

# **AGENDA**

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

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

**REGULAR MEETING OF FEBRUARY 21, 2024**

**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 January 17, 2024](#)
3. [Approval of Executive Officer's Expense Report](#)
4. [Ratify Payments as Reconciled and Note Cash Receipts for the Month of December 2023](#)
5. [Consent Items Deferred for Discussion](#)

### **PUBLIC HEARING ITEMS:**

6. [Consideration of \(1\) CEQA Exemption for LAFCO SC#502; and \(2\) LAFCO SC#502 - City of San Bernardino Irrevocable Agreement to Annex No. 2022-369 for Sewer Service](#)
7. [Consideration of \(1\) Review of Environmental Impact Report for Policy Plan Amendment from Very Low Density Residential \(VLDR\) to Limited Industrial \(LI\), Zoning Amendment from Single Residential – 1-Acre Minimum Lot Size with Additional Agriculture \(RS-1-AA\) to Community Industrial \(IC\), and Conditional Use Permit to Construct a 257,855 Sq. Ft. Industrial Warehouse Building with 10,000 Sq. Ft. of Office Space for a High-Cube Warehouse Facility on a total of 13.27 Acres as Responsible Agency for LAFCO SC#518; \(2\) Adoption of Facts, Findings and Statement of Overriding Considerations; and \(3\) LAFCO SC#518 - City of Rialto Extraterritorial Wastewater Agreement \(ASG Development Advisors\)](#)
8. [Consideration of \(1\) CEQA Exemption filed by the County of San Bernardino for a Minor Use Permit to Construct and Operate an Online and In-Person Auction and Vehicle Storage Yard in a Light Industrial \(LI\) Land Use Category and Community Industrial \(IC\) Zoning District as CEQA Responsible Agency for LAFCO SC#519; and \(2\) LAFCO SC#519 - City of Chino Covenant Agreement to Annex for Sewer Service \(Chino East End Industrial, LLC\)](#)

9. For LAFCO 3263 and LAFCO 3264:
  - A. Consideration of (1) CEQA Exemption for LAFCO 3263; and (2) LAFCO 3263 – Sphere of Influence Amendment (Expansion) for West Valley Water District
  - B. Consideration of (1) CEQA Exemption for LAFCO 3264; and (2) LAFCO 3264 – Annexation to West Valley Water District (APN 0254-192-02 --GATX Corporation)
10. Consideration of (1) CEQA Exemption for LAFCO 3265; and (2) LAFCO 3265 – Annexation to the Bighorn-Desert View Water Agency and its Improvement Zone CSA 70 W-1 (APN 0631-071-29)

**DISCUSSION ITEMS:**

11. Review and Accept Audit Report for Fiscal Year Ended June 30, 2023  
**(TAKEN OFF CALENDAR)**

**INFORMATION ITEMS:**

12. Legislative Update Report
13. Executive Officer's Report
14. Commissioner Comments  
(This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken on off-agenda items unless authorized by law.)

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 or with limited English proficiency 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 or language interpretation accommodations, including auxiliary aids or services, to participate in the public meeting. Later requests will be accommodated to the extent feasible.



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

**REGULAR MEETING**

**9:00 A.M.**

**JANUARY 17, 2024**

**PRESENT:**

**COMMISSIONERS:**

**Regular Member**

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

**Alternate Member**

Rick Denison  
Jim Harvey  
Kevin Kenley

**STAFF:**

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

**ABSENT:**

**COMMISSIONERS:**

**Regular Member**

Acquanetta Warren, Chair  
Phill Dupper

**Alternate Member**

Dawn Rowe

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –  
9:04 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 November 15, 2023**

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

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card Purchases from October 24, 2023, to November 22, 2023.

**4. Ratify Payments as Reconciled for the Months of October and November 2023 and Note Revenue Receipts**

Recommendation: Ratify payments as reconciled for the months of October and November 2023 and note revenue receipts for the same period.

**5. Review and Approve Agreement with Language Network, Inc. for Language Interpretation/Translation Services**

Recommendation: Staff recommends that the Commission approve the Language Services Agreement with Language Network, Inc. and authorize the Executive Officer to sign.

**6. Consent Items Deferred for Discussion**

No items are deferred for discussion.

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

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

**PUBLIC HEARING ITEMS:**

*Executive Officer Sam Martinez announces Holly Whately from Colantuono, Highsmith & Whatley will be representing the Commission as Special Counsel for Item 7.*

**7. LAFCO 3260 – Annexation to the Lake Arrowhead Community Services District (Hesperia Farms Property – District Owned)**

Recommendation: Staff recommends that the Commission approve LAFCO 3260 by taking the following actions:

1. For environmental review, certify that LAFCO 3260 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 3260, with the standard LAFCO terms and conditions that include the “hold harmless” clause for potential litigation costs by the applicant.
3. Waive protest proceedings, as permitted by Government Code Section 5662(d), with 100% landowner consent to the annexation proposal; and,
4. Adopt LAFCO Resolution #3386, setting forth the Commission’s determinations and conditions of approval concerning LAFCO 3260.

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

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

**8. LAFCO 3267 – Sphere of Influence Designation for the Twentynine Palms Public Cemetery District**

Recommendation: Staff recommends that the Commission take the following actions related to the sphere of influence designation for the Twentynine Palms Public Cemetery District:

1. Certify that LAFCO 3267 is exempt from environmental review, and direct the Executive Officer to file a Notice of Exemption within five (5) days;
2. Determine that the proposed sphere of influence designation, processed under the provisions of Government Code Section 56428, does not require a service review;
3. Approve the sphere of influence designation for the Twentynine Palms Public Cemetery District as coterminous with the District's boundaries;
4. Affirm the descriptions of the functions and services for the Twentynine Palms Public Cemetery District as identified in the San Bernardino LAFCO Policy and Procedure Manual; and
5. Adopt LAFCO Resolution No. 3389 reflecting the Commission's determinations for LAFCO 3267.

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

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

**9. LAFCO 3266 – Special Study of the Barstow Cemetery District**

Recommendation: Staff recommends that the Commission take the following actions related to LAFCO 3266:

1. Review and accept the Special Study of the Barstow Cemetery District (LAFCO 3266).
2. Direct staff to return to the Commission at its May 15, 2024, meeting with an update.

*Public Comment: Peter Castillo, Member of Task Force, Friends of Barstow Cemetery  
Cecilia Cordova, Friends of Barstow Cemetery*

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

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

**DISCUSSION ITEM:**

**10. Mid-Year Financial Review for FY 2023/24**

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

*Vice Chair Farrell states the item is to receive and file.*

**INFORMATION ITEMS:**

**10. Legislative Update Report**

Executive Officer Samuel Martinez states that there is no legislative report for today.

**11. Executive Officer's Report**

Executive Officer Samuel Martinez reminds the Commission that there will be the February Commission meeting. He also states that the Commission's second Governance Training session has been scheduled, which is a webinar on Ethics AB 1234 Compliance. He concludes his EO report stating that a new LAFCO Guide has come out and will be provided to the Commission via email and to contact staff to request a hard copy.

**12. Commissioner Comments**

Commissioner Harvey comments by asking who will be giving the AB 1234 presentation. Executive Officer Martinez responds that it is a CSDA webinar. Vice Chair wishes the Commission a happy new year and adjourns the meeting.

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

ATTEST:

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


LOCAL AGENCY FORMATION COMMISSION

\_\_\_\_\_  
STEVEN FARRELL, Vice Chair

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE :** February 12, 2024  
**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 November 23, 2023 to December 22, 2023 and December 23, 2023 to January 22, 2024.

## **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:

- November 23, 2023 to December 22, 2023
- December 23, 2023 to January 22, 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 11/23/23 to 12/22/2023	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX INCL
12/12/23	Zoom	1	Video Conferencing	Meetings	8900005012	52002305	\$16.15			
12/12/23	Amazon	2	Office Expense	HP LaserJet Pro Printer	8900005012	52002305	\$346.91			
12/12/23	Thomas West	3	Law Library Updates	Law Library Updates	8900005012	52002080	\$316.68			
12/16/23	Frontier Comm	4	Phone Service	Communication	8900005012	52002041	\$646.51			
12/21/23	Panera Bread	5	Office Expense	Barstow Cemetery District Board of Trustee Meeting	8900005012	52002305	\$20.18			

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.

Samuel Martinez		Date
		02/12/24

Approving Official (Print & Sign)	Date
Acquanetta Warren	02/21/24





## PROCUREMENT CARD PROGRAM


## ATTACHMENT G

## MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period 12/23/23 to 1/22/2024	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX INCL
01/10/24	Thomas West	1	Law Library Updates	Law Library Updates	8900005012	52002080	\$316.68			
01/12/24	Zoom	2	Video Conferencing	Meetings	8900005012	52002305	\$16.15			
01/18/24	Panera Bread	3	Office Expense	Commission Meeting	8900005012	52002080	\$49.36			
01/18/24	SmartSheet Inc.	4	Computer Software	Monthly Subscription	8900005012	52002115	\$9.00			

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 	02/12/24

Approving Official (Print & Sign)	Date
Acquanetta Warren	02/21/24

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DATE : FEBRUARY 14, 2024   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #4 - RATIFY PAYMENTS AS RECONCILED FOR  
THE MONTH OF DECEMBER 2023 AND NOTE REVENUE  
RECEIPTS

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## **RECOMMENDATION:**

Ratify payments as reconciled for the month of December 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:

- December 1 through December 1, 2023

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

SM/MT

Attachment

DECEMBER 2023 PAYMENTS PROCESSED								
Document Number	Account		Posting Date	Vendor	Invoice	Reference		Amount
1901623020	5200	2090	12/04/23	Jan Pro	95741	Janitorial Service for month of Dec 2023		\$ 588.00
1901627166	5200	2180	12/11/23	So Cal Edison	6433-12-08-23	Cust acct 700099666433 Svc Acct 8002108287		\$ 543.57
1901623003	5200	2305	12/04/23	Stericycle	8005523435	11-21-2023 Regular Service Off Site		\$ 19.25
1901623011	5200	2305	12/04/23	Angela Schell	PETTY CASH 11/28	Petty Cash Reimbursement		\$ 208.38
1901631610	5200	2315	12/18/23	Vital Records Control	3899544LAX1	Inv 3899544LAX1		\$ 118.00
1901625552	5200	2400	12/07/23	Best, Best, Krieger	982351	Legal Counsel		\$ 2,344.00
1901625554	5200	2400	12/07/23	Best, Best, Krieger	982350	Legal Counsel		\$ 1,014.80
1901623002	5200	2445	12/04/23	Rebecca Lowery	10	Invoice for Nov. 16 - Nov. 30, 2023		\$ 625.00
1901625560	5200	2895	12/07/23	Konica Minolta	43667336	Konica Invoice 43667336		\$ 75.48
1901625560	5200	2895	12/07/23	Konica Minolta	43667336	Konica Invoice 43667336		\$ 365.38
1901623001	5294	2940	12/04/23	Kimberly Cox	COX10-17-23	CALAFCO Conference, Mileage		\$ 80.95
1901623001	5294	2944	12/04/23	Kimberly Cox	COX10-17-23	CALAFCO Conference, Car Rental		\$ 197.46
1901623001	5294	2946	12/04/23	Kimberly Cox	COX10-17-23	CALAFCO Conference, Other Travel Expense		\$ 72.00
TOTAL								\$ 6,252.27
DECEMBER 2023 COUNTY TRANSFERS PROCESSED								
4103195179	5200	2031	12/01/23	IT		NOV 2023 Payroll System Services (EMACS)		\$ 83.88
4103195180	5200	2032	12/01/23	IT		NOV 2023 Virtual Private Network (VPN)		\$ 20.76
4103195182	5200	2037	12/01/23	IT		NOV 2023 Dial Tone		\$ 249.84
4103212275	5200	2305	12/25/23	Purchasing		7622010986000001		\$ 36.98
4103195189	5200	2420	12/01/23	IT		NOV 2023 File Sharing Storage		\$ 100.18
4103195189	5200	2420	12/01/23	IT		NOV 2023 Wireless Device (Exchange Active Sync)		\$ 32.28
4103195189	5200	2420	12/01/23	IT		NOV 2023 Enterprise Content Management		\$ 115.00
4103195189	5200	2420	12/01/23	IT		NOV 2023 Data Storage and Backup		\$ 100.76
4103195190	5200	2421	12/01/23	IT		NOV 2023 Desktop Support Services		\$ 879.93
4103195186	5241	2410	12/01/23	IT		IT Infrastructure - Period 6		\$ 711.00
4103212275	5540	5012	12/25/23	P		7622010986000001		\$ 308.20
1901629072	5294	2940	12/13/23	Art Pastor		*Trip from 11/17/23 To 11/17/23 to Apple Valley, Mileage		\$ 18.34
1901629072	5294	2943	12/13/23	Art Pastor		*Trip from 11/17/23 To 11/17/23 to Apple Valley, Meal		\$ 11.30
4200126424	5200	2310	12/15/23	Mail		Mail Services - DEL		\$ 193.04
4200126425	5200	2310	12/15/23	Mail		Mail Services - FLAT		\$ 14.02
4200126426	5200	2310	12/15/23	Mail		Mail Services - HAN		\$ 119.45
4200125830	5200	2323	12/04/23	Purchasing		N15539 - Emacs Reports 11-23-23		\$ 8.24
4200126082	5200	2323	12/08/23	Purchasing		N15645 - Emacs Reports 11-10-23		\$ 8.74
TOTAL								\$ 3,011.94
DECEMBER 2023 CASH RECEIPTS								
4103197579	various		12/19/23	City of San Bernardino		Service Contract #502		\$ 4,624.00
4103195742	various		12/18/23	City of Rialto		Service Contract #518		\$ 3,568.00
4103195742	various		12/18/23	City of Chino		Service Contract #519		\$ 3,568.00
4103195742	4070	9800	12/18/23	City of Chino		Service Contract #520		\$ 606.00
4103195742	various		12/18/23	City of Chino		LAFCO 3268 (Chino East End Annexation)		\$ 13,444.00
TOTAL								\$ 25,810.00



DECEMBER 2023 COUNTY TRANSFERRED RECEIVED							
				none			
TOTAL							\$ -
COMPLETED BY: MICHAEL TUERPE				APPROVED BY: SAMUEL MARTINEZ			
Assistant Executive Officer				Executive Officer			
Date: 2/13/2024				2/13/2024			


*Michael Tuerpe*

*Samuel Martinez*

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**DATE:** FEBRUARY 14, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #6: LAFCO SC#502 - CITY OF SAN BERNARDINO  
IRREVOCABLE AGREEMENT TO ANNEX NO. 2022-369 FOR SEWER  
SERVICE

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## **INITIATED BY:**

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

## **RECOMMENDATION:**

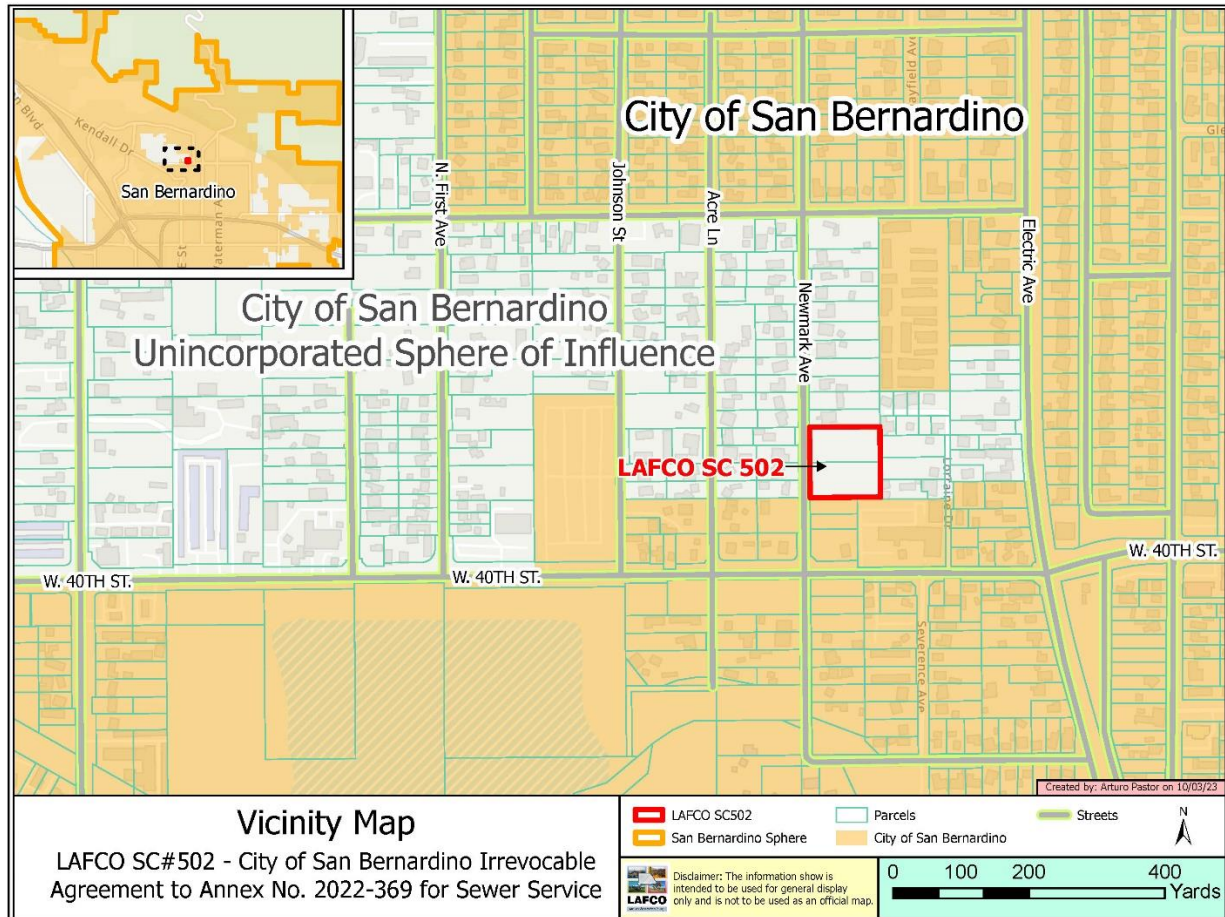
Staff recommends that the Commission approve LAFCO SC#502 by taking the following actions:

1. Certify that LAFCO SC#502 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#502 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Numbers 0271-031-03 and 0271-031-04.
3. Adopt LAFCO Resolution #3393 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

## **BACKGROUND:**

The City of San Bernardino (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service outside its boundaries to two adjacent parcels, Assessor Parcel Numbers 0271-031-03 and 0271-031-04, which comprises a total of 1.5 acres generally located on the

east side of Newmark Avenue, between 41<sup>st</sup> and 40<sup>th</sup> Streets, within the City of San Bernardino's northern sphere of influence, in the unincorporated Arrowhead Farms community. The vicinity map below, which is also included as Attachment #1, provides the location of the parcels.



Vicinity Map

The property owner/developer intends to build 14 apartment units on each of the parcels for a total of 28 units, which requires connection to the City's water and sewer facilities.

Note that in May 2010, the Commission confirmed that the provision of water service by the City within the area previously served by the Arrowhead Valley Mutual Water Company—which includes both APNs 0271-031-03 and 0271-031-04—is exempt from further LAFCO review through approval of LAFCO SC#352. Therefore, the provision of water service to the project is not considered as part of this authorization request.

However, the extension of sewer service will require a contract with the City for the provision of its sewer service outside its boundaries. Therefore, the City, on behalf of



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

### **PLAN FOR SERVICE:**

The City's application identifies that sewer service to the parcel will be provided through extension of a sewer main from the existing 27-inch sewer main in 40<sup>th</sup> Street to the parcels' north property line.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside the agency's boundaries. The City estimates a total of \$134,030 (known costs) for the extension of sewer service to the project. Following is a table with a breakdown of the fee calculation:

<b>Description of Fees/Charges</b>	<b>Cost</b>	<b>Total Cost</b>
Sewer Treatment Capacity Charge	\$3,500/unit	\$98,000.00
Sewer Collection Capacity Charge	\$420/bdrm	35,280.00
Application for Sewer Main Extension	\$750	750.00
Sewer Main Extension Plan Check Fees		<b>TBD</b>
Sewer Main Extension Inspection Fees		<b>TBD</b>
<b>Total Known Costs</b>		<b>\$134,030.00</b>

\*Plan check and inspection fees are to be determined at a later date.

In addition to the cost outlined above, the property owner/developer will be responsible for the entire cost of the sewer connection from the existing sewer main and extending along the frontage of the parcels as well as the lateral extension from the sewer main to the project.

### **ENVIRONMENTAL DETERMINATION:**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has reviewed this service contract application and has indicated that it is his recommendation that the review of LAFCO SC#502 is exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the out-of-agency service agreement has no potential to cause a significant adverse impact on the environment. 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 development of the 28-unit apartment complex requires that it receive water and sewer service from the City of San Bernardino.

For water service, the Commission has previously confirmed that the provision of water service within the area—which includes both parcels, APN APNs 0271-031-03 and 0271-031-04—is exempt from LAFCO review. Therefore, there is no issue with the provision of water service by the City.

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

Staff has reviewed this request for authorization to provide sewer service from the City outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide sewer service to APNs 0271-031-03 and 0271-031-04 since its facilities are near the project area, and there is no other existing entity available to provide this service within the area.

## **DETERMINATIONS:**

1. The project area, Assessor Parcel Numbers 0271-031-03 and 0271-031-04, is within the sphere of influence assigned the City of San Bernardino and is anticipated to become a part of that City sometime in the future. The project requires connection to the City's water and sewer facilities.

For water service, the Commission has previously confirmed that the provision of water service by the City of San Bernardino within the area previously served by the Arrowhead Valley Mutual Water Company—which include said parcels—is exempt from LAFCO review.

Therefore, this application requests authorization to receive City of San Bernardino sewer service only. Approval of the City's request for authorization to provide sewer service is necessary in order for the project to proceed.

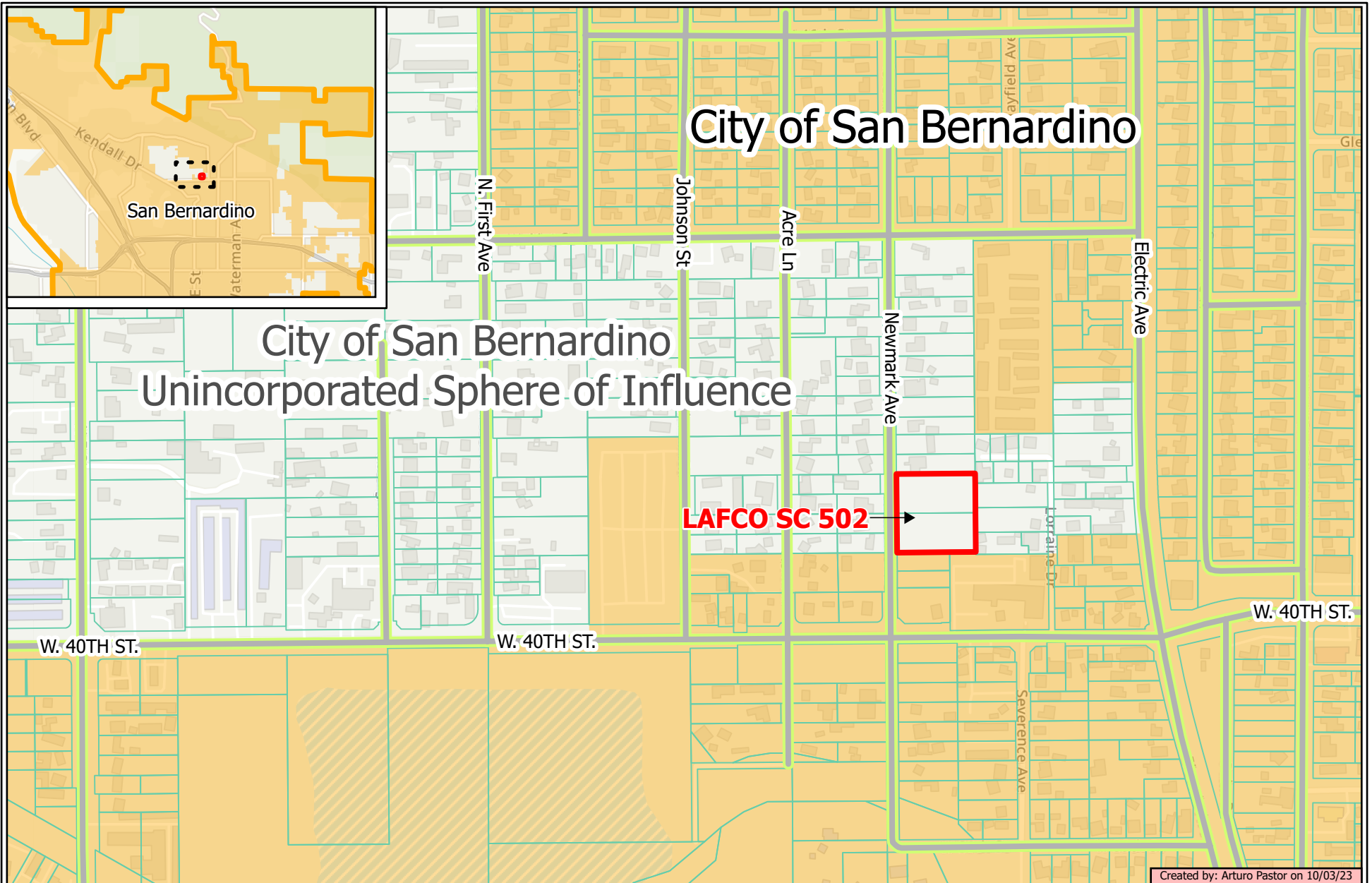
2. The City of San Bernardino's Irrevocable Agreement to Annex No. 2022-369 being considered is for the provision of sewer service to Assessor Parcel Numbers 0271-031-03 and 0271-031-04. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner/developer and the City of San

Bernardino to proceed in finalizing the contract for the extension of sewer service.

3. The City of San Bernardino estimates a total of \$134,030 (known costs) for the extension of sewer service to the project. Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owner/developer shall bear all costs to complete improvements needed to extend sewer service to the project.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review under the "Common Sense Rule" since it has no potential to cause a significant adverse impact on the environment (Section 15061[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this proposal is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines. The Commission hereby adopts the Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

Attachments:

1. [Vicinity Map](#)
2. [City of San Bernardino's Application and Contract](#)
3. [Response from Tom Dodson and Associates](#)
4. [Draft Resolution #3393](#)



## Vicinity Map

LAFCO SC#502 - City of San Bernardino Irrevocable Agreement to Annex No. 2022-369 for Sewer Service



LAFCO SC502



San Bernardino Sphere



Parcels



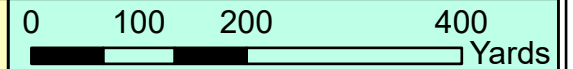
City of San Bernardino



Streets



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



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

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

**AGENCY TO EXTEND SERVICE:**

AGENCY NAME: San Bernardino Municipal Water Department

CONTACT PERSON: Ted Brunson

ADDRESS: 397 Chandler Place  
San Bernardino, CA 92408

PHONE: (909) 453-6165

EMAIL: Ted.Brunson@sbmwd.org

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: Chicali Holdings, LLC

CONTACT PERSON: Mr. Frank Huizar

MAILING ADDRESS: 16110 S. Menlo Avenue #11  
Gardena, CA 90247

PHONE: (310) 985-8824

EMAIL: Frank@HBC.ms

ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: Unassigned Address  
Arrowhead Farms, CA 92407

CONTRACT NUMBER/IDENTIFICATION: 2022-002

PARCEL NUMBER(S): 0271-031-03 & 04

ACREAGE: 1.51 acres (65,972 square feet)

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

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

Sanitary Sewer Collection (Collection Capacity)

Sanitary Sewage Treatment (Treatment Capacity)

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

Existing wastewater treatment plant has available treatment capacity. However, the nearest available sanitary sewer is an 8-inch vitrified clay pipe (VCP) located approximately 215 feet from the project site, located at the intersection of Newmark Avenue and 40th Street. In order for the subject property to make a connection to the public sanitary sewer system, a Developer-Installed main extension will be required.

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

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

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

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

Developer will need to install a sewer main extension in order to receive sewer service.

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

City of San Bernardino may elect to annex contiguous portions of Arrowhead

Farms over time. No time frame exists. Goals of providing the City the future

opportunity to annex will be furthered by Irrevocable Annexation Agreements

for new sewer connections. Irrevocable Agreement to Annex No. 2022-369,

recorded 10/20/2022, commits the subject parcels to later annexation by City.



- (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.

City of San Bernardino may elect to annex contiguous portions of Arrowhead

Farms over time. City Real Property Section determined that they would not pursue  
annexation for the two project parcels at this time. No time frame exists.

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

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

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

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

Two residential lots (undeveloped).

\_\_\_\_\_

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

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

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

Project will develop two adjacent parcels by constructing fourteen three-bedroom

residences on each parcel. The project has submitted Building, Planning, and Fire

applications to County of San Bernardino. Permitting efforts ongoing.

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

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

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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.

SBMWD 27" VCP sanitary sewer main exists in West 40th Street, south of the  
property. Capacity exists in this 27" sanitary sewer main, as well as at the San  
Bernardino Water Reclamation Plant, to serve this contract property. Sewer  
main extension to be installed by owner's licensed contractor (Class A or Classes  
C-34 & C-42), from existing sewer in 40th Street to parcels' north property line  
All necessary permits for excavation and pavement replacement to be obtained  
by owner's contractor with the respective governing agencies. SBMWD to  
provide sewer connection permit and certificate of paid sewer capacity fees.  
SBMWD to perform plan check for sewer main extension design and inspection

Extension of Service by Contract  
Application Form

(FOR LAFCO USE ONLY)

during construction of sewer main extension, both at owner's sole expense.

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

Description of Fees/Charges	Cost	Total
Sewer Treatment Capacity Fee	\$3,500.00/Unit	\$98,000.00
Sewer Collection Capacity Fee	\$420.00/Bdrm	\$35,280.00
Application for Sewer Main Extension	\$750.00	\$750.00
*Sewer Main Extension Plancheck Fees	*PLANCHECK AND INSPECTION FEES TO BE DETERMINED. PROJECT HAS NOT YET APPLIED FOR A DEVELOPER-INSTALLED SEWER MAIN EXTENSION.	
*Sewer Main Extension Inspection Fees		
<b>Total Costs</b>		\$134,030.00+*

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

Outside City Sewer Service Permit Application Fee

Fee amounts to \$1,125.00, due upon receipt of SBMWD application for

sewer service. Fee was paid by project applicant on 05/03/22.

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

Not applicable.

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

## CERTIFICATION

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

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

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

*Extension of Service by Contract  
Application Form*

(FOR LAFCO USE ONLY)

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

SIGNED



NAME:

Ted Brunson

POSITION TITLE:

Development Services Manager

DATE:

Mar 20, 2023

REQUIRED EXHIBITS TO THIS APPLICATION:

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

Please forward the completed form and related information to:

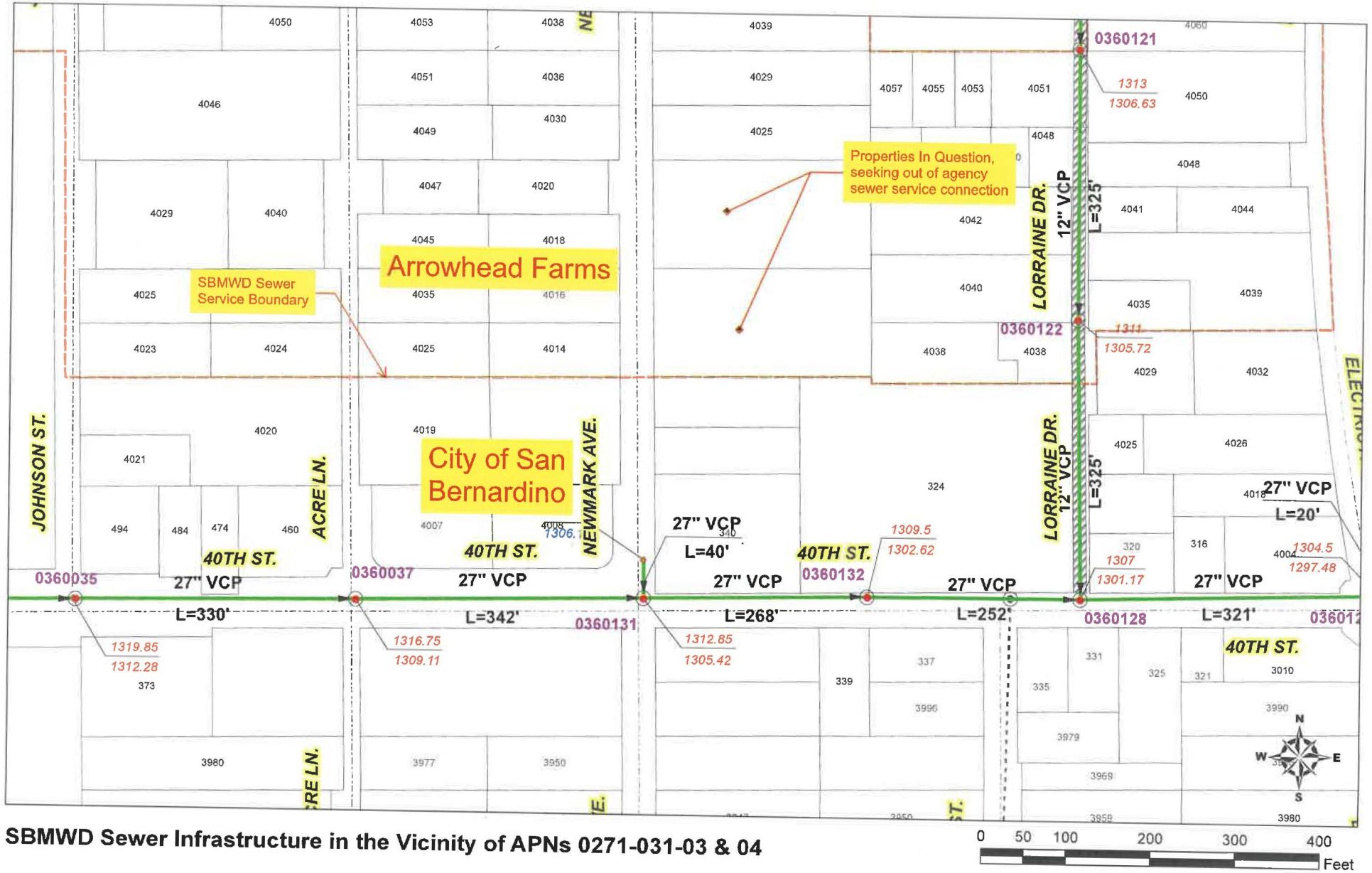
**Local Agency Formation Commission for San Bernardino County**

1170 West 3rd Street, Unit 150

San Bernardino, CA 92415-0490

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

Rev: krm – 8/19/2015







Recorded in Official Records  
San Bernardino County

Assessor-Recorder-County Clerk

DOC # 2022-0349015

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:  
*Jessica Parag*  
City of San Bernardino  
290 N. D Street  
San Bernardino, California 92401  
Attn: City Manager

10/20/2022  
02:26 PM  
SAN  
T1585

Titles: 1 Pages: 7

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

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

(Space above for Recorder's use)

**IRREVOCABLE AGREEMENT TO ANNEX**  
**No. 2022-369**

This Irrevocable Agreement to Annex ("Agreement"), is entered into this 21<sup>st</sup> day of September, 2022; by and between Chicali Holdings, LLC, a California limited liability company, hereinafter referred to as "OWNER," and the CITY OF SAN BERNARDINO, a charter city and municipal corporation, hereafter referred to as a "CITY." OWNER and CITY may be referred to in this Agreement individually as "Party" and collectively as "Parties".

**RECITALS:**

WHEREAS, OWNER holds title to the two parcels located east of Newmark Avenue, between 40<sup>th</sup> Street and 44<sup>th</sup> Street, San Bernardino, California, and parcels are further described as follows:

THE NORTH 128 FEET OF THE SOUTH 384 FEET OF LOT 12, OF ARROWHEAD SUBURBAN FARMS, TRACT "A", AND THE SOUTH 128 FEET OF THE NORTH 256 FEET OF LOT 12, OF ARROWHEAD FARMS, TRACT "A", IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 21. PAGE 6 OF MAPS, RECORDS OF SAID COUNTY, TOGETHER WITH TWO (2) SHARES OF ARROWHEAD VALLEY MUTUAL WATER COMPANY CAPITAL STOCK with Assessor's Parcel Number(s): 0271-031-03 & 04 ("Property").

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

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

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

WHEREAS, CITY's sewage system and wastewater treatment plant have sufficient

capacity to convey and treat the sewage generated by the Property; and

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

NOW, THEREFORE, the Parties hereto agree as follows:

**SECTION I****OWNER AGREES:**

- a. To consent to the annexation of the Property to the CITY. OWNER agrees to covenant for itself, its agents, employees, contractors, heirs, successors and assigns ("Successors") not in any way object to, protest, delay, frustrate or otherwise impede any annexation proceedings concerning the annexation of the Property to the CITY. OWNER and its Successors shall cooperate in every reasonable way with the requests of the CITY, the San Bernardino Local Agency Formation Commission ("LAFCO"), or any other public agency in any proceedings to annex the Property to the CITY. The OWNER's and its Successor's cooperation shall include, but not be limited to, the filing of all necessary applications, petitions, plans, drawings, and any other documentation or information required by the CITY, LAFCO, or any other public agency.
- b. To pay such annexation fees and costs and other municipal charges as would ordinarily be charged in the annexation of property to the CITY. Said fees shall be payable when the same becomes due and payable.
- c. To pay all fees and charges and make all deposits required by the CITY to connect to and use the CITY's sewage system and wastewater treatment plant service system, and further agrees to be bound by all CITY ordinances, rules and regulations respecting the sewage system.
- d. To acknowledge that execution of this Agreement to annex is on behalf of all future heirs, successors and assigns; and that said Agreement shall be irrevocable without written consent of CITY.
- e. To comply with the San Bernardino Municipal Code, General Plan (emphasis on the circulation plan-street section) and any rules and regulations promulgated by the Water Board of the San Bernardino Municipal Water Department relating to CITY's sewage system and wastewater treatment plant service system.
- f. To make application to LAFCO, and allow CITY to make application on behalf of the OWNER and pay all application fees, for approval to connect to CITY's sewage system, pursuant to Section 56133 of the Government Code.
- g. To execute a standard form agreement with CITY stipulating the terms and conditions under which the connection to the CITY's sewage system and wastewater treatment plant service system shall be made and maintained.
- h. OWNER acknowledges and agrees that if CITY determines that any attempted annexation fails or is unreasonably delayed because the OWNER or Successor failed to exercise good faith and best efforts to cause or assist in permitting the annexation to occur, any connection to CITY's sewage system and wastewater treatment plant service system permitted or authorized by this agreement may

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

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

**SECTION II**      **CITY AGREES:**

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

**SECTION III**      **BE IT MUTUALLY AGREED, AS FOLLOWS:**

- a. City Clerk for CITY shall record this Agreement with the County Recorder.
- b. The benefit to the subject parcel will inure to the benefit of subsequent owners, their heirs, successors, and assigns, and the agreements, conditions, and covenants contained herein shall be binding upon them and upon the land.
- c. The approval granted to connect said parcel to CITY's sewage system and wastewater treatment plant service system is contingent upon OWNER securing approval from LAFCO.
- d. This Agreement may be executed in counterparts.
- e. CITY and OWNER acknowledge that this Agreement is the product of mutual arms-length negotiation and drafting. Accordingly, the rule of construction which provides the ambiguities in a document shall be construed against the drafter of that document shall have no application to the interpretation and enforcement of this Agreement. In any action or proceeding to interpret or enforce this Agreement, the finder of fact may refer to any extrinsic evidence not in direct conflict with any specific provision of this Agreement to determine and give effect to the intention of the parties.
- f. This Agreement may only be amended by the written consent of all of the Parties at the time of such amendment. If either Party commences an action against the other Party arising out of or in connection with this Agreement, the

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

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

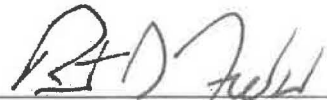
**SIGNATURE PAGE TO IRREVOCABLE AGREEMENT TO ANNEX**


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

**CITY OF SAN BERNARDINO**

**OWNER**

*Approved By:*

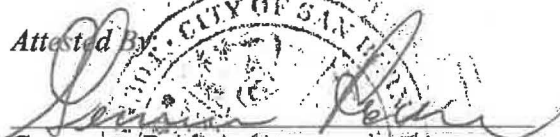
  
\_\_\_\_\_  
Robert D. Field  
City Manager

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Frank Huizar  
Name

*Attested By:*

  
\_\_\_\_\_  
Genoveva Rocha  
CMC, City Clerk



**ACKNOWLEDGMENT**

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

State of California

County of Los Angeles

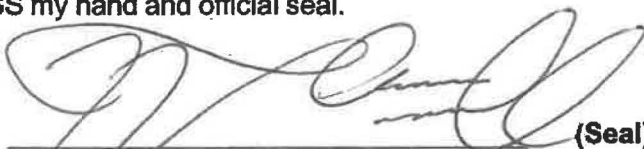
On August 8<sup>th</sup>, 2022 before me, Mario C. Morillo, Notary Public  
(insert name and title of the officer)

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

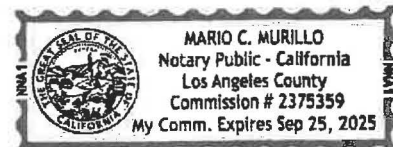
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

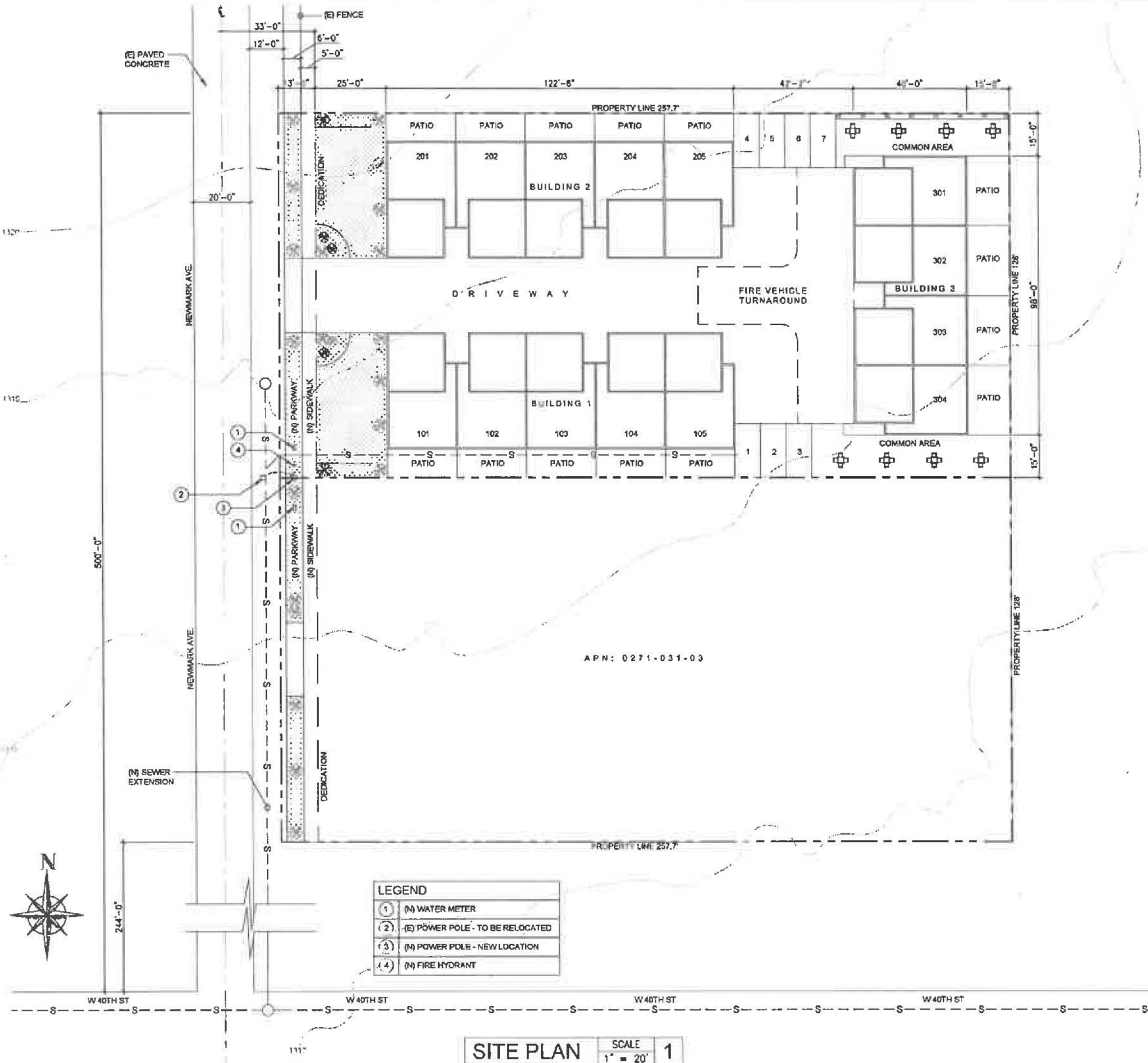


(Seal)

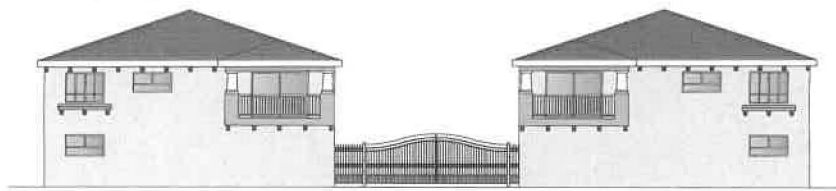








**SITE PLAN** SCALE 1" = 20' 1



**PROPOSED ELEVATION** SCALE 1/8" = 1' 1

### 28-UNIT APARTMENTS

NEWMARK AVE, SAN BERNARDINO, CA  
(ARROWHEAD FARMS)

APN 0271-031-03 14 UNITS 3 BEDROOMS, 2 1/2 BATHROOMS

1,283 SQ.FT. x 14 = 17,962 SQ.FT.  
17,962 SQ.FT.  
35,924 SQ.FT.

(2-CAR GARAGE)  
409.5 SQ.FT. EA x 28 = 11,466 SQ.FT.  
47,390 SQ.FT.

#### PARKING

14 UNITS X 2.5 = 35 PARKING SPACES REQUIRED

(14) 2-CAR GARAGE = 28  
(7) OPEN PARKING SPACES = 7  
35

APN 0271-031-04 14 UNITS 3 BEDROOMS, 2 1/2 BATHROOMS

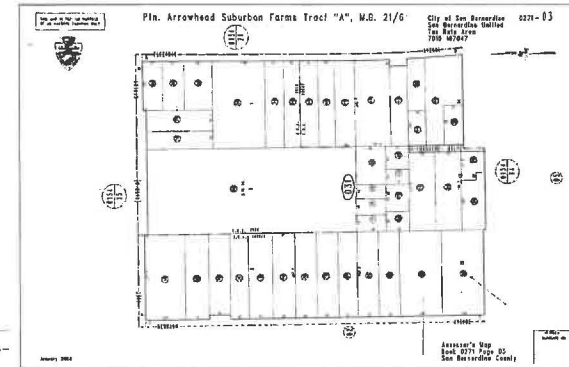
1,283 SQ.FT. x 14 = 17,962 SQ.FT.  
17,962 SQ.FT.  
35,924 SQ.FT.

(2-CAR GARAGE)  
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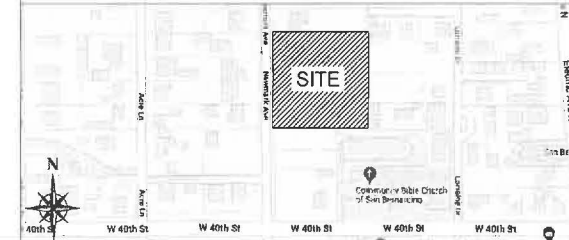
#### PARKING

14 UNITS X 2.5 = 35 PARKING SPACES REQUIRED

(14) 2-CAR GARAGE = 28  
(7) OPEN PARKING SPACES = 7  
35



**VICINITY MAP**



## SITE PLAN ELEVATION

Huizar Apartments:  
28-Unit Apartments  
Newmark Ave.  
San Bernardino, CA 92407  
APN: 0271-031-03, 0271-031-04

Project number	04-20-2022
Date	
Drawn by	JH
Checked by	
<b>A - 1.1</b>	
Scale	AS INDICATED

# **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



February 2, 2024

Mr. Samuel Martinez  
Executive Officer  
Local Agency Formation Commission  
1170 West 3<sup>rd</sup> Street, Unit 150  
San Bernardino, CA 92415-0480

**RECEIVED**

**FEB 05 2024**

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

Dear Sam:

I have completed the California Environmental Quality Act (CEQA) review of out-of-area service contract, LAFCO SC#502 for the Commission. LAFCO SC#502 consists of a request by the City of San Bernardino to authorize an out-of-agency wastewater service agreement for a 28-unit apartment complex on two multi-family residential parcels (APN 0271-031-03 and 0271-031-04). These parcels are located in the Arrowhead Farms unincorporated community of the City's northern Sphere of Influence on Newmark Avenue north of 40<sup>th</sup> Street. Refer to the attached Vicinity Map. Development of this apartment complex is allowed by right in San Bernardino County based on the RM (Multiple Residential) land use designation. Approval of LAFCO SC#502 would allow the City of San Bernardino to extend wastewater service (both collection and treatment) services to these properties from a sewer line located about 215 feet south in 40<sup>th</sup> Street.

Based on the above proposal and the analysis and findings presented below, I conclude that LAFCO SC#502 can be implemented without causing significant adverse environmental impacts. As noted, the administrative record does not identify any action by the County to comply with the California Environmental Quality Act (CEQA) for this proposed project. Therefore, LAFCO will consider this extension of service as the CEQA lead agency. Based on the proposal to construct up to 28 three-bedroom residences on these Arrowhead Farms parcels, the previous engineering of the area as part of a tract development, and the available service lines in close proximity to the site, I conclude that this project has no potential to cause a significant adverse impact on the environment. Further, this 1.5-acre project will function essentially as an infill development within the community, even though it is not currently within the City.

Therefore, I recommend that LAFCO SC#502 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. See the attached definition. The Commission can approve this review and finding for this action based on the preceding analysis, and I recommend that you notice LAFCO SC#502 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#502 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 substantiation in accordance with the Commission's CEQA lead agency status. If you have any questions regarding this recommendation, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Dodson". The signature is written in a cursive, flowing style.

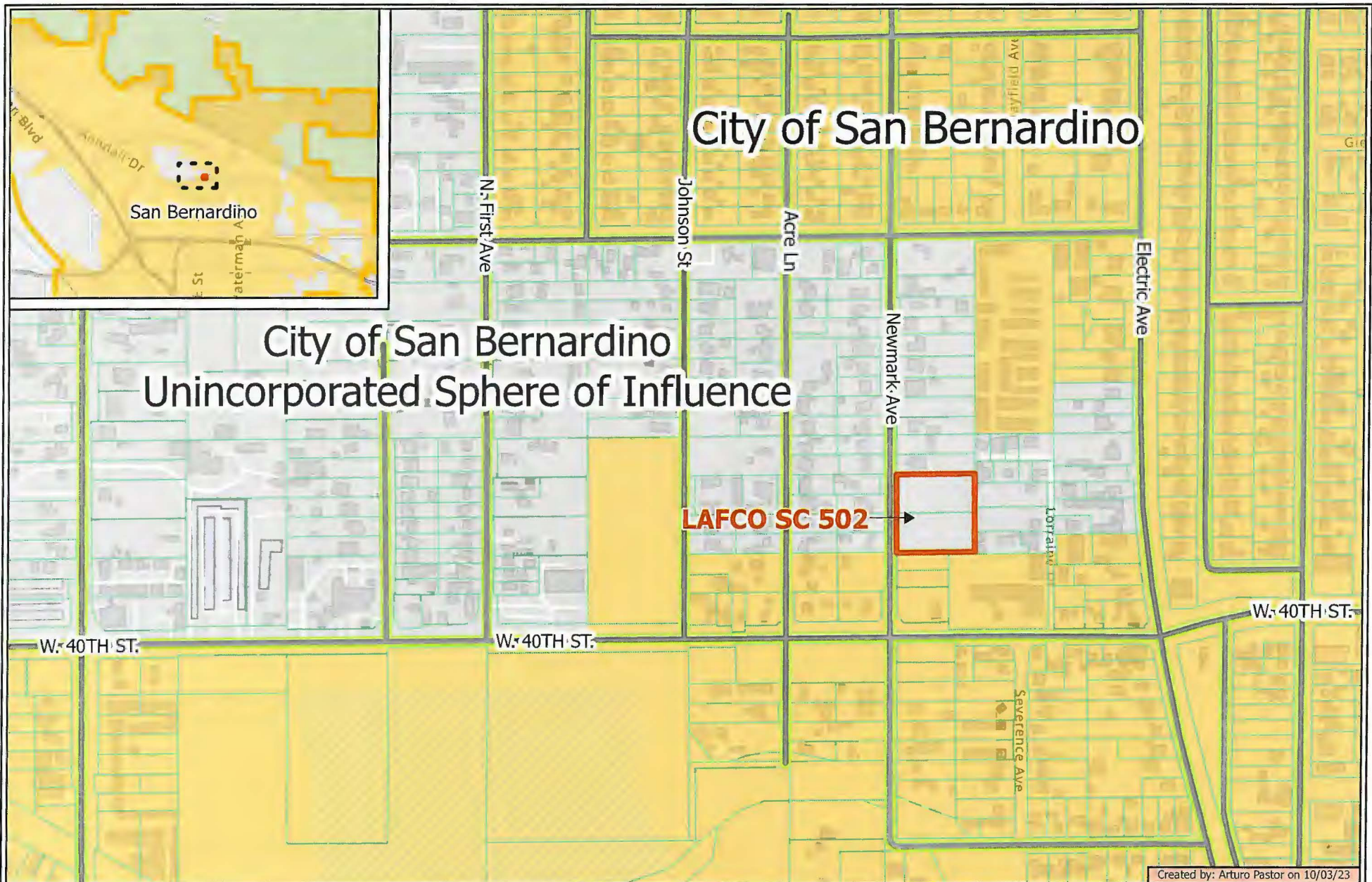
Tom Dodson

TD/cmc

Attachments

LA-1062/LAFCO SC#502 SE NOE





Created by: Arturo Pastor on 10/03/23

## Vicinity Map

LAFCO SC#502 - City of San Bernardino Irrevocable Agreement to Annex No. 2022-369 for Sewer Service



LAFCO SC502



San Bernardino Sphere



Parcels



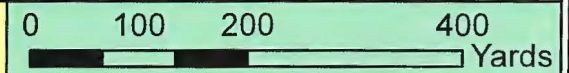
Streets



N



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



**Note:** Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 65944, Government Code; Section 21080.2, Public Resources Code.

#### 15060.5. PREAPPLICATION CONSULTATION

- (a) For a potential project involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the lead agency shall, upon the request of a potential applicant and prior to the filing of a formal application, provide for consultation with the potential applicant to consider the range of actions, potential alternatives, mitigation measures, and any potential significant effects on the environment of the potential project.
- (b) The lead agency may include in the consultation one or more responsible agencies, trustee agencies, and other public agencies who in the opinion of the lead agency may have an interest in the proposed project. The lead agency may consult the Office of Permit Assistance in the Trade and Commerce Agency for help in identifying interested agencies.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21080.1, Public Resources Code.

#### 15061. REVIEW FOR EXEMPTION

- (a) Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA.
- (b) A project is exempt from CEQA if:
  - (1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).
  - (2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.
  - (3) The activity is covered by the ~~general rule~~common sense exemption that CEQA applies only to projects which have the potential for causing a 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.
  - (4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).
  - (5) The project is exempt pursuant to the provisions of Article 12.5 of this Chapter.
- (c) Each public agency should include in its implementing procedures a listing of the projects often handled by the agency that the agency has determined to be exempt. This listing should be used in preliminary review.
- (d) After determining that a project is exempt, the agency may prepare a Notice of Exemption as provided in Section 15062. Although the notice may be kept with the project application at this time, the notice shall not be filed with the Office of Planning and Research or the county clerk until the project has been approved.
- (e) When a non-elected official or decisionmaking body of a local lead agency decides that a project is exempt from CEQA, and the public agency approves or determines to carry out the project, the decision that the project is exempt may be appealed to the local lead agency's elected decisionmaking body, if one exists. A local lead agency may establish procedures governing such appeals.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Sections 21080~~(b)~~, 21080.9, 21080.10, 21084, 21108~~(b)~~, 21151, 21152~~(b)~~, and 21159.21, Public Resources Code; Muzzy Ranch Co. v. Solano County Airport Land Use Commission (2007) 41 Cal. 4th 372, No Oil, Inc. v. City of Los Angeles (1974) 13 Cal. 3d 68.



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

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

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**PROPOSAL NO.: LAFCO SC#502**

**HEARING DATE: FEBRUARY 21, 2024**

## **RESOLUTION NO. 3393**

### **A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#502 – CITY OF SAN BERNARDINO IRREVOCABLE AGREEMENT TO ANNEX NO. 2022-369 FOR SEWER SERVICE**

**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 February 21, 2024 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;



## RESOLUTION NO. 3393

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

### **DETERMINATIONS:**

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

1. The project area, Assessor Parcel Numbers 0271-031-03 and 0271-031-04, is within the sphere of influence assigned the City of San Bernardino and is anticipated to become a part of that City sometime in the future. The project requires connection to the City's water and sewer facilities.

For water service, the Commission has previously confirmed that the provision of water service by the City of San Bernardino within the area previously served by the Arrowhead Valley Mutual Water Company—which include said parcels—is exempt from LAFCO review.

Therefore, this application requests authorization to receive City of San Bernardino sewer service only. Approval of the City's request for authorization to provide sewer service is necessary in order for the project to proceed.

2. The City of San Bernardino's Irrevocable Agreement to Annex No. 2022-369 being considered is for the provision of sewer service to Assessor Parcel Numbers 0271-031-03 and 0271-031-04. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner/developer and the City of San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The City of San Bernardino estimates a total of \$134,030 (known costs) for the extension of sewer service to the project. Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owner/developer shall bear all costs to complete improvements needed to extend sewer service to the project.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review under the "Common Sense Rule" since it has no potential to cause a significant adverse impact on the environment (Section 15061[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this proposal is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines. The Commission hereby adopts the Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

**SECTION 2. CONDITION.** The City of San Bernardino shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal

## RESOLUTION NO. 3393

expense, legal action, or judgment arising out of the Commission's approval of this service contract, including any reimbursement of legal fees and costs incurred by the Commission.

**SECTION 3.** The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of San Bernardino to provide sewer service to Assessor Parcel Numbers 0271-031-03 and 0271-031-04.

**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#502 – City of San Bernardino Irrevocable Agreement to Annex No. 2022-369 for Sewer Service, has been approved.

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

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

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

**ABSENT: COMMISSIONERS:**

\* \* \* \* \*

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

**I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of February 21, 2024.**


**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** FEBRUARY 14, 2024  
**FROM:** SAMUEL MARTINEZ, Executive Officer   
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #7: LAFCO SC#518 – CITY OF RIALTO EXTRATERRITORIAL  
WASTEWATER AGREEMENT (ASG DEVELOPMENT ADVISORS)

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**INITIATED BY:**

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

**RECOMMENDATION:**

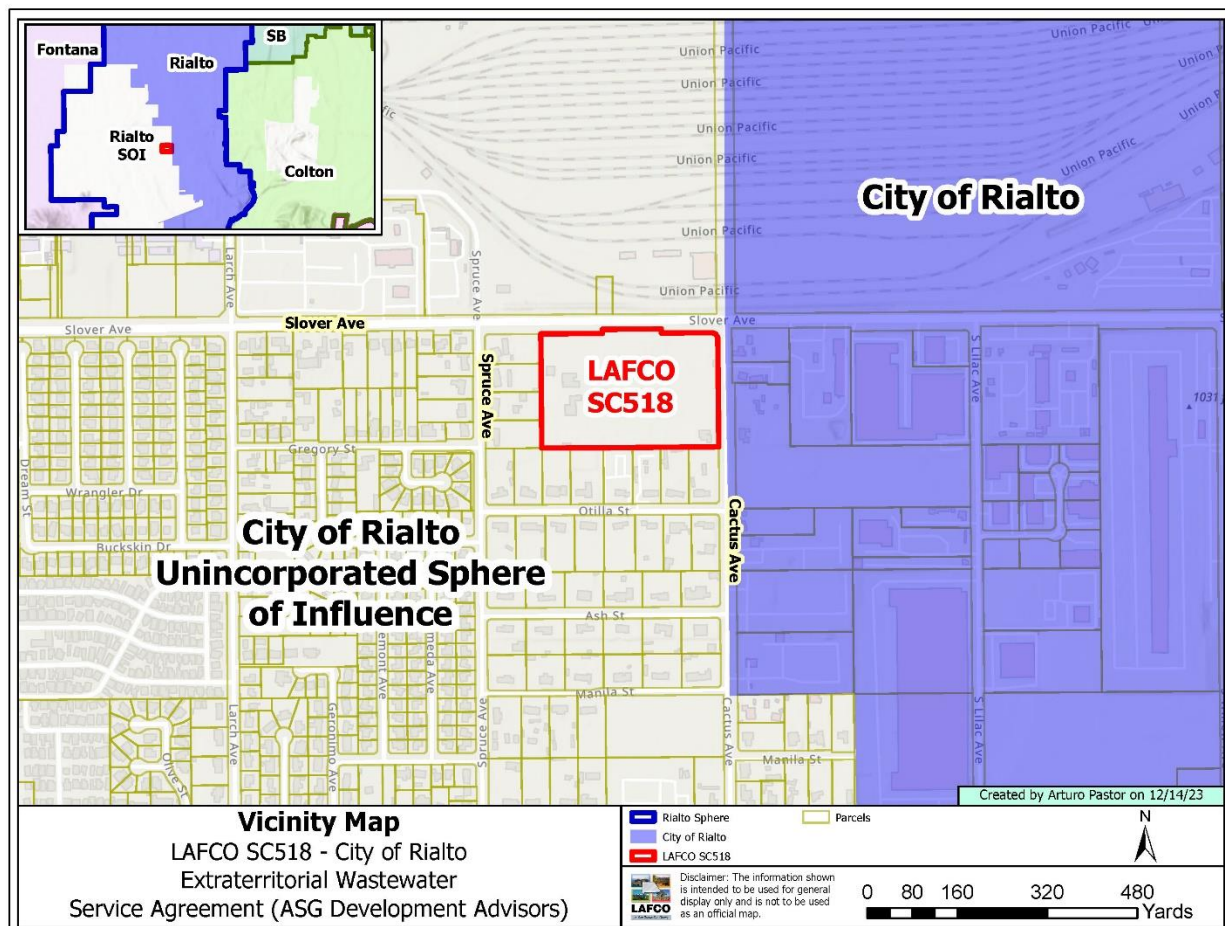
Staff recommends that the Commission approve LAFCO SC#518 by taking the following actions:

1. For environmental review as a responsible agency:
  - a. Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the County of San Bernardino for the Slover/Cactus Avenue Warehouse Project (SCH No. 2019039033) have been independently reviewed and considered by the Commission, its staff, and its Environmental Consultant;
  - b. Determine that the Complete Final EIR for the project prepared by the County of San Bernardino is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determinations related to LAFCO SC#518;
  - c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the Slover/Cactus Avenue Warehouse Project, and that the mitigation measures identified for the project are the responsibility of the County and others, not the Commission;
  - d. Adopt the Facts, Findings and Statement of Overriding Considerations regarding environmental effects from approval of LAFCO SC#518; and,

- e. Direct the Executive Officer to file a Notice of Determination for LAFCO SC#518 within five days.
2. Approve LAFCO SC#518 authorizing the City of Rialto to extend sewer service outside its boundaries to Assessor Parcel Number 0257-071-70; and,
3. Adopt LAFCO Resolution #3394 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

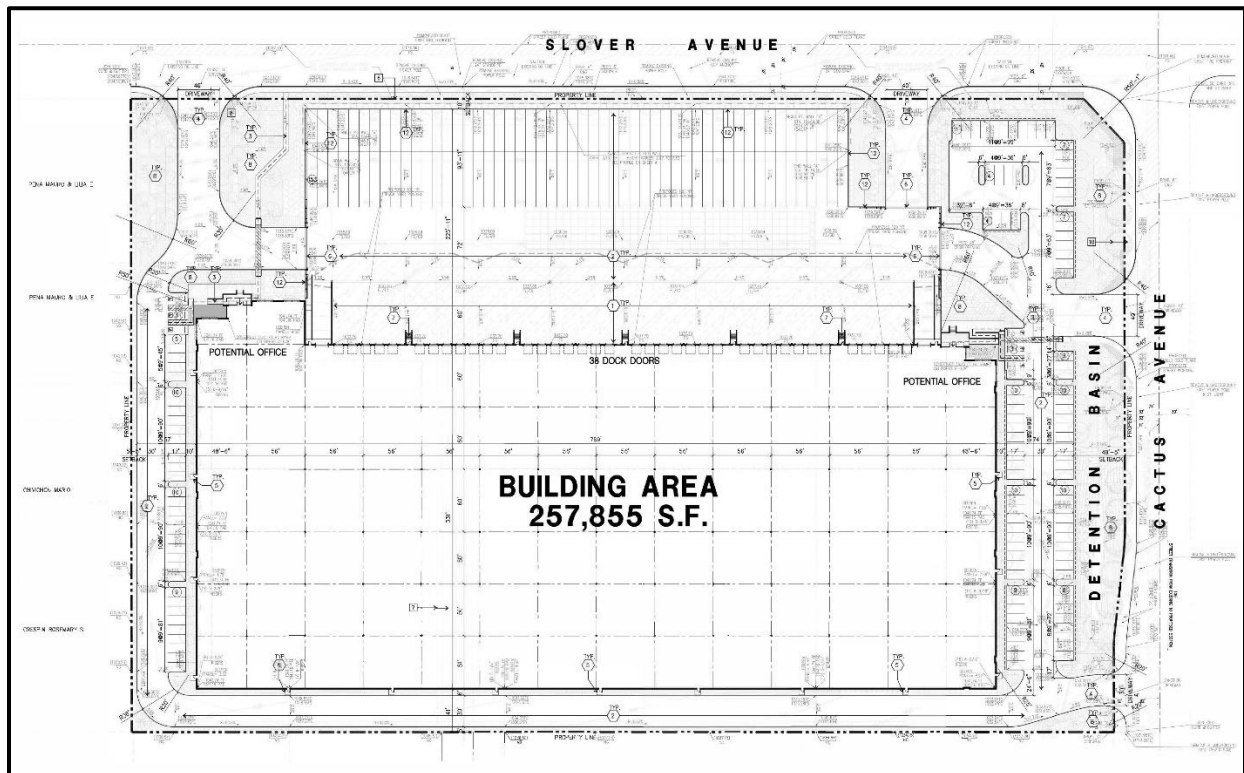
### **BACKGROUND:**

The City of Rialto (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service. The agreement relates to a single parcel, Assessor Parcel Number (APN) 0257-071-70 (previously comprised of APNs 0257-071-03, -04, and -39), encompasses approximately 13.27 acres generally located at the southwest corner of Slover and Cactus Avenues, within the City of Rialto's southern sphere of influence, in the community of Bloomington (see Figure 1 below). Attachment #1 also provides a vicinity map of the contract area.



**FIGURE 1 – Vicinity Map**

In October 2022, the County Board of Supervisors approved the Slover/Cactus Avenue Warehouse Project (see Figure 2 below), a 257,885 square-foot industrial warehouse building with 10,000 sq. ft. of office space for a high-cube warehouse facility on the 13.27-acre project site.



**FIGURE 2 – Site Plan for Warehouse Project**

The Conditions of Approval placed upon this project include the requirement to connect to sewer (Conditions 86-87) and requires LAFCO authorization of said out-of-agency service connection (Condition 90). Water service will be provided by the West Valley Water District, which currently overlays the project site. A copy of the Conditions of Approval for the project is included as Attachment #3 to this report.

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

### **PLAN FOR SERVICE:**

The City's application (included as Attachment #2 to this report) indicates that sewer service will be provided to the warehouse project through connection to the City's existing sewer main in Slover Avenue, directly adjacent to the project. Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all

financial obligations for the extension of service outside the agency's boundaries. The City has submitted an estimated total cost of \$291,574.25 in fees for the extension of sewer service to the project. Following are the City's sewer fees:

**SEWER FEES/CHARGES**

<b>Fees/Charges</b>	<b>Unit</b>	<b>Rate</b>	<b>Outside Rate</b>	<b>Total</b>
Sewage Treatment – Group II				
Commercial Use (TSF)	257.855	\$830.73	1.3	\$278,470.25
Sewage Collection				
Retail/Service/Industrial (LLF)	1,120	\$9.00	1.3	\$13,104.00
<b>Total</b>				<b>\$291,574.25</b>

In addition, the property owner/developer will also be responsible for the entire cost of the construction and installation of the sewer lateral from the existing sewer main to the parcel.

**ENVIRONMENTAL DETERMINATION:**

The County of San Bernardino reviewed and considered the Slover/Cactus Avenue Warehouse Project, which included the preparation, circulation, and certification of an Environmental Impact Report (EIR) and the preparation and adoption of environmental Facts, Findings and Statement of Overriding Considerations including a Mitigation Monitoring and Reporting Program (MMRP). The project included the following actions:

- Policy Plan Amendment from Very Low Density Residential (VLDR) to Limited Industrial (LI);
- Zoning amendment from Single Residential—1-acre minimum lot size with Additional Agriculture (RS-1-AA) to Community Industrial (IC) on 13.27 acres; and,
- Conditional Use Permit to construct a 257,855 sq. ft. industrial warehouse building with 10,000 sq. ft. of office space for a high-cube warehouse facility on 13.27 acres.

The Complete Final EIR, which includes the Draft EIR and the Final EIR, will be utilized by the Commission as the description of environmental impacts anticipated for LAFCO SC#518. LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Complete Final EIR and indicated that the County's environmental documents are adequate for the Commission's use as a Responsible Agency for LAFCO SC#518.

Mr. Dodson recommends that the Commission consider the adopted Complete Final EIR prepared for the project, and adopt the Facts, Findings and Statement of Overriding Considerations, as adapted for its use as a CEQA Responsible Agency. A copy of Mr. Dodson's response and the adapted Facts, Findings and Statement of Overriding Considerations are included as Attachment #4 to this report. Copies of the County's Complete Final EIR and all associated documents are also provided (as Web links) as part of Attachment #4.



The following are the necessary environmental actions to be taken by the Commission as a Responsible Agency under CEQA:

- a. Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the County's Complete Final Environmental Impact Report for the Slover/Cactus Avenue Warehouse Project (SCH No. 2019039033);
- b. Determine that the County's Complete Final EIR for the Slover/Cactus Avenue Warehouse Project are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO SC#518;
- c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures are the responsibility of the County and/or others, not the Commission; and,
- d. Adopt its Facts, Findings and Statement of Overriding Considerations, which addresses the environmental effects associated with the Slover/Cactus Avenue Warehouse Project. (A copy of the adapted Facts, Findings and Statement of Overriding Considerations is included as part of Attachment #4 to this report);
- e. Direct the Executive Officer to file the Notice of Determination within five (5) days.

### **CONCLUSION:**

The development of the warehouse project approved by the County, requires that it receive sewer service from the City of Rialto. For the project to proceed, the property owner/developer must show proof of his ability to connect to the City of Rialto's sewer infrastructure – which is the Commission's authorization for the agreement pursuant to Government Code Section 56133.

Staff has reviewed this request for the provision of sewer service from the City of Rialto 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 the City of Rialto and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide sewer service to the proposed warehouse project since its facilities are adjacent to the anticipated development, and there is no other existing entity available to provide the level of service required by the approved warehouse project.

### **DETERMINATIONS:**

1. The project area, Assessor Parcel Number 0257-071-70, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future.

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

The application requests authorization to receive City of Rialto's sewer service for a proposed warehouse project—the Slover/Cactus Avenue Warehouse Project. The Conditions of Approval placed upon this project includes the requirement to connect to sewer service. Therefore, approval of the City of Rialto's request for authorization to provide sewer service is necessary to satisfy said conditions of approval for the project.

2. The City of Rialto's Extraterritorial Wastewater Agreement (ASG Development Advisors) being considered is for the provision of sewer service to the project area, Assessor Parcel Number 0257-071-70. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this application will allow the property owner/developer and the City of Rialto to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Rialto for the extension of sewer service are identified as totaling \$291,574.25. The property owner/developer shall bear all costs to complete improvements needed to extend the sewer service to the project.
4. A Complete Final Environmental Impact Report (EIR) was prepared and certified by the County for the Slover/Cactus Avenue Warehouse Project (SCH No. 2019039033) that includes a Policy Plan Amendment from Very Low Density Residential (VLDR) to Limited Industrial (LI), zoning amendment from Single Residential—1-acre minimum lot size with Additional Agriculture (RS-1-AA) to Community Industrial (IC), and Conditional Use Permit to construct a 257,855 sq. ft. industrial warehouse building with 10,000 sq. ft. of office space for a high-cube warehouse facility on 13.27 acres. The Commission, its staff, and its Environmental Consultant have independently reviewed the County's Complete Final EIR for the Slover/Cactus Avenue Warehouse Project and found them to be adequate for the service contract (LAFCO SC#518) decision.

The Commission certified that it had reviewed and considered the County's Complete Final EIR and the environmental effects as outlined therein, and as referenced in the Facts, Findings and Statement of Overriding Considerations prior to reaching a decision on the service contract authorization. By considering the Complete Final EIR adopted by the County and adopting the revised Facts, Findings and Statement of Overriding Considerations, the Commission is reconfirmed its position regarding the adequacy of the County's Complete Final EIR and originally-approved Facts, Findings and Statement of Overriding Considerations for purposes of its approval of LAFCO SC#518 as a Responsible Agency under CEQA.

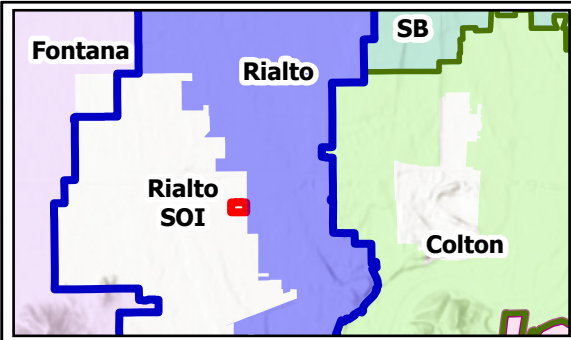
The Commission acknowledged the mitigation measures and the Mitigation Monitoring and Reporting Program contained in the County's Complete Final EIR and found that no additional alternatives or mitigation measures would be adopted by the Commission. The Commission found that all changes, alterations, and mitigation measures are within the responsibility and jurisdiction of the County and other agencies, and not the Commission. The Commission found that it is the responsibility of the County to oversee and implement the mitigation measures and the Mitigation Monitoring and Reporting Program.

The Commission directed its Executive Officer to file a Notice of Determination within five (5) days with the San Bernardino County Clerk of the Board of Supervisors. The Commission, as a Responsible Agency, found that project the is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as the CEQA lead agency.

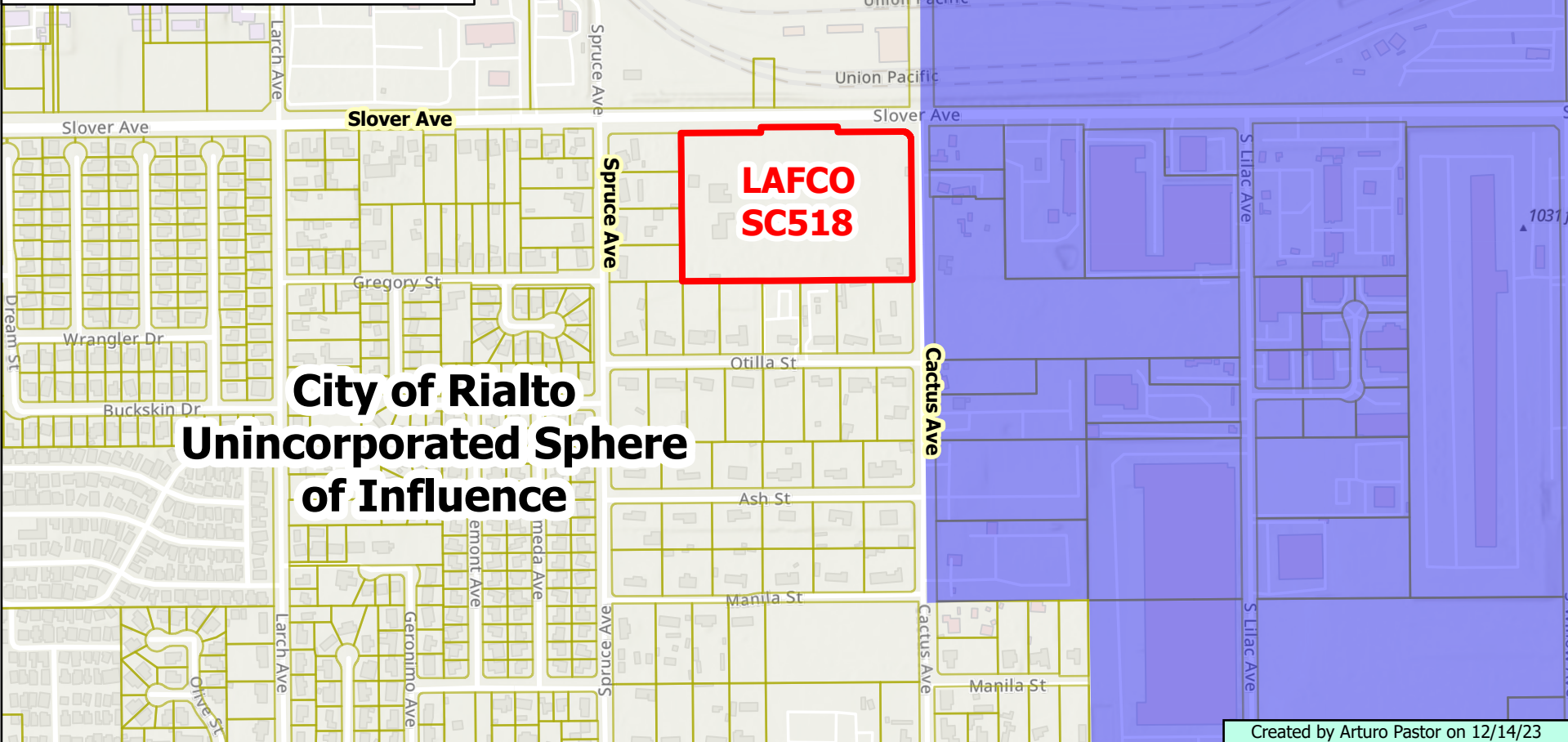
SM/MT

Attachments:

1. [Vicinity Map](#)
2. [City of Rialto's Application and Contract](#)
3. [County's Conditions of Approval for the Project \(Conditional Use Permit\)](#)
4. [Tom Dodson and Associates' Response Including Facts, Findings, and Statement of Overriding Considerations and Links to the County's Complete Final Environmental Impact Report for the Slover/Cactus Avenue Warehouse Project \(SCH No. 2019039033\)](#)
5. [Draft Resolution #3394](#)



**City of Rialto**



**City of Rialto  
Unincorporated Sphere  
of Influence**

Created by Arturo Pastor on 12/14/23

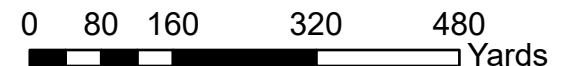
### Vicinity Map

**LAFCO SC518 - City of Rialto  
Extraterritorial Wastewater  
Service Agreement (ASG Development Advisors)**

- Rialto Sphere
- City of Rialto
- LAFCO SC518
- Parcels



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



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

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

**AGENCY TO EXTEND SERVICE:**

AGENCY NAME: City of Rialto  
CONTACT PERSON: Thomas J. Crowley, P.E.  
ADDRESS: 150 South Palm Avenue  
Rialto, CA 92376  
PHONE: (909) 820-8056  
EMAIL: tjcrowley@rialtoca.gov

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: ASG Development Advisors  
CONTACT PERSON: Nasser Mustafa  
MAILING ADDRESS: 9022 Rhodesia Drive  
Huntington Beach, CA 92646  
PHONE: (714) 553-9595  
EMAIL: nmustafa@asgda.com  
ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 19373 Slover Avenue, Bloomington, CA  
  
CONTRACT NUMBER/IDENTIFICATION: \_\_\_\_\_  
PARCEL NUMBER(S): 0259-071-03, 04, 39  
ACREAGE: \_\_\_\_\_

*Extension of Service by Contract  
Application Form*

(FOR LAFCO USE ONLY)

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

1. (a) List the type or types of service(s) to be provided by this agreement/contract.  
Connection to Rialto's sanitary sewer collection system and sewer treatment services.

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

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

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

Standard Extra-territorial Development Agreement that describe the terms of the City of Rialto providing sewer services and treatment to the property.

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

Property Site is not contiguous to the City of Rialto.



*Extension of Service by Contract  
Application Form*

(FOR LAFCO USE ONLY)

- (b) Is the property to be served contiguous to the agency's boundary?  
☐ YES ☒ NO. If yes, please provide explanation on why annexation to the agency is not being contemplated.  
Not applicable.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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?  
Land  
\_\_\_\_\_  
\_\_\_\_\_
- (b) Is a change in use proposed for the property? ☒ YES ☐ NO. If yes, please provide a description of the land use change. \_\_\_\_\_  
Will be changing to commercial use, retail, industrial  
\_\_\_\_\_
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.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

ASG Development Advisors would like to connect to the City's sewer system.

A City owned sewer line exists within Slover Avenue. The owner has contracted with contractor to construct a sewer lateral per City Standards to this existing sewer line.

In order to connect to the City's sewer system, the owner will be responsible for the design

and construction of a sewer line at their expense. This includes, but is not limited to, ensuring the work meets current Building and Plumbing Codes, obtaining all permits and inspections required by the City and San Bernardino County, and making all

repairs to the infrastructure damaged during construction and when accessing sewer lines.

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- | <i>Description of Fees/Charges</i>                | <i>Cost</i>         | <i>Total</i> |             |                              |                     |
|---|---------------------|--------------|-------------|------------------------------|---------------------|
| <b>Development Impact Fees</b>                    |                     |              |             |                              |                     |
| <b>Table 1</b>                                    |                     |              |             |                              |                     |
| <b>Description</b>                                | <b>Unit Measure</b> | <b>Unit</b>  | <b>Rate</b> | <b>Extraterritorial Rate</b> | <b>Total</b>        |
| Sewage Treatment - Group II Commercial Use        | TSF                 | 257.855      | \$830.73    | 1.3                          | <b>\$278,470.25</b> |
| Sewage Collection Retail/Service/Industrial Space | LLF                 | 1,120        | \$9.00      | 1.3                          | <b>\$13,104.00</b>  |
| <b>Total</b>                                      |                     |              |             |                              | <b>\$291,574.25</b> |
- |                          |                     |
|--------------------------|---------------------|
| <b>Sewer Treatment</b>   | <b>\$278,470.25</b> |
| <b>Sewer collections</b> | <b>\$13,104.00</b>  |
|                          | <b>\$291,574.25</b> |
- |                    |  |                     |
|--------------------|--|---------------------|
|                    |  |                     |
|                    |  |                     |
|                    |  |                     |
| <b>Total Costs</b> |  | <b>\$291,574.25</b> |

- The City of Rialto charges an "Out of Area" service factor of 1.3 times the approved development impact fees.

