than Significant Impact.**

c) ***Is the 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***

	<p><b>public use airport, would the Project expose people residing or working in the project area to excessive noise levels?</b></p> <p>The Ontario International Airport (OIA) is located approximately, 9.7 miles northeast of the project site. The project site is located outside the airport influence Area of the OIA and outside the 60 to 65dBA CNEL Noise Impact Zone of the airport and would be significantly affected by overhead aircraft noise. Additionally, the project site is not located within the vicinity of a private airstrip.</p> <p>Therefore, the project site will not expose people residing or working in the project area to excessive noise levels and a less than significant impact would occur.</p>
	<b>No Impact</b>

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

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

<b><i>SUBSTANTIATION:</i></b>
<b><i>San Bernardino County General Plan, 2007; Submitted Project Materials.</i></b>

- 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)?***

The project consists of a place of worship, caretakers unit, and accessory parking lot. The project would not directly impact population growth through the increase in community service infrastructure. The DOF states that the population of San Bernardino County in 2017 was 2,171,517 and it is estimated that the county's population will increase to 2,192,203 by 2019, an increase of 1 percent. Based on data from the U.S. Census Bureau (US Census 2019), under the current land use designation of RS-20M, the project site would yield a population of 3 persons (1 dwelling units x 3.31 persons per household = 3.31 persons). The project

would not directly add population since the facilities are expected to serve the existing community and employees would most likely come from the existing population. Since the project would not induce substantial population growth, this impact is less than significant.

**LESS THAN SIGNIFICANT IMPACT.**

**b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

There is one housing unit on the project site, a caretakers unit that will be utilized by an individual to act as an on-site manager for the site. Therefore, since the project would not displace any existing housing units or people, there would be no impact.

**NO IMPACT**

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

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

**SUBSTANTIATION:**

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

**a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?**

Fire protection is provided by the Chino Valley Fire Authority. The Fire Departments provide medical, paramedic, and other first aid rescue service. The CVFA would be required to sign off on project activities prior to implementation of the portions project that are in their respective jurisdictions.

The fire station closest to the site is Fire Station 7, located at 1220 Ramona Avenue, it is located approximately one mile north of the site. The site is in the existing service area of the CVFA and on-site construction would comply with applicable Fire Code requirements. The project would be required to comply with the California Fire Code and the California Building Code and the site is in the existing service area of the CVFA. Therefore, the project would not significantly affect community fire protection services or result in the need for construction of fire protection facilities.

**LESS THAN SIGNIFICANT IMPACT**

- a.2. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?***

Police protection is provided by the City of Chino and the San Bernardino County Sheriff's Department (SBSD). The project would increase the number of buildings on the site and the programs offered would incrementally increase police demand on the site. However, the project would not create the need for new or expanded police protection facilities, as those services are currently provided and sufficient.

- a.3. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 schools?***

The Chino Unified School District (CHUSD) provides primary and secondary public education services to students living in the local area. The CHUSD currently provides services for schools ranging from pre-K to high school (CHUSD 2019).

The project does not include any housing that would directly add students to the school district. Regardless, in accordance with State law, the applicant would be required to pay school impact fees. Pursuant to Section 65995 (3)(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory fees "...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization." Thus, payment of development fees is considered full mitigation for the modified project's impacts under CEQA.

**LESS THAN SIGNIFICANT IMPACT**

- a.4. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 parks?***

The project consists of building a place of worship and caretakers unit. While the project would add additional jobs to the site, it would not directly add residents to the area that would



increase demand for parks. The project includes a community facility in the Place of worship, which would be available for use by residents of the area. No impact to parks would occur.

**LESS THAN SIGNIFICANT IMPACT**

- a.5. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 other public facilities?**

The closest public library branch is the Chino Branch Public Library, approximately 1.93 miles away, located at three miles away, and located at 13180 Central Avenue. The project includes the development of a place of worship. These types of uses do not cause a significant increase in the demand for libraries. Since the project would not necessitate the construction of new library facilities and would not adversely affect the existing facilities servicing the project, this impact would be less than significant.

Impacts to other public facilities (e.g., sewer, storm drains, and roadways) are discussed in Sections 16, Transportation/Traffic, and Section 17, Utilities and Public Services, of this Initial Study.

**LESS THAN SIGNIFICANT IMPACT**

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

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

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

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**
- 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?**

The City of Chino's Parks Division manages parks within the city limits. Local recreation facilities include Walnut Park, located approximately 1.0 mile east of the Project site, and Heritage Park located approximately 1.5 miles south of the Project site. Additionally, the San Bernardino National Forest is located approximately 25 miles northeast of the Project site. Project implementation would not result in population growth. The Project proposes to utilize indoor meeting areas that will be available to the public for community meeting and events. The proposed meeting areas will provide resources that are currently lacking in the community and area. Additionally, given the provision of on-site facilities, project implementation would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

The project does not include additional recreational facilities for the surrounding community and would not cause deterioration of existing parks.

**NO IMPACT**

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

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

## SUBSTANTIATION:

### San Bernardino County General Plan, 2007; Submitted Project Materials

- a) **Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including, including transit, roadway, bicycle and pedestrian facilities?**

Construction of the project would generate temporary construction-related traffic, such as deliveries of equipment and materials to the project site and construction worker traffic. Construction traffic would be limited and temporary and would not be substantial in relation to the existing traffic load and capacity of the street system.

The project and proposed use would generate traffic during operation. The County of San Bernardino directed the applicant to provide a transportation impact study which focuses on the intersection of Riverside Drive and Roswell Avenue. Sajeev Kumar, P.E, T.E conducted a Traffic Impact Analysis for the project and submitted to the County in July, 2020. The Project site is approximately 4.83 acres, located at 12594 Roswell Avenue, Chino in San Bernardino County. The proposed project is to construct a 32,400 square foot place of worship with the related on-site facilities and 4,500 square foot of caretaker housing. The hours of operation are from 6:00 AM to 1:00 PM and 6:00 PM to 9 PM on weekdays. The facility will be closed from 1:00 PM to 6 PM on weekdays. On weekends (Saturdays and Sundays) the facility will be open from 6:00 AM to 9:00 PM. Every day four aarthi or services will be performed. The timings of the daily services are 6:00 AM (morning aarhi), 12:00 PM (afternoon aarhi), 7:00 PM (evening aarhi) and 8:30 PM (night aarhi). These services last for 10-15 minutes. It is expected that the members of the congregation would attend one of the four services once or twice a month.

Based on the Traffic Impact Analysis, the expected trips generated by the proposed project are shown in Table 14.

**Table 14 Trip Generated by the Proposed Project**

	Average Weekday (M-F)				Saturday				Sunday		
	Enter	Exit	Total		Enter	Exit	Total		Enter	Exit	Total
24-hour Volume	127	120	247	24-hour Volume	158	155	313	24-hour Volume	451	455	905
A.M. Peak Hour of Adjacent Street Traffic (7-9) Time: 8-9 AM	7	8	15	A.M. Peak Hour of Adjacent Street Traffic (7-9) Time: 7-8 AM	37	4	41	A.M. Peak Hour of Adjacent Street Traffic (7-9) Time: 8-9 AM	5	4	9
P.M. Peak Hour of Adjacent Street Traffic (4-6) Time: 5-6 PM	10	6	16	P.M. Peak Hour of Adjacent Street Traffic (4-6) Time: 5-6 PM	19	33	52	P.M. Peak Hour of Adjacent Street Traffic (4-6) Time: 4-5 PM	57	17	75
A.M. Peak Hour Generator Time: 9-10 AM	10	9	20	A.M. Peak Hour Generator Time: 7-8 AM	37	4	41	A.M. Peak Hour Generator Time: 9-10 AM	90	7	96
P.M. Peak Hour Generator Time: 6-7 PM	34	16	50	P.M. Peak Hour Generator Time: 5-6 PM	19	33	52	P.M. Peak Hour Generator Time: 7-8 PM	15	103	118

As shown above in Table 14, no significant impact would occur at nearby streets due to the potential increase in daily trips due to the project. It was determined that the maximum number of trips generated by the proposed site will be on Sundays. The trips generated at the PM peak hour of the adjacent street traffic on weekdays are a total of 16 trips. Weekday PM peak hour generator traffic is a total of 50 vehicles between 6 and 7 PM. This is due to the fact that the services are offered at 7 pm on weekdays.

The Traffic Impact Analysis shows the number of trips generated by the proposed place of worship is very minimum on weekdays and maximum number of trips happen on Sundays between 7 to 8 PM. Based on the Traffic Impact Analysis the intersection of Riverside Drive and Roswell

Avenue and the intersections of Roswell Avenue and the site driveway would operate on LOS A or B with the project trips.

Therefore, this impact would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

***b) Would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivisions (b)?***

On September 27, 2013, SB 743 was signed into law. According to the legislative intent of SB 743, changes to California Environmental Quality Act (CEQA) practice were necessary to balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions. SB 743 requires that by July 1, 2020, all jurisdictions must adopt new VMT thresholds for determining CEQA compliance as well as adopt updated Traffic Impact Study Guidelines to provide direction in assessing the potential transportation impacts of proposed development projects, General Plan Amendments, and changes in zoning districts. The County has adopted Transportation Impact Study Guidelines as of July 9, 2019. For VMT, projects that serve the local community and have the potential to reduce VMT should not be required to complete a VMT assessment. These types of projects include:

- K-12 schools
- Local-serving retail less than 50,000 sq. ft.
- Local parks
- Day care centers
- Local serving gas stations
- Local serving banks
- Student housing projects
- Local serving community colleges that are consistent with the assumptions noted in the RTP/SCS Page 19 of 26
- Projects generating less than 110 daily vehicle trips

The County has identified that vehicle level of service (LOS) is still of value to the residents of San Bernardino County. The General Plan includes policies that address LOS and identify LOS standards for which County infrastructure will strive to maintain. Therefore, County projects will also be required to complete a transportation impact study (TIS), in addition to VMT assessment, to demonstrate consistency with the General Plan. The San Bernardino County Transportation Analysis Model (SBTAM) is currently the most appropriate travel demand model to use in San Bernardino County. As a result, the County has created Transportation Impact Study Guidelines, to provide a general guide in assessing the potential transportation impacts of proposed development projects, General Plan Amendments and changes in zoning in the County of San Bernardino.

As stated above in Section XVII.a., according to the County's adopted Transportation Impact Study Guidelines, areas requiring transportation impact studies include all intersections where a proposed project would add 50 or more trips during any peak hour and roadway

segments adjacent to the project if directed by the County or if a project generates 100 or more trips without consideration of pass-by trips during any peak hour. The County has directed the applicant to provide a transportation impact study that focuses on the intersection of Riverside Drive and Roswell Avenue. A traffic study was completed by the applicant and submitted to the county for the approval. The number of trips generated by the project in the weekday peak hour of the adjacent streets is less than 50 trips. Based on the traffic study the intersection of Riverside Drive and Roswell Avenue and the intersections of Roswell Avenue and the site driveway are expected to operate on LOS A or B. So, no impacts are not expected due to this project. A key element of SB 743 is the elimination of automobile delay and level of service as the sole basis of determining CEQA impacts. The most recent CEQA guidelines, released in December 2018, recommend VMT as the most appropriate measure of project transportation impacts. However, SB 743 does not prevent a city or county from continuing to analyze delay or LOS as part of other plans (i.e., the general plan), studies, or ongoing network monitoring. The following recommendations assist in determining VMT impact thresholds and mitigation requirements for various land use projects' Transportation Impact Studies.

CEQA Guidelines Section 15064.3 subdivision (b) has been included in the 2018 CEQA Guidelines as part of the implementation of SB 743 which requires local jurisdictions to use Vehicle Miles Travelled (VMT) instead of Level of Service (LOS) methodologies for the purpose of determining the significance of traffic impacts under CEQA. Also, as part of the implementation of SB 743 local jurisdiction are given until July 1, 2020 to develop and implement thresholds of significance criteria and methodologies for evaluating VMT under the new SB 743 requirements. Therefore, impacts with respect to CEQA Guidelines Section 15064.3(b) are less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- c) ***Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?***

- d) ***Would the project result in inadequate emergency access?***

The primary vehicular access to the site would be provided via a new driveway on Roswell Streets. Secondary access will be provided on Walnut Avenue. The proposed project is to construct a 32,400 square foot place of worship center with related on-site facilities and 4,500 square foot of caretaker housing, including 159 parking spaces, and public right-of-way improvements along Roswell Avenue and Walnut Avenue. Design of driveways, left turn lanes, circulation areas, and parking stalls for the Proposed Project would be based on the County Development Code, including Chapter 83.05 – *Dedication and Installations of Street and Trail Improvements* and Chapter 83.11 – *Parking and Loading Standards*, which sets the standard for such design. It is not anticipated that traffic hazards would increase, as a result of the project, with the addition of a left turn lane on Roswell Avenue, as the completion to the public right-of-way would be to current standards. Therefore, potential impacts associated with a substantial increase in hazards due to a design feature or incompatible use would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVIII. TRIBAL CULTURAL RESOURCES</b>				
a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

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

A Cultural and Paleontological Records Searches and Built Environment Evaluation Memorandum was completed by BCR Consulting, LLC to determine potential impacts to paleontological and cultural resources associated with the development of the Proposed Project (Appendix D – *Cultural Resource Assessment, 12594 Roswell Avenue Project, Chino, San Bernardino County, California*, BCS Consulting, August 2018).

Effective July 1, 2015, Assembly Bill 52 (AB52) requires meaningful consultation with California Native American Tribes on potential impacts associated with tribal cultural resources, as defined in §21074. A tribe must submit a written request to the relevant lead agency if it wishes to be notified of projects within its traditionally and culturally affiliated area. The lead agency must provide written, formal notification to the tribes that have requested it within 14 days of determining that a project application is complete or deciding to undertake a project. The tribe must respond to the lead agency within 30 days of receipt of the notification if it wishes to engage in consultation on the Proposed Project, and the lead agency must begin the consultation process within 30 days of receiving the request for consultation. Consultation concludes when either 1) the parties agree to mitigation measures to avoid a significant effect, if one exists, on a tribal cultural resource, or 2) a party,

acting in good faith and after reasonable effort, concludes that agreement cannot be reached. AB 52 also addresses confidentiality during tribal consultation per Public Resources Code §21082.3(c). The County of San Bernardino has received a notification requests from [5] Native American tribes, that were notified of the Proposed Project in accordance with AB52. Copies of the correspondence is included in Appendix M – *AB52 Tribal Consultation Correspondence*.

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)?***

The project site according to aerial photos indicates that the property was a working orchard from prior to 1938 until 1959 (United States Department of Agriculture 1938, 1959). It contained a small house prior to 1938, which had been removed by 2005 (ibid 1938, 2005). Today the project site is vacant and surface visibility is approximately 90 percent. Sediments included sandy silts with very few rocks. Disturbances included excavations for adjacent road and railroad construction, terracing for former agricultural uses and house construction, the digging of a well, and disking for weed abatement. During the field survey, BCR Consulting archaeologists identified and recorded one historic-period vertical well pipe, temporarily designated MBI1802-H-1. No associated apparatus or evidence for the former agricultural or domestic uses were identified. The well pipe has been recorded on DPR 523 forms (Appendix A). The Southern Pacific Railroad is outside the project boundaries about 30 meters to the north.

During a field the field survey, one historic-period resource was identified. CEQA (PRC Chapter 2.6, Section 21083.2 and CCR Title 145, Chapter 3, Article 5, Section 15064.5) calls for the evaluation and recordation of historic and archaeological resources. The criteria for determining the significance of impacts to cultural resources are based on Section 15064.5 of the CEQA Guidelines and Guidelines for the Nomination of Properties to the California Register. Properties eligible for listing in the California Register and subject to review under CEQA are those meeting the criteria for listing in the California Register, National Register, or designation under a local ordinance.

BCR Consulting has conducted substantial research regarding this historic-period well site. Since no associated apparatus or evidence for former agricultural or domestic activity remains, it cannot be associated with any events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the U.S. As a result, this resource is not eligible under California Register Criterion 1. The research has not associated the resource with any important persons (California Register Criterion 2). The well site does not exhibit distinctive characteristics of a type, period, region, or method of construction, represent the work of a master, or possess high artistic values (California Register Criterion 3). This resource has not yielded, and is not likely to yield, information important to the prehistory or history of the local area, California, or the nation (California Register Criterion 4). While the well site retains integrity of location, the removal



of all other evidence of former agricultural and domestic activity confers poor integrity of setting, design, materials, workmanship, feeling and association. Because of the failure to meet any of the above criteria combined with a lack of integrity BCR Consulting recommends that MBI1802-H-1 is not potentially eligible for the California Register, and not recommended a historical resource under CEQA

The development on the Project Site would not result in adverse impacts to the resource due to site and the historic resource. Therefore, potential impacts to the significance of a historical resource would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?***

Assembly Bill 52 (AB 52), signed into law in 2014, amended CEQA and established new requirements for tribal notification and consultation. AB 52 applies to all projects for which a notice of preparation or notice of intent to adopt a negative declaration/mitigated negative declaration is issued after July 1, 2015. AB 52 also broadly defines a new resource category of tribal cultural resources and established a more robust process for meaningful consultation that includes:

- Prescribed notification and response timelines;
- Consultation on alternatives, resource identification, significance determinations, impact evaluation, and mitigation measures; and
- Documentation of all consultation efforts to support CEQA findings.

A tribe must submit a written request to the relevant lead agency if it wishes to be notified of projects within its traditionally and culturally affiliated area. The lead agency must provide written, formal notification to the tribes that have requested it within 14 days of determining that a project application is complete or deciding to undertake a project. The tribe must respond to the lead agency within 30 days of receipt of the notification if it wishes to engage in consultation on the Proposed Project, and the lead agency must begin the consultation process within 30 days of receiving the request for consultation. Consultation concludes when either 1) the parties agree to mitigation measures to avoid a significant effect, if one exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. AB 52 also addresses confidentiality during tribal consultation per Public Resources Code §21082.3(c).

On May 7, 2019, the County provided written notification of the Project in accordance with AB 52 to all the Native American tribes that requested to receive such notification from the County and were listed on the NAHC list provided as a part of Appendix M. Of the tribes notified, the Gabrieleno Band of Mission Indians – Kizh Nation, requested formal government-to-government consultation under AB 52. The County emailed the Gabrieleno Band of Mission Indians – Kizh Nation representatives on May 21, 2019. The County sent recommended mitigation measures to the Gabrieleno Band of Mission Indians – Kizh Nation

on October 21, 2019. Consultation with the Gabrieleno Band of Mission Indians – Kizh Nation was concluded on June 26, 2019. As a result of these consultations, with implementation of **MM TCR-1** through **MM TCR-7**, and **MM CUL 1 through-3**, AB52 consultation with the Gabrieleno Band of Mission Indians, Kizh Nation have been concluded and potential impacts associated with Tribal Cultural Resources would be less than significant with the proposed mitigation measures.

### **Less Than Significant Impact with Mitigation Incorporated.**

#### **MITIGATION MEASURES**

With the oversight and monitoring by a Native American monitor, the potential to disrupt tribal cultural resources would be less than significant. The following mitigation measures would be required to reduce impacts of impacting tribal cultural resources to a less than significant level.

**MM TCR-1: Retain a Native American Monitor/Consultant:** Prior to the issuance of a grading permit, the Property Owner/Developer shall retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

**MMTCR-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources:** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: Ongoing during construction, upon discovery of any archaeological resources, the Construction Contractor shall cease construction activities in the immediate vicinity of an unanticipated find until it can be assessed by a qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the Property Owner/Developer regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue other parts of the Project Site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or

appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.

**MMTCR-3: Public Resources Code Sections 21083.2(b) for unique archaeological resources.** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

**MM TCR-4: Resource Assessment & Continuation of Work Protocol:** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. 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 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).

**MM TCR-5: Kizh-Gabrieleno Procedures for burials and funerary remains:** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

**MM TCR-6: Treatment Measures:** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: Prior to the continuation of ground disturbing activities, the Property Owner/Developer

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

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

**MM TCR-7: Professional Standards:** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

***LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED***

**No significant adverse impacts are identified or anticipated with the proposed mitigation measures. Mitigation Measures reduce the impact to less than significant.**

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>					
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

***SUBSTANTIATION:***

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

- a) ***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?***

The Project would require the relocation or construction of the following facilities:

Water

The project will construct an 8-inch fire water line and either a 2-inch or 3-inch domestic water line that will connect to an existing water line located on Roswell Avenue.

#### Wastewater Treatment

The project will connect to a Septic System and City Facilities are more than 200 feet away from the project site. The septic system has been analyzed in the Geology Section and summarized below:

Projects' estimated wastewater flow from the plumbing fixtures per soil percolations report is 1,981 gal/day. Project is proposing two (2) fifteen hundred (1,500) gallon septic tanks to receive the flow. The outflow from the septic tanks will be distributed to six (6) seepage (three primary and three for backup) pits per Santa Ana Regional Water Quality Control Board recommendations for the project. The seepage pits will be will filled with gravel which allows for better draining and helps limits clogging. The water then disperses and filtered into the soils underneath the seepage pits. The seepage pits will not be covered by an impermeable surface to allow dilution.

#### Storm Drainage

The site runoff will be directed to an on-site underground detention basin which is located in the southeast corner of the site. Runoff from the north and east driveways, roofs, parking spaces and landscape areas will be collected by a total of six (6) catch basins and directed to the proposed on-site underground detention basin through onsite storm drain line network. The overflow after detention in the basin will be discharged to a proposed 18-inch storm drain line and conveyed to an existing 24-inch storm drain in Roswell Avenue. There is no offsite drainage impact to the site from any direction.

The underground detention basin is proposed to store the volume from the 85<sup>th</sup> percentile storm as well as the volume from the increased runoff from the development in the event of a 100-year storm reducing the impact on the downstream properties while protecting the onsite development from flooding.