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

Not applicable

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

## CERTIFICATION

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

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

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

*Extension of Service by Contract  
Application Form*

(FOR LAFCO USE ONLY)

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

SIGNED



NAME:

Thomas J. Crowley, P.E.

POSITION TITLE:

Utilities Manager

DATE:

7/10/23

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

**EXTRATERRITORIAL WASTEWATER SERVICE  
AGREEMENT BETWEEN THE CITY OF RIALTO AND ASG DEVELOPMENT  
ADVISORS**

This **EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT** (“Agreement”) is made and entered into this 15th day of November 2022, between ASG Development Advisors, Property Owner (“Owner”) and the City of Rialto, a California municipal corporation (“City”) (each a “Party” and collectively the “Parties”).

**RECITALS**

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

**WHEREAS**, the Owner has requested the City to provide Sewer Services to a property located within the City’s sphere-of-influence, but outside of the City’s existing corporate boundaries, and which is associated with Assessor’s Parcel Numbers 0259-071-03, 04, and 39, located at 19373 Slover Avenue, Bloomington, CA as identified on Exhibit “A” and shown on Exhibit “B”, attached hereto and made a part hereof (the “Property”); and

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

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

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

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

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

## **AGREEMENT**

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

### **ARTICLE I. CONDITION PRECEDENT**

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

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

### **ARTICLE II. RIGHTS AND OBLIGATIONS**

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

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

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

**Section 2.04 Connection Points**. Owner is authorized one (1) connection point to the City's Disposal System. Such connection point shall be located at a point mutually



acceptable to the Owner, City Engineer, and the Building Official. Construction of laterals and connection points shall be in conformance with the specifications and details set forth in the City's Utility Design Standards, Building Safety Codes and other applicable laws and regulations, as may apply.

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

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

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

### **ARTICLE III. WASTEWATER USER FEES**

**Section 3.01 Initial Special Service Availability Payment.** In consideration of the City's agreements contained herein, Owner shall, promptly upon the Effective Date of this Agreement, pay to City a service connection fee for treatment, collections, and related fees in the amount of **\$99,067.11** in accordance with the adopted fee schedule, Resolution 6069, approved by the Rialto City Council/Rialto Utility Authority on December 27, 2011. Any additional fees related to plan check(s), inspection or not named in this Agreement shall be the responsibility of the Owner.

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

**Section 3.03 Delinquent Sewer Service Fees.** Owner shall pay to the City delinquent fees as established in the City's Municipal Code, ordinances, or policies. Any sewer charges that are unpaid by the specified due date shall be a debt in favor of the City, which may use any legal means to collect any delinquent sewer charges, including,

but not limited to, placing liens on the Property of any such persons, and collecting such delinquent fees, penalties, and interest due and owing on the property tax roll.

#### **ARTICLE IV. MONITORING OF SERVICE AREA WASTEWATER**

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

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

#### **ARTICLE V. TERM**

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

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

#### **ARTICLE VI. MISCELLANEOUS**

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

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

**Section 6.03 Notices.** All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered, sent by pre-paid First

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

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

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

If to Owner:                ASG Development Advisors  
                                  9022 Rhodesia Drive  
                                  Huntington Beach, CA 92646  
                                  Tel: (714) 553-9595  
                                  Fax: Not Available

With copy to:               N/A

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

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

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

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

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

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

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

**[SIGNATURES ON NEXT PAGE]**

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

**CITY:**

CITY OF RIALTO,  
a Municipal Corporation

By: Marcus Fuller  
Marcus Fuller, City Manager

**ATTEST:**

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

**APPROVED AS TO FORM:**

BURKE, WILLIAMS & SORENSEN, LLP

By: Eric Vail  
Eric Vail, City Attorney

**Owner:**

ASG Development Advisors

By: Nasser Mustafa  
Nasser Mustafa,  
President

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**APN 0257-071-03-0000** - S T L AND W CO S B L W 1/2 E 1/2 LOT 366 4.77 AC

**APN 0257-071-04-0000** - S T L AND W CO S B L E 1/2 E 1/2 LOT 366 EX STS

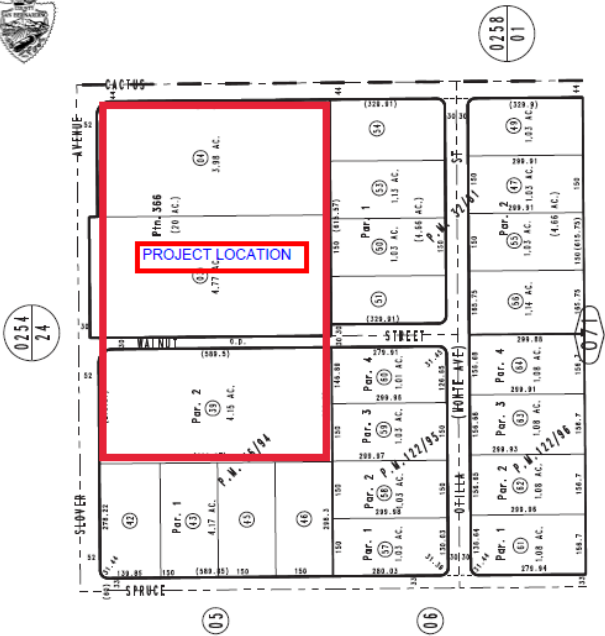
**APN 0257-071-39-0000** - PARCEL MAP 4005 PARCEL 2 EX ST

EXHIBIT “B”

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

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

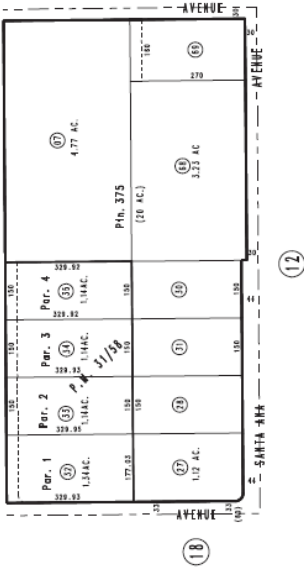
Colton Joint Unified 0257- 07  
Tax Rate Area  
64027



Parcel Map No. 10844, P.M. 122/96  
Parcel Map No. 10843, P.M. 122/95  
Parcel Map No. 4005, P.M. 36/94  
Parcel Map No. 3538, P.M. 32/81  
Parcel Map No. 3483, P.M. 31/58

September 2003

Pin. N.E.1/4, Sec. 27  
T.1S., R.5W.



Assessor's Map  
Book 0257 Page 07  
San Bernardino County

REVISED  
12/11/12 BA



## Land Use Services Department Planning

Mark Wardlaw  
Director



February 9, 2024

Jefferson E. Hill, Jr.  
Managing Director  
Crow Holdings  
527 W. 7<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90014

Effective Date: February 9, 2024  
Expiration Date: February 9, 2027

**RE: REVISION TO APPROVED ACTION FOR THE CONSTRUCTION OF A 261,632-SQUARE FOOT WAREHOUSE BUILDING ON 13.27 ACRES, LOCATED AT THE SOUTHWEST CORNER OF SLOVER AND CACTUS AVENUES, IN THE LIMITED INDUSTRIAL (LI) LAND USE CATEGORY, AND COMMUNITY INDUSTRIAL (IC) ZONING DISTRICT, IN RIALTO; 5TH SUPERVISORIAL DISTRICT; APN: 0257-071-03, 04, AND 39; PROJECT PRAA-2023-00008 (PROJ-2020-00127)**

Dear Mr. Hill,

The above referenced application has been reviewed and conditionally approved by the Planning Division, subject to the enclosed conditions of approval. Per County Development Code Section 85.12.020 (e), it is determined that the findings for the originally approved MUP can still be made. All conditions of approval for the original MUP remain in full effect. The applicant shall ascertain and comply with all applicable requirements of Federal, State, County and Local Agencies.

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

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

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

Should you have questions or need additional information, please contact me directly by phone at (909) 601-4672, or by email at [Aron.Liang@lus.sbcounty.gov](mailto:Aron.Liang@lus.sbcounty.gov).

Sincerely,

A handwritten signature in black ink that reads "Aron Liang".

Aron Liang, Planning Manager

Enclosure: Attachment A – Conditions of Approval  
Attachment B – Mitigation Reporting Monitoring Program  
Attachment C – Approved Site Plan  
Attachment D – Condition Compliance Release Form

### BOARD OF SUPERVISORS

COL. PAUL COOK (RET.)  
Vice Chairman, First District

JESSE ARMENDAREZ  
Second District

DAWN ROWE  
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Fourth District

JOE BACA, JR.  
Fifth District

Luther Snoke  
Chief Executive Officer



# Conditions of Approval

**Record:** PRAA-2023-00008 (PROJ-2020-00127)  
**APN:** 0257-071-03, 04 and 39

**Effective Date:** February 9, 2024  
**Expiration Date:** February 9, 2027

## On-GOING AND OPERATIONAL CONDITIONS

### LAND USE SERVICES – Planning Division

1. Project Description. This Revision to Approved Action approval is for the construction of a 261,632-square-foot industrial warehouse building on 13.27 acres in the Community Industrial (IC) Zoning District, in compliance with the San Bernardino County Code (SBCC), California Building Codes, San Bernardino County Fire Code, California Fire Code, the Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations and landscape plans).
2. Project Location. The Project site is located at the southwest corner of Slover Avenue and Cactus Avenue in the Community Industrial (IC) Zoning District.
3. Conditions of Approval: The developer shall provide a copy of the approved conditions and the site plan to every current and future commercial tenant, lessee, and any future property owner to facilitate compliance with these conditions of approval and continuous use requirements for the Project Site with APN: 0257-071-03, 04, and 39. Project Number: PRAA-2023-00008 (PROJ-2020-00127).
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify, and hold harmless the County or its "indemnities" (herein collectively the County's elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

5. Development Impact Fees: Additional fees may be required prior to the issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
6. Clear Sight Triangle: Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90-degree angle intersections of public rights-of-way and private driveways. All signs, structures, and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
7. Continuous Effect/Revocation: All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer, or other interested party to correct the non-complying situation.
8. Revisions: Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g., Revision to an Approved Action) be submitted to County Land Use Services for review and approval.



## Conditions of Approval

**Record:** PRAA-2023-00008 (PROJ-2020-00127)  
**APN:** 0257-071-03, 04 and 39

**Effective Date:** February 9, 2024  
**Expiration Date:** February 9, 2027

9. **Construction Hours:** Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
10. **Expiration.** This project permit approval shall expire and become void if it is not “exercised” within three years of the effective date of this approval, unless an extension of time is granted. The permit is deemed exercised when either
  - The permittee has commenced actual construction or alteration under a validly issued Building Permit, or
  - The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a Building Permit. [SBCC §86.06.060]

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

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

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

11. **Extension of Time:** Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
12. **Lighting:** Lighting shall comply with Table 83-7 “Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region” of the County’s Development Code (i.e. “Dark Sky” requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
13. **Underground Utilities:** No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
14. **Performance Standards :** The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
15. **Additional Permits:** The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: none. b. STATE: Regional Water Quality Control Board (RWQCB- Santa Ana Region. c. COUNTY: Land Use Services – Planning/Building and Safety/Code Enforcement/Land Development, County Fire, Environmental Health Services, and Public Works. d. REGIONAL: South Coast Air Quality Management District. e. LOCAL: City of Rialto.
16. **GHG - Operational Standards:** The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. Waste Stream Reduction. The “developer” shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The “developer” shall provide to all tenants



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and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric powered.

17. **Construction Noise:** The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
18. **Project Account:** The Project account number is PRAA-2023-00008. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
19. **Continuous Maintenance:** The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but not limited to:
  - a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
  - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
  - c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated, it shall be done in a manner designed to conserve water, minimizing aerial spraying.
  - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
  - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
  - g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
  - h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
  - i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
  - j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
  - k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking",





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"Carpool", and "Fire Lane" designations.

I) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

20. Local Labor. The Developer and future operators of the Project shall make a good faith effort to employ residents of San Bernardino County for the construction and operation of the Project. Good faith efforts shall include but not be limited to utilizing local advertising and outreach for employee recruitment.

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

21. Tributary Drainage: Adequate provisions should be made to intercept and conduct the tributary for off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
22. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
23. Additional Drainage Requirements: In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
24. Erosion Control Installation: Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
25. Continuous BMP Maintenance: The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.
26. BMP Enforcement: In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

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

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

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

30. Franchise Hauler Service Area – This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec- dba Edco Disposal).



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31. Recycling Storage Capacity – The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill 2176.
32. Mandatory Commercial Recycling – Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more are required to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
33. Mandatory Trash Service. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more are required to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
34. Mandatory Commercial Organics Recycling As of January 1, 2019, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of solid waste per week to recycle their organic waste. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

### DEPARTMENT OF PUBLIC WORKS – Traffic Division

35. Project vehicles shall not back up into the project site nor shall they back out into the public roadway.
36. Access. Regular access points to the facility shall remain unobstructed at all times, except a driveway access gate which may be closed after normal working hours. At no time shall the project allow vehicles to queue onto a County maintained road. Emergency access driveways are not considered regular access points and shall remain closed by an access gate or other means as approved by the County, except for emergencies.
37. Single Tenant Occupancy. The site shall operate based on a single tenant to remain consistent with established traffic impacts. If, at any time, multiple tenants occupy and/or operate on the proposed site, the project shall no longer be considered to meet the definition of "High Cube" and a revised traffic study shall be conducted using the current Highway Capacity Manual methodology and the current ITE trip generation for "Warehouse". The project will be subject to any increased mitigation measures including but not limited to direct impacts, fair share contributions, and Regional Transportation Fees.

### Prior to Grading/Land Disturbance

### LAND USE SERVICES – Planning Division

38. AQ – Operational Standards. The developer shall implement the following air quality measures, during operation of the approved land use: All on-site equipment and vehicles (off-road/ on-road), shall comply with the following:
  - a) County Diesel Exhaust Control Measures [SBCC § 83.01.040 (c)]. Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use. All engines shall not idle more than five minutes in any one-hour period on the project site. This includes all equipment and vehicles.
  - b) On-site electrical power connections shall be provided.
  - c) All transportation refrigeration units (TRU's) shall be provided electric connections, when parked on-site.
  - d) The loading docks shall be posted with signs providing the telephone numbers of the building facilities manager and the California Air Resources Board to report violations.





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39. **AQ – Coating Restriction Plan.** The developer shall submit for review and obtain approval from County Planning of a Coating Restriction Plan (CRP), consistent with SCAQMD guidelines and a signed letter agreeing to include in any construction contracts/subcontracts a condition that the contractors adhere to the requirements of the CRP. The CRP measures shall be following implemented to the satisfaction of County Building and Safety:
- a) Architectural coatings with Reactive Organic Compounds (ROC) shall not have content greater than 100 g/l.
  - b) Architectural coating volume shall not exceed the significance threshold for ROG, which is 75 lbs. /day and the combined daily ROC volume of architectural coatings and asphalt paving shall not exceed the significance threshold for ROC of 75 lbs. per day.
  - c) High-Volume, Low Pressure (HVL) spray guns shall be used to apply coatings.
  - d) Precoated/natural colored building materials, water-based or low volatile organic compound (VOC) coatings shall be used, if practical.
  - e) Comply with SCAQMD Rule 1113 on the use or architectural coatings
40. **AQ – Construction Standards.** The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce vehicle and equipment emissions and other impacts to air quality by implementing the following measures and submitting documentation of compliance: The developer/construction contractors shall do the following:
- a) Provide documentation prior to beginning construction demonstrating that the project will comply with all SCAQMD regulations including 402, 403, 431.1, 431.2, 1113 and 1403.
  - b) Each contractor shall certify to the developer prior to construction-use that all equipment engines are properly maintained and have been tuned-up within last 6 months.
  - c) Each contractor shall minimize the use of diesel-powered vehicles and equipment through the use of electric, gasoline or CNG-powered equipment. All diesel engines shall have aqueous diesel filters and diesel particulate filters.
  - d) All gasoline-powered equipment shall have catalytic converters.
  - e) Provide onsite electrical power to encourage use of electric tools.
  - f) Minimize concurrent use of equipment through equipment phasing.
  - g) Provide traffic control during construction to reduce wait times.
  - h) Provide on-site food service for construction workers to reduce offsite trips.
  - i) Implement the County approved Dust Control Plan (DCP)
41. **AQ – Dust Control Plan.** The developer shall prepare, submit for review and obtain approval from County Planning of both a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a signed letter agreeing to include in any construction contracts/subcontracts a requirement that project contractors adhere to the requirements of the DCP. The DCP shall include the following requirements:
- a) Exposed soil shall be kept continually moist to reduce fugitive dust during all grading and construction activities, through application of water sprayed a minimum of two times each day.
  - b) During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall cease until wind speeds no longer exceed 25 mph.
  - c) Storage piles that are to be left in place for more than three working days shall be sprayed with a non-toxic soil binder, covered with plastic or revegetated.
  - d) Storm water control systems shall be installed to prevent off-site mud deposition.
  - e) All trucks hauling dirt away from the site shall be covered.
  - f) Construction vehicle tires shall be washed, prior to leaving the project site.
  - g) Rumble plates shall be installed at construction exits from dirt driveways.
  - h) Paved access driveways and streets shall be washed and swept daily when there are visible signs of dirt track-out.
  - i) Street sweeping shall be conducted daily when visible soil accumulations occur along site access roadways to remove dirt dropped or tracked-out by construction vehicles. Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday and after street sweeping.
42. **Mitigation Measures.** Comply with Mitigation Measures MM4.4.1 – MM4.4.3, MM4.6.1, MM4.11.1 – 4.11.6, MM4.13.1 – MM4.13.5 contained in the Mitigation Monitoring and Reporting Program (MMRP).

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



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43. Geology Report: A geology report shall be submitted to the Building and Safety Division for review and approval by the County Geologist and fees paid for the review prior to grading permits
44. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval by the County Geologist and fees paid for the review prior to grading permits.
45. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls.

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

46. Drainage Improvements: A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule
47. FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Numbers 06071C8659H and 06071C8667H dated 8/28/2008. There are no elevation requirements for building in Flood Zone X-Unshaded. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
48. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
49. NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov).
50. Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
51. On-site Flows: On-site flows need to be directed to the nearest drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
52. WQMP: A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>
53. WQMP Inspection. The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

### **COUNTY FIRE DEPARTMENT – Community Safety Division**

54. Additional Requirements. In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
55. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 4000 GPM for a 4 hour duration at 20 psi residual operating



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pressure. Fire Flow is based on a 257,855-square-foot structure.

56. Water System Large Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. The applicant is required to provide a minimum of one new six (6) inch fire hydrant assembly with one (1) two and one half (2 1/2) inch and two (2) four (4) inch outlets. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travelways) and no more than one hundred fifty (150) feet from any portion of a structure.
57. Water System Residential. A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. Detached single-family residential developments may increase the spacing between hydrants to be no more than six hundred (600) feet and no more than three hundred (300) feet (as measured along vehicular travelways) from the driveway on the address side of the proposed single-family structure.

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

58. Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
- a. Monuments set to mark property lines or corners;
  - b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
  - c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.
59. If any activity on this project will disturb ANY land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying PRIOR to the commencement of any activity with the potential to disturb said monumentation, and a corner record or record of a survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

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

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

## **PRIOR TO ISSUANCE OF BUILDING PERMIT**

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

61. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code, as well as the Blooming Community Plan requirements. The developer shall submit a landscape and irrigation plan to County Planning via the EZOP system, link: [EZ Online Permitting \(sbcounty.gov\)](https://ezop.sbcounty.gov)
62. Fencing. The applicant/developer shall construct a 10-foot screen wall along the southerly property boundary.
63. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
64. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required



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utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.

65. Lot Merger. Parcels 0257-071-03, 04 and 39 shall have been merged prior Building Permit Issuance.
66. GHG Reduction Measures/Requirements. The Project shall incorporate the following GHG Reduction Measures/Requirements as indicated below:
- GHG Reduction Measure R2E7 – Commercial/Industrial Energy Efficiency Development
    - Insulation – Modestly Enhanced Insulation (15 points)
    - Windows – Modestly Enhanced Window (7 Points)
    - Cool Roof – Modest Cool roof (12 points)
    - Artificial Lighting – Efficient Lights (9 points)
    - Solar Roof Ready (sturdy roof and electric hookups (2 points)
  - GHG Reductio Measure R2WC1: R2WC-1 – Capita Water Use Reduction:
    - Water Efficient Landscaping – only low water using plants (4 points)
    - Water Efficient irrigation Systems – Weather based irrigation control systems (5 points)
    - Faucets – Water efficient faucets (1.28gpm) (3 points)
    - Toilets – Water Efficient toilets/urinals (1.5gpm) and Waterless urinals (7 points)
  - GHG Reduction Measure R2T5 – Renewable Fuel/Low Emissions Vehicles (EV Charging Stations)
    - Electric Vehicles – Provide 4 public charging station for use by an electric vehicle (40 points)
  - GHG Reduction Measure R2W6: 75 Percent Solid Waste Diversion Program
    - Recycling – County initiated recycling program diverting 75% of waste requires coordination with commercial development to realize this goal (2 points)
67. Mitigation Measures. Comply with Mitigation Measures MM4.12.1 – MM4.12.3 contained in the Mitigation Monitoring and Reporting Program (MMRP).

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

68. Construction Plans. Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.
69. Temporary Use Permit. A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years

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

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

#### **Slover Avenue (Major Highway – 120')**

- Road Dedication. A 22-foot grant of easement is required to provide a half-width right-of-way of 52 feet.
- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type “B”.



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- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B and located per San Bernardino County Standard 130.
- Vacate Road Name/Easement. to receive recommendation for approval of vacation from the Highway Planning Technical Committee (HPTC), County Department of Public Works. A processing fee shall be required prior to vacation and the vacation shall be finalized prior to certificate of occupancy. Contact Transportation Right-of-Way at (909) 387-7940 to obtain additional information.

### **Cactus Avenue (Controlled/Limited Access Collector Street - 66')**

- Street Improvements. Design curb and gutter with match up paving 22 feet from centerline.
  - Sidewalks. Design sidewalks per County Standard 109 Type "C".
  - Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
  - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B and located per San Bernardino County Standard 130.
71. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
72. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.
73. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
74. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
75. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
76. Slope Easements. Slope rights shall be dedicated, where necessary.
77. Turnarounds. Turnarounds at dead end streets shall be in accordance with the requirements of the County Department of Public Works and Fire Department.





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78. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
79. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
80. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
81. Slope Tests. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
82. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

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

83. Water Purveyor. Water purveyor shall be West Valley Water District or EHS approved.
84. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
85. Existing Wells: Any existing wells on the lot shall (1) be properly destroyed under permit OR (2) have been constructed to "California Well Standards" and be used as a source of water (industrial and/or domestic) for the project. Contact DEHS/Water Section for more information at 1-800-442-2283.
86. Sewage Disposal. Method of sewage disposal shall be City of Rialto, or, if not available, EHS approved onsite wastewater treatment system (OWTS).
87. Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).
88. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
89. Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
90. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either:
  1. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or,
  2. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the



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provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.

91. Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.
92. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact DEHS Vector Section at 1-800-442-2283.

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

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

### **DEPARTMENT OF PUBLIC WORKS – Special Districts**

94. This project lies within the sphere area of County Service Area 70. Due to your projected use of the property, street lighting may be required. If required, annexation to the district will occur and the developer is required to provide the street lighting plans, plan check fees, and (3) three-year advanced energy charges for review and approval. Development plans are to be submitted to the Special Districts Department at 222 W. Hospitality Lane, 2nd Floor, San Bernardino, CA 92415-0450. For additional information on street light plans, please call Streetlighting Section at (909) 386-8821.

### **COUNTY FIRE DEPARTMENT – Community Safety Division**

95. Building plans. Building plans shall be submitted to the Fire Department for review and approval.
96. Primary Access Paved. Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions, including width, vertical clearance and turnouts.
97. Vehicular Access. The development shall have a minimum of two or more points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

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

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

#### **SLOVER AVENUE:**

- The Easterly driveway - The easterly driveway shall be for trucks only with a "Trucks Only" sign. The sign shall be placed within the property line at the driveway and the owner is responsible for maintaining the sign.
- Final Striping Concept. - Design details for Slover Avenue to transition traffic shall be coordinated with the County Traffic Division. This may include additional analysis and improvements to ensure proper site access.





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### CACTUS AVENUE:

- Northerly Driveway. The northerly driveway shall be for passenger vehicles only with a “No Trucks” sign. The sign shall be placed within the property line at the driveway and the owner is responsible for maintaining the sign.
- Southerly Driveway. The southerly driveway shall be for passenger vehicles only with a “No Trucks” sign. The sign shall be placed within the property line at the driveway and the owner is responsible for maintaining the sign.

99. The total fair share contribution for this project is required based on the traffic report traffic study from Urban Crossroads dated 11/11/2019. The fair share breakdown for these improvements is shown below:

### County of San Bernardino

INTERSECTION	ESTIMATED COST	FAIR SHARE PERCENTAGE	ESTIMATED CONTRIBUTION
<b>Cedar Avenue at I-10 Westbound Ramps</b> - Add 2 <sup>nd</sup> northbound left turn lane <b>Intersection Total</b>	  \$858,000	  1.79%	  \$15,345
<b>Cedar Avenue at I-10 Eastbound Ramps</b> - Add Eastbound right turn lane - Add 2 <sup>nd</sup> southbound left turn lane <b>Intersection Total</b>	 \$350,000 \$858,000 \$1,208,000	  2.04%	 \$7,148 \$17,522 \$24,670
<b>Cedar Avenue at Slover Avenue</b> - Restripe to add 2 <sup>nd</sup> Eastbound left turn lane - Add Southbound right turn lane - Add Westbound right turn lane <b>Intersection Total</b>	 \$50,000 \$50,000 \$50,000 \$150,000	  2.96%	 \$1,480 \$1,480 \$1,480 \$4,440
<b>Cactus Avenue at Slover Avenue</b> - Install a traffic signal - Add Westbound Left turn lane <b>Intersection Total</b>	 \$600,000 \$50,000 \$650,000	  12.80%	 \$76,817 \$6,401 \$83,218
<b>Total Fair Share to <u>County of San Bernardino</u></b>			<b>\$127,673</b>

### City of Rialto:



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INTERSECTION	ESTIMATED COST	FAIR SHARE PERCENTAGE	ESTIMATED CONTRIBUTION
<b>Riverside Avenue at I-10 Eastbound Ramps</b>			
- Add 2 <sup>nd</sup> northbound right turn lane			
<b>Intersection Total</b>	\$16,936,800		\$86,532
<b>Riverside Avenue at Slover Avenue</b>			
- Add Southbound right turn lane			
- Add 2 <sup>nd</sup> Eastbound left turn lane			
- Modify the traffic signal to protect the Eastbound and Westbound left turns and run the eastbound and westbound left turns as lead-leg, with the westbound left turn running as leg.			
- Add 3 <sup>rd</sup> northbound through lane.			
<b>Intersection Total</b>	\$334,800		\$1,710
<b>Total Fair Share to <u>City of Rialto</u></b>			<b><u>\$88,242</u></b>

The total fair share contribution will be based on the fair share percentages listed above and the estimated construction costs at the time of application for a building permit and shall be paid to the Department of Public Works - Traffic Division. At the present time, the total estimated cost is \$215,915. This amount will be adjusted to reflect actual construction costs incurred, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index.

The total fair share contribution to the County of San Bernardino is **\$127,673**

The total fair share contribution to the City of Rialto is **\$88,242**. Written acknowledgement (such as a paid receipt/invoice) from the City of Rialto shall be provided to the County to establish this requirement has been completed.

100. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Rialto Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$1.82 per square foot for High Cube Use, which includes the 261,632 square foot building per the site plan dated April 27, 2023.

Therefore, the estimated Regional Transportation Fees for the Project is \$476,170.24 (\$1.82 x 261,632). The current Regional Transportation Development Mitigation Plan can be found at the following website: <https://www.sbcounty.gov/uploads/DPW/docs/Fee-Schedule-Regional-Plan.pdf>



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## PRIOR TO ISSUANCE OF FINAL INSPECTION/OCCUPANCY

### LAND USE SERVICES – Planning

101. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).
102. Fencing. the applicant/developer shall construct a 10-foot block wall along the southerly property boundary for screening and the block wall shall incorporate reveal and other architectural details on both sides.
103. Landscaping/Irrigation: All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
104. Installation of Improvements: All required on-site improvements shall be installed per approved plans.
105. Fees Paid: Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ- 2020-00193.
106. Project MOU for Public Benefits. The Memorandum of Understanding (MOU) regarding the Public Benefit Contributions shall have been recorded with the San Bernardino County Assessor-Recorder-County Clerk.

### LAND USE SERVICES - Building and Safety Division

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

### LAND USE SERVICES - Land Development – Drainage

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

### LAND USE SERVICES - Land Development – Roads

110. Vacation. Vacation process shall be completed by a resolution through Highway Planning Technical Committee or other instrument as accepted by the Land Development Division. Proof of recordation and completion of the vacation process shall be provided to the Land Development Division prior to occupancy.
111. LDD Requirements: All LDD requirements shall be completed by the applicant prior to occupancy.
112. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
113. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
114. Parkway Planting: Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be



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approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

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

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

### **COUNTY FIRE DEPARTMENT – Community Safety Division**

116. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.
117. An automatic fire sprinkler system complying with NFPA 13 and the Fire Department standards is required. The applicant shall hire a fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
118. The applicant shall submit an application for high-piled storage (internal storage over 12' in height), detailed plans and a commodity analysis report to the Fire Department for review and approval. The applicant shall submit the approved plan to Building and Safety for review with building plans. If the occupancy classification is designated as S-2, commodities to be stored will be limited to products of light hazard classification only. The required fees shall be paid at the time of plan submittal.
119. An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.
120. A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design.
121. Mechanical smoke removal systems shall be provided for building protected by EFSR sprinkler systems as required by the Chief. The mechanical smoke removal systems shall meet the requirements of CFC and SBCOFD Standards.

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

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

**END OF CONDITIONS**



# **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



February 2, 2024

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

**RECEIVED**

**FEB 05 2024**

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

Dear Sam:

LAFCO SC#518 consists of a request by the City of Rialto (City) for an Extraterritorial Wastewater Service Agreement. The project area is located in the City's western Sphere of Influence, at the southwest corner of Slover Avenue and Cactus Avenue, south of Interstate 10. The proposed LAFCO SC#518 action encompasses approximately 13.27 acres. The County prepared an environmental impact report ("EIR") for this action (termed the Slover/Cactus Avenue Warehouse Project, SCH No. 2019039033) to comply with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. This document supported the County's approval of the "proposed project" in October 2022. The EIR was prepared by the County acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). It concluded that implementation of future development under the proposed project to be provided sewer service by the City of Rialto would result in significant unavoidable adverse environmental impacts. As a result, the County prepared a set of Facts, Findings and a Statement of Overriding Considerations when it approved the proposed project in 2022. After approval of the project by the County, the City of Rialto submitted the request to LAFCO for the Extraterritorial Wastewater Service Agreement, LAFCO SC#518. Therefore, I am recommending that the Commission consider the adopted Final EIR, and adopt the Facts, Findings and Statement of Overriding Considerations, as adapted for LAFCO's use as a CEQA Responsible Agency, as the appropriate CEQA environmental determination for LAFCO SC#518. A copy of the adapted Facts, Findings and Statement of Overriding Consideration for consideration and approval by the Commission is attached.

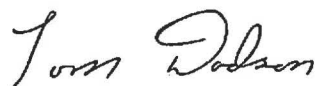
Thus, based on a review of LAFCO SC#518 and the pertinent sections of CEQA (the statute), the State CEQA Guidelines and the Commission's adopted local CEQA guidelines, I believe it is appropriate for the Commission's CEQA environmental determination to cite the County's Final EIR and the adapted Findings as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process by the County was carried out over a lengthy period and culminated in an October 4, 2022 certification of the Final EIR. Refer to the County's Notice of Determination which is attached to this letter. Based on a field review of the proposed project area and review of the environmental issues in the County's document, no substantial changes in circumstances have occurred since the Final EIR certification that would require additional environmental documentation or review. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#518, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's Final EIR and found it adequate for the City of Rialto's Extraterritorial Wastewater Service Agreement for the approved project.

2. The Commission needs to indicate that it has considered the Final EIR and environmental effects of the proposed project, as outlined in the Final EIR, prior to reaching a decision on the project and finds the information substantiating the Final EIR adequate for approval of the Extraterritorial Wastewater Service Agreement.
3. The Commission should indicate that it does not intend to adopt alternatives or mitigation measures for this project. Mitigation measures were required for this project and they will remain the responsibility of the County and other agencies to implement.
4. The Commission needs to adopt its independent Facts, Findings and Statement of Overriding Considerations in conjunction with approval of LAFCO SC#518, if it chooses to approve this application.
5. File a Notice of Determination with the County Clerk of the Board as a CEQA Responsible Agency for LAFCO SC#518.

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

Attachment

LA-1050/LAFCO SC#518 Resp Agency SOOC

**Facts, Findings and Statement of Overriding Considerations  
Regarding the Environmental Effects from the  
Environmental Impact Report for LAFCO SC#518 – City of  
Rialto Extraterritorial Wastewater Service Agreement**

**State Clearinghouse No. 2019039033**

**SECTION 1**

**INTRODUCTION**

San Bernardino County (the “County”) approved the Slover Avenue & Cactus Avenue Warehouse Project and certified the Final Environmental Impact Report for this project in October 2022 and made the findings and adopted a Statement of Overriding Considerations presented in this document. In December 2023, the City of Rialto submitted an application to the County of San Bernardino Local Agency Formation Commission (LAFCO or Commission) for an Extraterritorial Wastewater Service Agreement (LAFCO SC#518) for the Project. Acting as a Responsible Agency under the California Environmental Quality Act, LAFCO makes the following findings and adopts the following Statement of Overriding Considerations as a Responsible Agency. The findings are based on the entire record compiled by the County, including the Final Environmental Impact Report (“FEIR” or “EIR”) prepared for the Project by the County as lead agency pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.). The record relied upon by Commission as a CEQA Responsible Agency also includes the Initial Study, the technical reports, the Draft EIR, the Responses to Comments, and the Mitigation Monitoring and Reporting Program (which are part of the Final EIR).

The Commission, prior to taking action on LAFCO SC#518, has had access to the completed record for review and can consider all of the information and data in the administrative record, including the FEIR, and all oral and written evidence presented to it. The FEIR reflects the independent judgment of the Commission and is deemed adequate for purposes of making decisions on the merits of LAFCO SC#518 and the Commission hereby adopts the facts and analyses set forth in the EIR, which are incorporated by reference herein and summarized below. The omission of some detail or aspect of the EIR does not constitute an overt or implied rejection by the Commission.

**SECTION 2**

**The Slover/Cactus Avenue Warehouse Project**

**A. Project Description**

The Project consists of applications for a General Plan Amendment<sup>1</sup>/Zoning Amendment

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<sup>1</sup> At the time of submitting the Project applications the County’s general plan and zoning designation were included as



(P20170564) and Conditional Use Permit (P201700563) to develop a 257,855 sq. ft. warehouse building on an approximately 13.3-acre property located immediately southwest of the intersection of Slover Avenue and Cactus Avenue. Copies of the entitlement application materials for the proposed Project are herein incorporated by reference pursuant to CEQA Guidelines Section 15150 and are available for review at the County's Land Use Services Department, Planning Division, located at 385 N. Arrowhead Avenue, San Bernardino, CA 92415 (collectively referred to as the Project).

For purposes of the EIR, the term "Project" refers to the discretionary actions required to implement the proposed Slover/Cactus Avenue Warehouse Project and all of the activities associated with its implementation (including planning, construction, and ongoing operation). The Project would entail the construction and operation of a warehouse facility and, also, includes associated site improvements, including drive aisles, landscaping, utility infrastructure, water quality basins, exterior lighting, and signage. The principal discretionary actions requested by the Project Applicant to implement the proposed Project include a General Plan Amendment/Zoning Amendment (P201700564) and a Conditional Use Permit (P201700563). The Project also would include the vacation and abandonment of Walnut Avenue between Otila Street and Slover Avenue.

**The Project also includes compliance with Senate Bill 330 (SB 330).** SB 330 Compliance requires the County Board of Supervisors to make concurrent land use changes to development standards, policies, and/or conditions applicable to another parcel (or parcels) within the County to offset the loss of potential housing capacity at the Project Site.

On January 1, 2020, SB 330 became effective. SB 330 declared a housing crisis in California and imposed requirements designed to streamline the construction of new housing and prevent the loss of existing housing and land available for future residential use. Among other things, SB 330 added Government Code Section 66300, which includes a provision that: "... does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance or a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity" (refer to Government Code Section 66300(h)(2)(i)(1)).

Because approval of the proposed Project evaluated in the EIR and accompanying land use applications would involve a General Plan Amendment/Zoning Amendment to change the Project Site's Land Use Category designation and Land Use Zone Map designation from a residential classification to a non-residential classification (thereby resulting in a reduction of up to 13 planned housing units that could have been developed on the Project Site under its current land use and zoning classification), SB 330 requires the County Board of Supervisors to make concurrent land use changes to development standards, policies, and/or conditions applicable to another parcel (or parcels) within the County to offset the loss of potential housing capacity at the Project Site.

APN 0259-161-45 is the property that the County has identified for land use changes that

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part of a one-map system. Accordingly, any zoning amendment would require a general plan amendment and vice versa. On October 27, 2020, the County amended its general plan by adopting the Countywide Plan, Policy Plan, which adopted to a two-map system where the general plan designation and the zoning designation are included as part of two different maps. Accordingly, the Project's reference to a General Plan Amendment also includes the concurrent Zoning Amendment. All references to the "General Plan" shall be a reference to the Countywide Plan, Policy Plan.

would comply with SB 330 and offset the loss of potential housing capacity at the Project Site. This property is within the Bloomington community, located approximately 300 feet south of Jurupa Avenue, approximately 275 feet north of Lusitano Drive, east of Appaloosa Lane, and west of Spruce Avenue.

## **B. Project Objectives**

The fundamental goal of the Project is to accomplish the orderly development of an industrial warehouse facility on the Project Site. The Project would achieve this goal through the following objectives:

1. To develop a vacant or underutilized property with an industrial building to help meet the substantial and unmet regional demands for this type of building space.
2. To expand economic development and facilitate job creation in the County by establishing new industrial development adjacent to or near already-established industrial uses.
3. To attract new businesses to the County and thereby provide a more equal jobs-housing balance in the Inland Empire area that will reduce the need for members of the local workforce to commute outside the area for employment.
4. To develop Class A industrial buildings in the County that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar buildings in the local area and region.
5. To develop a property that has access to available infrastructure, including roads and utilities.
6. To develop an industrial building with loading bays in close proximity to the I-10 Freeway that can be used as part of the southern California goods movement network.
7. To develop light industrial uses in close proximity to designated truck routes and the State highway system to avoid or shorten truck-trip lengths on other roadways.

The Commission concurs with the preceding information describing the whole of the project and its objectives. However, the Commission's action relative to this Project is the consideration and possible approval of an Extraterritorial Wastewater Service Agreement (LAFCO SC#518) that would allow the Project to be connected to the City of Rialto's wastewater collection and wastewater treatment services. This is a small, but essential, component of the overall project that was required as part of the approval of the Project by the County.

### **SECTION 3**

#### **FINDINGS**

The County conducted an extensive review of this Project which included a Notice of Preparation, Initial Study, Notice of Availability, a Draft EIR, and a Final EIR, including technical reports; along with a public review and comment period. Hereafter, the Notice of Preparation, Initial Study, Notice of Availability, Draft EIR, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR, and the Mitigation Monitoring and Reporting Program will be referred to collectively herein as the EIR.

Prior to taking action, the Commission has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the EIR, and all oral and written evidence presented to it during all the meetings and hearings, all of which is incorporated herein by this reference. The Commission concurs that no comments made in the public hearings conducted by the County, or any additional information submitted to the County have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines Section 15088.5, and all other legal prerequisites to the adoption of these findings have occurred. Therefore, the EIR reflects the independent judgment of the County, and the Commission finds that the EIR was prepared in compliance with CEQA.

The documents and other materials which constitute the record of proceedings for the County's approval of this Project are located at the County's Land Use Services Department Planning Division, 385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0182 and at the Commission office in San Bernardino. The County Planning Division is the custodian of all such documents. This information is provided pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

### **SECTION 4**

#### **LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION**

Consistent with Public Resources Code Section 21002.1 and Section 15128 of the CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact. Nevertheless, the County found and the Commission concurs that the Project would have either no impact or a less than significant impact to the following resource areas:

The Commission concurs with the preceding findings.

## **A. Aesthetics**

### **1. Scenic Vista:**

Under existing conditions, views of the La Loma Hills, Jurupa Hills, and San Gabriel Mountains are available from the Project Site and its vicinity on clear days. The Project would involve the construction and operation of one warehouse building with a maximum height of approximately 45 feet above finished floor elevation. The proposed warehouse building would not be so tall as to obstruct public views or otherwise substantially detract from public views from the surrounding topographic features and landforms. Therefore, the Project would not result in a substantial adverse effect on views of scenic resources. (EIR, pp. 4.1-9 – 4.1-10)

### **2. Scenic Resources:**

Under existing conditions, the Project Site does not have scenic resources, such as scenic trees, rock outcroppings, or buildings, and the Site is not visible from a scenic route or highway. The Project would not result in a substantial adverse effect on scenic resources. (EIR, p. 4.1-10)

### **3. Visual Character:**

The Project Site is within an urbanized area and the Project would not conflict with applicable design regulations within the San Bernardino Development Code that govern visual quality and character. The Project would not result in a substantial adverse effect on local visual character. (EIR, p. 4.1-11)

### **4. Light and Glare:**

The proposed Project would be required to adhere to the lighting requirements as set forth in the County of San Bernardino Development Code. The Development Code lighting standards govern the placement and design of outdoor lighting fixtures to ensure adequate lighting for public safety while also minimizing light pollution and glare and precluding public nuisances. The Project's mandatory compliance with the County of San Bernardino Development Code would ensure that the Project would not produce a new source of substantial light or glare from artificial lighting sources that would adversely affect day or nighttime views in the area. (EIR, p. 4.1-11)

The Commission concurs with the preceding findings.

## **B. Agriculture and Forestry Resources**

### **1. Important Farmland:**

According to the California Department of Conservation's Farmland Mapping and Monitoring Program, the Project Site does not have any lands mapped as "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Importance." The Project would not convert any important farmland to non-agricultural use. (EIR, p. 5-4)

## **2. Agricultural Zoning and Williamson Act Contract:**

The Project Site is zoned “Single Residential, one-acre minimum lot size, with Additional Agricultural Overlay.” The Project would amend the San Bernardino County’s Land Use Zone Map to remove the Additional Agricultural Overlay, which would conflict with the Site’s existing zoning for agricultural use. However, the agricultural value of the Project Site was evaluated using the California Agricultural Land Evaluation and Site Assessment (LESA) Model. According to the LESA Model, the Project site is not considered to be an important agricultural resource and the conflict with the Site’s existing zoning would not result in a significant environmental impact. (EIR, p. 5-4)

The Project Site is not under a Williamson Act Contract; therefore, the Project would not conflict with a Williamson Act Contract. (EIR, p. 5-4)

## **3. Forestland and Timberland Zoning:**

The Project Site is not zoned as or in proximity to land zoned as forestland, timberland, or Timberland Production. Therefore, the Project would not result in the rezoning of any such lands. (EIR, p. 5-5)

## **4. Conversion of Forestland:**

The Project Site does not have forest land and is not designated as forest land; therefore, the Project would not result in the loss of forestland or the conversion of forestland to non-forest use. (EIR, p. 5-5)

## **5. Other Changes:**

The Project Site does not have soils mapped as “Farmland” (i.e., “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance”). Furthermore, the LESA Model concluded that the Project Site is not considered to be an important agricultural resource. There are no properties are designated for forest land uses. The implementation of the Project would not result in the conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use. (EIR, p. 5-5)

The Commission concurs with the preceding findings.

## **C. Air Quality**

### **1. Cumulatively Considerable Increase of Criteria Pollutants:**

#### *Regional Criteria Pollutant Emissions During Construction*

The Project’s construction emissions of volatile organic compounds (VOCs), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), sulfur oxides (SO<sub>x</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) and would not exceed the applicable South Coast Air Quality Management District

(SCAQMD) regional significance thresholds. Accordingly, the Project's construction activities would not emit substantial concentrations of these pollutants. (EIR, p. 4.2-24)

While no significant impacts relating to emissions of VOCs during construction have been identified that require mitigation to less than significant levels, the Project will be required to implement the following guidance and performance standard to further minimize the Project's less than significant effect. (EIR, p. 4.2-32)

***MM 4.2-3.*** Prior to building permit issuance, the County of San Bernardino shall verify that a note is provided on all building plans specifying that compliance with SCAQMD Rule 1113 is mandatory during application of all architectural coatings. Project contractors shall be required to comply with the note and maintain written records of such compliance that can be inspected by the County of San Bernardino upon request. This note also shall indicate that only "low-volatile organic compound" paint products (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used. All other architectural coatings shall comply with the VOC limits prescribed by SCAQMD Rule 1113.

**Regional Criteria Pollutant Emissions During Operation**

The Project's operational emissions of VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) would not exceed the applicable SCAQMD regional significance thresholds. Accordingly, activities associated with operation of the Project would not emit substantial concentrations of these pollutants and would not contribute to an existing or projected air quality violation. (EIR, pp. 4.2-24 – 4.2-25)

While no significant impacts relating to emissions of NO<sub>x</sub> during construction have been identified that require mitigation to less than significant levels, the Project will be required to implement the following guidance and performance standard to further minimize the Project's less than significant effect. (EIR, p. 4.2-32)

***MM 4.2-4.*** Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include:

- 1) instructions for truck drivers to shut off engines when not in use;*
- 2) instructions for drivers of diesel trucks to restrict idling to no more than five (5) minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged. Prior to the issuance of an occupancy permit, the County of San Bernardino shall conduct a site inspection to ensure that the signs are in place.*

***MM 4.2-5.*** All outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment) shall be electric-powered or powered by non-combustion engines. This requirement shall be noted in the buildings' sale and lease agreements and also shall be noted on all tenant improvement plans submitted to the County of San Bernardino.

## **2. Sensitive Receptors:**

### **Localized Criteria Pollutant Emissions During Operation**

Project operation would not exceed the applicable SCAQMD thresholds for localized NO<sub>x</sub>, CO, and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) emissions. Accordingly, operation of the Project would not expose any sensitive receptors in the vicinity of the Project site to substantial criteria pollutant concentrations. (EIR, p. 4.2-27)

### **Carbon Monoxide “Hot Spot”**

A Project-specific CO “hot spot” analysis was not performed because CO attainment in the South Coast Air Basin (SCAB) was thoroughly analyzed as part of SCAQMD’s 2003 AQMP and the 1992 Federal Attainment for Carbon Monoxide Plan (1992 CO Plan). As identified in the SCAQMD’s 2003 AQMP and the 1992 CO Plan, peak CO concentrations in the SCAB were the byproduct of unusual meteorological and topographical conditions and were not the result of traffic congestion. Based on the relatively low traffic congestion levels, low existing ambient CO concentrations, and the lack of any unusual meteorological and/or topographical conditions in the Project site vicinity, the Project’s operation is not expected to cause or contribute to a CO “hot spot.” (EIR, pp. 4.2-27 – 4.2-28)

### **Toxic Air Contaminant Emissions**

Based on the typical operations at logistics warehouse facilities, which do not include smoke stacks or other stationary point-sources of air pollutant emissions, the Project is not expected to result in stationary emissions of toxic air contaminants. However, the Project’s operational activities would generate/attract diesel-fueled trucks. Diesel-fueled trucks produce diesel particulate matter (DPM), which is a toxic air contaminant and is known to be associated with acute and chronic health hazards, including cancer. Project operations would not expose residential, worker, or school child receptors in the vicinity of the Project Site and the Project’s primary truck route to substantial carcinogenic or non-carcinogenic health hazards. (EIR, pp. 4.2-28 – 4.2-29)

## **3. Odors:**

During Project construction, odors could be produced by construction equipment exhaust or from the application of asphalt and/or architectural coatings. However, standard construction practices would minimize the odor emissions and their associated impacts. Furthermore, any odors emitted during construction would be temporary, short-term, and intermittent; these activities would cease upon the completion of the respective phase of construction. Additionally, the Project would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance. (EIR, p. 4.2-29)

During long-term operation, the Project would operate as a warehouse facility, which is not typically associated with the emission of objectional odors. Temporary outdoor refuse storage has the potential to be a source of odor; however, Project-generated refuse is required to be stored and



covered containers and removed at regular intervals in compliance with the County's solid waste regulations, thereby precluding any significant odor impacts. Additionally, the Project would be required to comply with SCAQMD Rule 402. (EIR, p. 4.2-29)

The Commission concurs with the preceding findings.

#### **D. Biological Resources**

##### **1. Riparian Habitat:**

None of the habitat types within the Project Site are classified as riparian habitats, nor are these habitats identified as sensitive natural communities. Accordingly, the Project has no potential to result in a substantial adverse effect on any riparian habitat or other sensitive natural community. (EIR, p. 4.3-9)

##### **2. Wetlands:**

The Project Site does not have any protected wetland or aquatic resources, including, but not limited to natural drainages or water courses, wetland habitat, marsh, vernal pools, or coastal resources. Therefore, the Project would not result in a substantial adverse effect on State- or federally-protected wetlands. (EIR, p. 4.3-9)

##### **3. Local Policies and Ordinances Protecting Biological Resources:**

The Project is in conformance with the requirements of the provisions of the Biotic Resources Overlay, which is the only County policy or ordinance in place to protect biological resources that is applicable to the Project and/or the Project Site. (EIR, p. 4.3-10)

##### **4. Conservation Plans:**

The Project Site is not within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. (EIR, p. 4.3-10)

The Commission concurs with the preceding findings.

#### **E. Cultural Resources**

##### **1. Historical Resources:**

One assemblage of historic artifacts is present on the Project Site; however, the assemblage was evaluated by a professional archaeologist and was determined to not be eligible for inclusion in the California Register of Historic Resources and is not considered a significant historical resource. (EIR, pp. 4.4-10 – 4.4-11)

## **2. Human Remains:**

In the unlikely event that human remains are discovered during Project construction activities (i.e., grading or other ground disturbing activities), the Project contractor would be required to comply with the applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 et seq. Mandatory compliance with State law would ensure that human remains, if encountered, are appropriately treated and would preclude the potential for significant impacts to human remains. (EIR, p. 4.4-10)

The Commission concurs with the preceding findings.

## **F. Energy**

### **1. Energy Use:**

The Project's construction activities would consume electrical energy and fuel. Project-related construction would represent a "single-event" electric energy and fuel demand and would not require on-going or permanent commitment of energy or diesel fuel resources for this purpose. There are no unusual characteristics or construction processes for the Project that would result in inefficient, wasteful, or unnecessary consumption of energy. (EIR, p. 4.5-6 – 4.5-7)

Energy consumption in support of or related to Project operations would include transportation energy demands and facility energy demands. The Project's proposed building would reflect contemporary energy efficient/energy conserving designs and operational programs and would be required to comply with applicable State building and energy codes. Additionally, the Project does not propose uses or operations that would inherently result in excessive and wasteful vehicle trips. The Project's operational energy consumption would not be inefficient, wasteful, or otherwise unnecessary. (EIR, pp. 4.5-7 – 4.5-8)

### **2. Energy Conservation:**

The Project would not cause or result in the need for additional energy production or transmission facilities. The Project would not conflict with or obstruct the achievement of energy conservation goals within the State identified in State and local plans for renewable energy and energy efficiency. (EIR, p. 4.5-10)

The Commission concurs with the preceding findings.

## **G. Geology and Soils**

### **1. Rupture of a Known Earthquake Fault:**

According to the Southern California Earthquake Data Center (SCEDC), there are no known active or potentially active earthquake faults on the Project Site or in the immediate area. The nearest fault line is the San Jacinto fault line located approximately 5.0 miles to the north-east of the Project Site. The Project would not expose people or structures to substantial adverse effects related to ground rupture. (EIR, p. 4.6-10)

## **2. Strong Seismic Ground Shaking:**

The Project Site is within a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. This risk is not substantially different than the risk to properties and structures throughout Southern California. The Project would be required to comply with the California Building Standards Code and the County of San Bernadino Building Code, which provide standards for the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures, and that have been specifically tailored for California earthquake conditions. Additionally, as a condition of approval, the Project would be required to be constructed in compliance with the ground preparation and construction recommendations identified in the Project-specific Geotechnical Investigation to ensure the suitability and structural integrity of the soils on the Project Site. (EIR, p. 4.6-10)

## **3. Ground Failure:**

The Project Site is not subject to significant risks associated with seismic-related ground failure. Regardless, the Project would be designed and constructed in accordance with applicable seismic safety guidelines, including the standard requirements of the California Building Standards Code and County of San Bernardino Building Code. (EIR, p. 4.6-11)

## **4. Landslides:**

The Project Site and surrounding area are flat. There are no hillsides or steep slopes on or in proximity to the Project Site. No manufactured slopes would be created on-site, except within the proposed infiltration/detention basin where proposed slopes would reach a maximum gradient of 3:1. Also, a retaining wall would be installed along the northern boundary of the Project Site and would range from six (6) to nine (9) feet in height. The proposed manufactured slopes and retaining wall would be constructed in accordance with the site-specific recommendations contained within the Geotechnical Investigation for the Project. Accordingly, the Project would not be exposed to substantial landslide risks, and implementation of the Project would not pose a substantial direct or indirect landslide risk to surrounding properties. (EIR, p. 4.6-11)

## **5. Soil Erosion:**

Pursuant to the requirements of the State Water Resources Control Board, the Project will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities. The County's Municipal Separate Storm Sewer System (MS4) NPDES Permit requires development projects to prepare and submit to the County for approval a site-specific Storm Water Pollution Prevention Plan (SWPPP) to demonstrate compliance with the NPDES permit requirements. The SWPPP is required to identify a combination of erosion control and sediment control measures (i.e., Best Management Practices) that will reduce or eliminate sediment discharge to surface water from storm water and non-storm water discharges during construction. In addition, the Project Applicant will be required to comply with SCAQMD Rule 403's requirements related to fugitive dust control, which would reduce the amount of particulate matter in the air and minimize the potential for wind erosion. Lastly, the Project Applicant would

be required to implement an erosion control plan pursuant to the requirements of the County's Development Code (Section 85.11.030). With mandatory compliance with all applicable regulatory requirements, the potential for water and/or wind erosion on the Project site during construction activities would be less than significant and mitigation is not required. (EIR, pp. 4.6-11 – 4.6-12)

Upon Project build-out, the Project Site would be covered by a warehouse building, landscaping and impervious surfaces. Stormwater runoff from the Project Site would be captured, treated to reduce waterborne pollutants (including sediment), and conveyed off-site via an on-site storm drain system. The County's MS4 NPDES Permit requires development projects to prepare a Water Quality Management Plan (WQMP) and submit the WQMP to the County for approval. Compliance with the WQMP will be required as a condition of approval for the Project, as would the long-term maintenance of erosion and sediment control features. The Project's operation would be required to use erosion and sediment control measures to preclude substantial, long-term soil erosion and loss of topsoil. (EIR, p. 4.6-12)

#### **6. Unstable Geologic Unit or Soil:**

The Project Site and surrounding area are relatively flat. The Project includes manufactured slopes and a retaining wall, all of which would be engineered for long-term stability and would be constructed in accordance with the recommendations identified in the soils report prepared for the Project. (EIR, p. 4.6-13)

The Project Site is subject to shrinkage; however, shrinkage/subsidence and settlement potential can be attenuated through the removal of surface and near surface soils and replaced with compacted fill. The County will condition the Project Applicant to comply with the site-specific ground preparation and construction recommendations identified in the Project-specific Geotechnical Investigation to ensure proper soil/site preparation. (EIR, p. 4.6-13)

Furthermore, because the Project Site is not within an area susceptible to liquefaction, lateral spreading would not occur onsite. (EIR, p. 4.6-13)

#### **7. Expansive Soil:**

The Project Site's near surface soils have a very low expansion potential. Accordingly, the Project would not be located on expansive soil. (EIR, p. 4.6-13)

#### **8. Septic Tanks:**

The Project does not propose the use of septic tanks or alternative waste water disposal systems. (EIR, p. 4.6-14)

The Commission concurs with the preceding findings.

## **H. Green House Gas (GHG)**

### **1. GHG Emissions:**

The Project is calculated to generate approximately 2,958.27 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e), which is below the significance threshold established by the County's Greenhouse Gas Reduction Plan. As such the Project would not generate substantial GHG emissions – either directly or indirectly. (EIR, p. 4.7-19)

### **2. GHG Reduction Plans:**

The Project would be consistent with applicable regulations policies, plans, and policy goals that would further reduce GHG emissions. (EIR, pp. 4.7-20 – 4.7-24)

The Commission concurs with the preceding findings.

## **I. Hazards**

### **1. Create a Significant Hazard to the Public or Environment:**

An above ground storage tank (AST) was observed at one residence on the Project Site; however, the AST was never used to store hazardous substances. As such, the presence and removal of the AST would not create an adverse effect to the public or environment. Additionally, removal of the AST would be required to comply with all applicable local and State regulations. (EIR, p. 4.8-10)

The Project Site was used in the past for agricultural activities; therefore, there is a potential that pesticides were used on the property. However, no signs of pesticide use, storage, or mismanagement were observed onsite. Additionally, given the rate of degradation of organochloride pesticides, the amount of time that has passed since these pesticides could have been applied, if present, the Project Site likely only contains trace concentrations of pesticides, which do not represent a hazard to the public or the environment. (EIR, p. 4.8-10)

There is no potential for the structures onsite to have asbestos containing materials (ACMs). Notwithstanding, concrete irrigation standpipes were observed on the Project Site, and it is possible that more concrete irrigation pipes are located below the ground surface. There is a potential for ACMs to be present in these irrigation pipes; however, the Project would be required to remove and handle any ACMs in compliance with applicable State and local regulations. Therefore, impacts due to potential ACM exposure would not represent a hazard to the public or environment. (EIR, 4.8-11)

During construction, heavy equipment would be operated on the Project Site. This heavy equipment likely would be fueled and maintained by petroleum-based substances. Additionally, materials such as paints, adhesives, solvents, and other substances typically used in building construction would be used. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills. This is a standard risk on all construction sites and there would be no greater risk on other construction sites. The Project would be required to comply with

all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials. (EIR, 4.8-11)

The future use(s) of the proposed warehouse building were not known at the time the EIR was prepared; however, future building occupant(s) likely will include general warehousing, industrial, manufacturing, assembly, and/or similar uses and it is possible that hazardous materials could be used during the course of the future building user's daily operations. During Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the Project would not create a significant hazard to the environment due to routine transport, use, disposal or upset of hazardous materials. (EIR, p. 4-8-12)

## **2. Emission and Handling of Hazardous Materials in Proximity to a School:**

The Project Site is not located within one-quarter mile of any existing or proposed school. Accordingly, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (EIR, p. 4.8-12 – 4.8-13)

## **3. Hazardous Materials Sites:**

The Project Site is not on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (EIR, p. 4.8-13)

## **4. Airport Land Use Plan:**

The Project Site is not located within an airport hazard zone for the Ontario Airport and the Ontario Airport Land Use Compatibility Plan does not impose any land use or design restrictions on the Project Site. As such, the Project would not result in airport related safety hazards for people residing or working the Project area. (EIR, p. 4.8-13)

## **5. Emergency Response Plan:**

The Project Site does not have any emergency facilities nor does the Project Site serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (EIR, p. 4.8-14)

## **6. Wildland Fires:**

The Project Site is not in proximity to wildlands or areas with high fire hazards. The Project would not expose people or structure to significant wildland fire risks. (EIR, p. 4.8-14)

The Commission concurs with the preceding findings.

## **J. Hydrology and Water Quality**

### **1. Water Quality Standards:**

Pursuant to the requirements of the State Water Resources Control Board, the Project will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities. The County's Municipal Separate Storm Sewer System (MS4) NPDES Permit requires development projects to prepare and submit to the County for approval a site-specific Storm Water Pollution Prevention Plan (SWPPP) to demonstrate compliance with the NPDES permit requirements. The SWPPP is required to identify a combination of Best Management Practices that will reduce or eliminate pollution discharge to surface water from storm water and non-storm water discharges during construction. (EIR, p. 4.9-10)

During Project operation, stormwater runoff from the Project Site would be captured, treated to reduce waterborne pollutants, and conveyed off-site via an on-site storm drain system. The County's MS4 NPDES Permit requires development projects to prepare a Water Quality Management Plan (WQMP) and submit the WQMP to the County for approval. Compliance with the WQMP will be required as a condition of approval for the Project, as would the long-term maintenance of water quality control features. (EIR, 4.9-10)

### **2. Groundwater:**

The Project would be served with potable water from the West Valley Water District (WVWD) and the Project Applicant does not propose the use of any wells or other groundwater extraction activities. The Project would not directly draw water from a groundwater basin. Additionally, the Project would include the installation of a detention basin, infiltration basin, and permeable landscaped areas to allow direct percolation into the Riverside-Arlington Subbasin. The Project would not substantially decrease the supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. (EIR, p. 4.9-11)

### **3. Alter the Existing Drainage Pattern:**

The Project would retain the Site's general drainage pattern and would incorporate design features to minimize erosion and sediment within surface water runoff. The Project would not create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems, nor would development of the Project provide substantial additional sources of polluted runoff. The Project also would not construct structures within a 100-year flood hazard area that would impede or redirect flood flows. (EIR 4.9-14)

### **4. Release of Pollutants:**

The Project Site is located more than 45 miles east of the Pacific Ocean.; therefore, the Project would not be subjected to inundation due to a tsunami. The nearest large body of water is Lake Mathews, approximately 15.0 miles southwest of the Project Site; therefore, the Project would not be subjected to inundation due to a seiche. Additionally, the Project Site is located outside the 100-year floodplain. As such, the Project would not result in the risk of release of pollutants due to



inundation. (EIR, p. 4.9-15)

## **5. Water Quality Control Plan or Sustainable Groundwater Management Plan:**

The Project Site is within the Santa Ana River Basin and the Project would be required to comply with the Santa Ana Regional Water Quality Control Board's adopted water quality control plan. The Project would not conflict with or obstruct the adopted water quality control plan. (EIR, p. 4.9-15)

The Project Site is within the portion of the Riverside-Arlington Subbasin that is adjudicated under the 1969 Western-San Bernardino Judgement. Adjudicated basins are exempt from the 2014 Sustainable Groundwater Management Act (SGMA) because such basins already operate under a court-ordered management plan to ensure long-term sustainability. No component of the Project would obstruct with or present implementation of the management plan for the Riverside-Arlington Subbasin. (EIR, p. 4.9-15)

The Commission concurs with the preceding findings.

## **K. Land Use**

### **1. Division of an Established Community:**

Under existing conditions, the Project site is separated by Slover Avenue to the north, a nursery and single-family residences to the west, Cactus Avenue to the east, and single-family residences to the south. Several of the residential properties located south of the Project site contain multiple outbuildings and appear to support animal keeping while others provide parking for trucks and appear to support independent trucking businesses. Thus, the Project site is either surrounded by roadways or mixed residential and industrial commercial development. Because the Project site is already physically separated from neighboring properties under existing conditions, development of the Project site as a warehouse facility would not physically divide any existing, surrounding community. (EIR, p. 4.10-6)

### **2. General Plan Consistency:**

The land use proposed by the Project Applicant – a warehouse facility – is not consistent with the existing County of San Bernardino General Plan Map, which designates the Project site for “Single Residential, one-acre minimum lot size, with Additional Agricultural Overlay (RS-1-AA)” land uses. However, the Project includes an amendment to the County of San Bernardino General Plan Map that would change the Project site's land use designation to “Community Industrial (IC)” and, if approved, would eliminate the Project's inconsistency with the General Plan Map. The environmental impacts that would result from the Project's inconsistency with the existing County of San Bernardino General Plan Map are disclosed throughout this EIR. Where significant environmental effects are identified, mitigation is provided in the applicable subsection of this EIR to reduce the Project's effects to less-than-significant levels (or, if it is not possible to reduce the Project's impacts to less-than-significant levels, mitigation is provided that has a proportional nexus to the Project's impacts to minimize impacts to the maximum level feasible).

There are no other potentially significant environmental impacts specifically associated with the Project's land use inconsistency with the existing San Bernardino General Plan Map that have not already been addressed in other portions of this EIR and, therefore, additional mitigation measures beyond those identified throughout this EIR would not be required. Further, if the Project is approved, the Project will not be inconsistent with the County of San Bernardino General Plan because the aforementioned General Plan Amendment is a component of the Project proposal. (EIR, p. 4.10-7)

Further, the Project would not conflict with any specific objectives, policies, or actions in the General Plan's Land Use, Circulation and Infrastructure, Housing, Conservation, Open Space, Noise, Safety, or Economic Development elements that were adopted for the purpose of avoiding or mitigating an environmental effect. (EIR, p. 4.10-7)

### **3. Development Code Consistency:**

Under existing conditions, the Project Site is physically separated from neighboring land uses by existing roadways or mixed residential and industrial commercial development. Because the Project site does not directly abut any established land uses, there is no potential for the Project to cause or cumulatively contribute to the division of an established community. Amendments to the County of San Bernardino General Plan land use designation applied to the Project site would permit development of an industrial warehouse facility. The Project would be designed and developed to be in compliance with those industrial development standards mentioned and contained in the County's Development Code. Those standards in addition to appropriate mitigation measures will ensure compliance to all Development Code requirements. (EIR, p. 4.10-10)

The Commission concurs with the preceding findings.

### **L. Mineral Resources**

#### **1. Mineral Resources and Mineral Resources Recovery Site:**

The Department of Conservation has mapped portions of the Project Site as being within Mineral Resource Zone 2, which is a zone known to contain significant mineral deposits or have a high likelihood of containing significant deposits. However, the County identifies the Project Site for residential land uses, which means that the County has determined that non-mining land uses on-site are more valuable to the region than potential mineral extractions. Additionally, due to constraints on and abutting the Project Site mineral resources extraction would not be feasible on-site. Furthermore, the County does not identify any important mineral resource recovery site on- or in proximity of the Project Site. (EIR, p. 5-5)

The Commission concurs with the preceding findings.

## **M. Noise**

### **1. Excessive Groundborne Vibration:**

Construction activities on the Project Site would utilize construction equipment that has the potential to generate vibration. All receiver locations in the vicinity of the Project Site were calculated to be exposed to vibration levels that fall below the applicable significance threshold (0.2 inches per second [in/sec] peak particle velocity [PPV]). (EIR, p. 4.11-22)

Under long-term conditions, the operational activities of the Project would not include or require equipment, facilities, or activities that would result in perceptible ground-borne vibration. Trucks would travel to and from the Project site on surrounding roadways; however, vibration and groundborne noise levels for heavy trucks operating at the posted speed limits on smooth paved surfaces would generate vibration levels (0.004 in/sec PPV) substantially lower than the applicable threshold (0.2 in/sec PPV). (EIR, p. 4.11-22)

### **2. Airport Noise:**

The Project Site is not within two miles of a public airport or within an airport land use plan, nor is the Project Site within the vicinity of a private airstrip. The Project would not expose people working or residing in the Project area to excessive noise related to air travel. (EIR, 4.11-23)

The Commission concurs with the preceding findings.

## **N. Population and Housing**

### **1. Population Growth:**

The Project would have a beneficial effect on the County's employment base by developing the Project Site with a new warehouse facility. The Project's future job opportunities are anticipated to be filled by individuals living within the surrounding cities or nearby communities. Additionally, the Project Site is served by existing roadways and utility infrastructure. The Project would not include the construction of roadways or new infrastructure facilities. The Project is not anticipated to induce substantial unplanned population growth in the area. (EIR, p. 5-6)

### **2. Replacement Housing:**

Under existing conditions, the Project Site has four single-family residences. The Project would remove these homes; however, the removal of these residences would not displace substantial numbers of people or housing. There are over 98,000 households in unincorporated San Bernardino County. The removal of these homes would not trigger the construction of replacement housing elsewhere. (EIR, p. 5-6)

The Commission concurs with the preceding findings.

## **O. Public Services**

### **1. Fire Protection:**

The Project would be served by the San Bernardino County Fire Station No. 76 and No. 77. No New or expanded unplanned facilities would be required. Additionally, the Project would be required to comply with the provisions of the County of San Bernardino Fire Protection District Fee Ordinance. Further, the Project would feature fire safety and fire suppression design measures that would assist in on-site fire control. The Project is anticipated to receive adequate fire protection service. (EIR, p. 5-6)

### **2. Police Protection:**

The Project would introduce a new industrial use, employees, and visitors to the Project Site, which would result in an incremental increase in demand for police protection services. However, the incremental increase is not anticipated to result in the construction of new or physically altered police facilities. Property tax revenues generated from development of the Project site would provide funding to offset potential increases in demand for police protection service. (EIR, pp. 5-6 – 5.7)

### **3. Schools:**

The Project includes non-residential uses that would not generate any school-aged children requiring public education. Therefore, the Project is not anticipated to generate students and is not anticipated to contribute a need to construct a new or physically altered public school facility. Although the Project would not contribute to a demand for additional public-school services, the Project Applicant would be required to contribute development impact fees to San Bernardino City Unified School District in compliance with Senate Bill 50 (Greene). Mandatory payment of school fees would be required prior to the issuance of building permits. (EIR, p. 5-7)

### **4. Parks:**

The Project does not propose uses that would create a demand for public park facilities and the Project does not propose to construct or expand park facilities. (EIR, p. 5-7)

### **5. Other Public Facilities:**

The Project is not anticipated to result in a demand for other public facilities, including libraries, community recreation centers, post offices, public health facilities, and/or animal shelters. As such, the implementation of the Project is not anticipated to adversely affect other public facilities or require the construction of new or modified public facilities. (EIR, p. 5-7)

The Commission concurs with the preceding findings.

## **P. Recreation**

### **1. Neighborhood and Regional Parks:**

The Project provides for the development of a warehouse facility and does not include a residential component or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. Therefore, the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park. (EIR, p. 5-7)

### **2. Construction or Expansion of Recreational Facilities:**

The Project entails the development of the Project Site with a warehouse facility. The Project does not entail the construction of any new on- or off-site recreational facilities. Accordingly, implementation of the Project would not result in environmental effects related to the construction or expansion of recreational facilities. (EIR, p. 5-7)

The Commission concurs with the preceding findings.

## **Q. Transportation**

### **1. Circulation System Performance**

#### Arterial Road Intersections

Under short-term construction conditions, Project-related traffic would not substantially cause or contribute to a level of service (LOS) deficiency at any arterial intersection within the Project's study area. Similarly, under the Existing plus Project traffic analysis scenario, which evaluates the potential for Project traffic to directly impact the roadway system under the theoretical scenario where the Project is operational under existing conditions, Project-related traffic would not substantially cause or contribute to a LOS deficiency at any arterial intersection within the Project's study area. (EIR, pp. 4.2-12-14 – 4.12-16)

#### Freeway Mainline Segments and Ramps

Under all traffic analysis scenarios – short-term construction, Existing plus Project, Opening Year, and Horizon Year – Project-related traffic would not substantially cause or contribute to deficient operating conditions along any freeway mainline segment or at any freeway ramp location. (EIR, pp. 4.12-14 – 4.12-19)

#### Public and Non-Vehicular Transportation

Construction and operation of the Project would not interfere or conflict with safe pedestrian and bicycle activity abutting and adjacent to the Project Site. Additionally, no component of the Project would interfere with public transit service in the vicinity of the Project Site. (EIR, p. 4.12-20)

## **2. CEQA Guidelines Section 15064.3(c):**

At the time the Project Applicant filed applications for the Project and the Project's EIR was prepared, the County of San Bernardino had not established a methodology or significance threshold for the implementation of CEQA Guidelines Section 15064.3(b) and such an analysis was not yet required State law. Accordingly, the County did not require the Project to perform an analysis of consistency with CEQA Guidelines Section 15064.3(b). (EIR, p. 4.12-20)

## **3. Hazardous Design Feature:**

The improvements provided by the Project within the public rights-of-way would be installed conformance with County design standards. Further, the County reviewed the Project's application materials and determined that no hazardous transportation design features would be introduced through implementation of the Project. (EIR, p. 4.12-20 - 4.12-21)

## **4. Emergency Access:**

The County reviewed the Project's design and confirmed that the Project would provide adequate access to-and-from the Project Site for emergency vehicles and the Project would not interfere with the circulation of vehicles, including emergency vehicles, along public streets that abut the Site. Additionally, the County will review all future Project construction drawings to ensure that adequate emergency access is maintained along abutting public streets during constructions. (EIR, p. 4.12-21)

The Commission concurs with the preceding findings.

## **R. Utilities and Service Systems**

### **1. New or Expanded Utilities:**

The Project would include the construction of an on-site network of water and wastewater lines that would connect to existing water and wastewater conveyance line that abut the Project Site. No existing water or wastewater lines would be relocated or expanded. The Project would remove the existing power poles that abut the Project Site along Slover Avenue and Cactus Avenue and would underground the existing overhead power lines. The installation of infrastructure improvements would not result in physical environmental impacts requiring mitigation. (EIR, p. 4.14-10)

### **2. Water Supplies:**

The Project is calculated to consume 29.8 acre-feet of water per year, while the West Valley Water District is projected to have a minimum excess supply of 10,151 acre-feet of water per year under normal, historic single-dry and historic multiple-dry year conditions until at least 2040. Accordingly, the West Valley Water District has adequate water supplies to meet its current and expected future water service demands, including the Project, without the need for additional water entitlements. (EIR, p. 4.14-10)

### **3. Wastewater Treatment Capacity:**

Wastewater generated by the Project would be treated at the Rialto Wastewater Treatment Plant. Under existing conditions, the Rialto Wastewater Treatment Plant has an excess treatment capacity of 4 million gallons per day. The Project is anticipated to generate 26,600 gallons of wastewater per day during operation. The Project would utilize approximately 0.7 percent of the daily excess treatment capacity. Accordingly, the Rialto Wastewater Treatment Plant has sufficient capacity to treat wastewater generated by the Project in addition to existing commitments. (EIR, p. 4.14- 11)

### **4. Landfill Capacity:**

Construction of the Project would generate solid waste in the form of demolition debris and remnants of unused construction materials, packing materials, etc. The Project is anticipated to generate approximately 88.5 tons of construction demolition waste and 559.5 tons of construction waste, of which 50 percent would be required to be diverted from landfills. The Project's combined demolition and construction activities would generate approximately 368 tons of solid waste requiring disposal over the Project's 280 construction period, which corresponds to approximately 1.3 tons generated per construction day. Construction waste from the Project would be disposed at the Mid-Valley Landfill and/or San Timoteo Landfill, which have a combined excess daily disposal capacity of more than 6,000 tons. The Project's solid waste generated during Project construction would neither exceed State or local disposal standards nor exceed the local infrastructure capacity. (EIR, p. 4.14-11)

During long-term operation, the Project is anticipated to generate 3.6 tons of solid waste per day, of which a minimum of 50 percent would be diverted from landfills. Therefore, the Project would generate approximately 1.8 tons per day of solid waste requiring disposal at a landfill, which is far less than the approximately 6,000 tons of excess daily disposal capacity available at the Mid-Valley and San Timoteo Landfill. The volume of waste generated during long-term Project operation is not anticipated to exceed State or local disposal standards nor exceed the local infrastructure capacity to handle the waste disposal. (EIR, p. 4.14-12)

### **5. Solid Waste Regulations:**

The Project would be required by law to comply with the California Integrated Waste Management Act and the County of San Bernardino Countywide Integrated Waste Management Plan. Additionally, the Project would comply with California Solid Waste Reuse and Recycling Act of 1991 and Assembly Bill 341. The Project would not conflict with any applicable federal, State, or local management and reduction statutes and regulations related to solid waste. (EIR, p. 4.14-13)

The Commission concurs with the preceding findings.

## **S. Wildfire**

### **1. High Wildfire Hazard Severity Zone:**

The Project Site is not located in or near a state responsibility area or lands classified as very high fire hazard severity zones; therefore, the Project would not exacerbate wildfire hazard risks or



expose people and the environment to adverse environmental effects related to wildfires. (EIR, pp. 5-7 – 5-8)

The Commission concurs with the preceding findings.

## **SECTION 5**

### **ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT**

The County found and the Commission concurs with the finding that feasible changes or alterations to the Project have been identified in the EIR which will avoid or substantially lessen the following potential significant environmental impacts of the Project to a less than significant level, pursuant to CEQA Guidelines Section 15091(a). The potentially significant impacts and the mitigation measures that will reduce them to a less than significant level are identified in the EIR, incorporated herein by reference, and are discussed as follows:

The Commission concurs with the preceding findings.

#### **A. Air Quality**

##### **1. Conflict with Applicable Air Quality Plans:**

The South Coast Air Quality Management District's *2016 Air Quality Management Plan (AQMP)*, which is the applicable air quality plan for the Project area, addresses long-term air quality conditions for the SCAB. Because Project construction activities, specifically Site Preparation activities, would exceed the South Coast Air Quality Management District significance threshold for localized emissions of fine particulate matter (PM<sub>2.5</sub>), implementation of the Project would contribute a substantial volume of an air pollutant during short-term construction activities that could delay the attainment of federal and State air quality standards. As a result, the Project would be inconsistent with AQMP Consistency Criterion 1; this inconsistency is a significant direct and cumulatively considerable impact. Air pollutant emissions resulting from operation of the Project would not exceed the assumptions in the AQMP and, therefore, the Project would not conflict with AQMP Consistency Criterion 2; this impact is considered less than significant. (EIR, pp. 4.2-22 – 4.2-23)

To ensure that the Project's potential environmental impact due to an inconsistency with AQMP Consistency Criterion 1 is mitigated to a level of less than significant, the following mitigation measure is required.

***MM 4.2-1. Prior to grading permit issuance, the County of San Bernardino shall verify that a note is included on grading plans that requires all construction equipment used on the Project site during the site preparation phase and that exceeds 150 horsepower to be California Air Resources Board (CARB) Tier 3 equivalent or better. The Project contractor(s) shall be required to comply with this note and allow inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance.***

**MM 4.2-2.** *The Project shall comply with the provisions of South Coast Air Quality Management District Rule 403, "Fugitive Dust." Rule 403 requires implementation of best available dust control measures during construction activities that generate fugitive dust, such as earth moving, grading, and equipment travel on unpaved roads. Prior to grading permit issuance, the County of San Bernardino shall verify that the following notes are specified on the grading plan. The Project construction contractor(s) shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance.*

- a) During grading and ground-disturbing construction activities, the construction contractor shall ensure that all unpaved roads, active soil stockpiles, and areas undergoing active ground disturbance within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas by water truck, sprinkler system, or other comparable means, shall occur in the mid-morning, afternoon, and after work is done for the day. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site.*
- b) Temporary signs shall be installed on the construction site along all unpaved roads indicating a maximum speed limit of 15 miles per hour (MPH). The signs shall be installed before construction activities commence and remain in place for the duration of construction activities that include vehicle activities on unpaved roads.*
- c) Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.*
- d) Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (e.g., install wheel shakers, wheel washers, limit site access).*
- e) When materials are transported off-site, all material shall be covered or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.*
- f) All street frontages adjacent to the construction site shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.*
- g) Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and initiate corrective action to legitimate complaints within 24 hours.*
- h) Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.*

- i) *Any on-site stockpiles of debris, dirt, or other dusty material shall be covered or watered as necessary to minimize fugitive dust pursuant to SCAQMD Rule 403.*
- j) *A high wind response plan shall be formulated and implemented for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.*

MM 4.2-1 would require Project contractors to use off-road construction equipment that meet stringent tailpipe emissions standards during the Site Preparation phase of Project construction, while MM 4.2-2 would require Project contractors to implement a fugitive dust control plan. With implementation of MMs 4.2-1 and 4.2-2, localized particulate matter (PM<sub>2.5</sub>) concentrations during the Site Preparation stage of Project construction would fall below the applicable SCAQMD thresholds during construction and, therefore, would not conflict with AQMP Consistency Criterion 1. (EIR, p. 4.2-33)

## **2. Sensitive Receptors:**

### *Localized Criteria Pollutant Emissions During Construction*

Peak construction emissions of NO<sub>x</sub> (nitrogen oxides), carbon monoxide (CO), and particulate matter (PM<sub>10</sub>) would not exceed the applicable South Coast Air Quality Management District significance threshold for localized emissions. Accordingly, Project construction activities would not emit substantial concentrations of these pollutants; localized impacts would be less than significant and mitigation is not required. (EIR, p. 4.2-25 – 4.2-26) Notwithstanding, peak construction emissions of fine particulate matter (PM<sub>2.5</sub>) would exceed the applicable South Coast Air Quality Management District significance threshold for localized emissions. Particulate matter is a pollutant for which the South Coast Air Basin does not attain federal (National Ambient Air Quality Standards, NAAQS) or State (California Ambient Air Quality Standards, CAAQS) standards. Accordingly, Project construction activities have the potential to expose sensitive receptors near the Project Site to high concentrations of a pollutant for which the South Coast Air Basin is in nonattainment. This impact is significant and cumulatively considerable and mitigation is required. (EIR, p. 4.2-26)

To ensure that the Project's potential environmental impact from localized fine particulate matter emissions during peak construction activities is mitigated to a level of less than significant, the following mitigation measure is required.

**MM 4.2-1.** *Prior to grading permit issuance, the County of San Bernardino shall verify that a note is included on grading plans that requires all construction equipment used on the Project site during the site preparation phase and that exceeds 150 horsepower to be California Air Resources Board (CARB) Tier 3 equivalent or better. The Project contractor(s) shall be required to comply with this note and allow inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance.*

**MM 4.2-2** *The Project shall comply with the provisions of South Coast Air Quality Management District Rule 403, "Fugitive Dust." Rule 403 requires implementation of best available dust control measures during construction activities that generate fugitive dust,*

*such as earth moving, grading, and equipment travel on unpaved roads. Prior to grading permit issuance, the County of San Bernardino shall verify that the following notes are specified on the grading plan. The Project construction contractor(s) shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance.*

- a) During grading and ground-disturbing construction activities, the construction contractor shall ensure that all unpaved roads, active soil stockpiles, and areas undergoing active ground disturbance within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas by water truck, sprinkler system, or other comparable means, shall occur in the mid-morning, afternoon, and after work is done for the day. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site.*
- b) Temporary signs shall be installed on the construction site along all unpaved roads indicating a maximum speed limit of 15 miles per hour (MPH). The signs shall be installed before construction activities commence and remain in place for the duration of construction activities that include vehicle activities on unpaved roads.*
- c) Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.*
- d) Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (e.g., install wheel shakers, wheel washers, limit site access).*
- e) When materials are transported off-site, all material shall be covered or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.*
- f) All street frontages adjacent to the construction site shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.*
- g) Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and initiate corrective action to legitimate complaints within 24 hours.*
- h) Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.*
- i) Any on-site stockpiles of debris, dirt, or other dusty material shall be covered or watered as necessary to minimize fugitive dust pursuant to SCAQMD Rule 403.*

- j) *A high wind response plan shall be formulated and implemented for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.*

MM 4.2-1 would require Project contractors to use off-road construction equipment that meet stringent tailpipe emissions standards during the Site Preparation phase of Project construction, while MM 4.2-2 would require Project contractors to implement a control plan to minimize fugitive dust emissions. With implementation of MMs 4.2-1 and 4.2-2, localized particulate matter (PM<sub>2.5</sub>) concentrations during peak Project construction activities would fall below the applicable SCAQMD localized thresholds during construction and, therefore, would be less than significant. (EIR, p. 4.2-33)

The Commission concurs with the preceding findings.

## **B. Biological Resources**

### **1. Special-Status Species:**

No special-status plant species were observed on the Project Site. Furthermore, the Project Site is disturbed and lacks natural plant communities. Therefore, the Project Site does not have the potential to support special-status plant species. (EIR, p. 4.3-8)

One special-status wildlife species, the California horned lark, was observed foraging in disturbed habitat on the Project Site and the loggerhead shrike has moderate potential to forage and nest on the Project Site but was not observed. The loss of developed and disturbed habitat on the Project Site would reduce the availability of nest/den sites and foraging habitats for the California horned lark and loggerhead shrike. However, there is ample existing trees and other ornamental vegetation in the Project Site's vicinity. Accordingly, implementation of the Project would not result in a substantial adverse effect on the ability of the California horned lark or loggerhead shrike to nest and forage. (EIR, p. 4.3-8)

However, the Project Site has habitat that is suitable for a special-status species, the burrowing owl, and there is potential that burrowing owls could migrate onto the property before Project construction commences. If burrowing owls are present on the Project site at the time construction activities commence, potential impacts to the species would be significant and cumulatively considerable and mitigation would be required. (EIR, p. 4.3-8)

To ensure that Project construction activities do not inadvertently impact any burrowing owl individuals, the following mitigation measure is required.

**MM 4.3-1.** *Within 30 days prior to grading, a qualified biologist shall conduct a survey of suitable habitat on site and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the County of San Bernardino prior to the issuance of a grading permit and subject to the following provisions:*

- a) *In the event that the pre-construction survey identifies no burrowing owls on the*

*property a grading permit may be issued without restriction.*

- b) *In the event that the pre-construction survey identifies the presence of the burrowing owl on the Project site, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall passively or actively relocate any burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW relocation protocol and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.*

Implementation of MM 4.3-1 would ensure that pre-construction surveys are conducted for the burrowing owl to determine the presence or absence of the species on the Project Site prior to the initiation of grading activities. If present, the mitigation measure establishes performance criteria for the avoidance and/or relocation of burrowing owls in accordance with CDFW protocol that must be followed. With implementation of the required mitigation, potential direct and cumulatively-considerable impacts to the burrowing owl would be reduced to below a level of significance. (EIR, p. 4.3-13)

## **2. Wildlife Corridors and Nurseries:**

The Project Site does not contain natural, surface drainage or ponding features. Additionally, there are no water bodies on or adjacent to the Project site that could support fish. Therefore, there is no potential for the Project to interfere with the movement of native resident migratory fish. The Project Site also does not serve as a wildlife corridor nor is it connected to an established corridor, and there are no native wildlife nurseries on or adjacent to the site. Therefore, there is no potential for the Project to impede the use of a native wildlife nursery site. Based on the foregoing information, the Project would result in no impact to native resident or migratory fish, established wildlife corridor, or native wildlife nursery sites. (EIR, p. 4.3-9)

However, the Project Site contains suitable habitat for nesting and migratory birds. If active nests are present within the Project impact area during construction, the Project could result in substantial, adverse effects to biological resources (i.e., bird nests) that are protected by the MBTA and California Fish and Game Code. The Project's potential to impact nesting birds is a significant direct and cumulatively considerable impact and mitigation is required. (EIR, p. 4.3-9)

To ensure that Project construction activities do not inadvertently impact any nesting or migratory birds, the following mitigation measure is required.

**MM 4.3-2.** *Vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (January 1 through September 1), unless a migratory bird nesting survey is completed in accordance with the following requirements:*

- a) *A migratory bird nesting survey of the Project site, including suitable habitat within a 500-foot radius, shall be conducted by a qualified biologist within three (3) days prior to initiating vegetation clearing or ground disturbance.*
- b) *A copy of the migratory nesting bird survey results report shall be provided to the County of San Bernardino. If the survey identifies the presence of active nests, then the qualified biologist shall provide the County with a copy of maps showing the location of all nests and a species-appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the County and shall be no less than a 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist with County concurrence verify that the nests are no longer occupied and juvenile birds can survive independently from the nests.*

Implementation of MM 4.3-2 would ensure that pre-construction surveys are conducted for protected nesting birds and their nests. If nesting birds are present, the mitigation requires avoidance of active bird nests in conformance with accepted protocols and regulatory requirements. With implementation of the required mitigation, potential direct and cumulatively-considerable impacts to nesting birds would be reduced to below a level of significance. (EIR, p. 4.3-13)

The Commission concurs with the preceding findings.

## **C. Cultural Resources**

### **1. Archaeological Resources:**

No known prehistoric resources are present on the Project site and the likelihood of uncovering buried prehistoric archaeological resources on the Project site is moderate to low due to the magnitude of historic ground disturbance on the Project site (resulting from citrus grove production). Nonetheless, the potential exists for Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources be discovered during Project-related construction activities. (EIR, p. 4.4-11)

To ensure that Project construction activities do not inadvertently impact significant prehistoric archaeological resources, the following mitigation measures are required.

**MM 4.4-1.** *Prior to the issuance of a grading permit, the Project Applicant/Developer or Project Archaeologist shall provide evidence to the County of San Bernardino that a Cultural Resources Monitoring Plan (CRMP) has been developed to guide the procedures and protocols of an archaeological monitoring program to be implemented during Project construction. The CRMP shall outline the identification and treatment procedures that*



*must be followed if archaeological resources are discovered that meet the definition of a significant cultural resource pursuant to CEQA Guidelines § 15064.5. Such procedures may include, but not be limited to data collection, recordation, and curation.*

**MM 4.4-2.** *Prior to the issuance of a grading permit, the Project Applicant/Developer shall provide evidence to the County of San Bernardino that a qualified archaeologist (herein, "Project Archaeologist") with at least 3 years of regional experience in archaeology has been retained to conduct prehistoric archaeological monitoring during earthmoving activities on-site and excavation activities within the Project site. The Project Archaeologist shall be present on-site to monitor all ground-disturbing activities until the Project Archaeologist determines that the archaeological sensitivity of the Project's disturbance area has been reduced to low (e.g., due to soil composition, level of disturbance). Should the Project Archaeologist determine that there are no archaeological resources within the Project's disturbance area or should the archaeological sensitivity be reduced to low during construction activities, archaeological monitoring activities shall cease. If resources are discovered, the procedures outlined in the CRMP shall be followed.*

**MM 4.4-3.** *Prior to the issuance of a Certificate of Occupancy, the Project Archaeologist shall submit a report to the County of San Bernardino and the South Central Coast Information Center that summarizes the results of the prehistoric and historic archaeological monitoring conducted during Project construction. The final report shall itemize any archaeological resources recovered, with maps to accurately record the original location of recovered resources and provide evidence that the resources were donated to and accepted for curation by the San Bernardino County Museum or other accredited repository.*

MM 4.4-1 through MM 4.4-3 provide a program that would ensure the proper identification and subsequent treatment of any significant archaeological resources, if encountered during Project construction activities. With implementation of the required mitigation, the Project's potential impact to significant archaeological resources would be reduced to less-than-significant. (EIR, p. 4.4-14)

The Commission concurs with the preceding findings.

## **D. Geology and Soils**

### **1. Paleontological Resources**

The Project Site does not contain any known unique geologic features and is underlain with young alluvial fan deposits under existing conditions. Although young alluvial fan deposits are generally considered too young to contain substantial fossil deposits, important fossils have been discovered in a variety of alluvial deposits in southern California and older (more sensitive) alluvial deposits may be present on the Project site at depth. Accordingly, the Project has the potential to result in significant direct and cumulatively considerable impacts to paleontological resources that may exist beneath the ground surface on the Project Site and mitigation would be required. (EIR, p. 4.6-14)

To ensure that Project construction activities do not inadvertently impact significant prehistoric archaeological resources, the following mitigation measures are required.

**MM 4.6-1.** *Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence to the County of San Bernardino that the construction site supervisors and crew members involved with grading and trenching operations are trained to recognize paleontological resources (fossils) should such resources be unearthed during ground-disturbing construction activities. If a suspected paleontological resource is identified, the construction supervisor shall be required by his contract to immediately halt and redirect grading operations in a 100-foot radius around the find and seek identification and evaluation of the suspected resource by a qualified paleontologist meeting the definition of a qualified vertebrate paleontologist. This requirement shall be noted on all grading plans and the construction contractor shall be obligated to comply with the note. The significance of the discovered resources shall be determined by the qualified paleontologist. If the resource is determined to be significant, Mitigation Measure 4.6-2 shall apply.*

**MM 4.6-2.** *If a significant paleontological resource is discovered on the property, discovered fossils or samples of such fossils shall be collected and identified by a qualified vertebrate paleontologist. Significant specimens recovered shall be properly recorded, treated, and donated to the San Bernardino County Museum, Division of Geological Sciences, or other repository with permanent retrievable paleontologic storage. A final report shall be prepared and submitted to the County of San Bernardino that itemizes any fossils recovered, with maps to accurately record the original location of recovered resources, and contains evidence that the resources were donated to and accepted for curation by the San Bernardino County Museum or other repository.*

MM 4.6-1 and MM 4.6-2 provide a program that would ensure the proper identification and subsequent treatment of any significant paleontological resources, if encountered during Project construction activities. With implementation of the required mitigation, the Project's potential impact to significant paleontological resources would be reduced to less-than-significant. (EIR, p. 4.6-16)

The Commission concurs with the preceding findings.

## **E. Noise**

### **1. Applicable Noise Standards:**

#### Construction Noise Emissions

Peak Project construction activities would not exceed the maximum 85 dBA Leq threshold during daytime or nighttime hours; however, when considered with the existing noise environment in the Project area, Project construction would result in a more than 12 dBA Leq contribution at nearby receptors that abut the southern Project Site boundary, which represents a substantial temporary increase in ambient noise levels at these receptor locations. The noise analysis is conservative and assumes a worst-case scenario where various pieces of construction equipment

are operating simultaneously along the Project site boundary, which may never actually occur. The daytime and nighttime noise from Project construction would be a significant direct impact at nearby receptors and mitigation would be required. (EIR, pp. 4.11-16 - 4.11-19)

To ensure that potential construction-level noise impacts are mitigated to a level of less than significant, the following mitigation measures are required.

**MM 4.11-1.** *A 12-foot-tall temporary noise barrier shall be installed along the southern Project site boundary for the duration of Project construction. The temporary noise barrier shall have a solid face from top to bottom and shall meet the following minimum standards: a. The temporary noise barrier shall provide a minimum transmission loss of 20 dBA (Federal Highway Administration, Noise Barrier Design Handbook). The noise barrier shall be constructed using an acoustical blanket (e.g., vinyl acoustic curtains or quilted blankets) attached to a construction site perimeter fence or equivalent temporary fence posts or barrier materials; b. The noise barrier must be maintained, and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired; and c. The noise control barrier and associated elements shall be completely removed upon the conclusion of the construction activity.*

**MM 4.11-2.** *Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer's standards.*

**MM 4.11-3.** *Construction contractors shall place all stationary construction equipment so that all emitted noise is generated toward the center of the site and away from the noise sensitive receivers nearest the Project site.*

**MM 4.11-4.** *Construction contractors shall locate equipment staging areas on the Project site in locations that will create the greatest feasible distance between construction related noise sources and noise sensitive receivers nearest the Project site.*

**MM 4.11-5.** *Construction contractors shall ensure that delivery trucks use designated truck route(s). The following mitigation measure would reduce nighttime noise from Project operation at noise level receiver locations that have the potential to be exposed to excessive noise levels.*

MM 4.11-1 through 4.11-5 requires the Project construction contractor to construct a noise barrier that would shield receptors south of the Project Site from excessive noise levels during construction; to equip construction equipment with mufflers and properly use/maintain equipment; and locate equipment and truck haul routes/delivery areas as far as possible from sensitive receptors to the south of the Project Site. Collectively, these mitigation measures would reduce construction noise levels to a less than significant level. (EIR, p. 4.11-27)

#### Operational Noise Emissions

Although Project operation would result in a relatively minimal contribution to the existing

ambient noise environment, Project operations would expose sensitive receptors that abut the northwest corner of the Project Site to noise levels that exceed the County of San Bernardino's nighttime standard which is regarded as a significant impact for which mitigation would be required. (EIR 4.11-19)

To ensure that potential operational level noise impacts are reduced to a level of less than significant, the following mitigation measure is required.

**MM 4.11-6.** *A minimum eight (8)-foot-tall noise barrier shall be constructed along the portion of the Project site's northwest boundary that abuts property with occupied residences. The location and maximum extent of the construction noise barrier is illustrated on Exhibit ES-A from the report titled "Slover and Cactus Warehouse Noise Impact Analysis," prepared by Urban Crossroads and dated May 17, 2019. The noise barrier shall meet be constructed of masonry block, an earthen berm, or any combination of construction materials capable of achieving a minimum weight of four (4) pounds per square foot and a minimum transmission loss of 20 dBA.*

MM 4.11-6 provides for the construction of a noise wall along the northwest portion of the Project Site boundary, which would provide a physical barrier between sensitive receptors located to the west of the Site and the primary entry into the Project. With implementation of the required sound wall, sensitive receptors located to the west of the Project Site would not be exposed to noise levels in excess of applicable County of San Bernardino standards during Project operation. (EIR, pp. 4.11-27 – 4.11-28)

The Commission concurs with the preceding findings.

## **F. Tribal Cultural Resources**

### **1. Tribal Cultural Resources**

No prehistoric archaeological resource sites or isolates were identified on the Project Site during the pedestrian survey. Although the Project would not impact any known tribal cultural resources, there is the remote potential that tribal cultural resources are buried beneath the surface of the property and could be impacted during construction. Therefore, there is a possibility for a tribal cultural resource to be encountered during construction, which is considered a significant direct and cumulatively considerable impact for which mitigation is required. (EIR, pp. 4.13-4 – 4.13-5)

To ensure that Project construction activities do not inadvertently impact significant tribal cultural resources, the following mitigation measures are required.

**MM 4.13-1.** *Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the County of San Bernardino that a professional archaeologist (hereafter "Project Archaeologist") has been retained to conduct monitoring of all mass grading activities. The Project Archaeologist shall have the authority to redirect earthmoving activities in the event that suspected tribal cultural resources are unearthed during Project construction.*

**MM 4.13-2.** *Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the County of San Bernardino that the Native American Tribe(s) that requested consultation with the County during the SB 18 and AB 52 processes (hereafter referred to as “Native American Tribal Representatives”) received a minimum of 30 days’ advance notice of all mass grading and trenching activities. The Native American Tribal Representatives also shall be notified of and allowed To attend the pre-grading meeting with the County and Project construction contractors and/or monitor all Project mass grading and trenching activities. In the event that suspected tribal cultural resources are unearthed, the Native American Tribal Representatives shall have the authority to redirect earth moving activities in the affected area.*

**MM 4.13-3.** *Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence to the County of San Bernardino that the construction site supervisors and crew members involved with grading and trenching operations have received training by the Project Archaeologist to recognize archaeological and tribal cultural resources should such resources be unearthed during ground-disturbing construction activities. Any Native American Tribal Representatives shall be allowed to attend the training session. The training will include a brief review of the cultural sensitivity of the Project site and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel involved with grading and trenching operations that begin work on the Project site following the initial training session must take the training prior to beginning work on the Project site and the Project archaeologist and monitoring Native American Tribe(s) shall make themselves available to provide the training on an as-needed basis.*

**MM 4.13-4.** *If a suspected significant tribal cultural resource is identified on the property, the construction supervisor shall be required by his contract to immediately halt and redirect grading operations in a 100-foot radius around the find and seek identification and evaluation of the suspected resource by the Project Archaeologist and the Native American Tribal Representative. This requirement shall be noted on all grading plans and the construction contractor shall be obligated to comply with the note. In consultation with the Native American Tribal Representatives, the Project Archaeologist shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section § 15064.5 and Section 21083.2. If the resource is significant, Mitigation Measure MM 4.13-5 shall apply.*

**MM 4.13-5.** *If a significant tribal cultural resource is discovered on the property, ground disturbing activities shall be suspended 50 feet around the resource until a treatment plan is implemented. A treatment plan shall be prepared and implemented, subject to approval by the County of San Bernardino, to protect the identified resource(s) from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can*

*be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the archaeological or tribal cultural resource(s) in accordance with current professional archaeology standards. The treatment plan shall require monitoring by the appropriate Native American Tribe(s) during data recovery and shall require that all recovered artifacts undergo basic field analysis and documentation or laboratory analysis, whichever is appropriate. At the completion of the basic field analysis and documentation or laboratory analysis, any recovered resource(s) shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility, or, the artifacts may be delivered to the appropriate Native American Tribe(s) if that is recommended by the County of San Bernardino. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the County of San Bernardino, the South Central Coastal Information Center (SCCIC) at California State University (CSU), Fullerton, and the appropriate Native American Tribe(s).*

Implementation of Mitigation Measures MM 4.13-1 through MM 4.14-5 would ensure the proper identification and subsequent treatment of any significant tribal cultural resources that may be encountered during ground-disturbing activities associated with Project development. With implementation of the required mitigation, the Project's potential impact to significant tribal cultural resources would be reduced to less than significant. (EIR, p. 4.13-7)

The Commission concurs with the preceding findings.

## **SECTION 6**

### **ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO LESS THAN SIGNIFICANT**

The County found and the Commission concurs that, despite the incorporation of the applicable environmental regulations, plans, and policies and feasible mitigation measures outlined in the EIR, the following impacts from the proposed Project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein.

#### **A. Transportation**

##### **1. Circulation System Performance**

###### **Arterial Road Intersections**

All intersections in the Project's study area would operate at acceptable LOS under Opening Year traffic conditions, except for:

- a. Cedar Avenue and I-10 Eastbound ramps;

- b. Cedar Avenue and Slover Avenue;
- c. Riverside Avenue and I-10 Eastbound ramps; and
- d. Riverside Avenue and Slover Avenue

The Project would send substantial peak hour trips (as defined by the respective significance thresholds of the County, City of Rialto, and Caltrans) to intersections “a,” “b,” and “d” listed above and, thus, is considered to result in a cumulatively considerable contribution to the LOS deficiencies at these intersections under Opening Year traffic conditions and mitigation is required. The Project would not send substantial peak hour trips to intersection “c” listed above, and the Project’s impact at this intersection would be less than significant under Opening Year traffic conditions.

All intersections in the Project’s study area would operate at acceptable LOS under Horizon Year traffic conditions, except for:

- a. Cedar Avenue and I-10 Westbound ramps;
- b. Cedar Avenue and I-10 Eastbound ramps;
- c. Cedar Avenue and Slover Avenue;
- d. Cactus Avenue and Slover Avenue.
- e. Riverside Avenue and I-10 Eastbound ramps; and
- f. Riverside Avenue and Slover Avenue

The Project would send substantial peak hour trips (as defined by the respective significance thresholds of the County, City of Rialto, and Caltrans) to intersections “a” through “f” listed above and, thus, is considered to result in a cumulatively considerable contribution to the LOS deficiencies at these intersections under Horizon Year traffic conditions and mitigation is required.

The mitigation measures listed below would apply to the Project to address potential impacts to arterial intersections under Opening Year and Horizon Year traffic conditions.

***MM 4.12-1. Prior to the issuance of building permits, the Project Applicant/Developer shall comply with the applicable requirements of County of San Bernardino Development Impact Fee Preserve (DIF) program, which requires fee payment to the County of San Bernardino (less any fee credits), a portion of which is used by the County to fund the installation of road and intersection improvements to reduce traffic congestion.***

***MM 4.12-2. Prior to the issuance of an occupancy permit, the Project Applicant/Developer shall make a fair-share payment to the County of San Bernardino, to be held in trust, for the construction of the improvements at the intersections listed below. The County of San***



*Bernardino shall only use the funds for the construction of the improvements listed in Table 1-5 of the "Slover and Cactus Warehouse Traffic Impact Analysis," prepared by Urban Crossroads. The Project's fair-share obligations are listed in Table 1-6 of the same report.*

*a) Cedar Avenue and I-10 Westbound ramps;*

*b) Cedar Avenue and I-10 Eastbound ramps;*

*c) Cedar Avenue and Slover Avenue; and*

*d) Cactus Avenue and Slover Avenue.*

**MM 4.12-3.** *Prior to the issuance of an occupancy permit, the Project Applicant/Developer shall make a fair-share payment to the County of San Bernardino, to be held in trust for conveyance to the City of Rialto and/or Caltrans, for the construction of the improvements at the intersections listed below. The City or Rialto and/or Caltrans shall only use the funds for the construction of the improvements listed in Table 1-5 of the "Slover and Cactus Warehouse Traffic Impact Analysis," prepared by Urban Crossroads (dated April 12, 2019). The Project's fair-share obligations are listed in Table 1-6 of the same report.*

*a) Riverside Avenue and I-10 Eastbound ramps; and*

*b) Riverside Avenue and Slover Avenue*

MM 4.12-1 requires the Project Applicant/Developer to contribute to the County of San Bernardino's Development Impact Fee (DIF) program and MM 4.12-2 requires the Project to participate in a fair-share funding program. Funds collected via MM 4.12-2 would be used to fund needed improvements to the local roadway system. All intersections in the Project study area would operate at acceptable LOS under Opening Year and Horizon Year traffic scenarios with recommended improvements. However, to achieve acceptable LOS at the affected intersections, improvements are required that are either: 1) not under the sole jurisdictional authority of the County of San Bernardino (meaning the County cannot assure that the recommended improvements would be implemented); and/or 2) not included in any existing mitigation funding program to ensure a date-certain installation. Because the County of San Bernardino cannot assure that all the recommended improvements would be implemented and/or in place at the time of need, the Project's cumulatively considerable impacts at the intersections listed above are recognized as significant and unavoidable. No other feasible mitigation measures for these cumulatively considerable impacts are available that would have a proportional nexus to the Project's impact. (EIR, p. 4.12-23)

The Commission concurs with the preceding findings.

## **SECTION 7**

### **CUMULATIVE IMPACTS**

Consistent with CEQA's requirements, the EIR for the Project includes an analysis of cumulative impacts. CEQA Guidelines Section 15130(b) describes two acceptable methods for identifying a study area for purposes of conducting a cumulative impact analysis. These two approaches include (1) "the list of projects approach," based on "a list of past, present, and probable future projects producing related or cumulative impacts, including if necessary, those projects outside the control of the agency" and (2) "the summary of projections approach," based on a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact. The summary of projections approach (approach #2) is used in the EIR, except for the evaluation of cumulative transportation and vehicular-related air quality, greenhouse gas, and noise impacts, for which a combination of approach #1 and approach #2 is used. The affected environment includes the unincorporated community of Bloomington, City of Fontana, City of Rialto, City of Colton, and the City of Jurupa Valley. Twenty-one (21) pending and approved projects were identified as cumulative projects. (EIR, pp. 4.0-1 – 4.0-6)

For the reasons previously discussed herein and in the EIR, the Project would result in cumulatively considerable impacts under the issues of air quality, biological resources, cultural resources, geology and soils, and tribal cultural resources that would be reduced to less than significant levels with the application of required mitigation (refer to Section 5). For the reasons previously discussed herein and in the EIR, the Project would result in cumulatively considerable impacts under the issue of transportation for which no feasible mitigation is available to reduce impacts to a less than significant level (refer to Section 6).

The Commission concurs with the preceding findings.

## **SECTION 8**

### **SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH WOULD BE CAUSED BY THE PROPOSED PROJECT SHOULD IT BE IMPLEMENTED**

The CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved in the proposed action should it be implemented (CEQA Guidelines Section 15126.2(c)). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

Natural resources, in the form of construction materials and energy resources, would be used in the construction of the proposed Project. The consumption of these natural resources would

represent an irreversible change to the environment. However, development of the Project Site as proposed would have no measurable adverse effect on the availability of such resources, including resources that may be non-renewable (e.g., construction aggregates, fossil fuels). Additionally, the Project is required by law to comply with the California Building Standards Code (CALGreen), which will minimize the Project's demand for energy, including energy produced from non-renewable sources. (EIR, p. 5-1)

Implementation of the Project would commit the Project Site to an industrial use as a warehouse facility. The land use proposed by the Project is compatible with the industrial and commercial land uses that are located north and east of the Project Site and compatible with Slover Avenue, which is used as a truck route and abuts the Project Site on the north. Although the proposed warehouse use could be perceived to be incompatible with the residential land uses that abut the Project Site on the west and south, the Project would not result in any significant and unavoidable local/localized physical impacts to the residential uses. Accordingly, the Project and its environmental effects would not compel or commit surrounding properties to land uses other than those that are existing today or those planned by the County or City of Rialto General Plans. For this reason, the Project would not result in a significant, irreversible change to nearby, off-site properties. (EIR, p. 5-2)

Mandatory compliance with federal, State, and local regulations related to hazardous materials handling, storage, and use by all Project construction contractors (near term) and occupants (long-term) would ensure that any hazardous materials used on-site would be safely and appropriately handled to preclude any irreversible damage to the environment that could result if hazardous materials were released from the site. (EIR, p. 5-2)

The Project would not result in a wasteful, inefficient, or unnecessary consumption of energy. (EIR, p. 5-2)

Accordingly, the County found and the Commission concurs that, on the basis of the entire record, that the Project would not result in a significant, irreversible change to the environment.

The Commission concurs with the preceding findings.

## **SECTION 9**

### **GROWTH INDUCING IMPACTS**

CEQA requires a discussion of ways in which the proposed Project could be growth inducing. Specifically, Section 15126.2(d) of the CEQA Guidelines states that EIR's must describe the ways in which proposed Project could foster economic or population growth or the construction of additional housing either directly or indirectly in the surrounding environment.

The area surrounding the Project Site is in the process of transitioning from agricultural to non-agricultural uses as planned by the County General Plan, with established residential development to the south and west of the Project site, the Union Pacific Railroad Yard to the north of the Project Site, and industrial development to the east of the Project Site. Development of the

Project Site may place short-term development pressure on the undeveloped parcel to the southeast of the Project Site; however, because this area is planned for industrial development by the City of Rialto General Plan, the growth that could occur in the Project area has been planned for to ensure that adequate infrastructure and public services are available. Further, the Project will not require the construction of extensive new oversized public facilities which, if such public facilities were constructed, could induce growth. (EIR, p. 5-3)

The County found and the Commission concurs that based on the foregoing analysis and discussion noted in the Project EIR, the Project would not directly or indirectly result in substantial, adverse growth-inducing impacts.

## **SECTION 10**

### **ALTERNATIVES**

CEQA requires that an EIR evaluate a reasonable range of alternatives to a Project, or the location of the Project, which:

1. Offers substantial environmental advantages over the Project Proposal; and
2. May be feasibly accomplished in a successful manner within a reasonable amount of time considering the economic, environmental, social, and technological factors involved.

An EIR must only evaluate reasonable alternatives to a project that could feasibly obtain most of the project objectives and evaluate the comparative merits of the alternatives. In all cases, the consideration of the alternatives is to be judged against a rule of reason. The lead agency is not required to choose an environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed project, and:

- A. Through the imposition of mitigation measures the environmental effects of the Project can be reduced to an acceptable level; or
- B. There are social economic technical or other considerations that make the alternative infeasible.

#### **A. Project Objectives**

As previously identified, the fundamental goal of the Project is to accomplish the orderly development of an industrial warehouse facility on the Project Site. The Project would achieve this goal through the following objectives.

1. To develop a vacant or underutilized property with an industrial building to help meet the substantial and unmet regional demands for this type of building space.
2. To expand economic development and facilitate job creation in the County by

establishing new industrial development adjacent to or near already-established industrial uses.

3. To attract new businesses to the County and thereby provide a more equal jobs-housing balance in the Inland Empire area that will reduce the need for members of the local workforce to commute outside the area for employment.
4. To develop Class A industrial buildings in the County that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar buildings in the local area and region.
5. To develop a property that has access to available infrastructure, including roads and utilities.
6. To develop an industrial building with loading bays in close proximity to the I-10 Freeway that can be used as part of the southern California goods movement network.
7. To develop light industrial uses in close proximity to designated truck routes and the State highway system to avoid or shorten truck-trip lengths on other roadways.

The Commission concurs with the preceding findings and summary of project objectives.

## **B. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS**

### **1. Alternative Sites**

CEQA does not require that an analysis of alternative sites be included in an EIR. However, if the surrounding circumstances make it reasonable to consider an alternative site then an alternative sites analysis should be considered and analyzed in the EIR. In making the decision to include or exclude an analysis of an alternative site, the “key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location.” (CEQA Guidelines section 15126.6(f)(2))

Historic activities on the Project Site have resulted in pervasive, ongoing disturbance over the last 80+ years. The Project Site does not contain any natural/native habitat and contains four occupied residences and associated residential outbuildings. Based on review of aerial photography and the County of San Bernardino General Plan Land Use Map, there are no other available properties in the County of San Bernardino with similar accessibility to the regional goods movement system (see discussion in paragraph below) that are large enough to support the proposed Project that the Project Applicant has the reasonable possibility of controlling and that would have fewer developmental and environmental constraints than the proposed Project Site. (EIR, p. 6-3)

Furthermore, development of the Project at an alternative location would result in similar environmental impacts as the Project at its proposed location because the Project’s significant and unavoidable impacts are related to vehicles traveling to/from the Project Site, and not related to

the presence of sensitive resources on the Project Site or its location near sensitive receptors.

Vehicle-related impacts are a direct reflection of the Project's expected operational characteristics as a warehouse facility, regardless of which property the Project is located. In fact, if an alternative site were selected for the Project that was located farther from major arterial roads that are designated truck routes or regional freeways than the Project Site, the severity of the Project's air quality and greenhouse gas impacts related to tailpipe emissions (and potentially transportation impacts) would increase as miles traveled for vehicles going to/from the Project would increase. (EIR, p. 6-3)

For these reasons, the County rejects an alternative site for the Project and a more detailed analysis of alternative sites is not warranted.

## **2. No Development Alternative**

The No Development Alternative considers no development on the Project Site beyond what occurs on the site under existing conditions (as described in EIR Section 2.0). As such, the four (4) single-family residences and associated residential outbuildings on the Project site would remain on the Site into the foreseeable future. Under this alternative, no new improvements would be made to the Project Site. This alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project with an alternative that would leave the property in its existing state.

Implementation of the No Development Alternative would not result in any environmental impacts beyond those that have historically occurred on the Project Site. All significant effects of the proposed Project would be avoided by the selection of this alternative. The No Development Alternative would not meet any of the Project's objectives. (EIR, pp. 6-4 – 6-8)

**The County found and the Commission concurs that the implementation of the No Development Alternative would reduce potential environmental impacts when compared to the proposed Project. However, this alternative would not meet any of the Project's objectives. The County therefore rejects the No Development Alternative and the Commission concurs. The County found and the Commission concurs that each of the Project's objectives is individually sufficient to reject the alternative, and on that basis rejects this alternative.**

## **3. No Project Alternative**

The No Project Alternative considers re-development of the Project Site in accordance with the site's existing land use designation, "Single-Residential (RS-1)," which allows up to 1.0 dwelling units per acre. Accordingly, this alternative considers the potential environmental impacts that would occur where the Project Site is developed with 13 single-family residential homes; each home would be developed on a 1-acre lot. This alternative was selected by the County to compare the environmental effects of the Project against a development proposal that conforms to the land use standards and development regulations contained within the County of San Bernardino General Plan under the site's existing land use designation.

The No Project Alternative would avoid the Project's cumulatively considerable impacts to transportation but would result in the same significant construction air quality impact as the Project. The No Project Alternative also would reduce the Project's less-than-significant impacts to aesthetics, air quality (construction), energy, greenhouse gas emissions, hazards and hazardous materials, noise, and utilities and service systems. The No Project Alternative would fail to meet the Project's objectives with the exception of Objective 5 identified herein and in the EIR. (EIR, pp. 6-8 – 6-12)

**The County found and the Commission concurs that the implementation of the No Project Alternative would reduce potential environmental impacts when compared to the proposed Project, but would fail to meet the Project's objectives, with the exception of Objective 5. Furthermore, the County found and the Commission concurs that the No Project Alternative would still likely result in the same or similar construction air quality impacts. Therefore, the proposed Project is more desirable because the Project would maximize benefits to the County while not resulting in a much greater impacts to construction air quality impacts that would be caused by the No Project Alternative. The County therefore rejected this alternative and the Commission concurs with this finding.**

#### **4. Trailer Parking Alternative**

The Trailer Parking Alternative considers a proposal where the western portion of the Project site (approximately 8.0 acres) would be re-developed with an approximately 150,000 s.f. warehouse building and the remainder of the Project Site (approximately 5.0 acres abutting the Slover Avenue and Cactus Avenue intersection) would be developed with a truck trailer parking lot. The truck trailer lot provided under this alternative would include approximately 135 trailer parking spaces. This alternative was selected by the Lead Agency to evaluate a scenario that would reduce the total building area on the Project Site relative to the proposed Project but still allow productive industrial use of the entire site.

The Trailer Parking Alternative would avoid the Project's cumulatively considerable transportation impact at two (2) intersections and would reduce the severity – but not avoid – the Project's significant and unavoidable impacts at all other impacted Study Area intersections. As compared to the Project, this alternative is expected to increase mobile source air pollutant emissions, including increasing carcinogenic and non-carcinogenic health risk hazards from diesel emissions, and, also, would result in a significant greenhouse gas emissions impact that would not occur under the Project. The Trailer Parking Alternative would slightly reduce the Project's less-than-significant impacts to energy and utilities and service systems; impacts to all other environmental topic areas would be similar to the Project. This alternative is identified as the environmentally superior alternative pursuant to CEQA Guidelines Section 15126.6(e)(2). (EIR, pp. 6-12 – 6-16)

The Trailer Parking Alternative would potentially and partially meet all Project objectives but would be less effective than the Project in achieving Objectives 1, 2, 3, 4, and 6. (EIR, p. 6-16)

**The County found and the Commission concurs that the implementation of the Trailer Park Alternative would avoid the Project's cumulatively considerable transportation**



**impact at two (2) intersections and would reduce the severity – but not avoid – the Project’s significant and unavoidable impacts at all other impacted Study Area intersections, but would increase mobile source air pollutant emissions, including increasing carcinogenic and non-carcinogenic health risk hazards from diesel emissions, and, also, would result in a significant greenhouse gas emissions impact that would not occur under the Project. Although the Trailer Parking Alternative would potentially and partially meet all Project objectives, the Commission concurs that it would be less effective than the Project in achieving Objectives 1, 2, 3, 4, and 6 because the reduced building floor area provided by this objective would provide fewer business opportunities and would generate fewer jobs in the County. Therefore, the proposed Project is more desirable because the Project would maximize benefits to the County while not resulting in a much different or greater severity of impacts than the Trailer Park Alternative. The County therefore rejects the alternative and the Commission concurs.**

## **SECTION 11**

### **CEQA Findings & Statement of Overriding Considerations Pursuant to Section 15093 of the CEQA Guidelines**

The County declared that it made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the project, including implementation of all the mitigation measures recommended in the EIR, but that no further feasible mitigation measures exist that could mitigate the Project’s significant and unavoidable impacts to a less than significant level. The Commission concurs with this finding.

California Public Resource Code Section 21002 provides: “In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” Section 21002.1(c) provides: “In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency...” Finally, CEQA Guidelines Section, 15093 (a) states: “If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

The County declared and the Commission concurs that, having reduced the adverse significant environmental effects of the Project to the fullest extent feasible by adopting the mitigation measures contained in the EIR, having considered the entire administrative record on the Project, and having weighed the benefits of the project against its unavoidable adverse impacts after mitigation, each of the social, economic, environmental, and other benefits of the Project have been determined to separately and individually outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable upon the following overriding considerations:

- Development and construction of the Project will create both temporary on-site jobs and indirectly support local and regional jobs. Additionally, construction spending will create

a one-time stimulus to the local and regional economies. Once the Project is completed, the facility will ultimately spur the creation of local and regional jobs, and there would be additional output and earnings to the local and regional economies.

- The Project will contribute towards maximizing employment opportunities in the County to improve the job-housing balance and to reduce systemic unemployment within the County and surrounding area. Jobs for residents at a variety of income levels will be provided.
- The Project will provide new development that will assist the County in obtaining fiscal balance in the years and decades ahead. Once construction is completed, the facility will annually generate additional County revenue. This increased revenue from the development will be driven by indirect sales tax, property tax and business license fees.
- The Project will help meet the existing demand for high-quality, largescale logistics warehouse within a geographic area that allows for access to a multi-modal transportation system.
- The Project will provide infrastructure improvements required to meet Project and vicinity needs in an efficient and cost-effective manner.
- The Project will result in substantial public benefits that include, but are not limited to, significant economic benefits for the Bloomington Community, as detailed in the Slover Distribution Center Economic and Fiscal Impact Report prepared by DPFG (January 2022).
- In addition to the economic benefits associated with the development of the proposed Project, the Developer/Land Owner has voluntarily offered a Memorandum of Understanding Regarding Public Benefits Contributions that commits the Land Owner to make an annual contribution for the life of Project to be used for service enhancement activities for the Bloomington area, including but not limited to code enforcement, recreational programming, park operations and maintenance and enhanced public safety specifically for Bloomington. Land Owner further agrees to secure the obligation to pay make the foregoing annual contribution for the life of the Project by executing and recording the Declaration of Restrictions against the Project site prior to the issuance of the certificate of occupancy for the Project.
- Land Owner irrevocably agrees, for itself and its successor(s) and assigns, to take any and all actions necessary to participate in a Street Light Community Facilities District to maintain public infrastructure, i.e., street lights; which is an essential traffic and public safety improvement. These benefits, as outlined in the project's 'Community Benefit Agreement' shall be approved along with the Project conditions and recorded with the San Bernardino County Recorder.

The County declared and the Commission concurs that the foregoing benefits provided to the public, through the approval and implementation of the Project, outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated. The County found and the

Commission concurs that each Project benefit separately and individually outweighs all the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

## **SECTION 12**

### **CONCLUSION**

The County found and the Commission concurs that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA and the State CEQA Guidelines, and that the EIR reflects the independent judgment and analysis of the County and the Commission. The County declared and the Commission concurs that no evidence of new significant impacts as defined by the State CEQA Guidelines Section 15088.5 has been received by the County or the Commission after circulation of the Draft EIR, which would require recirculation. Therefore, the Commission hereby verifies that it has considered the EIR based on the entirety of the record of proceedings, including but not limited to the findings and conclusions reached herein and that it is considered an adequate representation of potential environmental impacts from approval of LAFCO SC#518.

**ENVIRONMENTAL DOCUMENTS RELATED TO THE  
COUNTY OF SAN BERNARDINO'S APPROVAL OF THE  
SLOVER/CACTUS AVENUE WAREHOUSE  
(SCH No. 2019039033)**

- ❖ [Notice of Determination \(Filed October 5, 2022\)](#)
- ❖ [Mitigation Monitoring and Reporting Program](#)
- ❖ [Final Environmental Impact Report Errata](#)
- ❖ [Final Environmental Impact Report](#)
- ❖ [Draft Environmental Impact Report \(DEIR\)](#)
  - [DEIR Appx A - Initial Study, NOP, and Written Comments](#)
  - [DEIR Appx B1 - Air Quality Impact Analysis](#)
  - [DEIR Appx B2 - Mobile Source Health Risk Assessment](#)
  - [DEIR Appx B3 - Supplemental Air Quality Impact Analysis](#)
  - [DEIR Appx C - Biological Resources Assessment](#)
  - [DEIR Appx D - Phase 1 Cultural Resources Assessment](#)
  - [DEIR Appx E - Energy Analysis](#)
  - [DEIR Appx F1 - Geotechnical Report](#)
  - [DEIR Appx F2 - Soil Infiltration Study](#)
  - [DEIR Appx G - Greenhouse Gas Analysis](#)
  - [DEIR Appx H - Phase I ESA](#)
  - [DEIR Appx I1 - Preliminary Hydrology Report](#)
  - [DEIR Appx I2 - Preliminary Water Quality Management Plan \(WQMP\)](#)
  - [DEIR Appx J - Noise Impact Analysis](#)
  - [DEIR Appx K - Traffic Impact Analysis and its Appendix](#)

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

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**PROPOSAL NO.: LAFCO SC#518**

**HEARING DATE: FEBRUARY 21, 2024**

## **RESOLUTION NO. 3394**

### **A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#518 – CITY OF RIALTO EXTRATERRITORIAL WASTEWATER AGREEMENT (ASG DEVELOPMENT ADVISORS)**

**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 February 21, 2024 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:

### **DETERMINATIONS:**

## RESOLUTION NO. 3394

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

1. The project area, Assessor Parcel Number 0257-071-70, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future.

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

The application requests authorization to receive City of Rialto's sewer service for a proposed warehouse project—the Slover/Cactus Avenue Warehouse Project. The Conditions of Approval placed upon this project includes the requirement to connect to sewer service. Therefore, approval of the City of Rialto's request for authorization to provide sewer service is necessary to satisfy said conditions of approval for the project.

2. The City of Rialto's Extraterritorial Wastewater Agreement (ASG Development Advisors) being considered is for the provision of sewer service to the project area, Assessor Parcel Number 0257-071-70. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this application will allow the property owner/developer and the City of Rialto to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Rialto for the extension of sewer service are identified as totaling \$291,574.25. The property owner/developer shall bear all costs to complete improvements needed to extend the sewer service to the project.
4. A Complete Final Environmental Impact Report (EIR) was prepared and certified by the County for the Slover/Cactus Avenue Warehouse Project (SCH No. 2019039033) that includes a Policy Plan Amendment from Very Low Density Residential (VLDR) to Limited Industrial (LI), zoning amendment from Single Residential—1-acre minimum lot size with Additional Agriculture (RS-1-AA) to Community Industrial (IC), and Conditional Use Permit to construct a 257,855 sq. ft. industrial warehouse building with 10,000 sq. ft. of office space for a high-cube warehouse facility on 13.27 acres. The Commission, its staff, and its Environmental Consultant have independently reviewed the County's Complete Final EIR for the Slover/Cactus Avenue Warehouse Project and found them to be adequate for the service contract (LAFCO SC#518) decision.

The Commission certified that it had reviewed and considered the County's Complete Final EIR and the environmental effects as outlined therein, and as referenced in the Facts, Findings and Statement of Overriding Considerations prior to reaching a decision on the service contract authorization. By considering the Complete Final EIR adopted by the County and adopting the revised Facts, Findings and Statement of Overriding Considerations, the Commission is reconfirmed its position regarding the adequacy of the County's Complete Final EIR and originally-approved Facts, Findings and Statement of Overriding Considerations for purposes of its approval of LAFCO SC#518 as a Responsible Agency under CEQA.

The Commission acknowledged the mitigation measures and the Mitigation Monitoring and Reporting Program contained in the County's Complete Final EIR and found that no additional alternatives or mitigation measures would be adopted by the Commission. The Commission found that all changes, alterations, and mitigation measures are within the

**RESOLUTION NO. 3394**

responsibility and jurisdiction of the County and other agencies, and not the Commission. The Commission found that it is the responsibility of the County to oversee and implement the mitigation measures and the Mitigation Monitoring and Reporting Program.

The Commission directed its Executive Officer to file a Notice of Determination within five (5) days with the San Bernardino County Clerk of the Board of Supervisors. The Commission, as a Responsible Agency, found that project the is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as the CEQA lead agency.

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

**SECTION 3.** The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of Rialto to provide sewer service to the project area, Assessor Parcel Number 0257-071-70.

**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#518 – City of Rialto Extraterritorial Wastewater Agreement (ASG Development Advisors), has been approved.

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

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

\* \* \* \* \*

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

I, **SAMUEL MARTINEZ**, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of February 21, 2024.

**DATED:**


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**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
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**DATE:** FEBRUARY 14, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #8: LAFCO SC#519 - CITY OF CHINO COVENANT  
AGREEMENT TO ANNEX FOR SEWER SERVICE (CHINO EAST END  
INDUSTRIAL, LLC)

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## **INITIATED BY:**

City of Chino, on behalf of property owner/developer

## **RECOMMENDATION:**

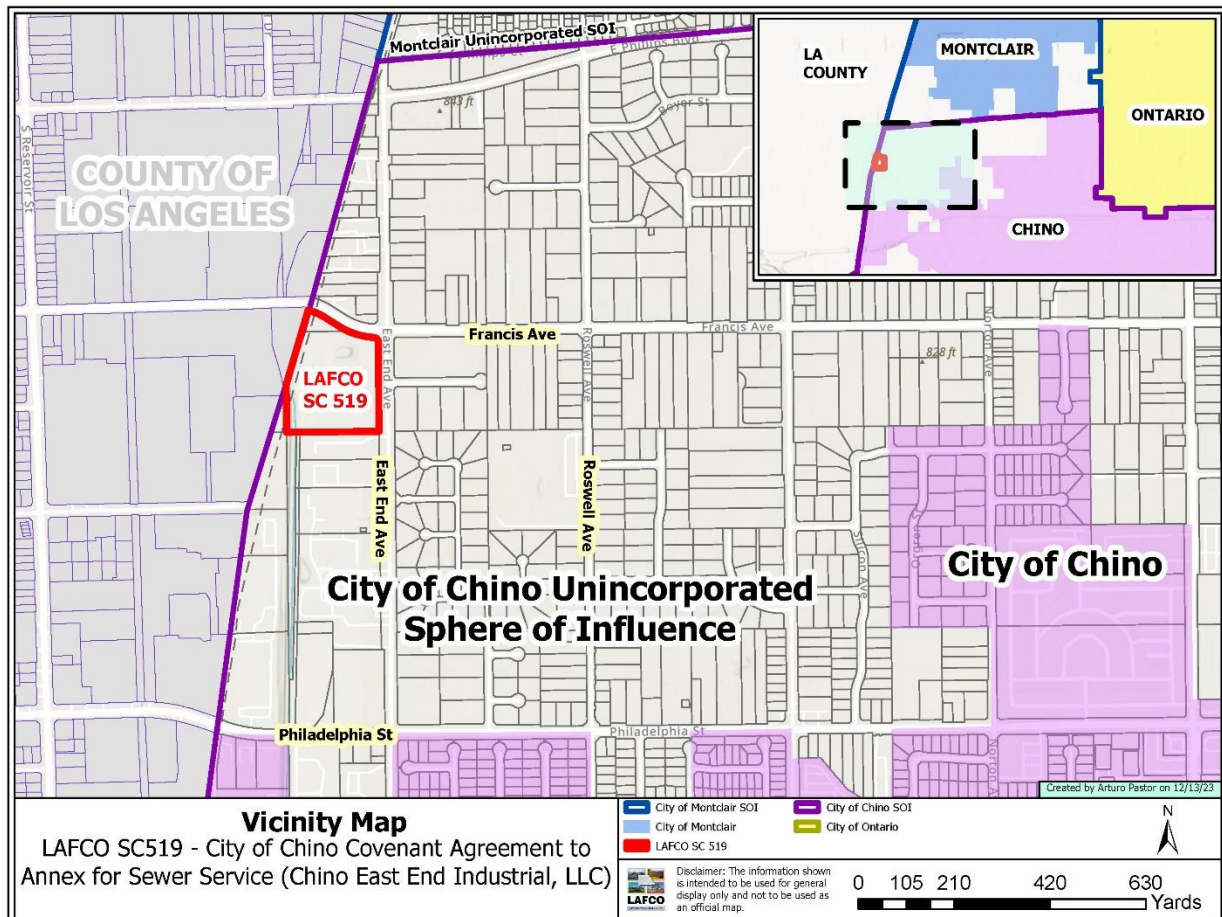
1. For environmental review, take the following actions as a responsible agency:
  - a) Certify that the Commission, staff, and environmental consultant, have independently reviewed and considered the County of San Bernardino's Notice of Exemption ("NOE") package approving a Class 3 Categorical Exemption (New Construction or Conversion of Small Structures) for a Minor Use Permit to construct a vehicle wholesale auction facility and vehicle storage yard on approximately nine acres and found it to be adequate for the Commission's use as Responsible Agency;
  - b) The Commission has considered the County'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 County 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#519 authorizing the City of Chino to extend sewer service outside its boundaries to the project area, Assessor Parcel Numbers 1013-271-01 and 1013-261-17; and,
3. Adopt LAFCO Resolution No. 3395 setting forth the Commission’s determinations and approval of the agreement for service outside the City of Chino’s boundaries.

**BACKGROUND:**

LAFCO SC#519 is a request for authorization of an out-of-agency service agreement submitted by the City of Chino (the “City”) to provide sewer service to two adjacent parcels, Assessor Parcel Numbers 1013-271-01 and 1013-261-17, which comprises a total of approximately nine acres generally located at the southwest corner of Francis and East End Avenues, within the City of Chino’s northern sphere of influence. The vicinity map below, which is also included as Attachment #1, provides the location of the parcels.



Vicinity Map

The County Land Use Services Department has processed and approved a Minor Use Permit to construct a vehicle wholesale auction facility on the 9-acre site. The Conditions of Approval placed upon this project includes the requirement to connect to sewer (Conditions 96-97). Water service will be provided by the Monte Vista Water District, which currently overlays the project site. A copy of the County's Conditions of Approval is included as Attachment #3 to this report.

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

### **PLAN FOR SERVICE:**

The City's application indicates that sewer service will be provided through a lateral connection to the existing 8-inch sewer main in East End Avenue.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside the agency's boundaries. The City has submitted an estimated total of \$1,800 (known costs) for the extension of sewer service to the project. Following are the City's sewer fees:

#### **SEWER FEES/CHARGES**

<b>Fees/Charges</b>	<b>Cost</b>	<b>Total</b>
IEUA SFDF Fee (based on fixtures)		<b><i>TBD</i></b>
City Sewer DIF (\$0.10 per SF)		<b><i>TBD</i></b>
Plan Check and Inspection	\$1,500	\$1,500.00
City Permit	\$300	\$300.00
<b>Total (Known Fees)</b>		<b>\$1,800.00</b>

The total fees noted above does not include the Inland Empire Utilities Agency (IEUA) Sewer Capacity Fee (based on fixtures) and an additional City Sewer DIF based on square footage, which are to be determined at a later date. In addition, the property owner/developer will also be responsible for the entire cost of the construction and installation of the sewer lateral from the existing sewer main to the project.

### **ENVIRONMENTAL DETERMINATION:**

Prior to the City considering an out-of-area service contract for the sewer connection, the County approved a Minor Use Permit to construct a 10,000 sq. ft. vehicle wholesale auction facility and vehicle storage yard on approximately nine acres in November 2023. When the County approved the project, the County adopted a Class 3 Categorical Exemption (New Construction or Conversion of Small Structures) to comply with the California Environmental Quality Act (CEQA).

Tom Dodson, the Commission's environmental consultant, reviewed the County's data supporting the Class 3 Notice of Exemption ("NOE"). Under this situation, Mr. Dodson recommends that the Commission take the following steps if it chooses to approve LAFCO SC#519, acting as a CEQA Responsible Agency:

1. Indicate that the Commission, staff, and environmental consultant, have independently reviewed the County's NOE package approving a Class 3 Categorical Exemption (New Construction or Conversion of Small Structures) to construct a 10,000 sq. ft. vehicle wholesale auction facility and vehicle storage yard on approximately nine acres and found it adequate for Commission's use as Responsible Agency.
2. Indicate that the Commission has considered the County's NOE package and the environmental effects, as outlined in this document, prior to reaching a decision on the project and finds the information substantiating this NOE adequate for approval of LAFCO SC#519.
3. Indicate that the Commission does not intend to adopt alternatives or mitigation measures for this project.
4. File a Notice of Exemption with the San Bernardino County Clerk of the Board as a CEQA Responsible Agency.

A copy of Mr. Dodson's response is included as Attachment #4 to this report.

**Comments:**

Following the publication of the Notice of Hearing and the mailing of the Notice to Landowners and Registered Voters, staff received an email comment from a property owner and/or voter surrounding the project. The email comment is included as Attachment #5 to this report.

**CONCLUSION:**

The Conditions of Approval for the vehicle auction facility and vehicle storage yard approved by the County requires that it receive sewer service from the City of Chino. In order for the proposed development to proceed, the property owner/developer must show proof of its ability to connect to the City's sewer infrastructure – which is the Commission's authorization for this agreement.

Staff has reviewed this request for authorization to provide sewer service from the City of Chino outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City of 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 the proposed project since its facilities are adjacent to the proposed development, and there is no other existing entity available to provide this service within the area.

**DETERMINATIONS:**

1. The service contract area, identified as Assessor Parcel Numbers 1013-271-01 and 1013-261-17, is within the sphere of influence assigned the City of Chino and is anticipated to become a part of City sometime in the future.

The project will receive water service from the Monte Vista Water District.

The application requests authorization to receive sewer service from the City of Chino. The sewer connection requirement is a condition of approval as identified in the County's Minor Use Permit for the vehicle auction facility. Therefore, approval of the City's request for authorization to provide sewer service is necessary in order to satisfy this condition of approval.

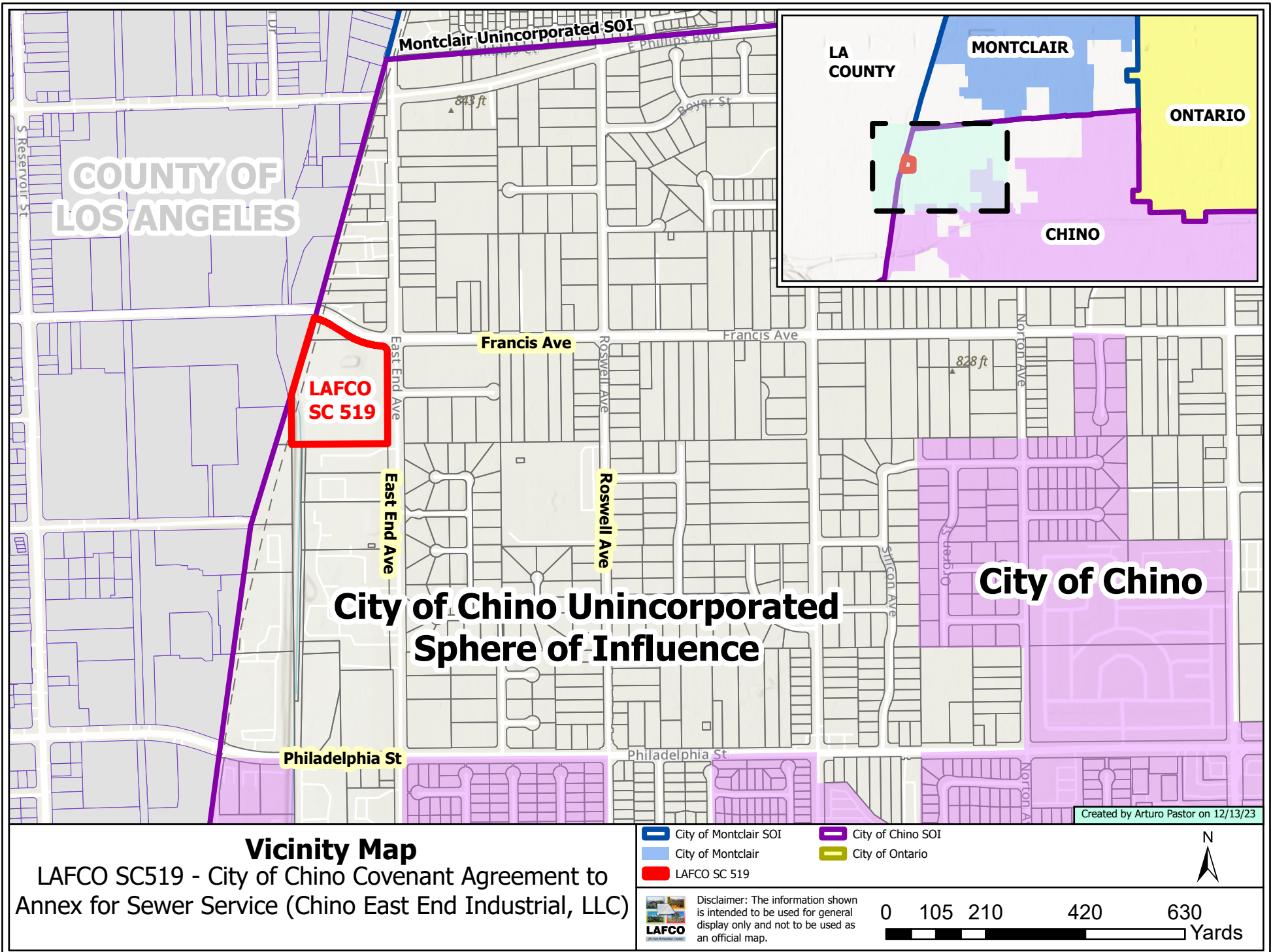
2. The City of Chino's Covenant Agreement to Annex being considered is for the provision of sewer service to the service contract area, identified as Assessor Parcel Numbers 1013-271-01 and 1013-261-17. This contract will remain in force in perpetuity for the development or until such time as the area is annexed. Approval of this application will allow the property owner/developer and the City of Chino to proceed in finalizing the contract for the extension of this service.
3. The known fees charged by the City of Chino for the extension of sewer service to the project are estimated at \$1,800 (*Note: Estimated total fee does not include the Inland Empire Utilities Agency Sewer Capacity Fee and an additional City Sewer DIF Fee – to be determined at a later date*). In addition, the property owner/developer will be responsible for the entire costs of the construction and installation of the sewer lateral extension.
4. Acting as the CEQA lead agency, the County filed a Notice of Exemption for the proposed development to construct a vehicle wholesale auction facility and vehicle storage yard on approximately nine acres. In approving the project, the County adopted a Class 3 Categorical Exemption (New Construction or Conversion of Small Structures) to comply with the California Environmental Quality Act (CEQA).

The Commission certifies that it has reviewed and considered the County's Notice of Exemption (Categorical Exemption) filed for the project prior to reaching a decision on the out-of-area service contract and finds the information adequate for the Commission's use in its decision on the service extension authorization as a CEQA Responsible Agency. The Commission further finds that does not intend to adopt alternatives or mitigation measures for this project and that all mitigation measures are the responsibility of the County and/or others, not the Commission, and are self-mitigating through the Conditions of Approval.

The Commission directs its Executive Officer to file a Notice of Exemption as CEQA Responsible Agency within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.

Attachments:

1. [Vicinity Maps](#)
2. [City of Chino Application and Contract](#)
3. [Conditions of Approval for the Vehicle Wholesale Auction Facility](#)
4. [Tom Dodson and Associates' Response and City's Notice of Exemption](#)
5. [Comment Response \(Email\) from Surrounding Property Owner and/or Registered Voter](#)
6. [Draft Resolution No. 3395](#)



**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: Chino East End Industrial, LLC

CONTACT PERSON: Jennifer Dorgan

MAILING ADDRESS: 2010 Main Street, 8th Floor  
Irvine, CA 92614-7214

PHONE: (949) 851-5491

EMAIL: jdorgan@allenmatkins.com

ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 11708 East End Avenue  
Chino, CA 91710

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

PARCEL NUMBER(S): 1013-271-01 & 1013-261-17

ACREAGE: 10.52 acres

*Extension of Service by Contract  
Application Form*

(FOR LAFCO USE ONLY)

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

1. (a) List the type or types of service(s) to be provided by this agreement/contract.  
Sewer service to the proposed 10,000 SF CarMax Vehicle Maintenance Facility.  

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- (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 connect to an existing sewer main on East End Avenue owned and maintained by the City of Chino.  

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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)  

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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.  
Please see the attached report and resolution for details.  

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- (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 - Light Industrial

- (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 is in the "process" of seeking approval from the County's Planning

Commission for a 10,000 SF CarMax Vehicle Wholesale Auction Facility as

better described in the staff report.

*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"/>

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.

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

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

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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	\$ 3,568.00	\$ 3,568.00
Sewer DIF (\$0.10 per SF )	tbd	tbd
Water DIF	n/a	n/a
IEUA SFDF Fee (based on fixtures)	tbd	tbd
Estimated Construction Costs	tbd	tbd
Plan Check & Inspection	\$ 1,500.00	\$ 1,500.00
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>tbd</b>	<b>tbd</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 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

*Jesus Plasencia*  
\_\_\_\_\_

NAME:

Jesus Plasencia

POSITION TITLE:

Assistant City Engineer

DATE:

11/16/23

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:

#### **PARCEL 1:**

LOT 37 OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 8 WEST, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO MAP OF SUBDIVISION OF PART OF RANCHO SANTA ANA DEL CHINO, ACCORDING TO PLAT THEREOF RECORDED IN BOOK 6, PAGE 15 OF MAPS, RECORDS OF SAID COUNTY.

TOGETHER WITH THE SOUTH ONE-HALF OF THAT PORTION OF FRANCIS (FRANKLIN) AVENUE VACATED BY RESOLUTION NO. 2008-28 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO, A CERTIFIED COPY OF WHICH WAS RECORDED FEBRUARY 12, 2000, AS INSTRUMENT NO. 2000050455, OF OFFICIAL RECORDS.

EXCEPT THAT PORTION OF SAID LOT 37, DESCRIBED IN THE DEED TO THE COUNTY OF SAN BERNARDINO, RECORDED APRIL 21, 2009, AS INSTRUMENT NO. 2009-0168946, OF OFFICIAL RECORDS.

#### **PARCEL 2:**

THAT PORTION OF LOT 28, AND FRANCIS (FRANKLIN) AVENUE COINCIDENT THERETO, OF THAT CERTAIN TRACT ENTITLED "RANCHO SANTA ANA DEL CHINO" RECORDED AUGUST 8, 1887, IN BOOK 6, PAGE 15 OF MAPS, RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, SAID PORTION BEING DESCRIBED AS FOLLOWS:

THAT ENTIRE PARCEL OF LAND DESCRIBED IN THAT CERTAIN DEED RECORDED MAY 29, 1911, AND RECORDED IN BOOK 475, PAGE 16, OF DEEDS, RECORDS OF SAID COUNTY, SAID DESCRIPTION IN SAID DEED BEING RESTATED BELOW AS RECORDED:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 8 WEST, SAN BERNARDINO BASE MERIDIAN, RUNNING THENCE NORTH ALONG THE CENTER OF ROAD 33 FEET;

THENCE WEST ALONG THE NORTH SIDE OF THE ROAD 133.53 FEET;

THENCE NORTH 62° 59' WEST 399.36 FEET TO THE LOS ANGELES COUNTY LINE;

THENCE ALONG THE SAID LOS ANGELES COUNTY LINE SOUTH 17° 12' WEST 223.05 FEET TO CENTER OF SAID ROAD PRODUCED;

THENCE EAST ALONG CENTER OF SAID ROAD 555.25 FEET TO PLACE OF BEGINNING.

APN: 1013-271-01-0-000  
APN: 1013-261-17-0-000

---

**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                 )

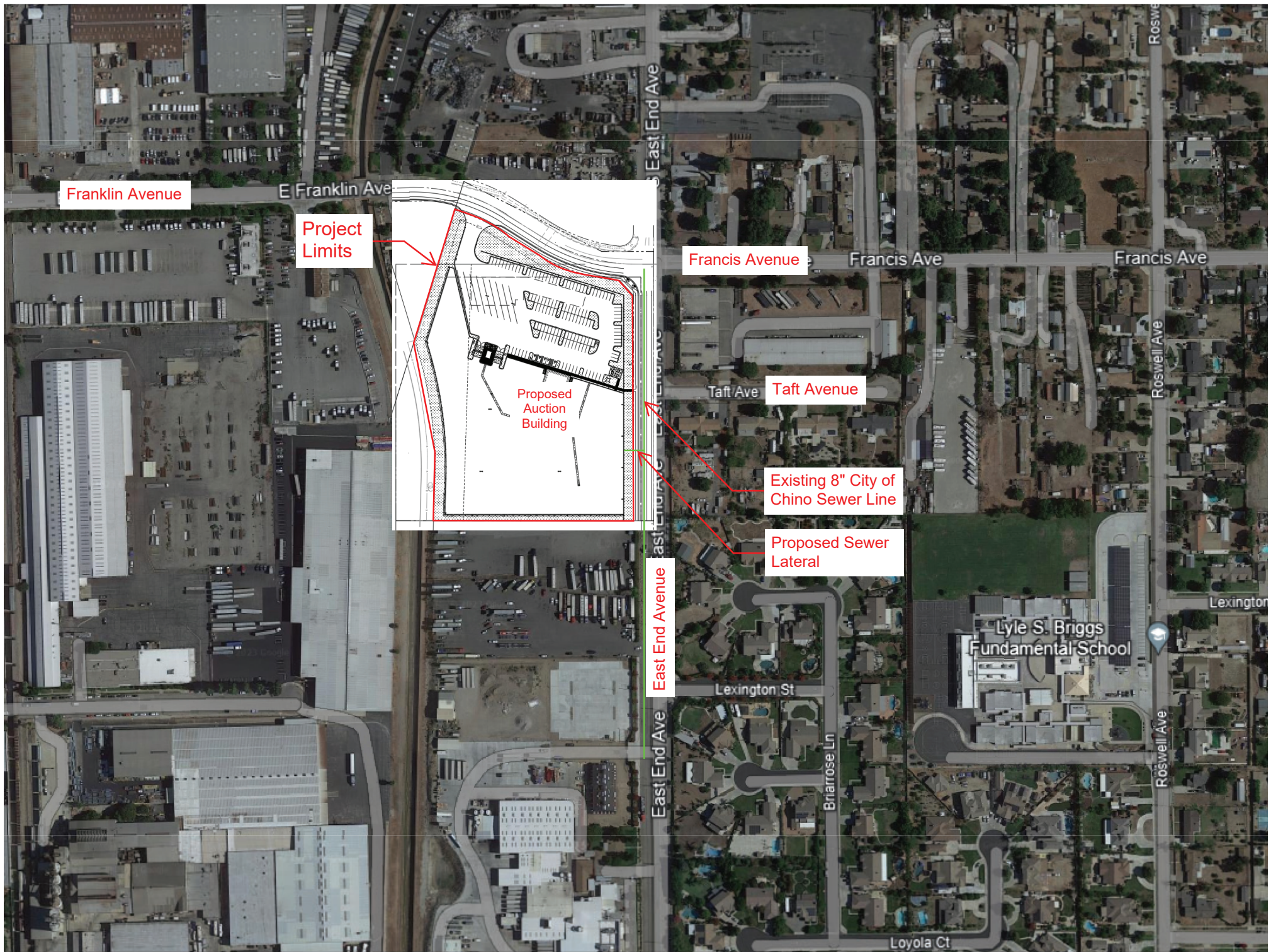
I, ANGELA ROBLES, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting held on the 5<sup>th</sup> day of July 2022 by the following votes:

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

NOES:              COUNCIL MEMBERS: NONE

ABSENT:           COUNCIL MEMBERS: NONE

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



Franklin Avenue

Project Limits

Francis Avenue

Francis Ave

Francis Ave

Taft Avenue

Existing 8" City of Chino Sewer Line

Proposed Sewer Lateral

East End Avenue

Lyle S. Briggs Fundamental School



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 Chino East End Industrial LLC hereinafter referred to as "**Owner**."

### RECITALS

A. Owner owns that certain real property located at the southwest corner of East End Avenue and Francis Avenue, in the County of San Bernardino, State of California (APNs: 1013-271-01 & 1013-261-17, ("**Property**").

B. The Property is outside of City's territorial boundaries but within City's Sphere of Influence. On October 3, 2023, the City Council approved a request to prezone 56.87 acres of land which includes the Property in connection with the East End Annexation. The formal annexation request has not yet been filed with the Local Agency Formation Commission for San Bernardino County.

C. In the event that the Property has not been annexed into the City by the time Owner desires to connect to the City's sanitary sewer system ("**Sewer**"), Owner has requested permission to connect the Property, and existing and/or proposed improvements on the Property, to the Sewer. In the event that the Property has been annexed into the City, this Agreement shall be of no force or effect as the City would be required to provide connection to the Sewer.

D. City is willing to allow Owner to connect the Property to the Sewer on the condition that Owner 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. The Owner's Project, a CarMax Facility, County project number PROJ-2022-00169 is consistent with the City's General Plan land use designation of Light Industrial ("**LI**").

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.

(b) **Development of Property.** Upon and after connecting the Property to the Sewer, Owner shall use and develop the Property only in a manner consistent with the permitted use(s) for the Property as shown in the Land Use Element of the City's General Plan ("**General Plan**"), in addition to any other land use and development standards imposed by the County of San Bernardino. Owner has provided the City with sufficient information and documentation, including plans, drawings, and specifications to demonstrate to the City's reasonable satisfaction that the proposed use of the Property (County project number PROJ-2022-00169) is consistent with the General Plan. Notwithstanding any other provision of this Agreement, a current or proposed use that is not consistent with the General Plan will not be permitted to connect to the Sewer.



(c) **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.

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: Chino East End Industrial LLC  
3501 Jamboree Road, Suite 3000  
Newport Beach, CA 92660  
Attn: Larry Lukanish

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**

\_\_\_\_\_  
Matthew C. Ballantyne, City Manager

**ATTEST:**

\_\_\_\_\_  
Angela Robles, City Clerk

**APPROVED AS TO FORM:**

**ALESHIRE & WYNDER, LLP**

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

**APPROVED AS TO CONTENT:**

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

**OWNER:**

By: 

Name: PATRICK RUSSELL

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

Name: \_\_\_\_\_

Address: 3501 JAMBOREE RD., SUITE 3000  
NEWPORT BEACH, CA  
92660



## **EXHIBIT A**

### **PROPERTY DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

#### **PARCEL 1:**

LOT 37 OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 8 WEST, ACCORDING TO MAP OF SUBDIVISION OF PART OF RANCHO SANTA ANA DEL CHINO, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO PLAT THEREOF RECORDED IN BOOK 6, PAGE 15, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH THE SOUTH ONE-HALF OF THAT PORTION OF FRANCIS (FRANKLIN) AVENUE, VACATED BY RESOLUTION NO. 2008-28 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO, A CERTIFIED COPY OF WHICH WAS RECORDED FEBRUARY 12, 2000, AS INSTRUMENT NO. 20000050455, OF OFFICIAL RECORDS.

EXCEPT THAT PORTION OF SAID LOT 37, DESCRIBED IN THE DEED TO THE COUNTY OF SAN BERNARDINO, RECORDED APRIL 21, 2009, AS INSTRUMENT NO. 2009-0168946, OF OFFICIAL RECORDS.

APN: 1013-271-01-0-000

#### **PARCEL 2:**

THAT PORTION OF LOT 28 AND FRANCIS (FRANKLIN) AVENUE, COINCIDENT THERETO, OF THAT CERTAIN TRACT ENTITLED, "RANCHO SANTA ANA DEL CHINO," IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED AUGUST 8, 1887, IN BOOK 6, PAGE 15, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID PORTION BEING DESCRIBED AS FOLLOWS:

THAT ENTIRE PARCEL OF LAND DESCRIBED IN THAT CERTAIN DEED RECORDED MAY 29, 1911, IN BOOK 475, PAGE 16, OF DEEDS, RECORDS OF SAID COUNTY, SAID DESCRIPTION IN SAID DEED BEING RESTATED BELOW AS RECORDED:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 8 WEST, SAN BERNARDINO BASE AND MERIDIAN, RUNNING THENCE, NORTH, ALONG THE CENTER OF ROAD, 33 FEET; THENCE, WEST, ALONG THE NORTH SIDE OF THE ROAD, 133.53 FEET; THENCE, NORTH 62° 59' WEST, 399.36 FEET, TO THE LOS ANGELES COUNTY LINE; THENCE, ALONG SAID LOS ANGELES COUNTY LINE, SOUTH 17° 12' WEST, 223.05 FEET, TO CENTER OF SAID ROAD PRODUCED; THENCE, EAST, ALONG CENTER OF SAID ROAD, 555.25 FEET, TO THE PLACE OF BEGINNING.

APN: 1013-261-17-0-000

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

STATE OF CALIFORNIA )

COUNTY OF Orange )

) ss.

On 11/30/23, before me, Alexis Abad,  
(insert name of notary)

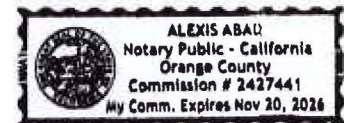
Notary Public, personally appeared Patrick Russell,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by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

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

WITNESS my hand and official seal.

Signature 

(Seal)





## Land Use Services Department Planning

David Doublet  
Director

November 27, 2023

**Effective Date: November 28, 2023**  
**Expiration Date: November 28, 2026**

Jennifer Dorgan  
1900 Main Street, 5<sup>th</sup> Floor  
Irvine, CA 92614  
[Jdorgan@allenmatkins.com](mailto:Jdorgan@allenmatkins.com)

Chino East End Industrial, LLC  
3501 Jamboree Rd. Ste. 3000  
Newport Beach, CA 92660  
[prussell@sares-regis.com](mailto:prussell@sares-regis.com)

**RE: A MINOR USE PERMIT FOR THE CONSTRUCTION AND OPERATION OF AN ONLINE AND INPERSON AUCTION AND VEHICLE STORAGE YARD AT 11708 EAST END AVENUE IN THE LIGHT INDUSTRIAL (LI), LAND USE CATEGORY AND THE COMMUNITY INDUSTRIAL (IC) ZONING DISTRICT; APN: 1013-261-17 & 1013-271-01; 4<sup>TH</sup> SUPERVISORIAL DISTRICT; PROJECT NUMBER: PROJ-2022-00169.**

Dear Applicant/Representative:

**On November 16, 2023**, the above referenced application was approved by the Zoning Administrator, subject to completion of the attached Conditions of Approval. The proposed project is found to be in conformance with the County Wide Plan policies and the County Development Code. This approval shall expire and become void on **November 28, 2026**, if it is not exercised pursuant to the conditions of approval. The applicant shall ascertain and comply with all applicable requirements of Federal, State, County and Local Agencies.

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

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

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

If you have any questions regarding this approval, you can reach me directly at (909) 387-4422 or via e-mail at [elena.barragan@lus.sbcounty.gov](mailto:elena.barragan@lus.sbcounty.gov)

Sincerely,

Elena Barragan, Senior Planner

### BOARD OF SUPERVISORS

COL. PAUL COOK (RET.)  
First District

JANICE RUTHERFORD  
Second District

DAWN ROWE  
Vice Chair, Third District

CURT HAGMAN  
Chairman, Fourth District

JOE BACA, JR.  
Fifth District

Leonard X. Hernandez  
Chief Executive Officer

PROJ-2022-00169  
November 28, 2023  
PAGE **2** of **2**

EB

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

# **Conditions of Approval**

**PROJ-2021-00169**

**APN: 1013-261-17 & 1013-271-01**

**ZA Hearing Date: November 16, 2023**

**Application Name: Minor Use Permit**

## **On-going and Operational Conditions** **Land Use Services - Planning Division**

1. Project Description. A Minor Use Permit request to construct and operate an online and in-person auction and vehicle storage yard, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.
2. Project Location. 11708 East End Avenue, within the City of Chino Sphere of Influence.
3. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "indemnities" (herein collectively the County's elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

4. Development Impact Fees: Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
5. Clear Sight Triangle: Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90-degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
6. Continuous Effect/Revocation: All of the conditions of this project approval are continuously in effect



throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.

7. Revisions: Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.

8. Construction Hours: Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.

9. Cultural Resources: During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.

10. Extension of Time: Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060).

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

12. Lighting: Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

13. Underground Utilities: No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.

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

15. Walls: Existing walls may be maintained on the side and rear property lines if they provide sufficient screening of parking and loading areas. If the existing fences provide appropriate screening, they shall be painted to match the color of the proposed warehouse and sufficient landscaping shall be provided for graffiti abatement. If the existing walls do not screen the parking and loading areas, new decorative walls shall be added on the side and rear property lines to secure the property from adjacent and vacated uses.

16. Landscaping: A landscaping plan shall be approved to the satisfaction of the Director of Planning. The plan shall include the recommended changes provided by the City of Chino.
17. Lot Merger: The applicant shall submit a lot merger and obtain approval, prior to the issuance of a building permit.
18. Construction Noise: The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
19. Project Account: The Project account number is PROJ-2022-00169. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
20. Continuous Maintenance: The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
  - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
  - c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire-retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
  - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
  - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
  - g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
  - h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
  - i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved



site plan or subsequently a County-approved sign plan.

j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.

k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.

l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

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

22. Utility Relocation: Any construction related to the relocation of utilities shall be performed in conformance with the approved street improvement plans prior to the certification for occupancy to be granted. If an unforeseen delay in this relocation process does occur, then a certification for temporary occupancy can be granted for the project provided all the construction parameters are met.

### **Chino Valley Fire District – Fire Protection**

23. Additional Requirements: In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

24. Access: Fire access roads shall be designed and plans submitted to the Fire District for approval. Fire access roads shall be constructed of an all-weather hard surface, such as, asphalt or concrete, and be a minimum unobstructed width of 26 feet and minimum clear height of 13'6". The road grade shall not exceed twelve percent (12%) maximum. An approved turn around shall be provided at the end of each roadway in excess of 150 feet in length. Aerial access shall be provided for any buildings 30' ft. and higher per 2019 CFC. Appendix D. A 26' ft. wide access road shall be a minimum of 15' ft. to the building and a maximum of 30' ft. from the building. Access roads shall comply with Fire District Standard No. 111.

25. Number of Access Driveways. The development and each phase shall have two (2) points of vehicular access during construction. Fire District Standard No. 111 shall be complied with.

26. Water Systems. Water systems shall be designed to meet the required fire flow of this development and be approved by the Community Risk Reduction Division. Buildings in excess of 100,000 square feet shall have a

minimum of two (2) connections to a public main. The developer shall furnish the Community Risk Reduction Division with three (3) copies of the water system working plans done by the installing contractor for approval, along with the Fire Flow Availability Form completed by the water purveyor prior to recordation. The required fire flow shall be determined by using the California Fire Code, current adopted edition. For all private systems, the water systems shall comply with Fire District Standard Nos. 101, 102, and 103. In areas without water-serving utilities, fire protection water systems shall be based on NFPA Pamphlet 1231. For water connections and work conducted in the public right of way, please refer to separate plans reviewed and approved by the water purveyor.

27.Fire Hydrants. Fire hydrants shall be six-inch (6") diameter with a minimum one four-inch (4") and one two and one-half inch (2-1/2") connections. All fire hydrants shall be spaced a maximum of three hundred feet (300') apart. Private water systems shall comply with Fire District Standard Nos. 101, 102, and 114. All hydrants shall be installed with pavement markers to identify their locations.

28.Easements. Access drives which cross property lines shall be provided with CC & R's, access easements or reciprocating agreements and shall be recorded on the titles of affected properties. Copies of the recorded documents shall be provided at the time of Fire District plan review.

29.Undergrounding. Underground fire mains which cross property lines shall be provided with CC & R's, easements, or reciprocating agreements addressing the use and maintenance of the mains and hydrants and shall be recorded on the titles of affected properties. Copies of the recorded documents shall be provided at the time of Fire District plan review.

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

30. Tributary Drainage: Adequate provisions should be made to intercept and conduct the tributary off site on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.

31. Erosion Control Installation: Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

32. Additional Drainage Requirements: In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

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

34. Continuous BMP Maintenance: The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.

#### **Solid Waste Management Division - Department of Public Works**

35. Recycling and Organic Waste Collection Container Information: California Assembly Bill (AB) 827 and Senate Bill (SB) 1383 require businesses that sell products meant for immediate consumption and currently provide trash collection containers for their customers to provide recycling and/or organics collection containers adjacent to trash containers at front-of-house, except in restrooms. Full-service restaurants are

exempt from these requirements as long as they provide containers for employees to separate post-consumer recyclables and organic waste purchased on the premise for customers.

36. Demolition Debris: San Bernardino County owned and operated sanitary landfills and transfer stations are not permitted to accept asbestos contaminated wastes, therefore any debris generated by the demolition of structures are subject to asbestos clearance prior to disposal at any San Bernardino County disposal sites. Applicants are required to have a Certified Asbestos Consultant perform testing of all materials to be disposed. Upon receipt of the Consultant's report, indicating that the debris is not contaminated, Solid Waste Management Operations Section will provide applicant with disposal authorization. For more information on Certified Asbestos Consultants please visit <http://www.dir.ca.gov/databases/doshacru/acruList.asp>, or for information on County requirements please contact Solid Waste Operations at 909-386-8701 or [solid.wastemail@dpw.sbcounty.gov](mailto:solid.wastemail@dpw.sbcounty.gov).

37. Recycling Storage Capacity: The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of California Assembly Bill (AB) 2176.

38. Franchise Hauler Service Area: This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec Waste and Recycling).

39. Mandatory Trash, Organic Waste, and Recycling Service: This property falls within a Uniform Handling Service area and is subject to California Senate Bill (SB) 1383. All owners of a dwelling or a commercial or industrial unit within the uniform handling area shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement for trash, recycling, and organic waste (includes green waste and food waste) collection services and pay the rates of such services; or apply to the County for a self-haul exemption from uniform handling. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5.

#### **Department of Public Works – Traffic Division**

40. Backing into Roadway: Project vehicles shall not back up into the project site nor shall they back out into the public roadway.

41. Access: The access point to the facility shall remain unobstructed at all times, except a driveway access gate which may be closed after normal working hours.

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

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

43. Noise Levels: Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.

44. OWTS Maintenance: The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

#### **Department of Public Works – Surveyors Office**

45. Land Survey Monuments: If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and

referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

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

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

#### **Prior to Land Disturbance**

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

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

48. Geotechnical (Soil) Report Required Before Grading: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

49. Demolition Permit Required Before Grading: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, backfilled and inspected before covering.

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

50. Drainage Improvements: A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

51. \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

52. Grading Plans: Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

53. On-site Flows: On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

54. WQMP: A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained prior to construction. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. Review processed on an actual cost basis. Copies of the WQMP guidance and template can be found at: (<https://dpw.sbcounty.gov/wqmp-templates-and-forms/>)

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

56. Flood Control District Review. A proof of applying for an encroachment permit from Flood Control District shall be submitted to Land Development for permit requirements and working within the District right-of-way. Contact Flood Control District, Flood Permits Section for Permit Information at (909)387-7995

57. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. The project site shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions.

58. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

59. FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8615H dated 08/28/2008. No elevation requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

60. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

61. Continuous BMP Maintenance. The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved final Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.