#### Electric Power

The project will connect to the existing Southern California Edison electrical distribution facilities available near the project site.

#### Natural Gas

The project will connect to the existing Southern California Gas natural gas distribution facilities near the project site.

#### **Conclusions**

The installation of the above-described facilities as proposed by the project would result in physical impacts to the surface and subsurface of the project site. These impacts are considered to be part of the project's construction phase and are evaluated throughout this Initial Study/Mitigated Negative Declaration. In instances where significant impacts have been identified, Mitigation Measures have been required to reduce impacts to less-than-significant

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levels. Accordingly, additional measures beyond those identified throughout this Initial Study/Mitigated Negative Declaration would not be required.

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### **Less Than Significant Impact**

- 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?***

The Inland Empire Utilities Agency currently provides water service to the project area through the Monte Vista Water District (MVWD). The MVWD currently has 12 active groundwater wells with a combined capacity of approximately 28.2 million gallons per day (mgd). The MVWD's retail water distribution system is comprised of four pressure zones, 198 miles of pipelines, six reservoirs, seven booster stations, three hydrogenerators, and six emergency interconnections with neighboring water agencies.

The MVWD is dependent on four sources for its long-term water supply:

- Groundwater produced from the Chino Groundwater Basin, an adjudicated basin managed by the Chino Basin Watermaster;
- Imported State Water Project surface water received from the Metropolitan Water District of Southern California (MWD) through the Inland Empire Utilities Agency (IEUA) and the Water Facilities Authority (WFA);
- Entitlement water deliveries from San Antonio Water Company (SAWCO), including groundwater produced from local adjudicated groundwater basins and surface water produced from the San Antonio Creek Watershed; and,
- Recycled water from IEUA.

Water use for the project was estimated by using The California Emissions Estimator Model (CalEEMod). The model can be used to estimate water usage for analysis in CEQA documents. The Project is estimated to have a water demand of 11.67 million gallons per year (or 31,972 gallons per day).

Based on the Monte Vista Water District – 2015 Urban Water Management Plan (updated June 2016), MVWD can expect its available supplies to significantly exceed anticipated demands over the 25-year planning period. As a result of these surplus supplies, MVWD should not experience any problems in meeting its demands during normal, single, or multiple dry-year periods over the next 25 years. As such, the project will 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.**

- 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?***



The site is irregular shaped and covers approximately 4.83 acres. Several Structures located around the site have been developed with single-family homes and utilizing on-site sewage disposal method of septic tank and seepage pits and are working satisfactorily for the last 5-10 years. The proposed Sri Sai Ram Mandir Center, a community religious place will have a maximum of 236 fixtures. The applicant is proposing to install two 1,500-gallon septic tanks with underground seepage pits.

The percolation results outlined in Appendix G show rates from Project Site test locations within the limits provided in the San Bernardino County Department of Environmental Health Services standards, Soil Percolation (PERC) Test Report Standards: Suitability of Lots and Soils for Use of Leach lines or Seepage Pits, published by the San Bernardino County Department of Environmental Health Services, revised June 2017. The project septic system is required to be approved by the State Water Quality Control Board, prior to issuance of a County Building Permit. Therefore, mitigation requiring approval of the Septic System will be required.

As stated in Section X(c)(i)-(iii), the proposed project involves improvements to the project site and Roswell and Walnut frontages, resulting in improved stormwater drainage. The project will consist of one (1) Drainage Area (DA). The Drainage Area will have one (1) Drainage Management Area consisting of 4.83 acres total. Runoff from the development sheet flow to the parking areas and flow along the proposed gutters to catch basins placed throughout the site. Storm flows will confluence while traveling towards the east side of the property and ultimately discharge to a proposed underground retention chambers located at the east corner of the site. The proposed basin will provide a total volume of 10,564 cubic feet which meets the DMA area's Design Capture Volume (DCV) of 10,417 cubic feet. The treated volume will infiltrate into the subsurface soils under 48-hours.

The underground detention basin will be constructed as a part of the Proposed Project to account for storm water runoff and drainage. The Proposed Project infiltration was determined to be feasible on the project site. Therefore, the construction of the stormwater system will be less than significant.

Other utilities, such as electrical power would be connected to existing infrastructure in the area, consistent with County and provider regulations. Therefore, potential impacts associated with the relocation or construction of utility systems would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- 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?***

The project involves the construction of a religious facility and caretakers unit and parking lot, along with right of way improvements on Walnut and Roswell Avenues. CalRecycle maintains a waste characterization list of waste generation rates. The most recent information for public/institutional projects indicates a waste generation rate of 0.007 pounds of waste per square foot per day (CalRecycle 2016). The 32,400 square foot place of worship would generate solid waste. The caretakers unit and parking lot were not included because these land uses would not generate continuous streams of solid waste. Based on the rate of 0.007

pound of waste per square foot per day, the project would generate a net amount of 226.8 pounds per day or 0.113 ton per day. This increase would be within the capacity of El Sobrante Landfill (33-AA-0217), which currently receives 16,054 tons per day, with a remaining capacity of 143,977,170 of capacity remaining, based on CalRecycle SWIS Facility Detail. Based on the disposal capacity of landfills serving the project site, this incremental increase in solid waste generation would not affect the availability of solid waste disposal capacity and impacts would be less than significant.

#### *Construction Waste*

Waste generated during the construction phase of the project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities. The California Green Building Standards Code ("CALGreen"), requires all newly constructed buildings to prepare a Waste Management Plan and divert construction waste through recycling and source reduction methods. The County of San Bernardino, Department of Public Works, Solid Waste Management Division reviews and approves all new construction projects required to submit a Waste Management Plan. Mandatory compliance with CALGreen solid waste requirements will ensure that construction waste impacts are less than significant.

#### *Operational Waste*

Waste generated during the operation of the project is estimated to be 210.33 tons per year based on the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model that can be used to estimate solid waste generation rates for various types of land uses for analysis in CEQA documents.

Solid waste generated in the project area is generally transported to the transported to the El Sobrante Landfill, located in the City of Corona. According to the Cal Recycle Facility/Site Summary Details website accessed on September 1, 2019, the El Sobrante Landfill has a remaining capacity of 143,977,170 cy and is not anticipated to reach capacity until 2051. As such, the project will not 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.**

- e) ***Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

The California Integrated Waste Management Act established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the Act established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted. Per the requirements of the Integrated Waste Management Act, the San Bernardino County Board of Supervisors adopted the *County of San Bernardino Countywide Integrated Waste Management Plan* which outlines the goals, policies, and programs the County and its cities will implement to create an integrated and

cost effective waste management system that complies with the provisions of California Integrated Waste Management Act and its diversion mandates.

The project operator(s) will be required to coordinate with the waste hauler to develop collection of recyclable materials for the Project on a common schedule as set forth in applicable local, regional, and State programs. Recyclable materials that would be recycled by the commercial facility include paper products, glass, aluminum, and plastic.

Additionally, the project's waste hauler would be required to comply with all applicable local, State, and Federal solid waste disposal standards, thereby ensuring that the solid waste stream to the landfills that serve the facility are reduced in accordance with existing regulations.

**No Impact.**

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

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XX.</b>	<b>WILDFIRE:</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b>					
<b>County of San Bernardino General Plan 2007; Submitted Project Materials; FRAP Maps</b>					

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- a-d)**
- a) *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?***
  - b) *Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?***
  - c) *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?***
  - d) *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?***

A wildfire is a nonstructural fire that occurs in vegetative fuels, excluding prescribed fire. Wildfires can occur in undeveloped areas and spread to urban areas where the landscape and structures are not designed and maintained to be ignition resistant. A wildland-urban interface is an area where urban development is located in proximity to open space or "wildland" areas. The potential for wildland fires represents a hazard where development is adjacent to open space or within close proximity to wildland fuels or designated fire severity zones. Steep hillsides and varied topography within portions of the City also contribute to the risk of wildland fires. Fires that occur in wildland-urban interface areas may affect natural resources as well as life and property. The California Department of Forestry and Fire Protection (Cal Fire) has mapped areas of significant fire hazards in the state through its Fire and Resources Assessment Program (FRAP). These maps place areas of the state into different fire hazard severity zones (FHSZ) based on a hazard scoring system using subjective criteria for fuels, fire history, terrain influences, housing density, and occurrence of severe fire weather where urban conflagration could result in catastrophic losses. As part of this mapping system, land where Cal Fire is responsible for wildland fire protection and generally located in unincorporated areas is classified as a State Responsibility Area (SRA). Where local fire protection agencies, such as Chino Valley Fire Authority (CVFD), are responsible for wildfire protection, the land is classified as a Local Responsibility Area (LRA). Cal Fire does not currently identifies the project site as an SRA.

In addition, the County has mapped areas that are susceptible to wild land fires within the Fire Hazard Overlay. The Fire Hazard Overlay is derived from areas designated in high fire hazard areas in the General Plan and locations derived from the California Department of Forestry, U.S. Forest Service, and the County Fire Department. According to Hazard Map FH27B, the Project site is not located within in or near lands classified as very high fire hazard severity zones.

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**No Impact.**

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE:</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a) <b><i>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?</i></b>  In instances where significant impacts have been identified, Mitigation Measures BIO-1 and BIO-2 are required to reduce impacts to less than significant levels. Therefore, the Project does not have impacts which would 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.				

**Less Than Significant Impact with Mitigation Incorporated.**

- 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)?***

In instances where impacts have been identified, Mitigation Measures, CR-1, 2, and 3, BIO – 1 and 2, GEO-1 and GEO-2, HYD-1, NOI-1 and NOI-2, and TCR-1 through 7 are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts that are cumulatively considerable.

**Less Than Significant Impact with Mitigation Incorporated.**

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

In instances where impacts have been identified, Mitigation Measures NOI-1 through NOI-2, and HYD-1 are required to reduce impacts to less than significant levels. Therefore, the Project does not have impacts which will cause substantial adverse effects on human beings, either directly or indirectly.

**Less Than Significant Impact With Mitigation Incorporated.**

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

## **XVIII MITIGATION MEASURES.**

(Any mitigation measures which are not ‘self-monitoring’ shall have a Mitigation Monitoring and Reporting Program prepared and adopted at the time of project approval)

**Mitigation Measure BIO-1: Bird Survey:** A pre-construction nesting bird clearance survey shall be conducted by a qualified biologist no more than three (3) days prior to the start of any vegetation removal or ground disturbing activities to ensure that birds protected under the MBTA and California Fish and Game Code are not impacted. A qualified biologist shall survey all suitable nesting habitat within the project site, and within a biologically defensible buffer distance surrounding the project site, for nesting birds prior to commencing project activities. Documentation of surveys and findings shall be submitted to Sri Jayaram Foundation Inc. for review and file. If no active nests are detected, construction may begin. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest shall be estimated and the qualified biologist shall establish a “no-disturbance” buffer around the active nest. The distance of the “no-disturbance” buffer may be increased or decreased according to the judgement of the qualified biologist depending on the level of activity and species (i.e., listed, sensitive). The qualified biologist shall periodically monitor any active nests to determine if project-related activities occurring outside the ‘no disturbance’ buffer disturb the birds and if the buffer should be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

**Mitigation Measure BIO-2: Burrowing Owl Survey:** A pre-construction burrowing owl clearance survey shall be conducted to ensure that burrowing owls remain absent from the project site and impacts to any occupied burrows do not occur. In accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012), two pre-construction clearance surveys shall be conducted 14-30 days and 24 hours prior to any vegetation removal or ground disturbing activities. Documentation of surveys and findings shall be submitted to Sri Jayaram Foundation Inc. for review and file. If no burrowing owls or occupied burrows are detected, construction may begin. If an occupied burrow is found within the development footprint during pre-construction clearance surveys, a burrowing owl exclusion plan will need to be prepared and submitted to CDFW for approval prior to initiating project activities.

**Cultural Mitigation Measures CR-1-3:**

**CR-1: Archaeological Resource Procedures.** In the event that archaeological resources are unearthed during project construction, a qualified archaeologist should be contacted to assess the nature and significance of the find, diverting construction excavation if necessary.

**CR-2: Paleontological Resource Procedures.** If evidence of subsurface paleontological resources is found during excavation and other ground-breaking activities, all work within 50 feet of the discovery shall cease and the construction contractor shall contact the County of San Bernardino Land Use Service Department. With direction from the Land Use Services Department, a paleontologist certified by the County of San Bernardino shall evaluate the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.

**CR-3: Human Remains Recovery Procedures.** If human remains are found, those remains would require proper treatment, in accordance with applicable laws. State of California Public Resources Health and Safety Code Section 7050.5-7055 describe the general provisions for human remains. Specifically, Health and Safety Code 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission, and consultation with the individual identified by the Native American Heritage Commission to be the “most likely descendant”. If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains until the County coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains.

**Mitigation Measure GEO-1: Septic Review:** Prior to issuance of a building permit, the applicant shall obtain approval from County Public Health and State Water Quality Control Board and ensure the proposed septic system will allow for a maximum flow, based on the percolation report, of 1,981 gallons per day. The proposed system shall also be designed in compliance with the Local Agency Management Plan (LAMP)

**Mitigation Measure GEO-2:** Public Resources Code Sections 21083.2(b) for unique archaeological resources. Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: Preservation in place (i.e.,



avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

**Mitigation Measure HYD-1: General Permit for Discharge of Storm Water:** Prior to issuance of Grading or Building Permit, the Project shall obtain coverage under the General Permit for Discharges of Storm Water Associated with the Municipal Separate Storm Sewer System Permit (MS4 Permit), adopted by the Santa Ana Regional Water Quality Control Board (RWQCB), and shall provide evidence to the County of compliance with NPDES Permit No. CAS 618036.

**Mitigation Measure NOI-1: Construction Noise.** Prior to the issuance of a grading permit and building permit, the following note shall be placed on the grading plans and building plans.

*“a. During the project site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufactures standards.*

*b. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.*

*c. The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday excluding holidays.*

*d. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.*

*e. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.”*

**Mitigation Measure NOI-2: Perimeter Wall.** Prior to the issuance of a building permit the following note shall be placed on the building plans.

*“Mitigation Measure NOI-2: Perimeter Wall. Install 8-foot masonry block sound wall along the south and west parcel boundaries as measured from the highest adjacent grade.”*

**Mitigation Measures-TCR-1-7: Tribal Cultural Resources.**

**MM TCR-1: Retain a Native American Monitor/Consultant:** Prior to the issuance of a grading permit, the Property Owner/Developer shall retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

**MMTCR-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources:** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: Ongoing during construction, upon discovery of any archaeological resources, the Construction Contractor shall cease construction activities in the immediate vicinity of an unanticipated find until it can be assessed by a qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the Property Owner/Developer regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the Project Site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.

**MMTCR-3: Public Resources Code Sections 21083.2(b) for unique archaeological resources.** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

**MM TCR-4: Resource Assessment & Continuation of Work Protocol:** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the

burial. 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 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).

**MM TCR-5: Kizh-Gabrieleno Procedures for burials and funerary remains:** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

**MM TCR-6: Treatment Measures:** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: Prior to the continuation of ground disturbing activities, the Property Owner/Developer shall arrange a designated site location within the footprint of the Project Site for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

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

**MM TCR-7: Professional Standards:** Prior to the issuance of a grading permit, the Property Owner/Developer shall include the following note on the plans: Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified

## **GENERAL REFERENCES**

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<https://www2.calrecycle.ca.gov/SWFacilities/Directory/>

California Department of Transportation. *Caltrans Scenic Highway Corridor Map*.  
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California Energy Commission, *Electricity Consumption by County*, 2017  
<http://ecdms.energy.ca.gov/elecbycounty.aspx>

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[https://www.cityofchino.org/city\\_hall/departments/community\\_development/planning/plans/general](https://www.cityofchino.org/city_hall/departments/community_development/planning/plans/general)

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Arunasri Reddy  
APN: 1016-331-05  
October 2020

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## **PROJECT-SPECIFIC REFERENCES**

### **Appendices: (Under Separate Cover or on Compact Disk)**

- A. *Air Quality Technical Memo*, Aruna Reddy, August 3, 2020
- B. *Greenhouse Gas Memo*, Aruna Reddy, March 2020.
- C. *General Biological Resources Assessment*, Michael Baker, August 2018.

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*Arunasri Reddy*

APN: 1016-331-05

*October 2020*

- D. *Cultural Resources Assessment*, BCR Consulting LLC, August 15, 2018.
- E. *Water Quality Management Plan*, Alex Torres, P.E, April 2020.
- F. *Feasibility of On-Site Sewage Disposal System*, City & County Engineering and Testing, Inc., Aug 2018
- G. *Noise Impact Study*, A2V Consulting Group, August 16, 2020.
- H. *Traffic Impact Analysis (TIA)*, Sajeew Kumar, P.E., T.E.
- I. Preliminary Hydrology Report, Michael Baker International, August 2019
- J. Soils Percolation Report Update, Geo Mat Testing Laboratories, Inc., April 2020



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

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(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
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**PROPOSAL NO.: LAFCO SC#517**

**HEARING DATE: NOVEMBER 15, 2023**

**RESOLUTION NO. 3385**

## **A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#517 – CITY OF CHINO COVENANT AGREEMENT TO ANNEX FOR SEWER SERVICE (APN 1016-331-05)**

**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 15, 2023 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. 3385

### **DETERMINATIONS:**

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

1. The contract parcel, Assessor Parcel Number 1016-331-05, is within the sphere of influence assigned the City of Chino and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Chino sewer service.

Water service will be provided by the Monte Vista Water District.

2. The City of Chino's Covenant Agreement to Annex being considered is for the provision of sewer service to parcel, Assessor Parcel Number 1016-331-05, generally located on the west side of Roswell Avenue (12594 Roswell Avenue). This contract will remain in force in perpetuity or until such time as the parcels are annexed. Approval of this request will allow the property owner and the City of Chino to proceed in finalizing the contract for the extension of sewer service.
3. The City of Chino estimates a total of \$255,760 (known costs) for the extension of sewer service to the proposed project. Payment of these fees/charges are required prior to connection to the City's sewer facilities.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review under the "Common Sense Rule" since it has no potential to cause a significant adverse impact on the environment (Section 15061[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this service contract is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines. The Commission hereby adopts the Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

**SECTION 2. CONDITION.** The City of Chino 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 Chino to provide sewer service to Assessor Parcel Number 1016-331-05.

**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#517 – City of Chino Covenant Agreement to Annex for Sewer Service (APN 1016-331-05).

## RESOLUTION NO. 3385

**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 15, 2023.**


**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** NOVEMBER 8, 2023   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #8: LAFCO 3262 - Annexation to the Helendale Community Services District (Lower Eastern Sphere of Influence)

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**INITIATED BY:**

Resolution of the Helendale Community Services District

**RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO 3262 by taking the following actions:

1. For environmental review, certify that LAFCO 3262 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 3262, with the standard LAFCO terms and conditions that include the "hold harmless" clause for potential litigation costs by the applicant and the continuation of fees, charges, and/or assessments currently authorized by the annexing agency; and,
3. Adopt LAFCO Resolution #3387, setting forth the Commission's determinations and conditions of approval concerning this reorganization proposal.

**BACKGROUND INFORMATION:**

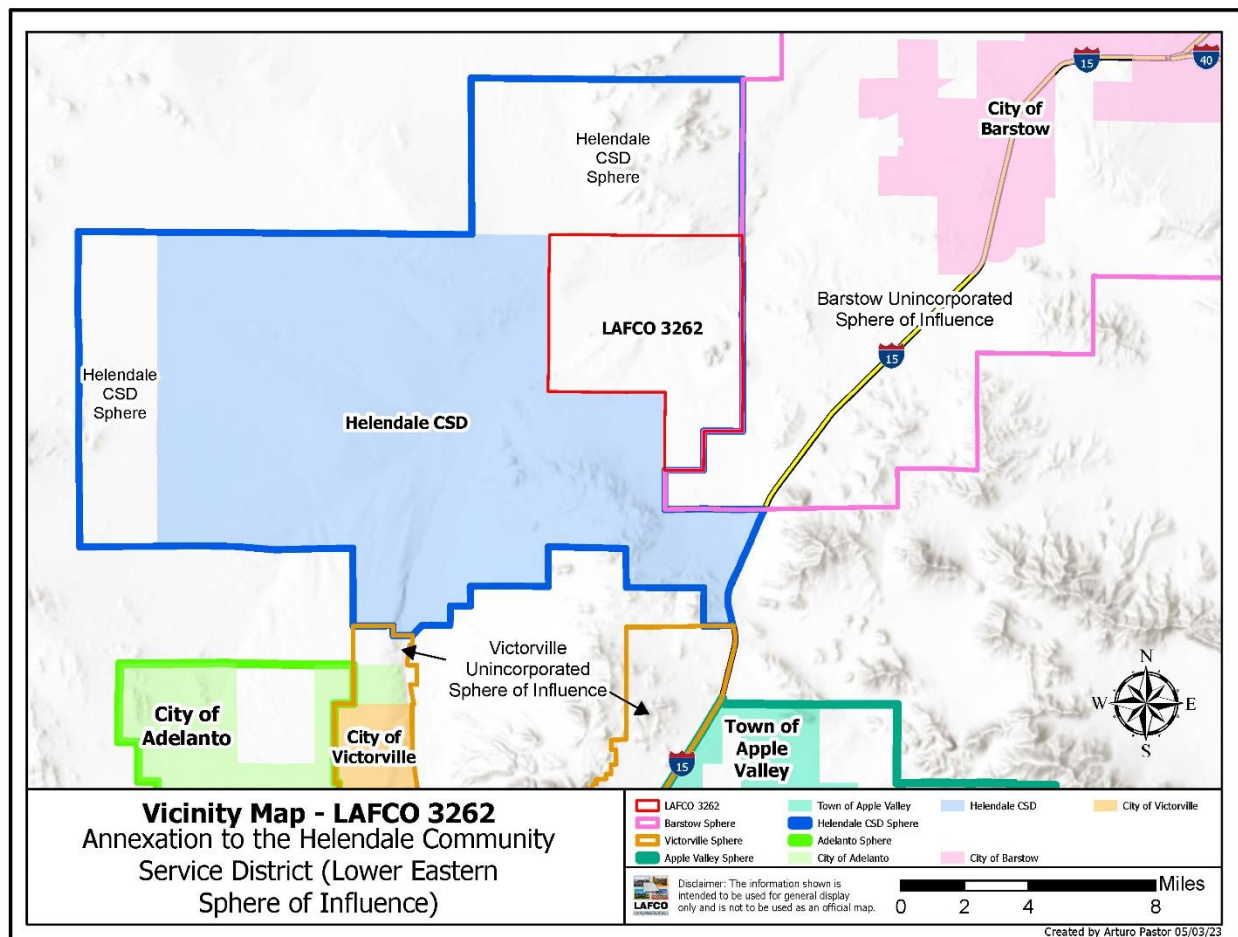
LAFCO 3262 is a proposal initiated by the Helendale Community Services District ("Helendale CSD" or "District") requesting annexation of its lower eastern Sphere of Influence. The District, in its application, identifies its primary justification for its annexation request is that significant growth is anticipated within the western Barstow sphere of influence associated with the Barstow International Gateway project proposed by the BNSF.

The proposed development will extend from Barstow in the northeast to Hinkley Road, north of the proposed Helendale CSD annexation area. The District's application states that by annexing this portion of its sphere of influence, the District can position itself to support the growth as well as eliminate confusion with the Helendale School District's boundary, and wishes to provide its full range of solid waste, and recycling programs and services to this rural residential area of the Helendale community.

## LOCATION

The unincorporated community of Helendale/Silver Lakes is in the north desert region of San Bernardino County, generally north of the Victor Valley and southwest of City of Barstow. The proposed annexation area is in Helendale CSD's eastern sphere of influence, abutting the City of Barstow's unincorporated western sphere of influence. The area encompasses approximately 23 square miles.

Below is a vicinity map of the annexation area (outlined in red). Included as Attachment #1 to this report is the vicinity map and official annexation map.



Vicinity Map

## **AREAS OF CONSIDERATION**

This report will provide the Commission with the information related to the four major areas of consideration required for a jurisdictional change: (1) boundaries, (2) land use, (3) service issues and effects on other local governments, and (4) environmental considerations.

### **1. BOUNDARIES:**

The annexation area is generally bordered by: a combination of section lines and Chester Road to the north; a combination of section lines and Lone Start Road along the District and the City of Barstow's adjoining sphere of influence boundaries to the east; a combination of section lines, Panamint Trail, the natural extension of Palomino Road, Frontier Road, and Bonanza Trail along the District and the City of Barstow's adjoining sphere of influence boundaries as well as the District's actual boundary to the south; and a combination of section lines and Ranchito Road along the District's boundary to the west.

As shown on the map above, the spheres of influence of the City of Barstow and Helendale CSD currently abut, creating a clear delineation between the two defined communities. The annexation area abuts the District's current boundaries to the west and south and the City of Barstow's unincorporated sphere of influence to the east and south creating a logical easterly extension for the District.

Moreover, in the initial formation of the Helendale CSD, an area within the Helendale School District boundaries was excluded from the District's formation boundaries due to the existence of Williamson Act contracts (agricultural uses). This exclusion has created confusion for rural residents in the area. While some of the area's residents attend Helendale schools, their trash service is not through the Helendale CSD, whose augmented solid waste and recycling services are not available to them. Annexation would allow for clear and defined boundaries for service delivery for the entire community.

Therefore, LAFCO staff's position is that this annexation proposal provides for a logical boundary for service delivery.

### **2. LAND USE:**

#### **A. Designations and Use**

The County's current land use designations for the annexation area are: RC (Resource Conservation); RL (Rural Living); RC-AP (Resource Conservation-Agricultural Preserve); AG (Agriculture), and FL (Floodway).

Most of the annexation area is vacant lands. There is scattered rural residential development, roughly 140 residential properties, within the core of the annexation area -- generally along the Mojave River. There is one dairy operation, Dutch Dairy, and some scattered agricultural uses associated with homes in the area.

## **B. Agriculture, Open Space, and Mineral Resource Zones**

An additional consideration for LAFCO is the issue of agricultural and open space lands. Within the proposed annexation are areas of Williamson Act contract lands and mineral resource zones which require that LAFCO address this issue.

The Agricultural Preserve designations within the area affect the ability for the extension of urban type service. There are five active Williamson Act contracts within the proposed annexation; however, the agricultural operations within four of Williamson Act Contracts have ceased. This occurred following the demolition of all improvements on the properties by permit issued in 2014.

Mineral resources zones within the area are on private land whose land use concerns would be addressed by the County whenever future development is proposed for the area.

## **3. SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:**

The application includes a plan for the extension of services for the annexation area as required by law and Commission policy (included as part of Attachment #2 to this report). The Plan for Service includes a Fiscal Impact Analysis that shows that the annexation proposal will have a positive financial effect for the District. As required by Commission policy and State law, the Plan for Service shows that the extension of the District's services will maintain, and/or exceed, current service levels provided through the County and can be sustained for the foreseeable future. In general, the District's Plan for Service includes the following:

### **A. Helendale CSD**

LAFCO authorizes the District to provide the following functions: water, sewer, streetlighting, refuse collection (solid waste), parks and recreation, and graffiti abatement.

Helendale CSD will be authorized to provide its range of services to the area upon annexation. However, the annexation of the territory to the District is proposed for the extension of: (1) solid waste and recycling services to developed properties, (2) park and recreation programs and services for the residents of the area, and (3) graffiti abatement. The District would extend its additional range of services (water, sewer, and streetlighting) when requested by property owners pursuing development which necessitates these services. This would include the development of the necessary infrastructure and addressing the issues of water availability within the Centro Subarea of the Mojave Basin adjudication. Streetlighting is not anticipated to be extended to the annexing area under the provisions of the San Bernardino County Dark Sky's ordinance.





Another aspect of Solid Waste will be the transfer of the existing special tax of the County Land Use Solid Waste of \$85.14 per parcel (actual receipts would be \$84.89 [subtracting the 25 cent per parcel administrative charge]). This will include the administration of the “dump card program”.

## **B. 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 and the level and range of services currently provided. The following services and agencies will have no change in service provision or jurisdiction following annexation:

<b>Service</b>	<b>Agency</b>
General Government	County of San Bernardino
Law Enforcement	County Sheriff
Animal Control	San Bernardino County Animal Care
Fire Protection & Emergency Medical	San Bernardino County Fire Protection District, its North Desert Service Zone, and its Service Zone FP-5
Ambulance	Desert Ambulance, assigned to
Flood Control and Drainage	SB County Flood Control District
Health and Welfare	SB County Dept. of Public Health
Library	SB County Library
Schools	various
Transportation	SB County Dept of Public Works
Utilities (electricity, gas, cable)	SoCal Edison (private)
Regional Parks	SB County Regional Parks Department
Resource Conservation	Mojave Desert Resource Conservation District
Wholesale Water	Mojave Water Agency

## **C. Fiscal Impact Analysis**

The Plan for Service includes a Fiscal Impact Analysis that shows that the annexation proposal will have a positive financial effect for the District. However, there are no detaching agencies in this annexation; therefore, no share of the ad valorem property taxes will transfer to the District.

## **4. ENVIRONMENTAL:**

As the CEQA lead agency, the Commission’s Environmental Consultant, Tom Dodson from Tom Dodson and Associates, has indicated that the review of LAFCO 3262 is exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the annexation to the District—and the extension of its services that simply replaces existing services already available in the area—has no potential to cause a significant adverse 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). Staff recommends that the Commission adopt the “Common Sense” Exemption for this proposal. A copy of Mr. Dodson’s analysis is included as Attachment #3 to this report.

**CONCLUSION:**

LAFCO staff’s position is that this annexation proposal provides for a logical service-delivery boundary. The Plan for Service includes a Fiscal Impact Analysis showing that the annexation proposal will have a positive financial effect for the District. As required by Commission policy and State law, the Plan for Service shows that the extension of the District’s services will maintain, and/or exceed, current service levels provided from the County and can be sustained for the foreseeable future. The existing land uses and land use designations for the project area will not be modified by the extension of these services and San Bernardino County will remain the jurisdiction with control over future land uses within LAFCO 3262.

For these reasons, and those outlined throughout the staff report, staff supports the approval of LAFCO 3262.

**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 inhabited, containing 178 registered voters as of July 5, 2023, as certified by the County Registrar of Voters’ Office.
2. The reorganization area is within the sphere of influence assigned the Helendale Community Services District.
3. The assessed value of land and improvements within the annexation area on the secured assessment roll is broken down as follows:

Land:	\$ 25,030,367
Improvements:	\$ 16,040,470
Total:	\$ 41,070,837
4. Legal notice of the Commission’s consideration of the proposal has been provided through publication of a 1/8<sup>th</sup> page legal advertisement in *The Daily Press*, a newspaper of general circulation in the area. In addition, individual notices were provided to all affected and interested agencies, County departments, and those individuals and agencies having requested such notification. Comments from affected and interested agencies have been considered by the Commission in making its determination.
5. The County’s current land use designations for the annexation area are: RC (Resource Conservation; RL (Rural Living); RC-AP (Resource Conservation-

Agricultural Preserve); AG (Agriculture), and FL (Floodway). This annexation has no direct impact on said land use designations.

6. The Southern California Associated Governments (SCAG) has adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3262 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy.
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 annexation 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
  - San Bernardino County Fire Protection District (SBCFPD) and its North Desert Service Zone
  - Mojave Desert Resource Conservation District
  - Mojave Water Agency
  - Barstow Cemetery District
  - County Service Area 60 (Apple Valley Airport)
  - County Service Area 70 (multi-function unincorporated area Countywide)

None of the local agencies are affected by this annexation 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 services to the annexation area, as required by law. The Plan for Service indicates that the Helendale Community Services District can maintain and/or improve the level and range of services currently available in the area.

The current annual refuse disposal fee for developed parcels will transfer from the County (shown on the property tax bill as County Land Use-SWMD) to the Helendale Community Services District (Helendale-Refuse Land Use) upon completion of the annexation proposal.

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

10. The annexation area can benefit from the availability and extension of municipal services from the Helendale Community Services District.

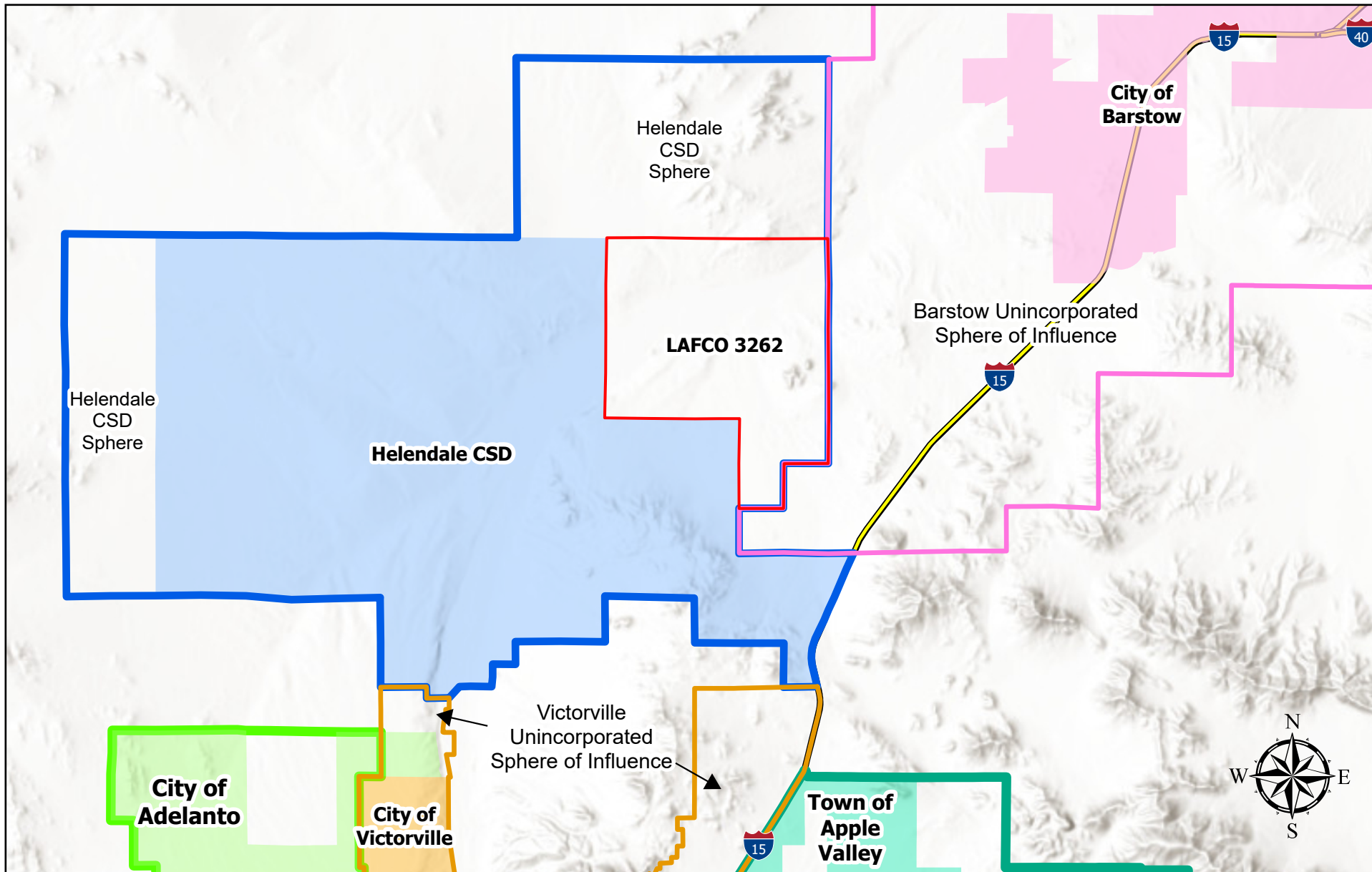
11. This proposal will not affect the fair share allocation of the regional housing needs assigned to the County of San Bernardino through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process.
12. With respect to environmental justice, which is the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services, the following demographic and income profile was generated using ESRI's Business Analyst within the current Helendale Community Services District territory and within the annexation area:

<b>Demographic and Income Comparison</b>	<b>Helendale CSD</b>	<b>Annexation Area</b>
<b>Race</b>		
• White Alone	47.4%	60.9%
• African American Alone	3.0%	6.8%
• American Indian Alone	3.2%	1.2%
• Asian Alone	1.1%	4.8%
• Pacific Islander Alone	0.0%	0.4%
• Some Other Race Alone	31.0%	12.2%
• Two or More Races	14.3%	13.8%
<b>Ethnicity</b>		
• Hispanic Origin (Any Race)	54.3%	30.5%
Median Household Income	\$64,489	\$98,068

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 map and legal description are in substantial compliance with LAFCO and State standards.

Attachments:

1. [Vicinity Map and Official Map](#)
2. [Application and Plan for Service including Fiscal Impact Analysis](#)
3. [Environmental Recommendation](#)
4. [Draft Resolution No. 3387](#)

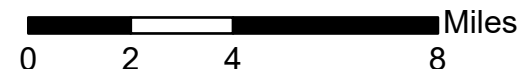


# **Vicinity Map - LAFCO 3262** **Annexation to the Helendale Community** **Service District (Lower Eastern** **Sphere of Influence)**

- |  |   |  |  |
|--|---|--|--|
| <span style="border: 1px solid red; padding: 2px;"> </span> LAFCO 3262   | <span style="background-color: #e0f2f1; border: 1px solid #81c784; padding: 2px;"> </span> Town of Apple Valley | <span style="background-color: #bbdefb; border: 1px solid #90caf9; padding: 2px;"> </span> Helendale CSD   | <span style="background-color: #ffe0b2; border: 1px solid #ffb74d; padding: 2px;"> </span> City of Victorville |
| <span style="border: 1px solid magenta; padding: 2px;"> </span> Barstow Sphere                                 | <span style="background-color: #bbdefb; border: 1px solid #90caf9; padding: 2px;"> </span> Helendale CSD Sphere | <span style="background-color: #c8e6c9; border: 1px solid #a5d6a7; padding: 2px;"> </span> Adelanto Sphere |  |
| <span style="border: 1px solid orange; padding: 2px;"> </span> Victorville Sphere                              | <span style="background-color: #c8e6c9; border: 1px solid #a5d6a7; padding: 2px;"> </span> City of Adelanto     | <span style="background-color: #f8bbd0; border: 1px solid #f48fb1; padding: 2px;"> </span> City of Barstow |  |
| <span style="background-color: #e0f2f1; border: 1px solid #81c784; padding: 2px;"> </span> Apple Valley Sphere |   |  |  |



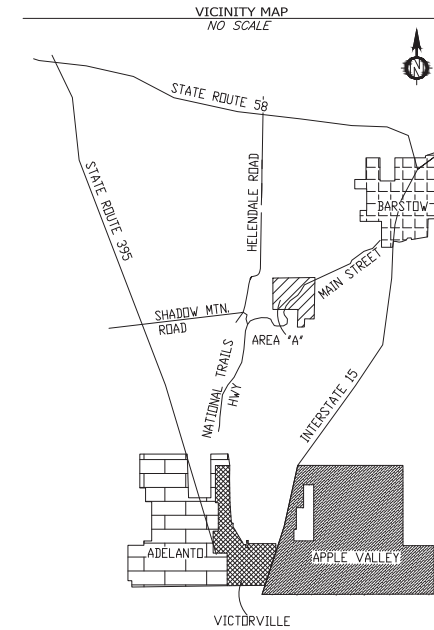
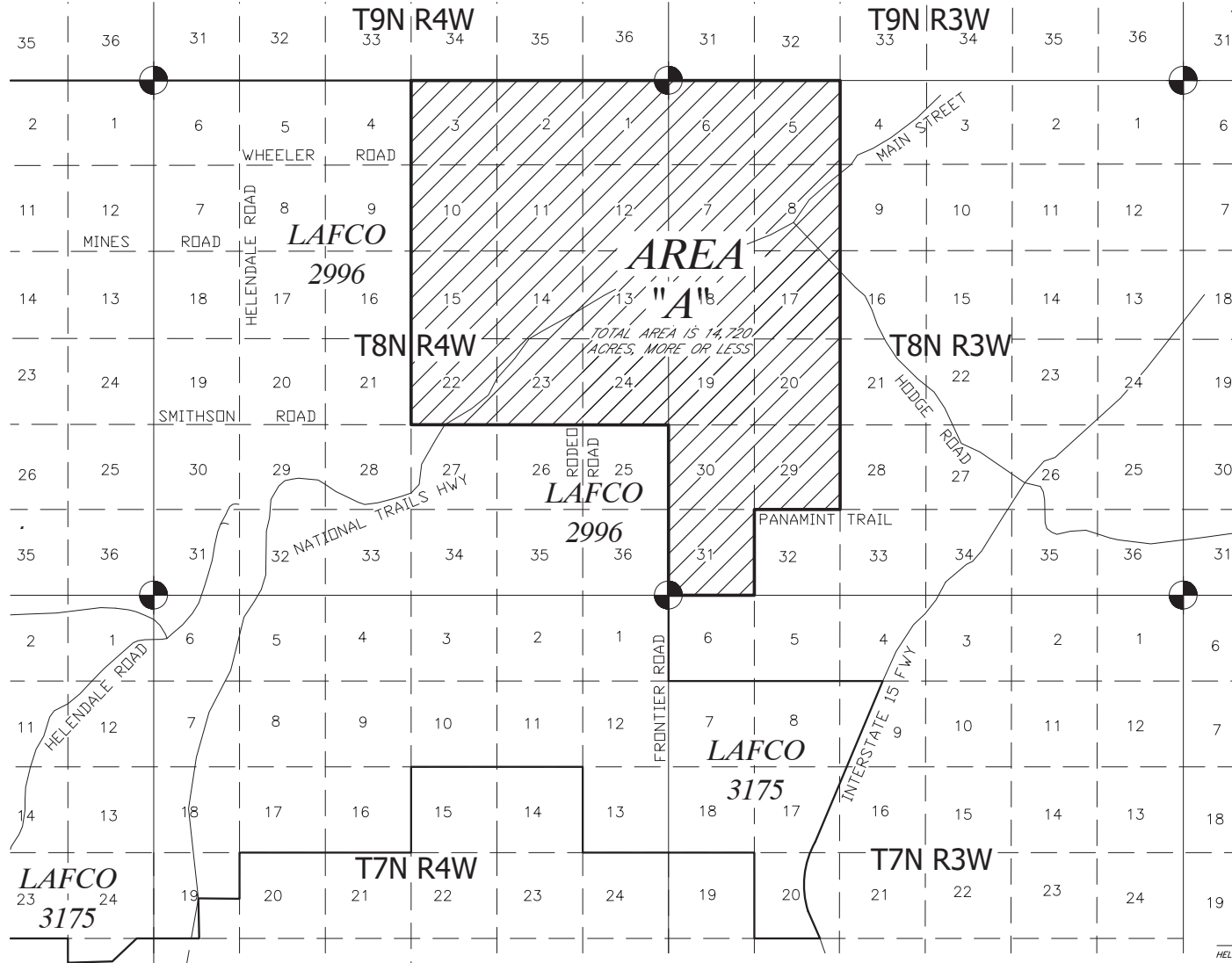
Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.