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

63. NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics.

64. Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

#### **Department of Public Works – Environmental Management Division**

65. If work is limited to levee top, access trails, etc. no access to channel bottom provision.

66. The activities described in the permit application do not appear to impact jurisdictional waters of the United States Army Corp of Engineers (USACE) or Waters of the State.
67. Issuance of this permit specifically prohibits any tracked or wheeled equipment entering or conducting work within the bed, bank or channel of [FACILITY NAME]. All construction activities must avoid impacts to waters of the United States, Waters of the State, and California Department of Fish and Wildlife regulated resources. Any violation of County, State, or Federal environmental regulations may result in significant fines and/or mandatory work stoppage/delays.
68. The proposed project includes installation of landscaping within the District right-of-way. The Permit Applicant must submit a Plant palette limited to southern California Native species that must be pre-approved by District Ecologists prior to implementation.

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

69. Diesel Regulations: The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include:

- a) meeting more stringent emission standards;
- b) retrofitting existing engines with particulate traps;
- c) use of low sulfur fuel; and
- d) use of alternative fuels or equipment. South Coast Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

70. Air Quality: Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Project is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:

- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
  - 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
  - 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
  - 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.
- b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:
  - 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
  - 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.



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

### **Department of Public Works – Traffic Division**

71. Regional Transportation Fee: Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Chino Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid to the Department of Public Works. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$15.14 per square foot for Commercial Use which includes the gross square floor area of all buildings and structures associated with the dealership, including all vehicle sales, parts sales, service areas, parking structures, administrative offices and waiting areas. Therefore, the estimated Regional Transportation Fees for the Project is \$107,845.24 (7,123.2 sq.ft x \$15.14/ sq.ft.). The current Regional Transportation Development Mitigation Plan can be found at the following website: <https://www.sbcounty.gov/uploads/DPW/docs/Fee-Schedule-Regional-Plan.pdf>.

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

72. Temporary Use Permit: "Temporary Use Permit: A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years."

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

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

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

#### East End Avenue (Major Highway – 104 feet)

- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "C".
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within public right-of-way.

#### Francis Avenue (Secondary Highway – 88 feet)

- Street Improvements. Design curb and gutter with match up paving 32 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "C"

75. Transitional Improvements: Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.

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



#### East End Avenue (Major Highway – 104 feet)

- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "C".
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within public right-of-way.

#### Francis Avenue (Secondary Highway – 88 feet)

- Street Improvements. Design curb and gutter with match up paving 32 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "C".

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

78. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

79. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support

80. Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.

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

82. Slope Easements. Slope rights shall be dedicated where necessary.

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

84. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.

85. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of the County Department of Public Works confirming the adequacy of the grade.

86. Slope Tests. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of the County Department of Public Works.

87. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

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

88. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:

a) Waste Stream Reduction. The “developer” shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.

b) Vehicle Trip Reduction. The “developer” shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.

c) Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. The developer shall also provide to all tenants and require that the tenants shall display in their stores current transit route information for the project area in a visible and convenient location for employees and customers. The specific transit routes displayed shall include Omni Trans Route 8, San Bernardino-Mentone-Yucaipa.

d) Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

89. GHG – Construction Standards. The “developer” shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:

a) Implement the approved Coating Restriction Plans.

b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.

c) Grading contractor shall provide the implement the following when possible:

1. training operators to use equipment more efficiently.

2. identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions replacing older, less fuel-efficient equipment with newer models use GPS for grading to maximize efficiency

d) Grading plans shall include the following statements:

- “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”

- “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”

- e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
- f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
- g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

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

a) Meet Title 24 Energy Efficiency requirements implemented January 1, 2020. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non-Residential Buildings, as amended February 14, 2019; Cool Roof Coatings performance standards as amended February 14, 2019):

- Incorporate dual paned or other energy efficient windows,
- Incorporate energy efficient space heating and cooling equipment,
- Incorporate energy efficient light fixtures, photocells, and motion detectors,
- Incorporate energy efficient appliances,
- Incorporate energy efficient domestic hot water systems,
- Incorporate solar panels into the electrical system,
- Incorporate cool roofs/light colored roofing,
- Incorporate other measures that will increase energy efficiency.
- Increase insulation to reduce heat transfer and thermal bridging.
- Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.

b) Plumbing. All plumbing shall incorporate the following:

- All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
- Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
- All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.

c) Lighting. Lighting design for building interiors shall support the use of:

- Compact fluorescent light bulbs or equivalently efficient lighting.
- Natural day lighting through site orientation and the use of reflected light.
- Skylight/roof window systems.
- Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
- A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
- Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.

d) Building Design. Building design and construction shall incorporate the following elements:

- Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
- Roofing materials shall have a solar reflectance index of 78 or greater.
- All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
- Energy Star or equivalent appliances shall be installed.

- A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units
- e) Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
- f) Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
- g) Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.

91. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/ procedures include the following:

- a. Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent.
- b. All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting.
- c. Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

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

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

93. Preliminary Acoustical Information: Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.

94. Existing OWTS: Existing onsite wastewater treatment system can be used if applicant provides an EHS approved certification that indicates the system functions properly, meets code, has the capacity required for the proposed project, and meets LAMP requirements.

95. New OWTS: If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. An Alternative Treatment System, if applicable, shall be required.

96. Sewer Service Verification Letter: Applicant shall procure a verification letter from the sewer service

provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).

97. Sewage Disposal: Method of sewage disposal shall be sewer service provided by City of Chino or an EHS approved onsite wastewater treatment systems (OWTS) that conforms to the Local Agency Management Program (LAMP).

98. Existing Wells: If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence, such as a well certification, shall be submitted to EHS for approval.

99. Water Service Verification Letter: Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice.

100. Water Purveyor: Water purveyor shall be Monte Vista WD or EHS approved.

### **Public Works - Solid Waste Management**

101. CDWMP Part 1: The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part I for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>. An approved CDWMP Part 1 is required before a permit can be issued. There is a one-time fee of \$150.00 for residential projects/\$530.00 for commercial/non-residential projects.

### **Prior to Final Inspection**

### **Public Works - Solid Waste Management**

102. CDWMP Part II: The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste. The developer MUST provide ALL receipts and/or backup documentation for actual disposal/diversion of project waste. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>.

### **Chino Valley Fire District – Fire Protection**

103. Fire access roads shall be constructed and approved by the Community Risk Reduction Division prior to combustibles being brought onto the site.

104. Approved street signs shall be installed prior to issuance of building permits, as well as a job site address.

105. Fire Protection water systems shall be tested, operational, and approved by the Community Risk Reduction Division prior to combustible materials being brought to the site.

106. All flammable vegetation shall be removed from each building site for a minimum distance of thirty feet (30') from any flammable building material including all structures.

107. A detailed site plan of the development is required to be submitted in electronic (PDF) format. The Plan must show and be limited to: locations of property lines, buildings, and equipment and hazards for emergency response purposes. Please refer to fire District Standard No. 143. Additional or revised files may be required during construction and/ or prior to final signoff.

108. The Developer shall submit, as an electronic file, a drawing of the new streets in pdf format to the Fire District with the building construction plans. Format must contain and be restricted to the
109. Additional or Revised files may be required during construction and/ or prior to final signoff.

### **Prior to Occupancy**

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

110. Drainage Improvements: All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.

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

112. Flood Control District Approval. Submit an official letter issued by Flood Control District indicating that all items under the issued encroachment permit have been satisfied and the encroachment permit has been closed.

#### **Land Use Services Department – Land Development Division – Road Section**

113. LDD Requirements. All LDD requirements shall be completed by the Applicant prior to occupancy.

114. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant and inspected/ approved by the County Department of Public Works.

115. Structural Section Testing. A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

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

116. Shield Lights: Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).

117. Screen Rooftop: All roof top mechanical equipment is to be screened from ground vistas.

118. Landscaping/Irrigation: All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.

119. Installation of Improvements: All required on-site improvements shall be installed per approved plans.

120. Fees Paid: Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ- 2020-00235.

121. Condition Compliance: Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.



## **Public Works - Traffic**

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

## **Chino Valley Fire District – Fire Protection**

121. An automatic protection fire sprinkler system is required for all buildings 5,000 sq. ft or greater. and/or when used for allowable area increase, if applicable. This system shall comply with NFPA Standard No. 13 and Fire District Standard No. 110. An electronic/PDF set of detailed plans along with hydraulic calculations and material specifications shall be submitted to the Community Risk Reduction Division. The system shall be installed, tested and approved prior to system final. Fire sprinkler systems shall be installed by a licensed C-16 contractor and the contractor is required to submit a report to the compliance engine (TCE).

122. An automatic fire alarm system is required. An electronic/PDF set of detailed plans shall be submitted showing the design, system components, signaling devices, fire alarm power supply, control panel and auxiliary devices and functions of the alarm system. Please refer to Fire District Standard No. 133 and current adopted editions of the California Building Code, as well as NFPA Standard 72. The contractor is required to submit a report to the compliance engine (TCE).

123. Approved in-building, two-way emergency responder communication coverage for emergency responders shall be provided in all new buildings. In-building, two-way emergency responder communication coverage within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. System shall comply with current adopted edition of the California Fire Code, NFPA 70, 72 & 1221 and the contractor is required to submit a report to the compliance engine (TCE).

124. Hand-held portable fire extinguishers are required to be installed. The location, type and cabinet design shall be approved by the Community Risk Reduction Division.

125. Exits, doors, signs and approved path marking shall be installed in accordance with the current adopted edition of the California Building Code, Section 1007

126. "No Parking - Fire Lane" signs shall be installed in interior access drives at locations designated by the Community Risk Reduction Division. Curbs shall be painted red at locations designated by the Community Risk Reduction Division. Please refer to Fire District Standard No. 121.

127. An approved recessed Fire Department "KNOX" brand key box is required. The key box shall be located at or near the main entrance(s) and shall be provided with a tamper switch and shall be monitored by an approved central station monitoring service. Please refer to Fire District Standard No. 117.

128. An approved key switch is required on each automatic electric security gate. All automatic gates shall be provided with a manual override. Fire District Standard No. 116 & 117 shall be complied with.

129. Commercial, industrial, and multi-family building addresses shall be posted with a minimum eight inch (8") numbers, visible from the street and during the hours of darkness they shall be internally or externally electrically illuminated. Posted numbers shall contrast with the background used and be legible from the street.



130. Where building set back exceeds 100 feet from the roadway, additional non-illuminated six inch (6") numbers shall be displayed at the property access entrance. These numbers shall also contrast with the background used. Fire District Standard No. 122 must be complied with.

131. A detailed plan and technical analysis shall be submitted showing any proposed High-Piled Combustible Storage, which is storage over twelve (12) feet high of ordinary (class I-IV) commodities and/or over six (6) feet high storage of high hazard commodities, such as flammable liquids or plastics. The plan shall include requirements as specified within the current adopted edition of the California Fire Code and NFPA 13.

132. A technical analysis and report shall be submitted for Fire District approval for any proposed hazardous material use and storage. The report shall include requirement as specified in the current adopted edition of the California Fire Code, well as requirements specified in the current edition of the California Building Code.

133. Hot work areas shall not contain combustible materials or shall be provided with appropriate shielding to prevent sparks, slag or heat from igniting exposed combustibles. The hot work area shall have no cracks or cracks shall be tightly covered in the flooring, walls, ducts or shafts to prevent the passage of sparks to adjacent combustibles. If partitions are used to separate the hot work area, they shall be noncombustible, in fixed hot work areas, partitions shall be securely connected to the floor such that no gap exists between the floor and the partition. The hot work area shall have a noncombustible surface.

134. Hot work areas shall maintain good housekeeping; the floor area shall be kept clean.

135. In the event, hot work needs to be performed close to automatic sprinklers, noncombustible barriers or damp cloth guards shall shield the individual sprinkler heads and shall be removed when the work is completed. If the work extends over several days, the shield or cloth shall be removed at the end of each work day.

136. Hot work areas shall be provided with the following warning signs:

- CAUTION HOT WORK IN PROGRESS STAY CLEAR
- A fire watch shall be provided during the hot work operation and shall continue for a minimum of 30 minutes after the conclusion of said work.
- Records of "prework check" reports shall be maintained on site for 48 hours after hot work is completed. The prework check shall include the following:
- Ensure that hot work equipment to be used is in satisfactory operating condition and in good repair.
- Ensure hot work site is clear of combustibles or combustibles are protected, including exposures.
- Ensure any openings are protected and floors are clean.
- Fire watch is assigned.

137. Care has been taken to prevent accidental activation of fire sprinklers or other life safety systems.

138. The fire extinguisher for the hot work area is not blocked and accessible.

139. A minimum of one portable fire extinguisher with a rating of 2-A:20-B:C shall be readily accessible within 30 feet of each hot work area.

140. All compressed gas cylinders used shall be properly secured against accidental dislodgement and against access by unauthorized personnel. Compressed gas cylinders shall be protected from physical damage by an

approved means.

141. Pressure relief devices shall be arranged to discharge upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container, adjacent structures or personnel.

142. The storage area of the compressed gases shall be properly marked with an NFPA 704 placard as well as a sign reading: COMPRESSED GAS.

143. The storage area shall be provided with adequate lighting.

144. An electronic/PDF set of plans shall be submitted separately for each of the following listed items to the Fire District for review, approval and permit prior to any installation or work being done. Approved plans must be maintained at the worksite during construction. Fees are due at the time of submittal.

145. Building Construction, includes tenant improvement work

146. Private (onsite) Underground Fire Protection Water Systems, if applicable

147. Fire Sprinkler Systems, designed by C16 contractor or registered engineer

148. Fire Alarm Systems or Sprinkler Monitoring Systems designed by a C7, C10 contractor or registered engineer.

149. Knox box and/or security gate locations.

150. Emergency Responder Radio Coverage Systems



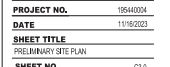
## Conditions of Approval

**Record:** PROJ-2022-00169

**Zoning Administrator Date:** October 20, 2022

Department/Agency	Office/Division	Phone Number
Land Use Services Dept. (All Divisions)	San Bernardino Govt. Center	(909) 387-8311
	High Desert Govt. Center	(760) 995-8140
County Fire (Community Safety)	San Bernardino Govt. Center	(909) 387-8400
	High Desert Govt. Center	(760) 995-8190
County Fire	Hazardous Materials	(909) 386-8401
Dept. of Public Works	Flood Control	(909) 387-7995
	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Special Districts	Water and Sanitation	(760) 955-9885
	Administration,	(909) 386-8800
	Park and Recreation,	
	Roads, Streetlights,	
Television Districts, and Other		
External Agencies (Caltrans, U.S. Army, etc.)		See condition text for contact information...

**APPROVED**





# **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



February 2, 2024

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

**RECEIVED**

**FEB 05 2024**

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

Dear Sam:

LAFCO SC#519 consists of an application for Extension of Service by the City of Chino to two parcels comprising about 9 (10.52) acres 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 service to a proposed 10,000 square foot CarMax Vehicle Wholesale Auction Facility at the southwest corner of Francis and East End Avenues within the City's Sphere. Refer to the attached vicinity map. If the Commission approves LAFCO SC#519, the project can move forward with development under San Bernardino County jurisdiction, and connect to the City's sewer collection system, which is located adjacent to the site in East End Avenue.

The County prepared and adopted a Notice of Exemption (NOE) 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 2023, which resulted in a Minor Use Permit being approved in November 2023. 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. This project now includes the installation of a sewer lateral to the project site from the adjacent roadway.

After reviewing the project documentation, I recommend that the Commission rely upon the County's Notice of Exemption documents as adequate for LAFCO's Responsible Agency CEQA environmental determination for LAFCO SC#519. This is because the implementation of the overall project, including the connections to the City of Chino sewer system, will not result in any additional adverse impact on the physical environment and will result in better management of the future operation's wastewater. I have reviewed the County's data supporting the NOE and concluded that it contains sufficient data to verify that the project being considered in this out-of-area service contract qualified for this exemption. Therefore, I am recommending that the Commission consider the County's adopted environmental documentation as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO SC#519.

Based on a review of LAFCO SC#519 and the pertinent sections of CEQA and the State CEQA Guidelines, I believe it is appropriate for the Commission's CEQA environmental determination to cite the County's NOE as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#519, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff and environmental consultant have independently reviewed the City's NOE package and found it adequate for the City's proposed out-of-area service contract.
2. The Commission needs to indicate that it has considered the County NOE and environmental effects, as outlined in this document, prior to reaching a decision on the project and finds the information substantiating this NOE adequate for approval of LAFCO SC#519.
3. The Commission should indicate that it does not intend to adopt alternatives or mitigation measures for this project.
4. File a Notice of Exemption with the San Bernardino County Clerk of the Board as a CEQA Responsible Agency for this project.

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.

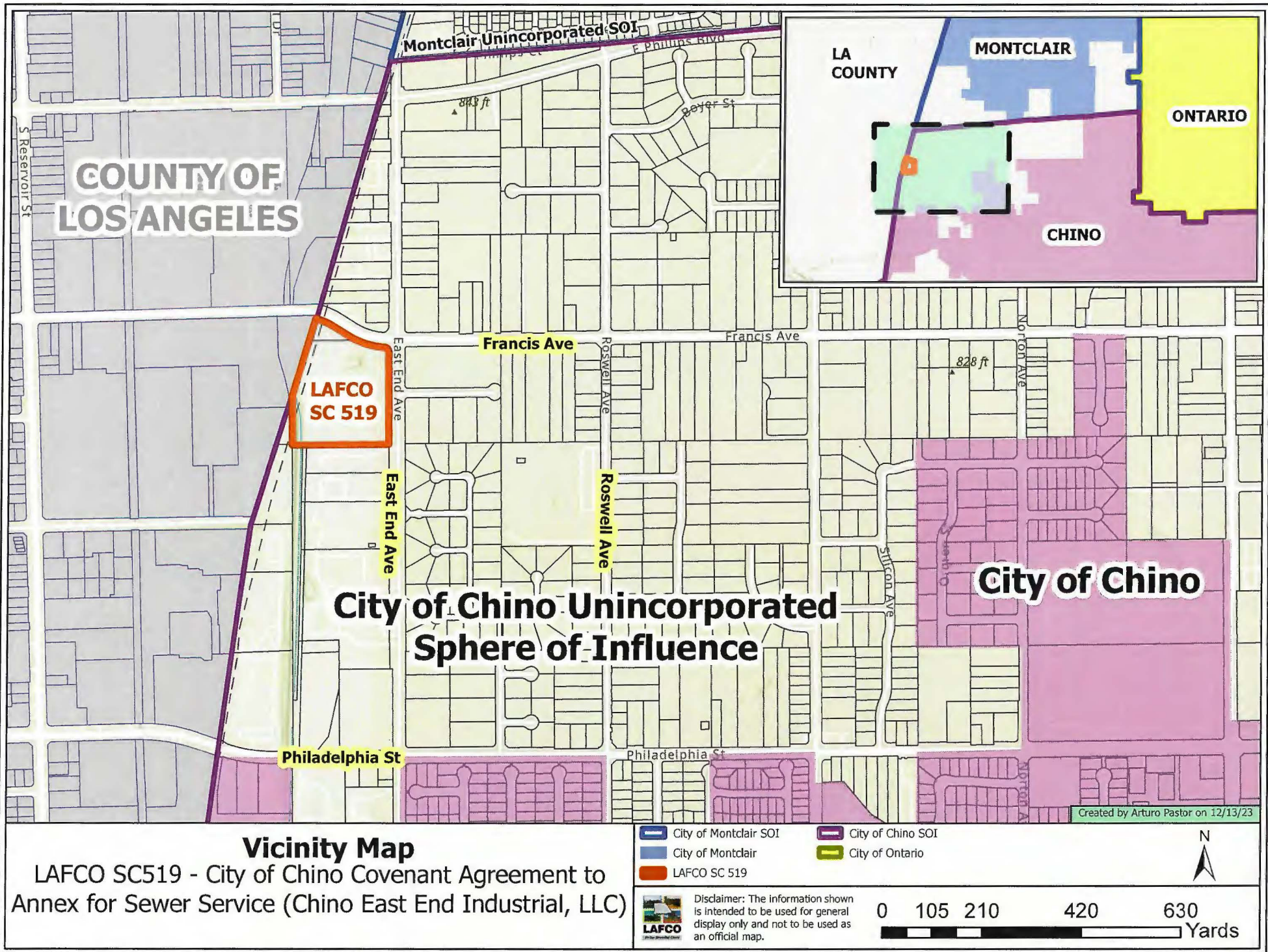
Tom Dodson

TD/cmc

Attachment

LA-1066/LAFCO SC#519 Resp Agency NOE







Posted On 1/29/24Removed On: 3/12/24Receipt No: 36-01292024

- 050

**Notice of Exemption**

To: ☐ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: San Bernardino County  
Land Use Services Department  
Planning Division  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415-0187

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

**Project Description****Applicant**

APN: 1013-271-01, 1013-261-17

APPLICANT: Chino East End Industrial, LLC.

PROPOSAL: A Minor Use Permit to Construct and operate an online and in-person auction and vehicle storage yard at 11708 East End Avenue in the Light Industrial, (LI) Land Use Category and Community Industrial (IC) Zoning District.

PROJECT#: PROJ-2022-00169 (Refiled NOE)

COMMUNITY: Chino Sphere of Influence/ 4th Supervisorial District

LOCATION: 11708 East End Avenue, Chino, CA

Chino East End Industrial, LLC.

Name

11708 East End Avenue

Address

Chino, CA 91701

(949) 851-5491

Phone

**Representative**

Same as Above

Name

Address

Phone

Elena Barragan, Senior Planner

Lead Agency Contact Person

(909) 387-4422

Area Code/Telephone Number

Exempt Status: (check one)

- ☐ Ministerial [Sec. 21080(b)(1); 15268];
- ☐ Declared Emergency [Sec. 21080(b)(3); 15269(a)];
- ☐ Emergency Project [Sec. 21080(b)(4); 15269(b)(c)];
- ☒ Categorical Exemption. State type and section number: 15303 New Construction or Conversion of Small Structures
- ☐ Statutory Exemptions. State code number: \_\_\_\_\_
- ☐ Other Exemption: \_\_\_\_\_

Reasons why project is exempt: Section 15303(c): New Construction or Conversion of Small Structures. The proposed structure will not exceed 10,000 square feet, is an office sales use, does not involve significant amounts of hazardous substances, and is located in an urbanized area that is not environmentally sensitive. This exemption reflects the County's independent judgment in making this determination.

Elena Barragan

Signature Elena Barragan

Senior Planner  
Title

(second filing of corrected version)

1/22/2024

Date

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

Land Use Services Department - Revised November 1997

## Schell, Angela

---

**From:** Fidel Parra Jr <[REDACTED]>  
**Sent:** Thursday, February 8, 2024 8:39 AM  
**To:** Schell, Angela  
**Subject:** LAFCO#519

**Categories:** Forwarded Inquiry to Staff

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

To who this may concern.

I'm writing you with sincere concerns and questions regarding the ongoing project "Carmax" on the corner of East End Ave. and Francis, Chino.

When our community was first advised of the project, I was one of the many that opposed the project. We replied with our discontent or disapproval, but received zero feedback in return.

Issues to date:

- (1) The heavy machinery/earth movers being utilized on this project are causing significant seismic activity on my property and adjoining neighbors. My home is one of the homes closest to this project. As these machines are being used, they are causing a constant shake/vibration of our home similar to a mild earthquake. Our inner doors and windows are constantly vibrating. Even our bed shutters with every motion of the large equipment. Prior to the storm, I walked up on my roof and had to reposition 15 tiles as they had slid out of place, caused by the large earth movers. Luckily, I caught it before the recent storm. But some of my neighbors didn't and resulted in water damage.
- (2) Due to the ongoing digging of the grounds, the unearthing/turning of the soil has uprooted the rodents that lived within the field. Those rodents/field mice have now sought refuge elsewhere, resulting in us now having small mice in our garage. Keep in mind, in 20+ years that we've lived here, we've never had a rodent problem. To date, I've killed 10 in my garage. This is unacceptable.

Now the company is looking to tap into a water sewer source that will result in what?? More digging right? Well, what procedures are being put in place to stop the migration of field mice being pushed towards our homes? Who do we get to blame for damages caused by the earthmovers, as they constantly shake our grounds causing potential roof or cosmetic damages to our homes? This is unacceptable.

In the end, you guys will allow the digging to proceed. Even though many of us are not for it. We simply are looking for answers and names of business or people responsible for the project. Yes, we will be seeking legal advice if necessary, but hope we can come to a mutual understanding without getting attorneys involved.

Sincerely,  
Mr. Fidel Parra Jr  
[REDACTED]  
Chino, CA. 91710  
[REDACTED] cell

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

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**PROPOSAL NO.: LAFCO SC#519**

**HEARING DATE: FEBRUARY 21, 2024**

## **RESOLUTION NO. 3395**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#519 - CITY OF CHINO COVENANT AGREEMENT TO ANNEX FOR SEWER SERVICE (CHINO EAST END INDUSTRIAL, LLC)**

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

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

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

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

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

**WHEREAS**, the public hearing by this Commission was called for February 21, 2024 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. 3395

### **DETERMINATIONS:**

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

1. The service contract area, identified as Assessor Parcel Numbers 1013-271-01 and 1013-261-17, 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 project will receive water service from the Monte Vista Water District.

The application requests authorization to receive sewer service from the City of Chino. The sewer connection requirement is a condition of approval as identified in the County's Minor Use Permit for the vehicle auction facility. Therefore, approval of the City's request for authorization to provide sewer service is necessary in order to satisfy this condition of approval.

2. The City of Chino's Covenant Agreement to Annex being considered is for the provision of sewer service to the service contract area, identified as Assessor Parcel Numbers 1013-271-01 and 1013-261-17. This contract will remain in force in perpetuity for the development or until such time as the area is annexed. Approval of this application will allow the property owner/developer and the City of Chino to proceed in finalizing the contract for the extension of this service.
3. The known fees charged by the City of Chino for the extension of sewer service to the project are estimated at \$1,800 (*Note: Estimated total fee does not include the Inland Empire Utilities Agency Sewer Capacity Fee and an additional City Sewer DIF Fee – to be determined at a later date*). In addition, the property owner/developer will be responsible for the entire costs of the construction and installation of the sewer lateral extension.
4. The County filed a Notice of Exemption for the proposed project to construct a vehicle wholesale auction facility and vehicle storage yard on approximately nine acres. In approving the project, the County adopted a Class 3 Categorical Exemption (New Construction or Conversion of Small Structures) to comply with the California Environmental Quality Act (CEQA).

The Commission certifies that it has reviewed and considered the County's Notice of Exemption (Categorical Exemption) filed for the project prior to reaching a decision on the out-of-area service contract and finds the information adequate for the Commission's use in its decision on the service extension authorization as a CEQA Responsible Agency. The Commission further finds that does not intend to adopt alternatives or mitigation measures for this project and that all mitigation measures are the responsibility of the County and/or others, not the Commission, and are self-mitigating through the Conditions of Approval.

The Commission directs its Executive Officer to file a Notice of Exemption as CEQA Responsible Agency within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.

**RESOLUTION NO. 3395**

**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 the project area, Assessor Parcel Numbers 1013-271-01 and 1013-261-17.

**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#519 - City of Chino Covenant Agreement to Annex for Sewer Service (Chino East End Industrial, LLC), has been approved.

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

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

\*\*\*\*\*

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

I, **SAMUEL MARTINEZ**, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of February 21, 2024.

**DATED:**


---

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

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**DATE:** FEBRUARY 14, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #9: LAFCOs 3263 and 3264**

- A. LAFCO 3263: Sphere of Influence Amendment (Expansion) for West Valley Water District
  - B. LAFCO 3264: Annexation to West Valley Water District (APN 0254-192-02 --GATX Corporation)
- 

## **INITIATION**

Initiated by resolution of the West Valley Water District

## **RECOMMENDATIONS**

Staff recommends that the Commission approve LAFCOs 3263 and 3264 by taking the following actions:

1. With respect to environmental review for LAFCO 3263 and LAFCO 3264:
  - a) Certify that LAFCO 3263 and LAFCO 3264 are exempt from the provisions of the California Environmental Quality Act, and
  - b) Direct the Executive Officer to file the Notices of Exemption within five (5) days.
2. For LAFCO 3263 (Sphere of Influence Amendment):
  - a) Determine that the proposed sphere of influence amendment, submitted under the provisions of Government Code Section 56428, does not require a service review;

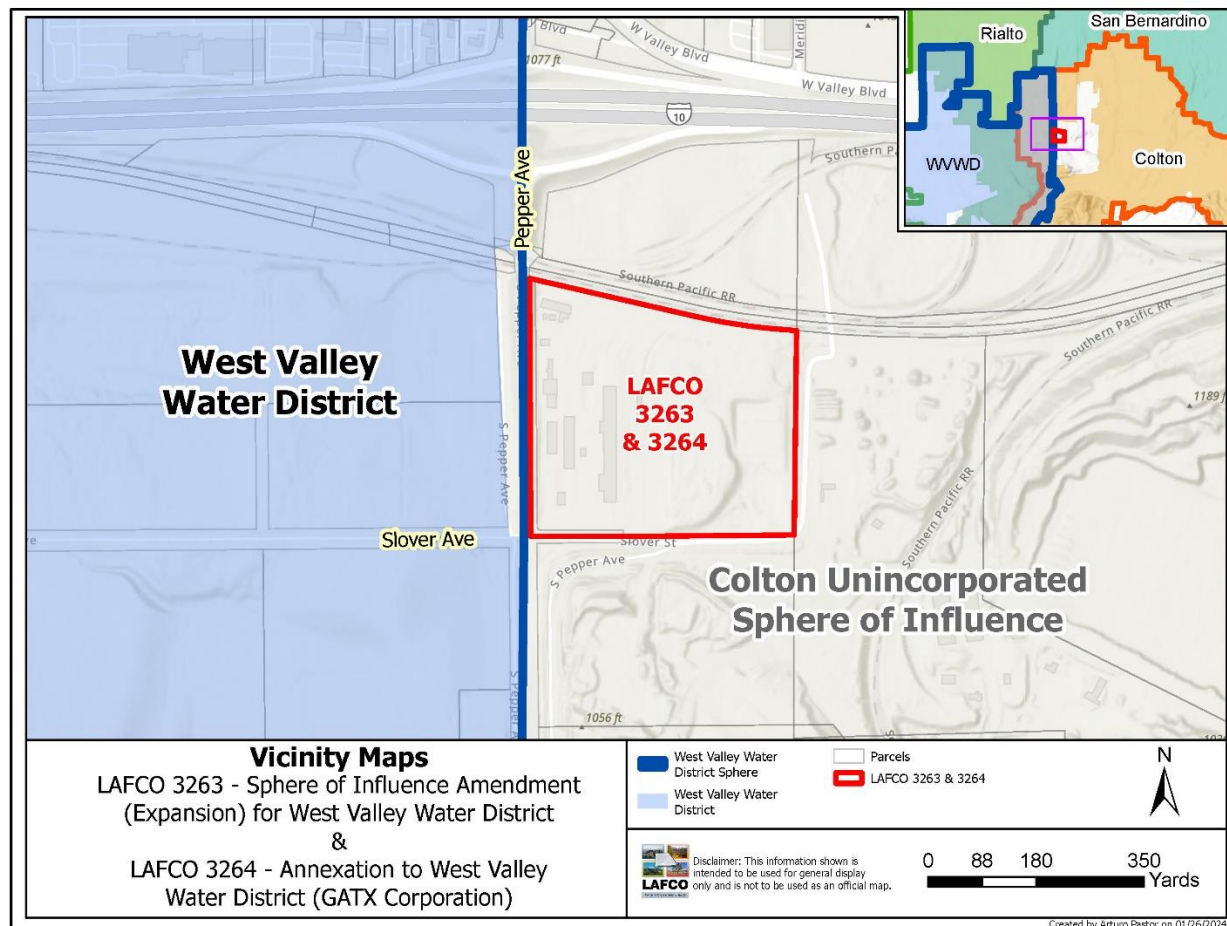
- b) Approve the sphere of influence amendment (expansion) for the West Valley Water District;
  - c) Affirm the description of the functions and services for the West Valley Water District, as identified in the *LAFCO Policy and Procedure Manual*; and,
  - d) Adopt LAFCO Resolution No. 3396 reflecting the Commission's determinations for the sphere of influence amendment as identified.
3. For LAFCO 3264 (Annexation):
- a) Approve LAFCO 3264, with the standard terms and conditions that include, but are not limited to, the "hold harmless" clause for potential litigation costs by the applicants.
  - b) Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the annexation proposal; and,
  - c) Adopt LAFCO Resolution No. 3397 setting forth the Commission's determinations and conditions for LAFCO 3264.



## **EXECUTIVE SUMMARY**

### **Initiation and Objective**

The property owner, General American Transportation Corporation (GATX), currently has an existing rail service facility on a 33.14-acre parcel, Assessor Parcel Number (APN) 0254-192-02, which is generally located on the east side of Pepper Avenue, south of the I-10 Freeway between the Union Pacific Railroad and Slover Avenue. The map below, which is also included as Attachment #1 to this report, provides a vicinity map of the site.



In April 2021 and in October 2021, the San Bernardino County Environmental Health Services issued Compliance Orders on the GATX property due to perchlorate and nitrate level violations on its onsite water system. Due to the contamination issues related to its groundwater source and its inability to continue to use its onsite water system for its operations and for its daily use by its employees, GATX notified the West Valley Water District ("Water District") that its well is no longer able to provide potable water to its facility and requested annexation into the Water District in order to receive domestic water service from a public service provider to best mitigate the contamination issues on its onsite water system.

To expedite the establishment of water service to the GATX site, the Water District and the property owner entered into a Water System Infrastructure Installation and Conveyance Agreement (a part of Attachment #2), which the Commission authorized in December 2022 (LAFCO SC #492)—to provide water service outside its boundary and outside its sphere of influence by contract—while the Water District and the property owner worked on the applications for a sphere of influence expansion and an annexation for later submission.

Note that although the City of Colton provides water service within portions of its corporate boundaries as well as within portions of its unincorporated sphere of influence, its closest water facilities to the GATX site are located at least 1,500 feet away (on the north side of the I-10 Freeway) while the Water District's water facilities are adjacent to the GATX property.

### **Processing of LAFCO 3263 and LAFCO 3264**

The annexation proposal is designated as LAFCO 3264.

LAFCO 3263 is a companion application to amend the sphere of influence for the West Valley Water District (expansion) of the same area. Through the sphere of influence expansion, the annexation proposal will be within the sphere of influence assigned the Water District, a requirement for annexation.

Both LAFCOs 3263 and 3264 are discussed concurrently within this report since the area being considered for both actions are identical.

### **Staff Recommendation and Commission Action**

Staff recommends that the Commission approve LAFCOs 3263 and 3264. This is based upon:

- The Water District already provides service to the affected territory per the Commission's approval of LAFCO SC #492.
- The plan for service and fiscal impact analysis show that the Water District can continue to adequately provide retail water service to the affected territory. See Attachment #2 to this report.
- The annexation area is legally uninhabited and LAFCO staff verified that the study area possesses 100% landowner consent to the annexation.

## **ENVIRONMENTAL CONSIDERATIONS**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has indicated that the review of LAFCOs 3263 and 3264 are exempt from the California Environmental Quality Act (CEQA). Mr. Dodson noted that the sphere amendment and annexation would not result in physical change in the environment. No proposal for development and/or physical modification is being proposed to the area.

Therefore, staff is recommending that the Commission consider the adoption of a Common Sense Exemption for both LAFCO 3263 and LAFCO 3264 as defined in CEQA 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." A copy of Mr. Dodson's analysis and environmental recommendation is included as Attachment #4 to this report.

## **STAFF ANALYSIS FOR SPHERE AMENDMENT (LAFCO 3263)**

### **SUMMARY OF SPHERE OF INFLUENCE AMENDMENT:**

This section provides the Commission with an analysis of the application materials as well as additional information obtained during processing.

A “sphere of influence” is defined as a planning boundary that designates an agency’s probable future boundary and service area. The sphere of influence amendment is required to move forward with the annexation of the area into the Water District.

### **SERVICE REVIEW DETERMINATION:**

It is the staff’s position that a sphere of influence “amendment” does not require that a service review be conducted pursuant to Government Code Section 56430 as this section reads in part, “In order to prepare and to update spheres of influence in accordance with 56425, the commission shall conduct a service review...” In this case, LAFCO 3263 includes a sphere of influence amendment pursuant to Section 56428, not updates pursuant to Section 56430. Therefore, a service review is not required.

### **SPHERE OF INFLUENCE AMENDMENT DETERMINATIONS:**

Staff’s responses to the determinations required by State law for sphere of influence amendment, as outlined in Government Code Section 56425, are as follows:

**1. The present and planned land uses in the area, including agricultural and open space lands**

This area is zoned for heavy industrial use and is currently utilized by GATX for railcar maintenance and cleaning.

**2. The present and probable need for public facilities and services in the area**

The purpose is to continue providing the GATX facility with potable water, irrigation water, and sufficient water supply and storage to meet potential fire suppression needs of this facility. Due to the contamination issues related to its groundwater source and its inability to continue to use its onsite water system, GATX Corporation requested connection to the Water District's water facilities.

**3. The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide**

The West Valley Water District currently owns and operates a 24" water main at the intersection of Pepper Ave and Slover Ave directly in front of the GATX property. This area of the District is serviced by the Zone 2 pressure system which adequately supplies the domestic, fire and irrigation needs of the site.

**4. The existence of any social or economic communities of interest**

There are no social communities of interest since the affected territory has no registered voters. The operations at the GATX facility consist of cleaning and maintaining rail cars that are leased to other entities.

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

There are no disadvantaged unincorporated communities within the affected territory, which has no registered voters.

**FUNCTIONS AND SERVICES FOR SPECIAL DISTRICTS:**

Government Code Section 56425(i) requires that during a sphere of influence amendment or update for a Special District, the Commission is required to review and identify the range of services to be provided, as well as the nature and location of these services. At present the Commission's Policy and Procedure Manual identifies the authorized functions and services to be provided by the special districts under its purview. That listing identifies the following functions and services for:

**West Valley Water District:**

<b><u>FUNCTION</u></b>	<b><u>SERVICES</u></b>
------------------------	------------------------

Water	Domestic, irrigation, spreading
-------	---------------------------------

Sewer	Collection
-------	------------

LAFCO staff recommends that the Commission affirm the service description for the West Valley Water District as identified in the *LAFCO Policy and Procedure Manual, Section VI, Chapter 3: Listing of Special Districts within San Bernardino LAFCO Purview - Authorized Functions and Services*.

## **STAFF ANALYSIS FOR ANNEXATION (LAFCO 3264)**

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area.

### **BOUNDARIES:**

The affected territory is located on the east side of Pepper Avenue, between the Union Pacific Railroad and Slover Avenue, within the City of Colton's unincorporated sphere of influence, whose boundaries will not change because of the annexation.

### **LAND USE:**

Upon the effective date of this annexation, there will be no change in land use authority. This application is to annex the territory to the West Valley Water District, who currently provides water service pursuant to Commission approval of Service Contract #492.

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

As required by law and Commission policy, the Water District provided a Plan for Service (included as a part of Attachment #2). Below is a summary and analysis of the Plan.

#### **A. Retail Water**

The annexation will allow the District to continue to provide water services to the property from existing and proposed water facilities located in Pepper Street.

#### **B. Other Municipal Services**

There is no change to other municipal services because of this proposal.

#### **C. Fiscal Impact Summary**

Based upon the information in the application documents and additional information provided, it is the staff's position that the Commission can make the following determinations:

- The annexation is financially feasible.
- The annexation can maintain the pre-annexation service levels that are currently provided within the area and provide for the long-range planning necessary to maintain service levels.
- The implementation of the annexation would not impair any other agency currently serving within the area.

**WAIVER OF PROTEST PROCEEDINGS:**

The annexation area is legally uninhabited and LAFCO staff verified that the study area possesses 100% landowner consent to the annexation (see Attachment #3). Therefore, if the Commission approves LAFCO 3264 and none of the subject agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending pursuant to Government Code Section 56662(d) that protest proceedings be waived and that the Executive Officer be directed to complete the action following completion of the mandatory reconsideration period of 30-days.

**DETERMINATIONS:**

The following determinations are required pursuant to Government Code Section 56668 and Commission policy:

1. The County Registrar of Voters Office has determined that the annexation area is legally uninhabited, containing zero registered voters as of August 22, 2023.
2. The County Assessor's Office has determined that the total estimated<sup>1</sup> assessed value of land and improvements within the annexation area is \$7,040,964.
3. Through approval of the companion sphere of influence amendment, LAFCO 3263, the annexation will be within the sphere of influence assigned the West Valley Water District.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in *The Sun*, a newspaper of general circulation within the annexation area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to landowners surrounding the annexation area (44 total). Comments from registered voters, landowners, and other individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.
6. The Southern California Associated Governments (SCAG) has adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTPSCS) pursuant to Government Code Section 65080. LAFCO 3264 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy.

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<sup>1</sup> Revenue estimates are based on the originally published values including Board of Equalization Utility Roll values.



7. The Local Agency Formation Commission has determined that this proposal is exempt from environmental review. The basis for this determination is 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). The Commission adopted the Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
8. The annexation area is currently served by the following local agencies: County of San Bernardino, Inland Empire Resource Conservation District, San Bernardino Valley Municipal Water District, San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5, County Service Area 70 (unincorporated County-wide multi-function agency)

None of the agencies are affected by this annexation.

9. The West Valley Water District submitted a plan for the provision of water service as required by Government Code Section 56653. The Plan is to continue providing the GATX facility with potable water, irrigation water, and sufficient water supply and storage to meet potential fire suppression needs of this facility. Due to the contamination issues related to its groundwater source and its inability to continue to use its onsite water system, GATX Corporation requested connection to the Water District's water facilities. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements.
10. The annexation area can benefit from the availability and extension of services provided by the West Valley Water District.
11. This proposal will not affect the fair share allocation of the regional housing needs assigned the County through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) since the annexation area is a rail service facility.
12. With respect to environmental justice, the annexation proposal will not result in the unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino, acting on behalf of the West Valley Water District, adopted a resolution determining there will be a zero property tax transfer as a result of the annexation. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards.

## **ATTACHMENTS**

**Attachment 1.** Vicinity Map and Official Annexation Map

**Attachment 2.** Application Materials

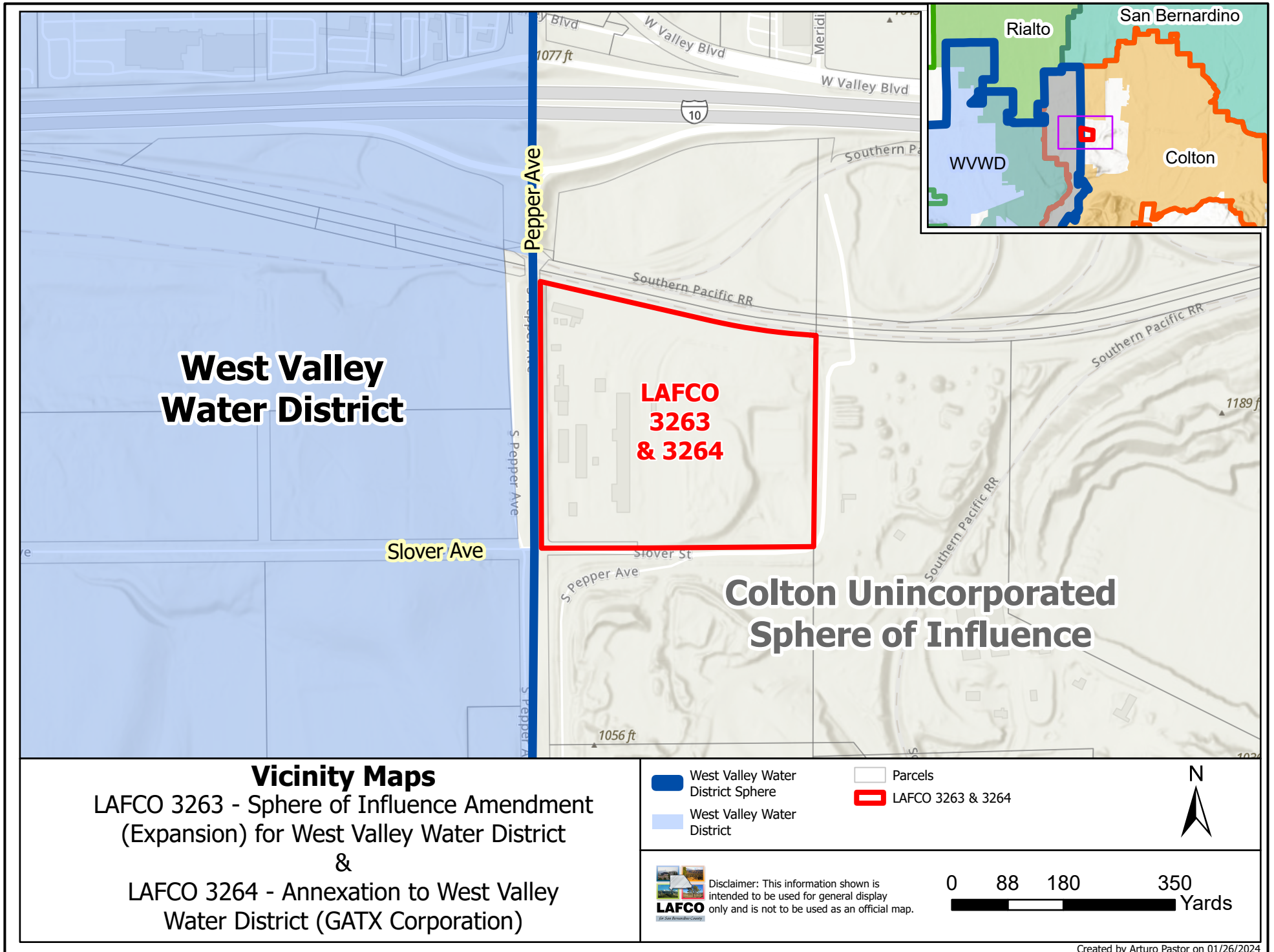
- Application Forms
- Plan for Service
- Service Agreement

**Attachment 3.** Landowner Consent Form

**Attachment 4.** Environmental Recommendation

**Attachment 5.** Draft Resolution No. 3396 for LAFCO 3263

**Attachment 6.** Draft Resolution No. 3397 for LAFCO 3264



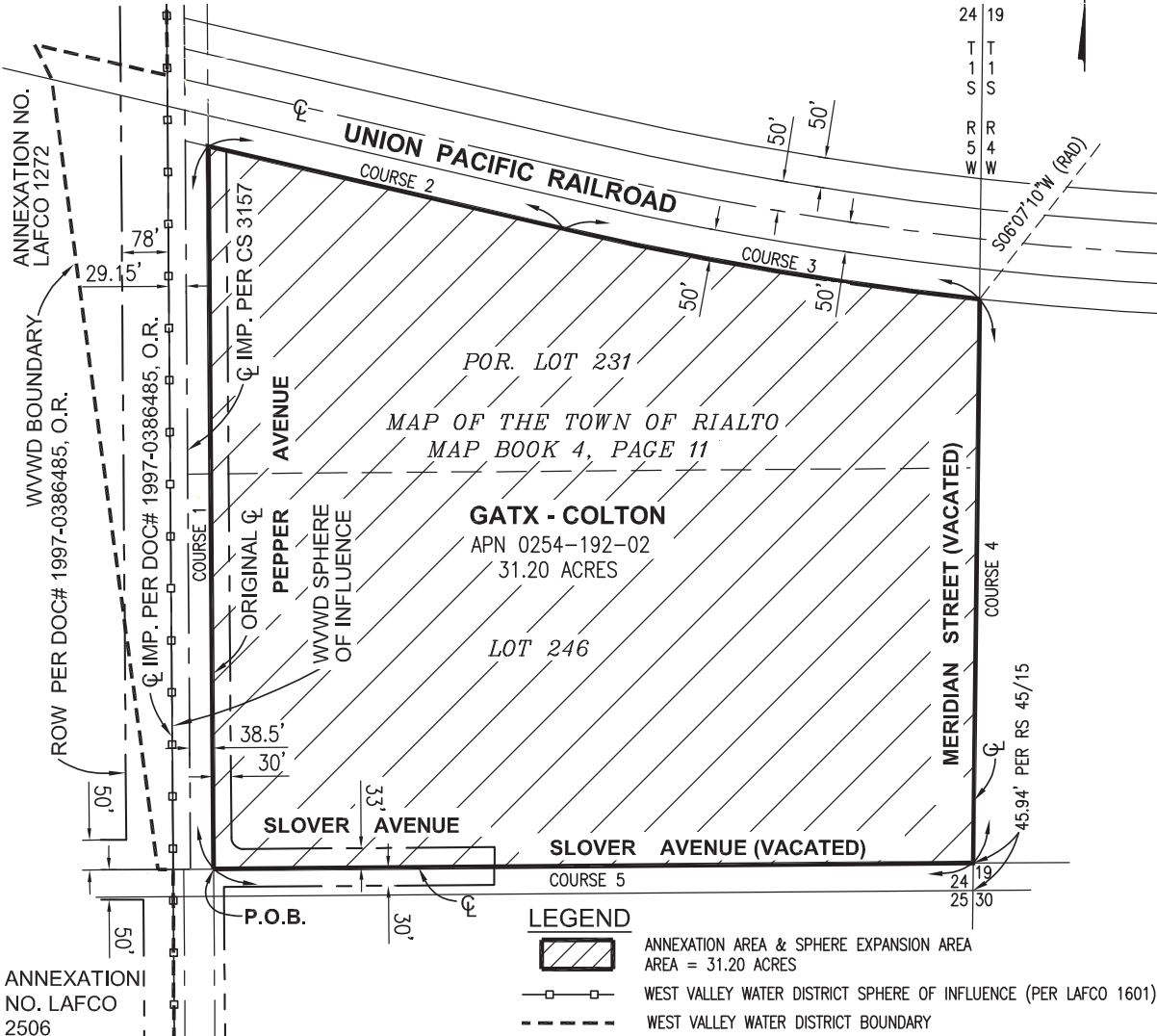
# GENERAL DESCRIPTION

LOCATED ON THE EAST SIDE OF PEPPER AVENUE, BETWEEN THE UNION PACIFIC RAILROAD AND SLOVER AVENUE, WITHIN THE CITY OF COLTON'S UNINCORPORATED SPHERE OF INFLUENCE. POR. S.E. 1/4, SEC 24, T.1S., R.5W. (APN 0254-192-02)

LAFCO 3263 - Sphere of Influence Amendment (Expansion)  
for West Valley Water District

LAFCO 3264 - Annexation to West Valley Water District  
(APN 0254-192-02 - GATX Corporation)

SCALE: 1"=200'

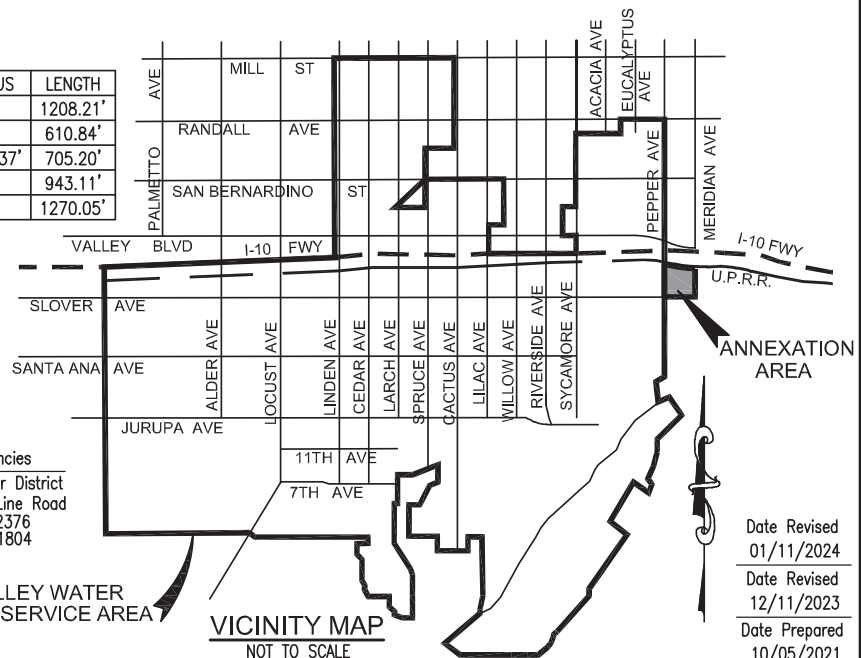


## LEGEND

- ANNEXATION AREA & SPHERE EXPANSION AREA  
AREA = 31.20 ACRES
- WEST VALLEY WATER DISTRICT SPHERE OF INFLUENCE (PER LAFCO 1601)
- WEST VALLEY WATER DISTRICT BOUNDARY

## COURSE TABLE

	BEARING	DELTA	RADIUS	LENGTH
COURSE 1	N00°25'54"W	-	-	1208.21'
COURSE 2	N76°56'59"W	-	-	610.84'
COURSE 3	-	06°55'40'	5832.37'	705.20'
COURSE 4	N00°39'40"E	-	-	943.11'
COURSE 5	N89°33'22"E	-	-	1270.05'



Affected Agencies  
West Valley Water District  
855 West Base Line Road  
Rialto CA 92376  
(909) 875-1804

WEST VALLEY WATER  
DISTRICT SERVICE AREA

VICINITY MAP  
NOT TO SCALE

Date Revised  
01/11/2024  
Date Revised  
12/11/2023  
Date Prepared  
10/05/2021

GATX  
JN 738002

## SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

**INTRODUCTION:** The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

### GENERAL INFORMATION

1. NAME OF PROPOSAL: Annexation of GATX Property, APN 0254-192-02, into the West Valley Valley Water District
  
2. NAME OF APPLICANT: West Valley Water District  
 APPLICANT TYPE:    ☐ Landowner                      ☒ Local Agency  
                                  ☐ Registered Voter            ☐ Other \_\_\_\_\_  
 MAILING ADDRESS:  
855 W. Baseline Rd. Rialto, CA 92377  
  
 PHONE:            ( 909 ) 644-0001  
 FAX:                (       ) \_\_\_\_\_  
 E-MAIL ADDRESS:    Dguerra@wwvd.org
  
3. GENERAL LOCATION OF PROPOSAL: Northeast corner of Slover Avenue and Pepper Avenue in the City of Colton
  
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. \_\_\_\_\_  
GATX currently draws water from an on site well to serve the property with irrigation water, potable water, and fire water. Due to the current quality of the well water, GATX would like to disconnect their water services from the on site well. GATX is requesting to annex into the West Valley Water District where they could be provided potable, irrigation, and fire water service lines to serve their site.



**LAND USE AND DEVELOPMENT POTENTIAL**

1. Total land area of subject territory (defined in acres): 34 ± Acres
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments) None
3. Approximate current population within area: Ø
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):  
Heavy Industrial  
  
  
  
San Bernardino County General Plan designation(s) and uses permitted by this designation(s):  
Heavy Industrial
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:  
None
6. Indicate the existing use of the subject territory.  
Operations at the GATX site consist of cleaning and maintaining rail cars that are leased to other  
entities. The lessees use the rail cars to transport commodities that range from food products to  
chemicals.  
  
  
What is the proposed land use?  
There are no proposed changes to the existing land use.
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: \_\_\_\_\_

Public Water System No. 3601089 operating under domestic water supply permit No. 15-3601089-001

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 to the West Valley Water District would enable the GATX Company

to disconnect the potable water service from the existing well and to serve the site with clean water.

### ENVIRONMENTAL INFORMATION

1. Provide general description of topography. The project site contains buildings which house office and rail car cleaning areas. There are rail lines throughout the west half of the site and an evaporation basins on the east.

2. Describe any existing improvements on the subject territory as % of total area.

Residential	_____ %	Agricultural	_____ %
Commercial	_____ %	Vacant	45 %
Industrial	50 %	Other	5 %
			Basins

3. Describe the surrounding land uses:

NORTH	Railroad lines and I-10 Freeway
EAST	Cement Plant
SOUTH	Cement Plant
WEST	Vacant

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.).

Installation of water facilities



5. Will service extensions accomplished by this proposal induce growth on this site? YES ☐  
NO ☒ Adjacent sites? YES ☐ NO ☐ Unincorporated ☐ Incorporated ☐

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐  
NO ☒ If YES, please identify.

7. Is this proposal a part of a larger project or series of projects? YES ☐ NO ☒ If YES, please explain.

### 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 Daniel Guerra TELEPHONE NO. 909-644-0001

ADDRESS: 855 W. Baseline Rd. Rialto, CA 92377

NAME Rosalia Jordan TELEPHONE NO. 909-777-5142

ADDRESS: 20878 Slover Ave, Colton, CA 92324

NAME \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

ADDRESS: \_\_\_\_\_

### CERTIFICATION

As a part of this application, the City/Town of \_\_\_\_\_, or the West Valley Water District District/Agency, \_\_\_\_\_ (the applicant) and/or the \_\_\_\_\_ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees,

and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

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

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

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

DATE 8.14.23



SIGNATURE

John Thiel

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 SPHERE OF INFLUENCE AMENDMENT

**INTRODUCTION:** The questions on this form are designed to obtain data about the specific sphere of influence amendment application to allow the Commission, staff and others to adequately assess the application. You may also include any additional information that you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please provide an identification of the agencies involved in the proposed sphere of influence change(s):

SPHERE EXPANSION

SPHERE REDUCTION

\_\_\_\_\_  
\_West Valley Water District\_\_\_\_\_  
\_\_\_\_\_

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

2. Provide a narrative description of the following factors of consideration as outlined in Government Code Section 56425. (If additional room for response is necessary, please attach additional sheets to this form.)

The present and planned land uses in the area, including agricultural and open-space lands.

\_\_\_\_This area is zoned for heavy industrial use and is currently utilized by GATX for railcar maintenance and cleaning. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The present and probable need for public facilities and services in the area.

\_\_\_\_The GATX property currently does not have a potable water source to accommodate its domestic, irrigation and fire water needs. It's current source of potable water has exceeded the maximum contaminant level for perchlorate per the San Bernardino County Department of Public Health.  
\_\_\_\_\_  
\_\_\_\_\_

The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide.

\_\_\_\_The West Valley Water District currently owns and operated a 24" water main at the intersection of Pepper Ave and Slover Ave directly in front of the GATX property. This area



(FOR LAFCO USE ONLY)

of the District is serviced by the Zone 2 pressure system which can adequately supply the domestic, fire and irrigation needs of the site.

The existence of any social or economic communities of interest in the area.

\_\_\_Bloomington community\_\_\_

The present and probable need for public facilities or services related to sewers, municipal and industrial water, or structural fire protection for any disadvantaged unincorporated community, as defined by Govt. Code Section 56033.5, within the existing sphere of influence.

\_\_\_Non-applicable – the area is not a disadvantaged unincorporated community\_\_\_

3. If the sphere of influence amendment includes a city sphere of influence change, provide a written statement of whether or not agreement on the sphere change between the city and county was achieved as required by Government Code Section 56425. In addition, provide a written statement of the elements of agreement (such as, development standards, boundaries, zoning agreements, etc.) (See Government Code Section 56425)

\_\_\_Non- applicable\_\_\_

4. If the sphere of influence amendment includes a special district sphere of influence change, provide a written statement: (a) specifying the function or classes of service provided by the district(s) and (b) specifying the nature, location and extent of the functions or classes of service provided by the district(s). (See Government Code Section 56425(i))

This request will require a sphere of influence and boundary change for the West Valley Water District. The District will be annexing this property into its service area and provide potable water service to the GATX site.\_\_\_\_\_

5. For any sphere of influence amendment either initiated by an agency or individual, or updated as mandated by Government Code Section 56425, the following service review information is required to be addressed in a narrative discussion, and attached to this supplemental form (See Government Code Section 56430):

a. Growth and population projections for the affected area.

(FOR LAFCO USE ONLY)

Not applicable – the area is currently designated as industrial.

- b. Location and characteristics of disadvantaged unincorporated communities within or contiguous to the sphere of influence.

Area north of the subject area is considered a disadvantaged unincorporated community.

- c. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, including those associated with a disadvantaged unincorporated community.
- d. Financial ability of agencies to provide services.
- e. Status of, and opportunities for, shared facilities.
- f. Accountability for community service needs, including governmental structure and operational efficiencies.

To address a current need for water service for the area.

If additional sheet are submitted or a separate document provided to fulfill Item #5, the narrative description shall be signed and certified by an official of the agency(s) involved with the sphere of influence review as to the accuracy of the information provided. If necessary, attach copies of documents supporting statements.

### **CERTIFICATION**

As a part of this application, the City/Town of \_\_\_\_\_, or the \_\_\_ West Valley Water District \_\_\_\_\_ District/Agency, \_\_\_\_\_ (the applicant) and/or the \_\_\_\_\_ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

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

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

I hereby certify that the statements furnished above present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE 8.14.23

  
SIGNATURE

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

\_\_\_\_\_  
John Thiel

\_\_\_\_\_  
Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Title and Affiliation (if applicable)

Rev: krm – 8/19/2015

## 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

\_\_\_\_\_  
West Valley Water District  
\_\_\_\_\_  
\_\_\_\_\_

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

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, this site is not a part of a special assessment area or tax district.  
\_\_\_\_\_  
\_\_\_\_\_



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.

Does Not Exist

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.

Not Applicable. Our Agency does not provide housing, we are solely a water utility.

8. **PLAN FOR SERVICES:**

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

- A. A description of the level and range of each service to be provided to the affected territory.

**See Separate "Plan for Service" Document for Items 8A through 8F**

- 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.

<i>Description of Fees/Charges</i>	<i>Quantity</i>	<i>Unit Cost</i>	<i>Total</i>
12-inch Ductile Iron Pipe Fully Restrained	154 LF	\$300.00	\$46,200.00
4-inch Potable Water Service w 4-inch Meter	1 EA	\$2,200.00	\$2,200.00
4-inch Back Flow Preventer	1 EA	\$3,900.00	\$3,900.00
12-inch Fire Line Service	1 EA	\$3,600.00	\$3,600.00
10-inch DCA	1 EA	\$14,000.00	\$14,000.00
Pavement Trench and Repair	185 LF	\$30.00	\$5,550.00
Connection to Existing Main	1 EA	\$1,200.00	\$1,200.00
12-inch Blind Flange and Restrained Joint	1 EA	\$700.00	\$700.00
2-inch Air Valve Assembly	1 EA	\$4,600.00	\$4,600.00
Fire Hydrant Assembly	1 EA	\$3,600.00	\$3,600.00
<b>Total Costs</b>			<b>\$85,550.00</b>

- 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.  
No, this area is not part of an improvement zone, community facilities District or redevelopment area.
- 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 District is capable of providing water service to the project. The initiation of water service to the site shall be contingent upon the "availability of water" as determined by the District at its sole discretion and in accordance with the prevailing rules, regulations and ordinances of the District in effect at the time that water service is scheduled to commence. In addition, the District shall not be responsible for conditions that are beyond the District's control such as acts of God, federal, state or county regulatory agency requirements or decisions, or legal actions initiated by others.

"Refer to 5 year projection for domestic and fire service"

## **CERTIFICATION**

As a part of this application, the City/Town of \_\_\_\_\_, or the West Valley Water District District/Agency, \_\_\_\_\_ (the applicant) and/or the \_\_\_\_\_ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

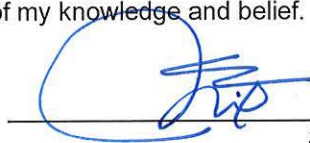
This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

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

As the proponent, I acknowledge that annexation to the City/Town of \_\_\_\_\_ or the West Valley Water District /Agency may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles XIII C and XIII D 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 8.14.23



SIGNATURE

John Thiel

Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

General Manager

Title and Affiliation (if applicable)



**PLAN FOR SERVICE**  
**FOR**  
**REQUEST FOR ANNEXATION**  
**TO WEST VALLEY WATER DISTRICT**  
**FOR**  
**GATX**  
**20878 SLOVER AVENUE**  
**COLTON CA 92324**

The GATX property is an approximately 34-acre site located on the northeast corner of Slover Avenue and Pepper Avenue, within the unincorporated area of the City of Colton. Operations at GATX consist of cleaning and maintaining rail cars that are leased to other entities. GATX currently draws water from an on-site well. Due to the current quality of the water being drawn from the on-site well GATX would like to disconnect from the well and is requesting to annex to West Valley Water District where they could be provided with potable and fire water.

**Service to be provided to the GATX Property**

West Valley Water District, WVWD currently has an existing 24-inch water main in Slover Avenue and a 24-inch main in Pepper Avenue (West). The two water mains are connected at the intersection of the two avenues. There are two separate roadway surfaces within the Pepper Avenue Right of Way which are divided by an earth median. The existing 24-inch water main is in the westerly roadway and the GATX property fronts on the easterly roadway. To serve the GATX site, a proposed 12-inch water line will be connected to the existing 24-inch water line and extend easterly in Slover Avenue and northerly in the easterly alignment of Pepper Avenue. From the 12-inch line there will be a proposed 4-inch potable water service with a 4-inch meter, and a 12-inch fire service with a 10-inch DCDA. See Exhibit "A", GATX Site Plan, showing the location of the existing WVWD water lines and the proposed water improvements.

**Proposed Water Improvements**

The proposed improvements for services to the GATX property include a connection to the existing 24-inch water main at the intersection of Pepper Avenue and Slover Avenue. The 12-inch diameter water main will extend easterly in Slover Avenue approximately 32.5 feet and northerly in Pepper Avenue approximately 131.5-feet. At the northerly end of the 12-inch main there are two proposed services, a 4-inch potable service with a 4-inch meter and backflow preventer and a 12-inch fire service with a 10-inch DCDA, which will provide water and fire water to the GATX property.

The Water Improvement Plans for the extension of the West Valley Water District have been prepared and approved by the District. A copy of the approved plans is attached to this report. The estimated construction date for the proposed water main and services is June 2023.

The property owner, GATX, is responsible for hiring a District Approved Contractor for the installation and connection of the proposed water main and services to the West Valley Water District water system. The costs of improvements and financing are borne by the property owner. The property owner is also responsible for obtaining an encroachment permit from the City of Colton prior to construction within Pepper Avenue and Slover Avenue.

Below is an estimated construction cost for the proposed water improvements.

<i>Description of Fees/Charges</i>	<i>Quantity</i>	<i>Unit Cost</i>	<i>Total</i>
12-inch Ductile Iron Pipe Fully Restrained	154 LF	\$300.00	\$46,200.00
4-inch Potable Water Service w 4-inch Meter	1 EA	\$2,200.00	\$2,200.00
4-inch Back Flow Preventer	1 EA	\$3,900.00	\$3,900.00
12-inch Fire Line Service	1 EA	\$3,600.00	\$3,600.00
10-inch DCA	1 EA	\$14,000.00	\$14,000.00
Pavement Trench and Repair	185 LF	\$30.00	\$5,550.00
Connection to Existing Main	1 EA	\$1,200.00	\$1,200.00
12-inch Blind Flange and Restrained Joint	1 EA	\$700.00	\$700.00
2-inch Air Valve Assembly	1 EA	\$1,800.00	\$4,600.00
Fire Hydrant Assembly	1 EA	\$3,600.00	\$3,600.00
<b>Total Costs</b>			<b>\$85,550.00</b>

#### **Five (5)-year projection of revenues and expenditures**

A five (5)-year projection of revenues and expenditures, including a narrative discussion of the sufficiency of revenues for anticipated extensions and operations, will be prepared by West Valley Water District.

**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.**

No, this area is not part of an improvement zone, community facilities district or redevelopment area.

**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 District is capable of providing water service to the area. The initiation of water service to the site shall be contingent upon the "availability of water" as determined by the District at its sole discretion and in accordance with the prevailing rules, regulations and ordinances of the District in effect at the time that the water service is scheduled to commence. In addition, the district shall not be responsible for conditions that are beyond the District's control such acts of God, federal, state or county regulatory agency requirements or decisions, or legal actions initiated by other.

**2078 Slover Ave, Colton - GATX 5-Year Financial Projection**

<b>4" Meter</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	
Service Charge	\$ 128.56	\$ 128.56	\$ 128.56	\$ 128.56	\$ 128.56	<i>annual recurring charge</i>
Backflow Charge	\$ 2.84	\$ 2.84	\$ 2.84	\$ 2.84	\$ 2.84	<i>annual recurring charge</i>
Deposit for Valve Box Recovery/valve:	\$ 120.00	\$ -	\$ -	\$ -	\$ -	<i>one time development fee</i>
Capacity Charges/lot: 4" meter	\$ 219,865.00	\$ -	\$ -	\$ -	\$ -	<i>one time development fee</i>
Commercial Service Deposit/Meter	\$ 140.00	\$ -	\$ -	\$ -	\$ -	<i>one time development fee</i>
Meter Only Charge : 4" meter	\$ 4,219.64	\$ -	\$ -	\$ -	\$ -	<i>one time development fee</i>
Inspection Fee of Meters Before & After Installation	\$ 40.00	\$ -	\$ -	\$ -	\$ -	<i>one time development fee</i>
<b>4" Meter Annual Cost</b>	<b>\$ 224,516.04</b>	<b>\$ 131.40</b>	<b>\$ 131.40</b>	<b>\$ 131.40</b>	<b>\$ 131.40</b>	

<b>10" Fire Service</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	
Service Charge	\$ 105.40	\$ 105.40	\$ 105.40	\$ 105.40	\$ 105.40	<i>annual recurring charge</i>
Backflow Charge	\$ 2.84	\$ 2.84	\$ 2.84	\$ 2.84	\$ 2.84	<i>annual recurring charge</i>
Deposit for Valve Box Recovery/valve:	\$ 120.00	\$ -	\$ -	\$ -	\$ -	<i>one time development fee</i>
Capacity Charges/fire service: 10"	\$ 62,217.00	\$ -	\$ -	\$ -	\$ -	<i>one time development fee</i>
Fire Service Deposit/Meter	\$ 140.00	\$ -	\$ -	\$ -	\$ -	<i>one time development fee</i>
District Inspection Fee-Meter/Fire Service	\$ 300.00	\$ -	\$ -	\$ -	\$ -	<i>one time development fee</i>
<b>10" Fire Service Annual Cost</b>	<b>\$ 62,885.24</b>	<b>\$ 108.24</b>	<b>\$ 108.24</b>	<b>\$ 108.24</b>	<b>\$ 108.24</b>	

<b>Total Annual Cost for GATX</b>	<b>\$ 287,401.28</b>	<b>\$ 239.64</b>	<b>\$ 239.64</b>	<b>\$ 239.64</b>	<b>\$ 239.64</b>	
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## Certification

West Valley Water District hereby certifies that this document presents the data and information related to water services required for the Plan for Service for the GATX Corporation Annexation (APN 0254-192-02), and that the facts, statements, and information presented herein are true and correct to the best the District's knowledge and belief.

West Valley Water District has reviewed and approved the proposed boundary revisions and has provided their signature below.

By:



John Thiel, General Manager

West Valley Water District

Date: 6.28.23

**EXHIBIT "A"**

**GATX SITE PLAN  
AND LOCATION OF INFRASTRUCTURE TO BE EXTENDED**

**LAFCO \_\_\_\_\_**  
**Annexation to the West Valley Water District**  
**(GATX Annexation)**

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF FARM LOT 231 LYING SOUTH OF THE RIGHT OF WAY OF THE SOUTHERN PACIFIC RAILROAD COMPANY AND ALL OF LOT 246, ACCORDING TO MAP OF THE TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4, PAGE 11, OF MAPS, RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE ORIGINAL CENTERLINE OF PEPPER AVENUE AND THE CENTERLINE OF SLOVER AVENUE, SAID POINT BEING THE INTERSECTION OF PEPPER AVENUE (CL SURVEY) AND SLOVER AVENUE AS SHOWN ON RECORD OF SURVEY 18-0143, FILED IN BOOK 166, PAGES 2 THROUGH 5, OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

FROM THE POINT OF BEGINNING:

COURSE 1. NORTH 00°25'54" WEST ALONG THE ORIGINAL CENTERLINE OF PEPPER AVENUE, 1208.21 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF SOUTHERN PACIFIC TRANSPORTATION COMPANY (UNION PACIFIC RAILROAD);

COURSE 2. SOUTH 76°56'59" EAST ALONG SAID RIGHT OF WAY, 610.84 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 5832.37 FEET;

COURSE 3. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°55'40" AN ARC DISTANCE OF 705.20 FEET TO A POINT ON THE CENTERLINE OF MERIDIAN STREET;

COURSE 4. SOUTH 00°39'40" WEST ALONG SAID CENTERLINE, 943.11 FEET TO THE CENTERLINE OF SLOVER AVENUE;

COURSE 5. SOUTH 89°33'22" WEST ALONG SAID CENTERLINE, 1270.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 31.20 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

  
CARLA E. BERARD, P.L.S. 7224

11/10/21

DATE

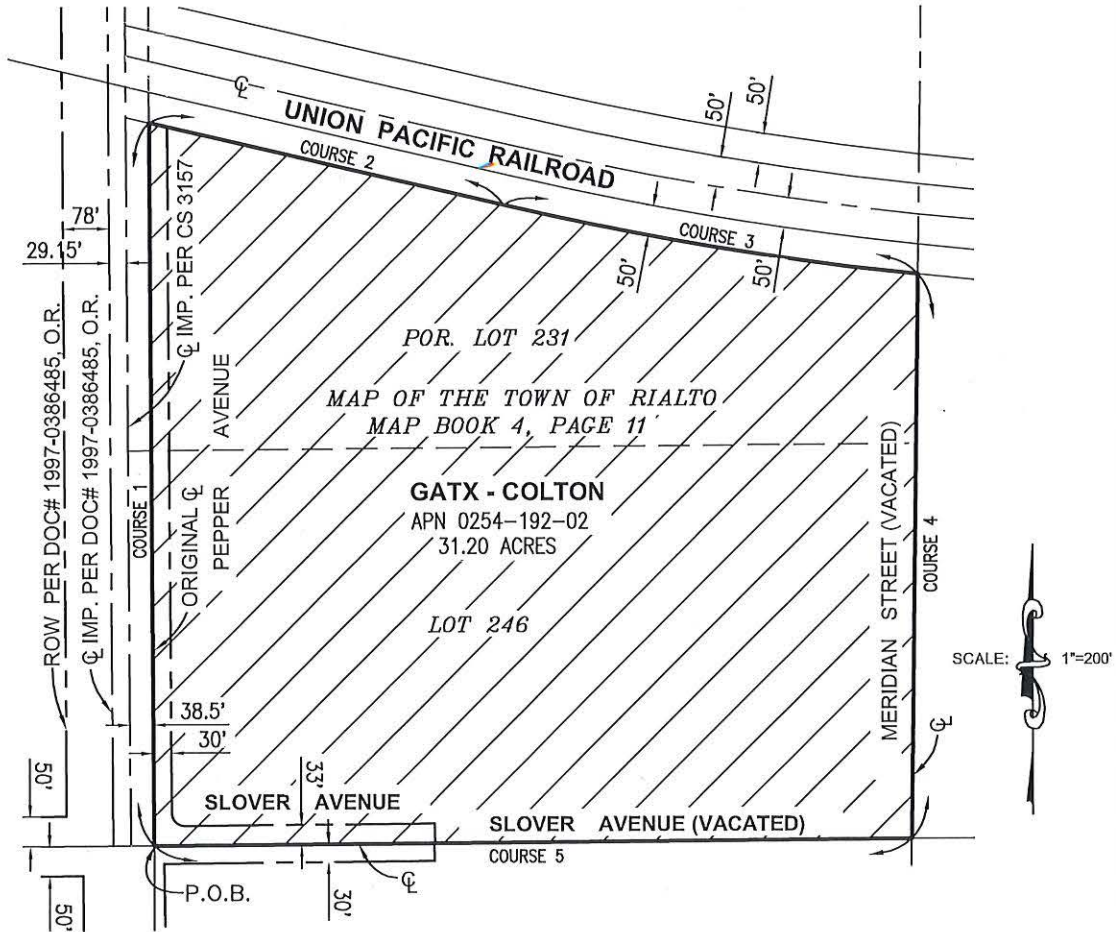






**LAFCO**  
**West Valley Water District Annexation**  
**(GATX Annexation)**

GENERAL DESCRIPTION  
 Located at the Northeast Corner of Pepper Avenue and Slover Avenue



COURSE TABLE

COURSE	BEARING	DELTA	RADIUS	LENGTH
COURSE 1	N00°25'54"W	-	-	1208.21'
COURSE 2	N76°56'59"W	-	-	610.84'
COURSE 3	-	06°55'40"	5832.37'	705.20'
COURSE 4	N00°39'40"E	-	-	943.11'
COURSE 5	N89°33'22"E	-	-	1270.05'

**LEGEND**

= ANNEXATION AREA  
 ANNEXATION AREA = 31.20 ACRES

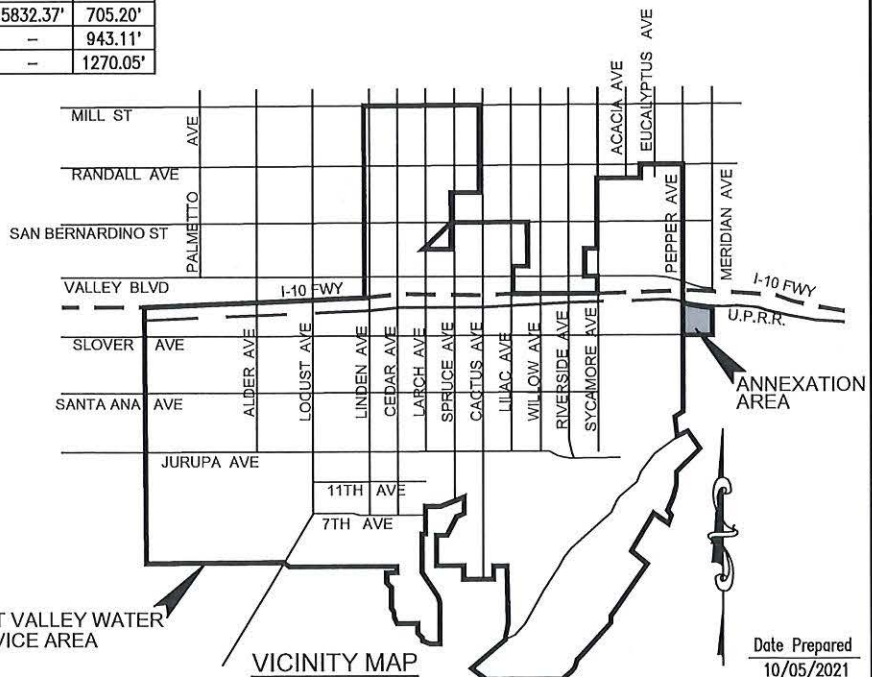
Affected District  
 West Valley Water District  
 855 West Base Line Road  
 Rialto CA 92376  
 (909) 875-1804



**LDKING**

Engineers/Surveyors  
 975 N. Haven Avenue  
 Suite 200  
 Ontario, CA 91764  
 Phone: (909) 945-0526

WEST VALLEY WATER  
 SERVICE AREA



Date Prepared  
 10/05/2021

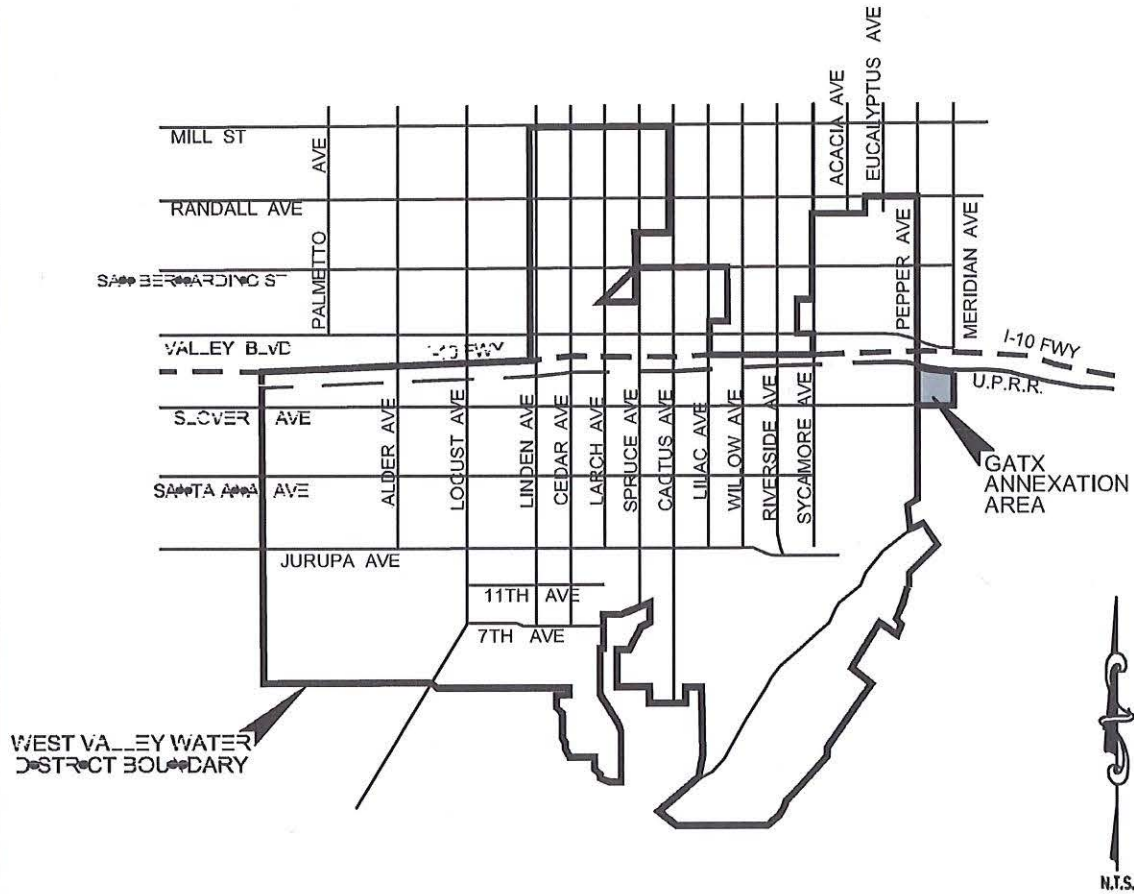
E:\700-799\738-GATX\0738-002\LAFCO Map\73802 LAFCO Map.dwg, Plotted Oct 14, 2022 - 8:47am

GATX JUN 738002



# EXHIBIT "B"

## PORTION OF WEST VALLEY WATER DISTRICT ADJACENT TO GATX PROPERTY



**LDKING**

Engineers & Surveyors  
875 N. Haven Avenue  
Suite 200  
Costa Mesa, CA 92626  
Phone: (949) 945-0828

Date Prepared  
10/05/2021

E:\700-799\738-GATX\0738-002\LAFCO\WWD Boundary Map.dwg, Plotted: Jan 28, 2022 - 9:42am

# WATER LINE CONSTRUCTION NOTES

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND WEST VALLEY WATER DISTRICT'S STANDARDS FOR DOMESTIC WATER FACILITIES.
- THE CONTRACTOR SHALL ARRANGE FOR A PRE-CONSTRUCTION MEETING WITH THE WEST VALLEY WATER DISTRICT AT LEAST ONE WEEK PRIOR TO BEGINNING CONSTRUCTION.
- THE CONTRACTOR'S ATTENTION IS EXPRESSLY DIRECTED TO ALL THE REQUIREMENTS AND PROVISIONS OF THE STATE OF CALIFORNIA SAFETY REGULATIONS, CONSTRUCTION AND HOLD THE OWNERS, THE DISTRICT AND THEIR REPRESENTATIVES HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE DISTRICT.
- CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL APPLY TO THE CONTRACTOR AND ALL SUBS, CONTRACTORS, AND ALL OTHERS WHOSE WORK IS IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE DISTRICT.
- CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ANY DAMAGE TO EXISTING FACILITIES RESULTING DIRECTLY OR INDIRECTLY FROM CONSTRUCTION OPERATIONS, WHETHER OR NOT SUCH FACILITIES ARE SHOWN ON THESE PLANS.
- THE CONTRACTOR SHALL UNCOVER/POT-HOLE AND VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITY LINES PRIOR TO EXCAVATING. THE CONTRACTOR SHALL MAKE APPROPRIATE ARRANGEMENTS FOR THE PROTECTION OF ALL UTILITIES. THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT AT 1-800-227-2800 A MINIMUM OF 48 HOURS PRIOR TO BEGINNING WORK.
- PIPE TRENCH SHALL BE EXCAVATED TRUE TO LINE AND GRADE IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS. ALL BACKFILL SHALL BE PLACED IN A MANNER SATISFACTORY TO THE INSPECTOR AND IN ACCORDANCE WITH THE STANDARDS, SPECIFICATIONS AND PERMITS. MATERIAL FOR BACKFILL TO TWELVE (12) INCHES ABOVE THE PIPE SHALL BE GRANULAR MATERIAL WITH A MINIMUM SAND EQUIVALENT OF 65 PERCENT.
- NO PIPELINE SHALL BE INSTALLED ON FILL MATERIAL WITHOUT FIRST MEETING IN-PLACE DENSITY TESTS. COMPACTION IN INTERMEDIATE ZONE SHALL BE COMPLETED TO MEET RELATIVE COMPACTION.
- COMPACTION TESTS SHALL BE REQUIRED FOR ALL TRENCH BACKFILL PER WEST VALLEY WATER DISTRICT STANDARDS AND SPECIFICATIONS AND/OR THE REQUIREMENTS OF ANY AGENCY HAVING JURISDICTION.
- THE CONTRACTOR SHALL REPLACE IN KIND, TO THE SATISFACTION OF THE INSPECTOR AND/OR AGENCY HAVING JURISDICTION THEREOF, ANY ROAD BASE, PAVING, CURBS AND GUTTER OR OTHER IMPROVEMENTS CUT, REMOVED OR DAMAGED IN CONNECTION WITH THIS PROJECT.
- PIPE DELIVERED TO THE SITE SHALL BE PROTECTED BY THE CONTRACTOR FROM DUST OR OTHER CONTAMINATION PRIOR TO PLACING IN TRENCH AND SHALL BE INSTALLED IN ACCORDANCE WITH DISTRICT STANDARDS TO THE SATISFACTION OF THE DISTRICT'S INSPECTOR. THE CONTRACTOR, AT THE END OF EACH DAY, SHALL ENSURE THAT ALL OPENINGS INTO THE PIPELINE ARE SECURELY PLUGGED AND STOPPED SO THAT NO ANIMAL, FOWL, OR INSECT CAN ENTER THE PIPELINE.
- ALL WORK SHALL BE INSPECTED BY THE WEST VALLEY WATER DISTRICT OR ITS AUTHORIZED AGENT. THE CONTRACTOR SHALL NOT PROCEED WITH ANY SUBSEQUENT PHASE OF WORK UNTIL THE PREVIOUS PHASE HAS BEEN INSPECTED AND APPROVED. INSPECTION SHALL BE MADE UP, BUT IS NOT LIMITED TO THE FOLLOWING PHASES OF WORK:  
TRENCHING, INSTALLATION OF PIPE AND APPURTENANCES, VALVES, FITTINGS, VALVES, METERS, BACKFILL, COMPACTION, LEAKAGE TESTING, LINE LOCATION AND FINAL INSPECTION.
- THE CONTRACTOR SHALL GIVE AT LEAST 2 WORKING DAYS NOTICE WHEN INSPECTIONS OR ENGINEERING ADJUSTMENTS BECOME NECESSARY AS SET FORTH IN THE STANDARD SPECIFICATIONS.
- ALL STATIONING SHOWN ON THESE PLANS SHALL BE MEASURED ALONG THE CENTERLINE OF THE STREET OR AS SHOWN ON PLANS.
- THE CONTRACTOR SHALL NOTIFY THE DISTRICT AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY TRENCHING AND EXISTING WATERLINES.
- CONCRETE THRUST BLOCKS SHALL BE INSTALLED AT ALL PIPE BENDS AND FITTINGS, IN ACCORDANCE WITH DISTRICT'S STANDARD DRAWING W-3. INSPECTOR SHALL DETERMINE IF ADDITIONAL THRUST BLOCKS OR RESTRAINTS WILL BE NEEDED IN FIELD.
- AN AIR RELEASE VALVE SHALL BE INSTALLED AT EVERY HIGH POINT IN THE SYSTEM. A BLOW-OFF ASSEMBLY SHALL BE INSTALLED AT EVERY LOW POINT IN THE SYSTEM.
- A VALVE BOX AND COVER SHALL BE INSTALLED AT EACH VALVE WHICH IS SET IN THE GROUND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SETTING VALVE BOXES TO GRADE AFTER FINAL DRAINING OR PAVING OPERATION.
- VALVES 12-INCHES AND LARGER SHALL BE BUTTERFLY VALVES. VALVES SHALL BE RATED FOR 150 P.S.I. OR AS SHOWN ON THESE PLANS.
- ALL NEW WATER FACILITY IMPROVEMENTS SHALL BE TESTED AND DISINFECTED PRIOR TO CONNECTING TO EXISTING WATER SYSTEM, PER ANNA CGS. CONTRACTOR SHALL FURNISH AND INSTALL TEMPORARY BULKHEADS AS REQUIRED FOR PRESSURE TESTING.
- PIPE 20" AND SMALLER SHALL BE CLASS 300 DUCTILE PIPE, WITH FULLY RESTRAINED JOINTS. PIPE 24" AND LARGER SHALL BE THICKNESS CLASS 150, 10 GA. CEMENT MORTAR LINED AND COATED STEEL PIPE OR AS SPECIFIED.
- WATER SERVICE LATERALS SHALL BE TYPE K COPPER LINE, MINIMUM 1" DIAMETER, WITH 1/2" X 1/2" ANGLE VALVES WITH LOCK WING ON LOTS. THERE SHALL BE A SEPARATE SERVICE FOR EACH LOT BEING SERVED. ONE SERVICE PER PIPE TRENCH. ALL SERVICE VALVES SHALL BE CAPABLE OF 360 DEGREE TURN (LESS STOP).
- ALL WATER SERVICE LATERALS SHALL BE INSTALLED AT THE SAME TIME AS MAIN LINE. NO SPLICE SHALL BE ALLOWED ON COPPER SERVICE LATERAL LINE.
- WATER SERVICE LATERALS SHALL BE TERMINATED 12" BEHIND REAR OF FUTURE CURB. IN CITY LIMITS TERMINATE 12" BEHIND FUTURE SIDEWALK.
- FIRE HYDRANTS SHALL BE 6" X 4" X 2-1/2" CLOW MODEL 800 OR EQUAL, PAINTED WITH ONE COAT YELLOW AND ONE COAT YELLOW. THE 4" STAMPEL OUTLET SHALL BE PERPENDICULAR TO THE CURB OR FUTURE CURBS.
- DEPTH OF COVER FOR WATER SERVICE LATERALS SHALL BE MINIMUM 30" FOR WATER MAINS 12" AND SMALLER SHALL BE MINIMUM 20" FOR 12" AND LARGER PIPE SHALL BE MINIMUM 42" OR AS SPECIFIED ON PLANS. ALL MEASUREMENTS FROM FINISH GRADE.
- WATER SERVICE IS SUBJECT TO THE CURRENT DISTRICT RULES AND REGULATIONS AND ANY AMENDMENTS THERETO.