# LAFCO # 3262

ANNEXATIONS TO THE HELENDALE COMMUNITY SERVICES DISTRICT



## NOTES:

- INDICATES THE PROPOSED BOUNDARY
- AREA: AREA "A" CONTAINS 23 SQUARE MILES OR 14,720 ACRES, MORE OR LESS
- INDICATES TOWNSHIP CORNER
- INDICATES BARSTOW CITY LIMITS
- INDICATES APPLE VALLEY CITY LIMITS
- INDICATES VICTORVILLE CITY LIMITS
- INDICATES ADELANTO CITY LIMITS

AFFECTED AGENCIES:  
HELENDALE COMMUNITY SERVICES DISTRICT

**SURVEYOR'S STATEMENT**  
THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION IN FEBRUARY 2023  
AT THE REQUEST OF THE SAN BERNARDINO COUNTY SURVEYOR'S OFFICE  
February 3, 2023  
DATE  
MATTHEW CHRISTIAN ENG, PLS 9410  
DEPUTY COUNTY SURVEYOR



SAN BERNARDINO COUNTY SURVEYOR		
825 E. THIRD STREET, SAN BERNARDINO, CA 92415-0835		
DRAWN BY MCE	APPROVED BY MCE	REVISION NO. 2
HELENDALE COMMUNITY SERVICES DISTRICT		
THOMAS P. HERRIN COUNTY SURVEYOR SAN BERNARDINO COUNTY		
AREA A: CONTAINING 14,720 ACRES MORE OR LESS. TOTAL COMPUTED AVERAGE EQUALING 14,720 ACRES, MORE OR LESS.		
SHEET NO. 1 JLXXXX LFO		
AREA A: PROXIMATE TO NATIONAL TRAILS HWY AND MAIN STREET.		

LAFCO 3262 - ANNEXATION TO THE HELENDALE COMMUNITY SERVICE DISTRICT  
(LOWER EASTERN SPHERE OF INFLUENCE)

LEGAL DESCRIPTION  
ALL THOSE PORTIONS LOCATED IN TOWNSHIP 8 NORTH, RANGE 3 WEST AND TOWNSHIP 8 NORTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN (S.B.M.), IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

AREA A: SECTIONS 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24 TOWNSHIP 8 NORTH, RANGE 4 WEST

SECTIONS 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31 TOWNSHIP 8 NORTH, RANGE 3 WEST;

SHEET 1  
OF 1  
SCALE 1" = 4000'  
DRAWING NO.  
JLXXXXLFO2023.DWG



## 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 to the Helendale Community Services District

2. NAME OF APPLICANT: Board of Directors, Helendale Community Services District

APPLICANT TYPE: ☐ Landowner ☒ Local Agency

☐ Registered Voter ☐ Other \_\_\_\_\_

MAILING ADDRESS:

P. O. Box 359, Helendale CA. 92342

PHONE: (760) 951-0006 \_\_\_\_\_

FAX: (760)951-0046 \_\_\_\_\_

E-MAIL ADDRESS: kcox@helendalecsd.org \_\_\_\_\_

3. GENERAL LOCATION OF PROPOSAL:

The proposed annexation encompasses 14,720 acres (23 square miles) within its eastern sphere of influence. The area is generally easterly of Ranchito Road (the Helendale CSD boundary), southerly of the natural extension of Wheeler Road, west of the Barstow sphere of influence which includes the community of Hodge, and northerly of Section lines and the existing Helendale CSD boundary.

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:

Significant growth is anticipated within the western Barstow sphere of influence associated with the Barstow International Gateway project proposed by the BNSF. The district is supportive of the development; however, it wishes to have a voice in support of the project, wishes to eliminate confusion with the Helendale School District boundary, and wishes to provide its full range of solid waste, and recycling programs and services to this rural residential area.



**LAND USE AND DEVELOPMENT POTENTIAL**

1. Total land area of subject territory (defined in acres):

The annexation area is 14,720 acres (23 square miles)

2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)

There are an estimated 97 residential dwelling units in the area which are single family residential units.

3. Approximate current population within area:

The estimated population is 175 (there are 175 registered voters within the area as of February 2023)

4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):

Not applicable

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):

Rural Living (RL-5) 1 unit to five acres; Rural Living (RL) range of units from 1 to five acres to 1 unit per 30 acres; Resource Conservation 1 unit to 40 acres; Agriculture/Agriculture Preserve allows for farming, dairy operations, and associated housing for the agricultural operation; Floodway

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:

The Agricultural Preserve designations within the area affect the ability for the extension of urban type service. There are five active Williamson Act contracts within the proposed annexation; however, the agricultural operations within 4 of Williamson Act Contract has ceased. This occurred following the demolition of all improvements on the properties by permit issued in 2014. Mineral resources zones within the area are on private land whose land use concerns would be addressed by the County whenever future development is proposed for the area.

6. Indicate the existing use of the subject territory.

The majority of the annexation area is vacant lands. There is scatter rural residential development within the core of the annexation generally along the Mojave River. There is one dairy operation, Dutch Dairy, currently within the area southerly of Wild Road and some scatter agricultural uses associated with homes in the area.

What is the proposed land use?

There will be no change in land use authority or land use designation resulting from this annexation.

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.

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

☒ Agricultural Land Uses

☒ Agricultural Preserve Designation

☒ Williamson Act Contract

☐ Area where Special Permits are Required

☐ Any other unusual features of the area or permits required: \_\_\_\_\_

There are currently five active Williamson Act Contracts within the annexation area, with none having an active agricultural operation. Four of the contract areas have ceased operation related to environmental concerns and demolished all buildings associated with the dairy and poultry businesses through permits issued in 2014.

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:*

The annexation of the territory to the Helendale Community Services District is proposed for the extension of Solid Waste and Recycling services to developed properties and the extension of park and recreation programs and services for the residents of the area. These service extensions will not negatively impact any persons or cultures. The district will extend its additional range of services (water, sewer, and streetlighting) when requested by property owners pursuing development which necessitates these services. The district monitors and plans for the service needs within its boundaries to assure that all segments of the population are fairly served.

### **ENVIRONMENTAL INFORMATION**

1. Provide general description of topography.

The annexation area is located along the Mojave River as it travels in a northeastely direction toward the City of Barstow. The area is generally flat with some minor hills and rocks with sandy soils. The natural drainage in the area is from the north and south toward the Mojave River which traverses the central portion of the annexation.

2. Describe any existing improvements on the subject territory as % of total area.

Residential 25%

Agricultural 1%

Commercial 2%

Vacant 70%

Industrial 0%

Other 2(Railroad)%

3. Describe the surrounding land uses:

NORTH Vacant with some scatter rural residential uses. A number of government owned lands occur in the area.

EAST The community of Hodge (a rural residential area) and vacant lands within the Barstow sphere of influence

SOUTH Primarily vacant lands southerly to Interstate 15

WEST Scattered residential and further to the west along Helendale Road the community of Silver Lakes

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 ☐

The extension of solid waste and recycling and park and recreation services will not induce growth within the annexation area.

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐

NO ☒. If YES, please identify.

There are no existing out-of-agency service contracts within the area through the Helendale Community Services District.

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 : Dr. Kimberly Cox, General Manager

TELEPHONE NO. (760) 951-0006

ADDRESS: P. O. Box 359, Helendale CA 92342

NAME: Kathleen Rollings-McDonald

TELEPHONE NO. (909) 801-9568

ADDRESS: 1635 Henrietta Street, Redlands, Ca 92373

NAME \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_

ADDRESS: \_\_\_\_\_



## CERTIFICATION

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

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

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 4/21/23

  
SIGNATURE

Dr. Kimberly Cox

Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

General Manager

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

DETACHED FROM

Helendale Community Services District

None

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.

Not applicable

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.

Not applicable

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.

While there are existing Williamson Act Contracts within the annexation area there will be no impact on their future. This is not an annexation to a City.

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 annexation will change the provider of Solid Waste and Recycling from the County to the District; and provide for park and recreation services not previously provided. As such the annexation will not assist the County of San Bernardino in meeting its regional housing needs.

8. **PLAN FOR SERVICES: SEE ATTACHED DOCUMENT**

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 Helendale Community Services District agrees to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

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

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 Helendale Community Services 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.

DATE 4-21-2023



SIGNATURE

DR. KIMBERLY COX

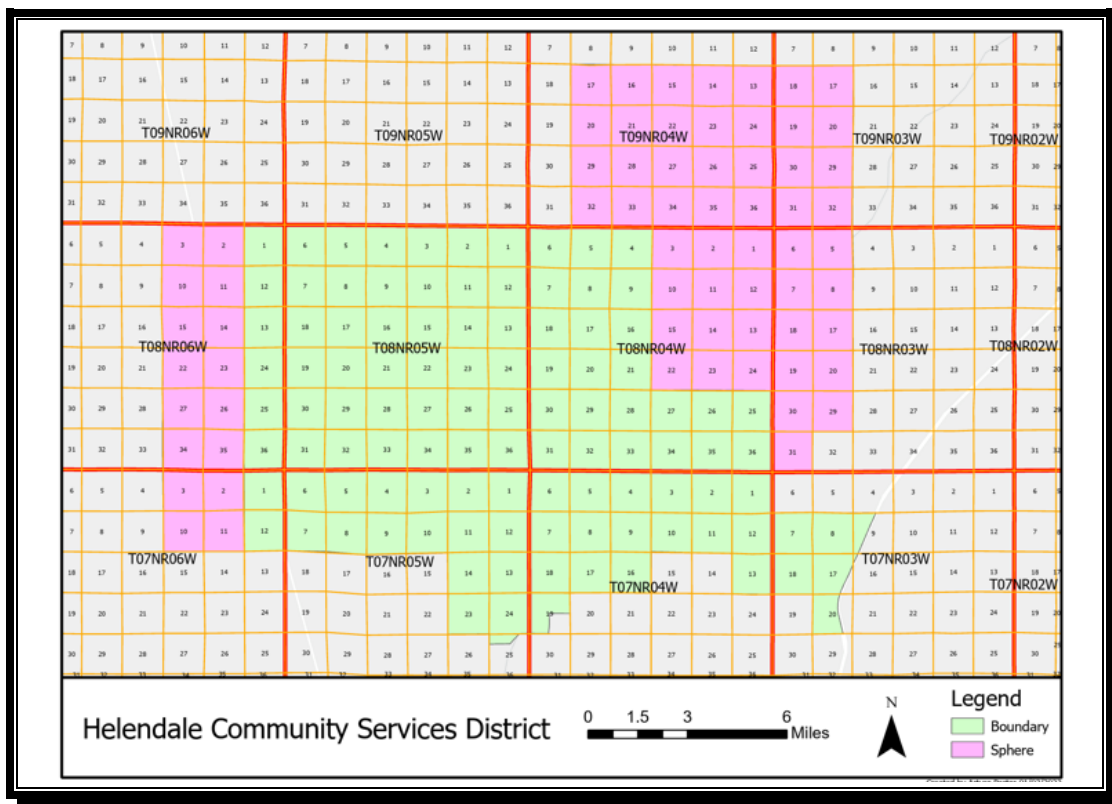
Printed Name of Applicant

GENERAL MANAGER

Title and Affiliation (if applicable)

# PLAN FOR SERVICE AND FISCAL IMPACT ANALYSIS ANNEXATION TO THE HELENDALE COMMUNITY SERVICES DISTRICT OF ITS EASTERN SPHERE OF INFLUENCE

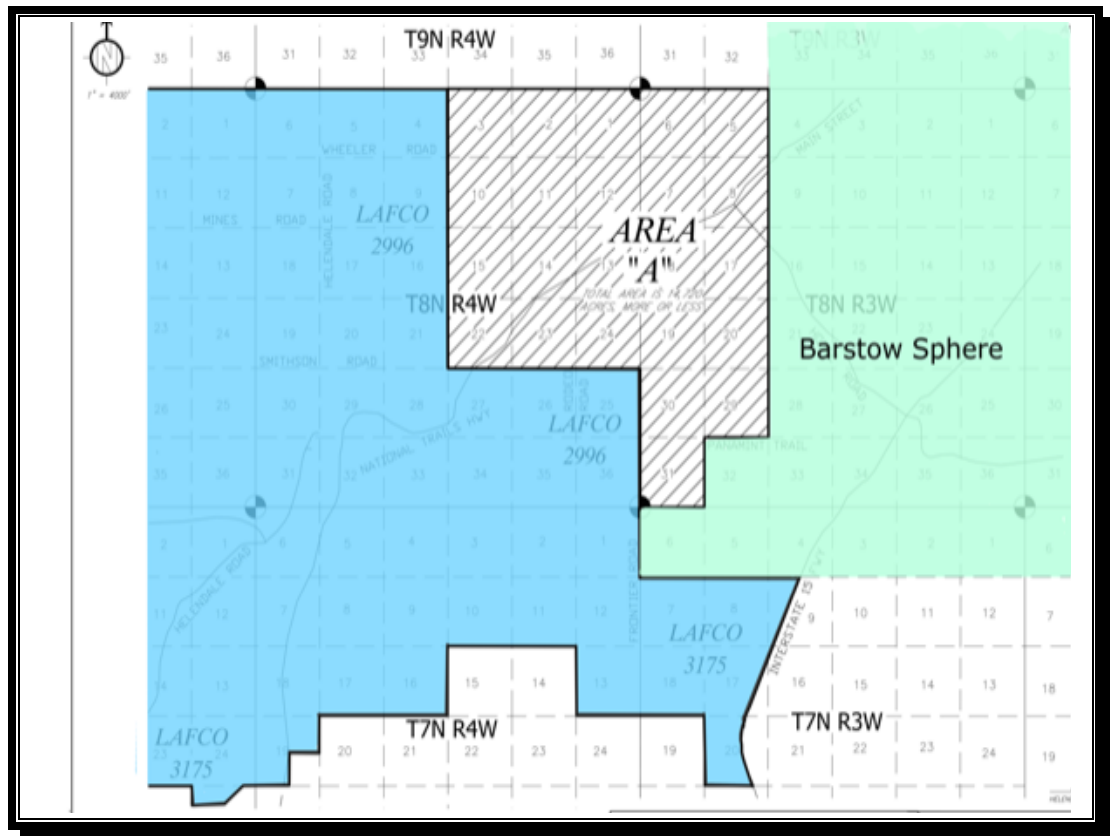
The Helendale Community Services District (hereafter shown as CSD) was formed on December 8, 2006, to provide the community with local control of its services within its 90 square miles: water, sewer, solid waste, park and recreation, streetlighting and graffiti abatement. In addition, it was intended to separate the area for preservation for a potential future city should the residents choose to move down that path at some point in the future. Since its formation, the district has been expanded to the south and west to include an additional 7,762 acres clearly defining the community of Helendale separate from the community of Oro Grande, or the cities of Victorville and Adelanto to the south. A map of the CSD's boundaries is shown below.

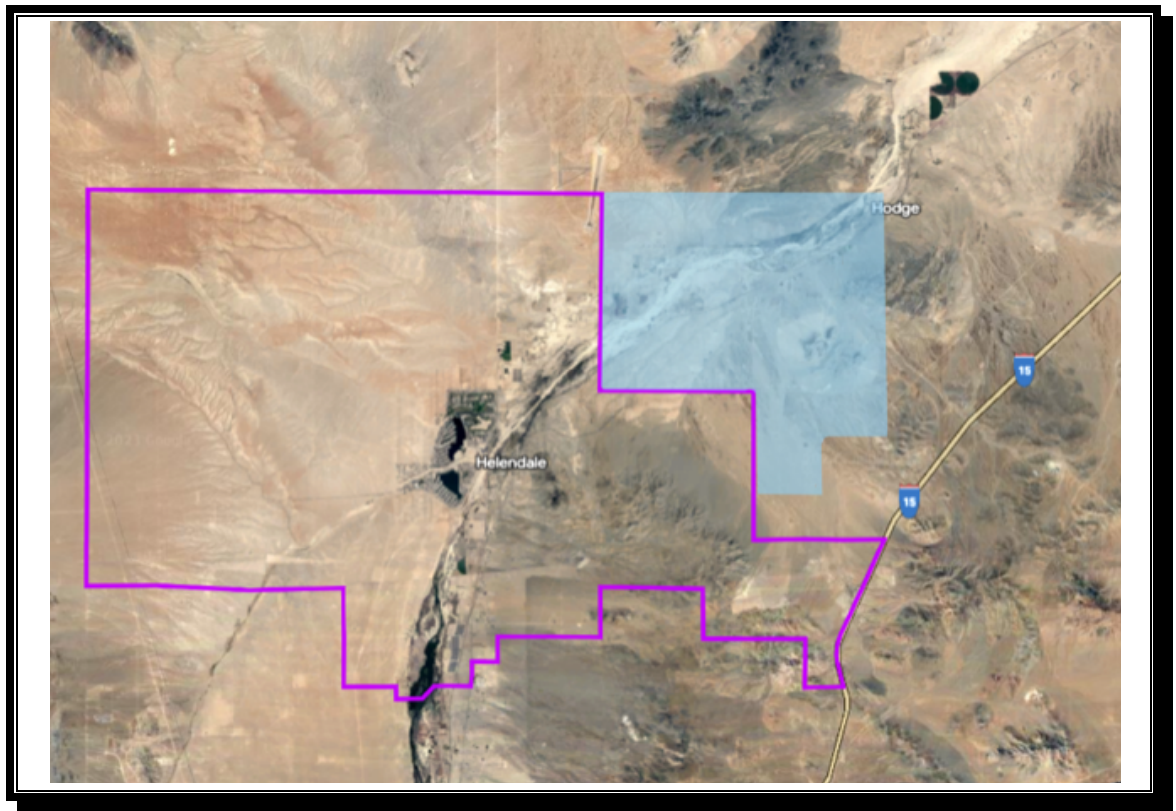


The district is now proposing the annexation of an additional 14,720 acres (23 square miles) within its eastern sphere of influence to separate the community of Helendale from the territory assigned to the City of Barstow sphere of influence. This area is bisected by National Trails Highway (Route 66) in north south direction. The maps



which follow outline the annexation area and the topographic map of the area proposed for annexation showing its relationship to the CSD:





Significant development is anticipated to the east of the annexation boundary within the City of Barstow Sphere of Influence. This development, known as Barstow International Gateway, anticipates the construction of a new state-of-the-art master planned integrated rail facility. This facility is proposed on 4,500 acres in the western Barstow sphere of influence and is anticipated to include a rail yard, intermodal facility, and warehouses for the transition of international containers from the ports of Los Angeles to domestic containers for distribution to the rest of the western United States. The proposed development will extend from Barstow in the northeast to Hinkley Road, north of the proposed Helendale annexation area. The district is supportive of the project and the potential growth it will bring to the area. By annexing this portion of its sphere, the district can position itself to support the growth, eliminate confusion with the school district boundary, and the delivery of park and solid waste services.

In the initial formation of the Helendale CSD, an area that is within the Helendale School District Boundaries was excluded from the district's boundaries due to the existence of Williamson Act contracts (agricultural uses). This exclusion has created confusion for rural residents in the area. While some of the area's students attend Helendale schools, their trash service is provided by the County. Augmented solid waste and recycling services that are provided to residents within the Helendale CSD are not available to them. The district has allowed residents to participate in the programs provided by the Parks Department regardless of residential address. In addition, the Helendale Senior

Center and Senior Nutrition Program offered by the district provides services to residents in the proposed annexation area.

The County and various special districts currently provide many services within the area proposed for annexation, including, but not limited to, general government, community development, fire protection, emergency medical and ambulance, police, library, regional parks and recreation, road maintenance, health and welfare and regional flood control. After annexation, these services would continue to be provided by the various County department and special districts. The Helendale CSD would provide a limited range of services to the property owners upon annexation including solid waste disposal, parks and recreation, and graffiti abatement. The remaining services available through the Helendale CSD are not anticipated to be extended, water, sewer, and streetlighting.

Based on a review of the current service delivery capabilities of the Helendale CSD it is equipped to handle the additional demand from the proposed annexation should the residents choose to participate in their programs. The Helendale CSD is projected to cover the annual recurring costs for providing its services with a projected recurring surplus of \$8,140.

## INTRODUCTION

The following is a summary of the plan for service and projected recurring fiscal impacts for the annexation. This analysis assumes that water and sewer will not be extended into the area upon annexation and would only be extended under the proper development conditions. This would include the development of the necessary infrastructure and addressing the issues of water availability within the Centro Subarea of the Mojave Basin adjudication. Streetlighting is not anticipated to be extended to the annexing area under the provisions of the San Bernardino County Dark Sky's ordinance.

The purpose of this study is to show that the Helendale CSD can provide its range and level of services to the area and can maintain such levels at those currently available in the study area. The Plan must address the components outlined in Government Code Section 56653, as refined by San Bernardino LAFCO policies which are:

- 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)).*

The area proposed for annexation is not anticipated to have significant growth over the next several years. A review of County records shows that over the past five years only 19 permits for new residential construction have been issued and it is anticipated that for the next five years the same will be true. However, major development is anticipated in the Barstow sphere of influence area, immediately east of the proposal area, associated with the BNSF's Barstow International Gateway project. This major facility is anticipated to be a new state-of-the art master planned rail facility with more than 20,000 direct and indirect jobs. The rationale for the annexation proposal is to provide the district and community with a defined boundary, eliminate confusion with the Helendale School District boundary by including it wholly within the CSD and provide solid waste and park services to the residents in this rural area. Further, the District will be able to provide better representation for the residents in the annexation area for the future and to provide its voice in working with the City of Barstow, the County and railroads related to the future development in the area.