# WATER LINE CONSTRUCTION NOTES (CONT.)

- IF CONSTRUCTION HAS NOT COMMENCED WITHIN TWO (2) YEARS OF THE DISTRICT APPROVAL DATE, THIS PLAN SHALL BE RESUBMITTED TO THE DISTRICT FOR REVIEW AND APPROVAL.
- WATER LINES TO BE INSTALLED ONLY AFTER THE COMPLETION OF CONCRETE CURBS AND GUTTER.
- CONTRACTOR TO FURNISH 2-YEAR WARRANTY BOND FOR ALL WATER FACILITIES INSTALLED WITH THIS PLAN.
- ALL DUCTILE IRON PIPE SHALL BE RESTRAINED PER DISTRICT STANDARD W-30.
- ALL DUCTILE IRON JOINTS, BENDS, AND FITTINGS SHALL BE MECHANICALLY RESTRAINED AS INDICATED ON THE PLANS.
- WATER LINE SHUTDOWNS ARE ONLY SCHEDULED BETWEEN TUESDAY THROUGH THURSDAY BASED ON DISTRICT AVAILABILITY.
- WATER METERS WILL NOT BE RELEASED UNTIL COMPACTION REPORTS ARE RECEIVED AND APPROVED BY THE DISTRICT.
- ALL WORK SHALL BE COMPLETED PER THE DISTRICT APPROVED PLAN, ANY CHANGES, SUBSTITUTIONS, OR DEVIATIONS FROM THESE PLANS MUST FIRST BE APPROVED BY THE DISTRICT BEFORE COMMENCING.
- ALL WATER MAIN SEPARATION CRITERIA SHALL COMPLY WITH TITLE 22, CHAPTER 16, SECTION 84672 OF THE CALIFORNIA WATERWORKS STANDARDS. THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, DIVISION OF DRINKING WATER (CDW) REQUIRES A WAIVER FOR ALL INSTALLATIONS SEEKING A SEPARATION VARIANCE FROM THIS MANDATE PRIOR TO CONSTRUCTION. CDW WAIVERS ARE REVIEWED AND SUBMITTED BY THE DISTRICT FOR FINAL APPROVAL. WATER MAINS THAT ARE CONSTRUCTED IN VIOLATION OF A CDW REQUIREMENT AND WITHOUT A CDW WAIVER, WILL NOT BE APPROVED BY THE DISTRICT AND CONNECTION TO THE DISTRICT'S WATER SYSTEM WILL BE DENIED. NOTE: CDW DOES NOT ISSUE WAIVERS FOR WATER MAINS ALREADY CONSTRUCTED.

# CORROSION PROTECTION NOTES FOR PVC PIPING

- CORROSION PROTECTION IS REQUIRED FOR BURIED METALLIC COMPONENTS ON PVC PIPE.
- ALL BURIED METALLIC COMPONENTS, I.E. VALVE FLANGES, TRANSITION COUPLERS AND DUCTILE IRON CROSSES, TEES, ELBOWS AND COUPLERS SHALL BE WRAPPED WITH PETROLEUM JEL 100 PER ANNA C-217.
- COPPER TUBING SERVICE LATERALS SHALL BE BACKFILLED IN A 3-INCH (MIN.) DEPTH OF CLEAN SAND.
- BRASS 2-INCH AIR-WAQUAM RELEASE LATERALS SHALL BE DOWNS IN A 6 IN. (206 INCH) PLASTIC SLEEVE AS BACKFILLED WITH PETROLEUM JEL 100 PER ANNA C-217. MAP ALL PERVIOUS COMPONENTS, I.E. 2-INCH ONE-WAY VALVE WITH PETROLEUM JEL 100.
- STEEL LATERALS CONNECTED TO PVC PIPE MAINS, I.E. AIR-WACS, BLOW-OFFS AND FIRE HYDRANTS DO NOT REQUIRE BORING. BENDS ARE REQUIRED AT ALL MECHANICAL JOINTS ON STEEL LATERALS CONNECTED TO STEEL PIPE.
- ALL MAX TAP APPLICATIONS AND SAND TRENCH PADDING AND SHADING SHALL BE INSPECTED BY THE PROJECT MANAGER OR INSPECTOR PRIOR TO START.

# DESIGN

THIS CERTIFIES THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN DESIGNED UNDER THE DIRECT SUPERVISION OF A CIVIL ENGINEER LICENSED IN STATE OF CALIFORNIA AND ARE IN ACCORDANCE WITH TITLE 22, CODE OF REGULATIONS, CHAPTER 16, CALIFORNIA WATERWORKS STANDARD OF THE STATE OF CALIFORNIA.

*Colo. Berman*  
CAROL L. BERMAN 45183 6/30/24 10/14/22  
REG. NO. & EXPIRATION DATE DATE

# FIRE

FIRE PROTECTION SYSTEM REVIEWED AND APPROVED BY:

NAME OF AGENCY

PRINT NAME OF FIRE AGENCY PERSONNEL SIGNING BELOW

SIGNATURE OF FIRE AGENCY TITLE DATE

# WATER

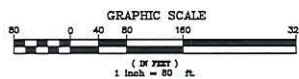
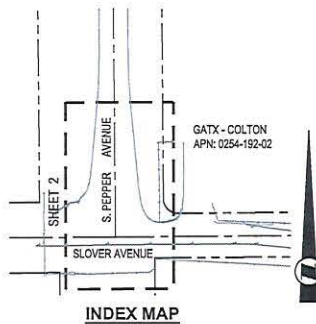
THIS CERTIFIES THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN REVIEWED BY AND ACCEPTED BY THE WEST VALLEY WATER DISTRICT AND THAT THE DISTRICT IS WILLING AND ABLE TO SUPPLY WATER TO SERVE THIS LOCATION.

SIGNATURE TITLE DATE

# WATER IMPROVEMENT PLANS FOR GATX

20878 SLOVER AVENUE COLTON, CA 92324

APN: 0254-192-02



# CONSTRUCTION NOTES

- INSTALL 12" CLIP, CLASS 300 WITH FULLY RESTRAINED JOINTS AND TRENCH EXCAVATION / BACKFILL AND PAVING PER WWVD STD. DWG. NO. W-30 AND W-1 164 LF.
- INSTALL 24" X 12" BL W/ REDUCING ELBOW PER WWVD STD. DWG. NO. W-30 1 EA.
- INSTALL 12" CLIP 90° BEND 1 EA.
- INSTALL FIRE HYDRANT PER WWVD STD. DWG. NO. W-2 1 EA.
- INSTALL 12" CLIP, FIRE SERVICE LATERAL PER WWVD STD. DWG. NO. W-28 1 EA.
- INSTALL 10" ODDA FIRE SERVICE ASSEMBLY PER WWVD STD. DWG. NO. W-15 WITH BLIND FLANGE ON END 1 EA.
- INSTALL 4" WATER SERVICE WITH 4" METERS PER WWVD STD. DWG. NO. W-9 1 EA.
- INSTALL 2" AIR VALVE ASSEMBLY PER WWVD STD. DWG. NO. W-6A 1 EA.
- INSTALL 4" BACKFLOW PREVENTER PER WWVD STD. DWG. NO. W-20 1 EA.
- INSTALL 12" BLIND FLANGE AT HYDRANT TEE 1 EA.

# ESTIMATED QUANTITIES

# OWNERS/DEVELOPERS

GATX  
20878 SLOVER AVENUE  
COLTON, CALIFORNIA 92324  
(909) 825-3043

# LEGEND

- EXISTING EDGE OF PAVEMENT
- EXISTING AC BERM
- EXISTING RIGHT OF WAY
- STREET CENTER LINE
- EXISTING WATER LINE
- PROPOSED WATER LINE
- EXISTING GATE VALVE
- PROPOSED REDUCER
- PROPOSED AIR VALVE ASSEMBLY

# BENCH MARK

COUNTY OF SAN BERNARDINO TBM  
ELEVATION=1015.10  
FOUND CHISELED BOX IN SOUTH CURB TOP BY  
POWER POLE #112134, ±180' WEST OF DRAIN  
ARCADE ALONG N STREET PER CSDB 4048/844  
AND 4017/2234.

# BASIS OF BEARINGS

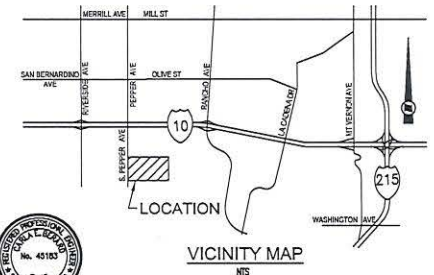
THE BEARING OF NORTH 072°54' WEST FOR THE CENTERLINE OF PEPPER AVENUE AS SHOWN ON RECORD OF SURVEY 18-0141, FILED IN BOOK PAGES 2-5 OF RECORDS OF SURVEY WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

# NOTE:

CONTRACTOR SHALL POT-HOLE EXISTING PIPE TO VERIFY LOCATION & DEPTH PRIOR TO CONSTRUCTION OF THE ON-SITE IMPROVEMENTS. IF THERE IS ANY DISCREPANCY BETWEEN THE FIELD CONDITION AND THE IMPROVEMENT PLAN, ADJUSTMENTS MAY BE NECESSARY TO MEET THE EXISTING CONDITION.

# SHEET INDEX

SHEET 1 - TITLE SHEET  
SHEET 2 - PLAN & PROFILE SLOVER AND S. PEPPER AVENUE STA. 10+00.00 TO 11+64.00



Know what's below.  
Call before you dig.

## ENGINEER'S NOTICE TO CONTRACTORS

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. LOCATIONS ARE APPROXIMATE AND IN FIELD BE CONFIRMED IN THE FIELD BY THE CONTRACTOR, SO THAT ANY NECESSARY ADJUSTMENT CAN BE MADE IN ALIGNMENT AND/OR GRADE OF THE PROPOSED IMPROVEMENT. THE CONTRACTOR IS REQUIRED TO TAKE THE PRECAUTIONARY MEASURES TO PROTECT ANY UTILITY LINES SHOWN AND ANY OTHER LINES NOT OF RECORD OR NOT SHOWN ON THESE PLANS.

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR PARTIES AGREE TO DETEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

Revisions	No.	By	Date	Approved
				_____ RCE Date
				_____ Date
Designed	CSB	Checked		_____ Solic:
Drawn	NA/JC	Job No.		_____ AS SHOWN

L.D. KING, INC.  
875 N. HAVEN AVENUE, SUITE 200  
ONTARIO, CA 91764  
(909)-845-0528

Pressure Zone:  
ZONE 2

Allow Sheet:  
NBS

W/P Number:  
322008

WEST VALLEY WATER DISTRICT

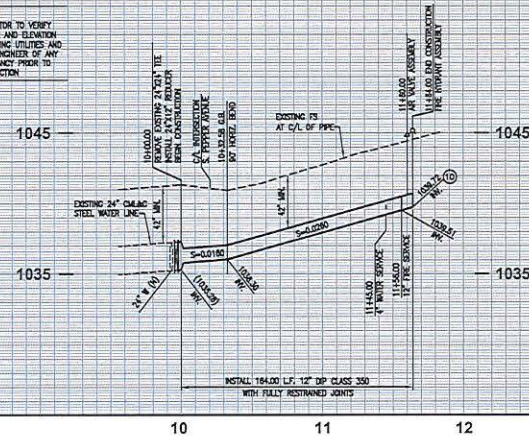
WATER IMPROVEMENT PLANS FOR

GATX  
20878 SLOVER AVENUE COLTON, CA 92324

SHEET  
1 of 2  
SHEETS

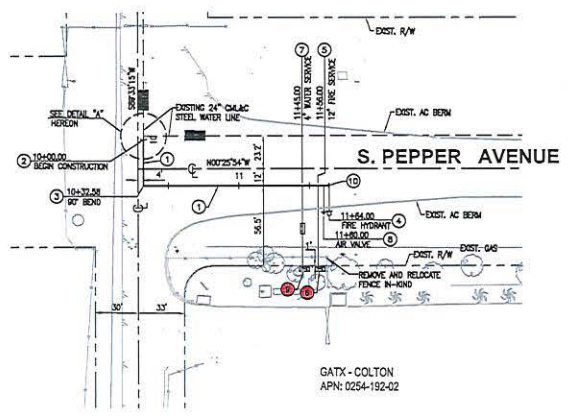


NOTE:  
CONTRACTOR TO VERIFY  
LOCATION AND ELEVATION  
OF EXISTING UTILITIES AND  
NOTIFY ENGINEER OF ANY  
DISCREPANCY PRIOR TO  
CONSTRUCTION

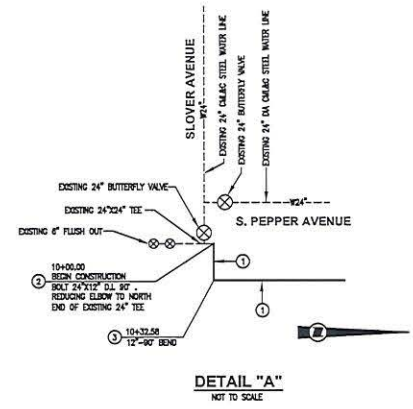


PROFILE SCALE  
HORIZ: 1" = 40'  
VERT: 1" = 4'

SLOVER AVENUE



GATX - COLTON  
APN: 0254-192-02



### CONSTRUCTION NOTES

1. INSTALL 12" D.I.P. CLASS 300 WITH FULLY RESTRAINED JOINTS AND TRENCH EXCAVATION / BACKFILL AND FINISH PER WWD STD. DNG. NO. W-30 AND W-1
2. INSTALL 24" X 12" D.I. 90° REDUCING ELBOW PER WWD STD. DNG. NO. W-30
3. INSTALL 12" D.I. 90° BEND
4. INSTALL FIRE HYDRANT PER WWD STD. DNG. NO. W-2
5. INSTALL 12" D.I.P. FIRE SERVICE LATERAL PER WWD STD. DNG. NO. W-28
6. INSTALL 10" D.I.P. DCCA FIRE SERVICE ASSEMBLY PER WWD STD. DNG. NO. W-15 WITH BLIND FLANGE ON END
7. INSTALL 4" WATER SERVICE WITH 4" METER PER WWD STD. DNG. NO. W-9
8. INSTALL 2" AIR VALVE ASSEMBLY PER WWD STD. DNG. NO. W-6A
9. INSTALL 4" BACKFLOW PREVENTER PER WWD STD. DNG. NO. W-20
10. INSTALL 12" BLIND FLANGE AT HYDRANT TIE

SERVICE LATERAL LOCATIONS			
#	DESCRIPTION	"DESIGN" LOCATIONS	"AS-BUILT" LOCATIONS
1	IRRIGATION	11+41.00	
2	WATER	11+45.00	
3	FIRE	11+56.00	



CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR ALL SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THE REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR PARTIES AGREE TO DETAIL, INDEMNIFY AND HOLD DESIGN PROFESSIONAL, HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

Revision	No.	By	Date	Approval

APPROVED		L.D. KING, INC.	
_____ Date		875 N. HAVEN AVENUE, SUITE 200 OAKLAND, CA 94612 (510) 445-0525	
Designed: CFB		Pressure Zone: ZONE 2	
Drawn: NA/JC		Allow Sheet: NSB	
Checked: _____		WIP Number: 202018	
Job No. _____		AS SHOWN	

WEST VALLEY WATER DISTRICT		SHEET 2 of 2 SHEETS
WATER IMPROVEMENT PLANS FOR		
GATX 20876 SLOVER AVENUE COLTON, CA 92324		



## WATER SYSTEM INFRASTRUCTURE INSTALLATION AND CONVEYANCE AGREEMENT

This water system infrastructure installation and conveyance agreement ("Agreement") is entered into and effective as of **November 17, 2022**, by and between **GATX CORPORATION** ("Developer"), and **WEST VALLEY WATER DISTRICT** ("District") who agree as follows:

The Developer is the owner of certain land described as **20878 Slover Ave, Colton, CA (GATX - APN 0254-192-02)** and as more fully (or further) shown on Exhibit "A". In developing this land, the Developer is desirous of obtaining a public water supply adequate for domestic uses and public fire protection purposes and is desirous of integrating that water system into the District's public water system.

In order to provide facilities for a water supply to said land, it is the intention of the parties to this Agreement that the Developer shall furnish and install those water mains, fire hydrants, service laterals, water meters and valves, valve boxes, and all other appurtenant fittings and facilities required for a complete water system to serve the land shown on Exhibit "A".

In order to implement the foregoing and in consideration of the terms and conditions herein contained, the parties further agree as follows:

### **1. DESIGN**

1.1. Developer shall design and construct, at the Developer's own expense, the water facilities and appurtenances required to serve the development in accordance with final District-approved plans known as **WATER IMPROVEMENT PLANS FOR GATX**, as approved and provided at a later date attached herein as Exhibit "B" and in accordance with District-approved design standards and specifications, and the terms and conditions of this Agreement.

1.2. The water system design shall be by a Professional Engineer registered in the State of California, and in accordance with the District's most recent Rules and Regulations (the "Rules and Regulations"), the District's Standards for Domestic Water Facilities and Standard Drawings herein included by reference, all applicable District ordinances and policies and all City, County of San Bernardino, State of California, and Federal laws, ordinances, rules, regulations, codes and other legal requirements of all government bodies having jurisdiction over said construction and property (all of the foregoing requirements in this paragraph being collectively referred to herein at times as "Legal Requirements").

1.3. The District, at Developer's expense, shall review Developer's plans for the purpose of ensuring the adequacy of the design and conformance with the District's standards and specifications. The District reserves the right to add, delete, modify, change or amend any or all the plans and specifications.

1.4. In the event that the property to be developed includes multiple residential, condominiums, commercial or industrial uses, all site plans, grading plans, and any available plumbing plot plans shall be furnished to the District by Developer.

1.5. The District makes no warranties as to the correctness, accuracy or completeness of the plans and specifications. The accuracy, adequacy, suitability, and correctness of the water system design shall be the sole responsibility of the Developer.

## **2. CONSTRUCTION**

2.1. Developer shall perform, or caused to be performed, all construction of the water system infrastructure installation pursuant to the approved water system plans, and all Legal Requirements.

2.2. The performance of this Agreement shall commence within ninety (90) calendar days from the date of this Agreement and shall be completed within one (1) year from the estimated construction start date.

2.3. Time is of the essence in this Agreement; provided that, in the event good cause is shown therefore, the general manager of the District ("General Manager") may extend the time for completion of the water system installation. Any such extension may be granted without the notice to Developer's surety, and extensions so granted shall not relieve the surety's liability on the bond to secure faithful performance of this Agreement. The General Manager shall be the sole and final judge as to whether or not good cause has been shown to entitle Developer to an extension.

2.4. The Developer and its contractor and subcontractors shall attend a preconstruction meeting with the District at the District's headquarters no less than five (5) working days prior to commencement of construction.

2.5. No work on water facilities shall commence prior to the completion of all required curbs and gutters.

## **3. LICENSES AND PERMITS**

3.1. Developer, and all of Developer's contractors and subcontractors warrants it possesses, or shall obtain, and maintain during the term of this Agreement any and all licenses, permits, qualifications, insurance and approval of whatever nature that are legally required of Developer, its contractors, and all subcontractors to practice its profession, skill or business.

3.2. The work to be performed under this Agreement, except meter installations, shall be performed by Developer, or a contractor or subcontractor who is pre-approved by the District and is licensed under the laws of the State of California in the specialty Class of "C-34" Pipeline or Class "A" General Engineering. A copy of the contract between Developer and the selected pre-approved contractor and all subcontractors shall be submitted to the District for review and approval.

3.3. Excavation/resurfacing permits shall be secured by Developer at Developer's expense. Permits/easements to install, maintain and operate water system facilities in private property shall be secured by Developer at Developer's own expense prior to construction.



3.4. Developer shall, at Developer's own expense, be responsible for obtaining and adhering to a National Pollution Discharge Elimination System (NPDES) permit from the Regional Water Quality Board as required for construction or pipeline flushing and disinfection.

#### **4. INSURANCE REQUIREMENTS**

4.1. The following insurance requirements have been adopted by the District and shall be applicable to this Agreement. These requirements supersede the insurance requirements set forth in any other reference of the District, and to the extent of any conflict, the specified requirements herein shall prevail.

4.2. Developer shall ensure that Developer's contractors conform to the following insurance requirements and that all required documents are submitted to the District at the time of Agreement submittal: Developer shall ensure that its contractors and all subcontractors shall purchase and maintain insurance in amounts equal to the requirements set forth in (a) through (d) below, and shall not commence work under this Agreement until all insurance required under this heading is obtained in a form acceptable to the District, nor shall Developer allow any contractor or subcontractor to commence construction pursuant to a contract or subcontract until all insurance required of the contractor and any subcontractors has been obtained.

a. General Liability: Developer shall ensure that its contractor and all subcontractors shall maintain during the life of this Agreement, a standard form of either Comprehensive General Liability insurance or Commercial General Liability insurance ("General Liability Insurance") providing the following minimum limits of liability: Combined single limit of \$1.0 million per occurrence for bodily injury, including death, personal injury, and property damage with \$2.0 million minimum aggregate, separate for this project as evidenced by endorsement. The insurance shall include coverage for each of the following hazards: Premises-Operations; Owners and Contractors Protective; Broad Form Property Damage contractual for Specific Contract; Severability of Interest or Cross-Liability; XCU Hazards; and Personal Injury – With the "Employee" Exclusive Deleted.

b. Automotive/Vehicle Liability Insurance: Developer shall ensure that its contractor and all subcontractors shall maintain a policy of automotive/vehicle liability insurance on a commercial auto liability form covering owned, non-owned and hired automobiles providing the following minimum limits of liability: Combined single limit of liability of \$1.0 million per accident for Bodily Injury, Death and Property Damage ("Automotive/Vehicle Liability Insurance").

c. Workers' Compensation Insurance: Developer shall ensure that its contractor and all subcontractors shall provide such workers' compensation insurance with statutory minimum amounts of coverage, as required by the California *Labor Code* and other applicable law, and including employer's liability insurance with a minimum limit of \$1,000,000.00 ("Workers' Compensation Insurance"). Such Workers' Compensation Insurance shall be endorsed to provide for a waiver of subrogation against the District.

d. Excess Liability: Developer shall ensure that its contractor and all subcontractors shall provide a policy providing excess coverage in a face amount necessary when



combined with the primary insurance, to equal the minimum requirements for General Liability Insurance and Automotive/Vehicle Liability Insurance.

4.3. The insurances provided for in Section 4.2 and its subsections above are subject to all of the following conditions:

a. The insurance shall be issued and underwritten by insurance companies acceptable to the District, and shall be licensed by the State of California to do business on the lines of insurance specified. The insurers must also have an "A-" Policyholder's rating" and a "financial rating" of at least Class VII in accordance with the most current A.M. Best's Rating Guide.

b. Developer's contractor and subcontractors may satisfy the limit requirements in a single policy or multiple policies. Any such additional policies written as excess insurance shall not provide any less coverage than that provided by the first or primary policy.

c. Any costs associated with a self-insured program, deductibles, or premium rating programs that determine premium based on loss experience shall be for the account of Developer, Developer's contractor and subcontractors, and the District shall not be required to participate in any such loss. If any such programs exist, Developer, Developer's contractor and subcontractors, agree to protect and defend the District in the same manner as if such cost provisions were not applicable.

d. Developer shall ensure that its contractor and all subcontractors shall have presented at the time of execution of the Agreement, the original policies of insurance and a certificate of insurance naming the District as the certificate holder and that such coverage is in force and complies with the terms and conditions outlined herein.

e. If an insurance policy contains a general policy aggregate of less than the minimum limits specified, then the policy coverage shall be written with limits applicable solely to this Agreement, as specified, and shall not be reduced by or impaired by any other claims arising against Developer. These policy limits shall be set forth by separate endorsement to the policy.

4.4. Each such policy of General Liability Insurance and Automotive/Vehicle Liability Insurance shall contain endorsements providing the following:

a. The District, their board members, officers, agents, employees, consultants, and engineers, are hereby declared to be additional insureds under the terms of this policy, but only with respect to the operations of the Developer at or upon any of the premises of the District in connection with the Agreement with the District, or acts or omissions of the additional insureds in connection with, but limited to its general supervision or inspection of said operations and save for any claims arising from the sole negligence or sole willful misconduct the District.

b. No policy shall be canceled, limited, materially altered, or non-renewed by the insurer until thirty (30) days after receipt by the District of a written notice of such cancellation or reduction in coverage.

c. This insurance policy is primary insurance and no insurance held or owned by the designated additional insureds shall be called upon to cover a loss under this policy.

## 5. BONDING REQUIREMENTS

5.1. Developer shall provide a Contractor's proposal based on the District approved water system plans. The Developer will provide a Contractor's proposal and will be submitted to the District for review and approval at a later date (Exhibit "C"), and shall be used as the basis for bonding requirements for the water system described in the plans provided to the District by the Developer and approved for construction by the District.

5.2. Performance Bond: The Contractor's proposal from the Developer for **WATER IMPROVEMENT PLANS FOR GATX**, is **TWO HUNDRED SEVENTEEN THOUSAND EIGHT HUNDRED SIXTY DOLLARS and 00/100 (\$217,860.00)**. Developer shall and by this Agreement does guarantee the Developer's faithful performance of this Agreement and all of its terms and conditions. The Developer shall provide the District with a performance bond from a surety institution licensed by the State of California and authorized to do and doing business in said State, valid and renewable until such improvements are accepted by the District. The performance bond shall be in the amount of **DEVELOPER WILL PROVIDE BOND AMOUNT OF TWO HUNDRED SEVENTEEN THOUSAND EIGHT HUNDRED SIXTY DOLLARS and 00/100 (\$217,860.00)**, equal to 100 percent of the approved Developer's estimate.

5.3. Warranty Bond: The Developer's pre-approved contractor shall furnish a two-year warranty bond for all work completed in accordance with the approved plans. The approved plans will be provided at a later date (Exhibit "B"). Before District's acceptance of the completed water facilities and appurtenances, such facilities and appurtenances shall be free from any and all liens and encumbrances and free from any and all defects in the materials or construction thereof. The two-year warranty shall be a warranty bond beginning on the date of acceptance of the water facilities by the District.

## 6. MATERIALS

6.1. The water system facilities to be installed pursuant to this Agreement shall become an extension of the distribution system of the District. All materials used must conform to District specifications for such materials pursuant to all applicable Legal Requirements.

## 7. NOTICES

7.1. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

7.2. Notices required shall be given to the **District** addressed as follows:

WEST VALLEY WATER DISTRICT  
Attn: General Manager  
Post Office Box 920  
Rialto, CA 92377  
**RE: WATER IMPROVEMENT PLANS FOR GATX**



7.3. Notices required shall be given to **Developer** addressed as follows:

GATX CORPORATION  
20878 SLOVER AVE  
CORONA, CA 92324  
RE: WATER IMPROVEMENT PLANS FOR GATX

7.4. Notices required shall be given to **Surety** addressed as follows:

SURETY NAME:  
ADDRESS  
RE: TRACT 20207 WATER IMPROVEMENT PLANS

7.5. Provided that any party or Surety may change such address by notice in writing to the other party, and thereafter, notices shall be addressed and transmitted to the new address.

7.6. The Developer or its contractor shall provide the District forty-eight (48) hours advance notice of request for inspection or testing.

7.7. The District is closed on the holidays listed in Exhibit "D".

## **8. NOTICE TO PROCEED TO CONSTRUCT WATER SYSTEM FACILITIES**

8.1. Upon acceptance of the insurance and aforementioned bonds in the amounts provided herein and approval by the District and upon payment of all applicable charges, the Agreement shall be signed by Developer and the District. The District shall return an original copy of the signed Agreement with a letter to Developer giving notice to proceed to construct the water system facilities.

## **9. INSPECTION**

9.1. It is understood that the sole purpose and intent of the District's inspection and testing is to validate that the materials, workmanship, and construction of the water facilities are in compliance with the District-approved final plans, the District's Rules and Regulations, the Standards for Domestic Water Facilities, the Standard Drawings, and all other applicable District requirements. Developer acknowledges and represents that it assumes full and sole responsibility for the safety and management of the project.

9.2. Developer shall at all times maintain proper facilities and provide safe access for inspection by the District to all parts of the work and to the shops wherein the work is in preparation. Additionally, in connection with the performance of this Agreement, the District shall have the authority to enter the work site at any time for the purpose of identifying the existence of conditions, either actual or threatened, that may present a danger of hazard to any and all employees. Developer agrees that the District, in its sole authority and discretion, may order the immediate abatement of any and all conditions that may present an actual or threatened danger or hazard to any and all employees at the work site. Furthermore, Developer acknowledges the provisions of California *Labor Code* Section 6400 et seq., which requires that employers shall

furnish employment and a place of employment that is safe and healthful for all employees working therein. In the event the District identifies the existence of any condition that presents an actual or threatened danger or hazard to any or all employees at the work site, the District is hereby authorized to order an immediate abatement of that condition.

9.3. All work and materials shall be subject to inspection, testing, and acceptance by the District at Developer's expense. In the event Developer arranges to have materials fabricated for the project, Developer may be required to arrange for the District to inspect that material during fabrication at Developer's expense.

9.4. All material fabrications shall be preapproved by the District and must conform to District standards and specifications.

9.5. The District's inspectors shall have full, unlimited access to perform continuous inspection and have the authority to stop work at any time, by written notice, without any liability whatsoever to the District, if, in the inspectors' judgment, the work called for by this Agreement, or the District approved plans, or the specifications is not being installed or performed in a satisfactory and workmanlike manner according to District's standards and specifications and/or in the event the materials do not comply with the District's standards and specifications.

9.6. Final acceptance of all material to be purchased or fabricated by Developer under this Agreement shall be made only with the prior approval of the District. Approval by the District, however, shall not operate to relieve the material supplier or Developer of any guarantees, warranties, or the duty of compliance with any of the requirements of the approved plans and specifications or of this Agreement. All construction pursuant to this Agreement shall be inspected pursuant for conformity with District requirements. Developer shall pay actual costs for inspections.

## **10. TESTING AND DISINFECTION**

10.1. All water system facilities and components constructed pursuant to this Agreement shall adhere to all requirements for testing, disinfection, and flushing pursuant to District standards and Legal Requirements.

## **11. RELOCATIONS, RECONSTRUCTIONS, AND DAMAGES**

11.1. Developer accepts the responsibility for and the costs occasioned by any reconstruction, relocation, damages to, or changes of water services or facilities caused or contributed to directly or indirectly by any subsequent changes in the location of any of said facilities or water meters or water services.

## **12. AS-CONSTRUCTED DOCUMENTATION**

12.1. In order for the District to accept the facilities, Developer shall provide all required documentation as specified in the Standards for Domestic Water Facilities, including As-Built drawings.



### **13. INDEMNIFICATION**

13.1. Developer hereby agrees to and shall protect, defend, indemnify and hold the District and its board members, officers, agents, employees, and engineers free and harmless from any and all liability losses, damages, claims, liens, demands and cause of action of every kind and character including, but not limited to, the amounts of judgments, penalties, interests, court costs, attorney's/legal fees, and all other expenses incurred by the District arising in favor of any party, including claims, liens, debts, demands for lost wages or compensation, personal injuries, including employees or the District, death or damages to property (including property of the District) and without limitation by enumeration, all other claims or demands of every character occurring or in any way incident to, in connection with or arising directly or indirectly out of the obligations herein undertaken or out of the operations conducted by Developer save and except claims or litigation arising through the sole negligence or sole willful misconduct of the District or the District's agents and employees. Developer shall investigate, handle, respond to, provide defense for and defend any such claims, demand, or suit at the sole expense of Developer even if the claim or claims alleged are groundless, false or fraudulent. Developer agrees to, and shall defend the District and its members, directors, officers, agents, employees, and engineers from any suits or actions at law or in equity for damages caused, or alleged to have been caused, by reason of any of the aforesaid operations, provided as follows:

a. That the District does not and shall not waive any rights against Developer which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by the District, or the deposit with District by Developer, or any of the insurance policies described in this Agreement.

b. That the aforesaid hold harmless agreement by Developer shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any or the aforesaid operations referred to in this subsection, regardless of whether or not District has prepared, supplied water system installation, or regardless of whether or not such insurance policies shall have been determined to be applicable to any such damages or claims for damages.

This provision is not intended to create any cause of action in favor of any third party against Developer or the District or to enlarge in any way Developer's liability but is intended solely to provide for indemnification of the District from liability for damage or injuries to third persons or property arising from Developer's performance hereunder.

13.2. Neither Developer nor any of Developer's agents, contractors or subcontractors are, or shall be, considered to be agents of the District in connection with the performance of Developer's obligations under this Agreement.

### **14. REPAIR OR RECONSTRUCTION OF DEFECTIVE WORK**

14.1. If, within a period of two years after final acceptance of the work performed under this Agreement, any structure or part of any structure furnished and/or installed or constructed, or caused to be installed or constructed by Developer, or any of the work done under this Agreement, fails to fulfill any of the requirement of this Agreement or the specifications referred to herein, Developer shall, without delay and without any cost to District, repair or replace or reconstruct

any defective or otherwise unsatisfactory part or parts of the work structure. Should Developer fail to act promptly or in accordance with this requirement, or should the exigencies of the situation as determined by the District in the exercise of its sole discretion require repair, replacement or reconstruction before Developer can be notified, District may, at its option, make the necessary repairs or replacements or perform the necessary work, and Developer shall pay to the District the actual cost of such repairs.

## **15. COSTS AND FEES**

15.1. Developer shall be responsible for all fees and deposits as required by the District. All fees and deposits, shall be paid in full prior to the execution of this Agreement and before construction can take place.

15.2. Any additional costs and fees shall be paid in full prior to conveyance and acceptance of the water system.

## **16. CONVEYANCE AND ACCEPTANCE OF WATER SYSTEM**

16.1. Upon completion of the water system in accordance with the approved water plans and submission of the required documentation, the Developer shall convey the water system to the District.

16.2. The Developer shall be responsible for insuring the pre-approved contractor furnish an irrevocable letter of credit to the District or a warranty bond (One Hundred (100%) of Developer's estimate) for a period of two years as stated in Sections 5.3 of this Agreement, as-built drawings with contractor redlines and AutoCAD files, materials list with quantities, labor, equipment, and materials, water system cost breakouts, compaction test report signed and sealed by a California Registered Engineer, notice of completion filed with San Bernardino County Recorder, fire flow tests of all hydrants, all required easements for water facilities and unconditional financial release from subcontractors and material providers, Upon compliance with all the terms and conditions of this Agreement, the District shall prepare the conveyance agreement accepting the water facilities and forward same to the address provided herein. Title to the ownership of said facilities and appurtenances shall thereby be conveyed to the District. The District shall thereafter operate and maintain said facilities so as to furnish water service to the development (Exhibit "A") in accordance with the District's ordinances, policies and Rules and Regulations.

## **17. PERMANENT WATER SERVICE**

17.1. In no event shall permanent water services be provided to Developer's installed system until all applicable charges and fees have been paid by Developer and all facilities have been conveyed, free of all encumbrances, to the District, including any easements which may be required. Such conveyance shall occur in a timely manner in accordance with the terms of this Agreement.



## **18. BREACH OR DEFAULT OF AGREEMENT**

18.1. If Developer refuses or fails to obtain prosecution of the work, or any severable part thereof, with such diligence as will insure its completion within the time specified, or any extension thereof, or fails to obtain completion of said work within such time, or if Developer should be adjudged as bankrupt, or Developer should make a general assignment for the benefit of Developer's creditors, or if a receiver should be appointed in the event of Developer's insolvency, or if Developer, or any of Developer's contractors, subcontractors, agents or employees, should violate any of the provisions of this Agreement, the District's General Manager or the General Manager's designee may serve written notice upon Developer and Developer's surety of breach of this Agreement, or of any portion therefore, and default of Developer.

18.2. In the event of any such notice, Developer's surety shall have the duty to take over and complete the work and the improvement herein specified; provided, however, that if the surety, within five (5) days after the serving upon of such notice of breach, does not give the District written notice of its intention to take over the performance of the contract, and does not commence performance thereof within five (5) days after notice to the District of such election, District may take over the work and prosecute the same to completion, by contract or by any other method District may deem advisable, for the account and at the expense of Developer, and Developer's surety shall be liable to the District for any excess cost or damages occasioned District thereby; and, in such event, District, without liability for so doing, may take possession of, and utilize in completing the work, such materials, appliances, plant and other property belonging to Developer as may be on the site of the work and necessary therefore.

## **19. SUCCESSORS BOUND**

19.1. This Agreement shall be binding upon and inure to the benefit of each of the parties and their respective legal representatives, successors, heirs, and assigns.

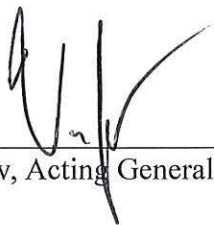
## **20. ENFORCEMENT OF PROVISIONS**

20.1. The District's failure to enforce any provisions of this Agreement or the waiver thereof in any instance shall not be construed as a general waiver or relinquishment on its part of any such provision, but the same shall nevertheless be and remain in full force and effect.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto execute this Agreement.

**WEST VALLEY WATER DISTRICT**

By:  \_\_\_\_\_  
Van Jew, Acting General Manager

Date: 6/2/22

**DEVELOPER:**

**GATX CORPORATION**

By: \_\_\_\_\_  
Authorized Agent

Date: \_\_\_\_\_

IN WITNESS WHEREOF, the parties hereto execute this Agreement.

**WEST VALLEY WATER DISTRICT**

By: \_\_\_\_\_  
Shamindra Manbahal, General Manager

Date: \_\_\_\_\_

**DEVELOPER:**

**GATX CORPORATION**

By:  \_\_\_\_\_  
Authorized Agent

Date: 11-22-22

# Exhibit A





**Exhibit A**  
GATX Corporation – 20878 Slover Ave, Colton



# Exhibit B



# WATER LINE CONSTRUCTION NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND WEST VALLEY WATER DISTRICT'S STANDARDS FOR DOMESTIC WATER FACILITIES.
2. THE CONTRACTOR SHALL ARRANGE FOR A PRE-CONSTRUCTION MEETING WITH THE WEST VALLEY WATER DISTRICT AT LEAST ONE WEEK PRIOR TO BEGINNING CONSTRUCTION.
3. THE CONTRACTOR'S ATTENTION IS EXPRESSLY DIRECTED TO ALL THE REQUIREMENTS AND PROVISIONS OF THE STATE OF CALIFORNIA SAFETY REGULATIONS CONCERNING THE CONSTRUCTION OF THIS PROJECT DURING THE ENTIRE LIFE OF THE CONTRACT. A CALIFORNIA EXCAVATION PERMIT SHALL BE REQUIRED FOR TRENCHES IN EXCESS OF 5.0 FEET IN DEPTH.
4. CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE ENGINEER, THE DISTRICT AND THEIR REPRESENTATIVES HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.
5. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ANY DAMAGE TO EXISTING FACILITIES RESULTING DIRECTLY OR INDIRECTLY FROM CONSTRUCTION OPERATIONS, WHETHER OR NOT SUCH FACILITIES ARE SHOWN ON THESE PLANS.
6. THE CONTRACTOR SHALL UNCOVER/POTHOLE AND VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITY LINES PRIOR TO EXCAVATING. THE CONTRACTOR SHALL MAKE APPROPRIATE ARRANGEMENTS FOR THE PROTECTION OF ALL UTILITIES. THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT AT 1-800-222-2899 A MINIMUM OF 48 HOURS PRIOR TO BEGINNING WORK.
7. PIPE TRENCH SHALL BE EXCAVATED TRUE TO LINE AND GRADE IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS. ALL BACKFILL SHALL BE PLACED IN A MANNER SATISFACTORY TO THE DISTRICT AND IN ACCORDANCE WITH THE STANDARDS, SPECIFICATIONS AND PROVISIONS, MATERIAL FOR BACKFILL TO TWELVE (12) INCHES ABOVE THE PIPE SHALL BE GRANULAR MATERIAL WITH A MINIMUM SAND EQUIVALENT OF 20.
8. NO PIPELINE SHALL BE INSTALLED ON FILL MATERIAL WITHOUT FIRST MEETING IN-PLACE DENSITY TESTS. COMPACTION IN INTERMEDIATE ZONE SHALL BE COMPLETED TO 90% RELATIVE COMPACTION.
9. COMPACTION TESTS SHALL BE REQUIRED FOR ALL TRENCH BACKFILL PER WEST VALLEY WATER DISTRICT STANDARDS AND SPECIFICATIONS AND/OR THE REQUIREMENTS OF ANY AGENCY HAVING JURISDICTION.
10. THE CONTRACTOR SHALL REPLACE IN KIND, TO THE SATISFACTION OF THE INSPECTOR AND/OR AGENCY HAVING JURISDICTION, THE EXCAVATED MATERIAL, BASE, PAVING, CURB AND GUTTER OR OTHER IMPROVEMENTS CUT, REMOVED OR DAMAGED IN CONNECTION WITH THIS PROJECT.
11. PIPE DELIVERED TO THE SITE SHALL BE PROTECTED BY THE CONTRACTOR FROM DUST OR OTHER CONTAMINATION PRIOR TO PLACING IN TRENCH AND SHALL BE INSTALLED IN ACCORDANCE WITH DISTRICT STANDARDS TO THE SATISFACTION OF THE DISTRICT'S INSPECTOR. THE CONTRACTOR, AT THE END OF EACH DAY, SHALL ENSURE THAT ALL OPENINGS INTO THE PIPELINE ARE SECURELY PLUGGED AND STOPPED SO THAT NO ANIMAL, FOWL, OR OBJECT CAN ENTER THE PIPELINE.
12. ALL WORK SHALL BE INSPECTED BY THE WEST VALLEY WATER DISTRICT OR ITS DEPUTY AUTHORIZED REPRESENTATIVE. THE CONTRACTOR SHALL NOT PROCEED WITH ANY SUBSEQUENT PHASE OF WORK UNTIL THE PREVIOUS PHASE HAS BEEN INSPECTED AND APPROVED. INSPECTION SHALL BE MADE OF, BUT IS NOT LIMITED TO THE FOLLOWING PHASES OF WORK:
  - TRENCHING, INSTALLATION OF PIPE AND APPURTENANCES, VALVES, FITTINGS, VALVES, METERS, BACKFILL, COMPACTION, LEAKAGE TESTING, LINES FLUSHED AND FINAL INSPECTION.
13. THE CONTRACTOR SHALL GIVE AT LEAST 2 WORKING DAYS NOTICE WHEN INSPECTIONS OR ENGINEERING ADJUSTMENTS BECOMING NECESSARY AS SET FORTH IN THE STANDARD SPECIFICATIONS.
14. ALL STATIONING SHOWN ON THESE PLANS SHALL BE MEASURED ALONG THE CENTERLINE OF THE STREET OR AS SHOWN ON PLANS.
15. THE CONTRACTOR SHALL NOTIFY THE DISTRICT AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY RE-INS TO EXISTING WATERLINES.
16. CONCRETE THRUST BLOCKS SHALL BE INSTALLED AT ALL PIPE BENDS AND FITTINGS, IN ACCORDANCE WITH DISTRICT'S STANDARD DRAWING NO. 4152. INSPECTOR SHALL DETERMINE IF ADDITIONAL THRUST BLOCKS OR RESTRAINTS WILL BE NEEDED IN FIELD.
17. AN AIR RELEASE VALVE SHALL BE INSTALLED AT EVERY HIGH POINT IN THE SYSTEM. A BLOW-OFF ASSEMBLY SHALL BE INSTALLED AT EVERY LOW POINT IN THE SYSTEM.
18. A VALVE BOX AND COVER SHALL BE INSTALLED AT EACH VALVE WHICH IS SET IN THE GROUND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SETTING VALVE BOXES TO GRADE AFTER FINAL GRADING OR PAVING OPERATION.
19. VALVES 12-INCHES AND LARGER SHALL BE BUTTERFLY VALVES. VALVES SHALL BE RATED FOR 150 P.S.I. OR AS SHOWN ON THESE PLANS.
20. ALL NEW WATER FACILITY IMPROVEMENTS SHALL BE TESTED AND DISINFECTED PRIOR TO CONNECTING TO EXISTING WATER SYSTEM. PER ANNA CSD, CONTRACTOR SHALL FURNISH AND INSTALL TEMPORARY BULL-HEADS AS REQUIRED FOR PRESSURE TESTING.
21. PIPE 20" AND SMALLER SHALL BE CLASS 350 DUCTILE PIPE WITH FULLY RESTRAINED JOINTS. PIPE 24" AND LARGER SHALL BE UNRESTRAINED CLASS 150, 10 CA CEMENT MORTAR LINED AND COATED STEEL PIPE OR AS SPECIFIED.
22. WATER SERVICE LATERALS SHALL BE TYPE K COPPER LINE, MINIMUM 1/2" DIAMETER, WITH 1" x 1" ANGLE VALVES WITH LOCK WING ON LOTS. THERE SHALL BE A SEPARATE SERVICE FOR EACH LOT BEING SERVED. ONE SERVICE PER PIPE TRENCH. ALL SERVICE VALVES SHALL BE CAPABLE OF 360 DEGREE TURN (LESS STOP).
23. ALL WATER SERVICE LATERALS SHALL BE INSTALLED AT THE SAME TIME AS MAIN LINE. NO SPOUSE SHALL BE ALLOWED ON COPPER SERVICE LATERAL LINE.
24. WATER SERVICE LATERALS SHALL BE TERMINATED 12" BEHIND REAR OF FUTURE CURB. IN CITY UNITS TERMINATE 12" BEHIND FUTURE SIDEWALK.
25. FIRE HYDRANTS SHALL BE 6" x 4" x 2-1/2" CLOW MODEL 830 OR EQUAL, PAINTED WITH ONE COAT PRIMER AND ONE COAT YELLOW. THE 4" STEAMER OUTLET SHALL BE PERPENDICULAR TO THE CURB OR FUTURE CURB.
26. DEPTH OF COVER FOR WATER SERVICE LATERALS SHALL BE MINIMUM 30"; FOR WATER MAINS 10" AND SMALLER SHALL BE MINIMUM 36"; FOR 12" AND LARGER PIPE SHALL BE MINIMUM 42" OR AS SPECIFIED ON PLANS. ALL MEASUREMENTS FROM FINISH GRADE.
27. WATER SERVICE IS SUBJECT TO THE CURRENT DISTRICT RULES AND REGULATIONS AND ANY AMENDMENTS THEREIN.

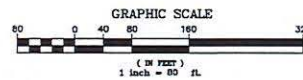
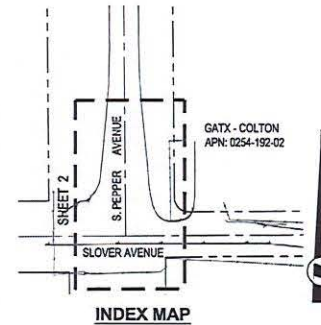
# WATER LINE CONSTRUCTION NOTES (CONT.)

28. IF CONSTRUCTION HAS NOT COMMENCED WITHIN TWO (2) YEARS OF THE DISTRICT APPROVAL DATE, THIS PLAN SHALL BE RESUBMITTED TO THE DISTRICT FOR REVIEW AND APPROVAL.
29. WATER LINES TO BE INSTALLED ONLY AFTER THE COMPLETION OF CONCRETE CURB AND GUTTER.
30. CONTRACTOR TO FURNISH 3-YEAR WARRANTY BOND FOR ALL WATER FACILITIES INSTALLED WITH THIS PLAN.
31. ALL DUCTILE IRON PIPE SHALL BE RESTRAINED PER DISTRICT STANDARD W-30.
32. ALL DUCTILE IRON JOINTS, BONDS, AND FITTINGS SHALL BE MECHANICALLY RESTRAINED AS INDICATED ON THE PLANS.
33. WATER LINE SHUTDOWNS ARE ONLY SCHEDULED BETWEEN TUESDAY THROUGH THURSDAY BASED ON DISTRICT AVAILABILITY.
34. WATER METERS WILL NOT BE RELEASED UNTIL COMPACTION REPORTS ARE RECEIVED AND APPROVED BY THE DISTRICT.
35. ALL WORK SHALL BE COMPLETED PER THE DISTRICT APPROVED PLAN. ANY CHANGES, SUBSTITUTIONS, OR DEVIATIONS FROM THESE PLANS MUST FIRST BE APPROVED BY THE DISTRICT BEFORE COMMENCING.
36. ALL WATER MAIN SEPARATION CRITERIA SHALL COMPLY WITH TITLE 22, CHAPTER 16, SECTION 44527 OF THE CALIFORNIA WATERWORKS STANDARDS. THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, DIVISION OF DRINKING WATER ("CDW") SECURES A WAIVER FOR ALL INSTALLATIONS SEEKING A SEPARATION VARIANCE FROM THIS MANDATE PRIOR TO CONSTRUCTION. CDW WAIVERS ARE REVIEWED AND SUBMITTED BY THE DISTRICT FOR FINAL APPROVAL. WATER MAINS THAT ARE CONSTRUCTED IN VIOLATION OF A CDW REQUIREMENT AND WITHOUT A CDW WAIVER, WILL NOT BE APPROVED BY THE DISTRICT AND CONNECTION TO THE DISTRICT'S WATER SYSTEM WILL BE DENIED. NOTE: CDW DOES NOT ISSUE WAIVERS FOR WATER MAINS ALREADY CONSTRUCTED.

# CORROSION PROTECTION NOTES FOR PVC PIPING

1. CORROSION PROTECTION IS REQUIRED FOR BURIED METALLIC COMPONENTS ON PVC PIPE.
2. ALL BURIED METALLIC COMPONENTS, I.E., VALVES, FLANGES, TRANSITION COUPLERS AND DUCTILE IRON CROSSES, TEES, ELBOWS AND COUPLERS SHALL BE WRAPPED WITH PETROLEUM WAX TAPE PER ANNA CSD-211.
3. COPPER TUBING SERVICE LATERALS SHALL BE BACKFILLED IN A 3-INCH (MIN) ENVELOPE OF CLEAN SAND.
4. BRASS 2-INCH AIR-VACUUM RELIEF LATERALS SHALL BE ENCASED IN A 6 IN. (100 INCH) PLASTIC CLEEVE AS INDICATED IN THE CITY OF GARDENA STANDARD DRAWING NO. 4152. WRAP ALL FORGIOUS COMPONENTS, I.E., 2-INCH GATE VALVE, WITH PETROLEUM WAX TAPE.
5. STEEL LATERALS CONNECTED TO PVC PIPE MAINS, I.E., AIR-WAYS, BLOW-OUTS AND FIRE HYDRANTS, DO NOT REQUIRE BORING BONDS. BONDS ARE REQUIRED AT ALL MECHANICAL JOINTS ON STEEL LATERALS CONNECTED TO STEEL PIPE.
6. ALL WAX TAP APPLICATIONS AND SAND TRENCH PAVING AND SHOVING SHALL BE INSPECTED BY THE PROJECT MANAGER OR INSPECTOR PRIOR TO BURIAL.

# WATER IMPROVEMENT PLANS FOR GATX 20878 SLOVER AVENUE COLTON, CA 92324 APN: 0254-192-02



# DESIGN

THIS CERTIFIED THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN DESIGNED UNDER THE DIRECT SUPERVISION OF A CIVIL ENGINEER LICENSED IN THE STATE OF CALIFORNIA, AND ARE IN ACCORDANCE WITH TITLE 22, CODE OF REGULATIONS, CHAPTER 16, CALIFORNIA WATERWORKS STANDARDS OF THE STATE OF CALIFORNIA.

*[Signature]* 45183 11-16-2022  
CAREY L. KEMPING REG. NO. & EXPIRATION DATE DATE

# FIRE

FIRE PROTECTION SYSTEM REVIEWED AND APPROVED BY:

*[Signature]* Santa Barbara County Fire  
NAME OF AGENCY  
*[Signature]* Keith Van Patten  
PRINT NAME OF FIRE AGENCY PERSONNEL SIGNING BELOW  
*[Signature]* F.P.S.E. 11-20-22  
SIGNATURE OF THE AGENT TITLE DATE

# WATER

THIS CERTIFIED THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN REVIEWED BY AND ACCEPTED BY THE WEST VALLEY WATER DISTRICT AND THAT THE DISTRICT IS WILLING AND ABLE TO SUPPLY WATER TO SERVE THIS LOCATION.

*[Signature]* Sr. Engineer 12/7/2022  
SIGNATURE TITLE DATE

# CONSTRUCTION NOTES

# ESTIMATED QUANTITIES

1. INSTALL 12" D.I.P. CLASS 350 WITH FULLY RESTRAINED JOINTS AND TRENCH EXCAVATION / BACKFILL AND PAVING PER WWD STD. DWG. NO. W-30 AND W-1 164 L.F.
2. INSTALL 24" X 12" D.I. 90° REDUCING ELBOW PER WWD STD. DWG. NO. W-30 1 EA.
3. INSTALL 12" D.I. 90° BEND 1 EA.
4. INSTALL FIRE HYDRANT PER WWD STD. DWG. NO. W-2 1 EA.
5. INSTALL 12" D.I.P. FIRE SERVICE LATERAL PER WWD STD. DWG. NO. W-28 1 EA.
6. INSTALL 10" D.O.S.A. FIRE SERVICE ASSEMBLY PER WWD STD. DWG. NO. W-15 WITH BLIND FLANGE ON END 1 EA.
7. INSTALL 4" WATER SERVICE WITH 4" METER PER WWD STD. DWG. NO. W-9 1 EA.
8. INSTALL 2" AIR VALVE ASSEMBLY PER WWD STD. DWG. NO. W-64 1 EA.
9. INSTALL 4" BACKFLOW PREVENTER PER WWD STD. DWG. NO. W-20 1 EA.
10. INSTALL 12" BLIND FLANGE AT HYDRANT TEE 1 EA.

# OWNERS/DEVELOPERS

GATX  
20878 SLOVER AVENUE  
COLTON, CALIFORNIA 92324  
(909) 825-3043

# LEGEND

- EXISTING EDGE OF PAVEMENT
- EXISTING AC BERM
- EXISTING RIGHT OF WAY
- STREET CENTER LINE
- EXISTING WATER LINE
- PROPOSED WATER LINE
- EXISTING GATE VALVE
- PROPOSED REDUCER
- PROPOSED AIR VALVE ASSEMBLY

# BENCH MARK

COUNTY OF SAN BERNARDINO TBM,  
ELEVATION=1013.108  
FOUND CHISELED IN IN SOUTHWEST CORNER TOP BY  
POWER POLE #1121234, 4187' WEST OF GRADE  
AVENUE ALONG N STREET PER CSD 4249/844  
AND 4017/2234

# NOTE:

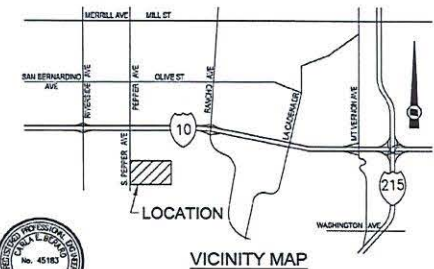
CONTRACTOR SHALL POT-HOLE EXISTING PIPE TO VERIFY LOCATION & DEPTH PRIOR TO CONSTRUCTION OF THE ON-SITE IMPROVEMENTS. IF THERE IS ANY DISCREPANCY BETWEEN THE FIELD CONDITION AND THE IMPROVEMENT PLAN, ADJUSTMENTS MAY BE NECESSARY TO MEET THE EXISTING CONDITION.

# BASIS OF BEARINGS

THE BEARING OF NORTH 002°24' WEST FOR THE CENTERLINE OF PEPPER AVENUE AS SHOWN ON RECORD OF SURVEY 18-2143, FILED IN BOOK 166, PAGES 2-5 OF RECORDS OF SURVEY MAY BE USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

# SHEET INDEX

SHEET 1 - TITLE SHEET  
SHEET 2 - PLAN & PROFILE SLOVER AND S. PEPPER AVENUE STA. 10+00.00 TO 11+64.00



# ENGINEER'S NOTICE TO CONTRACTORS

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. LOCATIONS ARE APPROXIMATE AND SHALL BE CONFIRMED IN THE FIELD BY THE CONTRACTOR, SO THAT ANY NECESSARY ADJUSTMENT CAN BE MADE IN ALIGNMENT AND/OR GRADE OF THE PROPOSED IMPROVEMENT. THE CONTRACTOR IS REQUIRED TO TAKE THE PRECAUTIONARY MEASURE TO PROTECT ANY UTILITY LINES SHOWN AND ANY OTHER LINES NOT OF RECORD OR NOT SHOWN ON THESE PLANS.



CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL BE MADE TO APPLY TO CONTRACTOR AND NOT TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

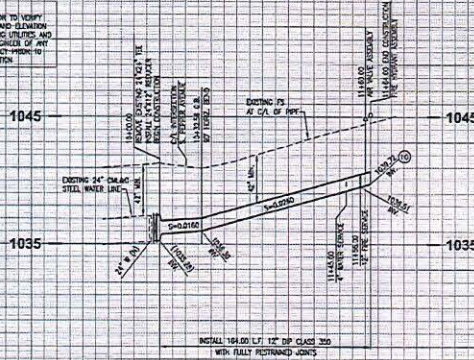
Revision	No.	By	Date	Approved

APPROVED	DATE
_____ ICL	_____ Date
DESIGNED	CHECKED
CSB	AM/JS
DRAWN	DATE
_____ Job No.	_____ AS SHOWN

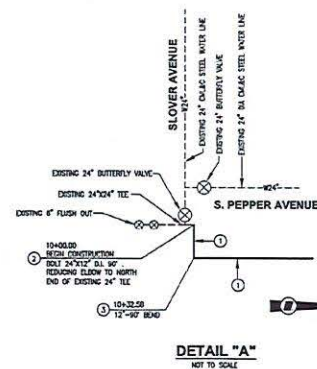
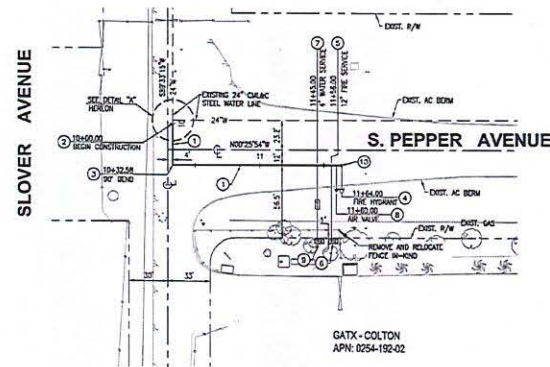
<b>LDKING</b>	L.D. KING, INC. 975 N. HAVEN AVENUE, SUITE 200 ONTARIO, CA 91764 (909)-945-0026	<b>WEST VALLEY WATER DISTRICT</b>
Pressure Zone: ZONE 2	Area Sheet: NDS	WVP Number: 022010
<b>WATER IMPROVEMENT PLANS FOR</b> GATX 20878 SLOVER AVENUE COLTON, CA 92324		<b>SHEET</b> 1 of 2 SHEETS



NOTE:  
CONTRACTOR TO VERIFY  
LOCATION AND ELEVATION  
OF EXISTING UTILITIES AND  
NOTIFY ENGINEER OF ANY  
DISCREPANCIES PRIOR TO  
CONSTRUCTION.



PROFILE SCALE  
HORIZ: 1" = 40'  
VERT: 1" = 4'



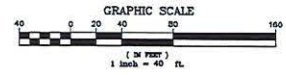
- CONSTRUCTION NOTES**
1. INSTALL 12" DWP, CLASS 350 WITH FULLY RESTRAINED JOINTS AND TRENCH EXCAVATION / BACKFILL AND FINISH PER WIND STD. DNG. NO. W-30 AND W-1
  2. INSTALL 24" 12" 90° REDUCING ELBOW PER WIND STD. DNG. NO. W-30
  3. INSTALL 12" 90° BEND
  4. INSTALL FIRE HYDRANT PER WIND STD. DNG. NO. W-3
  5. INSTALL 12" DWP, FIRE SERVICE LATERAL PER WIND STD. DNG. NO. W-28
  6. INSTALL 10" DWP, FIRE SERVICE ASSEMBLY PER WIND STD. DNG. NO. W-15 WITH BLIND FLANGE ON END
  7. INSTALL 4" WATER SERVICE WITH 4" METER PER WIND STD. DNG. NO. W-9
  8. INSTALL 2" AIR VALVE ASSEMBLY PER WIND STD. DNG. NO. W-6A
  9. INSTALL 4" BACKFLOW PREVENTER PER WIND STD. DNG. NO. W-30
  10. INSTALL 12" BLIND FLANGE AT HYDRANT TEE



CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS RESPONSIBILITY SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD OTHER PROFESSIONAL PARTIES FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

Revision	No.	By	Date	Approved

**LCKING**  
L.D. KING, INC.  
970 AL HAVEN AVENUE, SUITE 200  
ONTARIO, CA 91764  
(909) 945-0526

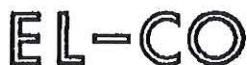


**WEST VALLEY WATER DISTRICT**  
**WATER IMPROVEMENT PLANS FOR**  
GATX  
20878 SLOVER AVENUE COLTON, CA 92324

SHEET  
2 of 2  
SHEETS

# Exhibit C



**CONTRACTORS, INC.**

1995 Nolan Street, San Bernardino, CA 92407 • Telephone (909) 887-2610 or 887-1013 • Fax (909) 880-9091  
P.O. Box 9130 San Bernardino, CA 92427

TO: Name      GATX Corporation  
Address      20878 Slover Avenue  
City          Colton, CA 92324

PROJECT:  
LOCATION:

DATE: 12/1/2022      ATTN: Rosalia Jordan      TELEPHONE: \_\_\_\_\_

Revised 03/13/2023

We propose to furnish Labor & Material to perform the work hereafter specified.

Water Improvements

1	Lump Sum	Mobilization	7,500.00	7,500.00
2	180 LF	12" CI-350 Ductile Iron Pipe	132.00	23,760.00
3	1 Each	12" 90-Degree Bend	1,500.00	1,500.00
4	1 Each	12" Connection	21,000.00	21,000.00
5	1 Each	Fire Hydrant	14,500.00	14,500.00
6	1 Each	2" Air-Vac	9,200.00	9,200.00
7	1 Each	10" Fire Service	53,000.00	53,000.00
8	1 Each	4" Meter	32,000.00	32,000.00
9	1 Each	4" Backflow Assembly	13,500.00	13,500.00
10	1,600 SqFt	Cut, Remove & Trench Pave	15.00	24,000.00
11	Lump Sum	Compaction	3,500.00	3,500.00
12	Lump Sum	2-Year Warranty Bond	7,400.00	7,400.00
13	Lump Sum	Test and Chlorinate	4,500.00	4,500.00
14	Lump Sum	Traffic Control	2,500.00	2,500.00

TOTAL:      217,860.00

**NOTES:**

- 1 Plans are not approved by the Water District therefore subject to change upon approved set of plans.
- 2 Permits are excluded.
- 3 Item #10 includes a trench pave only, doesn't include grind & overlay.

1. Permits & Inspection fee by others.
2. Engineering & Staking by others.
3. Construction water to be furnished & paid for by others.
4. All work completed by the 25th of each month is due and payable on the 10th of the following month.
5. Final billings will be based on actual measurements of work at the above prices.

General conditions, on the reverse side, are an integral part of the agreement.

ACCEPTED:

**EL-CO CONTRACTORS, INC.**  
STATE LICENSE NO. 317093

BY: \_\_\_\_\_

BY: John Wiles, Sec/GenMgr.

DATED: \_\_\_\_\_

# Exhibit D



**ESTABLISHED AS A PUBLIC AGENCY IN 1952**

**WEST VALLEY WATER DISTRICT'S MISSION IS TO PROVIDE A RELIABLE,  
SAFE-DRINKING WATER SUPPLY TO MEET OUR CUSTOMERS' PRESENT  
AND FUTURE NEEDS AT A REASONABLE COST AND TO PROMOTE  
WATER-USE EFFICIENCY AND CONSERVATION.**

## **2023 HOLIDAY LIST**

MONDAY, JANUARY 2  
MONDAY, JANUARY 16  
MONDAY, FEBRUARY 20  
MONDAY, MAY 29  
TUESDAY, JULY 4  
MONDAY, SEPTEMBER 4  
FRIDAY, NOVEMBER 10  
THURSDAY, NOVEMBER 23  
FRIDAY, NOVEMBER 24  
MONDAY, DECEMBER 25  
TUESDAY, DECEMBER 26  
MONDAY, JANUARY 1

NEW YEAR'S DAY  
MARTIN LUTHER KING, JR.  
PRESIDENT'S DAY  
MEMORIAL DAY  
INDEPENDENCE DAY  
LABOR DAY  
VETERANS DAY (OBSERVED)  
THANKSGIVING  
DAY AFTER THANKSGIVING  
CHRISTMAS EVE  
CHRISTMAS  
NEW YEAR'S EVE (2024)



# LANDOWNER CONSENT FORM

## Local Agency Formation Commission For San Bernardino County

I (We), Yasmin Asghari - GATX, consent to the  
annexation/ reorganization of my (our) property located at:

20878 Slover Ave, Colton, CA 92324

which is identified as Assessor's Parcel Number(s) 0254-192-02

to the West Valley Water District

(name of agency)

Signature(s):



Address:

233 S. Wacker Drive

City, State, Zip

Chicago, IL 60606

Date Signed:

2/13/2024

*If a corporation or company owns the property, please provide with  
this form authorization from the entity for the signer to sign on its  
behalf.*

# **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



February 2, 2024

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

**RECEIVED**

**FEB 05 2024**

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

Dear Sam:

LAFCOs 3263 and 3264 consist of a request from the West Valley Water District (District) for a Sphere of Influence Amendment Expansion and Annexation to the District for a single parcel of land (APN 0254-192-02) located at the southeastern boundary of the District's current service area. This parcel encompasses approximately 33.14 acres of property that is currently developed with the GATX Corporation's rail service facility. It is located on the east side of Pepper Avenue, between the Union Pacific Railroad and Slover Avenue, within the City of Colton's unincorporated Sphere of Influence. The purpose is to provide the GATX facility with potable water, irrigation water, and sufficient water supply and storage to meet potential fire suppression needs of this facility. Due to the contamination issues related to its groundwater source and its inability to continue to use its onsite water system, GATX Corporation requested connection to the District's water facilities.

These actions will be handled together as the Sphere Expansion must be approved prior to the Annexation in order to be considered. The combined action will allow the District to extend District water services to the property from existing and proposed water facilities located in Pepper Street. Aside from responding to demands for specific services on a future case-by-case basis, the Sphere and Annexation approval would not result in any specific physical changes to the environment.

Therefore, after careful review, I am recommending that the Commission consider the adoption of a Common-Sense Exemption for LAFCO 3263 and LAFCO 3264. I recommend that the Commission find that an Exemption as defined in CEQA applies to this project under Section 15061(b)(3) of the State CEQA Guidelines, which states: "A project is exempt from CEQA if the activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." It is my opinion, and recommendation to the Commission, that this circumstance applies to LAFCOs 3263 and 3264.

Based on this review of LAFCOs 3263 and 3264 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that these actions do not constitute a project under CEQA and adoption of Common-Sense Exemption and filing of a Notice of Exemption is the most appropriate determination to comply with CEQA for these actions. The Commission can approve the review and findings for these actions and I recommend that you notice LAFCOs 3263 and 3264 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 both actions once the hearing is completed.

A copy of this exemption recommendation should be retained in LAFCO's project file for LAFCOs 3263 and 3264 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

LA-1051/LAFCO 3263 & 3264 SE NOE

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**PROPOSAL NO.: LAFCO 3263**

**HEARING DATE: FEBRUARY 21, 2024**

## **RESOLUTION NO. 3396**

### **A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3263 AND APPROVING THE SPHERE OF INFLUENCE AMENDMENT (EXPANSION) FOR WEST VALLEY WATER DISTRICT**

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

**WHEREAS**, an application for the proposed sphere of influence amendment (expansion) in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as “the Commission”) in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

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

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

**WHEREAS**, the public hearing by this Commission was called for February 21, 2024 at the time and place specified in the notice of public hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written support and opposition; the Commission considered all objections and evidence which were made, presented, or filed; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing; and,

**WHEREAS**, an exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that the sphere of influence amendment is exempt from CEQA and such exemption was adopted by this Commission on February 21, 2024. The Commission directed its Executive Officer to file a Notice of

## RESOLUTION NO. 3396

Exemption within five working days with the San Bernardino County Clerk of the Board of Supervisors; and,

**WHEREAS**, the Commission determined that the proposed sphere of influence amendment, submitted under the provisions of Government Code Section 56428, does not require a service review; and,

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

**1. *The present and planned land uses in the area, including agricultural and open space lands***

This area is zoned for heavy industrial use and is currently utilized by GATX for railcar maintenance and cleaning.

**2. *The present and probable need for public facilities and services in the area***

The purpose is to continue providing the GATX facility with potable water, irrigation water, and sufficient water supply and storage to meet potential fire suppression needs of this facility. Due to the contamination issues related to its groundwater source and its inability to continue to use its onsite water system, GATX Corporation requested connection to the Water District's water facilities.

**3. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide***

The West Valley Water District currently owns and operates a 24" water main at the intersection of Pepper Ave and Slover Ave directly in front of the GATX property. This area of the District is serviced by the Zone 2 pressure system which adequately supplies the domestic, fire and irrigation needs of the site.

**4. *The existence of any social or economic communities of interest***

There are no social communities of interest since the affected territory has no registered voters. The operations at the GATX facility consist of cleaning and maintaining rail cars that are leased to other entities.

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

There are no disadvantaged unincorporated communities within the affected territory, which has no registered voters.

## RESOLUTION NO. 3396

### Additional Determinations

- As required by State Law, notice of the Commission's consideration of this issue has been advertised through publication in *The Sun*, a newspaper of general circulation in the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies wishing mailed notice.
- LAFCO staff has also provided individual notices in conjunction with noticing the proposed annexation proposal, LAFCO 3264, to landowners surrounding the sphere amendment and annexation area in accordance with state law and adopted Commission policies.
- The map and legal description for the sphere of influence amendment, as revised, are in substantial compliance with LAFCO and State standards.

**WHEREAS**, pursuant to the provisions of Government Code Section 56425(i), the range of services provided by the West Valley Water District shall be limited to the following:

<u>FUNCTION</u>	<u>SERVICES</u>
Water	Domestic, irrigation, spreading
Sewer	Collection

**WHEREAS**, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it determines to amend the sphere of influence for the West Valley Water District (expansion).