## **PROJECT DESCRIPTION**

### **EXISTING DEVELOPMENT:**

Based upon a review of County Assessor information related to the annexation area, it has limited development. The area is comprised of 1,110 parcels with the bulk of the parcels undeveloped. There are 176 parcels which have improvements, of those 140 are residential properties as identified by their land use code. They are described as follow:

<b>USE CODE</b>	<b>DESCRIPTION</b>	<b>NUMBER OF PARCELS</b>
<b>510</b>	Single-Family Residence	81
<b>511</b>	Recreation Cabin	1
<b>520</b>	Mobilehome on fee land, not subdivision	18
<b>526</b>	Mobilehome on permanent foundation	22
<b>599</b>	Miscellaneous residential structure	6
<b>600</b>	Two single family residences single parcel	12

The total 2022-23 assessed valuation for the area is \$41,885,889 (\$25,836,514 land; \$16,049,375 improvements). There is a single identified commercial operation,

The map below identifies the land ownership patterns within the proposal area:



The San Bernardino County general plan land use within the area includes:

- RL-5 Rural Living – 1 unit per five acres
- RL Rural Living – range of 1 unit per 5 to 1 unit per 30 acres
- Resource Conservation – 1 unit to 40 acres
- Agriculture/Agriculture Preserve
- Floodway



The properties immediately north and south of the Mojave River flood zone are comprised of the most intense residential uses (RL-5 and RL). Beyond those areas the predominant land use is Resource Conservation. A review of the County of San Bernardino Land Use Services Department shows that for the last 12 months there have been no active residential development permits. There have been permits for solar conversion, remodel and accessory unit development. The 2020 Census has identified the population density for Census Tract 116.02, generally north of the Mojave River, as 1.2 person per square mile (estimated to be 9 square miles for a potential population of 10.8 persons) and Census Tract 117, generally southerly of the Mojave River as 8.8 per square mile (estimated to be 14 square miles for a potential population of 123.2). The San Bernardino County Registrar of Voters has certified that there are 175 registered voters in the area as of February 10, 2023, exceeding Census estimates.

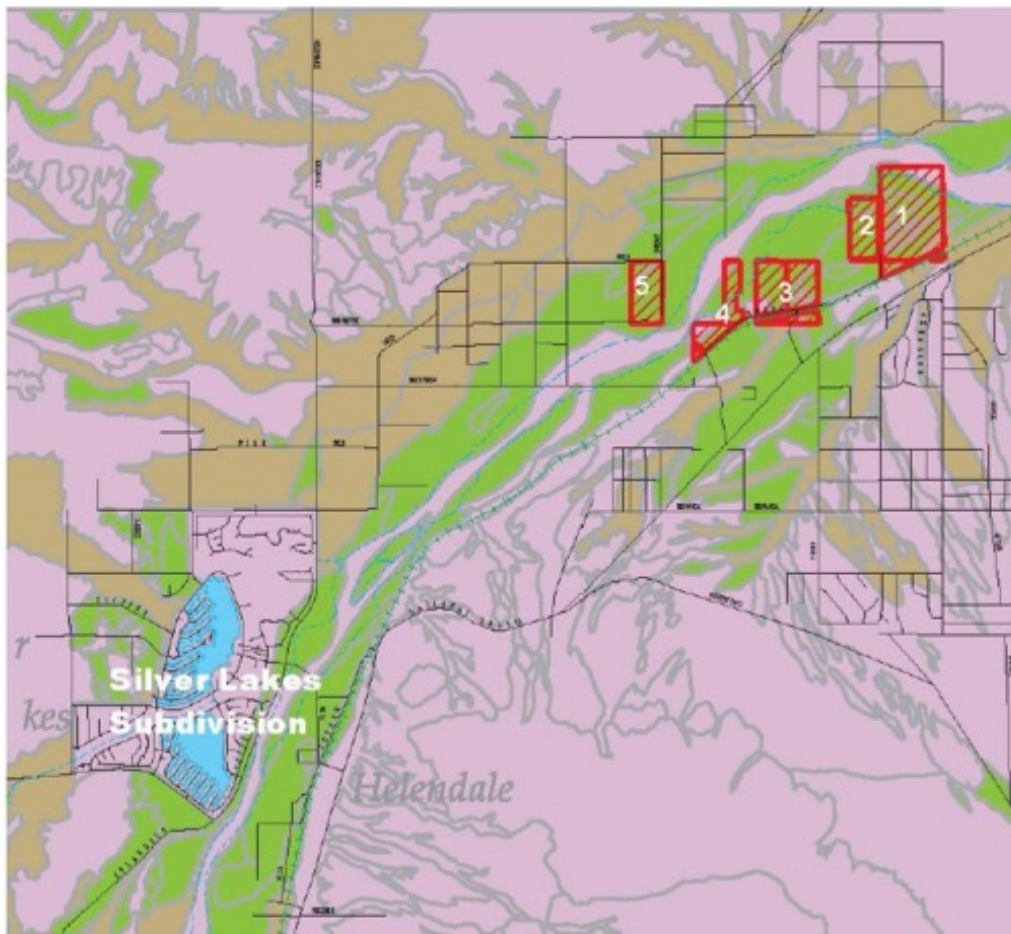
An additional consideration for a Local Agency Formation Commission is the issue of agricultural and open space lands. The statutes require that development, and the units of government which provide for urbanization, be kept at bay from these areas. Within the proposed annexation are areas of Williamson Act contract lands and mineral resource zones requiring addressing this issue.

The map below shows the location of the Williamson Act contract lands in the proposal as taken from the staff report for LAFCO 3089 (sphere expansion for the district) in 2010. No change to the designation for tax purposes has taken place; however, only one parcel has improvements on it, #5 shown on the map below. Contract areas 1, 2,3 and 4 had all improvements demolished by permit in 2014 and their agricultural use stopped. This action was related to environmental issues for discharge into the Mojave River causing contamination. The existing dairy operation, Dutch Dairy, operates on the parcel immediately adjacent to contract area #5 shown below without a Williamson Act Contract.

**Table 2-1**  
**Agricultural Parcels with Existing Williamson Act Contracts**  
**Proposed Helendale Sphere of Influence**

Map Number	Williamson Act Number	GIS Acreage	APN	Contract Began	Contract Status
1	84-577a	237.33	04-66-041-23 04-66-111-02	2/10/1984	Active
2	84-577c, 68-60	76.23	04-66-041-17	2/10/1984	Active
3	83-566	74.55 74.60	04-66-101-07 04-66-101-06	2/7/1983	Active
4	84-580	38.73 32.64	04-66-101-04 04-66-121-25	1/1/1984	Active
5	84-577b	80.78	04-66-091-17	2/10/1984	Active

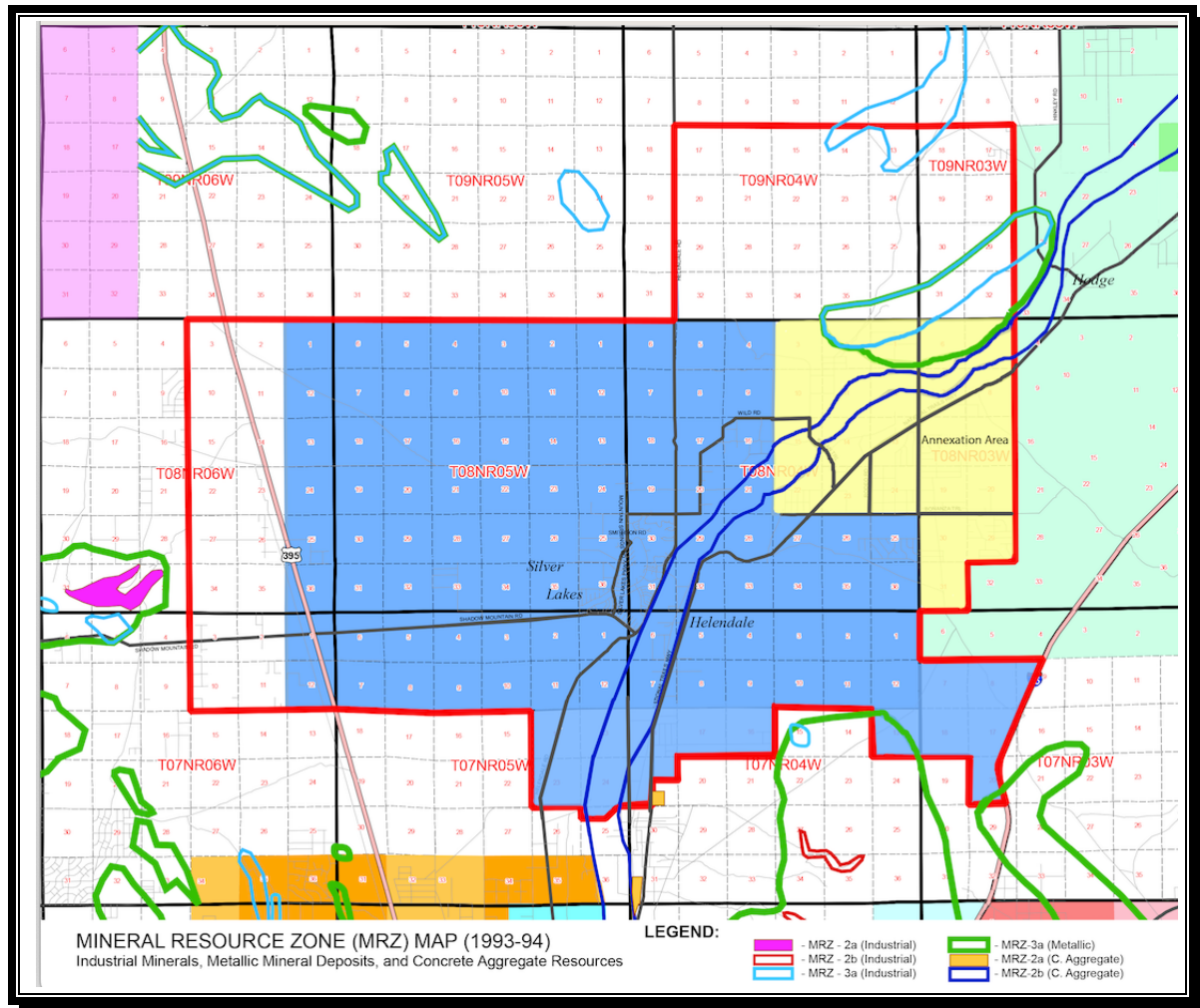
Source: Stanley R. Hoffman Associates, Inc.  
County of San Bernardino Parcel Data  
Christney Barilla; Senior Planner, Current Planning, County of San Bernardino



*Taken from the staff report for LAFCO 3089*



Government Code Section 56301 guides a LAFCO to preserve open-space and agricultural lands, which Government Code Section 65560 defines as “...and areas containing major mineral deposits including those in short supply.” The map which follows shows that within the annexation proposal are areas designated with significant mineral resources as identified by the State Department of Conservation and the County General Plan. The resources identified are defined as MRZ-2 and various industrial and aggregate resources.



The bulk of the mineral resources are on lands which are privately owned. Those parcels, some of which contain Mojave River lands, have an easement for flood control purposes, but no lands in this area are owned by the San Bernardino County Flood Control District. Land use authority within this area is retained by San Bernardino County Land Use Services Department as to the preservation of this resource.

Roadway patterns in the area for regional connectivity use National Trails Highway (Route 66) in a general north south pattern. The annexation area uses this roadway to gain access to other major urban areas such as the Silver Lakes community and the Cities of Barstow and Victorville. Access to Interstate 15 is available from Hodge Road (unpaved roadway) in a southeasterly direction from the northern portion of the annexation area.

## **PUBLIC FACILITIES AND SERVICES BEFORE AND AFTER ANNEXATION**

In response to the requirements for a Plan for Service, this document must provide:

*"A description of the level and range of each service to be provided to the affected territory; an indication of when the service can be feasibly extended to the affected territory; and 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."*

San Bernardino County general government and its board governed special districts provide several services to the Helendale community within and surrounding the CSD. Many of these services will continue to be provided by San Bernardino County upon successful completion of the proposed annexation. Helendale CSD will be authorized to provide its range of services to the area upon annexation. Some of the services available from the Helendale CSD will not be provided immediately upon annexation and could extended on an as needed basis and/or upon future development with appropriate infrastructure.

There are three broad categories of service providers, which are summarized below and on the table which follows. The table provides an identification of the transfer of service and the source of funding:

### **1. County Government/Board-Governed Special Districts/Independent Special District**

- |                               |   |                            |
|-------------------------------|---|----------------------------|
| • General Government Services | . | Flood Control and Drainage |
| • Law Enforcement – Sheriff   | . | Health and Welfare         |
| • Animal Control              | . | Schools                    |
| • Fire and Paramedic          | . | Transportation             |
| • Ambulance                   | . | State Water Contractor     |
| • Library                     | . | Regional Park and          |
| Recreation                    |   |                            |

### **2. Private Utilities**

- Cable/internet Provider . Telephone
- Power . Natural Gas

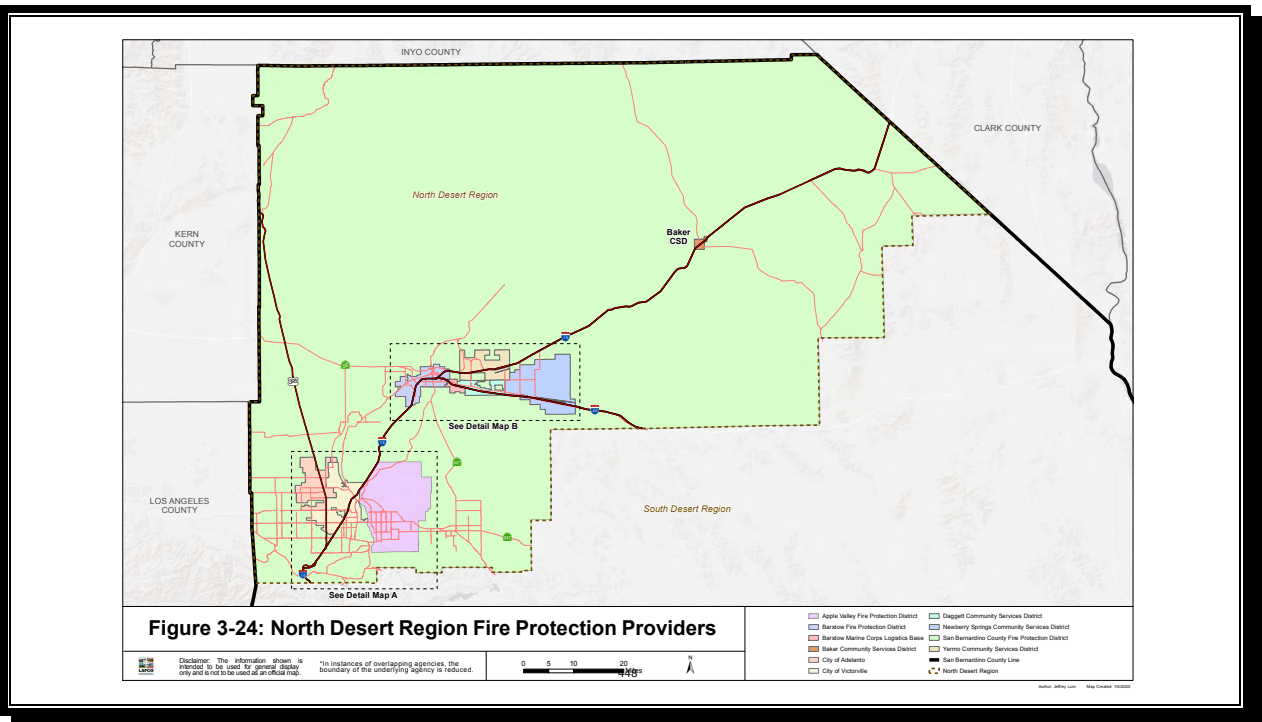
### **3. Helendale Community Services District**

- CSD Administration . Park and Recreation
- Sewer . Streetlighting
- Water . Graffiti Abatement
- Solid Waste Management/Recycling

CATEGORY OF SERVICE	SERVICES PROVIDERS FOR PROPOSAL ANNEXATION		FUNDING SOURCE AFTER ANNEXATION
	BEFORE ANNEXATION	AFTER ANNEXATION	
<b>General Government - Administrative Services:</b>			
Finance Division	County of San Bernardino	County of San Bernardino	General Ad Valorem Tax
Human Resources	County of San Bernardino	County of San Bernardino	General Ad Valorem Tax
<b>Community Development</b>			
Planning	County of San Bernardino	County of San Bernardino	Fees/Charges
Building and Safety	County of San Bernardino	County of San Bernardino	Fees/Charges
Code Enforcement	County of San Bernardino	County of San Bernardino	General Ad Valorem Tax and Fees/Charges
Law Enforcement - Sheriff	County of San Bernardino	County of San Bernardino	General Ad Valorem Tax
Animal Control	County of San Bernardino	County of San Bernardino	General Ad Valorem Tax
<b>Fire</b>	San Bernardino County Fire Protection District, North Desert Service Zone	San Bernardino County Fire Protection District, North Desert Service Zone	General Ad Valorem Tax, Service Zone FP-5 special assessment, County General Fund Support
<b>Paramedic</b>	San Bernardino County Fire Protection District, North Desert Service Zone	San Bernardino County Fire Protection District, North Desert Service Zone	General Ad Valorem Tax, Service Zone FP-5 special assessment, County General Fund Support
<b>Fire Hazard Abatement</b>	San Bernardino County Fire Protection District, North Desert Service Zone	San Bernardino County Fire Protection District, North Desert Service Zone	General Ad Valorem Tax and Fees/Charges
<b>Flood Control and Drainage</b>			
Local Facilities	San Bernardino County Flood Control District	San Bernardino County Flood Control District	General Ad Valorem Tax
Regional Facilities	San Bernardino County Flood Control District	San Bernardino County Flood Control District	General Ad Valorem Tax
Health and Welfare	San Bernardino County Department of Public Health	San Bernardino County Department of Public Health	General Ad Valorem Tax
Library	San Bernardino County Library	San Bernardino County Library	
<b>Schools</b>	Helendale Unified School District (southern portion) Barstow Unified School District (northerly portion)	Helendale Unified School District (southern portion) Barstow Unified School District (northerly portion)	General Ad Valorem Tax
<b>Transportation</b>			
Freeway and Interchanges	Caltrans	Caltrans	Taxes
Arterials and Collectors	San Bernardino County Public Works	San Bernardino County Public Works	General Ad Valorem/State Tax
Local Road Maintenance	San Bernardino County Public Works	San Bernardino County Public Works	General Ad Valorem/State Tax
<b>Utilities</b>			
Power	Southern California Edison	Southern California Edison	Fees/Charges
Telephone	Verizon/Spectrum	Verizon/Spectrum	
Natural Gas	Southwest Gas Corporation	Southwest Gas Corporation	Fees/Charges
<b>Helendale Community Services District (CSD)</b>			
District Administration		Helendale CSD	
Sewer	Septic System	Septic System/Helendale CSD upon future development need	Fees/charges upon future installation of service
Water			
Domestic Water	Private Wells	Private Wells/ Helendale CSD upon future development need	Fees/charges upon future installation of service
Recycled Water	none	Helendale CSD upon future development need/availability	Fees/charges upon future installation of service
Water Quality	Private Wells	Private Wells/ Helendale CSD upon future development need	Fees/charges upon future installation of service
<b>Solid Waste Management</b>			
Collection	San Bernardino County under contract with Burrtec	Helendale CSD under contract with Burrtec	Fees/charges and ESFR special assessment
Recycling	San Bernardino County under contract with Burrtec	Helendale CSD under contract with Burrtec	Fees/Charges
<b>Parks and Recreation</b>			
Local Facilities	San Bernardino County Regional Parks	Helendale CSD	Fees/Charges
Regional Facilities	San Bernardino County Regional Parks	San Bernardino County Regional Parks	General Ad Valorem Tax
Streetlighting	County of San Bernardino	Helendale CSD	Not provided due to Dark Sky Ordinance
Graffiti Abatement	San Bernardino County Public Works	Helendale CSD	

The following agencies will have no change in service provision following annexation. They are:

1. General Government: The County of San Bernardino currently provides and will continue to provide all regional administrative services, Community Development services and economic development services to the CSD and annexation area.
2. County Sheriff: The San Bernardino County Sheriff/Coroner's office currently provides and will continue to provide public safety services to the Helendale CSD and annexation area. The California Highway Patrol currently provides and will continue to provide traffic patrol and highway within the unincorporated area. This includes the territory of the CSD and the proposed annexation area. The Highway Patrol can also provide emergency response backup to the County Sheriff upon request.
3. Animal Control: San Bernardino County Animal Care (formerly known as Animal Control) currently provides and will continue to provide animal control services to the Helendale CSD and annexation area. Animal Care is responsible for animal licensing, dead animal pickup, loose animal investigations, animal shelter management and other services. The closest Animal Care Shelter operated by the County is the Devore Animal Shelter located approximately 48 miles away.
4. County Fire: The San Bernardino County Fire Protection District (SBCFPD), its North Desert Regional Service Zone and Service Zone FP-5 currently provide and will continue to provide for the fire protection and emergency medical response for the community of Helendale and the annexation area. Shown below is a map excerpt from the Countywide Municipal Service Review for Fire Protection/Emergency Medical Response (LAFCO 3231 adopted in February 2020) showing the area of the North Desert Regional Service Zone:

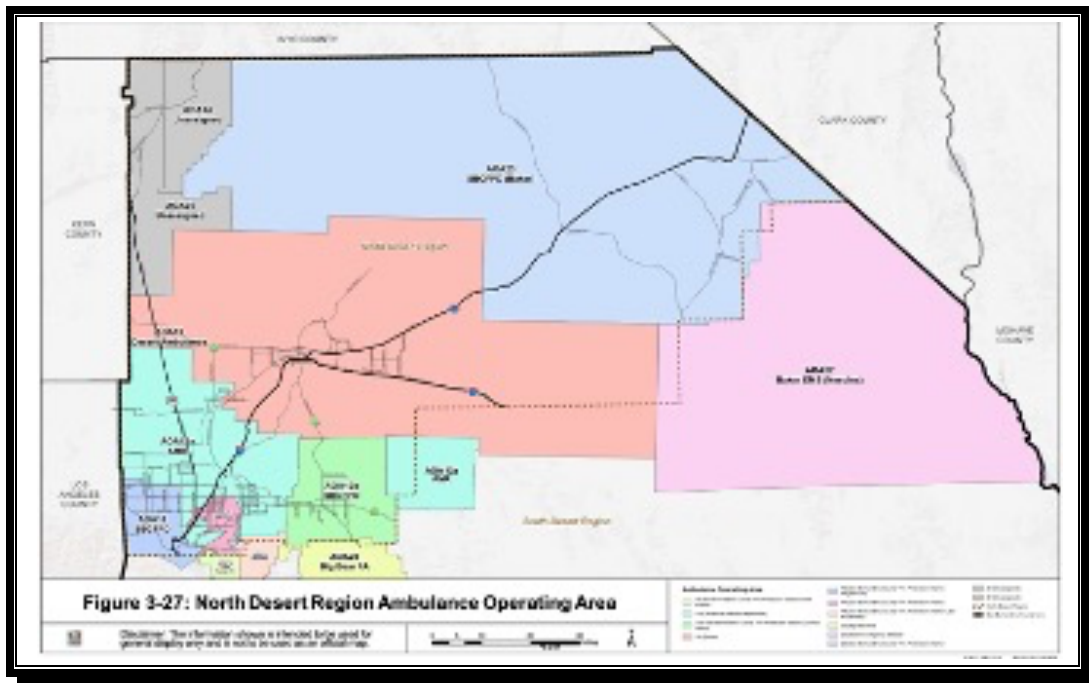


As shown on the Tax Rate Area Allocations Chart, included in the financial portion of this Plan, most of the annexation area has not been assigned to the parent district for property tax purposes by the State Board of Equalization and/or the Auditor Controller. One tax rate area has not been assigned to the North Desert Service Zone, the actual service provider for fire protection and emergency medical response. However, as a function of the reorganization process included in LAFCO 3000 (the reorganization which crafted the new county governed fire entity this territory should have been included in the full range of County Fire taxing entities.