**NOW, THEREFORE, BE IT RESOLVED** by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall consider the territory described in Exhibits "A" and "A-1" as being within the sphere of influence for the West Valley Water District, it being fully understood that the amendment of said sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

**BE IT FURTHER RESOLVED** that the Local Agency Formation Commission for San Bernardino County, State of California, does hereby determine that the West Valley Water District, as the applicant, shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

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

**AYES: COMMISSIONERS:**



**RESOLUTION NO. 3396**

**NOES: COMMISSIONERS:**

**ABSTAIN: 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 February 21, 2024.

**DATED:**

\_\_\_\_\_  
**SAMUEL MARTINEZ**  
Executive Officer

**LAFCO 3263 – Sphere of Influence Amendment (Expansion)  
for West Valley Water District  
LAFCO 3264 - Annexation to West Valley Water District  
(APN 0254-192-02 -- GATX Corporation)**

That portion of land in the Southeast Quarter of Section 24, Township 1 South, Range 5 West, San Bernardino Meridian, in San Bernardino County, State of California, described as follows:

THAT PORTION OF FARM LOT 231 LYING SOUTH OF THE RIGHT OF WAY OF THE SOUTHERN PACIFIC RAILROAD COMPANY AND ALL OF LOT 246, ACCORDING TO MAP OF THE TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, IN SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4, PAGE 11, OF MAPS, RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE ORIGINAL CENTERLINE OF PEPPER AVENUE AND THE CENTERLINE OF SLOVER AVENUE, SAID POINT BEING THE INTERSECTION OF PEPPER AVENUE (CL SURVEY) AND SLOVER AVENUE AS SHOWN ON RECORD OF SURVEY 18-0143, FILED IN BOOK 166, PAGES 2 THROUGH 5, OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

FROM THE **POINT OF BEGINNING**:

COURSE 1      THENCE NORTH 00°25'54" WEST ALONG THE ORIGINAL CENTERLINE OF PEPPER AVENUE, 1208.21 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF SOUTHERN PACIFIC TRANSPORTATION COMPANY (UNION PACIFIC RAILROAD);

COURSE 2.      THENCE SOUTH 76°56'59" EAST ALONG SAID RIGHT OF WAY, 610.84 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 5832.37 FEET;

COURSE 3.      THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°55'40" AN ARC DISTANCE OF 705.20 FEET TO A POINT ON THE CENTERLINE OF MERIDIAN STREET, SAID CENTERLINE BEING ON THE SECTION LINE BETWEEN SECTION 24 OF TOWNSHIP 1 SOUTH, RANGE 5 WEST AND SECTION 19 OF TOWNSHIP 1 SOUTH RANGE 4 WEST, A RADIAL LINE TO SAID POINT BEARS SOUTH 06°07'10" WEST;

COURSE 4.      THENCE ALONG SAID SECTION LINE, SOUTH 00°39'40" WEST, 943.11 FEET TO THE CENTERLINE OF SLOVER AVENUE;

COURSE 5.      THENCE LEAVING SAID SECTION LINE, SOUTH 89°33'22" WEST ALONG SAID CENTERLINE OF SLOVER AVENUE, 1270.05 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 31.20 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

  
CARLA E. BERARD, P.L.S. 7224

12/11/2023

DATE

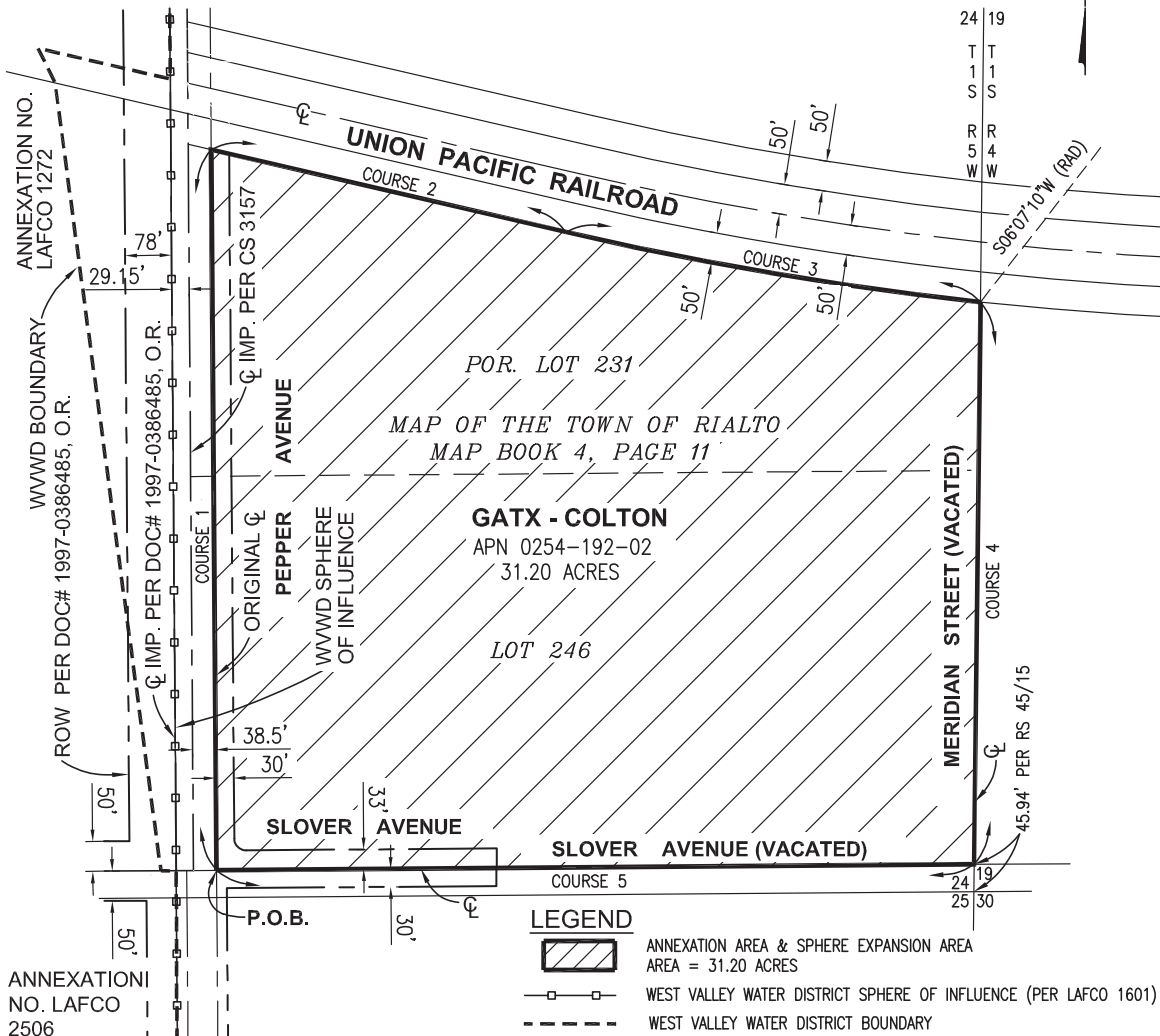


## GENERAL DESCRIPTION

LOCATED ON THE EAST SIDE OF PEPPER AVENUE, BETWEEN THE UNION PACIFIC RAILROAD AND SLOVER AVENUE, WITHIN THE CITY OF COLTON'S UNINCORPORATED SPHERE OF INFLUENCE. POR. S.E. 1/4, SEC 24, T.1S., R.5W. (APN 0254-192-02)

LAFCO 3263 - Sphere of Influence Amendment (Expansion)  
for West Valley Water District  
LAFCO 3264 - Annexation to West Valley Water District  
(APN 0254-192-02 - GATX Corporation)

SCALE: 1"=200'



### COURSE TABLE

	BEARING	DELTA	RADIUS	LENGTH
COURSE 1	N00°25'54\"W	-	-	1208.21'
COURSE 2	N76°56'59\"W	-	-	610.84'
COURSE 3	-	06°55'40\"	5832.37'	705.20'
COURSE 4	N00°39'40\"E	-	-	943.11'
COURSE 5	N89°33'22\"E	-	-	1270.05'

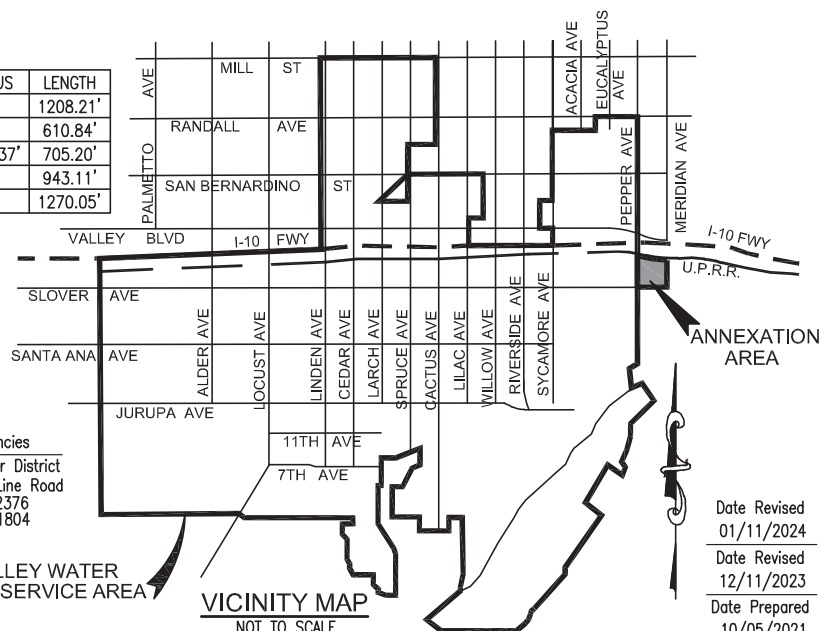


**LDKING**  
Engineers/Surveyors  
975 N. Haven Avenue  
Suite 200  
Ontario, CA 91764  
Phone: (909) 945-0526

Affected Agencies  
West Valley Water District  
855 West Base Line Road  
Rialto CA 92376  
(909) 875-1804

WEST VALLEY WATER  
DISTRICT SERVICE AREA

VICINITY MAP  
NOT TO SCALE



Date Revised  
01/11/2024  
Date Revised  
12/11/2023  
Date Prepared  
10/05/2021

GATX  
JN 736002

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

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**PROPOSAL NO.: LAFCO 3264**

**HEARING DATE: FEBRUARY 21, 2024**

## **RESOLUTION NO. 3397**

### **A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3264 - ANNEXATION TO WEST VALLEY WATER DISTRICT (APN 0254-192-02 --GATX CORPORATION)**

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

**WHEREAS**, an application for the proposed reorganization in San Bernardino County was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and executed his certificate in accordance with law, determining and certifying that the filings are sufficient; and,

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

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

**WHEREAS**, the public hearing by this Commission was called for February 21, 2024 at the time and place specified in the notice of public hearing; and,

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

## RESOLUTION NO. 3397

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission does hereby determine, find, resolve, and order as follows:

**SECTION 1.** The proposal is approved subject to the terms and conditions hereinafter specified:

### **CONDITIONS:**

**Condition No. 1.** The boundaries 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 3264.

**Condition No. 3.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the West Valley Water 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 West Valley Water District shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission’s approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

**Condition No. 5.** The date of issuance of the Certificate of Completion shall be the effective date of this annexation.

**SECTION 2.** The Commission determines that:

- a) this proposal is certified to be legally uninhabited;
- b) it has 100 % landowner consent; and,
- c) no written opposition to a waiver of protest proceedings has been submitted by the subject agency.

Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56662(d).

**SECTION 3. DETERMINATIONS.** The following determinations are required to be provided by Commission policy and Government Code Section 56668:

1. The County Registrar of Voters Office has determined that the annexation area is legally uninhabited, containing zero registered voters as of August 22,2023.
2. The County Assessor’s Office has determined that the total estimated assessed value of land and improvements within the annexation area is \$7,040,964.

## RESOLUTION NO. 3397

3. Through approval of the companion sphere of influence amendment, LAFCO 3263, the annexation will be within the sphere of influence assigned the West Valley Water District.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in *The Sun*, a newspaper of general circulation within the annexation area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to landowners surrounding the annexation area (44 total). Comments from registered voters, landowners, and other individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.
6. The Southern California Associated Governments (SCAG) has adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTPSCS) pursuant to Government Code Section 65080. LAFCO 3264 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy.
7. The Local Agency Formation Commission has determined that this proposal is exempt from environmental review. The basis for this determination is 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). The Commission adopted the Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
8. The annexation area is currently served by the following local agencies: County of San Bernardino, Inland Empire Resource Conservation District, San Bernardino Valley Municipal Water District, San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5, County Service Area 70 (unincorporated County-wide multi-function agency).

None of the agencies are affected by this annexation.

9. The West Valley Water District submitted a plan for the provision of water service as required by Government Code Section 56653. The Plan is to continue providing the GATX facility with potable water, irrigation water, and sufficient water supply and storage to meet potential fire suppression needs of this facility. Due to the contamination issues related to its groundwater source and its inability to continue to use its onsite water system, the property owner requested connection to the Water District's water facilities. The Plan for Service has been reviewed and compared with the standards established by the Commission and



## **RESOLUTION NO. 3397**

the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements.

10. The annexation area can benefit from the availability and extension of services provided by the West Valley Water District.
11. This proposal will not affect the fair share allocation of the regional housing needs assigned the County through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) since the annexation area is a rail service facility.
12. With respect to environmental justice, the annexation proposal will not result in the unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino, acting on behalf of the West Valley Water District, adopted a resolution determining there will be a zero property tax transfer as a result of the annexation. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards.

**SECTION 4.** The primary reason the annexation is to continue providing the GATX facility with potable water, irrigation water, and sufficient water supply and storage to meet potential fire suppression needs of this facility. Due to the contamination issues related to its groundwater source and its inability to continue to use its onsite water system, GATX Corporation requested connection to the West Valley Water District's water facilities.

**SECTION 5.** The affected territory will not be taxed for existing bonded indebtedness or contractual obligations by the West Valley Water District through the annexation. The West Valley Water District utilizes the regular County assessment rolls.

**SECTION 6.** Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

**SECTION 7.** The Commission hereby orders the territory described in Exhibits "A" and "A-1" annexed. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

**SECTION 8.** The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

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

**RESOLUTION NO. 3397**

**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 February 21, 2024.

**DATED:**

\_\_\_\_\_  
**SAMUEL MARTINEZ**  
Executive Officer

**LAFCO 3263 – Sphere of Influence Amendment (Expansion)  
for West Valley Water District  
LAFCO 3264 - Annexation to West Valley Water District  
(APN 0254-192-02 -- GATX Corporation)**

That portion of land in the Southeast Quarter of Section 24, Township 1 South, Range 5 West, San Bernardino Meridian, in San Bernardino County, State of California, described as follows:

THAT PORTION OF FARM LOT 231 LYING SOUTH OF THE RIGHT OF WAY OF THE SOUTHERN PACIFIC RAILROAD COMPANY AND ALL OF LOT 246, ACCORDING TO MAP OF THE TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, IN SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4, PAGE 11, OF MAPS, RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE ORIGINAL CENTERLINE OF PEPPER AVENUE AND THE CENTERLINE OF SLOVER AVENUE, SAID POINT BEING THE INTERSECTION OF PEPPER AVENUE (CL SURVEY) AND SLOVER AVENUE AS SHOWN ON RECORD OF SURVEY 18-0143, FILED IN BOOK 166, PAGES 2 THROUGH 5, OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

FROM THE **POINT OF BEGINNING**:

COURSE 1      THENCE NORTH 00°25'54" WEST ALONG THE ORIGINAL CENTERLINE OF PEPPER AVENUE, 1208.21 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF SOUTHERN PACIFIC TRANSPORTATION COMPANY (UNION PACIFIC RAILROAD);

COURSE 2.      THENCE SOUTH 76°56'59" EAST ALONG SAID RIGHT OF WAY, 610.84 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 5832.37 FEET;

COURSE 3.      THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°55'40" AN ARC DISTANCE OF 705.20 FEET TO A POINT ON THE CENTERLINE OF MERIDIAN STREET, SAID CENTERLINE BEING ON THE SECTION LINE BETWEEN SECTION 24 OF TOWNSHIP 1 SOUTH, RANGE 5 WEST AND SECTION 19 OF TOWNSHIP 1 SOUTH RANGE 4 WEST, A RADIAL LINE TO SAID POINT BEARS SOUTH 06°07'10" WEST;

COURSE 4.      THENCE ALONG SAID SECTION LINE, SOUTH 00°39'40" WEST, 943.11 FEET TO THE CENTERLINE OF SLOVER AVENUE;

COURSE 5.      THENCE LEAVING SAID SECTION LINE, SOUTH 89°33'22" WEST ALONG SAID CENTERLINE OF SLOVER AVENUE, 1270.05 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 31.20 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

  
CARLA E. BERARD, P.L.S. 7224

12/11/2023

DATE

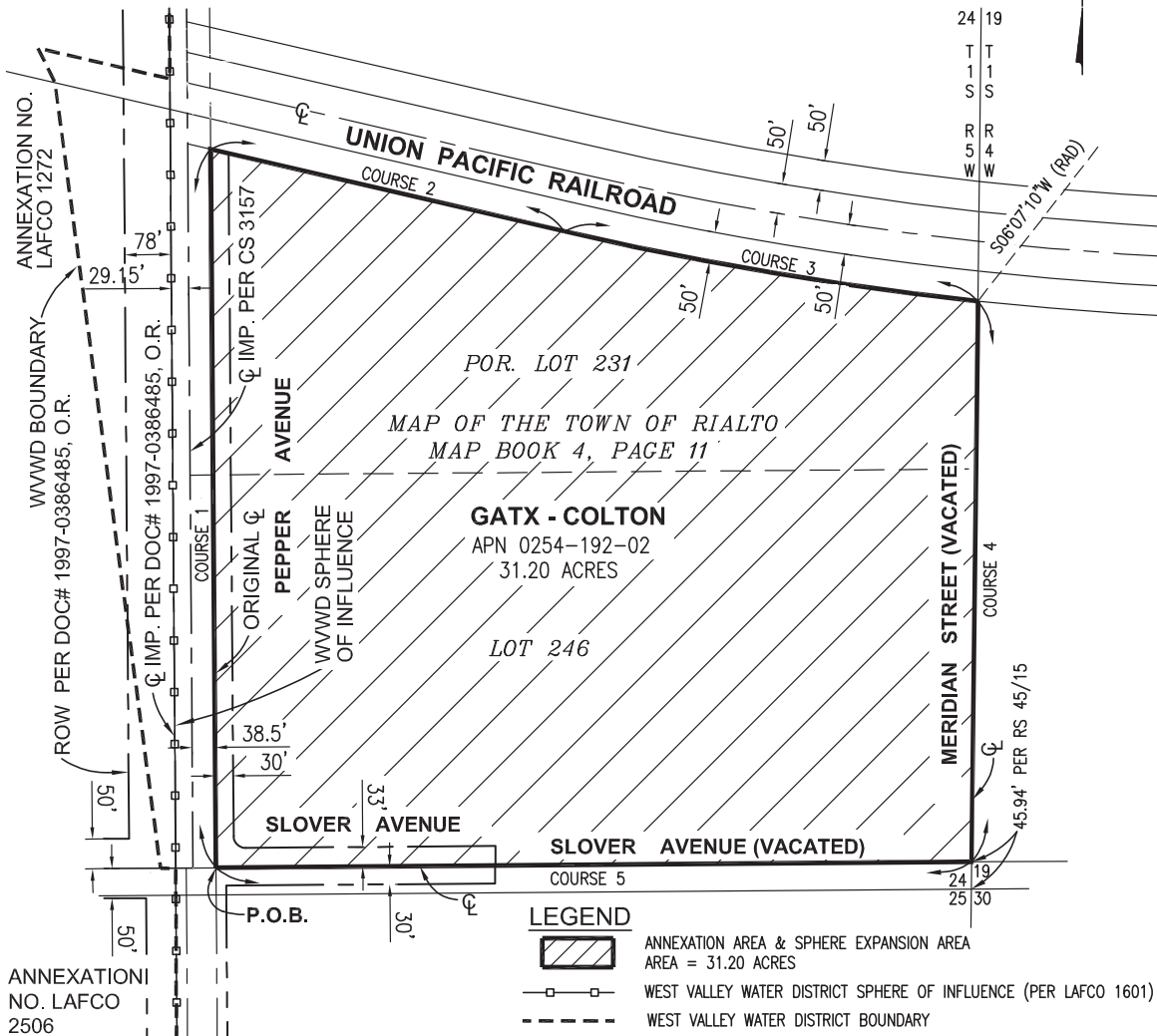


## GENERAL DESCRIPTION

LOCATED ON THE EAST SIDE OF PEPPER AVENUE, BETWEEN THE UNION PACIFIC RAILROAD AND SLOVER AVENUE, WITHIN THE CITY OF COLTON'S UNINCORPORATED SPHERE OF INFLUENCE. POR. S.E. 1/4, SEC 24, T.1S., R.5W. (APN 0254-192-02)

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SCALE: 1"=200'



## COURSE TABLE

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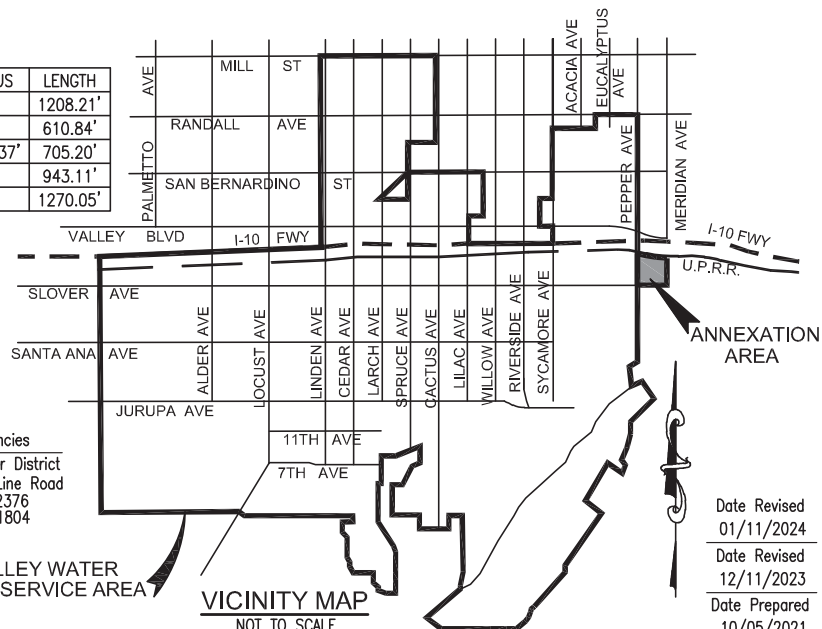


**LDKING**  
Engineers/Surveyors  
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Suite 200  
Ontario, CA 91764  
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Affected Agencies  
West Valley Water District  
855 West Base Line Road  
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(909) 875-1804

WEST VALLEY WATER  
DISTRICT SERVICE AREA

VICINITY MAP  
NOT TO SCALE



Date Revised  
01/11/2024  
Date Revised  
12/11/2023  
Date Prepared  
10/05/2021

GATX  
JN 736002

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

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**DATE:** FEBRUARY 14, 2024  
**FROM:** SAMUEL MARTINEZ, Executive Officer  
ARTURO PASTOR, Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #10: LAFCO 3265 – Annexation to the Bighorn-Desert View Water Agency and Bighorn-Desert View Water Agency Improvement Zone CSA 70 W-1 (APN 0631-071-29)

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## **INITIATED BY:**

Resolution of the Board of Directors of the Bighorn-Desert View Water Agency

## **RECOMMENDATION:**

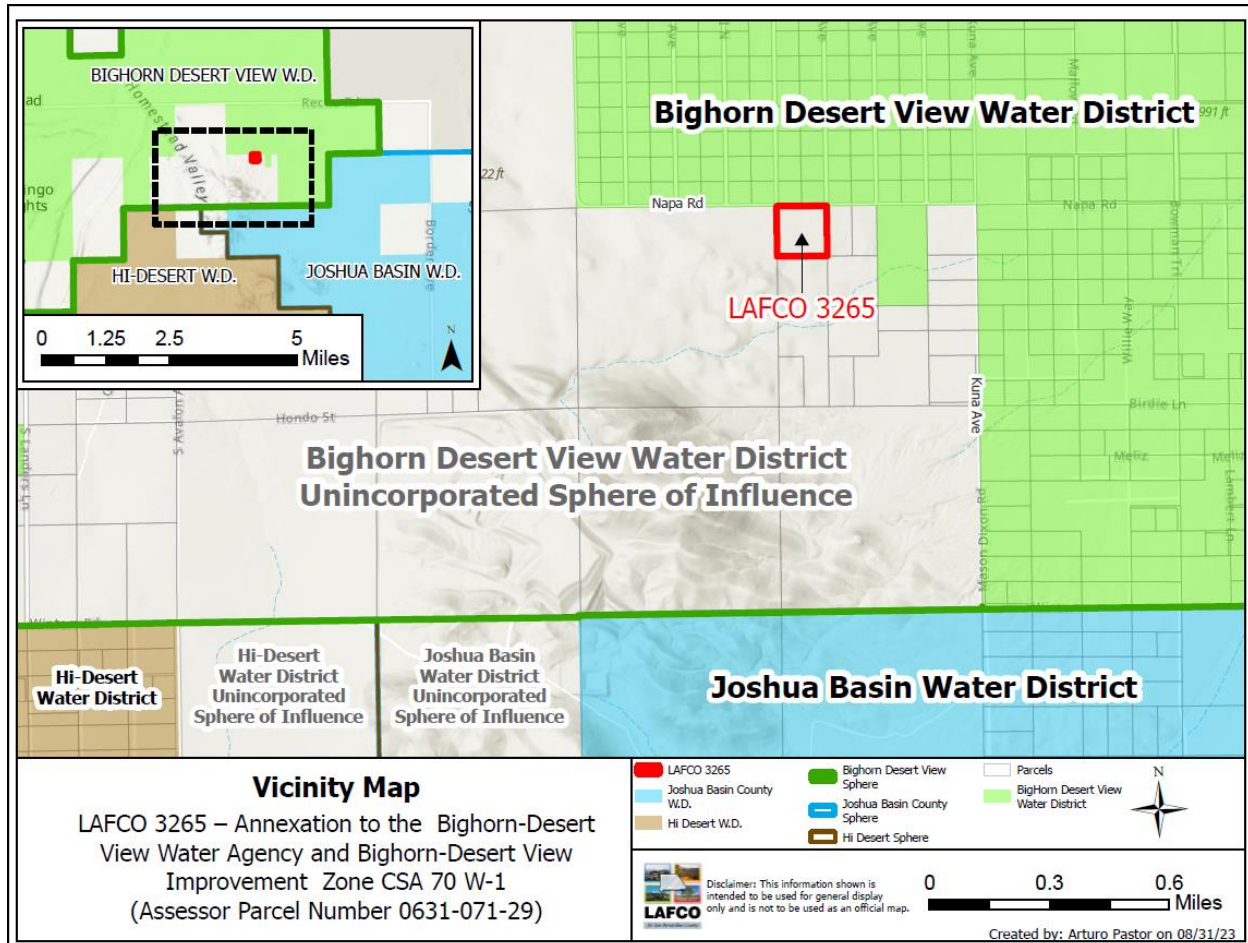
The staff recommends that the Commission approve LAFCO 3265 by taking the following actions:

1. For environmental review, certify that LAFCO 3265 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 3265, with the condition for the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, etc.;
3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the annexation; and,
4. Adopt LAFCO Resolution No. 3391, setting forth the Commission’s determinations and conditions of approval concerning LAFCO 3265.

## **BACKGROUND:**

In August 2023, the Bighorn-Desert View Water Agency (hereinafter the “Agency”) initiated an annexation application—with 100% landowner consent—to annex

approximately 10 acres into the Agency. The annexation area includes Assessor Parcel Number (APN) 0631-071-29, which is adjacent to the Agency's boundary generally located within the Agency's southeastern sphere of influence. The map below provides a general location of the area to be annexed into the Agency's boundary, which is also included as part of Attachment #1 to this report.



The primary reason for the annexation request is to provide water service to the parcel. The property owner is proposing to build a single-family residence on the parcel, which is currently not within the Agency's boundary; therefore, annexation to the Agency is required in order to gain access to water.

This report will provide the Commission with the information related to the four major areas of consideration required for a jurisdictional change – boundaries, land uses, service issues and the effects on other local governments, and environmental considerations.



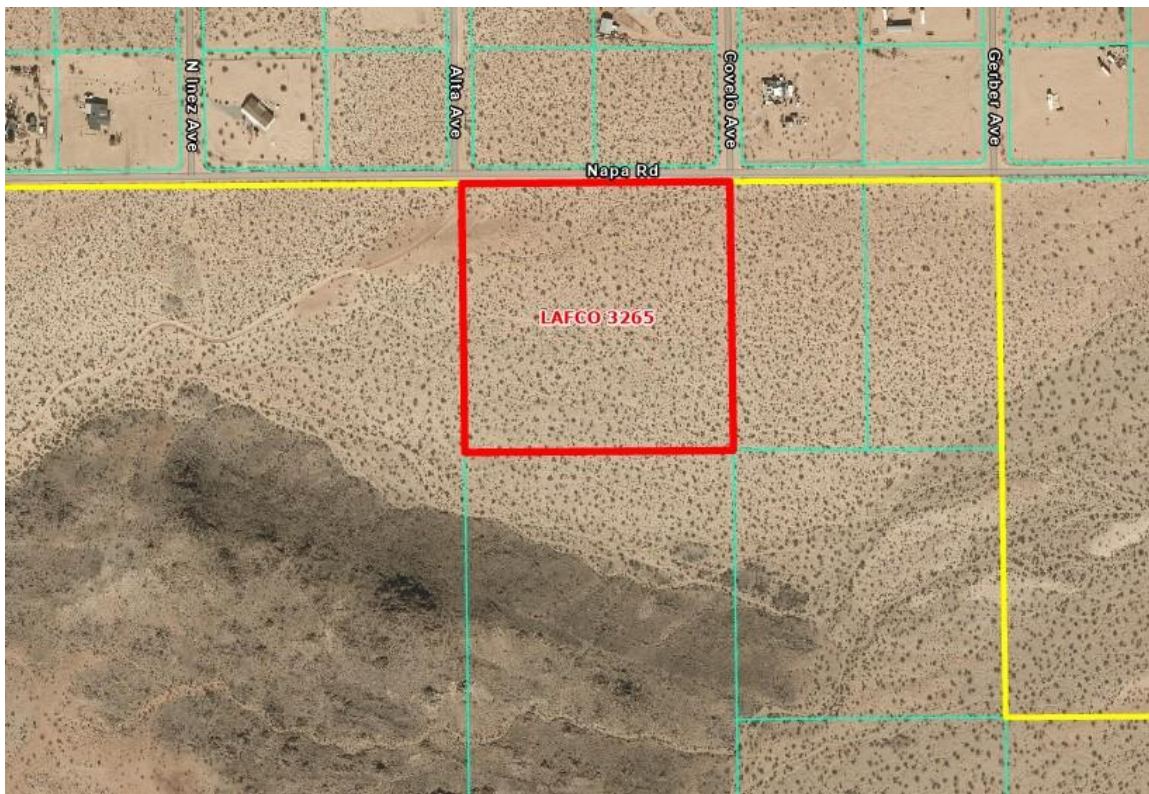
### **BOUNDARIES:**

The annexation area includes APN 0631-071-29, which is generally located on the south side of Napa Road between Alta and Covelo Avenues, which comprises approximately 10 acres. The annexation area is bounded by parcel lines on the east, the south, and the west, and by Napa Road (existing Agency boundary) on the north.

LAFCO 3265 has no boundary concern since annexation into the Agency is required in order to receive water service. In addition, LAFCO 3265 is contiguous to the Agency, and it does not affect the boundaries of another agency.

### **LAND USE:**

The parcel is currently vacant. The County's current General Plan land use designation for the parcel is HV/RL (Homestead Valley/Rural Living, one unit per 2.5 acres), which allows for rural residential development set in expansive areas of open space. Based on the size of the parcel, the property owner could subdivide the parcel into a maximum of four lots. An aerial display of the general vicinity is shown below:



No change in land use is anticipated as a result of the annexation. In addition, approval of this proposal will have no direct impact on the current land use designation assigned for the parcel. Therefore, there are no land use concerns related to this proposal.

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

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. The County service providers within the annexation area are County Service Area 70 Zone R-15 (road service) and Zone TV-5 (TV transmission) and County Service Area 70 (multi-function entity, unincorporated countywide). In addition, the following entities overlay the annexation area: Mojave Desert Resource Conservation District, Mojave Water Agency and its Improvement Zones 1 and M (State Water Contractor), Morongo Basin Healthcare District, San Bernardino County Fire Protection District (SBCFPD), SBCFPD South Desert Service Zone, and SBCFPD Service Zone FP-5.

The application includes a plan for the extension of water service to the parcel as required by law and Commission policy (included as part of Attachment #2 to this report). The Plan for Service indicates that water service will be provided to the parcel from the Agency's existing 8-inch water main in Napa Road. In addition, the property owner will be responsible for construction of the necessary extension from the water main to the water meter.

As required by Commission policy and State law, the Plan for Service shows that the extension of its services will maintain, and/or exceed, current service levels provided to the parcel.

### **ENVIRONMENTAL CONSIDERATIONS:**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Tom Dodson and Associates, has indicated that the review of LAFCO 3265 is exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the fact that the annexation will not result in any specific physical changes to 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 #4 to this report.

### **WAIVER OF PROTEST PROCEEDINGS:**

The annexation area is legally uninhabited and LAFCO staff verified that the study area possesses 100% landowner consent to the annexation (see Attachment #3). Therefore, if the Commission approves LAFCO 3265 and none of the affected agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending pursuant to Government Code Section 56662(d) that protest proceedings be waived and that the Executive Officer be directed to complete the action following completion of the mandatory reconsideration period of 30-days.

## **CONCLUSION:**

LAFCO 3265 was submitted to provide water service to APN 0631-071-29, which is proposed to be developed for residential use in the future. The parcel is currently not within the Agency's boundary; therefore, annexation to the Agency is required in order for the receipt of water service. For these reasons, and those outlined throughout the staff report, staff supports the approval of LAFCO 3265.

## **DETERMINATIONS:**

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

1. The County Registrar of Voter's Office has determined that the annexation area is legally uninhabited, containing zero registered voters as of January 22, 2024.
2. The County Assessor's Office has determined that the total assessed valuation of land within the annexation area is \$30,692 as of October 12, 2023.
3. The annexation area is within the sphere of influence assigned the Bighorn-Desert View Water Agency.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in the *Hi Desert Star*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff provided individual notice to landowners (25 total) and registered voters (9 total) surrounding the annexation area. Comments from landowners, registered voters, and other individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.
6. The County's land use designation for the annexation area is HV/RL (Homestead Valley/Rural Living). No change in land use is anticipated as a result of the annexation.
7. The Southern California Associated Governments (SCAG) adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3265 has no direct impact on SCAG's Regional Transportation Plan.

8. The Local Agency Formation Commission has determined that this proposal is exempt from environmental review. The basis for this determination is 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). The Commission adopted the Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
9. The annexation area is served by the following local agencies: County of San Bernardino, Mojave Desert Resource Conservation District, Mojave Water Agency and its Improvement Zones 1 and M, Morongo Basin Healthcare District, San Bernardino County Fire Protection District and its South Desert Service Zone and its Service Zone FP-5, County Service Area 70 (unincorporated County-wide multi-function agency) and its Zones R-15 and TV-5.

None of these agencies are affected by this proposal as they are regional in nature.

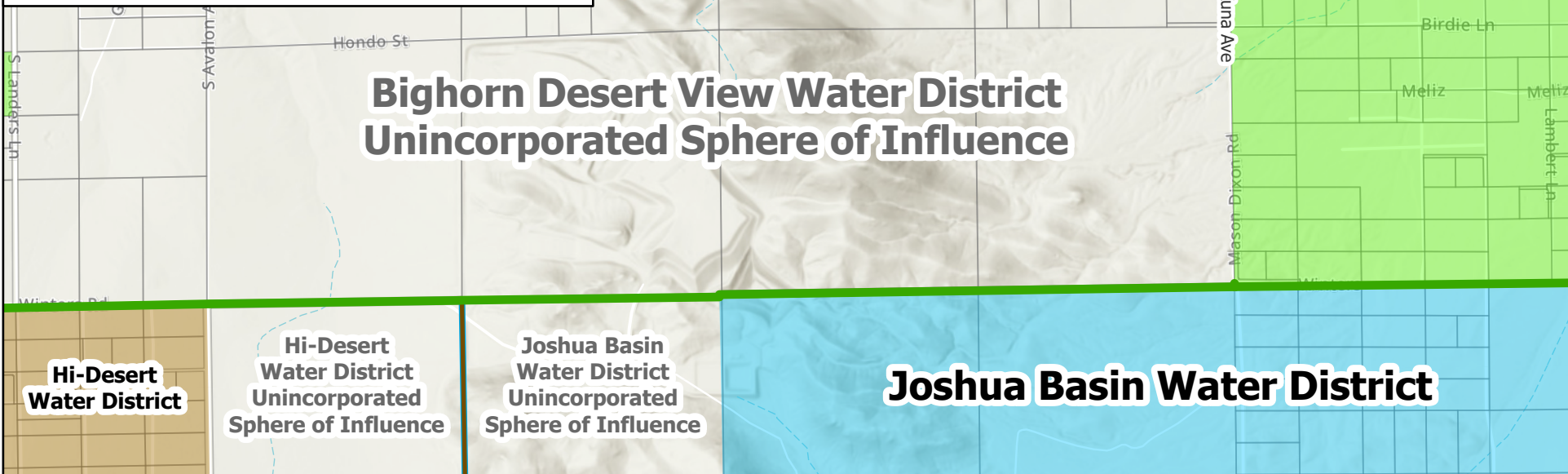
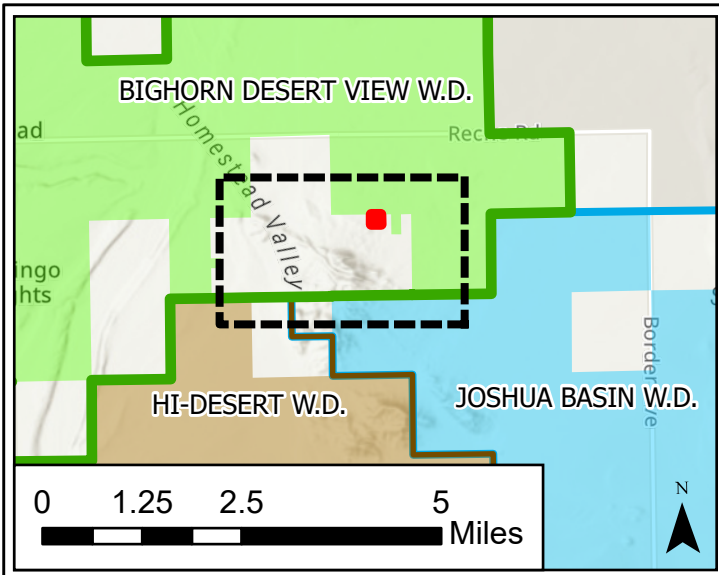
10. The Bighorn-Desert View Water Agency submitted a plan for the provision of water service as required by Government Code Section 56653. The Plan for Service indicates that the Agency can provide water service to APN 0631-071-29 and can maintain and/or improve the level of service currently available.

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

11. The annexation can benefit from the availability and extension of water service from the Bighorn-Desert View Water Agency as evidenced by the Plan for Service.
12. With respect to environmental justice, the annexation—which is to provide water service to the parcel —will not result in the unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino, acting on behalf of the Bighorn-Desert View Water Agency, adopted a resolution determining there will be no transfer of property tax revenues. This resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards.

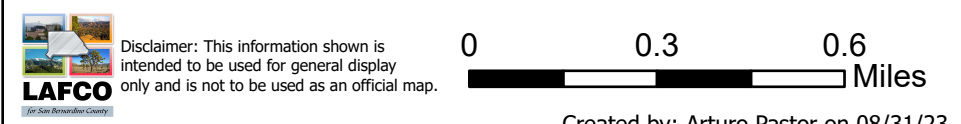
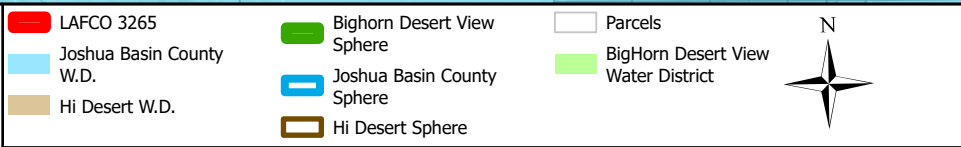
Attachments:

1. [Vicinity Map and Official Annexation Map](#)
2. [Bighorn-Desert View Water Agency Application and Plan for Service](#)
3. [Landowner Consent Form](#)
4. [Tom Dodson's Environmental Response for LAFCO 3265](#)
5. [Draft Resolution No. 3391](#)



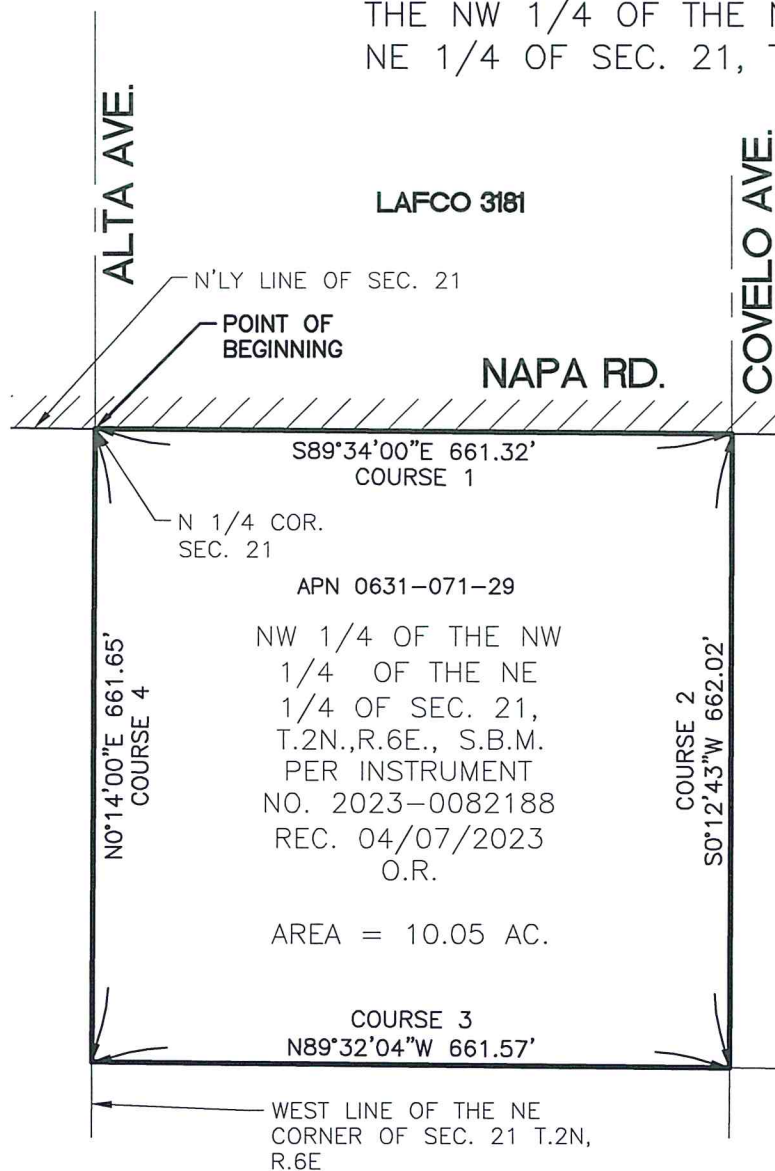
## Vicinity Map

LAFCO 3265 – Annexation to the Bighorn-Desert View Water Agency and Bighorn-Desert View Improvement Zone CSA 70 W-1 (Assessor Parcel Number 0631-071-29)





LAFCO 3265  
ANNEXATION TO THE BIGHORN-DESERT  
VIEW WATER AGENCY  
(APN 0631-071-29)  
THE NW 1/4 OF THE NW 1/4 OF THE  
NE 1/4 OF SEC. 21, T2N, R6E, S.B.M.

LEGEND

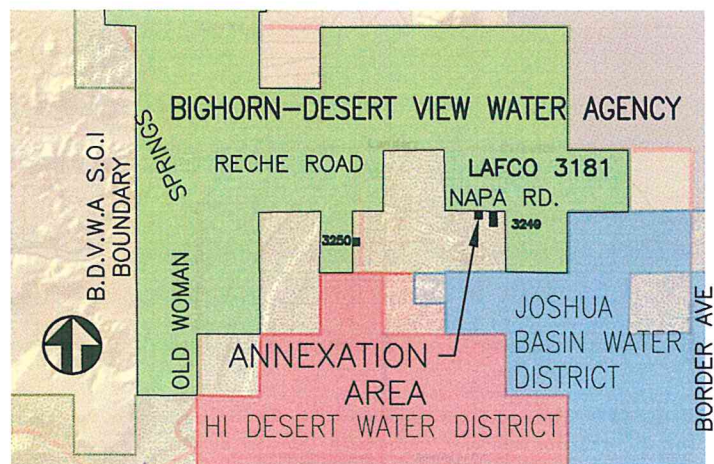
EXISTING BIGHORN-DESERT  
VIEW WATER AGENCY BOUNDARY

NOTE

BEARINGS AND DISTANCES SHOWN HEREON  
ARE CALC'D PER BLM PLAT 282912  
DATED 01/25/1955.

AFFECTED AGENCIES

SAN BERNARDINO COUNTY  
BIGHORN-DESERT VIEW WATER AGENCY



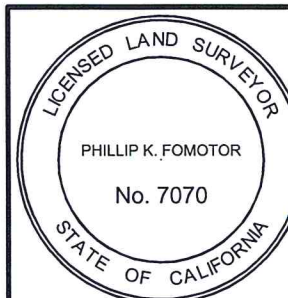
**VICINITY MAP**  
(NO SCALE)



NORTH



SCALE: 1"=200'



THIS DOCUMENT WAS PREPARED  
BY ME OR UNDER MY DIRECTION,  
BASED ON RECORD INFORMATION.

12/7/23  
PHILLIP K. FOMOTOR, P.L.S.

## 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 APN 0631-071-29 (A. REZAIE, MD. – OWNER)**
2. NAME OF APPLICANT: BIGHORN-DESERT VIEW WATER AGENCY  
APPLICANT TYPE:    ☒ Landowner                      ☒ Local Agency  
                                 ☐ Registered Voter            ☐ Other \_\_\_\_\_  
MAILING ADDRESS:    **622 JEMEZ TRAIL, YUCCA VALLEY, CA 92284**  
  
PHONE:                **(760) 364-2315**  
FAX:                   **(760) 364-3412**  
E-MAIL ADDRESS:    **mwest@bdvwa.org**
3. GENERAL LOCATION OF PROPOSAL: **Mr. Rezaie purchased a 10-acre lot on the south side of Napa Road between Alta Avenue and Covelo Avenue.**
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.  
**Mr. Rezaie desires to annex the property to obtain water service so that he can build a single family residence.**

### LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres): **One 10-acre parcel.**
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)  
**This is vacant land which has not undergone any development to date.**
3. Approximate current population within area: **Zero**
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):  
**N/A – not annexing to a city.**

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):

**HV/RL**

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: **None.**
6. Indicate the existing use of the subject territory. **Vacant Land**

What is the proposed land use? **Owner stated his desire to build a single family residence.**

7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ☐ NO ☒ If YES, please explain.

**The Agency is not operating at or near capacity. Therefore, this project would not have an impact on the Agency's ability to supply water to a single family residence on this property. Even if subdivided to the 2.5-acre minimum lot size, the Agency could meet demands.**

**There is no sanitary sewer planned for the BDVWA service area.**

**The Agency cannot determine whether or not the project would have a negative impact on police, fire or schools.**

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

- |  |  |
|--|--|
| <input type="checkbox"/> Agricultural Land Uses  | <input type="checkbox"/> Agricultural Preserve Designation       |
| <input type="checkbox"/> Williamson Act Contract   | <input type="checkbox"/> Area where Special Permits are Required |
| <input type="checkbox"/> Any other unusual features of the area or permits required: _____ |  |

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:*

**This parcel, as well as those around it, are located within the Sphere of Influence of the Bighorn-Desert View Water Agency as determined by San Bernardino Local Agency Formation Commission. Therefore, given that the sole owner of the parcel desires to annex in order to get access to water service, the annexation process positively promotes environmental justice by providing a pathway to water service while meeting all the goals and objective of SB LAFCO.**

**The Agency understands that the State of California, through SB1263 (Wieckowski/2016), has trampled on the rights of property owners to utilize a potable “hailed water” solution, offered by BDVWA, to obtain a building permit in San Bernardino County. This has the opposite effect on Environmental Justice as it directly discriminates against those who seek an affordable way of life in the high desert.**

**The only other option for the property owner would be to drill a water well. However, local geologic data and institutional knowledge tends to support a lack of groundwater, sustainable or suitable, for development of the property.**

**This is the primary driver of the request to annex the parcel into the boudnaries of Bighorn-Desert View Water Agency.**

**ENVIRONMENTAL INFORMATION**

1. Provide general description of topography. **GENERALLY FLAT ALLUVIAL PLAIN. NO BLUE LINE STREAMS NOTED.**
2. Describe any existing improvements on the subject territory as % of total area.

Residential	0%	Agricultural	0%
Commercial	0%	Vacant	0%
Industrial	0%	Other	0%
3. Describe the surrounding land uses:

NORTH	<b>Residential and vacant desert land - private or BLM/Federal ownership.</b>
EAST	<b>Residential and vacant desert land - private or BLM/Federal ownership.</b>
SOUTH	<b>Immediately south is vacant land (private and BLM/Federal lots)</b>
WEST	<b>Vacant land with County Landfill southwest (within 1-mile of the sw property boundary).</b>
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.).

**The water meter would be installed on the mainline running east to west on Napa Road immediately adjacent to the north property boundary. The meter would be placed on either the NW or NE corner of the parcel.**
5. Will service extensions accomplished by this proposal induce growth on this site? YES ☐  
NO X Adjacent sites? YES ☐ NO ☐ Unincorporated ☐ Incorporated ☐  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐  
NO X If YES, please identify.  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Is this proposal a part of a larger project or series of projects? YES ☐ NO X 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 **BIGHORN-DESERT VIEW WATER AGENCY** TELEPHONE NO. **760-364-2315**

ADDRESS: **622 JEMEZ TRAIL, YUCCA VALLEY, CA 92284**

NAME **MR. ALI REZAIE, MD**

TELEPHONE NO. **310-928-5954**

ADDRESS: **9370 Claircrest Drive, Beverly Hills, CA 90210**

### **CERTIFICATION**

As a part of this application, the **BIGHORN-DESERT VIEW WATER AGENCY** 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.



(FOR LAFCO USE ONLY)

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

8/18/2023

SIGNATURE

**Marina D. West**

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

KRM-Rev. 8/19/2015



San Bernardino Local Agency Formation Commission

PLAN OF SERVICE REPORT - ANNEXATION OF PARCEL NO. 0631-071-29

July 2023

Prepared on Behalf of Applicant/Property Owner: Ali Rezaie

By

Bighorn-Desert View Water Agency

Marina D. West, PG

Bighorn-Desert View Water Agency

622 Jemez Trail, Yucca Valley, CA 92284

I certify that the information  
contained in this Plan of Service  
Report is accurate to the best of my  
knowledge.

A handwritten signature in blue ink, appearing to read "Maunth", is written over a light blue circular stamp.

## SUMMARY:

This *Plan for Service* was prepared in accordance with Government Code Section 56653 and is included as an attachment to the application for annexation of Assessor Parcel No. 0631-071-29 (10-acres located south of Napa Road between Alta Avenue and Covelo Avenue, Landers, CA).

The annexation was requested by the property owner, A. Rezaie, MD. Bighorn-Desert View Water Agency will serve as the applicant on behalf of the landowner.

Mr. Rezaie recently purchased this vacant 10-acre parcel with the understanding that the parcel would require annexation from the Agency's Sphere of Influence into its Service Territory in order to access water service from Bighorn-Desert View Water Agency.

The annexation is for one single parcel for one water meter which is the basis for this *Plan for Service* in meeting the minimum requirements for such under the LAFCO guidelines.

A. Level and Range of Service to be Provided: The property owner is seeking access to water service from Bighorn-Desert View Water Agency. To our knowledge, there would be no other entity that would be providing a "service" for which LAFCO would be required to approve (ie. sewer service).

To that end, the level of service would be provision of water through a 1-inch service line and water meter installed at the northern edge of the property connected to an existing 8-inch water main.

B. Discuss When Service can be Feasibly Extended to the Parcel: The parcel lies adjacent to an existing 8-inch transmission mainline. The only additional work needed is to install the 1-inch service line and meter. Once the annexation proceedings are completed to bring the parcel into the service territory of the Agency, the water meter and service line can be installed within two weeks of that request.

C. Identify any Improvements or Upgrades the Agency would Impose on the Territory: None, no additional infrastructure is required to serve this parcel.

D. Fiscal Impact Analysis: The Agency has sufficient capacity to service this additional parcel. The fiscal impact of adding one additional service connection would not be significant and is within the projected annual growth for the Agency. The Agency's 2021 Rate and Capacity Fee Study was designed to adequately fund the Agency's operations going forward. The Rate and Capacity Fee Study includes a 20-year financial model which is used here as the fiscal impact analysis. The Agency is scheduled to begin a new Rate and Capacity Fee Study in early 2025 in anticipation of a Prop. 218 Rate Hearing in late 2025.

The 2020 Water Rate Study and Water Capacity Fee Study reports and associated appendixes were received and filed by the Board of Directors on February 9, 2021 and are submitted as an Appendix to this report.

E. Annexing Parcel to Existing Improvement District: The project would become part of the Improvement District Goat Mountain. A water system dissolved from the County of San Bernardino Special Districts Department and annexed to the Agency thru the formation of an improvement district (LAFCO Proposal No. 3181/Resolution No. 3197).

F. Water Availability to Parcel: Upon finalization of approvals by LAFCO to annex the territory (a single 10-acre parcel) and payment of fees applicable to initiating water service, the Agency can install the needed improvements within approximately two weeks.

## APPENDIXES

1. Final Water Rate Study and Appendix A – Financial Plan and Reserve Summary, NBS Government, February 2021 – Received and filed by the Board of Directors on February 9, 2021
2. Final Capacity Fee Study Report and Appendix with Exhibits 1 to 8, NBS Government, February 2021, Received and Filed by the Board of Directors on February 9, 2021.
3. Resolution No. 21R-08 Adjusting the Basic Service Charge and Water Consumption Charges by Specific Customer Class, adopted April 13, 2021.





# BIGHORN DESERT VIEW WATER AGENCY

**Final Report**

## **Water Rate Study**

**February 2021**

### **OFFICE LOCATIONS:**

**Temecula – Corporate Headquarters**  
32605 Temecula Parkway, Suite 100  
Temecula, CA 92592

**San Francisco – Regional Office**  
870 Market Street, Suite 1223  
San Francisco, CA 94102

**California Satellite Offices**  
Atascadero, Davis  
Huntington Beach,  
Joshua Tree, Riverside  
Sacramento, San Jose

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# Section 1. PURPOSE AND OVERVIEW OF THE STUDY

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## A. Purpose

Bighorn Desert View Water Agency (Agency, BDVWA) retained NBS to conduct a water rate study for a number of reasons, including meeting revenue requirements and updating the water rate structure. The rates resulting from this study were developed in a manner that is consistent with industry standard cost of service principles. In addition to documenting the rate study methodology, this report is provided with the intent of assisting the Agency to maintain transparent communications with its residents and businesses.

In developing new water rates, NBS worked cooperatively with Agency staff and the Agency's Board of Directors (Board) in selecting appropriate rate alternatives. Based on input from Agency staff and the Board, the proposed water rates are summarized in this report.

## B. Overview of the Study

Comprehensive rate studies such as this one typically include the following three components, as outlined in **Figure 1**:

1. Preparation of a **Financial Plan**, which identifies the net revenue requirements for the utility.
2. **Cost of Service Analysis**, which determines the cost of providing water service to each customer class.
3. **Rate Design Analysis**, which evaluates different rate design alternatives.

**Figure 1. Primary Components of a Rate Study**



These steps are intended to follow industry standards and reflect the fundamental principles of cost-of-service rate making embodied in the American Water Works Association (AWWA) Principles of Water Rates, Fees, and Charges<sup>1</sup>, also referred to as the M1 Manual. They also address requirements under Proposition 218 that rates not exceed the cost of providing the service, and that they be proportionate to the cost of providing service for all customers. In terms of the chronology of the study, these three steps represent the

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<sup>1</sup> *Principles of Water Rates, Fees, and Charges, Manual of Water Supply Practices, M1, AWWA, seventh edition, 2017.*

order they were performed. Detailed tables and figures documenting the development of the proposed rates are provided in Appendix A.

## FINANCIAL PLAN

As a part of this rate study, NBS projected revenues and expenditures on a cash flow basis for the next five years. The amount of rate revenue required that will allow capital projects to be funded and reserves to be maintained at the approved levels, is known as the *net revenue requirement*. Although current rate revenue covers all the net revenue requirements, rate adjustments -- or more accurately, adjustments in the total revenue collected from water rates -- are recommended in order to fund planned capital improvement projects and keep reserve funds at healthy levels. This report presents an overview of the methodologies, assumptions, and data used, along with the financial plans and proposed rates developed in this study<sup>2</sup>.

## RATE DESIGN ANALYSIS

Rate Design is typically the stage in the study where NBS, staff and the Board must work closely together, to develop rate alternatives that will meet the Agency's objectives. It is important for the Agency to send proper price signals to its customers about the actual cost of their water usage. This objective is typically addressed through both the magnitude of the rates, and the rate structure design. In other words, both the amount of revenue collected and the way in which the revenue is collected from customers are important to consider.

Several criteria are typically considered in setting rates and developing sound rate structures. The fundamentals of this process have been documented in several rate-setting manuals, such as the AWWA Manual M1. The foundation for evaluating rate structures is generally credited to James C. Bonbright in the *Principles of Public Utility Rates*<sup>3</sup> which outlines pricing policies, theories, and economic concepts along with various rate designs. The following is a simplified list of the attributes of a sound structure:

- Rates should be easy to understand from the customer's perspective.
- Rates should be easy to administer from the utility's perspective.
- Rates should promote the efficient allocation of the resource.
- Rates should be equitable and non-discriminating (that is, cost based).
- There should be continuity in the ratemaking philosophy over time.
- Rates should address other utility policies (for example, encouraging conservation & economic development).
- Rates should provide month-to-month and year-to-year revenue stability.

The following are the basic rate design criteria that were considered in this study:

**Rate Structure Basics** –The vast majority of water rate structures contain a fixed or minimum charge in combination with a volumetric charge. The revenue requirements for each customer class are collected from both fixed monthly meter charges and variable commodity charges. Based on direction from the Board of Directors, the rates proposed in this report are designed to collect 60 percent of rate revenue from the fixed meter charges and 40 percent from the variable commodity charges.

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<sup>2</sup> The complete financial plan is set forth in the Appendix.

<sup>3</sup> James C. Bonbright; Albert L. Danielsen and David R. Kamerschen, *Principles of Public Utility Rates*, (Arlington, VA: Public Utilities Report, Inc., Second Edition, 1988), p. 383-384.

**Fixed Charges** – Fixed charges can be called base charges, minimum monthly charges, customer charges, fixed meter charges, etc. Fixed charges for water utilities typically increase by meter size based on meter equivalent capacity factors. BDVWA refers to this as the Basic Service Charge.

**Volumetric (Consumption-Based) Charges** – In contrast to fixed charges, variable costs such as purchased water, the cost of electricity used in pumping water, and the cost of chemicals for treatment tend to change with the quantity of water produced. For a water utility, variable charges are generally based on metered consumption and charged on a dollar-per-unit cost (for example, per 100 cubic feet, or hcf).

**Uniform (Single-Tier) Water Rates** – There are significant variations in the basic philosophy of variable charge rate structure alternatives. Under a uniform (single tier) rate structure, the cost per unit does not change with consumption, and provides a simple and straightforward approach from the perspective of customers regarding their understanding of the rates, and for the utility’s administration and billing of the rates.

**Multi-Tiered Water Rates** – In contrast to a uniform tier, an inclining block rate structure attempts to send a price signal to customers that their consumption costs are greater as more water is consumed. Tiered water rates are intended to represent the higher costs for customers that contribute more to peak summertime usage and place greater demands on the system. The types of higher costs reflected, for example, in the *highest* tier of the rate structure may include:

- Conservation program costs: intended to encourage customers to eliminate inefficient and wasteful water use, and otherwise reduce consumption during peak periods.
- Replacement Water costs: when consumption exceeds the amount of the Agency’s allocated water rights, the agency incurs additional costs for replacement water in order to meet that increased demand. That replacement water comes at a higher cost.
- Energy costs: during summer months, the Agency may pay more in electric charges to pump, treat and deliver water, and have a higher percentage of its energy bill in higher electricity “tiers”.
- Higher maintenance costs: peak periods tend to have higher numbers of service calls, capacity costs, and system maintenance issues when the water system is running at peak demand.

## Section 2. WATER RATE STUDY

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### A. Key Water Rate Study Issues

The Agency's water rate analysis was undertaken with a few specific objectives, including, but not limited to:

- Avoiding operational deficits and further depletion of reserves.
- Generating additional revenue needed to meet projected funding requirements.
- Continuing to encourage water conservation with a tiered rate structure for residential and agriculture customers.

NBS developed various water rate alternatives as requested by Agency staff over the course of this study. All rate structure alternatives relied on industry standards and cost-of-service principles. The rate alternative that will be implemented, is ultimately the decision of the Board of Directors. The fixed and volume-based charges were calculated based on the net revenue requirements, number of customer accounts, water consumption, and other Agency-provided information.

### B. Financial Plan

It is important for municipal utilities to maintain reasonable reserves in order to handle emergencies, fund working capital, maintain a good credit rating, and generally follow healthy financial management practices. Rate adjustments are governed by the need to meet operating and capital costs, maintain adequate debt coverage, and build reasonable reserve funds. The current financial condition of the Agency, with regard to these objectives, is as follows:

- **Meeting Net Revenue Requirements:** For FY 2020/21 through FY 2024/25, the projected net revenue requirement (that is, total annual expenses plus debt service and rate-funded capital costs, less non-rate revenues) for the Agency is approximately \$1.66 million, annually on average. If no rate adjustments are implemented, the Agency is projected to see a \$131,500 deficit by fiscal year 2024/25. With 4% increases to the net revenue requirement, the Agency will see an annual surplus that grows to \$182,000 in fiscal year 2024/25 that will be used to replenish reserve funds as capital investments are made in the water system.
- **Building and Maintaining Reserve Funds:** Reserve funds provide a basis for a utility to cope with fiscal emergencies such as revenue shortfalls, asset failure, and natural disasters, among other events. Reserve policies provide guidelines for sound financial management, with an overall long-range perspective to maintain financial solvency and mitigate financial risks associated with revenue instability, volatile capital costs, and emergencies. The Agency plans to accumulate approximately \$3,790,000 in reserves by the end of FY 2024/25. These reserve funds for the Utility are considered unrestricted reserves and consist of the following:
  - **The Operating Reserve** should equal approximately 180 days of operating expenses, which is about \$1,000,000 at the end of FY 2024/25. An Operating Reserve is intended to promote financial viability in the event of any short-term fluctuation in revenues and/or expenditures. Fluctuations in revenue can be caused by weather patterns, the natural inflow and outflow of cash during billing cycles, natural variability in demand-based revenue



streams (such as volumetric charges), and – particularly in periods of economic distress – changes or trends in age of receivables.

- **The Emergency Contingencies Reserve** should equal a minimum of \$200,000. This reserve shall be authorized by the Board should cash be needed immediately for needs such as water system repairs or unforeseen circumstances.
- **The Capital Replacement and Refurbishment Reserve** should equal at least 10 percent of net capital assets plus \$1,500,000 for capital emergencies, totaling approximately \$2,180,000 in FY 2024/25, which is set aside to address long-term capital system replacement and rehabilitation needs.
- **Funding Capital Improvement Projects:** The District must also be able to fund necessary capital improvements in order to maintain current service levels. Agency staff has identified roughly \$800,000 (current year dollars) in expected capital expenditures for FY 2020/21 through 2024/25. With the recommended rate adjustments, these expenditures can be funded.
- **Inflation and Growth Projections** – Assumptions regarding cost inflation were made in order to project future revenues and expenses for the study period. The following inflation factors were used in the analysis:
  - No Customer growth over the 5-year rate period is estimated in order to maintain a conservative approach.
  - Electricity cost inflation is 3.5% annually.
  - General cost inflation is 2% annually.
  - Salary cost inflation is 3.3% annually.
  - Benefits cost inflation is 6% annually.
  - Fuel cost inflation is 1% annually.
- **Impact of Annual Rate Adjustment Date:** In the current year, the Agency will only collect two months of the planned revenue increase for FY 2020/21 since rate increases will not be effective until May 1, 2021. However, in future years of the rate plan, the financial plan modeling assumes that rate adjustments occur starting on the January bill of each year. This means that only six months of the planned revenue to be collected from the rate adjustment listed for one fiscal year will be collected in that year. For example, there is a 4 percent adjustment in rate revenue planned for FY 2020/21; meaning, the rates are developed to recover \$1.68 million, which is a 4 percent adjustment over the expected \$1.62 million that would be collected without a rate adjustment. However, because of the timing for when the rates will go into effect, the Financial Plan results in \$1.63 million in rate revenue for FY 2020/21.

Rate adjustments of 4 percent annually in FY 2020/21 through FY 2024/25 will be needed in order to fully fund all operating expenses, planned capital projects, debt service obligations and keep reserves above the recommended targets through FY 2024/25<sup>4</sup>. **Figure 2** summarizes the sources and uses of funds, net revenue requirements, and the recommended annual percent adjustments in total rate revenue recommended for the next 5 years for the Agency.

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<sup>4</sup> Because of the mid-year adjustment to the rates, the full impact of each year's adjustment does not affect revenue until the following year.

**Figure 2. Summary of Water Revenue Requirements**

Summary of Sources and Uses of Funds and Net Revenue Requirements	Budget	Projected			
	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
<b>Sources of Water Funds</b>					
Rate Revenue Under Prevailing Rates	\$ 1,618,617	\$ 1,618,617	\$ 1,618,617	\$ 1,618,617	\$ 1,618,617
<i>Additional Revenue from Rate Increases</i> <sup>1</sup>	10,791	98,412	167,093	238,521	312,807
Non-Rate Revenues	289,832	289,832	289,832	289,832	289,832
Interest Earnings	16,000	6,741	6,825	6,981	7,209
<b>Total Sources of Funds</b>	<b>\$ 1,935,240</b>	<b>\$ 2,013,602</b>	<b>\$ 2,082,367</b>	<b>\$ 2,153,952</b>	<b>\$ 2,228,465</b>
<b>Uses of Water Funds</b>					
Operating Expenses	\$ 1,850,115	\$ 1,868,584	\$ 1,926,253	\$ 1,986,073	\$ 2,046,138
Debt Service	25,000	25,000	25,000	-	-
Rate-Funded Capital Expenses	-	-	52,665	-	-
<b>Total Use of Funds</b>	<b>\$ 1,875,115</b>	<b>\$ 1,893,584</b>	<b>\$ 2,003,918</b>	<b>\$ 1,986,073</b>	<b>\$ 2,046,138</b>
<b>Surplus (Deficiency) after Rate Increase</b>	<b>\$ 60,125</b>	<b>\$ 120,018</b>	<b>\$ 78,449</b>	<b>\$ 167,879</b>	<b>\$ 182,327</b>
<b>Projected Annual Rate Increase</b>	<b>4.00%</b>	<b>4.00%</b>	<b>4.00%</b>	<b>4.00%</b>	<b>4.00%</b>
<i>Cumulative Rate Increases</i>	4.00%	8.16%	12.49%	16.99%	21.67%
<b>Surplus (Deficiency) before Rate Increase</b>	<b>\$ 49,334</b>	<b>\$ 21,606</b>	<b>\$ (88,644)</b>	<b>\$ (70,643)</b>	<b>\$ (130,480)</b>
<b>Net Revenue Requirement</b> <sup>2</sup>	<b>\$ 1,569,283</b>	<b>\$ 1,597,011</b>	<b>\$ 1,707,261</b>	<b>\$ 1,689,260</b>	<b>\$ 1,749,097</b>

1. Revenue from rate increases assume an implementation date of May 1, 2021 and then January 1st, 2022 through 2025.

2. Total Use of Funds less non-rate revenues and interest earnings. This is the annual amount needed from water rates.

**Figure 3** summarizes the projected reserve fund balances and reserve targets. A summary of the Agency's proposed 5-year financial plan is included in Tables 1 and 2 of Appendix A. The appendix tables include revenue requirements, reserve funds, revenue sources, proposed rate adjustments, and the Agency's capital improvement program. As can be seen in Figure 3, given proposed rate adjustments, reserves meet the minimum target all 5 years of the prop 218 rate period.

**Figure 3. Summary of Reserve Funds**

Beginning Reserve Fund Balances and Recommended Reserve Targets	Budget	Projected			
	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
<b>Operating Reserve Fund (Current Customer Deposits)</b>					
Ending Balance	\$ 912,385	\$ 921,493	\$ 949,933	\$ 979,433	\$ 1,009,054
<i>Recommended Minimum Target</i>	<i>912,385</i>	<i>921,493</i>	<i>949,933</i>	<i>979,433</i>	<i>1,009,054</i>
<b>Emergency Contingencies Reserve Fund</b>					
Ending Balance	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
<i>Recommended Minimum Target</i>	<i>200,000</i>	<i>200,000</i>	<i>200,000</i>	<i>200,000</i>	<i>200,000</i>
<b>Replacement &amp; Refurbishment Reserve Fund</b>					
Ending Balance	\$ 2,258,258	\$ 2,290,793	\$ 2,340,803	\$ 2,425,132	\$ 2,577,838
<i>Recommended Minimum Target</i>	<i>2,033,750</i>	<i>2,086,438</i>	<i>2,118,390</i>	<i>2,151,935</i>	<i>2,181,602</i>
<b>Total Ending Balance</b>	<b>\$ 3,370,643</b>	<b>\$ 3,412,287</b>	<b>\$ 3,490,736</b>	<b>\$ 3,604,565</b>	<b>\$ 3,786,892</b>
<i>Total Recommended Minimum Target</i>	<i>\$ 3,146,135</i>	<i>\$ 3,207,931</i>	<i>\$ 3,268,323</i>	<i>\$ 3,331,368</i>	<i>\$ 3,390,656</i>

## C. Cost of Service Analysis

Once the net revenue requirements are determined, the cost-of-service analysis proportionately distributes the revenue requirements to each customer class. The cost-of-service analysis consists of two major

components: (1) the classification of expenses, and (2) the allocation of costs to customer classes. Costs were classified corresponding to the function they serve.

All costs in the Agency's budget are allocated to each component of the rate structure in proportion to the level of service required by customers. The levels of service are related to volumes of peak and non-peak demand, infrastructure capacity, and customer service. These are based on allocation factors, such as water consumption, peaking factors, and number of accounts by meter size. Ultimately, a cost-of-service analysis is intended to result in rates that are proportional to the cost of providing service to each customer.

## CLASSIFICATION OF COSTS

Most costs are not typically allocated 100 percent to fixed or variable categories and, therefore, are allocated to multiple functions of water service. Costs were classified using the commodity-demand method which is found in the AWWA M1 Manual<sup>5</sup>. In accordance with this method, budgeted costs were "classified" into five categories: commodity, additional water supply, capacity, customer and fire protection. The classification process provides the basis for allocating costs to various customer classes based on the cost causation (classification) components described below:

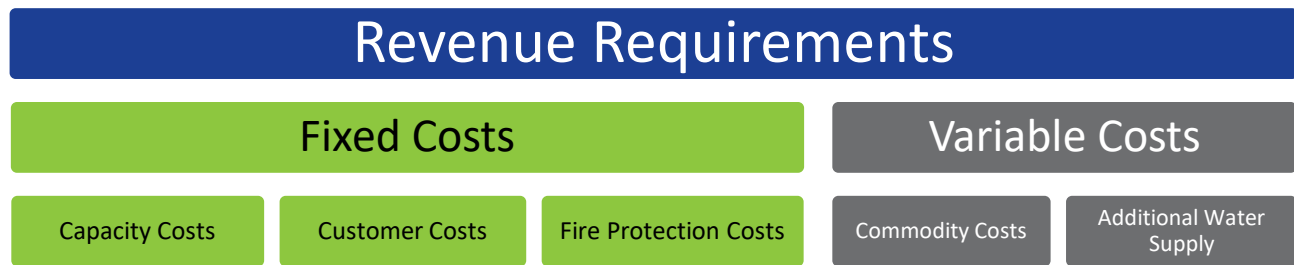
- **Commodity related costs** are those that change as the volume of water produced and delivered changes. These commonly include the costs of chemicals used in the treatment process, energy related to pumping for transmission and distribution, and source of supply.
- **Additional water supply related costs** are associated with the additional water purchased by the Agency to serve its customers.
- **Capacity related costs** are associated with sizing facilities to meet the maximum, or peak demand. This includes both operating costs and capital infrastructure costs incurred to accommodate peak system capacity events.
- **Customer related costs** are associated with having a customer on the water system, such as meter reading, postage and billing.
- **Fire Protection related costs** are associated with providing sufficient capacity in the system for fire meters and other operations and maintenance costs of providing water to properties for private fire service protection.

The Agency's budgeted costs were reviewed and allocated to these cost causation components which are used as the basis for establishing new water rates and translate to fixed and variable charges. Tables 15 through 18 in Appendix A show how the Agency's expenses were classified and allocated to these cost causation components. Additionally, each cost causation component is considered fixed or variable, as summarized in **Figure 4**.

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<sup>5</sup> *Principles of Water Rates, Fees, and Charges, Manual of Water Supply Practices, M1, AWWA, seventh edition, 2017, p. 83.*

**Figure 4. Cost Classification Summary**



Ideally, utilities should recover all their fixed costs from fixed charges and all of their variable costs from volumetric charges. When this is the case, fluctuations in water sales revenues would be directly offset by reductions or increases in variable expenses. When rates are set in this manner, they provide greater revenue stability for the utility. However, other factors are often considered when designing water rates such as community values, water conservation goals, ease of understanding, and ease of administration.

Based on the Agency's projected costs, the Cost-of-Service Analysis (COSA) resulted in a distribution that is approximately 65 percent fixed and 35 percent variable. The Agency's current rate structure collects approximately 41 percent of revenue from fixed charges and 59 percent from variable charges. The Board of Directors has chosen to move forward with a rate structure that will collect approximately 60 percent of revenue from fixed charges and 40 percent from variable charges. However, a share of the Agency's capacity costs will need to be collected from the variable rates in order to reach this rate structure. Thus, capacity related costs (which are normally considered fixed) will be collected from both fixed and variable rates.

**Figure 5** summarizes the allocation of the net revenue requirements to each cost causation component.

**Figure 5. Allocation of Water Revenue Requirements**

Functional Category	Proposed Rates	
	Adjusted Net Revenue Requirements (2020-21) 60% Fixed / 40% Variable	
Commodity - Related Costs	\$ 532,313	31.6%
Additional Supply Costs	\$ 48,271	2.9%
Capacity - Related Costs (volumetric share)	\$ 92,760	5.5%
Capacity - Related Costs (fixed share)	\$ 811,720	48.2%
Customer - Related Costs	\$ 198,076	11.8%
Fire Protection - Related Costs	\$ 221	0.0%
<b>Total</b>	<b>\$1,683,362</b>	<b>100%</b>

## CUSTOMER CLASSES

**Customer classes** are determined by combining customers with similar demand characteristics and types of use into categories that reflect the cost differentials to serve each type of customer. This process is limited by the desire to not overcomplicate the Agency's rate structure.

For Bighorn Desert View Water Agency, six customer classes were analyzed: residential, agriculture, commercial, institutional, private fire and bulk water. The amount of consumption, the peaking factors and the number of meters by size are used in the cost-of-service analysis to allocate costs to customer classes and determine the appropriate rate structures for each. Definitions of each customer class are provided in Appendix B.

## COSTS ALLOCATED TO CUSTOMER CLASSES

Costs are allocated to each customer class based on the customer characteristics of each class in order to reflect the cost differentials to serve each type of customer. **Figure 6** summarizes how the costs for each cost causation component from Figure 5 are allocated to each customer class.

**Figure 6. Cost Allocation Methodology**

Capacity Related Costs (fixed share)	•Allocated based on the hydraulic capacity of each meter size
Customer Related Costs	•Allocated based on the total number of meters
Fire Protection Related Costs	•Allocated based on the hydraulic capacity of fire meters
Commodity Related Costs	•Allocated based on water consumption by customer class
Additional Water Supply Costs	•Allocated based on additional water purchased
Capacity Related Costs (volumetric share)	•Allocated based on peak consumption by customer class

The costs allocated to each causation component are assigned to each customer class using the cost allocation methodology described in Figure 6. This process is shown in the following sections, in Figure 7 through Figure 11.

### Capacity Related Costs

Capacity related costs are those costs associated with constructing and operating the water system to ensure there is enough capacity in the system to meet the demand of each meter connected. Larger meters have the potential to use more of the system's capacity, compared to smaller meters. The potential capacity demanded is proportional to the maximum safe meter capacity of each meter size as established by the AWWA<sup>6</sup>. The meter capacity factors used in this study are shown in the third and fifth columns of **Figure 7**.

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<sup>6</sup> *Principles of Water Rates, Fees, and Charges, Manual of Water Supply Practices, M1, AWWA, seventh edition, 2017, p. 338.*

A “hydraulic capacity factor” (columns two and four in Figure 10) is calculated by dividing the maximum capacity or flow of large meters by the capacity of the base meter size, which is typically the most common residential meter size (in this case a 1-inch meter). For example, Figure 10 shows the hydraulic capacity of a two-inch meter is 3.2 times that of a 1-inch meter and therefore, the capacity component of the fixed meter charge is 3.2 times that of the 1-inch meter.

The actual number of meters by size is multiplied by the corresponding capacity ratios to calculate the total number of equivalent meters. The number of equivalent meters is used as a representation for the potential demand that each customer can place on the water system. The capacity related allocation is summarized in **Figure 8**. Capacity related costs are allocated to each customer class based upon their percentage of peak bi-monthly use.

**Figure 7. Hydraulic Capacity Factors**

Meter Size	Standard Meters <sup>1</sup>		Fire Service Meters <sup>2</sup>	
	Meter Capacity (gpm)	Equivalency to 1 inch	Meter Capacity (gpm)	Equivalency to 1 inch
	<i>Displacement Meters</i>		<i>Displacement Meters</i>	
3/4 inch	30	1.00	30	1.00
1 inch	50	1.00	50	1.00
1.5 inch	100	2.00	100	2.00
2 inch	160	3.20	160	3.20
	<i>Compound Class I Meters</i>		<i>Fire Service Type II</i>	
3 inch	320	6.40	350	7.00
4 inch	500	10.00	700	14.00
6 inch	1,000	20.00	1,600	32.00
8 inch	1,600	32.00	2,800	56.00

1. Meter flow rates are from AWWA M-1 Table B-1.

2. Fire Service meter flow rates are from AWWA M-6 Table 5-3.

**Figure 8. Capacity Related Allocation**

Customer Class	Average Bi-Monthly Use (hcf)	Peak Bi-Monthly Use (hcf) <sup>1</sup>	Peaking Factor	Max 2-Month Capacity Factor
Residential	29,341	44,281	<b>1.51</b>	<b>82.3%</b>
Agriculture	2,716	6,034	<b>2.22</b>	<b>11.2%</b>
Bulk Water	1,760	2,760	<b>1.57</b>	<b>5.1%</b>
Commercial & Institutional	359	707	<b>1.97</b>	<b>1.3%</b>
Fire Meter	0	0	<b>0.00</b>	<b>0.0%</b>
<b>Total</b>	<b>34,176</b>	<b>53,782</b>		<b>100%</b>

1. Based on peak monthly data (peak day data not available).

### Customer Related Costs

The customer related cost allocation is summarized in **Figure 9**. Customer related costs are comprised of those costs relating to reading and maintaining meters, customer billing and collection, and other customer service related costs. The customer service costs do not differ among the various meter sizes; therefore, these costs



are spread equally among all meters. Each customer class is allocated customer related costs based upon the percentage of total meters that are in that class.

**Figure 9. Customer Related Cost Allocation**

Customer Class	Number of Meters <sup>1</sup>	Percent of Total
Residential	2,522	93.2%
Agriculture	50	1.8%
Bulk Water	121	4.5%
Commercial & Institutional	12	0.4%
Fire Meter	2	0.1%
<b>Total</b>	<b>2,707</b>	<b>100.0%</b>

1. Meter Count is from July/August 2020. BHDVWA charges monthly rates, but bills bi-monthly  
Source files: CUSTOMER BILLING DATA 09.18.2020.xlsx

### Fire Protection Related Costs

Only Fire Protection meters are allocated this cost component. A direct allocation is made in the functionalization and classification step in the cost-of-service analysis to represent their share of system capacity and other related operations and maintenance costs. The percent of revenue collected over the total revenue was used to allocate these costs to fire protection meters. This cost is spread over the fire meters using the meter equivalency factors in Figure 7.

### Commodity Related Costs

The commodity related cost allocation is summarized in **Figure 10**. Commodity related costs are those costs related to the amount of water sold and commonly include the costs of chemicals used in the treatment process, energy related to pumping for transmission and distribution, and source of supply. Each customer class is allocated commodity related costs based upon the percentage of total consumption by that class.

**Figure 10. Commodity Related Costs Allocation**

Customer Class	Volume (hcf) <sup>1</sup>	Percent of Total Volume
Residential	176,045	85.9%
Agriculture	16,297	7.9%
Bulk Water	10,563	5.2%
Commercial & Institutional	2,152	1.0%
Fire Meter	-	0.0%
<b>Total</b>	<b>205,057</b>	<b>100%</b>

1. Consumption is from September 2019 through August 2020. BDVWA charges monthly rates, but bills customers bi-monthly.  
Source files: CUSTOMER BILLING DATA 09.18.2020.xlsx

**Figure 11** summarizes the costs allocated to each customer class.

**Figure 11. Allocation of Adjusted Net Revenue Requirements**

Customer Classes	Classification Components						Cost of Service Net Rev. Req'ts	% of COS Net Revenue Req'ts
	Commodity-Related Costs	Additional Supply Costs	Capacity-Related Costs <i>Volumetric Share</i>	Capacity-Related Costs <i>Fixed Share</i>	Customer-Related Costs	Fire Protection-Related Costs		
Residential	\$ 457,000	\$ 38,855	\$ 76,373	\$ 668,320	\$ 184,539	\$ -	\$ 1,425,088	84.7%
Agriculture	42,306	8,518	10,406	91,064	3,659	-	155,952	9.3%
Bulk Water	27,420	-	4,761	41,661	8,854	-	82,696	4.9%
Commercial & Institutional	5,587	449	1,220	10,675	878	-	18,809	1.1%
Fire Meter	-	449	-	-	146	221	816	0.0%
<b>Total Net Revenue Requirement</b>	<b>\$ 532,313</b>	<b>\$ 48,271</b>	<b>\$ 92,760</b>	<b>\$ 811,720</b>	<b>\$ 198,076</b>	<b>\$ 221</b>	<b>\$ 1,683,362</b>	<b>100%</b>

## D. Rate Design Analysis

NBS discussed several water rate alternatives and methodologies with Agency Staff over the course of this study, such as the percentage of revenue collected from fixed vs. variable charges and differentiating rates by customer class. Based on input provided by Agency staff and the Board of Directors, the proposed rates were developed. The following sections describe this process.

The rates proposed in this study make the following modifications to the water rate structure:

1. Update monthly fixed meter charges to collect 60% of the revenue requirement and update volumetric charges to reflect collecting 40% of revenue.
2. Update the volumetric rates for Residential and Agriculture customers as follows:
  - a. Develop a two tier rate structure.
  - b. Establish breakpoint between tier 1 and tier 2 to 25 hcf bi-monthly, which is based on the availability of ground water for customers in the Agency's service area.
3. Keep all non-residential customers on a uniform volumetric rate and impose a single charge for all water consumed.

### FIXED CHARGES

The fixed meter charge recognizes that the Agency incurs fixed costs regardless of whether customers use water. There are two components that comprise the fixed meter charge: the customer component and the capacity component, as described in the previous section.

### VARIABLE CHARGES

The Agency currently has a uniform volumetric rate for all customers. Based on the Agency's sources of water supply, NBS recommends updating the Residential and Agriculture customers to a two-tiered inclining rate structure.

The goals when setting the tier breakpoint were twofold:

1. The breakpoint for the first tier was set to the 25 hcf<sup>7</sup>, which is the bi-monthly ground water allocated to each customer.
2. The second tier consists of any consumption above 25 hcf and includes the cost of purchased water in addition to base commodity costs.

**Figure 12** shows the calculation for the tier breakpoint with 908 acre feet of free ground water production used as the base water allotment.

**Figure 12. Tier Breakpoint Calculation**

Water Supply Allocation	Based on # of Accounts
Total Water Allocation 2020	908 acre feet
Total Customer Base	2,707 total active accounts
Water Allocated to Each Customer Annual	0.34 acre feet/parcel/year
Conversion to Hundred Cubic Feet	146.1 hcf
HCF Bi-Monthly Allocation Per Customer	24.4 hcf
Bi-Monthly Tier 1 Water	25.00 hcf

**Figure 13** shows the calculation for the additional water supply costs that are added in the calculation for the fee of Tier 2 water consumption.

**Figure 13. Additional Water Supply Costs**

Cost Per Unit for State Water Project Water	Total
Total Cost for Additional Water Supply (70 AF)	\$48,271.27 Total Cost
Cost per Acre Foot	\$689.59 per AF
Cost per HCF	\$1.58 per hcf

**Figure 14** presents the full calculation for the variable tiered charges for residential and agriculture customers. The base rate is calculated by dividing the commodity and volumetric capacity costs by the water consumption for residential and agriculture customers.

**Figure 14. Residential & Agriculture Customer Tiered Rate Calculation**

Customer Classes	Tier Break	Est. Water Consumption (hcf/yr.)	% of Consumption in Tier	Base Rate	Plus Additional Supply Cost	Cost Per Unit of Water	Estimated Revenue
Residential							
Tier 1	25	124,215	70%	\$3.03	\$0.00	<b>\$3.03</b>	\$ 376,341
Tier 2	--	53,094	30%	\$3.03	\$1.58	<b>\$4.61</b>	\$ 244,914
Agriculture							
Tier 1	25	4,052	26%	\$3.23	\$0.00	<b>\$3.23</b>	\$ 13,106
Tier 2	--	11,649	74%	\$3.23	\$1.58	<b>\$4.82</b>	\$ 56,120
<b>Total</b>		<b>193,010</b>					<b>\$ 690,481</b>

Due to the varying consumption characteristics, non-residential/agriculture customers will maintain a uniform volumetric rate because it best represents their cost-of-service. Using the commodity, volumetric capacity and additional supply costs allocated to each customer class, **Figure 15** shows the calculation for

<sup>7</sup> HCF is one hundred cubic feet of water.

the per unit volumetric charge for each customer class and tier. It is notable to mention that the base rate for residential and agriculture customers is shown in Figure 17, which filters into the calculation in Figure 16.

**Figure 15. Calculated Variable Charges for FY 2020/21**

Customer Classes	Water Consumption (hcf/yr.)	Commodity Assigned Costs	Capacity Assigned Costs	Additional Supply Costs <sup>1</sup>	Fixed Costs to Recover from Vol. Charges	Target Rev. Req't from Vol. Charges	Base Volumetric Rates (\$/hcf)
Residential	176,045	\$ 457,000	\$ 76,373	<i>See footnote</i>	\$ -	\$ 533,374	\$3.03
Agriculture	16,297	42,306	10,406		-	52,712	\$3.23
Bulk Water	10,563	27,420	4,761	-	50,515	82,696	\$7.83
Commercial & Institutional	2,152	5,587	1,220	719	-	7,525	\$3.58
Fire Meter	0	-	-	180	-	180	\$3.58
<b>Total</b>	<b>205,057</b>	<b>\$ 532,313</b>	<b>\$ 92,760</b>	<b>\$ 898</b>	<b>\$ 50,515</b>	<b>\$ 676,487</b>	

1. Additional water supply costs for Residential and Agriculture customers shown in Figure 14.

## E. Current and Proposed Water Rates

The cost-of-service analysis is used to establish the rates for FY 2020/21. In the subsequent four years of the rate study, proposed charges are simply adjusted by the proposed adjustment in total rate revenue needed, to meet projected revenue requirements. **Figure 16** provides a comparison of the current and proposed rates for FY 2020/21 through FY 2024/25. More detailed tables on the development of the proposed charges are documented in Appendix A.

**Figure 16. Current and Proposed Water Rates**

Water Rate Schedule	Current Rates	Proposed Rates				
		FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
Projected Increase in Rate Revenue per Financial Plan:		4.00%	4.00%	4.00%	4.00%	4.00%
Fixed Meter Charges						
Bi-Monthly Fixed Service Charges:						
3/4 inch	\$66.84	\$61.78	\$64.25	\$66.82	\$69.49	\$72.27
1 inch	\$66.84	\$61.78	\$64.25	\$66.82	\$69.49	\$72.27
1.5 inch	\$66.84	\$111.36	\$115.81	\$120.44	\$125.26	\$130.27
2 inch	\$66.84	\$170.86	\$177.69	\$184.80	\$192.19	\$199.88
3 inch	\$66.84	\$329.53	\$342.71	\$356.42	\$370.68	\$385.51
4 inch	--	\$508.03	\$528.35	\$549.48	\$571.46	\$594.32
6 inch	--	\$1,003.87	\$1,044.02	\$1,085.78	\$1,129.21	\$1,174.38
Bi-Monthly Fire Service Charges:						
3/4 inch	\$16.00	\$30.62	\$31.84	\$33.11	\$34.43	\$35.81
1 inch	\$16.00	\$30.62	\$31.84	\$33.11	\$34.43	\$35.81
2 inch	\$16.00	\$71.14	\$73.99	\$76.95	\$80.03	\$83.23
3 inch	\$34.43	\$141.14	\$146.79	\$152.66	\$158.77	\$165.12
4 inch	\$57.38	\$270.09	\$280.89	\$292.13	\$303.82	\$315.97
6 inch	\$114.75	\$601.66	\$625.73	\$650.76	\$676.79	\$703.86
8 inch	\$183.60	\$1,043.76	\$1,085.51	\$1,128.93	\$1,174.09	\$1,221.05
Commodity Charges						
Rate per hcf of Water Consumed:						
Bulk Meters	\$9.57	\$7.83	\$8.14	\$8.47	\$8.81	\$9.16
Commercial, Institutional, Fire & Other	\$3.38	\$3.58	\$3.72	\$3.87	\$4.02	\$4.18
Residential, 3/4" and 1" Meters	\$3.38	--	--	--	--	--
Tiered Rate - Residential Customers:						
Proposed Break						
Tier 1      0-25 hcf	\$3.38	\$3.03	\$3.15	\$3.28	\$3.41	\$3.55
Tier 2      26+ hcf	\$3.38	\$4.61	\$4.80	\$4.99	\$5.19	\$5.40
Tiered Rate - Agriculture Customers:						
Proposed Break						
Tier 1      0-25 hcf	\$3.38	\$3.23	\$3.36	\$3.49	\$3.63	\$3.78
Tier 2      26+ hcf	\$3.38	\$4.82	\$5.01	\$5.21	\$5.42	\$5.64

## F. Comparison of Current and Proposed Water Bills

**Figure 17** and **Figure 18** compare a range of monthly water bills for the current and proposed water rates as a result of the initial rate adjustment for residential customers (with a 1-inch meter) and non-single family residential customers (the bill comparison for a commercial customer is also a 1-inch meter). These monthly bills are based on typical meter sizes at various consumption levels.

Figure 17. Bi-Monthly Bill Comparison for Single Family Customers

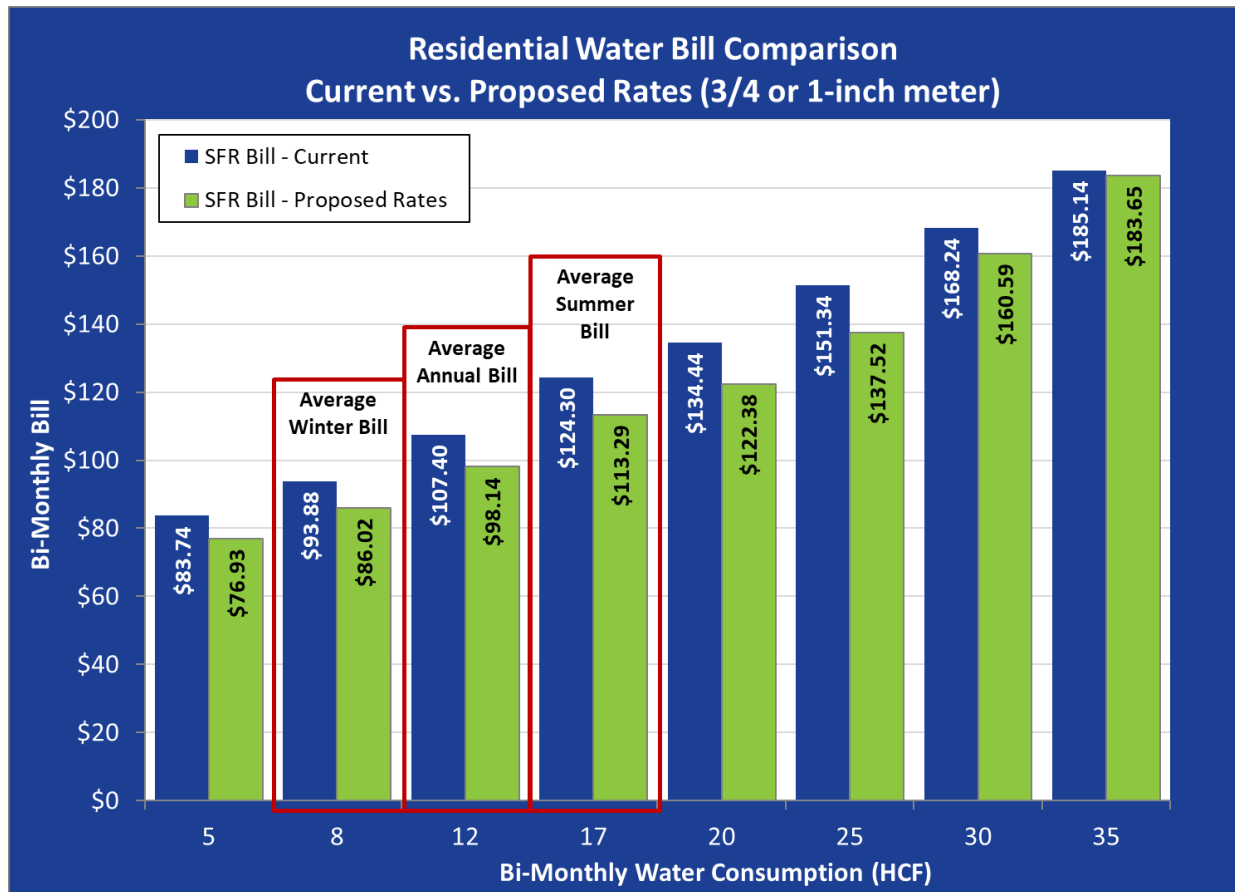
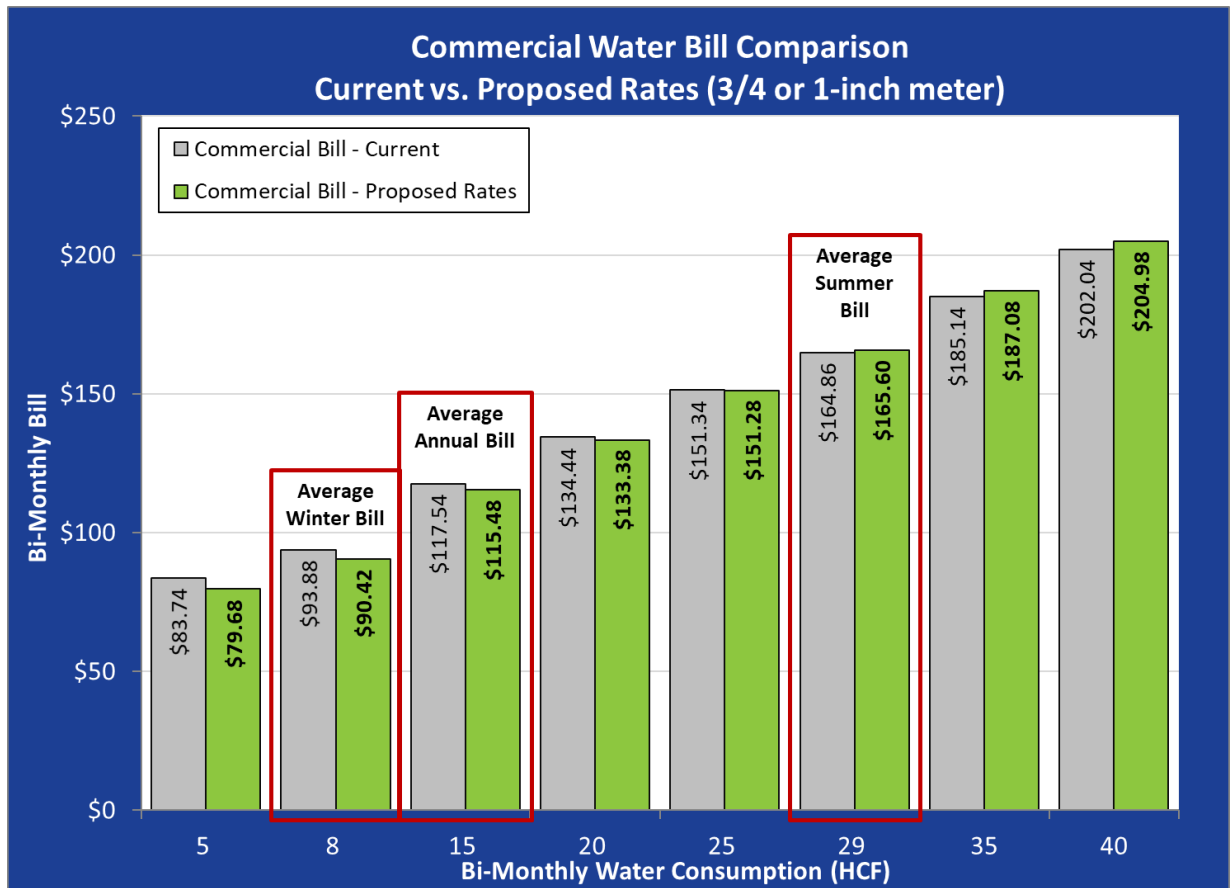




Figure 18. Bi-Monthly Water Bill Comparison for Commercial Customers



## Section 3. RECOMMENDATIONS AND NEXT STEPS

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### A. Consultant Recommendations

NBS recommends the Agency take the following actions:

**Approve and accept this Study:** NBS recommends the Agency Board formally approve and adopt this Study and its recommendations and proceed with the steps required to implement the proposed rates. This will provide documentation of the rate study analyses and the basis for analyzing potential changes to future rates.

**Implement Recommended Levels of Rate Adjustments and Proposed Rates:** Based on successfully meeting the Proposition 218 procedural requirements, the Agency should proceed with implementing the 5-year schedule of proposed rates and rate adjustments previously shown in Figure 16. This will help ensure the continued financial health of Agency's water utility.

### B. Next Steps

Annually Review Rates and Revenue – Any time an agency adopts new utility rates or rate structures, those new rates should be closely monitored over the next several years to ensure the revenue generated is sufficient to meet the annual revenue requirements. Changing economic and water consumption patterns underscore the need for this review, as well as potential and unseen changing revenue requirements—particularly those related to environmental regulations that can significantly affect capital improvements and repair and replacement costs.

*Note: The attached Technical Appendix A provides more detailed information on the analysis of the water revenue requirements, cost-of-service analysis and cost allocations, and the rate design analyses that have been summarized in this report.*

### C. NBS' Principal Assumptions and Considerations

In preparing this report and the opinions and recommendations included herein, NBS has relied on a number of principal assumptions and considerations with regard to financial matters, conditions, and events that may occur in the future. This information and these assumptions, including Agency's budgets, capital improvement costs, and information from Agency staff were provided by sources we believe to be reliable, although NBS has not independently verified this data.

While we believe NBS' use of such information and assumptions is reasonable for the purpose of this report and its recommendations, some assumptions will invariably not materialize as stated herein and may vary significantly due to unanticipated events and circumstances. Therefore, the actual results can be expected to vary from those projected to the extent that actual future conditions differ from those assumed by us or provided to us by others.

## APPENDIX A: WATER RATE STUDY TABLES AND FIGURES

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## APPENDIX B: CUSTOMER CLASS DEFINITIONS (DRAFT)

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This appendix shows the customer class definitions that are currently in progress and subject to change. The definitions will be updated upon final approval of the Board of Directors.

### Customer Classes Served

Any person or entity connected to the water system and immediately able to receive water service from the Agency under these rules and regulations will be placed into a unique customer class.

1. Residential Customer: A place where people reside. A legally permitted dwelling and/or “vacation” parcel (e.g. “inactive”) which has a meter connected to the water system and readily able to receive water service.
2. Bulk Hauling Customer and/or (Temporary) Construction Meters: A bulk hauling customer is one who obtains water from one of the Agency’s “bulk water station” facilities. A construction meter is connected to a fire hydrant to supply water to a project on a temporary basis thru application for such.
3. Commercial/Institutional/Industrial/Non-Agriculture: A facility that is neither residential, bulk, nor agriculture. Such facility may or may not have a cross connection control device (backflow device). Examples of such facilities are restaurants, retail stores, schools and other types of “commercial” businesses.
4. Agriculture (Non-Residential and Non-Commercial/Institutional): Agricultural customer classes will be the default class whenever any of the following are met:
  - Cross connection control device mandated per an analysis by staff of the Water Use Questionnaire completed and signed by the customer at time of application for water service (new or renewed).
  - A property with, or without, a permitted residential dwelling but also with irrigation of non-ornamental landscaping or “vegetable gardens”. For reference, and “ornamental landscape” shall be defined as a permanent landscape designed which serves the primary purpose of adding visually pleasing plants to the landscape. Non-ornamental landscaping or crops are those that are harvested on a routine basis and are not a permanent part of the landscape. Such crops could also be defined as specialized botanicals or otherwise botanicals that are harvested for extraction or consumption.
  - Livestock (horses, pigs, cows, poultry, etc.) that are raised for commercial purposes such as food processing or commercial sales.
5. Fire Service Connections: Parcels which have separate and distinct connections for fire sprinklers or on-site fire hydrants or other fire suppression devices or systems. Such fire service connections are static and only consume water during firefighting efforts.

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Financial Plan and Reserve Projections**

**Financial Plan & Reserve Summary**

**TABLE 1 : FINANCIAL PLAN AND SUMMARY OF REVENUE REQUIREMENTS**

RATE REVENUE REQUIREMENTS SUMMARY <sup>1</sup>	Budget	Projected			
	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
<b>Sources of Water Funds</b>					
<i>Rate Revenue:</i>					
Water Sales Revenue Under Current Rates	\$ 1,618,617	\$ 1,618,617	\$ 1,618,617	\$ 1,618,617	\$ 1,618,617
Revenue from Rate Increases <sup>2</sup>	10,791	98,412	167,093	238,521	312,807
Subtotal: Rate Revenue After Rate Increases	1,629,408	1,717,029	1,785,710	1,857,138	1,931,424
<i>Non-Rate Revenue:</i>					
Other Operating Revenue	\$ 60,001	\$ 60,001	\$ 60,001	\$ 60,001	\$ 60,001
Non-Operating Revenue	229,831	229,831	229,831	229,831	229,831
Interest Income <sup>3</sup>	16,000	6,741	6,825	6,981	7,209
Subtotal: Non-Rate Revenue	305,832	296,573	296,657	296,813	297,041
<b>Total Sources of Funds</b>	<b>\$ 1,935,240</b>	<b>\$ 2,013,602</b>	<b>\$ 2,082,367</b>	<b>\$ 2,153,952</b>	<b>\$ 2,228,465</b>
<b>Uses of Water Funds</b>					
<i>Operating Expenses <sup>4</sup></i>					
Operating Administrative Expenses	\$ 854,710	\$ 890,584	\$ 925,153	\$ 961,173	\$ 996,638
Non-Operating Administrative Expenses	24,300	24,900	25,500	26,100	26,700
Operations Expense	786,005	806,600	827,600	849,300	871,800
Director Expense	45,100	46,500	48,000	49,500	51,000
Administration Projects	140,000	100,000	100,000	100,000	100,000
Subtotal: Operating Expenses	\$ 1,850,115	\$ 1,868,584	\$ 1,926,253	\$ 1,986,073	\$ 2,046,138
<i>Other Expenditures:</i>					
Existing Debt Service	\$ 25,000	\$ 25,000	\$ 25,000	\$ -	\$ -
New Debt Service	-	-	-	-	-
Rate-Funded Capital Expenses	-	-	52,665	-	-
Subtotal: Other Expenditures	\$ 25,000	\$ 25,000	\$ 77,665	\$ -	\$ -
<b>Total Uses of Water Funds</b>	<b>\$ 1,875,115</b>	<b>\$ 1,893,584</b>	<b>\$ 2,003,918</b>	<b>\$ 1,986,073</b>	<b>\$ 2,046,138</b>
<b>Annual Surplus/(Deficit)</b>	<b>\$ 60,125</b>	<b>\$ 120,018</b>	<b>\$ 78,449</b>	<b>\$ 167,879</b>	<b>\$ 182,327</b>
<b>Net Revenue Req't. (Total Uses less Non-Rate Revenue)</b>	<b>\$ 1,569,283</b>	<b>\$ 1,597,011</b>	<b>\$ 1,707,261</b>	<b>\$ 1,689,260</b>	<b>\$ 1,749,097</b>
<b>Projected Annual Rate Revenue Adjustment</b>	<b>4.00%</b>	<b>4.00%</b>	<b>4.00%</b>	<b>4.00%</b>	<b>4.00%</b>
Cumulative Increase from Annual Revenue Increases	4.00%	8.16%	12.49%	16.99%	21.67%
Debt Coverage After Rate Increase	3.40	5.80	6.24	N/A	N/A

- Revenue for FY 2019/20 through FY 2020/21 are from source files: Resolution No. 19R-03 Adopting the Agency Budget for FY 2019-20.pdf, and FY2020.21 Budget adopted 5 26 2020 20R-14.pdf
- Rate increases assume an implementation date of May 1, 2021 and then January 1st thereafter.
- Interest earnings for FY 2019/20 through FY 2020/21 from Agency budgets. For all other years, it is calculated based on historical LAIF returns.
- Expenses for FY 2019/20 through FY 2020/21 are from source files: Resolution No. 19R-03 Adopting the Agency Budget for FY 2019-20.pdf, and FY2020.21 Budget adopted 5 26 2020 20R-14.pdf

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Financial Plan and Reserve Projections**

**Financial Plan & Reserve Summary**

**TABLE 2 : RESERVE FUND SUMMARY**

SUMMARY OF CASH ACTIVITY UN-RESTRICTED RESERVES	Budget	Projected			
	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
<b>Total Beginning Cash</b> <sup>1, 2, 3</sup>	<b>\$ 3,310,519</b>				
<b>Operating Reserve Fund (Current Customer Deposits)</b>					
Beginning Reserve Balance <sup>1</sup>	\$ 856,666	\$ 912,385	\$ 921,493	\$ 949,933	\$ 979,433
Plus: Net Cash Flow (After Rate Increases)	60,125	120,018	78,449	167,879	182,327
Plus: Transfer of Debt Reserve Surplus	-	-	-	-	-
Less: Transfer Out to Emergency Contingencies Fund	-	-	-	-	-
Less: Transfer Out to Capital Replacement Reserve	(4,406)	(110,910)	(50,010)	(138,379)	(152,706)
<b>Ending Operating Reserve Balance</b>	<b>\$ 912,385</b>	<b>\$ 921,493</b>	<b>\$ 949,933</b>	<b>\$ 979,433</b>	<b>\$ 1,009,054</b>
<b>Target Ending Balance (180-days of O&amp;M) <sup>2</sup></b>	<b>\$ 912,385</b>	<b>\$ 921,493</b>	<b>\$ 949,933</b>	<b>\$ 979,433</b>	<b>\$ 1,009,054</b>
<b>Emergency Contingencies Reserve Fund</b>					
Beginning Reserve Balance	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
Plus: Transfer of Operating Reserve Surplus	-	-	-	-	-
Less: Use of Reserves for Capital Projects	-	-	-	-	-
<b>Ending Emergencies Contingencies Reserve Balance</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>
<b>Target Ending Balance Set by Board (\$200,000 minimum) <sup>3</sup></b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>
<b>Replacement &amp; Refurbishment Reserve Fund</b>					
Beginning Reserve Balance	\$ 2,253,852	\$ 2,258,258	\$ 2,290,793	\$ 2,340,803	\$ 2,425,132
Plus: Transfer of Operating Reserve Surplus	4,406	110,910	50,010	138,379	152,706
Less: Use of Reserves for Capital Projects	-	(78,375)	-	(54,050)	-
<b>Ending Capital Rehab &amp; Replacement Reserve Balance</b>	<b>\$ 2,258,258</b>	<b>\$ 2,290,793</b>	<b>\$ 2,340,803</b>	<b>\$ 2,425,132</b>	<b>\$ 2,577,838</b>
<b>Target Ending Balance <sup>4</sup></b>	<b>\$ 2,033,750</b>	<b>\$ 2,086,438</b>	<b>\$ 2,118,390</b>	<b>\$ 2,151,935</b>	<b>\$ 2,181,602</b>
<b>Ending Balance</b>	<b>\$ 3,370,643</b>	<b>\$ 3,412,287</b>	<b>\$ 3,490,736</b>	<b>\$ 3,604,565</b>	<b>\$ 3,786,892</b>
<b>Minimum Target Ending Balance</b>	<b>\$ 3,146,135</b>	<b>\$ 3,207,931</b>	<b>\$ 3,268,323</b>	<b>\$ 3,331,368</b>	<b>\$ 3,390,656</b>
<b>Ending Surplus/(Deficit) Compared to Reserve Targets</b>	<b>\$ 224,508</b>	<b>\$ 204,356</b>	<b>\$ 222,413</b>	<b>\$ 273,197</b>	<b>\$ 396,236</b>
<b>Restricted Reserves:</b>					
<b>Bond Debt Service Reserve Fund</b>					
Beginning Reserve Balance	\$ -	\$ -	\$ -	\$ -	\$ -
Plus: Reserve Funding from New Debt Obligations	-	-	-	-	-
Less: Transfer of Surplus to Operating Reserve	-	-	-	-	-
<b>Ending Debt Reserve Balance</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Target Ending Balance</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Connection Fee Reserve</b>					
Beginning Reserve Balance	\$ 12,780	\$ 25,586	\$ 38,417	\$ 51,274	\$ 64,156
Plus: Capital Impact Fee Revenue	12,780	12,780	12,780	12,780	12,780
Plus: Interest Revenue	26	51	77	103	128
Less: Use of Reserves for Capital Projects	-	-	-	-	-
<b>Ending Connection Fee Fund Balance</b>	<b>\$ 25,586</b>	<b>\$ 38,417</b>	<b>\$ 51,274</b>	<b>\$ 64,156</b>	<b>\$ 77,064</b>
<b>Annual Interest Earnings Rate <sup>5</sup></b>	<b>0.20%</b>	<b>0.20%</b>	<b>0.20%</b>	<b>0.20%</b>	<b>0.20%</b>

1. Beginning cash from Audited Financial Statements for 2019/20 source files: BHDVWA\_FINAL-CAFR-FY2018.19-1.pdf, page 30, Note 2; Cash and Cash Equivalents.

Beginning balance for 2020/21 is per client email 9/7/2020.

2. Operating Reserve Target set to 180 days (or 6 months) of O&M expenses. Industry standard is 3 to 6 months.

3. Reserve target set by Agency Board. Source file: 16R-11 Establishing Criteria for Agency Financial Reserves.pdf

4. Replacement & Refurbishment Reserve target set to 10% of net assets, plus a \$1.5 million component for capital emergencies (increased by ENR CCI annually of 2.63%). Existing Board adopted policy is a \$300,000 minimum.



**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
Rate Adjustment Charts and Report Tables

**CHART 1**

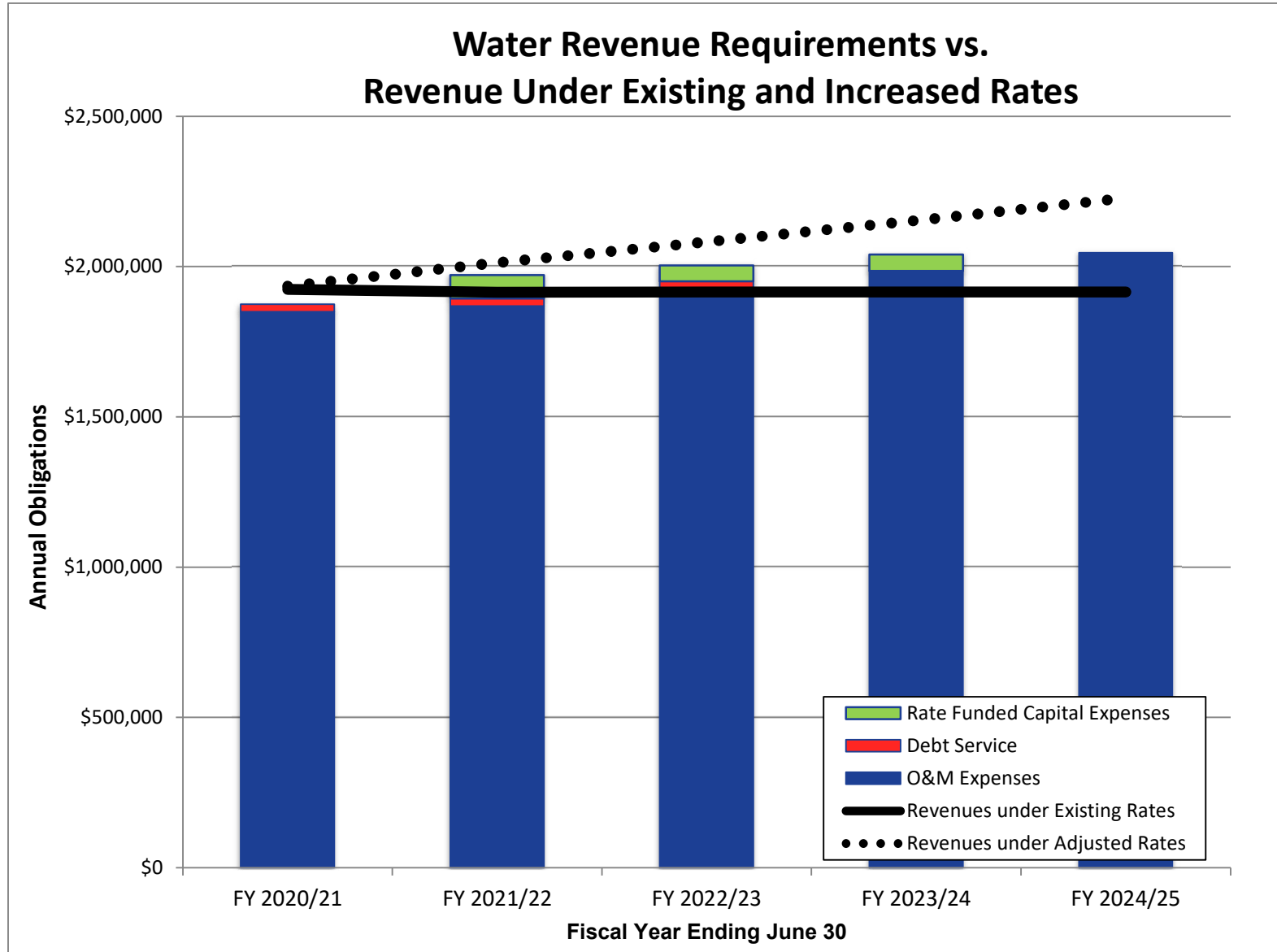


CHART 2

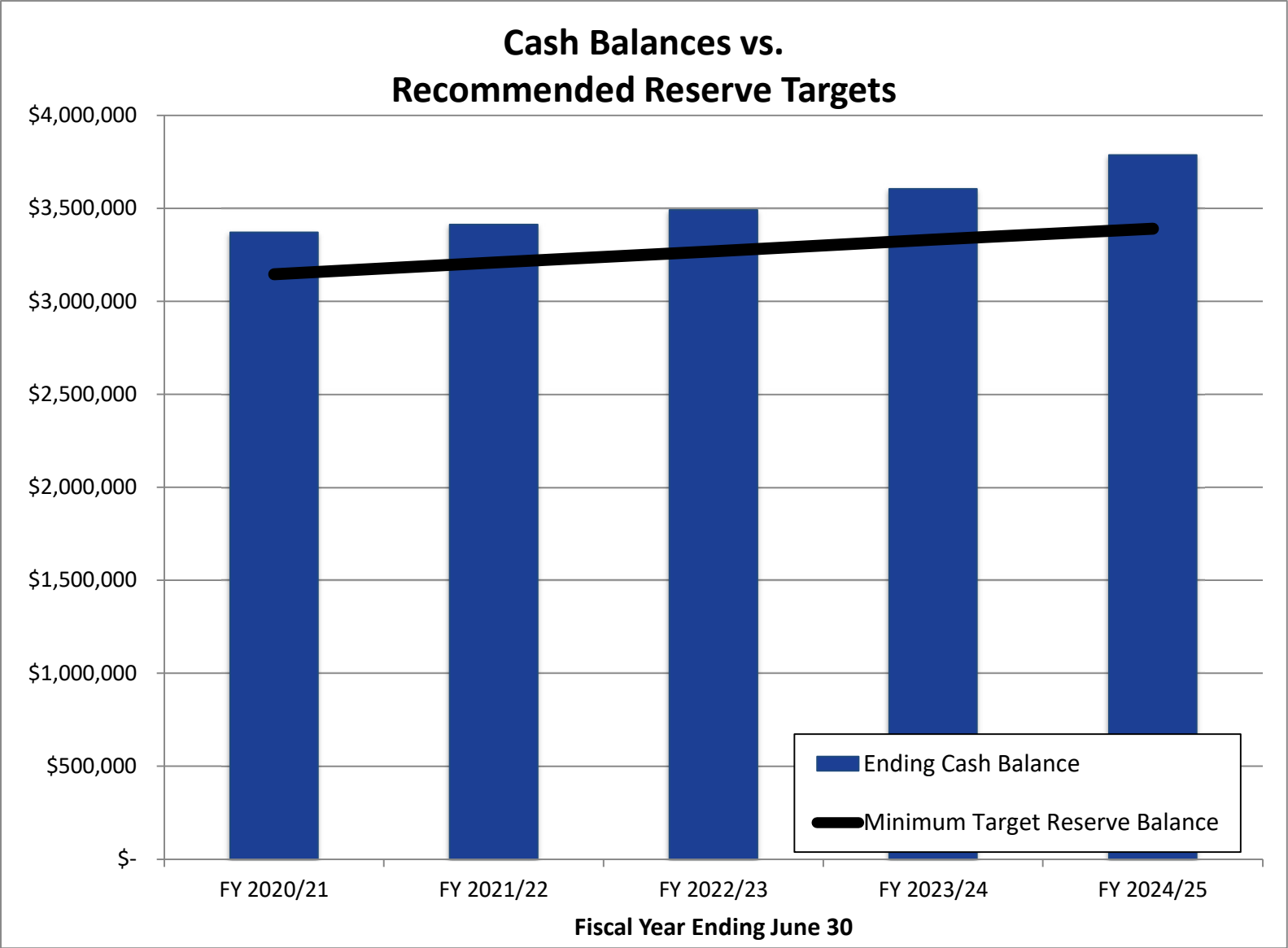
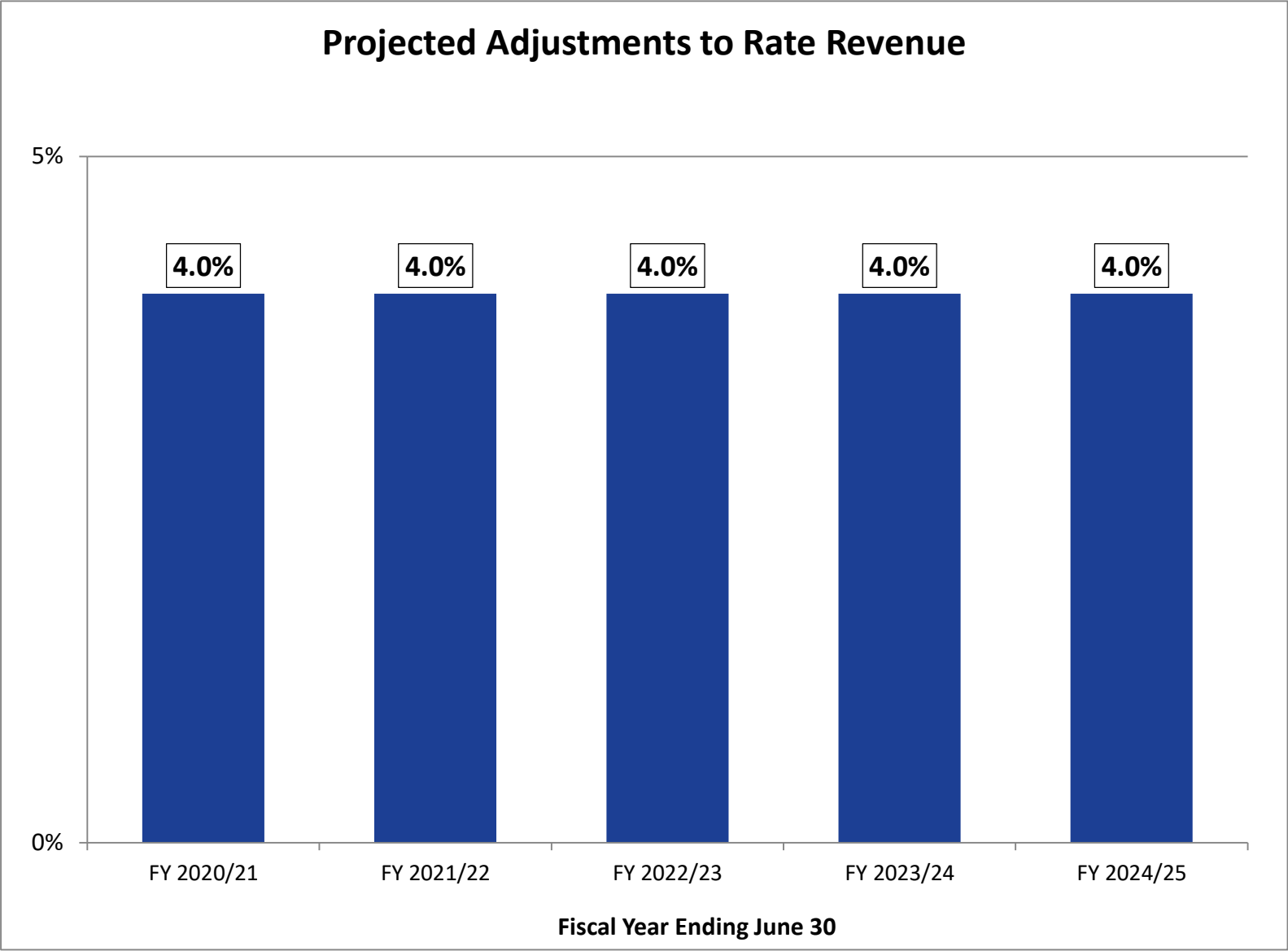


CHART 3



**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Operating Revenue and Expenses**

**EXHIBIT 1**

**TABLE 3 : REVENUE FORECAST <sup>1</sup>**

		Budget				
DESCRIPTION	Inflation Basis	2021	2022	2023	2024	2025
<b>Operating Revenue</b>						
Metered Water Sales	1	\$ 678,177	\$ 678,177	\$ 678,177	\$ 678,177	\$ 678,177
Basic Service Charge	1	940,440	940,440	940,440	940,440	940,440
Other Operating Income	1	60,000	60,000	60,000	60,000	60,000
Interest Income Unrestricted	See FP	16,000				
Water Sales from Ames	1	1	1	1	1	1
Subtotal		\$ 1,694,618	\$ 1,678,618	\$ 1,678,618	\$ 1,678,618	\$ 1,678,618
<b>Non-Operating Revenue</b>						
Stand-By Income W-1	1	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000
Predicted Lien Receipts (DQ, Pen, Int)	1	28,500	28,500	28,500	28,500	28,500
Debt Service BDVWA ID "1"	1	1	1	1	1	1
Debt Service DV	1	-	-	-	-	-
General Tax Income (portion of 1%)	1	136,330	136,330	136,330	136,330	136,330
Subtotal		\$ 229,831	\$ 229,831	\$ 229,831	\$ 229,831	\$ 229,831
<b>Non-Operating Revenue - New Connections</b>						
Meter Connect Fees (SL Install Fees)	1	\$ 3,590	\$ 3,590	\$ 3,590	\$ 3,590	\$ 3,590
Basic Facilities Charge (Buy-In)	1	9,190	9,190	9,190	9,190	9,190
Subtotal		\$ 12,780	\$ 12,780	\$ 12,780	\$ 12,780	\$ 12,780
<b>TOTAL: REVENUE</b>		<b>\$ 1,937,229</b>	<b>\$ 1,921,229</b>	<b>\$ 1,921,229</b>	<b>\$ 1,921,229</b>	<b>\$ 1,921,229</b>

**TABLE 4 : REVENUE SUMMARY**

		Budget				
<b>RATE REVENUE:</b>						
Metered Water Sales		\$ 678,177	\$ 678,177	\$ 678,177	\$ 678,177	\$ 678,177
Basic Service Charge		940,440	940,440	940,440	940,440	940,440
<b>OTHER REVENUE:</b>						
Other Operating Revenue		\$ 60,001	\$ 60,001	\$ 60,001	\$ 60,001	\$ 60,001
Interest Income		16,000	-	-	-	-
Non-Operating Revenue		229,831	229,831	229,831	229,831	229,831
Non-Operating Revenue - New Connections		12,780	12,780	12,780	12,780	12,780
<b>TOTAL: REVENUE</b>		<b>\$ 1,937,229</b>	<b>\$ 1,921,229</b>	<b>\$ 1,921,229</b>	<b>\$ 1,921,229</b>	<b>\$ 1,921,229</b>

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Operating Revenue and Expenses**

**EXHIBIT 1**

**TABLE 5 : OPERATING EXPENSE FORECAST <sup>1</sup>**

		Budget				
DESCRIPTION	Inflation Basis	2021	2022	2023	2024	2025
<b>Operating Administrative Expenses</b>						
Administrative Compensation	2	\$ 307,871	\$ 318,000	\$ 328,500	\$ 339,300	\$ 350,500
Contractual Services - Auditor	2	21,165	21,900	22,600	23,300	24,100
Contractual Services - Legal	2	20,000	20,700	21,400	22,100	22,800
Legislative Affairs	4	10,000	10,200	10,400	10,600	10,800
PERS Contribution	3	39,079	41,400	43,900	46,500	49,300
PERS UAL <sup>1</sup>		60,921	67,284	71,053	75,073	77,138
Payroll Tax	2	15,703	16,200	16,700	17,300	17,900
Telephone & Fax	4	9,085	9,300	9,500	9,700	9,900
Mailing Expenses	4	1,500	1,500	1,500	1,500	1,500
Contractual Services - Other	2	78,500	81,100	83,800	86,600	89,500
Property/Liability Insurance	4	67,230	68,600	70,000	71,400	72,800
Workers Comp Insurance	4	12,606	12,900	13,200	13,500	13,800
Dues & Subscriptions & Annual Fees	4	17,850	18,200	18,600	19,000	19,400
Power/Propane - Office & Yards	6	8,200	8,500	8,800	9,100	9,400
Bad Debt Expense	7	1,500	1,500	1,500	1,500	1,500
Bad Debt Expense - Uncollected Liens	7	5,000	5,000	5,000	5,000	5,000
Office Supplies/Printing	4	8,500	8,700	8,900	9,100	9,300
Employee Benefits Insurance	3	155,000	164,300	174,200	184,700	195,800
Employee Education	4	15,000	15,300	15,600	15,900	16,200
<b>Non-Operating Administrative Expenses</b>						
Office Equipment Expense	4	\$ 10,000	\$ 10,200	\$ 10,400	\$ 10,600	\$ 10,800
Customer Relations	4	3,800	3,900	4,000	4,100	4,200
Other Administrative Expenses	4	7,500	7,700	7,900	8,100	8,300
Election Costs	4	2,500	2,600	2,700	2,800	2,900
Misc. Expenses	4	500	500	500	500	500
<b>Operations Expense</b>						
Operations Staff Compensation	2	\$ 326,155	\$ 336,900	\$ 348,000	\$ 359,500	\$ 371,400
Uniforms	4	6,750	6,900	7,000	7,100	7,200
Vehicle, Tractor, Equipment Expense	4	30,000	30,600	31,200	31,800	32,400
Vehicle Expense - Fuel	5	36,750	37,100	37,500	37,900	38,300
Field Materials and Supplies	4	75,000	76,500	78,000	79,600	81,200
Water Testing	4	12,000	12,200	12,400	12,600	12,900
Engineering	4	60,000	61,200	62,400	63,600	64,900
Water System Repairs	4	70,000	71,400	72,800	74,300	75,800
Excavation Permit Fees (CoSB)	4	500	500	500	500	500
Building Maintenance and Repair	4	15,500	15,800	16,100	16,400	16,700
Communications Expense	4	6,700	6,800	6,900	7,000	7,100
Disinfection Expense	4	15,000	15,300	15,600	15,900	16,200
Power - Wells, Booster Pumps	6	75,000	77,600	80,300	83,100	86,000
Other Operations Expense	4	11,650	11,900	12,100	12,300	12,500
Water Purchases	4	45,000	45,900	46,800	47,700	48,700
<b>Sub-Total</b>		<b>\$ 1,665,015</b>	<b>\$ 1,722,084</b>	<b>\$ 1,778,253</b>	<b>\$ 1,836,573</b>	<b>\$ 1,895,138</b>

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Operating Revenue and Expenses**

**EXHIBIT 1**

**TABLE 6**

Budget

DESCRIPTION	Inflation Basis	2021	2022	2023	2024	2025
<b>Director Expense</b>						
Director - McBride	2	\$ 9,020	\$ 9,300	\$ 9,600	\$ 9,900	\$ 10,200
Director - Corl-Lorono	2	9,020	9,300	9,600	9,900	10,200
Director - J. Burkhardt	2	9,020	9,300	9,600	9,900	10,200
Director - McKenzie	2	9,020	9,300	9,600	9,900	10,200
Director - Coulombe	2	9,020	9,300	9,600	9,900	10,200
<b>Sub-Total</b>		<b>\$ 45,100</b>	<b>\$ 46,500</b>	<b>\$ 48,000</b>	<b>\$ 49,500</b>	<b>\$ 51,000</b>

**TABLE 7**

Budget

DESCRIPTION	Inflation Basis	2021	2022	2023	2024	2025
<b>Administration Projects (Approved April 2020)</b>						
Rate and Fee Study	4	\$ 40,000	\$ -	\$ -	\$ -	\$ -
PARS TRUST FY 2020/21 Contribution (No. 2)	7	100,000	100,000	100,000	100,000	100,000
<b>Sub-Total</b>		<b>\$ 140,000</b>	<b>\$ 100,000</b>	<b>\$ 100,000</b>	<b>\$ 100,000</b>	<b>\$ 100,000</b>
<b>GRAND TOTAL: WATER OPERATING EXPENSES</b>		<b>\$ 1,850,115</b>	<b>\$ 1,868,584</b>	<b>\$ 1,926,253</b>	<b>\$ 1,986,073</b>	<b>\$ 2,046,138</b>

**TABLE 8 : FORECASTING ASSUMPTIONS**

INFLATION FACTORS <sup>2</sup>	Inflation Basis	2021	2022	2023	2024	2025
Water Sales	1	0.00%	0.00%	0.00%	0.00%	0.00%
Salaries	2	3.30%	3.30%	3.30%	3.30%	3.30%
Benefits <sup>3</sup>	3	6.00%	6.00%	6.00%	6.00%	6.00%
General Inflation <sup>4</sup>	4	2.00%	2.00%	2.00%	2.00%	2.00%
Fuel <sup>5</sup>	5	1.00%	1.00%	1.00%	1.00%	1.00%
Electricity	6	3.50%	3.50%	3.50%	3.50%	3.50%
No Escalation	7	0.00%	0.00%	0.00%	0.00%	0.00%

- Revenue and expenses for FY 2019/20 through FY 2020/21 are from source files: *Resolution No. 19R-03 Adopting the Agency Budget for FY 2019-20.pdf*, and *FY2020.21 Budget adopted 5 26 2020 20R-14.pdf*. PERS updated by Cindy September 9, 2020 in source file: *V2 9.8.20 BHDWA\_Water Rate Model\_09.08.20 -to client.xlsx*
- Inflation values follow 5-year average from US Bureau of Labor Statistics (BLS).  
Website: <https://data.bls.gov/cgi-bin/surveymost?en+06>
- Benefits inflation set to 6% per Agency staff on September 9, 2020.
- Five-year average CPI for All Urban Consumers for the Los Angeles/Riverside/Orange County areas, per BLS.
- Average cost inflation for Fuel and Utilities for US City Average (2018-2020), per BLS.



BIGHORN DESERT WATER AGENCY  
WATER RATE STUDY  
Capital Improvement Plan Expenditures

**EXHIBIT 2**

**TABLE 9 : CAPITAL FUNDING SUMMARY**

<b>CAPITAL FUNDING FORECAST</b>	<b>Budget</b>	<b>Projected</b>			
<b>Funding Sources:</b>	<b>FY 2020/21</b>	<b>FY 2021/22</b>	<b>FY 2022/23</b>	<b>FY 2023/24</b>	<b>FY 2024/25</b>
Grants <sup>1</sup>	\$ 430,030	\$ 194,970	\$ -	\$ -	\$ -
Use of Capacity Fee Reserves	-	-	-	-	-
SRF Loan Funding	-	-	-	-	-
Use of New Revenue Bond Proceeds	-	-	-	-	-
Use of Capital Rehabilitation and Replacement Reserve	-	78,375	-	54,050	-
Rate Revenue	-	-	52,665	-	-
<b>Total Sources of Capital Funds</b>	<b>\$ 430,030</b>	<b>\$ 273,345</b>	<b>\$ 52,665</b>	<b>\$ 54,050</b>	<b>\$ -</b>
<b>Uses of Capital Funds:</b>					
Total Project Costs	\$ 430,030	\$ 273,345	\$ 52,665	\$ 54,050	\$ -
<b>Capital Funding Surplus (Deficiency)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Bank Loan</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>New Revenue Bond Proceeds</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

1. Grant Funding is per page 14 of the Agency's 2020/21 budget (file: *FY2020.21 Budget adopted 5 26 2020 20R-14.pdf*).

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Capital Improvement Plan Expenditures**

**EXHIBIT 2**

**CAPITAL IMPROVEMENT PROGRAM**

**TABLE 10 : CAPITAL IMPROVEMENT PROGRAM COSTS (IN CURRENT-YEAR DOLLARS) <sup>1</sup>**

Avg. Life Yrs.	Project Description	2021	2022	2023	2024	2025
<b>Refurbish and Replacement Projects</b>						
15	Well 4 Rehab	\$ 39,425				
15	Well 6 Rehab					
8	Well 7 Rehab	34,030				
8	Well 8 Rehab					
8	Well 9 Rehab					
15	Well 10 Rehab					
15	Well GMW1		24,900			
15	Well GMW2					
15	Well GMW3					
15	Well 13					
15	Pump Well 3	60,575				
15	Pump Well 4	100,000				
15	Pump Well 6					
8	Pump Well 7					
8	Pump Well 8					
8	Pump Well 9					
8	Pump Well 10					
8	Pump Well GMW1		41,440			
15	Pump Well GMW2					
8	Pump Well GMW3					
8	Pump Well 13					
30	New Replacement Well for BH or DV					
7	JV Booster Station Upgrade - VFD's/Pressure Vessels		15,000			
	New Storage Tank					
20	Customer Meter w/ Box & Shutoff, Complete					
20	Utility Billing Software Replacement					
75	Loop Charles Rd.					
75	Shop Building Upgrades - storage and work space		50,000			
20	Replace Generator - 90 KW mobile					
20	Dump truck		85,000			
15	Replace Tractor					
9	Replace Fleet Vehicles (avg life)		50,000	50,000	50,000	
<b>Distribution System Projects</b>						
75	Distribution Valve, 6" avg, both water systems 50%	\$ -	\$ -	\$ -	\$ -	\$ -
75	Fire Hydrants, both water systems 50%	-	-	-	-	-
75	Pipe w/sand bedding, 6" avg. ID Goat Mtn	-	-	-	-	-
75	Pipe w/sand bedding, 6" avg. BDVWA					
<b>Operations Capital Projects (from 2020/21 Budget) <sup>2</sup></b>						
	Water Storage Tank Recoating (B1, B2), May 26, 2020	81,000	-	-	-	-
	Water Storage Tank Recoating (B1, B2), Feb. 2020	80,000	-	-	-	-
	C-Booster Station Upgrades	35,000	-	-	-	-
<b>Total: CIP Program Costs (Current-Year Dollars)</b>		<b>\$ 430,030</b>	<b>\$ 266,340</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ -</b>

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Capital Improvement Plan Expenditures**

**EXHIBIT 2**

**TABLE 11 : CAPITAL IMPROVEMENT PROGRAM COSTS (IN FUTURE-YEAR DOLLARS) <sup>1</sup>**

<b>Project Description</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>Refurbish and Replacement Projects</b>					
15 Well 4 Rehab	\$ 39,425	\$ -	\$ -	\$ -	\$ -
15 Well 6 Rehab	-	-	-	-	-
8 Well 7 Rehab	34,030	-	-	-	-
8 Well 8 Rehab	-	-	-	-	-
8 Well 9 Rehab	-	-	-	-	-
15 Well 10 Rehab	-	-	-	-	-
15 Well GMW1	-	25,555	-	-	-
15 Well GMW2	-	-	-	-	-
15 Well GMW3	-	-	-	-	-
15 Well 13	-	-	-	-	-
15 Pump Well 3	60,575	-	-	-	-
15 Pump Well 4	100,000	-	-	-	-
15 Pump Well 6	-	-	-	-	-
8 Pump Well 7	-	-	-	-	-
8 Pump Well 8	-	-	-	-	-
8 Pump Well 9	-	-	-	-	-
8 Pump Well 10	-	-	-	-	-
8 Pump Well GMW1	-	42,530	-	-	-
15 Pump Well GMW2	-	-	-	-	-
8 Pump Well GMW3	-	-	-	-	-
8 Pump Well 13	-	-	-	-	-
30 New Replacement Well for BH or DV	-	-	-	-	-
7 JV Booster Station Upgrade - VFD's/Pressure Vessels	-	15,395	-	-	-
-- New Storage Tank	-	-	-	-	-
20 Customer Meter w/ Box & Shutoff, Complete	-	-	-	-	-
20 Utility Billing Software Replacement	-	-	-	-	-
75 Loop Charles Rd.	-	-	-	-	-
75 Shop Building Upgrades - storage and work space	-	51,315	-	-	-
20 Replace Generator - 90 KW mobile	-	-	-	-	-
20 Dump truck	-	87,236	-	-	-
15 Replace Tractor	-	-	-	-	-
9 Replace Fleet Vehicles (avg life)	-	51,315	52,665	54,050	-
<b>Distribution System Projects</b>	-	-	-	-	-
75 Distribution Valve, 6" avg, both water systems 50%	-	-	-	-	-
75 Fire Hydrants, both water systems 50%	-	-	-	-	-
75 Pipe w/sand bedding, 6" avg. ID Goat Mtn	-	-	-	-	-
75 Pipe w/sand bedding, 6" avg. BDVWA	-	-	-	-	-
<b>Operations Capital Projects (from 2020/21 Budget)2</b>	-	-	-	-	-
-- Water Storage Tank Recoating (B1, B2), May 26, 2020	81,000	-	-	-	-
-- Water Storage Tank Recoating (B1, B2), Feb. 2020	80,000	-	-	-	-
-- C-Booster Station Upgrades	35,000	-	-	-	-
<b>Total: CIP Program Costs (Future-Year Dollars)</b>	<b>\$ 430,030</b>	<b>\$ 273,345</b>	<b>\$ 52,665</b>	<b>\$ 54,050</b>	<b>\$ -</b>

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Capital Improvement Plan Expenditures**

**EXHIBIT 2**

**TABLE 12 : FORECASTING ASSUMPTIONS**

<b>Economic Variables</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Annual Construction Cost Inflation, Per Engineering News Record <sup>3</sup>	0.00%	2.63%	2.63%	2.63%	2.63%
Cumulative Construction Cost Multiplier from 2020	1.00	1.03	1.05	1.08	1.11

1. Estimated capital improvement project costs found in source files: *BDVWA Replacement Refurbishment CIP and Min Rate Gen 5 1 2017.xlsx*  
Cindy and Marina confirmed updated costs in source file: *CIP Estimates through 2035-36 V2.xlsx*
2. Operations Capital projects are per page 14 of the Agency's 2020/21 budget (file: *FY2020.21 Budget adopted 5 26 2020 20R-14.pdf*).
3. Construction inflator is based on the most current 10 year average of the Engineering News-Record Construction Cost Index.  
Source: [www.enr.com/economics](http://www.enr.com/economics) (August 2010 to August 2020).

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Debt Service**

**EXHIBIT 3**

**TABLE 13**

<b>AGENCY DEBT OBLIGATIONS</b>					
<b>Annual Repayment Schedules:</b>	<b>FY 2020/21</b>	<b>FY 2021/22</b>	<b>FY 2022/23</b>	<b>FY 2023/24</b>	<b>FY 2024/25</b>
<u>Desert View Water Revenue Bonds</u> <sup>1</sup>					
Principal Payment	\$ -	\$ -	\$ -	\$ -	\$ -
Interest Payment	-	-	-	-	-
<b>Subtotal: Annual Debt Service</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Coverage Requirement (\$-Amnt above annual payment)	100%	100%	100%	100%	100%
Reserve Requirement (total fund balance)	\$ -	\$ -	\$ -	\$ -	\$ -
<u>MWA Pipeline Debt</u>					
Principal Payment <sup>2</sup>	\$ 25,000	\$ 25,000	\$ 25,000	\$ -	\$ -
Interest Payment	-	-	-	-	-
<b>Subtotal: Annual Debt Service</b>	<b>\$ 25,000</b>	<b>\$ 25,000</b>	<b>\$ 25,000</b>	<b>\$ -</b>	<b>\$ -</b>
Coverage Requirement (\$-Amnt above annual payment)	100%	100%	100%	100%	100%
Reserve Requirement (total fund balance)	\$ -	\$ -	\$ -	\$ -	\$ -

1. Water revenue bonds due to mature in 2020. Source file: *Resolution No. 19R-03 Adopting the Agency Budget for FY 2019-20.pdf, page 8.*

2. Per Agency staff, this is in all likelihood going to be reimbursed with a grant. Leaving in model as a conservative approach.

**TABLE 14 : EXISTING ANNUAL DEBT OBLIGATIONS TO BE SATISFIED BY WATER RATES**

<b>Existing Annual Debt Service</b>	<b>\$ 25,000</b>	<b>\$ 25,000</b>	<b>\$ 25,000</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Existing Annual Coverage Requirement</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Existing Debt Reserve Target</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Cost of Service Analysis**

**Function & Classification**

**TABLE 15**

Classification of Expenses											
Budget Categories	Total Revenue Requirements	Commodity	Additional Supply	Capacity	Customer	Fire Protection	Basis of Classification				
	FY 2020/21	(COM)	(ADD SUP)	(CAP)	(CA)	(FP)	COM	ADD SUP	CAP	CA	FP
<b>Operating Administrative Expenses</b>											
Administrative Compensation	\$ 307,871	\$ 92,361	\$ -	\$ 184,676	\$ 30,787	\$ 46	30.0%	0.0%	60.0%	10.0%	0.02%
Contractual Services - Auditor	\$ 21,165	\$ 6,350	\$ -	\$ 12,696	\$ 2,117	\$ 3	30.0%	0.0%	60.0%	10.0%	0.02%
Contractual Services - Legal	\$ 20,000	\$ 6,000	\$ -	\$ 11,997	\$ 2,000	\$ 3	30.0%	0.0%	60.0%	10.0%	0.02%
Legislative Affairs	\$ 10,000	\$ 3,000	\$ -	\$ 5,998	\$ 1,000	\$ 2	30.0%	0.0%	60.0%	10.0%	0.02%
PERS Contribution	\$ 39,079	\$ 11,724	\$ -	\$ 23,442	\$ 3,908	\$ 6	30.0%	0.0%	60.0%	10.0%	0.02%
PERS UAL	\$ 60,921	\$ 18,276	\$ -	\$ 36,543	\$ 6,092	\$ 9	30.0%	0.0%	60.0%	10.0%	0.02%
Payroll Tax	\$ 15,703	\$ 4,711	\$ -	\$ 9,419	\$ 1,570	\$ 2	30.0%	0.0%	60.0%	10.0%	0.02%
Telephone & Fax	\$ 9,085	\$ 2,726	\$ -	\$ 5,450	\$ 909	\$ 1	30.0%	0.0%	60.0%	10.0%	0.02%
Mailing Expenses	\$ 1,500	\$ -	\$ -	\$ -	\$ 1,500	\$ -	0.0%	0.0%	0.0%	100.0%	0.0%
Contractual Services - Other	\$ 78,500	\$ 23,550	\$ -	\$ 47,088	\$ 7,850	\$ 12	30.0%	0.0%	60.0%	10.0%	0.02%
Property/Liability Insurance	\$ 67,230	\$ 20,169	\$ -	\$ 40,328	\$ 6,723	\$ 10	30.0%	0.0%	60.0%	10.0%	0.02%
Workers Comp Insurance	\$ 12,606	\$ 3,782	\$ -	\$ 7,562	\$ 1,261	\$ 2	30.0%	0.0%	60.0%	10.0%	0.02%
Dues & Subscriptions & Annual Fees	\$ 17,850	\$ 5,355	\$ -	\$ 10,707	\$ 1,785	\$ 3	30.0%	0.0%	60.0%	10.0%	0.02%
Power/Propane - Office & Yards	\$ 8,200	\$ 2,460	\$ -	\$ 4,919	\$ 820	\$ 1	30.0%	0.0%	60.0%	10.0%	0.02%
Bad Debt Expense	\$ 1,500	\$ 450	\$ -	\$ 900	\$ 150	\$ 0	30.0%	0.0%	60.0%	10.0%	0.02%
Bad Debt Expense - Uncollected Liens	\$ 5,000	\$ 1,500	\$ -	\$ 2,999	\$ 500	\$ 1	30.0%	0.0%	60.0%	10.0%	0.02%
Office Supplies/Printing	\$ 8,500	\$ 2,550	\$ -	\$ 5,099	\$ 850	\$ 1	30.0%	0.0%	60.0%	10.0%	0.02%
Employee Benefits Insurance	\$ 155,000	\$ 46,500	\$ -	\$ 92,977	\$ 15,500	\$ 23	30.0%	0.0%	60.0%	10.0%	0.02%
Employee Education	\$ 15,000	\$ 4,500	\$ -	\$ 8,998	\$ 1,500	\$ 2	30.0%	0.0%	60.0%	10.0%	0.02%
<b>Non-Operating Administrative Expenses</b>											
Office Equipment Expense	\$ 10,000	\$ 3,000	\$ -	\$ 5,998	\$ 1,000	\$ 2	30.0%	0.0%	60.0%	10.0%	0.02%
Customer Relations	\$ 3,800	\$ -	\$ -	\$ -	\$ 3,800	\$ -	0.0%	0.0%	0.0%	100.0%	0.0%
Other Administrative Expenses	\$ 7,500	\$ 2,250	\$ -	\$ 4,499	\$ 750	\$ 1	30.0%	0.0%	60.0%	10.0%	0.02%
Election Costs	\$ 2,500	\$ 750	\$ -	\$ 1,500	\$ 250	\$ 0	30.0%	0.0%	60.0%	10.0%	0.02%
Misc. Expenses	\$ 500	\$ 150	\$ -	\$ 300	\$ 50	\$ 0	30.0%	0.0%	60.0%	10.0%	0.02%
<b>Sub-Total</b>	<b>\$ 879,010</b>	<b>\$ 262,113</b>	<b>\$ -</b>	<b>\$ 524,095</b>	<b>\$ 92,671</b>	<b>\$ 131</b>	<b>29.8%</b>	<b>0.0%</b>	<b>59.6%</b>	<b>10.5%</b>	<b>0.01%</b>



BIGHORN DESERT WATER AGENCY  
WATER RATE STUDY  
Cost of Service Analysis

Function & Classification

TABLE 16

Classification of Expenses, continued											
Budget Categories	Total Revenue Requirements	Commodity	Additional Supply	Capacity	Customer	Fire Protection	Basis of Classification				
	FY 2020/21	(COM)	(ADD SUP)	(CAP)	(CA)	(FP)	COM	ADD SUP	CAP	CA	FP
<b>Operations Expense</b>											
Operations Staff Compensation	\$ 326,155	\$ 97,847	\$ -	\$ 195,644	\$ 32,616	\$ 49	30.0%	0.0%	60.0%	10.0%	0.02%
Uniforms	\$ 6,750	\$ 2,025	\$ -	\$ 4,049	\$ 675	\$ 1	30.0%	0.0%	60.0%	10.0%	0.02%
Vehicle, Tractor, Equipment Expense	\$ 30,000	\$ 9,000	\$ -	\$ 17,995	\$ 3,000	\$ 5	30.0%	0.0%	60.0%	10.0%	0.02%
Vehicle Expense - Fuel	\$ 36,750	\$ 11,025	\$ -	\$ 22,044	\$ 3,675	\$ 6	30.0%	0.0%	60.0%	10.0%	0.02%
Field Materials and Supplies	\$ 75,000	\$ 22,500	\$ -	\$ 44,989	\$ 7,500	\$ 11	30.0%	0.0%	60.0%	10.0%	0.02%
Water Testing	\$ 12,000	\$ 12,000	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	0.0%	0.0%	0.0%
Engineering	\$ 60,000	\$ 18,000	\$ -	\$ 35,991	\$ 6,000	\$ 9	30.0%	0.0%	60.0%	10.0%	0.02%
Water System Repairs	\$ 70,000	\$ 21,000	\$ -	\$ 41,989	\$ 7,000	\$ 11	30.0%	0.0%	60.0%	10.0%	0.02%
Excavation Permit Fees (CoSB)	\$ 500	\$ 150	\$ -	\$ 300	\$ 50	\$ 0	30.0%	0.0%	60.0%	10.0%	0.02%
Building Maintenance and Repair	\$ 15,500	\$ 4,650	\$ -	\$ 9,298	\$ 1,550	\$ 2	30.0%	0.0%	60.0%	10.0%	0.02%
Communications Expense	\$ 6,700	\$ -	\$ -	\$ -	\$ 6,700	\$ -	0.0%	0.0%	0.0%	100.0%	0.0%
Disinfection Expense	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	0.0%	0.0%	0.0%
Power - Wells, Booster Pumps	\$ 75,000	\$ 75,000	\$ -	\$ -	\$ -	\$ -	100.0%	0.0%	0.0%	0.0%	0.0%
Other Operations Expense	\$ 11,650	\$ 3,495	\$ -	\$ 6,988	\$ 1,165	\$ 2	30.0%	0.0%	60.0%	10.0%	0.02%
Water Purchases	\$ 45,000	\$ -	\$ 45,000	\$ -	\$ -	\$ -	0.0%	100.0%	0.0%	0.0%	0.0%
<b>Director Expense</b>											
Director - McBride	\$ 9,020	\$ -	\$ -	\$ -	\$ 9,020	\$ -	0.0%	0.0%	0.0%	100.0%	0.0%
Director - Corl-Lorono	\$ 9,020	\$ -	\$ -	\$ -	\$ 9,020	\$ -	0.0%	0.0%	0.0%	100.0%	0.0%
Director - J. Burkhart	\$ 9,020	\$ -	\$ -	\$ -	\$ 9,020	\$ -	0.0%	0.0%	0.0%	100.0%	0.0%
Director - McKenzie	\$ 9,020	\$ -	\$ -	\$ -	\$ 9,020	\$ -	0.0%	0.0%	0.0%	100.0%	0.0%
Director - Coulombe	\$ 9,020	\$ -	\$ -	\$ -	\$ 9,020	\$ -	0.0%	0.0%	0.0%	100.0%	0.0%
<b>Administration Projects (Approved April 2020)</b>											
Rate and Fee Study	\$ 40,000	\$ 12,000	\$ -	\$ 23,994	\$ 4,000	\$ 6	30.0%	0.0%	60.0%	10.0%	0.02%
PARS TRUST FY 2020/21 Contribution (No. 2)	\$ 100,000	\$ 30,000	\$ -	\$ 59,985	\$ 10,000	\$ 15	30.0%	0.0%	60.0%	10.0%	0.02%
<b>Sub-Total</b>	<b>\$ 971,105</b>	<b>\$ 333,692</b>	<b>\$ 45,000</b>	<b>\$ 463,267</b>	<b>\$ 129,031</b>	<b>\$ 116</b>	<b>34.4%</b>	<b>4.6%</b>	<b>47.7%</b>	<b>13.3%</b>	<b>0.0%</b>
<b>Total Operating Expense</b>	<b>\$ 1,850,115</b>	<b>\$ 595,805</b>	<b>\$ 45,000</b>	<b>\$ 987,362</b>	<b>\$ 221,702</b>	<b>\$ 247</b>	<b>32.2%</b>	<b>2.4%</b>	<b>53.4%</b>	<b>12.0%</b>	<b>0.0%</b>

BIGHORN DESERT WATER AGENCY  
WATER RATE STUDY  
Cost of Service Analysis

Function & Classification

TABLE 17

Classification of Expenses, continued											
Budget Categories	Total Revenue Requirements	Commodity	Additional Supply	Capacity	Customer	Fire Protection	Basis of Classification				
	FY 2020/21	(COM)	(ADD SUP)	(CAP)	(CA)	(FP)	COM	ADD SUP	CAP	CA	FP
<b>Debt Service Payments</b>											
Existing Debt Service	\$ 25,000	\$ -	\$ -	\$ 25,000	\$ -	\$ -	0.0%	0.0%	100.0%	0.0%	0.0%
New Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%	0.0%	100.0%	0.0%	0.0%
<b>Total Debt Service Payments</b>	<b>\$ 25,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 25,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.0%</b>	<b>0.0%</b>	<b>100.0%</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Capital Expenditures</b>											
Rate Funded Capital Expenses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%	0.0%	100.0%	0.0%	0.0%
<b>TOTAL REVENUE REQUIREMENTS</b>	<b>\$ 1,875,115</b>	<b>\$ 595,805</b>	<b>\$ 45,000</b>	<b>\$ 1,012,362</b>	<b>\$ 221,702</b>	<b>\$ 247</b>	<b>31.8%</b>	<b>2.4%</b>	<b>54.0%</b>	<b>11.8%</b>	<b>0.0%</b>
<b>Less: Non-Rate Revenues</b>											
<b>Operating Revenue</b>											
Metered Water Sales											
Basic Service Charge											
Other Operating Income	\$ (60,000)	\$ (19,533)	\$ -	\$ (33,190)	\$ (7,268)	\$ (8)	32.6%	0.0%	55.3%	12.1%	0.0%
Interest Income Unrestricted	\$ (16,000)	\$ (5,209)	\$ -	\$ (8,851)	\$ (1,938)	\$ (2)	32.6%	0.0%	55.3%	12.1%	0.0%
Water Sales from Ames	\$ (1)	\$ (0)	\$ -	\$ (1)	\$ (0)	\$ (0)	32.6%	0.0%	55.3%	12.1%	0.0%
<b>Non-Operating Revenue</b>											
Stand-By Income W-1	\$ (65,000)	\$ (21,161)	\$ -	\$ (35,956)	\$ (7,874)	\$ (9)	32.6%	0.0%	55.3%	12.1%	0.0%
Predicted Lien Receipts (DQ, Pen, Int)	\$ (28,500)	\$ (9,278)	\$ -	\$ (15,765)	\$ (3,453)	\$ (4)	32.6%	0.0%	55.3%	12.1%	0.0%
Debt Service BDVWA ID "1"	\$ (1)	\$ (0)	\$ -	\$ (1)	\$ (0)	\$ (0)	32.6%	0.0%	55.3%	12.1%	0.0%
Debt Service DV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	32.6%	0.0%	55.3%	12.1%	0.0%
General Tax Income (portion of 1%)	\$ (136,330)	\$ (44,383)	\$ -	\$ (75,413)	\$ (16,515)	\$ (18)	32.6%	0.0%	55.3%	12.1%	0.0%
<b>Non-Operating Revenue - New Connections</b>											
Meter Connect Fees (SL Install Fees)											
Basic Facilities Charge (Buy-In)											
<b>NET REVENUE REQUIREMENTS</b>	<b>\$ 1,569,283</b>	<b>\$ 496,239</b>	<b>\$ 45,000</b>	<b>\$ 843,185</b>	<b>\$ 184,653</b>	<b>\$ 206</b>					
<i>Allocation of Revenue Requirements</i>	<i>100.0%</i>	<i>31.6%</i>	<i>2.9%</i>	<i>53.7%</i>	<i>11.8%</i>	<i>0.0%</i>					

TABLE 18

Classification of Expenses, continued						
Adjustments to Classification of Expenses						
Adjustment for Current Rate Level:	Total	COM	ADD SUP	CAP	CA	FP
FY 2020/21 Target Rate Rev. After Rate Increases	\$ 1,683,362					
Projected Rate Revenue at Current Rates	\$ 1,618,617					
FY 2020/21 Projected Rate Increase	4.0%					
<b>Adjusted Net Revenue Req'ts</b>	<b>\$ 1,683,362</b>	<b>\$ 532,313</b>	<b>\$ 48,271</b>	<b>\$ 904,480</b>	<b>\$ 198,076</b>	<b>\$ 221</b>
<i>Percent of Revenue</i>	<i>100.0%</i>	<i>31.6%</i>	<i>2.9%</i>	<i>53.7%</i>	<i>11.8%</i>	<i>0.0%</i>

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Water Cost of Service Analysis**

**Allocation Factors**

**TABLE 19**

Development of the COMMODITY Allocation Factor			Average Monthly Statistics			Average Bi-Monthly Statistics		
Customer Class	Volume (hcf) <sup>1</sup>	Percent of Total Volume	Winter	Annual	Summer	Winter	Annual	Summer
Residential	173,074	<b>84.4%</b>	4	6	9	8	12	17
Residential + Backflow	2,971	<b>1.4%</b>	9	14	18	18	28	36
Agriculture	8,593	<b>4.2%</b>	1	31	75	2	62	150
Agriculture + Residence	7,704	<b>3.8%</b>	7	24	48	15	48	95
Bulk Water	10,563	<b>5.2%</b>	4	7	11	7	15	23
Commercial	448	<b>0.2%</b>	4	7	14	8	15	29
Commercial + Backflow	856	<b>0.4%</b>	12	18	27	24	36	53
Fire Meter	-	<b>0.0%</b>	-	-	-	-	-	-
Institutional - Fire Dept.	9	<b>0.0%</b>	-	1	3	-	2	7
Institutional + Backflow	839	<b>0.4%</b>	13	35	86	27	70	172
<b>Total</b>	<b>205,057</b>	<b>100%</b>						

1. Consumption is from September 2019 through August 2020. BDVWA charges monthly rates, but bills customers bi-monthly.  
Source files: *CUSTOMER BILLING DATA 09.18.2020.xlsx*

**Commodity Related Costs:** *These costs are associated with the total consumption (flow) of water over a specified period of time (e.g. annual).*

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Water Cost of Service Analysis**

**Allocation Factors**

**TABLE 20**

<b>Development of the CAPACITY (MAX MONTH) Allocation Factor</b>				
<b>Customer Class</b>	<b>Average Bi-Monthly Use (hcf)</b>	<b>Peak Bi-Monthly Use (hcf) <sup>1</sup></b>	<b>Peaking Factor</b>	<b>Max 2-Month Capacity Factor</b>
Residential	28,846	43,629	<b>1.51</b>	<b>81.1%</b>
Residential + Backflow	495	652	<b>1.32</b>	<b>1.2%</b>
Agriculture	1,432	3,461	<b>2.42</b>	<b>6.4%</b>
Agriculture + Residence	1,284	2,572	<b>2.00</b>	<b>4.8%</b>
Bulk Water	1,760	2,760	<b>1.57</b>	<b>5.1%</b>
Commercial	75	144	<b>1.92</b>	<b>0.3%</b>
Commercial + Backflow	143	213	<b>1.49</b>	<b>0.4%</b>
Institutional - Fire Dept.	2	7	<b>4.33</b>	<b>0.0%</b>
Institutional + Backflow	140	344	<b>2.46</b>	<b>0.6%</b>
<b>Total</b>	<b>34,176</b>	<b>53,782</b>		<b>100%</b>
Fire Meter	0	0	<b>0.00</b>	<b>0.0%</b>

1. Based on peak monthly data (peak day data not available).

**Capacity Related Costs:** *Costs associated with the maximum demand required at one the maximum size of facilities required to meet this demand.*

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Water Cost of Service Analysis**

**Allocation Factors**

**TABLE 21**

<b>Development of the CUSTOMER Allocation Factor</b>		
<b>Customer Class</b>	<b>Number of Meters <sup>1</sup></b>	<b>Percent of Total</b>
Residential	2,504	<b>92.5%</b>
Residential + Backflow	18	<b>0.7%</b>
Agriculture	23	<b>0.8%</b>
Agriculture + Residence	27	<b>1.0%</b>
Bulk Water	121	<b>4.5%</b>
Commercial	5	<b>0.2%</b>
Commercial + Backflow	4	<b>0.1%</b>
Fire Meter	2	<b>0.1%</b>
Institutional - Fire Dept.	1	<b>0.0%</b>
Institutional + Backflow	2	<b>0.1%</b>
<b>Total</b>	<b>2,707</b>	<b>100.0%</b>

1. Meter Count is from July/August 2020. BHDVWA charges monthly rates, but bills bi-monthly.

Source files: *CUSTOMER BILLING DATA 09.18.2020.xlsx*

***Customer Related Costs*** : Costs associated with having a customer on the water system. These costs vary with the addition or deletion of customers on the system. Examples: Meter-reading, Postage and billing.