The Helendale community (including the annexation area) is serviced by SBCFPD Fire Station Number 4 (Silver Lakes/Helendale Station located at 27089 Helendale Road). General Ad Valorem property tax is provided through the SBCFPD (under its administrative category) and the North Desert Service zone. Zone FP-5, a special tax zone, was approved in 2006 and expanded in 2018. The special tax for FY 2022-23 is \$166.84 per parcel.

5. Ambulance: Ambulance emergency response is currently provided and will continue to be provided by designated providers under the ambulance operating areas (AOAs) assigned by the Inland Counties Emergency Medical Authority (ICEMA). The area is currently divided between two operating areas: AOA 12(a) is assigned to AMR and AOA 13 is assigned to Desert Ambulance. Shown below is a map excerpt from the Countywide Municipal Service Review for Fire Protection/Emergency Medical Response (LAFCO 3231 adopted in February

2020) outlining the designation of Operating Areas in the north desert portion of the County. Users of ambulance services are billed on a per trip basis by the respective providers to the individual and/or their health insurance provider.



6. Flood Control and Drainage: The San Bernardino County Flood Control District operates on a regional level and intercepts and manages flood flow through and away from developed areas throughout the County. There will be no change in this service provision following annexation.
7. Health and Welfare: The San Bernardino County Department of Public Health currently serves the Helendale CSD and the annexation for the general public's health and welfare services. The department provides a variety of programs and services that informs and educates the public about health issues and provides public assistance welfare and healthcare needs for all residents within San Bernardino County. There will be no changes in the service providers for these services following annexation.
8. Library: The San Bernardino County Library system serves the households within the Helendale CSD and the annexation area. The nearest County library is in the City of Adelanto approximately 20 miles away. The Adelanto Branch Library is located at 11497 Bartlett Avenue in Adelanto. There will be no change in this service provider following annexation.



9. Schools: The School Districts serving the annexation area are unaffected by this process and will not change upon annexation. The districts include the Barstow Unified School District for the northeastern portion of the annexation; the Helendale Elementary School District, charter high school, and Victor Valley Union High School District for the central portion, and the Oro Grande Elementary School District and Victor Valley Union High School District for the southern portion. The Victor Valley Community College District serves the entirety of the area.
10. Transportation: Current transportation services in the Helendale CSD area and the proposed annexation include freeways, highways, and interchanges serviced by Caltrans; arterials and collectors serviced by the Public Works Department of San Bernardino County; and local public roads also serviced by the Public Works Department of San Bernardino County. There will be no change in these services or their providers after annexation.
11. Utilities: Current utility providers within the Helendale CSD and the proposed annexation area are: Southern California Edison for electricity and power; Southwest Gas Corporation for natural gas; and Verizon and Spectrum for internet/cable and telephone. There will be no change in these services or their providers after annexation.

#### **Helendale Community Services District:**

The range of services the Helendale CSD is authorized to provide is outlined below. This description identifies those that will be extended and those that would be available in the future should future development be proposed.

1. District Administration: Following annexation the administrative services offered by the Helendale CSD Board of Directors and staff will be extended to the new territory. These services include regulatory compliance, CSD personnel, budgeting, and management services, monthly billing for solid waste services and the Recycling Center and thrift store. In addition, meetings of the Board of Directors provide a local forum for the gathering of information and discussion of issues affecting the CSD as a whole and will provide for a conduit for discussions with other regional/local entities related to issues affecting the area. At present the area is only provided governmental representation by its representative on the County Board of Supervisors to address concerns.
2. Sewer: Residences or businesses within the annexation area currently rely upon on-site septic systems for their wastewater disposal service. After annexation this will not change. The CSD currently operates the sanitary sewer collection system and treatment plant. This includes 36 miles of

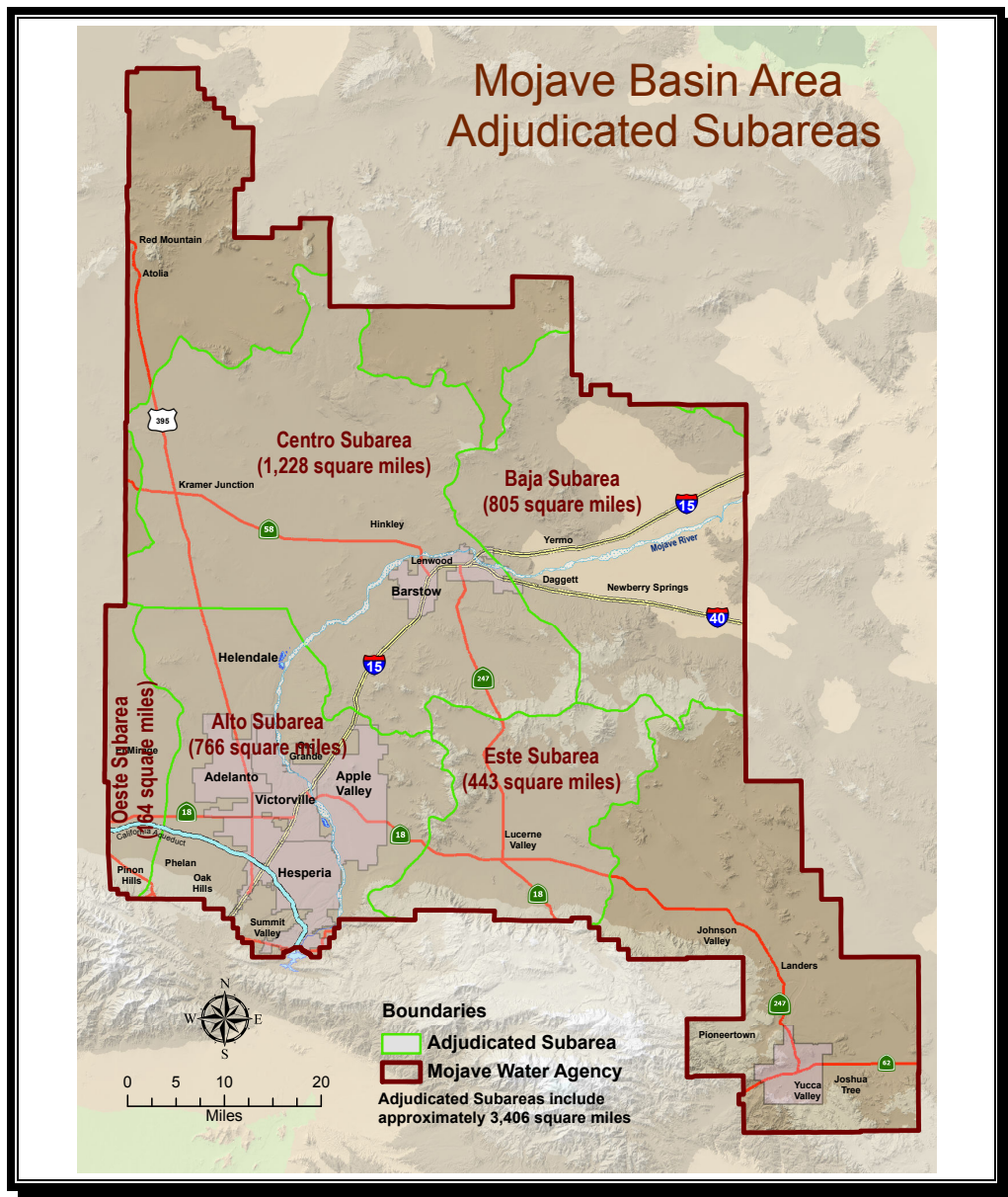


sewer line, 560 manholes, 2 pump stations, 1 lift stations, and percolations ponds. New development would be evaluated as to the feasibility of connecting to the existing treatment plant or whether to build new facilities should the density demand such service. The cost of new sewer service would be the responsibility of the property owners requesting the extension and the future residents would pay the monthly service charges. The wastewater plant currently operates with a flow of 50% of permitted capacity ensuring room for growth. However, depending upon where the sewer need within the annexation was located, a small package plant rather than line extension would be evaluated for efficient service delivery.

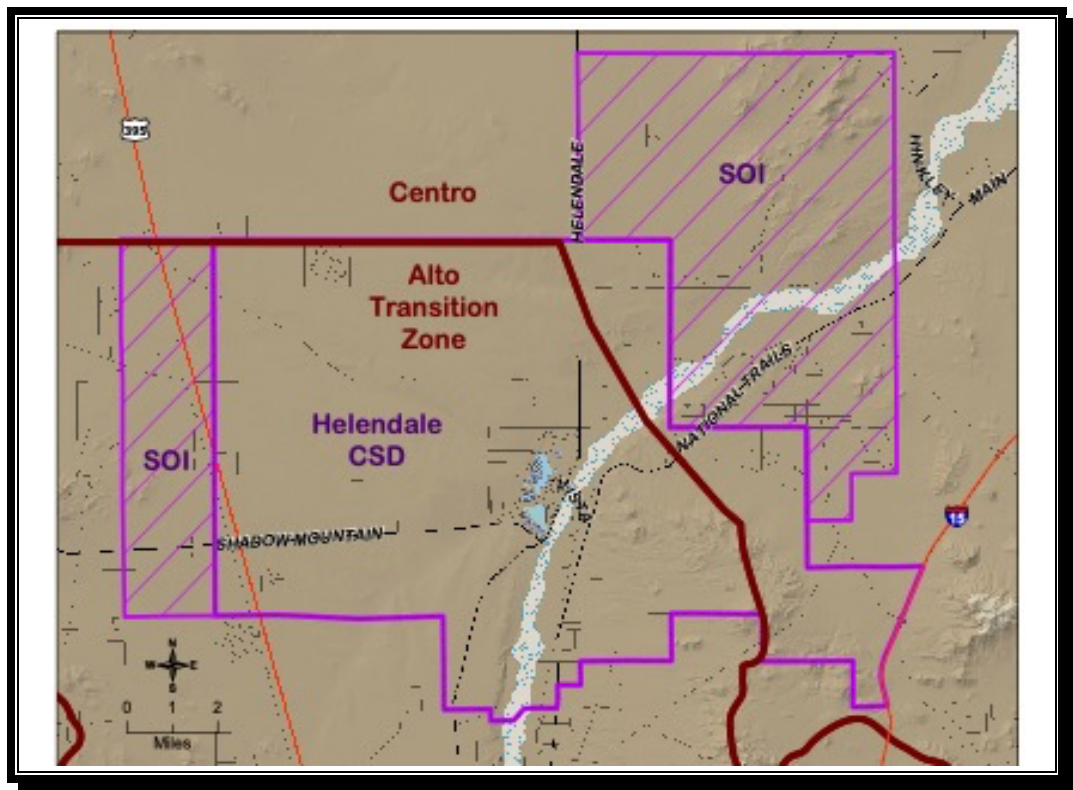
3. Water: Residences or businesses within the annexation area currently rely upon underground wells for their drinking water needs. After annexation this will not change. The CSD has the power “to supply water for any beneficial use” as outlined in Community Services District law. This service was authorized at the time of the formation of the district, and it currently provides for domestic water and water quality service for those connected to its system.

The Helendale CSD currently depends on two wells to produce potable water supplies, with four wells on standby that are not currently in service. A new production well is scheduled to be on-line in June 2023. The CSD has two reservoirs with a combined storage capacity of 5 million gallons. The CSD provides for approximately 2,830 service connections and 348 fire hydrants within the community. The majority of the CSD water service area is located within the Alto subarea of the Mojave Basin Area adjudication and operates under the court’s judgment that governs water pumping. The CSD owns sufficient water rights to provide for the needs of the community which includes excess water rights in both the Alto and Centro basins. Approximately 10% of the district’s existing service area is in the Centro subarea.

The annexation area is located within Centro subarea and service would need to draw from this groundwater basin. The CSD is well positioned to work with property owners in need of an organized water system for future development in the area. A map of the adjudication subareas taken from LAFCO 3187 Countywide Municipal Service Review for Water and Wastewater completed in July 2017 is included as an attachment and shown below:



The map which follows outlines the relationship of the Helendale CSD and the annexation area to the boundaries of the Alto and Centro adjudication subareas:



4. Solid Waste Management: The proposed annexation area currently receives its solid waste disposal service through the San Bernardino County Solid Waste Management Division (SWMD) under contract with Burrtec. As outlined in the land use discussion above, the area is primarily vacant with scattered rural residential development. There is no mandatory requirement for residential trash pick-up by the County within this area. However, the proposed annexation includes portions of County Collection Franchise Areas (CFA) 19, 22 and 23 all under contract with Burrtec. For Fiscal Year 2023-24 the monthly service charge for residential properties under the County Burrtec contract in this area is \$35.28 per month.

The Helendale CSD assumed responsibility for the residential solid waste disposal services (trash and recycling) within its boundaries from the SWMD in 2010-11 along with the collection of the ESFR special assessment (\$85.14 per parcel). This assessment pays for the tipping fee and rate fee at the San Bernardino County landfill for the contract trash hauler and for access to the dump by individual CSD residents with a dump pass. The Helendale CSD will provides this service through its contract with Burrtec. The district provides the billing support for residential solid waste disposal service.

For AB1383 compliance, the district was able to gain approval from the State to operate a food waste drop off site in compliance with the new organic materials disposal. This cost savings approach has saved residents several dollars per month in disposal and processing costs compared to other communities. The annexation area will be included in these programs upon successful annexation.

The Helendale CSD solid waste charge for Fiscal Year 2023-24 is \$27.85 per month for residential service. The difference between the Helendale CSD solid waste contract and the County's contract is a residential cost savings of \$7.43 per month or \$89.16 a year.

In addition, the district offers enhanced services for the community through a bulky item pick up program which provides residential pick-up service for up to ten large items each year, such as appliances, mattresses, furniture, etc. The district maximizes recycling for the rural community through its recycling center operation which accepts any broken appliance or electronic for recycling and provides mattress collection and recycling. These services were offered in an effort to provide a free location for unwanted items and reduce the dumping in the rural desert area. The district offers green waste disposal to the community and provides a centralized drop-off location at the Community Center for the green waste that is taken to a compost facility.

In addition, the Helendale CSD operates the award-winning Recycling Center located in Suite A at the Community Center on Vista Road under its Solid Waste authority. The district offers a variety of recycling programs such as green waste, electronic waste, metal, and mattress recycling. Residents can also donate their unwanted items to the recycling center for re-purposing rather than throwing the items away. This service encourages recycling and diverts waste from going into the landfill.

5. Parks and Recreation: The County Regional Parks Department provides regional park services for all the residents in the county, including those within the proposed annexation. The closest County Regional Park is Mojave Narrows Regional Park located approximately 30 miles away. Neither the County nor a local special district provides for local park services for the residents in the annexation area.

After annexation, the area will have access to local park services provided

by the Helendale CSD through its park and recreation department officially. The district provides youth sports programs, an annual concert-in-the-park series, adult recreational programs including an adult softball league, corn-hole league and basketball. In addition, enrichment programs are offered that include arts and crafts, exercise and informational topics. The weekly farmers market with seasonal activities and provides a weekly gathering place for Helendale and the outlying communities of Oro Grande, Hodge and Hinkley. The district partners with the San Bernardino County Sheriff's Department and other community stakeholders to host National Night Out, an event to bring the police and community together. The Community Center is made available to residents for parties, meetings and other occasions. In addition, two churches hold services at the Community Center on Saturday night and Sunday morning for the rural residents. In addition, the district hosts the Helendale Senior Center and contracts through the County for a daily senior lunch program that is served at the Helendale Community Center. It is anticipated that the residents of the annexation area currently partake in the services and classes offered by the CSD due to its proximity to the area and the district's position to welcome all.

6. Streetlighting: Because of the rural nature of the area and the County's Dark Sky Ordinance, there are no known publicly operated streetlights in the area. Streetlights along Route 66 are operated by Caltrans as a highway protection. The district provides streetlighting on public rights-of-way generally in and around the Silver Lakes subdivision paid through the general ad valorem taxes the CSD receives. This service would be provided to the annexation area under the proper economic and development conditions in compliance with Dark Sky Ordinance requirements with future residents of the area subject to any applicable one-time development impact fee or ongoing user charges.
7. Graffiti Abatement: San Bernardino County Public Works department currently provides and will continue to provide graffiti abatement for road signs and bridges in the area. After annexation, graffiti abatement would be available through the CSD based upon availability of resources and request for service from the residents of the annexation area.

## **FISCAL IMPACT ANALYSIS**

San Bernadino LAFCO policies require that the Fiscal Impact Analysis provide for a five-year projection of expense and revenues which identifies how the service will be financed and that the revenues are sufficient to provide for the service for the foreseeable future. Several of the District's services are not anticipated to be



extended, water, sewer, and streetlighting so no revenue or cost projections are provided. Should such services be needed in the future the requesting parties would be required to pay their pro rata share for extension and ongoing operations. While authorized to provide graffiti abatement, this service is not currently actively provided. It is proposed that the district's services for administration, solid waste management, and park and recreation can or will be extended into the area and the fiscal analysis which follows outlines the first five years following annexation.

The area proposed for annexation is not anticipated to receive a share of the general ad valorem taxes from the area. This is based upon established policies of San Bernardino County which provides that for a special district annexation the only portion of the general ad valorem property tax subject to exchange pursuant to Revenue and Taxation Code Section 99 would be a detaching special district. There are no detaching agencies in this annexation; therefore, no share of the ad valorem property taxes will come to the district. The table which follows shows the existing tax entities within the affected Tax Rate Areas of the proposed annexation and their shares of the general ad valorem tax.

TAX RATE AREA (TRA) ALLOCATIONS SAN BERNARDINO COUNTY									
AGENCY CODE	AGENCY	TRA 56017 ALLOCATION	TRA 56095 ALLOCATION	TRA 56101 ALLOCATION	TRA 56134 ALLOCATION	TRA 78010 ALLOCATION	TRA 78011 ALLOCATION	TRA 99003 ALLOCATION	TRA 99026 ALLOCATION
AB01 GA01	COUNTY GENERAL FUND	17.719649	15.489247	17.709399	18.001735	14.779060	14.786244	16.695367	14.701145
AB02 GA01	AUGMENTATION FUND	26.849919	23.470300	26.834171	27.277369	22.394182	22.405047	25.297883	22.276079
BF04 GA01	SAN BND0 COUNTY FLOOD CONTROL ZONE 4	2.801543	2.448926	2.803804		2.336317	2.337531		
BF06 GA01	SAN BND0 COUNTY FLOOD CONTROL ZONE 6				1.420205			1.317094	1.159623
BF08 GA01	SAN BND0 COUNTY FLOOD Admin 3-6	0.107179	0.093712	0.107526	0.108892	0.089342	0.089445	0.100984	0.088914
BL01 GA01	COUNTY FREE LIBRARY	1.717032	1.501156	1.715567	1.744369	1.431910	1.432824	1.617651	1.424177
BS01 GA01	SUPERINTENDENT OF SCHOOL	0.608415	0.531834	0.607879	0.618116	0.507491	0.507707	0.573263	0.504771
BS01 GA03	SUPERINTENDENT OF SCHOOL PHY HAND	0.239394	0.209230	0.238829	0.243159	0.199577	0.199710	0.225496	0.198525
BS01 GA02	SUPERINTENDENT OF SCHOOL- ROP	0.104385	0.091186	0.104284	0.105973	0.087035	0.087044	0.098291	0.08654
BS01 GA05	SUPERINTENDENT OF SCHOOL -DEV CENTER	0.062796	0.054855	0.062679	0.063734	0.052371	0.052350	0.059100	0.052042
BS01 GA04	SUPERINTENDENT OF SCHOOL -MENT RET					0.160232	0.160362	0.181056	0.159429
SC10 GA01	BARSTOW COMMUNITY COLLEGE DISTRICT	10.374298	9.068153	10.380937	10.537595				
SC66 GA01	VICTOR VALLEY COMMUNITY COLLEGE DISTRICT					6.645343	6.648932	7.506918	6.609619
SE46 GA01	ORO GRANDE ELEMENTARY SCHOOL DISTRICT							21.040015	18.524605
SU10 GA01	BARSTOW UNIFIED SCHOOL	34.782384	30.403289	34.802507	35.329736				
SE30 GA01	HELENDAL ELEMENTARY SCHOOL DISTRICT					16.922153	16.931168		
SH66 GA01	VICTOR VALLEY UNION HIGH SCHOOL					18.109238	18.118923	20.456911	18.011339
UD44 GA01	CSA 60					1.025157	1.025686	1.158042	1.019558
UD50 GA01	CSA 70	0	0	0	0	0	0	0	0
UF01 GA01	SBCFPD	0							
UF01 GA05	SBCFPD ADMIN	3.195404	2.792679	3.198366	3.245302	2.664152	2.665736	3.009710	2.649776
UF01 GA03	SBCFPD NORTH DESERT SERVICE ZONE		12.599479	0	0	12.019687	12.026435	0	11.95501
VB01 GA01	BARSTOW CEMETERY DISTRICT	0.745699	0.651772	0.746204	0.757402				
WR03 GA01	MOJAVE DESERT RESOURCE CONSERVATION DISTRICT	0.059797	0.041636	0.055114	0.019770	0.049657	0.025887	0.066759	0.054565
WY20 GA01	MOJAVE WATER AGENCY	0.632106	0.552546	0.632734	0.526673	0.527096	0.498969	0.595460	0.524283
		100	100	100	100	100	100	100	100

BLUE HIGHLIGHT IDENTIFIES AREAS NOT A PART OF THE AGENCY BUT WHO SHOULD HAVE BEEN INCLUDED BY THE STATE BOARD OF EQUALIZATION PURSUANT TO LAFCO 3000

A review of audit and budget data for the Helendale CSD provides the background information for development of the costs for service extension and anticipated revenues. In the case of the annexation area, the CSD's revenues are projected on a developed parcel basis. Of the 1,110 parcels within the annexation area, 178 have

improvements. Of those 140 have identified land use codes identifying residential development. However, of these 140 parcels only 103 have an improvement valuation which would be presumed to be a residential use with the potential for service needs (above \$50,000 in improvement valuation). The importance of this data is that the range of revenues to be provided to the Helendale CSD are directly related to residentially developed properties. In addition, there are no known participants in the Burrtec residential solid waste service at the present time. Therefore, the calculation below for solid waste billing is presented as the potential future revenue/cost for this service. These calculation factors are shown on the table which follows:

CATEGORY		PROJECTION FACTOR - PER HOUSEHOLD COST	2023-24	PROJECTION FACTOR	2024-25 THROUGH 2029-30
<b>RECURRING REVENUES</b>					
Property Tax			\$ -		\$ -
Franchise Fees	115 residential developed parcels	\$ 28.68	\$ 3,298	8.7% increase over prior year	\$ 3,585
Solid Waste Billing				8.7% increase over prior year	
Single Family Residential	103 parcels	\$ 287.64	\$ 29,627		\$ 32,204
Two SFR on a single parcel	12 parcels	\$ 547.68	\$ 6,572		\$ 7,144
Solid Waste ESFR Assessment:*				No Change Allowed	
Single Family Residence	81 parcels	\$ 84.89	\$ 6,876		\$ 6,876
Mobile Home:					
On Fee Land no Subdivision	18 parcels	\$ 84.89	\$ 1,528		\$ 1,528
On Permanent Foundation	22 parcels	\$ 84.89	\$ 1,868		\$ 1,868
Two SFR on a single parcel	12 parcels	\$ 170.03	\$ 2,040		\$ 2,040
Recreation Cabin	1 parcel	\$ 42.22	\$ 42		\$ 42
Miscellaneous Residential	6 parcels	\$ 84.89	\$ 509		\$ 509
Park and Recreation Fees	115 residentially developed parcels	\$ 21.00	\$ 2,415	No Change	\$ 2,415
<b>TOTAL ESTIMATED REVENUES</b>			\$ 54,776		\$ 58,212
<b>RECURRING COSTS</b>					
Administration	103 developed parcels	\$ 86.70	\$ 8,930	3% increase over prior year	\$ 9,198
Park and Recreation	115 developed parcels	\$ 57.00	\$ 6,555	3% increase over prior year	\$ 6,752
Solid Waste:				8.7% Increase over prior year	
Single Family Residential	103 developed parcels	\$ 247.20	\$ 25,461.60		\$ 27,677
Two SFR on a single parcel	12 developed parcels	\$ 494.40	\$ 5,932.80		\$ 6,449
<b>TOTAL ESTIMATED EXPENSES</b>			\$ 46,880		\$ 50,075
*Assessment shown is the amount levied less the \$0.25 County administrative charge					

The table which follows outlines the revenue and expenditure categories associated with the annexation area should the services of solid waste and park and recreation be provided. These calculations are being proposed to represent conservative revenue projections and liberal expense projections. The current year column makes its projections using the district's Fiscal Year 2023-24 Budget with additional questions reviewed with the district. Since the past five years has seen limited residential permits within the annexation area in general, no increase in number of households has been included in the projection table. The revenue categories of solid waste billing and Franchise Fees and expense category for Solid Waste Disposal have been increased by 8.7% for the following years based a review with District to accommodate all state requirements related to solid waste disposal. The ESFR being transferred to the district is a flat rate set out by vote with no allowance for inflationary increase and the projection corresponds with that requirement.

CATEGORY	2023-24	2024-25 THROUGH 2029-30
<b>RECURRING REVENUES</b>		
Property Tax	\$ -	\$ -
Franchise Fees	\$ 3,298	\$ 3,585
Solid Waste Billing		
Single Family Residential	\$ 29,627	\$ 32,204
Two SFR on a single parcel	\$ 6,572	\$ 7,144
Solid Waste ESFR Assessment	\$ 12,864	\$ 12,864
Park and Recreation Fees	\$ 2,415	\$ 2,415
<b>TOTAL ESTIMATED REVENUES</b>	\$ 54,776	\$ 58,212
<b>RECURRING COSTS</b>		
Administration	\$ 8,930	\$ 9,198
Park and Recreation	\$ 6,555	\$ 6,752
Solid Waste:		
Single Family Residential	\$ 25,461.60	\$ 27,677
Two SFR on a single parcel	\$ 5,932.80	\$ 6,449
<b>TOTAL ESTIMATED EXPENSES</b>	\$ 46,880	\$ 50,075



The information outlined above shows that the district can extend the range of its services identified in the application to the area and can sustain those services at existing levels, improving those levels through the introduction of solid waste disposal and park and recreation services, for the foreseeable future.

Attachments and Additional Information:

1. Map and Legal Description of the Proposal Area
2. Barstow International Gateway Project Information
3. Map of Mojave Water Agency Adjudication Subarea Basins

**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 and belief.

/s/ KIMBERLY COX  
**DR. KIMBERLY COX, General Manager**  
**Helendale Community Services District**

AUGUST 14, 2023  
**DATE**

# TOM DODSON & ASSOCIATES

---

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

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

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

**Web:** tdaenvironmental.com



November 6, 2023

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

Dear Sam:

LAFCO 3262 consists of Annexation to the Helendale Community Services District) of an estimated 14,720 acres (23 square miles) of territory with the specific goal of extending Solid Waste and Recycling services to the developed properties and the extension of park and recreation programs and services for the residents of the area. The proposed Annexation area is located within or adjacent to the District's eastern Sphere of Influence as shown on the attached map. The existing land uses and land use designations for the project area will not be modified by the extension of these services and San Bernardino County will remain the jurisdiction with control over future land uses within the Annexation area under LAFCO 3262.

Therefore, after careful review, I am recommending that the Commission consider the adoption of a Common Sense Exemption for LA 3262. I recommend that the Commission find that an exemption (as defined in CEQA applies to LAFCO 3262 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 3262 because the District will simply replace existing solid waste, recycling and recreation activities that exist within the identified Annexation area with District provided services.

Based on this review of LAFCO 3262 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3262 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 3262 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

Attachment

LA3262 CS Exemption

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
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www.sbclafco.org

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**PROPOSAL NO.: LAFCO 3262**

**HEARING DATE: NOVEMBER 15, 2023**

**RESOLUTION NO. 3387**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3262 AND APPROVING THE ANNEXATION TO THE HELENDALE COMMUNITY SERVICES DISTRICT (LOWER EASTERN SPHERE OF INFLUENCE). The annexation area comprises approximately 23+/- square miles that generally includes lower eastern portion of the Helendale Community Services District's sphere of influence.**

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

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

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

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

**WHEREAS**, the public hearing by this Commission was called for November 15, 2023, at the time and place specified in the notice of public hearing; and,

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

## RESOLUTION NO. 3387

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” and “A-1” attached.

**Condition No. 2.** The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3262.

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

**Condition No. 4.** The Helendale Community Services 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.** The date of issuance of the Certificate of Completion shall be the effective date of this annexation.

**SECTION 2. DETERMINATIONS.** The following determinations are required to be provided by Commission policy and Government Code Section 56668:

1. The Registrar of Voters has determined that the annexation area is legally inhabited, containing 178 registered voters as of July 5, 2023, as certified by the County Registrar of Voters.
2. The annexation area is within the sphere of influence assigned the Helendale Community Services District.
3. The assessed value of land and improvements within the annexation area on the secured assessment roll is broken down as follows:

Land:	\$ 25,030,367
<u>Improvements:</u>	<u>\$ 16,040,470</u>
Total:	\$ 41,070,837
4. Legal notice of the Commission’s consideration of the proposal has been provided through publication of a 1/8th page legal advertisement in *The Daily Press*, a

## RESOLUTION NO. 3387

newspaper of general circulation in the area. In addition, individual notices were provided to all affected and interested agencies, County departments, and those individuals and agencies having requested such notification. Comments from affected and interested agencies have been considered by the Commission in making its determination.

5. The County's current land use designations for the annexation area are: RC (Resource Conservation); RL (Rural Living); RC-AP (Resource Conservation-Agricultural Preserve); AG (Agriculture), and FL (Floodway). This annexation has no direct impact on said land use designations.
6. The Southern California Associated Governments (SCAG) has adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3262 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy.
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 annexation 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
  - San Bernardino County Fire Protection District (SBCFPD) and its North Desert Service Zone
  - Mojave Desert Resource Conservation District
  - Mojave Water Agency
  - Barstow Cemetery District
  - County Service Area 60 (Apple Valley Airport)
  - County Service Area 70 (multi-function unincorporated area Countywide)

None of the local agencies are affected by this annexation 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 services to the annexation area, as required by law. The Plan for Service indicates that the Helendale Community Services District can maintain and/or improve the level and range of services currently available in the area.

The current annual refuse disposal fee for developed parcels will transfer from the County (shown on the property tax bill as County Land Use-SWMD) to the Helendale CSD (Helendale-Refuse Land Use) upon completion of the annexation proposal.

## RESOLUTION NO. 3387

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

10. The annexation area can benefit from the availability and extension of municipal services from the Helendale Community Services District.
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, which is the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services, the following demographic and income profile was generated using ESRI's Business Analyst within the current Helendale Community Services District territory and within the annexation area.

Demographic and Income Comparison	Helendale CSD	Annexation Area
Race		
• White Alone	47.4%	60.9%
• African American Alone	3.0%	6.8%
• American Indian Alone	3.2%	1.2%
• Asian Alone	1.1%	4.8%
• Pacific Islander Alone	0.0%	0.4%
• Some Other Race Alone	31.0%	12.2%
• Two or More Races	14.3%	13.8%
Ethnicity		
• Hispanic Origin (Any Race)	54.3%	30.5%
Median Household Income	\$64,489	\$98,068

13. The County of San Bernardino adopted a resolution determining there will be a zero property tax transfer as a result of the annexation. 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 3.** Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed annexation 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. 3387**

**SECTION 4.** 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 5.** 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 6.** 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 7.** 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:**

**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 15, 2023.**

**DATED:**

\_\_\_\_\_  
**SAMUEL MARTINEZ**  
**Executive Officer**



LAFCO # 3262

ANNEXATION TO THE HELENDALE COMMUNITY SERVICE DISTRICT (LOWER EASTERN SPHERE OF  
INFLUENCE)

(AREA "A" ANNEXATION)

All those portions located in Township 8 North, Range 4 West and Township 8 North, Range 3 West, San Bernardino Meridian (S.B.M.), in the County of San Bernardino, State of California, more particularly described as follows:

Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23 and 24, Township 8 North, Range 4 West and Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30 and 31 Township 8 North, Range 3 West.

The above described area contains 23 square miles or 14,720 acres, more or less.

This legal description was prepared by me or under my direction.

By: 

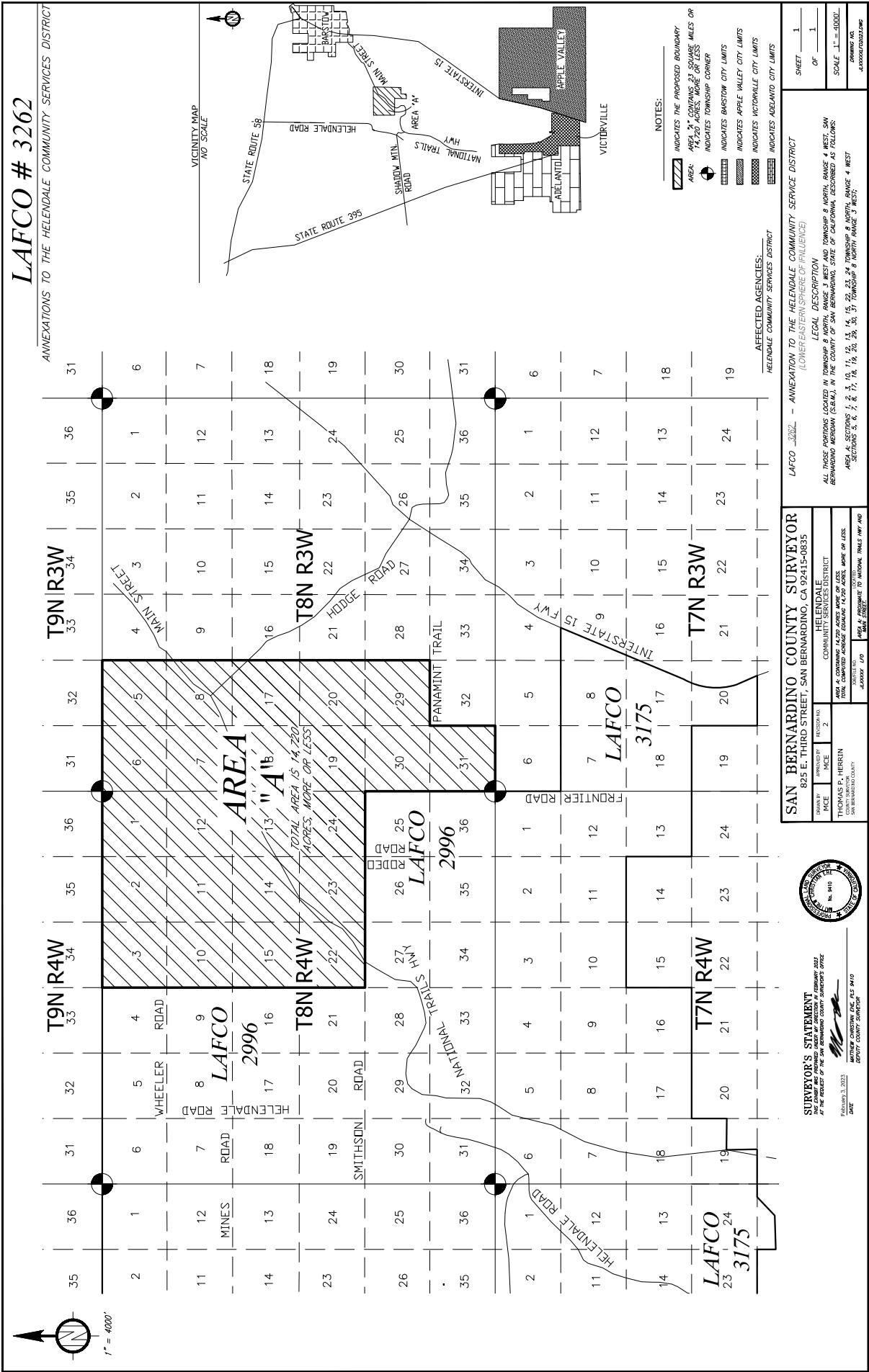
February 2, 2023

Matthew C. Ehe, PLS 9410  
Deputy County Surveyor

Date



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  
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www.sbcclafco.org

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**DATE:** NOVEMBER 8, 2023  
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Project Manager  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #9: First Quarter Financial Review for FY 2023/24

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## **RECOMMENDATION:**

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

## **SUMMARY:**

### **1. Budget Markers**

The first quarter of Fiscal Year 2023/24 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 below First Quarter markers. For Revenues, all the Apportionment receipts were received, and Fees and Deposits are at the 82% mark. The table below is a snapshot through the quarter.

Expenditures		Revenues	
Salaries and Benefits (below appropriations)	22%	Apportionment (met goal)	100%
Services and Supplies (below appropriations)	21%	Fees and Deposits (above goal)	82%
<b>TOTAL</b>	<b>22%</b>	<b>TOTAL</b>	<b>99%</b>

### **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), seven of ten have been received through the first quarter (70%).

Activity	Budget	THRU	SEPT
		No.	% of Budget
Commission: Proposals	6	2	33%
Commission: Service Contracts	4	5	125%
Administrative: Service Contracts	4	4	100%

### 3. Cash in Treasury

As of September 30, the Commission's cash in the County Treasury was \$1,556,779. 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.

<b>September 30, 2023 Balance</b>		<b>\$1,556,779</b>
<b>Cash Balance is composed of the following:</b>		
<b><i>Committed (constrained to specific purposes)</i></b>		
Compensated Absences (Account 6030)		167,095
Salary for Extra Pay Period: Year 3 of 10 (Account 6035)		9,000
<b><i>Assigned (intended for specific purposes)</i></b>		
Contingency (Account 6000)		35,000
General Reserve (Account 6025)		225,000
<b><i>Remaining Budgeted Revenues (shown as negative)</i></b>		<b>(8,878)</b>
<b><i>Remaining Budgeted Expenditures</i></b>		<b>988,024</b>
<b><i>Open Proposals</i></b>		<b>47,654</b>
<b>Projected Additional Cash Carryover</b>		<b>\$93,884</b>

### DETAIL:

The following provides a discussion of (1) expenditures, (2) reserves, (3) projects and programs, and (4) revenues.

#### 1. Expenditures

Expenditures are composed 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 \$167,130, representing 22% of Approved Budget authority. The quarter mark should be closer to 25%. However, the second quarter will have an extra pay period so the mid-year should be closer to the 50% mark.

*(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 \$91,629, or 21% of Approved Budget authority. The quarter mark should be closer to 30% due to full-year and one-time payments that occur at the beginning of the fiscal year. Invoices for several full-year services were not received until later in the quarter, and payment for these invoices will be reflected in the second quarter.

*(2) Anticipated Activity*

Currently, staff does not anticipate any unbudgeted activity.

**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). All work with the DOC is complete, and the grant is now officially closed.

LAFCO staff is currently formulating policies for Commission review within the coming months.

#### B. Service Reviews and Special Studies

The focused service reviews for Barstow Cemetery District and the Big River Community Services District are anticipated for Commission consideration at its January 2024 and February 2024 meetings, respectively. Additionally, staff began work on the Healthcare District review.

#### C. Governance Training Program

LAFCO and CSDA are partnering on this year's Governance Training sessions. The first session, *Introduction to Special District Finances for Board Members*, will be held at the Mojave Water Agency on November 17. The second session is *Ethics AB1234 Compliance*, and will be held as a webinar on January 31.

### 4. Revenues

The Commission has received 99% 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 \$20,257.
- Apportionment (Account 8842) - 100% of the mandatory apportionment payments from the cities and independent special districts billed by the County Auditor have been received.
- Fees and Deposits (Accounts 9545 – 9800) – Through the first quarter, the Fees and Deposits series of accounts received 82% of its budgeted revenue (\$88,364). This amount is made up of a combination of application fees, service contract filing fees, and cost recovery.
- Miscellaneous (Account 9930) – \$31,800 was recovered related to environmental processing from a closed application.

### **CONCLUSION:**

For the first quarter, total expenditures are below the quarter mark. However, the second quarter contains an additional pay period and invoices anticipated for receipt in the first quarter but received in the second quarter have been promptly processed.

100% of the apportionment receipts were received, and proposal revenue exceeds expectation.

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 23/24	JULY	AUG	SEPT	TOTAL THRU 1st Q	PERCENT THRU 1st Q
	<b>SALARIES AND BENEFITS</b>						
1010	Earnable Compensation	480,931	33,401.75	36,509.29	35,286.01	105,197	22%
1030	Auto and Cell Phone Allowances	9,275	700.00	700.00	700.00	2,100	23%
1045	Termination Payment						
1110	General Member Retirement	144,590	10,918.66	10,982.39	10,613.08	32,514	22%
1130	Survivors Benefits	87	7.32	7.36	7.36	22	25%
1200	Medical Premium Subsidy	48,287	3,641.20	3,872.94	3,872.94	11,387	24%
1205	Long-Term Disability	1,085	78.75	93.33	103.46	276	25%
1207	Vision Care Insurance	568	47.92	47.92	47.92	144	25%
1215	Dental Insurance Subsidy	897	76.52	76.52	76.52	230	26%
1222	Short-Term Disability	5,322	393.76	399.60	383.90	1,177	22%
1225	Medicare	5,568	397.44	419.22	423.41	1,240	22%
1240	Life Insurance & Medical Trust Fund	15,527	1,078.29	1,139.17	1,139.60	3,357	22%
1305	Medical Reimbursement Plan	4,767	190.76	201.23	211.70	604	13%
1314	457/401a Contribution	3,290	234.31	247.08	247.08	728	22%
1315	401k Contribution	34,183	2,619.44	2,767.64	2,767.64	8,155	24%
<b>TOTAL SALARIES &amp; BENEFITS</b>		<b>\$ 754,378</b>	<b>\$ 53,786.12</b>	<b>\$ 57,463.69</b>	<b>\$ 55,881</b>	<b>\$ 167,130</b>	<b>22%</b>
	<b>SERVICES AND SUPPLIES</b>						
2031	Payroll System Services (County IT)	676		83.88	55.92	140	21%
2032	Virtual Private Network (County IT)	213		13.84	13.84	28	13%
2033	Network Labor Services (County IT)	-				-	
2037	Dial Tone (County IT)	2,721		249.84	249.84	500	18%
2041	Data Line	8,400	1,293.02	646.51	1,293.02	3,233	38%
2043	Electronic Equipment Maintenance (County IT)	-				-	
2075	Membership Dues	12,769			12,221.00	12,221	96%
2076	Tuition Reimbursement	2,000				-	0%
2080	Publications	3,587	607.22	316.68		924	26%
2085	Legal Notices	23,500	547.40	161.00	579.60	1,288	5%
2090	Building Expense	7,056	2,200.00	588.00	588.00	3,376	48%
2115	Software	1,904			389.99	390	20%
2135	Utilities	-				-	
2180	Electricity	7,800	503.41	735.01	674.59	1,913	25%



# Attachment #1

# Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ADOPTED FY 23/24	JULY	AUG	SEPT	TOTAL THRU 1st Q	PERCENT THRU 1st Q
2245	Other Insurance	19,840	13,172.31			13,172	66%
2305	General Office Expense	4,198	280.03	266.97	1,825.86	2,373	57%
2308	Credit Card Clearing Account	-	(1,736.81)	-	-	(1,737)	
2310	Postage - Direct Charge	5,916	568.57	880.69	1,584.90	3,034	51%
2315	Records Storage	914	137.85	137.85		276	30%
2322	Enterprise Printing (County IT)	86		7.48	7.48	15	17%
2323	Reproduction Services	500	243.05			243	49%
2335	Temporary Services	21,600	491.00	(98.20)		393	2%
2400	Legal Counsel	59,000	3,202.00	(334.60)	1,466.39	4,334	7%
2405	Auditing	12,073				-	0%
2410	IT Infrastructure (County IT)	6,840	711.00	711.00	711.00	2,133	31%
2414	Application Dev. & Maint. (County IT)	8,076				-	0%
2415	Countywide Cost Allocation Program (COWCAP)	-				-	
2416	Enterprise Printing (County IT)	-				-	
2417	Inactive Account (County IT)	-				-	
2418	Data Storage Services (County IT)	-				-	
2420	Enterprise Content Management (County IT)	4,724		340.15	340.15	680	14%
2421	Desktop Support Services (County IT)	9,636		782.16	782.16	1,564	16%
2424	Environmental Consultant	8,230		1,770.00	2,525.00	4,295	52%
2444	Security Services	492	123.00			123	25%
2445	Other Professional Services	97,269	3,325.00	4,992.25	3,650.00	11,967	12%
2449	Outside Legal (Litigation & Special Counsel)	-			32.50	33	
2450	Systems Development Charges (County IT)	2,588				-	0%
2460	Aerial Imagery (County IT)	3,000				-	0%
2895	Rent/Lease Equipment (copier)	5,400	442.75	(28.14)	457.93	873	16%
2905	Office/Hearing Chamber Rental	63,917	14,256.00	(430.00)	405.00	14,231	22%
2940	Private Mileage	7,311	680.40	382.64	382.64	1,446	20%
2941	Conference/Training	6,780		4,760.00	327.52	5,088	75%
2942	Hotel	12,050	1,789.12			1,789	15%
2943	Meals	1,050	254.14			254	24%
2944	Car Rental	-	148.97			149	
2945	Air Travel	800			333.94	334	42%
2946	Other Travel	300	295.60	(117.83)		178	59%

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ADOPTED FY 23/24	JULY	AUG	SEPT	TOTAL THRU 1st Q	PERCENT THRU 1st Q
5012	Transfer to County (Staples & Microsoft)	6,690	212.24		166.54	379	6%
	<b>TOTAL SERVICES &amp; SUPPLIES</b>	<b>\$ 439,905</b>	<b>\$ 43,747.27</b>	<b>\$ 16,817.18</b>	<b>\$ 31,064.81</b>	<b>\$ 91,629</b>	<b>21%</b>
	<b>TOTAL EXPENDITURES</b>	<b>\$ 1,194,283</b>	<b>\$ 97,533.39</b>	<b>\$ 74,280.87</b>	<b>\$ 86,945.43</b>	<b>\$ 258,760</b>	<b>22%</b>
	<b>TRUST TRANSFERS</b>						
9990	SBCERA Additional Payment	52,500					
	<b>TOTAL TRUST TRANSFERS</b>	<b>\$ 52,500</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>
	<b>TOTAL APPROPRIATION</b>	<b>\$ 1,246,783</b>	<b>\$ 97,533.39</b>	<b>\$ 74,280.87</b>	<b>\$ 86,945.43</b>	<b>\$ 258,760</b>	<b>21%</b>

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	YEAR END FY 22/23	Increase FY 23/24	JULY	AUG	SEPT	TOTAL as of end 1st Q
	<b>RESERVES (Increases)</b>						
6000	Contingency (Assigned)	30,000	5,000	-	-	-	35,000
6025	General (Assigned)	200,000	25,000	-	-	-	225,000
6030	Compensated Absences (Committed)	157,095	10,000	-	-	-	167,095
6035	Salary for Extra Pay Period (Committed)	6,000	3,000	-	-	-	9,000
<b>TOTAL RESERVES (Increases)</b>		<b>\$ 393,095</b>	<b>\$ 43,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 436,095</b>

## Attachment #1

## Budget Spreadsheets

ACCT #	ACCOUNT NAME	ADOPTED FY 23-24	JULY	AUG	SEPT	TOTAL THRU 1st Q	PERCENT THRU 1st Q
	County Treasury:						
8500	Interest	10,000	6,480.52	(6,480.52)		-	0%
9984	Interest Adjustent			20,257.71		20,258	
8842	Apportionment	1,172,284	781,522.00	390,761.00		1,172,283	100%
	<b>Total County Treasury</b>	<b>1,182,284</b>	<b>788,002.52</b>	<b>404,538.19</b>	<b>-</b>	<b>1,192,541</b>	<b>101%</b>
	Fees and Deposits (Current Services):						
9545	Individual Notice Deposit	9,000	3,274.50	2,000.00	1,000.00	6,275	70%
9555	Legal Services Deposit	12,000	4,100.00	2,700.00	2,000.00	8,800	73%
9595	Protest Hearing Deposit	3,000	3,100.00		1,500.00	4,600	153%
9655	Digital Mapping Fee	2,735			880.00	880	32%
9660	Environmental Deposits	7,800		12,220.66	1,000.00	13,221	169%
9800	LAFCO Fee	72,964	13,547.00	34,596.33	6,446.00	54,589	75%
	<b>Total Fees and Deposits</b>	<b>107,499</b>	<b>24,021.50</b>	<b>51,516.99</b>	<b>12,826.00</b>	<b>88,364</b>	<b>82%</b>
	Other:						
9560	Indemnification Recovery						
9910	Prior Year Activity (refunds, collections)						
9930	Miscellaneous		31,800.60		78.22		
9970	Carryover of Fund Balance						
9973	Stale-dated Checks						
	<b>Total Other Revenues</b>	<b>-</b>	<b>31,800.60</b>	<b>-</b>	<b>78.22</b>	<b>-</b>	
	<b>TOTAL REVENUES</b>	<b>\$ 1,289,783</b>	<b>\$ 843,825</b>	<b>\$ 456,055</b>	<b>\$ 12,904</b>	<b>\$ 1,280,905</b>	<b>99%</b>

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE :** NOVEMBER 8, 2023  
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #10 – Legislative Report

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## **RECOMMENDATION:**

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

## **BACKGROUND:**

### **2023 Legislative Session:**

October 14 was the last day for the Governor to sign bills. Bills passed will take effect on January 1, unless they carried an urgency clause. This means, the Legislature is now in recess until it reconvenes at the beginning of the year.

The table below provides a summary of the bills that were of interest to LAFCOs and/or CALAFCO, whether supported or opposed:

AB 399	<p>This bill was previously AB 530, which did not pass out of policy committee before the deadline.</p> <p>AB 399, originally addressed the Vehicle Code but was gutted and amended in June 2023 to become: the Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure. This originally was an urgency bill but the urgency clause was later removed. The bill was to counter two detachments that have been approved by San Diego LAFCO.</p> <p>Under the uncodified County Water Authority Act of 1943, detachment proceedings require a vote of the residents in the detaching district. This bill added a</p>	Chaptered on 10/13/2023
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	<p>second vote among the larger population of the full county water authority. While the vote among the residents of the detaching district is essentially consistent with LAFCo laws, requiring a second vote among the larger population of the entire water authority is not, which is precedent setting. This includes legislative "fixes" for contested LAFCO decisions; the ability of the legislature to unilaterally change the exit terms for multi-government consortiums after entities join; and the permissibility of requiring double votes on matters.</p> <p>This bill was vehemently opposed by CALAFCO and other stakeholders.</p>	
AB 918 (Garcia)	<p>This bill, as introduced, was merely a spotholder that stated an intent to create a countywide healthcare district in Imperial County. The bill was originally introduced to form the district using the LAFCO process. In April, the bill was amended to remove the LAFCO process. In May, the bill was again amended with a return of LAFCO into the process. In July, the bill was yet again amended to form the new district outside of the LAFCO process and only includes LAFCO in an indirect way - specifically, Imperial LAFCO is to collaborate with the new health district's board of directors to determine the voting districts and terms of the board positions, to determine the appropriate dates to dissolve the two healthcare districts (and that the dissolution shall occur by January 1, 2025), etc.</p> <p>This bill was also opposed by CALAFCO.</p>	Chaptered on 10/8/2023
AB 557 (Hart)	<p>This bill is follow-on legislation to AB 361 (2022) that seeks to return some of the pandemic-era teleconferencing provisions to the Brown Act and would change the timeline for legislative bodies to reaffirm an emergency from the current 30 days to 45 days.</p> <p>This bill is sponsored by CSDA.</p>	Chaptered on 10/8/2023
AB 1753	<p>This is the CALAFCO sponsored Assembly Local Government Committee (ALGC) annual omnibus bill that makes non-substantive, technical</p>	Chaptered on 6/29/2023

	changes/corrections to the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 (LAFCO law).	
SB 360 (Blakespear)	This bill amends Public Resources Code Section 30318 to allow members of joint powers authorities and local agency formation commissions to sit on the California Coastal Commission.	Chaptered on 7/21/2023
SB 878, 879, & 880	These are the Senate Committee on Governance and Finance's (SCGF) three annual validating acts of 2023. Validating acts help public agencies because they protect investors from minor and technical errors that might otherwise threaten bonds, boundary changes, and other official acts.	Chaptered on 6/29/2023

While a few of the bills that LAFCOs were tracking have cycled off the list, some remain going into year two of the legislative cycle. While little has changed for these bills since, it is important to know that they remain heading into 2024. Of the five listed below, three seek to change the Brown Act in one way or another:

AB 68 (Ward)	<p>This bill was introduced as a spot holder in December 2022, then was gutted and amended in March 2023, to create a ministerial approval for certain developments and certain water and sewer service extensions for developments that met specific parameters.</p> <p>Current CALAFCO Position: Watch</p>	2-Year Bill
AB 805 (Arambula)	<p>This bill would authorize the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities. Under existing section (b)(3) LAFCOs must be consulted and their input considered in regard to the provision of water service but the requirement is ambiguous relative to sewer systems.</p> <p>Current CALAFCO Position: Watch with Concerns</p>	2-Year Bill



<p>AB 817 (Pacheco)</p>	<p>This bill began as a spot holder but was amended in March 2023 to speak to teleconferenced meetings of subsidiary bodies that serves exclusively in an advisory capacity (not authorized to take final action on legislation, regulations, contracts, licenses, permits, etc.). This bill removes the requirement to post an agenda at the location of the subsidiary body member who was participating off-site provided the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.</p> <p>Current CALAFCO Position: Watch</p>	<p>2-Year Bill</p>
<p>AB 1379 (Papan)</p>	<p>Currently, the Brown Act allows a legislative body to hold teleconferenced meetings, provided that the teleconference locations are identified in the agenda, and that each teleconference location is accessible to the public. It also requires that a quorum of the legislative body's members must participate within the boundaries of the legislative body.</p> <p>This bill was introduced in February 2023, and seeks to strike those existing teleconferencing provisions, and allow meetings to be held entirely remotely providing that: 1) an agenda is posted in a singular designated physical meeting are location situated within the local agency's jurisdiction; 2) that either a two-way audiovisual platform or two-way telephonic service is available so that the public may remotely hear, observe, and participate in the meeting; and 3) that the legislative body holds at least two in person meetings per calendar year.</p> <p>Current CALAFCO Position: Watch</p>	<p>2-Year Bill</p>
<p>SB 537 (Becker)</p>	<p>The last of the Brown Act bills seeks to add teleconferencing provisions allowing legislative bodies of multijurisdictional agencies to meet remotely.</p> <p>The bill passed out of the ALGC in July 2023. It was then amended in August 2023 to require eligible</p>	<p>2-Year Bill</p>

	<p>legislative bodies that receive compensation to participate from a physical location that is open to the public. In September 2023, the bill was moved into the inactive file where it remains.</p> <p>Current CALAFCO Position: Watch</p>	
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**2024 Legislative Session:**

The 2024 Legislative Session will convene on January 3, 2024. Attached is the 2024 Tentative Legislative Calendar.

Attachment

# 2024 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE ASSEMBLY CHIEF CLERK  
Revised 11/4/22

## DEADLINES

JANUARY						
S	M	T	W	TH	F	S
	<u>1</u>	2	<u>3</u>	4	5	6
7	8	9	<u>10</u>	11	<u>12</u>	13
14	<u>15</u>	16	17	18	<u>19</u>	20
21	22	23	24	25	26	27
28	29	30	<u>31</u>			

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** **Legislature Reconvenes** (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 12** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).
- Jan. 15** Martin Luther King, Jr. Day.
- Jan. 19** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)).
- Last day to **submit bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to **pass bills introduced** in that house in the odd-numbered year (J.R. 61(b)(3), (Art. IV, Sec. 10(c)).

FEBRUARY						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	<u>16</u>	17
18	<u>19</u>	20	21	22	23	24
25	26	27	28	29		

- Feb. 16** Last day for bills to be **introduced** (J.R. 61(b)(4), (J.R. 54(a)).
- Feb. 19** Presidents' Day.

MARCH						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	<u>21</u>	22	23
24	25	26	27	28	<u>29</u>	30
31						

- Mar. 21** **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Mar. 29** Cesar Chavez Day observed.

APRIL						
S	M	T	W	TH	F	S
	<u>1</u>	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	<u>26</u>	27
28	29	30				

- Apr. 1** Legislature Reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 26** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(b)(5)).

MAY						
S	M	T	W	TH	F	S
			1	2	<u>3</u>	4
5	6	7	8	9	<u>10</u>	11
12	13	14	15	16	<u>17</u>	18
19	<u>20</u>	21	22	23	<u>24</u>	25
26	<u>27</u>	<u>28</u>	29	30	31	

- May 3** Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 10** Last day for **policy committees** to meet prior to May 28 (J.R. 61(b)(7)).
- May 17** Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)).
- Last day for **fiscal committees** to meet prior to May 28 (J.R. 61(b)(9)).
- May 20- 24 Floor Session only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61 (b)(10)).
- May 24** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- May 27** Memorial Day.
- May 28** Committee meetings may resume (J.R. 61(b)(12)).

\*Holiday schedule subject to Senate Rules committee approval

## 2024 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE ASSEMBLY CHIEF CLERK  
Revised 11/4/22

JUNE						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	<u>15</u>
16	17	18	19	20	21	22
23	24	25	26	<u>27</u>	28	29
30						

June 15 Budget Bill must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).

June 27 Last day for a legislative measure to qualify for the Nov. 5 General Election ballot (Elections Code Sec. 9040).

JULY						
S	M	T	W	TH	F	S
	1	2	<u>3</u>	<u>4</u>	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

July 3 Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)).

**Summer Recess** begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

AUGUST						
S	M	T	W	TH	F	S
				1	2	3
4	<u>5</u>	6	7	8	9	10
11	12	13	14	15	<u>16</u>	17
18	<u>19</u>	20	21	22	<u>23</u>	24
25	26	27	28	29	30	<u>31</u>

Aug. 5 Legislature Reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 16 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(14)).

Aug. 19-31 **Floor Session only.** No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(b)(15)).

Aug. 23 Last day to **amend** on the floor (J.R. 61(b)(16)).

Aug. 31 Last day for **each house to pass bills.** (Art. IV, Sec. 10(c), (J.R. 61(b)(17)).

**Final Recess** begins upon adjournment (J.R. 51(b)(3)).

\*Holiday schedule subject to Senate Rules committee approval

### IMPORTANT DATES OCCURRING DURING FINAL STUDY RECESS

#### 2024

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 5 General Election

Nov. 30 Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).

Dec. 2 12 Noon convening of the 2025-26 Regular Session (Art. IV, Sec. 3(a)).


#### 2025

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

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**DATE:** NOVEMBER 8, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #11: EXECUTIVE OFFICER'S REPORT

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## REMINDER:

The Commission will be dark in December. Please note that the next Commission meeting will be on January 17, 2024.

## UPDATES ON PROPOSALS INCLUDING SERVICE REVIEWS/SPECIAL STUDIES, AND SPHERE OF INFLUENCE AMENDMENTS/UPDATES

- LAFCO 3259 – Reorganization to Include Annexation to the City of Loma Linda and Detachment from the San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and County Service Area 70 (Canyon Ranch Annexation)

*LAFCO staff conducted the Protest Hearing for LAFCO 3259 on October 31, 2023; LAFCO staff subsequently issued the Certificate of Completion for LAFCO 3259 on November 2, 2023*

- LAFCO 3265 – Annexation to the Bighorn-Desert View Water Agency (Assessor Parcel Number 0631-071-29)

*LAFCO staff issued the Notice of Filing for LAFCO 3265 on October 26, 2023.*

## UPDATES ON OUT-OF-AGENCY SERVICE CONTRACT DELEGATED TO THE EO:

- LAFCO SC #516 - Covenant Agreement to Annex for Sewer Service (Assessor Parcel Number 1013-191-01) -- Exempt from the Provisions of Government Code Section 56133

*The City of Chino submitted a request for authorization to provide sewer service to an existing single-family residence on said parcel. The Executive Officer made the determination that LAFCO SC#516 met the exemption provisions under Section 56133(e)(4)—an extended service that a city or district was providing on or before January 1, 2001—since the subject property had been connected to sewer since the 1990s.*

**LAFCO NEWS:**

**Governance Training Program**

The Commission will be having its first Governance Training session for FY 23/24 on November 17, 2023. The title of the session is “Introduction to Special District Finances for Board Members.” This training session will again be held at the Mojave Water Agency in Apple Valley.

**CALAFCO NEWS:**

- **CALAFCO Annual Conference**

The 2022 CALAFCO Annual Conference was held last month in Monterey. Commissioner’s Acquanetta Warren, Steven Farrell, Kimberly Cox, Jim Bagley, Jim Harvey, and staff attended the conference.

Also, congratulations to Commissioner Cox, who won the Special District seat on the CALAFCO Board. She and Chair Warren are two of the four members on the CALAFCO Board representing the Southern Region.

**CY 2024 LAFCO CALENDAR:**

Every year, LAFCO staff provides the Commission with its proposed schedule for the upcoming calendar year, which includes the Commission’s meetings, holidays, as well as the Fridays that the LAFCO Office is closed for the entire year. Enclosed is the proposed 2024 LAFCO Calendar.

Enclosure: 2024 LAFCO Calendar

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## LAFCO Office Calendar – 2024

### JANUARY 2024

1-2 *New Year's Holiday (Office Closed)*  
5 *Office Closed*  
15 *Martin Luther King Jr. Day Holiday (Office Closed)*  
17 LAFCO Meeting  
19 *Office Closed*

### FEBRUARY 2024

2 *Office Closed*  
16 *Office Closed*  
19 *Presidents' Day Holiday (Office Closed)*  
21 LAFCO Meeting

### MARCH 2024

1 *Office Closed*  
15 *Office Closed*  
20 **NO LAFCO MEETING**  
29 *Office Closed*

### APRIL 2024

12 *Office Closed*  
17 LAFCO Meeting  
24-26 LAFCO Staff Workshop -- Pleasanton  
26 *Office Closed*

### MAY 2024

10 *Office Closed*  
15 LAFCO Meeting  
24 *Office Closed*  
27 *Memorial Day Holiday (Office Closed)*

### JUNE 2024

7 *Office Closed*  
19 **NO LAFCO MEETING**  
*Juneteenth Holiday (Office Closed)*  
21 *Office Closed*

### JULY 2023

4 *Independence Day Holiday (Office Closed)*  
5 *Office Closed*  
17 LAFCO Meeting  
19 *Office Closed*

### AUGUST 2024

2 *Office Closed*  
16 *Office Closed*  
21 LAFCO Meeting  
30 *Office Closed*

### SEPTEMBER 2024

2 *Labor Day Holiday (Office Closed)*  
13 *Office Closed*  
18 LAFCO Meeting  
27 *Office Closed*

### OCTOBER 2024

11 *Office Closed*  
14 *Columbus Day Holiday (Office Closed)*  
16 **NO LAFCO MEETING** (CALAFCO Annual Conference October 16-18 -- Yosemite)  
25 *Office Closed*

### NOVEMBER 2024

8 *Office Closed*  
11 *Veteran's Day Holiday (Office Closed)*  
20 LAFCO Meeting  
22 *Office Closed*  
28-29 *Thanksgiving Day & Day After Thanksgiving Holiday (Office Closed)*

### DECEMBER 2024

6 *Office Closed*  
18 **NO LAFCO MEETING** (Tentative)  
20 *Office Closed*  
23 thru *Christmas Holiday (Office Closed)*  
Jan 1