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Water Cost of Service Analysis/Rate Design**

**TABLE 22**

Meter Size	Standard Meters <sup>1</sup>		Fire Service Meters <sup>2</sup>	
	Meter Capacity (gpm)	Equivalency to 1 inch	Meter Capacity (gpm)	Equivalency to 1 inch
	<u>Displacement Meters</u>		<u>Displacement Meters</u>	
3/4 inch	30	1.00	30	1.00
1 inch	50	1.00	50	1.00
1.5 inch	100	2.00	100	2.00
2 inch	160	3.20	160	3.20
	<u>Compound Class I Meters</u>		<u>Fire Service Type II</u>	
3 inch	320	6.40	350	7.00
4 inch	500	10.00	700	14.00
6 inch	1,000	20.00	1,600	32.00
8 inch	1,600	32.00	2,800	56.00

1. Meter flow rates are from AWWA M-1 Table B-1.

2. Fire Service meter flow rates are from AWWA M-6 Table 5-3.

**TABLE 23 : ALLOCATION OF WATER REVENUE REQUIREMENTS**

Functional Category	COSA Results		Proposed Rates	
	Unadjusted Net Revenue Requirements (2020-21) 68% Fixed / 32% Variable		Adjusted Net Revenue Requirements (2020-21) 60% Fixed / 40% Variable	
Commodity - Related Costs	\$ 532,313	31.6%	\$ 532,313	31.6%
Additional Supply Costs	\$ 48,271	2.9%	\$ 48,271	2.9%
Capacity - Related Costs (volumetric share)	\$ -	0.0%	\$ 92,760	5.5%
Capacity - Related Costs (fixed share)	\$ 904,480	53.7%	\$ 811,720	48.2%
Customer - Related Costs	\$ 198,076	11.8%	\$ 198,076	11.8%
Fire Protection - Related Costs	\$ 221	0.0%	\$ 221	0.0%
<b>Total</b>	<b>\$ 1,683,362</b>	<b>100%</b>	<b>\$ 1,683,362</b>	<b>100%</b>



BIGHORN DESERT WATER AGENCY  
WATER RATE STUDY  
Water Cost of Service Analysis/Rate Design

TABLE 24 : ALLOCATION OF ADJUSTED NET REVENUE REQUIREMENTS - FY 2020/21

Proposed Rates - Net Revenue Requirements (60% Fixed / 40% Variable)								
Customer Classes	Classification Components						Cost of Service Net Rev. Req'ts	% of COS Net Revenue Req'ts
	Commodity-Related Costs	Additional Supply Costs	Capacity-Related Costs Volumetric Share	Capacity-Related Costs Fixed Share	Customer-Related Costs	Fire Protection-Related Costs		
Residential	\$ 449,288		\$ 75,249	\$ 658,483	\$ 183,222	\$ -	\$1,366,243	81.2%
Residential + Backflow	7,713		1,124	9,836	1,317	-	19,990	1.2%
Agriculture	22,307	Direct	5,970	52,239	1,683	-	82,199	4.9%
Agriculture + Residence	19,998	Allocation	4,437	38,825	1,976	-	65,236	3.9%
Bulk Water	27,420	Made based	4,761	41,661	8,854	-	82,696	4.9%
Commercial	1,164	on Tiered	248	2,167	366	-	3,944	0.2%
Commercial + Backflow	2,222	Water	368	3,216	293	-	6,098	0.4%
Fire Meter	-	Usage	-	-	146	221	367	0.0%
Institutional - Fire Dept.	24		12	101	73	-	210	0.0%
Institutional + Backflow	2,177		593	5,190	146	-	8,107	0.5%
<b>Total Net Revenue Requirement</b>	<b>\$ 532,313</b>	<b>\$ 48,271</b>	<b>\$ 92,760</b>	<b>\$ 811,720</b>	<b>\$ 198,076</b>	<b>\$ 221</b>	<b>\$1,683,362</b>	<b>97%</b>

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Water Cost of Service Analysis/Rate Design**

**TABLE 25 : CALCULATION OF BI-MONTHLY FIXED METER SERVICE CHARGES FOR FY 2020/21**

<b>Proposed Rates - Net Revenue Requirements (60% Fixed / 40% Variable)</b>								
<b>Number of Meters by Class and Size <sup>1</sup></b>	<b>3/4 inch</b>	<b>1 inch</b>	<b>1 1/2 inch</b>	<b>2 inch</b>	<b>3 inch</b>	<b>4 inch</b>	<b>6 inch</b>	<b>Total</b>
Residential	1,628	875	-	1	-	-	-	2,504
Residential + Backflow	7	11	-	-	-	-	-	18
Agriculture	6	17	-	-	-	-	-	23
Agriculture + Residence	12	15	-	-	-	-	-	27
Commercial	3	2	-	-	-	-	-	5
Commercial + Backflow	3	1	-	-	-	-	-	4
Institutional - Fire Dept.	-	1	-	-	-	-	-	1
Institutional + Backflow	1	-	-	1	-	-	-	2
<b>Total Meters/Accounts</b>	<b>1,660</b>	<b>922</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,584</b>
<i>Hydraulic Capacity Factor <sup>2</sup></i>	<i>1.00</i>	<i>1.00</i>	<i>2.00</i>	<i>3.20</i>	<i>6.40</i>	<i>10.00</i>	<i>20.00</i>	
<b>Total Equivalent Meters</b>	<b>1,660</b>	<b>922</b>	<b>-</b>	<b>6</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,588</b>
<b>Bi-Monthly Fixed Service Charges</b>								
Customer Costs (\$/Acct/2 months) <sup>3</sup>	\$12.20	\$12.20	\$12.20	\$12.20	\$12.20	\$12.20	\$12.20	
Capacity Costs (\$/Acct/2 months) <sup>4</sup>	\$49.58	\$49.58	\$99.17	\$158.67	\$317.34	\$495.84	\$991.68	
<b>Total Bi-Monthly Meter Charge</b>	<b>\$61.78</b>	<b>\$61.78</b>	<b>\$111.36</b>	<b>\$170.86</b>	<b>\$329.53</b>	<b>\$508.03</b>	<b>\$1,003.87</b>	
<b>Annual Fixed Costs Allocated to Bi-Monthly Meter Charges</b>								
Customer Costs	\$ 189,076							
Capacity Costs	770,058							
<b>Total Fixed Meter Costs</b>	<b>\$ 959,134</b>							
<b>Annual Revenue from Bi-Monthly Meter Charges</b>								
Customer Charges	\$ 121,465	\$ 67,464	\$ -	\$ 146	\$ -	\$ -	\$ -	<b>\$ 189,076</b>
Capacity Charges	493,856	274,298	-	1,904	-	-	-	<b>\$ 770,058</b>
<b>Total Revenue from Bi-Monthly Meter Charges</b>	<b>\$ 615,321</b>	<b>\$ 341,763</b>	<b>\$ -</b>	<b>\$ 2,050</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 959,134</b>

1. Number of meters by size and customer class for July-August 2020.

Source file for meters and consumption: CUSTOMER BILLING DATA 09.18.2020.xlsx

2. Source file: AWWA Manual M1, "Principles of Water Rates, Fees, and Charges", Table B-1.

3. Customer costs are allocated to each customer by dividing the total customer costs by the total number of customers.

4. Capacity costs are allocated by meter size and the hydraulic capacity of the meter.

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Water Cost of Service Analysis/Rate Design**

**TABLE 26 : CALCULATION OF BI-MONTHLY FIXED METER SERVICE CHARGES FOR FY 2020/21**

<b>Proposed Rates - Net Revenue Requirements (60% Fixed / 40% Variable)</b>								
<b>Number of Meters by Class and Size <sup>1</sup></b>	<b>3/4 inch</b>	<b>1 inch</b>	<b>2 inch</b>	<b>3 inch</b>	<b>4 inch</b>	<b>6 inch</b>	<b>8 inch</b>	<b>Total</b>
Fire Protection - Related Costs	-	2	-	-	-	-	-	2
<b>Total Meters/Accounts</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2</b>
<i>Hydraulic Capacity Factor <sup>2</sup></i>	<i>1.00</i>	<i>1.00</i>	<i>3.20</i>	<i>7.00</i>	<i>14.00</i>	<i>32.00</i>	<i>56.00</i>	
<b>Total Equivalent Meters</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2</b>
<b>Bi-Monthly Fixed Service Charges</b>								
Customer Costs (\$/Acct/2 months) <sup>3</sup>	\$12.20	\$12.20	\$12.20	\$12.20	\$12.20	\$12.20	\$12.20	
Capacity Costs (\$/Acct/2 months) <sup>4</sup>	\$18.42	\$18.42	\$58.95	\$128.95	\$257.89	\$589.47	\$1,031.56	
<b>Total Bi-Monthly Meter Charge</b>	<b>\$30.62</b>	<b>\$30.62</b>	<b>\$71.14</b>	<b>\$141.14</b>	<b>\$270.09</b>	<b>\$601.66</b>	<b>\$1,043.76</b>	
<b>Annual Fixed Costs Allocated to Bi-Monthly Meter Charges</b>								
Customer Costs	\$ 146							
Fire Protection Costs	221							
<b>Total Fixed Meter Costs</b>	<b>\$ 367</b>							
<b>Annual Revenue from Bi-Monthly Meter Charges</b>								
Customer Charges	\$ -	\$ 146	\$ -	\$ -	\$ -	\$ -	\$ -	<b>\$ 146</b>
Capacity Charges	-	221	-	-	-	-	-	<b>221</b>
<b>Total Revenue from Bi-Monthly Meter Charges</b>	<b>\$ -</b>	<b>\$ 367</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 367</b>

1. Number of meters by size and customer class for July-August 2020.

Source file for meters and consumption: CUSTOMER BILLING DATA 09.18.2020.xlsx

2. Source file: AWWA Manual M6, "Water Meters - Selection, Installation, Testing and Maintenance", Table 5-3.

3. Customer costs are allocated to each customer by dividing the total customer costs by the total number of customers.

4. Capacity costs are allocated by meter size and the hydraulic capacity of the meter.

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Water Cost of Service Analysis/Rate Design**

**Proposed Volume Charges**

**PROPOSED VOLUMETRIC CHARGES FOR FY 2020/21**

**TABLE 27**

<b>Proposed Rates - Net Revenue Requirements (60% Fixed / 40% Variable)</b>								
<b>Customer Classes</b>	<b>Water Consumption (hcf/yr.) <sup>1</sup></b>	<b>Commodity Assigned Costs</b>	<b>Capacity Assigned Costs</b>	<b>Additional Supply Costs <sup>2</sup></b>	<b>Fixed Costs to Recover from Vol. Charges</b>	<b>Target Rev. Req't from Vol. Charges</b>	<b>Cost Per Unit of Water (\$/hcf)</b>	<b>Volumetric Rates (\$/hcf)</b>
Residential	173,074	\$ 449,288	\$ 75,249	<i>Allocated based on water supply costs.</i>	\$ -	\$ 524,537	\$3.03	\$3.03
Residential + Backflow	2,971	7,713	1,124		-	8,837	\$2.97	
Agriculture	8,593	22,307	5,970		-	28,277	\$3.29	
Agriculture + Residence	7,704	19,998	4,437		-	24,435	\$3.17	
Bulk Water	10,563	27,420	4,761		50,515	82,696	\$7.83	<b>\$7.83</b>
Commercial	448	1,164	248	898	-	2,310	\$5.15	<b>\$3.58</b>
Commercial + Backflow	856	2,222	368		-	2,589	\$3.03	
Fire Meter	0	-	-		-	-	N/A	
Institutional - Fire Dept.	9	24	12		-	36	\$3.84	
Institutional + Backflow	839	2,177	593		-	2,770	\$3.30	
<b>Total</b>	<b>205,057</b>	<b>\$ 532,313</b>	<b>\$ 92,760</b>	<b>\$ 898</b>	<b>\$ 50,515</b>	<b>\$ 676,487</b>		

1. Consumption by customer class for July-August 2020.

Source file for meters and consumption: CUSTOMER BILLING DATA 09.18.2020.xlsx

2. Additional water supply costs for Residential and Agriculture customers shown in Table 29.

**TABLE 28: PROPOSED TIER BREAKPOINTS**

<b>Water Supply Allocation</b>	<b>Based on # of Parcels</b>	<b>Based on # of Accounts</b>
Total Water Allocation 2020	908 acre feet	908 acre feet
Total Customer Base	5,286 total parcels	2,707 total active accounts
Water Allocated to Each Customer Annual	0.17 acre feet/parcel/year	0.34 acre feet/parcel/year
Conversion to Hundred Cubic Feet	74.8 hcf	146.1 hcf
HCF Bi-Monthly Allocation Per Customer	12.5 hcf	24.4 hcf
Bi-Monthly Tier 1 Water	13.00 hcf	25.00 hcf
Total Water Allocation in hcf	395,524	

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Water Cost of Service Analysis/Rate Design**

**Proposed Volume Charges**

**TABLE 29: ADDITIONAL WATER SUPPLY COSTS**

Cost Per Unit for State Water Project Water	Ag+Res	Non-Res	Total
Total Cost for Additional Water Supply (70 AF)	\$47,373.11	\$898.16	\$48,271.27 Total Cost
Cost per Acre Foot	\$689.59		\$689.59 per AF
Cost per HCF	\$1.58		\$1.58 per hcf

**TABLE 30: TIERED WATER RATES**

<b>Proposed Rates - Net Revenue Requirements (60% Fixed / 40% Variable)</b>						
Customer Classes	Est. Water Consumption (hcf/yr.)	% of Consumption in Tier	Base Rate	Plus Additional Supply Cost	Cost Per Unit of Water (\$/hcf)	Estimated Revenue
Residential						
Tier 1	124,215	70%	\$3.03	\$0.00	<b>\$3.03</b>	\$ 376,341
Tier 2	53,094	30%	\$3.03	\$1.58	<b>\$4.61</b>	\$ 244,914
Agriculture						
Tier 1	4,052	26%	\$3.23	\$0.00	<b>\$3.23</b>	\$ 13,106
Tier 2	11,649	74%	\$3.23	\$1.58	<b>\$4.82</b>	\$ 56,120
<b>Total</b>	<b>193,010</b>					<b>\$ 690,481</b>

**BIGHORN DESERT WATER AGENCY**  
**WATER RATE STUDY**  
**Water Cost of Service Analysis/Rate Design**

**Current & Proposed Rates**

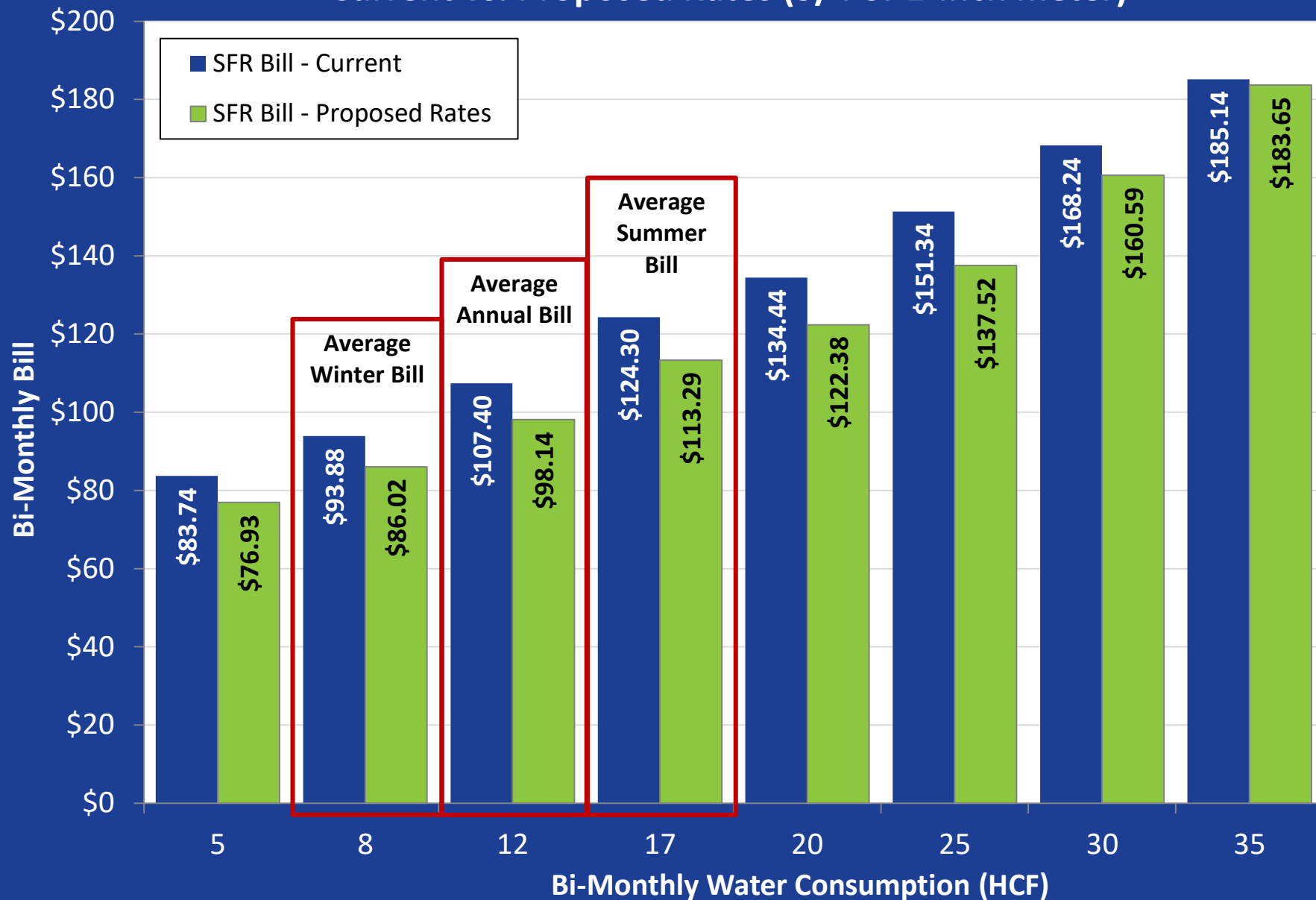
**CURRENT VS. PROPOSED WATER RATES:**

**TABLE 31**

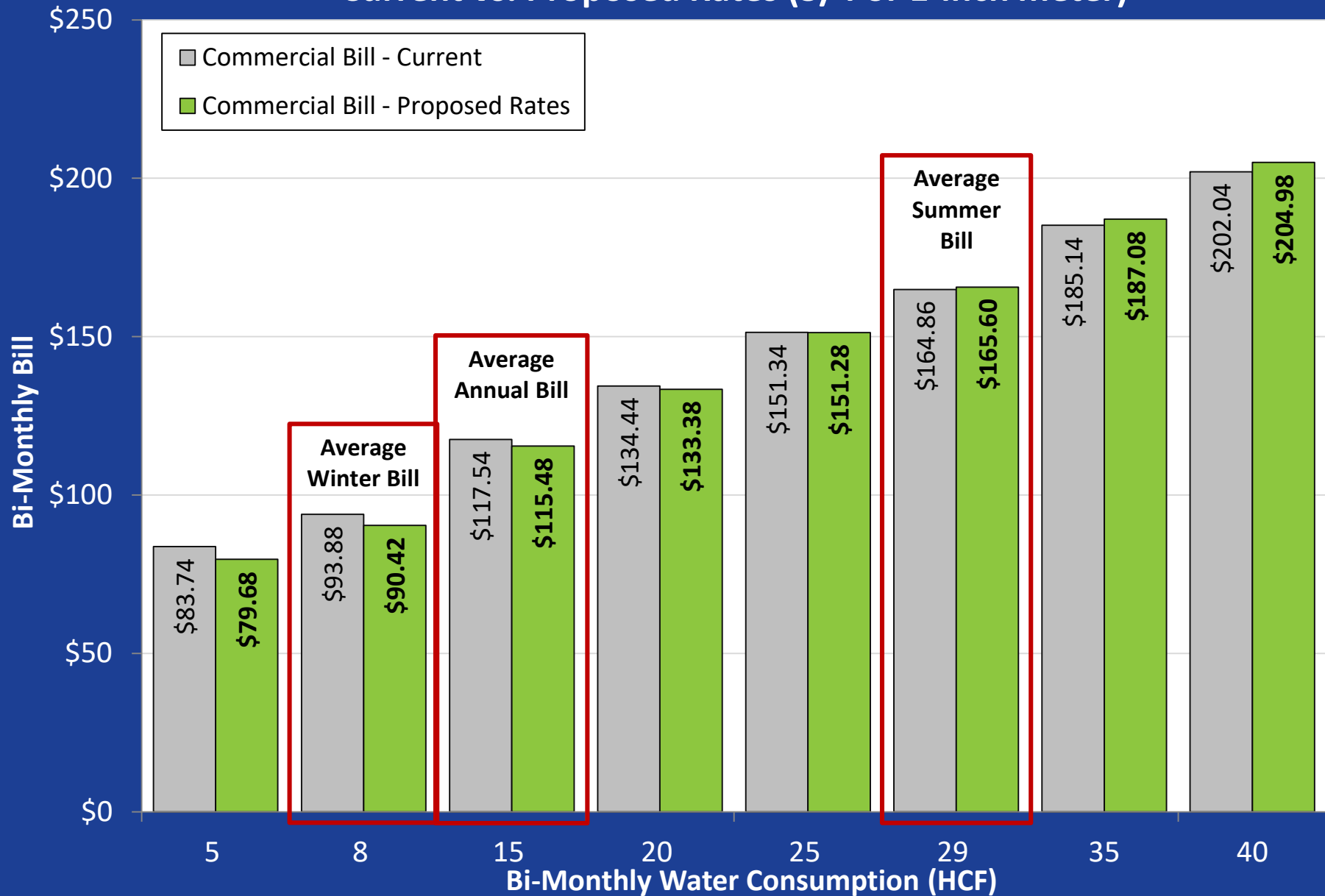
Proposed Rates - Net Revenue Requirements (60% Fixed / 40% Variable)						
Water Rate Schedule	Current Rates	Proposed Rates				
		FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
Projected Increase in Rate Revenue per Financial Plan:		4.00%	4.00%	4.00%	4.00%	4.00%
Fixed Meter Charges						
Bi-Monthly Fixed Service Charges:						
3/4 inch	\$66.84	\$61.78	\$64.25	\$66.82	\$69.49	\$72.27
1 inch	\$66.84	\$61.78	\$64.25	\$66.82	\$69.49	\$72.27
1.5 inch	\$66.84	\$111.36	\$115.81	\$120.44	\$125.26	\$130.27
2 inch	\$66.84	\$170.86	\$177.69	\$184.80	\$192.19	\$199.88
3 inch	\$66.84	\$329.53	\$342.71	\$356.42	\$370.68	\$385.51
4 inch	--	\$508.03	\$528.35	\$549.48	\$571.46	\$594.32
6 inch	--	\$1,003.87	\$1,044.02	\$1,085.78	\$1,129.21	\$1,174.38
Bi-Monthly Fire Service Charges:						
3/4 inch	\$16.00	\$30.62	\$31.84	\$33.11	\$34.43	\$35.81
1 inch	\$16.00	\$30.62	\$31.84	\$33.11	\$34.43	\$35.81
2 inch	\$16.00	\$71.14	\$73.99	\$76.95	\$80.03	\$83.23
3 inch	\$34.43	\$141.14	\$146.79	\$152.66	\$158.77	\$165.12
4 inch	\$57.38	\$270.09	\$280.89	\$292.13	\$303.82	\$315.97
6 inch	\$114.75	\$601.66	\$625.73	\$650.76	\$676.79	\$703.86
8 inch	\$183.60	\$1,043.76	\$1,085.51	\$1,128.93	\$1,174.09	\$1,221.05
Commodity Charges						
Rate per hcf of Water Consumed:						
Bulk Meters	\$9.57	\$7.83	\$8.14	\$8.47	\$8.81	\$9.16
Commercial, Institutional, Fire & Other	\$3.38	\$3.58	\$3.72	\$3.87	\$4.02	\$4.18
Residential, 3/4" and 1" Meters	\$3.38	--	--	--	--	--
Tiered Rate - Residential Customers:						
Proposed Break						
Tier 1 0-25 hcf	\$3.38	\$3.03	\$3.15	\$3.28	\$3.41	\$3.55
Tier 2 26+ hcf	\$3.38	\$4.61	\$4.80	\$4.99	\$5.19	\$5.40
Tiered Rate - Agriculture Customers:						
Proposed Break						
Tier 1 0-25 hcf	\$3.38	\$3.23	\$3.36	\$3.49	\$3.63	\$3.78
Tier 2 26+ hcf	\$3.38	\$4.82	\$5.01	\$5.21	\$5.42	\$5.64



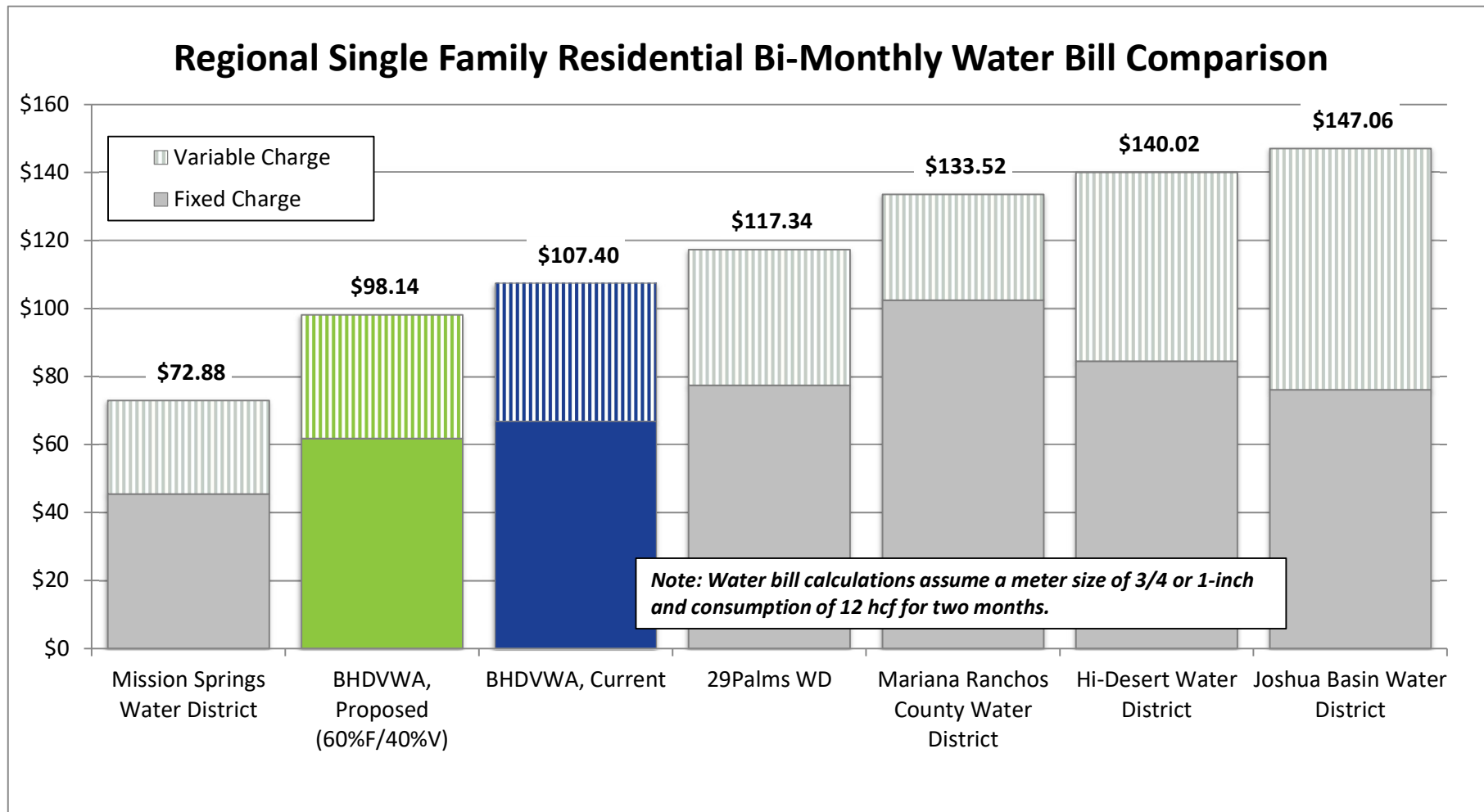
## Residential Water Bill Comparison Current vs. Proposed Rates (3/4 or 1-inch meter)



## Commercial Water Bill Comparison Current vs. Proposed Rates (3/4 or 1-inch meter)



Water Rate Comparison  
Regional Water Rate Comparison





# Bighorn Desert View Water Agency

Water Capacity Fee Study

**Final Report**

February 2021

## OFFICE LOCATIONS:

**Temecula – Corporate Headquarters**  
32605 Temecula Parkway, Suite 100  
Temecula, CA 92592

**San Francisco – Regional Office**  
870 Market Street, Suite 1223  
San Francisco, CA 94102

**California Satellite Offices**  
Atascadero, Davis  
Huntington Beach,  
Joshua Tree, Riverside  
Sacramento, San Jose

[www.nbsgov.com](http://www.nbsgov.com)

**Bighorn Desert View Water Agency**  
**Water Capacity Fee Analysis**  
**Demographic Data and Projections**

**EXHIBIT 1**

**TABLE 1 - METER EQUIVALENT UNITS**

Meter Size	Existing Water Meters <sup>1</sup>	Meter Equivalence		1-inch Meter Equivalent Units
		Maximum Flow (gpm) <sup>2</sup>	Equivalency to 1 inch meter	
3/4 inch	1,660	30	1.00	1,660
1 inch	1,019	50	1.00	1,019
1.5 inch	0	100	2.00	0
2 inch	26	160	3.20	83
3 inch	0	320	6.40	0
<b>Total</b>	<b>2,705</b>			<b>2,762</b>

1. Number of meters by size and customer class for July-August 2020. Includes 121 Bulk meters.

Source file for meters and consumption: CUSTOMER BILLING DATA 10.13.2020\_v2.xlsx

2. Source: AWWA M1, Table B-2. Assumes displacement meters for 5/8" through 2", Compound Class I for 3".

**TABLE 2 - EXISTING AND PROJECTED SERVICE NUMBERS**

Demographic Statistics	Existing Total	Projected Service Total <sup>1</sup> (thru FY2037/38)	% Allocation Factors		Cumulative Change	
			Existing Customers	New Customers	Number of Units	% Increase
Equivalent 1-inch meters	2,762	3,525	72.4%	27.6%	763	27.6%

1. Customer growth estimated in 2007 Urban Water Master Plan. Assumes 40 new connections per year.

Source file: Water Master Plan 2007.pdf, page 16.

**Bighorn Desert View Water Agency**  
**Water Capacity Fee Analysis**  
**Existing Capital Facilities and Equipment for Consideration (System Buy-In)**

**EXHIBIT 2**

**TABLE 3 - EXISTING ASSETS, ORIGINAL AND REPLICATION VALUE**

Asset Category <sup>1</sup>	Original Values <sup>1</sup>	Replication Value <sup>2</sup>	System Buy-In Cost Basis <sup>3</sup>
	Asset Cost	Asset Cost	
Water Fund			
Infrastructure	\$ 582,157	\$ 1,416,064	\$ 1,416,064
Land	38,690	38,690	38,690
Large Machinery	595,257	914,242	914,242
Mains and Piping	1,845,242	4,762,862	4,762,862
Meters and Hydrants	257,851	318,347	318,347
Office Equipment	576,474	719,186	719,186
Pumps, Tanks & Wells	3,443,496	8,175,586	8,175,586
Treatment Plant	4,003,823	16,369,245	16,369,245
Vehicle	253,208	265,048	265,048
Total Capital Facilities & Equipment	\$ 11,596,198	\$ 32,979,269	\$ 32,979,269

1. Source file for Bighorn Desert View Water Agency current assets as of August 2020: 2020.09.02-58227744-FA-Asset Listing.xlsx

Fully depreciated assets have been excluded from this analysis.

2. Takes into account estimated cost inflation, noted in Footnote 3.

3. System Buy-In Cost Basis values are calculated by escalating the book values (from Agency's fixed asset report) from service date to current year values using historical cost inflation factors from the Handy-Whitman Index of Public Utility Construction Costs for Water Utility Construction in the Pacific Region.

The percentage change in the asset cost is shown in column M of the Existing Assets Detail tab, labeled "Adjusted % of Original Value".

**TABLE 4 - EXISTING ASSETS, ALLOCATION TO EXISTING AND FUTURE CUSTOMERS**

Asset Category <sup>1</sup>	System Buy-In Cost Basis	Allocation Basis (%) <sup>2</sup>			Distribution of Cost Basis (\$)		
		Exclude from Analysis <sup>3</sup>	Existing Customers	Future Customers	Exclude from Analysis <sup>3</sup>	Existing Customers	Future Customers
Water Fund							
Infrastructure	\$ 1,416,064	0.0%	72.4%	27.6%	\$ -	\$ 1,024,906	\$ 391,158
Land	38,690	0.0%	72.4%	27.6%	-	28,002	10,687
Large Machinery	914,242	0.0%	72.4%	27.6%	-	661,702	252,540
Mains and Piping	4,762,862	0.0%	72.4%	27.6%	-	3,447,221	1,315,641
Meters and Hydrants	318,347	0.0%	93.2%	6.8%	-	296,842	21,505
Office Equipment	719,186	0.0%	72.4%	27.6%	-	520,526	198,660
Pumps, Tanks & Wells	8,175,586	0.0%	72.4%	27.6%	-	5,917,251	2,258,335
Treatment Plant	16,369,245	0.0%	72.4%	27.6%	-	11,847,583	4,521,662
Vehicle	265,048	0.0%	72.4%	27.6%	-	191,834	73,214
Total Capital Facilities & Equipment	\$ 32,979,269	0.0%	72.6%	27.4%	\$ -	\$ 23,935,867	\$ 9,043,402

1. Source file for Bighorn Desert View Water Agency current assets as of August 2020: 2020.09.02-58227744-FA-Asset Listing.xlsx

2. Based on proportionate allocation between existing and future users. See Table 2 in Exhibit 1 for demographic expectations.



**TABLE 5 - Asset Categories for Inflation**

Category	Type of Asset
ENR-LA	<b>Engineering News Record Average Construction Inflation - Los Angeles</b>
ENR-SF	<b>Engineering News Record Average Construction Inflation - San Francisco</b>
	<b>Source of Supply Plant</b>
1	Collecting & Impounding Res.
	<b>Pumping Plant</b>
2	Structures & Improvements
3	Electric Pumping Equipment
	<b>Water Treatment Plant</b>
4	Structures & Improvements
5	Large Treatment Plant Equipment
6	Small Treatment Plant Equipment
	<b>Transmission Plant</b>
7	Steel Reservoirs
8	Elevated Steel Tanks
9	Concrete Reservoirs
10	Cast Iron Mains
11	Steel Mains
12	Concrete Cylinder Mains
	<b>Distribution Plant</b>
13	Mains-Average All Types
14	Cast Iron Mains
15	Cement Asbestos Mains
16	Steel Mains
17	PVC Mains
18	Services Installed
19	Meters
20	Meter Installations
21	Hydrants Installed
	<b>Miscellaneous Items</b>
22	Flocculating Equipment - Installed
23	Clarifier Equipment - Installed
24	Filter Gallery Piping - Installed

## Water Capacity Fee Analysis

## Allocation of Cash Reserves and Outstanding Debt to Existing and Future Services

TABLE 6 - ALLOCATION OF CASH RESERVES TO EXISTING AND FUTURE USERS

Cash Reserves	Beginning Cash <sup>1</sup>	% Allocation		\$ - Allocation	
		Existing Customers	Future Customers	Existing Customers	Future Customers
<b>Un-restricted Reserves</b>					
Operating Reserve Fund (Current Customer Deposits)					
Emergency Contingencies Reserve Fund	\$ 3,310,519	100.0%	0.0%	\$ 3,310,519	\$ -
Replacement & Refurbishment Reserve Fund					
<b>Restricted Reserves</b>					
Capacity Fee Reserve <sup>2</sup>	\$ 12,780	100.0%	0.0%	\$ 12,780	\$ -
<b>Total Beginning Cash</b>	<b>\$ 3,323,299</b>	<b>100.0%</b>	<b>0.0%</b>	<b>\$ 3,323,299</b>	<b>\$ -</b>

1. Beginning balance for fiscal year 2020/21 is per client email September 7, 2020.

2. Capacity fee cash is excluded as to not double count asset values included in the fee calculation.

Bighorn Desert View Water Agency  
Water Capacity Fee Analysis  
Water Planned Capital Facilities and Equipment for Consideration (System Development)

**EXHIBIT 6**

**TABLE 7 - PLANNED CAPITAL IMPROVEMENT COSTS, ALLOCATED TO EXISTING AND FUTURE CUSTOMERS**

Capital Project Description <sup>1</sup>	Future Cost Estimate (2020-2034) <sup>1</sup>	System Development Cost Basis <sup>3</sup>	% Allocation		Distribution of Cost Basis (\$)	
			Existing Customers	Future Customers	Existing Customers	Future Customers
<b>Refurbish and Replacement Projects</b>						
Well 4 Rehab	\$ 78,850	\$ 78,850	100.0%	0.0%	\$ 78,850	\$ -
Well 6 Rehab	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Well 7 Rehab	\$ 68,060	\$ 68,060	100.0%	0.0%	\$ 68,060	\$ -
Well 8 Rehab	\$ 130,310	\$ 130,310	100.0%	0.0%	\$ 130,310	\$ -
Well 9 Rehab	\$ 81,340	\$ 81,340	100.0%	0.0%	\$ 81,340	\$ -
Well 10 Rehab	\$ 69,720	\$ 69,720	100.0%	0.0%	\$ 69,720	\$ -
Well GMW1	\$ 24,900	\$ 24,900	100.0%	0.0%	\$ 24,900	\$ -
Well GMW2	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Well GMW3	\$ 29,299	\$ 29,299	100.0%	0.0%	\$ 29,299	\$ -
Well 13	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Pump Well 3	\$ 60,575	\$ 60,575	100.0%	0.0%	\$ 60,575	\$ -
Pump Well 4	\$ 200,000	\$ 200,000	100.0%	0.0%	\$ 200,000	\$ -
Pump Well 6	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Pump Well 7	\$ 65,120	\$ 65,120	100.0%	0.0%	\$ 65,120	\$ -
Pump Well 8	\$ 129,880	\$ 129,880	100.0%	0.0%	\$ 129,880	\$ -
Pump Well 9	\$ 99,840	\$ 99,840	100.0%	0.0%	\$ 99,840	\$ -
Pump Well 10	\$ 44,000	\$ 44,000	100.0%	0.0%	\$ 44,000	\$ -
Pump Well GMW1	\$ 82,880	\$ 82,880	100.0%	0.0%	\$ 82,880	\$ -
Pump Well GMW2	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Pump Well GMW3	\$ 82,880	\$ 82,880	100.0%	0.0%	\$ 82,880	\$ -
Pump Well 13	\$ 100,000	\$ 100,000	100.0%	0.0%	\$ 100,000	\$ -
New Replacement Well for BH or DV	\$ 500,000	\$ 500,000	0.0%	100.0%	\$ -	\$ 500,000
JV Booster Station Upgrade -						
VFD's/Pressure Vessels	\$ 15,000	\$ 15,000	100.0%	0.0%	\$ 15,000	\$ -
New Storage Tank	\$ 500,000	\$ 500,000	0.0%	100.0%	\$ -	\$ 500,000
Customer Meter w/ Box & Shutoff, Complete	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Utility Billing Software Replacement	\$ 200,000	\$ 200,000	100.0%	0.0%	\$ 200,000	\$ -
Loop Kickapoo Trail	\$ 702,240	\$ 702,240	0.0%	100.0%	\$ -	\$ 702,240
Shop Building Upgrades - storage and work space	\$ 50,000	\$ 50,000	100.0%	0.0%	\$ 50,000	\$ -
Replace Generator - 90 KW mobile	\$ 50,000	\$ 50,000	100.0%	0.0%	\$ 50,000	\$ -
Dump truck	\$ 85,000	\$ 85,000	100.0%	0.0%	\$ 85,000	\$ -
Replace Tractor	\$ 175,000	\$ 175,000	100.0%	0.0%	\$ 175,000	\$ -
Replace Fleet Vehicles (avg life)	\$ 430,000	\$ 430,000	100.0%	0.0%	\$ 430,000	\$ -

Bighorn Desert View Water Agency  
Water Capacity Fee Analysis  
Water Planned Capital Facilities and Equipment for Consideration (System Development)

**EXHIBIT 6**

**TABLE 8 - PLANNED CAPITAL IMPROVEMENT COSTS, ALLOCATED TO EXISTING AND FUTURE CUSTOMERS**

Capital Project Description <sup>1</sup>	Future Cost Estimate (2020-2038) <sup>1</sup>	System Development Cost Basis <sup>3</sup>	% Allocation		Distribution of Cost Basis (\$)	
			Existing Customers	Future Customers	Existing Customers	Future Customers
<b>Distribution System Projects</b>						
Distribution Valve, 6" avg, both water systems 50%	\$ -	\$ -	72.4%	27.6%	\$ -	\$ -
Fire Hydrants, both water systems 50%	\$ -	\$ -	72.4%	27.6%	\$ -	\$ -
Pipe w/sand bedding, 6" avg. ID Goat Mtn	\$ -	\$ -	72.4%	27.6%	\$ -	\$ -
Pipe w/sand bedding, 6" avg. BDVWA	\$ -	\$ -	72.4%	27.6%	\$ -	\$ -
<b>Operations Capital Projects</b>						
Water Storage Tank Recoating (B1, B2), May 26, 2020	\$ 81,000	\$ 81,000	72.4%	27.6%	\$ 58,625	\$ 22,375
Water Storage Tank Recoating (B1, B2), Feb. 2020	\$ 80,000	\$ 80,000	72.4%	27.6%	\$ 57,902	\$ 22,098
C-Booster Station Upgrades	\$ 35,000	\$ 35,000	72.4%	27.6%	\$ 25,332	\$ 9,668
<b>Total</b>	<b>\$ 4,250,894</b>	<b>\$ 4,250,894</b>	<b>58.7%</b>	<b>41.3%</b>	<b>\$ 2,494,513</b>	<b>\$ 1,756,381</b>

1. Estimated capital improvement project costs found in source files: *BDVWA Replacement Refurbishment CIP and Min Rate Gen 5 1 2017.xlsx*

Cindy and Marina confirmed updated costs in source file: *CIP Estimates through 2035-36 V2.xlsx*

Certain projects being built in order to allocate new growth are 100% allocated to future customers.

2. Operation Capital projects are per page 14 of the District's 2020/21 budget (file: *FY2020.21 Budget adopted 5 26 2020 20R-14.pdf*).

**Bighorn Desert View Water Agency**  
**Water Capacity Fee Analysis**  
**Unit Cost Calculation**

**EXHIBIT 7**

**TABLE 9 - DEVELOPMENT OF THE COST BASIS FOR NEW CUSTOMERS**

System Asset Values Allocated to Future Development	Replacement Cost
<i>Costs Included in Existing System Buy-In:</i>	
Existing Assets	\$ 9,043,402
Planned, Future Capital Projects	1,756,381
<b>Total Cost Basis for New Development</b>	<b>\$ 10,799,783</b>

**TABLE 10 - DEVELOPMENT OF THE MAXIMUM CAPACITY FEE PER METER EQUIVALENT**

Summary of Capacity Fee Calculation	Adjusted System Cost Basis	Planned Additional Meter Equivalents (thru FY2037/38)	Base Capacity Fee
Proposed Fee -Replacement Cost	\$ 10,799,783	763	\$14,154

1. Refer to Exhibits 2 and 4 for detail of existing assets.
2. Refer to Exhibit 6 for detail related to planned assets.
3. Refer to Exhibit 5 for detail related to cash reserves and outstanding debt.
4. Refer to Exhibit 1 (Demographics) for growth projections.

**Bighorn Desert View Water Agency**  
**Water Capacity Fee Analysis**  
**Water Fee Classification and Calculation of Maximum Fee**

**EXHIBIT 8**

**TABLE 11 - WATER CAPACITY FEE BASED ON METER SIZE**

Meter Size	Equivalency Factor		Capacity Fee Per Meter Size
	Maximum Continuous Flow (gpm) <sup>1</sup>	Equivalency to 1 inch meter	
3/4 inch	30	1.00	<b>\$14,154</b>
1 inch	50	1.00	<b>\$14,154</b>
1.5 inch	100	2.00	<b>\$28,309</b>
2 inch	160	3.20	<b>\$45,294</b>
3 inch	320	6.40	<b>\$90,588</b>
4 inch	500	10.00	<b>\$141,544</b>
6 inch	1,000	20.00	<b>\$283,087</b>
8 inch	2,800	56.00	<b>\$792,645</b>
10 inch	4,200	84.00	<b>\$1,188,967</b>

1. Source: AWWA M1, Table B-2. Assumes displacement meters for 3/4" through 2", Compound Class I for 3" through 6", and Turbine Class II for 8" through 10".



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## Section 1. Executive Summary

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### A. Background and Purpose

Bighorn Desert View Water Agency retained NBS to conduct a water capacity fee study in conjunction with the water rate study for two primary reasons: (1) to ensure that the fees are updated to comply with legal requirements and industry standards, and (2) to ensure that these fees reflect the cost of capital infrastructure needed to serve new connections, or any person requesting additional capacity in the Agency's water system (referred to throughout as "future customers").

Please note, the fees updated in this study are commonly referred to as "connection fees," "capital facility fees," "capacity charges," or in this case, "capacity fees." BDVWA refers to this as the Basic Facilities Charge. The terms are often used interchangeably, and California Government Code Section 66013 defines these types of fees (referred to as a "capacity charge") as a one-time "charge for public facilities in existence at the time a charge is imposed or charges for new public facilities to be acquired or constructed in the future that are of proportional benefit to the person or property being charged, including supply or capacity contracts for rights or entitlements, real property interests, and entitlements and other rights of the local agency involving capital expense relating to its use of existing or new public facilities." It authorizes public agencies to impose "connection fees" (e.g., capacity fees) which are more appropriately called system capacity charges or capacity fees, on customers connecting to or upsizing their connection to the water system, to ensure that they pay their fair share of existing utility asset costs, plus the costs of new facilities needed to serve them. In its simplest form, capacity fees are the result of dividing the cost (or value) of the Utility's current system assets plus planned capital improvements, by the expected number of future customers. As a result, future customers connecting to the Agency's water utility would enter as equal participants, along with current customers, regarding their financial commitment and obligations to the utility.

Whereas water rate increases imposed on existing customers require a protest ballot procedure (under Proposition 218), capacity fees do not because they are an appropriate funding mechanism for facilities that benefit new development agencywide and may be imposed by a majority vote of the governing legislative body, which in this case is the Bighorn Desert View Water Agency's Board of Directors. This report provides the documentation and findings necessary for the adoption of proposed capacity (system capacity) fees.

### B. Overview of Capacity Fee Program Methodology

Various methodologies have been and are currently used to calculate water capacity fees. The most common methodologies are based on the following from the American Water Works Association's Principles of Water Rates, Fees and Charges<sup>1</sup>, also referred to as Manual M1:

- The value of existing (historical) system assets, often called a "system buy-in" or "replacement cost" methodology.

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<sup>1</sup> *Principles of Water Rates, Fees, and Charges, Manual of Water Supply Practices, M1, AWWA, seventh edition, 2017.*

- The value of planned future improvements, also called the “incremental” or “system development” methodology.
- A combination of these two approaches.

This analysis uses the “Combination Approach,”<sup>2</sup> which requires new customers to pay both their fair share of existing system assets as well as their share of the planned future capital improvements needed to provide them with capacity in the Agency’s water system. As a result, new customers connecting to the Agency’s water system would enter as equal participants with existing customers regarding their financial commitment and obligations to the utility.

In its simplest form, capacity fees (also referred to as connection fees, capacity fees, or system development charges) are calculated by dividing the costs allocated to future development by the number of units of new development anticipated:

- Costs of planned future facilities and improvements required to serve new development are those that can reasonably be allocated to future development.
- The number of new units (i.e., growth) are those units projected to occur within the timeframe covered by the capacity fee analysis.

Capacity fees are one-time fees intended to reflect the cost of existing infrastructure and planned improvements available to new services, and place new utility customers or existing customers requesting an increase in service capacity on equal basis from a financial perspective with existing customers. Once new customers are added to the system, they then incur the obligation to pay the same service charges or water rates that existing customers pay.

This capacity fee study and the recommended fees assume a given level of development activity over the course of the study period based on data available from the Agency’s 2007 Water Master Plan. The development that occurs may result in both different impacts and fee revenues than those that are calculated in this study. For that reason, regular updates are recommended to adjust the fees to match the needs created by the rate of actual development.

In developing the proposed fees, NBS worked cooperatively with Agency staff. The fees presented in this study reflect input provided by Agency staff regarding financial matters, available capacity in the water system, existing asset values, and planned capital improvements.

Section 2 discusses in more detail the development of the water capacity fees and present the updated fees recommended for new and upsized connections.

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<sup>2</sup> Method of calculating capital facility fees (also known as System Development Fees, Connection Fees, Capacity Fees) are set forth in the American Water Works Association’s *Principles of Water Rates, Fees and Charges* Seventh Edition (2017) pages 311 to 347.

## Section 2. Water Capacity Fee Study

### A. Existing Connections and Projected Future Growth

The Agency currently has approximately 2,700 equivalent 1-inch water meter connections to the water system. The Agency has implemented 1-inch meters as the standard (or base) meter size installed, but there are over 1,600 3/4-inch meters connected to the system. For the purpose of this study, 3/4-inch meters are treated the same as 1-inch meters; which is a common industry practice when setting rates and fees for smaller meter sizes. **Figure 1** shows the current number of meters by size connected to the system, meter equivalency factors and meter equivalent units.

**FIGURE 1. CURRENT WATER CUSTOMERS**

Meter Size	Existing Water Meters <sup>1</sup>	Meter Equivalence		1-inch Meter Equivalent Units
		Maximum Flow (gpm) <sup>2</sup>	Equivalency to 1 inch meter	
3/4 inch	1,660	30	1.00	1,660
1 inch	1,019	50	1.00	1,019
1.5 inch	0	100	2.00	0
2 inch	26	160	3.20	83
3 inch	0	320	6.40	0
<b>Total</b>	<b>2,705</b>			<b>2,762</b>

1. Number of meters by size and customer class for July-August 2020. Includes 121 Bulk meters.

Source file for meters and consumption: CUSTOMER BILLING DATA 10.13.2020\_v2.xlsx

2. Source: AWWA M1, Table B-2. Assumes displacement meters for 5/8" through 2", Compound Class I for 3".

Larger meters have the potential to use more of the system's capacity, compared to smaller meters. The potential capacity demanded by each meter is proportional to the maximum hydraulic flow through each meter size as established by the AWWA<sup>3</sup> hydraulic capacity ratios. The AWWA hydraulic capacity ratios (also known as flow factors, or meter equivalencies) used in this study are shown in the fourth column of Figure 1. The maximum flow rate, in gallons per minute (gpm) for each size meter is used to determine the number of equivalent 1-inch meter units currently connected.

As an example, a 2-inch meter has a greater capacity, or potential peak demand than a 1-inch meter. The "equivalency to a 1-inch meter" is calculated by dividing the maximum capacity or flow of larger meters by the capacity of the base (1-inch) meter size. The meter capacity factors shown in Figure 1 are the ratio of potential flow through each meter size compared to the flow through a 1-inch meter. The 1-inch meter is the base meter size for the utility and is used to compare the capacities of the larger meters. For example, column 4 in Figure 1 shows that a 2-inch meter is equivalent to 3.2 1-inch meters.

The actual number of meters by size is multiplied by the corresponding meter equivalency to calculate the total number of equivalent meters. The number of equivalent meters is used as a proxy for the

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<sup>3</sup> "AWWA" is the American Water Works Association.

potential demand that each customer can place on the water system. A significant portion of a water system's peak capacity, and in turn the utility's fixed capital costs, are related to meeting system capacity requirements. Therefore, the capacity fee for a new connection will be proportional to the service's meter equivalence.

The equivalent meter calculation is summarized for standard use meters in Figure 1. Given that the state now requires fire suppression systems in all new single-family home construction, the minimum meter size going forward is a 1-inch meter. This difference has not changed the expected use within the home. Consequently, the District has chosen to treat 3/4-inch meters equivalent to 1-inch meters for the following reasons:

- The desire for a single, fixed meter charge across all customer classes.
- The desire for a single capacity fee for new connections.
- The overwhelming number of meters between 3/4-inch and 1 inch are for residential and non-residential properties.

The result of this analysis, summarized in Figure 1, is that while there are currently 2,705 connections to the water system, there are 2,762 potable water equivalent (i.e., 1-inch) meter units.

**Figure 2** shows existing and projected service numbers for the water system. The anticipated future connections are based on the Agency's planned customer growth rate of 40 meters added annually, for the next 20 years. Existing capacity in the Agency's water system is allocated to current and future customers and the percentage assigned to current and future customers is based upon their assigned share of 1-inch meter equivalent units. As shown in Figure 2, new customers will be allocated about 27.6% of existing assets and planned assets. This is calculated by taking the expected number of new units (763) divided by the existing total of equivalent meters (2,762).

**FIGURE 2. EXISTING AND PROJECTED SERVICE NUMBERS**

Demographic Statistics	Existing Total	Projected Service Total <sup>1</sup> (thru FY2037/38)	% Allocation Factors		Cumulative Change	
			Existing Customers	New Customers	Number of Units	% Increase
Equivalent 1-inch meters	2,762	3,525	72.4%	27.6%	763	27.6%

1. Customer growth estimated in 2007 Urban Water Master Plan. Assumes 40 new connections per year.

Source file: Water Master Plan 2007.pdf, page 16.

## B. Existing and Planned Assets

The capital assets addressed in this study include existing assets and planned capital improvements (i.e. the system buy-in and incremental assets). An important aspect of this study is how the value of existing utility assets is determined. For example, the purchase price does not account for wear and tear, and current book value (purchase price less accumulated depreciation) typically underestimates the "true value" of facilities as it does not account for cost increases over time. Therefore, this study uses the replacement cost (RC) approach summarized in **Figure 3** to estimate existing asset values, because it provides an up-to-date asset value that reflects estimated cost inflation.



**FIGURE 3. SUMMARY OF EXISTING ASSET VALUES**

Asset Category <sup>1</sup>	Original Values <sup>1</sup>	Replication Value <sup>2</sup>	System Buy-In
	Asset Cost	Asset Cost	Cost Basis <sup>3</sup>
Water Fund			
Infrastructure	\$ 582,157	\$ 1,416,064	\$ 1,416,064
Land	38,690	38,690	38,690
Large Machinery	595,257	914,242	914,242
Mains and Piping	1,845,242	4,762,862	4,762,862
Meters and Hydrants	257,851	318,347	318,347
Office Equipment	576,474	719,186	719,186
Pumps, Tanks & Wells	3,443,496	8,175,586	8,175,586
Treatment Plant	4,003,823	16,369,245	16,369,245
Vehicle	253,208	265,048	265,048
Total Capital Facilities & Equipment	\$ 11,596,198	\$ 32,979,269	\$ 32,979,269

1. Source file for Bighorn Desert View Water Agency current assets as of August 2020: 2020.09.02-58227744-FA-Asset Listing.xlsx

Fully depreciated assets have been excluded from this analysis.

2. Takes into account estimated cost inflation, noted in Footnote 3.

3. System Buy-In Cost Basis values are calculated by escalating the book values (from Districts fixed asset report) from service date to current year values using historical cost inflation factors from the Handy-Whitman Index of Public Utility Construction Costs for Water Utility Construction in the Pacific Region.

The percentage change in the asset cost is shown in column M of the Existing Assets Detail tab, labeled "Adjusted % of Original Value".

The replacement cost is calculated by escalating the book value of existing assets to current-day values using inflation factors from the Handy-Whitman Index of Public Utility Construction Costs for Water Utility Construction. Figure 3 summarizes the System Buy-In Cost Basis by Asset Category for the water utility. For this analysis, assets that have exceeded their useful life (as defined in the Agency's asset records) were considered to have no remaining value.

Most of the replacement costs were allocated to current customers based on the 72.4 percent allocation factor previously shown in Figure 2 (and the 27.6 percent allocation factor for future customers). Meters are allocated 100 percent to current customers since they do not benefit future customers. **Figure 4** shows the allocation of about \$33 million system buy-in costs to current and future customers. Future customers are allocated approximately \$9 million of the existing water utility assets, or about 27.4%, due to meters being allocated to current customers only.

**FIGURE 4. EXISTING ASSET VALUES ALLOCATED TO CURRENT & FUTURE CUSTOMERS**

Asset Category <sup>1</sup>	System Buy-In Cost Basis	Allocation Basis (%) <sup>2</sup>		Distribution of Cost Basis (\$)		
		Existing Customers	Future Customers	Existing Customers	Future Customers	
Water Fund						
Infrastructure	\$ 1,416,064	72.4%	27.6%	\$ 1,024,906	\$ 391,158	
Land	38,690	72.4%	27.6%	28,002	10,687	
Large Machinery	914,242	72.4%	27.6%	661,702	252,540	
Mains and Piping	4,762,862	72.4%	27.6%	3,447,221	1,315,641	
Meters and Hydrants	318,347	93.2%	6.8%	296,842	21,505	
Office Equipment	719,186	72.4%	27.6%	520,526	198,660	
Pumps, Tanks & Wells	8,175,586	72.4%	27.6%	5,917,251	2,258,335	
Treatment Plant	16,369,245	72.4%	27.6%	11,847,583	4,521,662	
Vehicle	265,048	72.4%	27.6%	191,834	73,214	
Total Capital Facilities & Equipment	\$ 32,979,269	72.6%	27.4%	\$ 23,935,867	\$ 9,043,402	

1. Source file for Bighorn Desert View Water Agency current assets as of August 2020: 2020.09.02-58227744-FA-Asset Listing.xlsx

2. Based on proportionate allocation between existing and future users. See Table 2 in Exhibit 1 for demographic expectations.

The Agency's capital improvement plans for the water utility extend to FY 2035/36. Some of the cost estimates for planned future improvements used to calculate the system development component of the capacity fees are allocated 100% to future customers, as these projects are needed specifically to serve future customers. There are a few other projects allocated using the same allocations found in Figure 2, as these projects benefit both current and future customers. **Figure 5** and **Figure 6** include a list of future capital improvement projects; where future customers are allocated about \$1.8 million of planned asset costs.

**FIGURE 5. PLANNED ASSETS ALLOCATED TO CURRENT & FUTURE CUSTOMERS**

Capital Project Description <sup>1</sup>	Future Cost Estimate (2020-2034) <sup>1</sup>	System Development Cost Basis <sup>3</sup>	% Allocation		Distribution of Cost Basis (\$)	
			Existing Customers	Future Customers	Existing Customers	Future Customers
<b>Refurbish and Replacement Projects</b>						
Well 4 Rehab	\$ 78,850	\$ 78,850	100.0%	0.0%	\$ 78,850	\$ -
Well 6 Rehab	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Well 7 Rehab	\$ 68,060	\$ 68,060	100.0%	0.0%	\$ 68,060	\$ -
Well 8 Rehab	\$ 130,310	\$ 130,310	100.0%	0.0%	\$ 130,310	\$ -
Well 9 Rehab	\$ 81,340	\$ 81,340	100.0%	0.0%	\$ 81,340	\$ -
Well 10 Rehab	\$ 69,720	\$ 69,720	100.0%	0.0%	\$ 69,720	\$ -
Well GMW1	\$ 24,900	\$ 24,900	100.0%	0.0%	\$ 24,900	\$ -
Well GMW2	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Well GMW3	\$ 29,299	\$ 29,299	100.0%	0.0%	\$ 29,299	\$ -
Well 13	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Pump Well 3	\$ 60,575	\$ 60,575	100.0%	0.0%	\$ 60,575	\$ -
Pump Well 4	\$ 200,000	\$ 200,000	100.0%	0.0%	\$ 200,000	\$ -
Pump Well 6	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Pump Well 7	\$ 65,120	\$ 65,120	100.0%	0.0%	\$ 65,120	\$ -
Pump Well 8	\$ 129,880	\$ 129,880	100.0%	0.0%	\$ 129,880	\$ -
Pump Well 9	\$ 99,840	\$ 99,840	100.0%	0.0%	\$ 99,840	\$ -
Pump Well 10	\$ 44,000	\$ 44,000	100.0%	0.0%	\$ 44,000	\$ -
Pump Well GMW1	\$ 82,880	\$ 82,880	100.0%	0.0%	\$ 82,880	\$ -
Pump Well GMW2	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Pump Well GMW3	\$ 82,880	\$ 82,880	100.0%	0.0%	\$ 82,880	\$ -
Pump Well 13	\$ 100,000	\$ 100,000	100.0%	0.0%	\$ 100,000	\$ -
New Replacement Well for BH or DV	\$ 500,000	\$ 500,000	0.0%	100.0%	\$ -	\$ 500,000
JV Booster Station Upgrade - VFD's/Pressure Vessels	\$ 15,000	\$ 15,000	100.0%	0.0%	\$ 15,000	\$ -
New Storage Tank	\$ 500,000	\$ 500,000	0.0%	100.0%	\$ -	\$ 500,000
Customer Meter w/ Box & Shutoff, Complete	\$ -	\$ -	100.0%	0.0%	\$ -	\$ -
Utility Billing Software Replacement	\$ 200,000	\$ 200,000	100.0%	0.0%	\$ 200,000	\$ -
Loop Kickapoo Trail	\$ 702,240	\$ 702,240	0.0%	100.0%	\$ -	\$ 702,240
Shop Building Upgrades - storage and work space	\$ 50,000	\$ 50,000	100.0%	0.0%	\$ 50,000	\$ -
Replace Generator - 90 KW mobile	\$ 50,000	\$ 50,000	100.0%	0.0%	\$ 50,000	\$ -
Dump truck	\$ 85,000	\$ 85,000	100.0%	0.0%	\$ 85,000	\$ -
Replace Tractor	\$ 175,000	\$ 175,000	100.0%	0.0%	\$ 175,000	\$ -
Replace Fleet Vehicles (avg life)	\$ 430,000	\$ 430,000	100.0%	0.0%	\$ 430,000	\$ -

**FIGURE 6. PLANNED ASSETS ALLOCATED TO CURRENT & FUTURE CUSTOMERS, CONTINUED**

Capital Project Description <sup>1</sup>	Future Cost Estimate (2020-2038) <sup>1</sup>	System Development Cost Basis <sup>3</sup>	% Allocation		Distribution of Cost Basis (\$)	
			Existing Customers	Future Customers	Existing Customers	Future Customers
<b>Distribution System Projects</b>						
Distribution Valve, 6" avg, both water systems 50%	\$ -	\$ -	72.4%	27.6%	\$ -	\$ -
Fire Hydrants, both water systems 50%	\$ -	\$ -	72.4%	27.6%	\$ -	\$ -
Pipe w/sand bedding, 6" avg. ID Goat Mtn	\$ -	\$ -	72.4%	27.6%	\$ -	\$ -
Pipe w/sand bedding, 6" avg. BDVWA	\$ -	\$ -	72.4%	27.6%	\$ -	\$ -
<b>Operations Capital Projects</b>						
Water Storage Tank Recoating (B1, B2), May 26, 2020	\$ 81,000	\$ 81,000	72.4%	27.6%	\$ 58,625	\$ 22,375
Water Storage Tank Recoating (B1, B2), Feb. 2020	\$ 80,000	\$ 80,000	72.4%	27.6%	\$ 57,902	\$ 22,098
C-Booster Station Upgrades	\$ 35,000	\$ 35,000	72.4%	27.6%	\$ 25,332	\$ 9,668
<b>Total</b>	<b>\$ 4,250,894</b>	<b>\$ 4,250,894</b>	<b>58.7%</b>	<b>41.3%</b>	<b>\$ 2,494,513</b>	<b>\$ 1,756,381</b>

1. Estimated capital improvement project costs found in source files: *BDVWA Replacement Refurbishment CIP and Min Rate Gen 5 1 2017.xlsx*

Cindy and Marina confirmed updated costs in source file: *CIP Estimates through 2035-36 V2.xlsx*

Certain projects being built in order to allocate new growth are 100% allocated to future customers.

2. Operation Capital projects are per page 14 of the District's 2020/21 budget (file: *FY2020.21 Budget adopted 5 26 2020 20R-14.pdf*).

## C. Calculated Capacity Fees – Water Utility

The sum of the existing and future planned asset values (that is, the system buy-in and system development costs), defines the total cost basis allocated to future customers. **Figure 7** summarizes this calculation.

**FIGURE 7. SUMMARY OF COST BASIS ALLOCATED TO FUTURE CUSTOMERS**

System Asset Values Allocated to Future Development	Replacement Cost
<i>Costs Included in Existing System Buy-In:</i>	
Existing Assets	\$ 9,043,402
Planned, Future Capital Projects	1,756,381
<b>Total Cost Basis for New Development</b>	<b>\$ 10,799,783</b>

The total adjusted cost basis is then divided by the number of future customers, measured in 1-inch meter equivalents, expected to connect to the water utility (that is, the 763 meter equivalents) in order to determine the base capacity charge for a 1-inch water meter. This calculation is shown in **Figure 8**.

**FIGURE 8. SUMMARY OF NEW BASE CAPACITY FEES**

Summary of Capacity Fee Calculation	Adjusted System Cost Basis	Planned Additional Meter Equivalents (thru FY2037/38)	Base Capacity Fee
Proposed Fee -Replacement Cost	\$ 10,799,783	763	\$14,154

Based on the system buy-in capacity fee methodology, and the assumptions used in this analysis, NBS has calculated the new capacity fees for various water meter sizes, as shown in **Figure 9**. The updated fees represent the maximum that the Agency can charge for new connections.

**FIGURE 9. UPDATED WATER CAPACITY FEES**

Meter Size	Equivalency Factor		Capacity Fee Per Meter Size
	Maximum Continuous Flow (gpm) <sup>1</sup>	Equivalency to 1 inch meter	
3/4 inch	30	1.00	<b>\$14,154</b>
1 inch	50	1.00	<b>\$14,154</b>
1.5 inch	100	2.00	<b>\$28,309</b>
2 inch	160	3.20	<b>\$45,294</b>
3 inch	320	6.40	<b>\$90,588</b>
4 inch	500	10.00	<b>\$141,544</b>
6 inch	1,000	20.00	<b>\$283,087</b>
8 inch	2,800	56.00	<b>\$792,645</b>
10 inch	4,200	84.00	<b>\$1,188,967</b>

1. Source: AWWA M1, Table B-2. Assumes displacement meters for 3/4" through 2", Compound Class I for 3" through 6", and Turbine Class II for 8" through 10".

## D. Water Capacity Fee Findings Statements

The new water capacity fees calculated in this report are based on regulatory requirements and generally accepted industry standards, and are further detailed in *Appendix A*. This study concludes the following:

- The purpose of the Agency's water capacity fee is to ensure that new and upsized connections reimburse and/or mitigate a reasonable portion of the Agency's planned capital investment projects. These investments are necessary to accommodate the increased demand for water service.
- The Agency uses capacity fee proceeds to fund capital investments in the water system, which include the future design and construction of planned facilities.
- Capacity fees for new water customers vary depending on the size of the water meter serving the connection. Meter size is generally proportionate to the demands that a parcel places on the water utility system, specifically the peaking requirements related to the meter size.
- Without capital investment in existing facilities, the water system capacity available to serve the needs of future connections would be uncertain. Without planned investments in future facilities, water service would not be sustainable at the level of service received by current users. The total value of planned water system assets that are attributable to serving future connections is identified in *Appendix A*.
- Upon payment of a capacity fee, a new customer incurs the obligation to pay the same ongoing service rates as existing customers, regardless of the date of connection to the system or the actual start of service. These fees ensure that, over time, ongoing service rates are not disproportionately burdened by the accommodation of system growth.

## Section 3. Recommendations and Next Steps

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### A. Consultant Recommendations and Next Steps

NBS recommends the Agency take the following actions:

- **Accept this Study Report:** On January 12, 2021, the Board of Directors implemented the new capacity fees. This report is further documentation of the study and the basis for adopting the new capacity fees.
- **Implement New Water Capacity Fees:** Based on the analysis presented in this report, the Board should implement the new water capacity fee of \$14,154 per 1-inch water meter equivalent unit, as described in this study.
- **Periodically Review Capacity Fees:** Any time an Agency adopts capacity fees, they should be periodically reviewed to incorporate new capital improvement programs, significant repair and replacement projects, or new planning data (i.e. customer growth estimates). This will help ensure the fees generate sufficient revenue to cover the cost of capital projects, support the fiscal health of the Agency, and ensure future customers invest their fair share of infrastructure costs.
- **Annually Update Capacity Fees:** NBS recommends applying an inflation factor to the capacity fees on an annual basis. Annually, the Agency should review the Engineering News Record's Construction Cost Indices and calculate the percentage change in construction costs and apply that change to the capacity fees to ensure they keep pace with cost inflation.

### B. Principal Assumptions and Considerations

In preparing this study and the recommendations included herein, NBS has relied on a number of principal assumptions and considerations with regard to financial matters, number of customer accounts, asset records, planned capital improvements, and other conditions and events that may occur in the future. This information and assumptions were provided by sources we believe to be reliable, although NBS has not independently verified this data.

While we believe NBS' use of such information and assumptions is reasonable for the purpose of this Study and its recommendations, some assumptions will invariably not materialize as stated herein or may vary significantly due to unanticipated events and circumstances. Therefore, the actual results can be expected to vary from those projected to the extent that actual future conditions differ from those assumed by us or provided to us by others.



## Appendix A. Water Capacity Facility Fee Study Summary Tables

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**RESOLUTION NO. 21R-08**  
**RESOLUTION OF THE BOARD DIRECTORS OF THE**  
**BIGHORN-DESERT VIEW WATER AGENCY**  
**ADJUSTING THE BASIC SERVICE CHARGE AND WATER CONSUMPTION**  
**CHARGES BY SPECIFIC CUSTOMER CLASS**

**WHEREAS**, the Bighorn-Desert View Water Agency ("Agency") is required by law to fix and establish rates, fees and charges which will enable the Agency to cover its debt service payments, operate and maintain its water system, provide for repairs and depreciation, and a reasonable surplus for improvements; and

**WHEREAS**, on July 26, 2016 the Board of Directors adopted Resolution No. 16R-09 Adjusting the Basic Service Charge and Water Consumption Charges across the existing customer classes, residential, bulk and fire service for a four-year period (4 years); and

**WHEREAS**, on the Board of Directors authorized a Professional Services Agreement with NBS Government Financial Group to conduct a focused rate and fee study for the Agency which included a long-range financial plan, development of monthly service charges and water consumption charges and calculation of a new capacity fee (e.g. Basic Facilities Charge or buy-in charge); and

**WHEREAS**, on October 22, 2020 the Finance/ Public Relations/ Education/ Personnel Standing Committee held Pubic Workshop No. 1 where NBS Government Finance Group presented the foundation of the rate and fee study and presented three (3) Rate Alternative tables "A – D" each weighted for base rate versus volume rates (e.g. consumption tiers) and also by unique customer classes including residential, commercial/institutional, agriculture, bulk and fire service and solicited public input; and

**WHEREAS**, on November 10, 2020 the full Board of Directors participated in Public Workshop No. 2 where a total of four (4) weighted Rate Alternatives for fixed and variable charges were presented and public input sought; and

**WHEREAS**, on November 19, 2020 the Finance/ Public Relations/ Education/ Personnel Standing Committee held Pubic Workshop No. 3 where NBS Government Finance Group reviewed the elements of the draft technical report on the Water Rate Study including the four (4) proposed Rate Alternative tables and solicited public input; and

**WHEREAS**, on January 12, 2021 the Board of Directors held Pubic Workshop No. 4 adopted Motion No. 21-006 to select Rate Alternative "D" (i.e. 60% fixed/40% variable weighting) Plan per the Rate and Fee Draft report prepared and presented by NBS Government Finance Group, and

**WHEREAS**, on February 9, 2021 after considering all director input and public comments, the Board of Directors adopted Motion No. 21-013 authorizing filing of Categorical Exemption for a Public Hearing on April 13, 2021 at 6:00 pm during which the

Board of Directors would consider adopting Water Rates, Fees and Charges (aka the Rate Alternative "D" with a 60% fixed/40% variable weighting and the final Water Rate Study Report February 2021 along with the Proposition 218 Public Hearing Notice to be distributed in accordance with Article XIII C and D of the California Constitution was received and filed; and

**WHEREAS**, the Board has determined that it is in the best interest of the Agency, its customers and the public generally, for the Agency to continue to fix the Basic Service Charge and Consumption Charges to more adequately cover its fixed costs of operating and maintaining its water system, providing for repairs and depreciation, and providing a reasonable surplus for capital improvements, including matching funds for federal and state grant funding; and

**WHEREAS**, on February 10, 2021 the Agency distributed the rate increase notice to a total of 2,599 property owners and their tenants with authorized water accounts in accordance with the procedures outlined in CA Proposition 218 at least 45-days prior to the Public Hearing on this matter conducted on April 13, 2021.

**NOW, THEREFORE, BE IT RESOLVED** with the June 2021 billing date the Basic Service Charge (i.e. Fixed Service Charge) and Consumption Charge (i.e. Commodity Charge) by specific customer class and by the current specific billing cycle (bi-monthly or monthly) and billing route and as otherwise classified and/or defined by current Agency Rules and Regulations for Water Service, shall be increased by no more than specified in the Rate Alternatives indicated over a 5-year period as follows:

CURRENT & PROPOSED RATES FOR BI-MONTHLY FIXED SERVICE CHARGE (\$/METER SIZE)						
Meter Size	Current Rates	Proposed Rates and Effective Dates				
		4/14/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025
3/4 inch	\$66.84	\$61.78	\$64.25	\$66.82	\$69.49	\$72.27
1 inch	\$66.84	\$61.78	\$64.25	\$66.82	\$69.49	\$72.27
1.5 inch	\$66.84	\$111.36	\$115.81	\$120.44	\$125.26	\$130.27
2 inch	\$66.84	\$170.86	\$177.69	\$184.80	\$192.19	\$199.88
3 inch	\$66.84	\$329.53	\$342.71	\$356.42	\$370.68	\$385.51
4 inch	N/A	\$508.03	\$528.35	\$549.48	\$571.46	\$594.32
6 inch	N/A	\$1,003.87	\$1,044.02	\$1,085.78	\$1,129.21	\$1,174.38

CURRENT AND PROPOSED RATES FOR BI-MONTHLY FIXED FIRE SERVICE CHARGE (\$/METER SIZE)						
Meter Size	Current Rates	Proposed Rates and Effective Dates				
		4/14/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025
3/4 inch	\$16.00	\$30.62	\$31.84	\$33.11	\$34.43	\$35.81
1 inch	\$16.00	\$30.62	\$31.84	\$33.11	\$34.43	\$35.81
2 inch	\$16.00	\$71.14	\$73.99	\$76.95	\$80.03	\$83.23
3 inch	\$34.43	\$141.14	\$146.79	\$152.66	\$158.77	\$165.12
4 inch	\$57.38	\$270.09	\$280.89	\$292.13	\$303.82	\$315.97
6 inch	\$114.75	\$601.66	\$625.73	\$650.76	\$676.79	\$703.86
8 inch	\$183.60	\$1,043.76	\$1,085.51	\$1,128.93	\$1,174.09	\$1,221.05

CURRENT AND PROPOSED RATES FOR BI-MONTHLY COMMODITY CHARGE (\$/HCF)							
Customer Class		Current Rates	Proposed Rates and Effective Dates				
			4/14/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025
Residential							
Proposed Tier Break							
Tier 1	0-25 hcf	\$3.38	\$3.03	\$3.15	\$3.28	\$3.41	\$3.55
Tier 2	26+ hcf	\$3.38	\$4.61	\$4.80	\$4.99	\$5.19	\$5.40
Agriculture							
Tier 1	0-25 hcf	\$3.38	\$3.23	\$3.36	\$3.49	\$3.63	\$3.78
Tier 2	26+ hcf	\$3.38	\$4.82	\$5.01	\$5.21	\$5.42	\$5.64
Bulk Water		\$9.57	\$7.83	\$8.14	\$8.47	\$8.81	\$9.16
Commercial, Institutional, Fire & Other		\$3.38	\$3.58	\$3.72	\$3.87	\$4.02	\$4.18

**BE IT FURTHER RESOLVED** Resolution 16R-09 is hereby rescinded and the **Basic Service Charge** on all Agency residential customers ¾-inch, 1-inch meters, 2-inch bulk meters and all temporary construction meters as well as the **Consumption Rates** for residential customers and all Agency 1-inch and 2-inch bulk hauling meters and temporary construction meters shall remain in effect until further action of the Agency's Board, provided, however, that the Board shall review said Basic Service Charge and Consumption Rates during the budget process each fiscal year and the amount of the Basic Service Charge and Consumption Rates shall be adjusted by no more than the amounts set forth in this Resolution; and

**BE IT FURTHER RESOLVED** that the General Manager and staff are hereby authorized and directed to take all actions reasonably necessary to carry out the purpose and intent of this Resolution and to implement these rates, fees and charges in accordance with the time period specified herein.

**PASSED, APPROVED, AND ADOPTED** by the Board of Directors to Bighorn-Desert View Water Agency this 13th day of April 2021.

By John Burkhardt  
John Burkhardt, President of the Board

ATTEST,  
By JoMarie McKenzie  
JoMarie McKenzie, Board Secretary

Official Seal





## LANDOWNER CONSENT FORM

### Local Agency Formation Commission For San Bernardino County

I (We), Ali Rezaie / Econm. Park, consent to the  
annexation/ reorganization of my (our) property located at:  
SOUTH SIDE OF NAPA ROAD BETWEEN ALTA AVENUE AND COVELO  
AVENUE

which is identified as Assessor's Parcel Number(s) 0631-071-29,

to the BIGHORN-DESERT VIEW WATER AGENCY.  
(name of agency)

Signature(s):



Address:

9370 Claircrest Drive

City, State, Zip

Beverly Hills, CA 90210

Date Signed:

7/20/2023

*If a corporation or company owns the property, please provide with  
this form authorization from the entity for the signer to sign on its  
behalf.*



## 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



February 2, 2024

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

**RECEIVED**

**FEB 05 2024**

**LAFCO**  
San Bernardino County

Dear Sam:

LAFCO 3265 consists of an Annexation to the Bighorn-Desert View Water Agency. The proposed annexation includes a single 10-acre parcel located on the south side of Napa Road, between the natural extension of Alta and Covelo Avenues, within the Agency's southeastern sphere of influence within the unincorporated areas of San Bernardino County's Landers area. This Annexation will extend Agency water services to the 10-acre property. Aside from responding to demands for specific services on a future case-by-case basis, the Annexation would not result in any specific physical changes to the environment.

Therefore, after careful review, I am recommending that the Commission consider the adoption of a Common-Sense Exemption for LA 3265. I recommend that the Commission find that an Exemption as defined in CEQA applies to this project under Section 15061(b)(3) of the State CEQA Guidelines, which states: "A project is exempt from CEQA if the activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." It is my opinion, and recommendation to the Commission, that this circumstance applies to LAFCO 3265.

Based on this review of LAFCO 3265 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3265 does not constitute a project under CEQA and adoption of a 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 3265 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.

A copy of this exemption recommendation should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, please feel free to give me a call.

Sincerely,

Tom Dodson

TD/cmc

Attachment

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

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**PROPOSAL NO.: LAFCO 3265**

**HEARING DATE: FEBRUARY 21, 2024**

## **RESOLUTION NO. 3391**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3265 AND APPROVING THE ANNEXATION TO THE BIGHORN-DESERT VIEW WATER AGENCY AND BIGHORN-DESERT VIEW WATER AGENCY IMPROVEMENT ZONE CSA 70 W-1 (APN 0631-071-29). The annexation area consists of Assessor Parcel Number 0631-071-29, comprising approximately 10 acres, generally located on the south side of Napa Road between Alta and Covelo Avenues.**

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

**WHEREAS**, an application for the proposed annexation in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and 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 February 21, 2024 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, and all evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing;

## RESOLUTION NO. 3391

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission does hereby determine, find, resolve, and order as follows:

### **DETERMINATIONS:**

**SECTION 1.** The proposal is approved subject to the terms and conditions hereinafter specified:

#### **CONDITIONS:**

**Condition No. 1.** The boundaries 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 3265.

**Condition No. 3.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Bighorn-Desert View Water Agency (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 Bighorn-Desert View Water Agency 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.** The Commission determines that:

- a) this proposal is certified to be legally uninhabited;
- b) it has 100 % landowner consent; and,
- c) no written opposition to a waiver of protest proceedings has been submitted by any subject agency.

Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56662(d).

**SECTION 3. DETERMINATIONS.** The following determinations are noted in conformance with Commission policy:

1. The County Registrar of Voter's Office has determined that the annexation area is legally uninhabited, containing zero registered voters as of January 22, 2024.
2. The County Assessor's Office has determined that the total assessed valuation of land within the annexation area is \$30,692 as of October 12, 2023.

## RESOLUTION NO. 3391

3. The annexation area is within the sphere of influence assigned the Bighorn-Desert View Water Agency.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in the *Hi Desert Star*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff provided individual notice to landowners (25 total) and registered voters (9 total) surrounding the annexation area. Comments from landowners, registered voters, and other individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.
6. The County's land use designation for the annexation area is HV/RL (Homestead Valley/Rural Living). No change in land use is anticipated as a result of the annexation.
7. The Southern California Associated Governments (SCAG) adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3265 has no direct impact on SCAG's Regional Transportation Plan.
8. The Local Agency Formation Commission has determined that this proposal is exempt from environmental review. The basis for this determination is 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). The Commission adopted the Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
9. The annexation area is served by the following local agencies: County of San Bernardino, Mojave Desert Resource Conservation District, Mojave Water Agency and its Improvement Zones 1 and M, Morongo Basin Healthcare District, San Bernardino County Fire Protection District and its South Desert Service Zone and its Service Zone FP-5, County Service Area 70 (unincorporated County-wide multi-function agency) and its Zones R-15 and TV-5.  
  
None of these agencies are affected by this proposal as they are regional in nature.
10. The Bighorn-Desert View Water Agency submitted a plan for the provision of water service as required by Government Code Section 56653. The Plan for Service indicates that the Agency can provide water service to APN 0631-071-29 and can maintain and/or improve the level of service currently available.

## RESOLUTION NO. 3391

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

11. The annexation can benefit from the availability and extension of water service from the Bighorn-Desert View Water Agency as evidenced by the Plan for Service.
12. With respect to environmental justice, the annexation—which is to provide water service to the parcel—will not result in the unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino, acting on behalf of the Bighorn-Desert View Water Agency, adopted a resolution determining there will be no transfer of property tax revenues. This resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards.

**SECTION 4.** The primary reason for this annexation is to provide water service to APN 0631-071-29, which is proposed to be developed for residential use in the future. The parcel is currently not within the Agency's boundary; therefore, annexation to the Agency is required in order to receive water service.

**SECTION 5.** The affected territory will not be taxed for existing bonded indebtedness or contractual obligations by the Bighorn-Desert View Water Agency through the annexation. The Bighorn-Desert View Water Agency utilizes the regular County assessment rolls.

**SECTION 6.** Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

**SECTION 7.** The Commission hereby orders the territory described in Exhibits "A" and "A-1" reorganized. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

**SECTION 8.** The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

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

**AYES: COMMISSIONERS:**

RESOLUTION NO. 3391

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 February 21, 2024.

DATED:

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**SAMUEL MARTINEZ**  
Executive Officer



LAFCO 3265  
ANNEXATION TO THE BIGHORN-DESERT VIEW WATER AGENCY  
(APN 0631-071-29)

BEING THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 6 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN SAN BERNARDINO COUNTY, STATE OF CALIFORNIA ACCORDING TO THE OFFICIAL PLAT THEREOF, AND IS DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTH QUARTER CORNER OF SAID SECTION 21, SAID CORNER ALSO BEING ON THE EXISTING BOUNDARY OF THE BDVWA PER LAFCO ACTION 3181;

COURSE 1. THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 21, AND ALSO ALONG SAID BOUNDARY, SOUTH 89°34'00" EAST A DISTANCE OF 661.32 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21;

COURSE 2. THENCE LEAVING SAID BOUNDARY AND ALSO SAID NORTHERLY LINE OF SAID SECTION 21, SOUTH 00°12'43" WEST A DISTANCE OF 662.02 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21; SAID CORNER ALSO BEING THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 21, ALONG SAID WEST LINE;

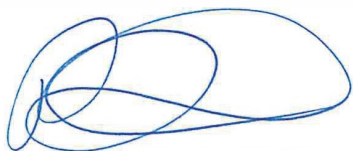
COURSE 3. THENCE NORTH 89°32'04" WEST A DISTANCE OF 661.57 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21;

COURSE 4. THENCE ALONG SAID WEST LINE, NORTH 00°14'00" EAST A DISTANCE OF 661.65 FEET TO THE **POINT OF BEGINNING**.

SAID ABOVE DESCRIBED AREA CONTAINS 10.05 ACRES, MORE OR LESS.

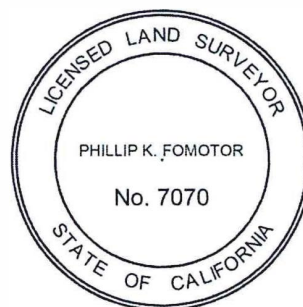
AS DEPICTED IN EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DOCUMENT WAS PREPARED BY  
ME OR UNDER MY DIRECTION,  
BASED ON RECORD INFORMATION.



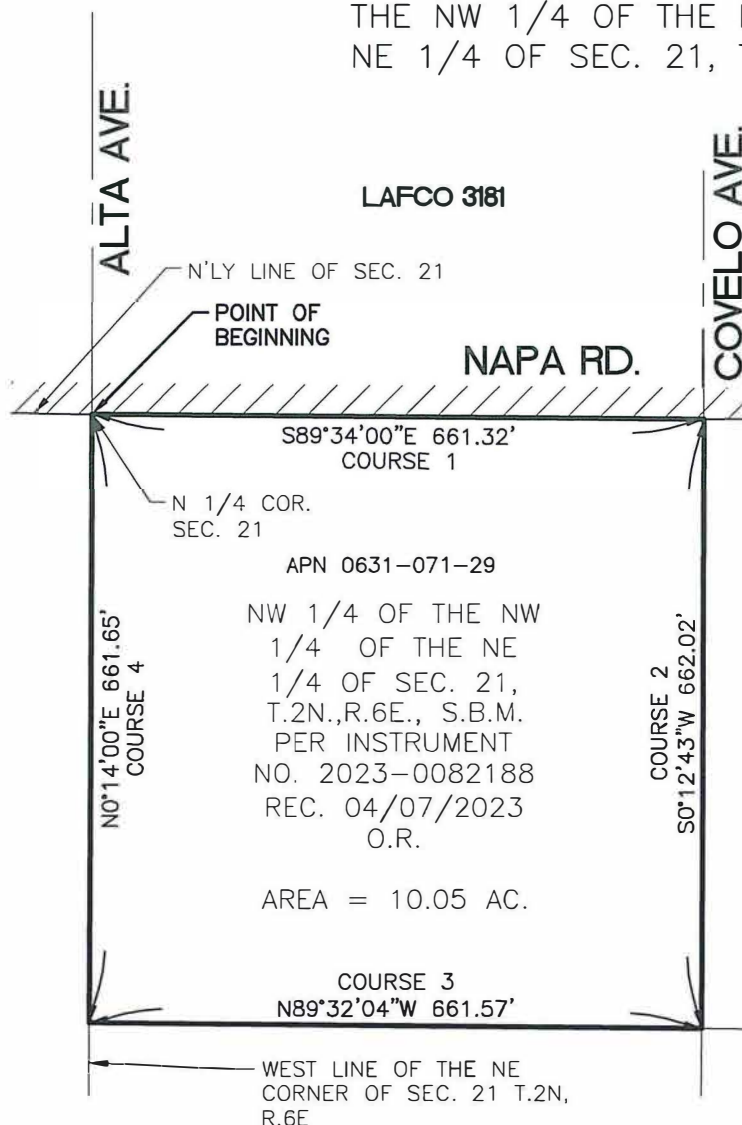
PHILLIP K. FOMOTOR, P.L.S.

DATE 12/7/23



LAFCO 3265  
ANNEXATION TO THE BIGHORN-DESERT  
VIEW WATER AGENCY  
(APN 0631-071-29)

THE NW 1/4 OF THE NW 1/4 OF THE  
NE 1/4 OF SEC. 21, T2N, R6E, S.B.M.

**LEGEND**

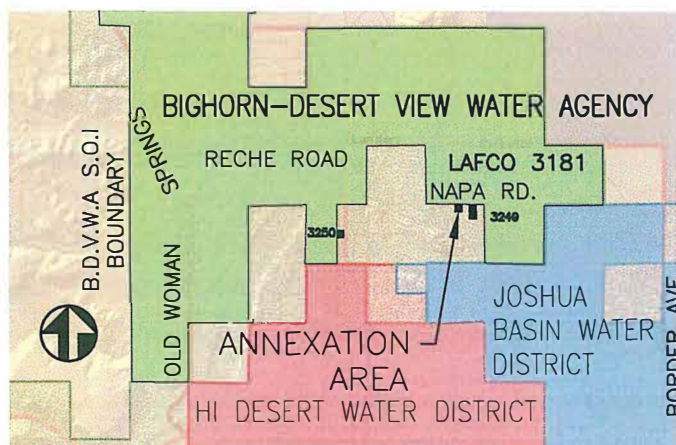
EXISTING BIGHORN-DESERT  
VIEW WATER AGENCY BOUNDARY

**NOTE**

BEARINGS AND DISTANCES SHOWN HEREON  
ARE CALC'D PER BLM PLAT 282912  
DATED 01/25/1955.

**AFFECTED AGENCIES**

SAN BERNARDINO COUNTY  
BIGHORN-DESERT VIEW WATER AGENCY



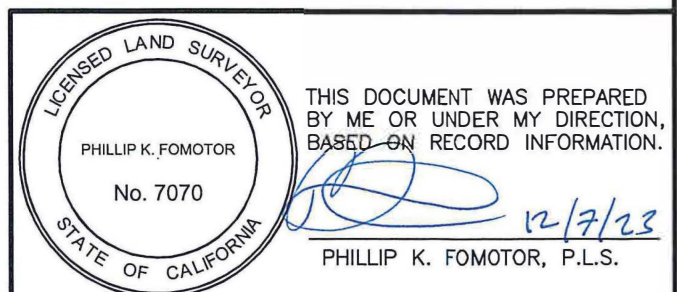
**VICINITY MAP**  
(NO SCALE)



NORTH




SCALE: 1"=200'



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

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**DATE:** FEBRUARY 14, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #13: EXECUTIVE OFFICER'S REPORT**

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## REMINDER:

The Commission will be dark in March. Please note that the next Commission meeting will be on April 17, 2024.

## UPDATES ON PROPOSALS INCLUDING SERVICE REVIEWS/SPECIAL STUDIES, AND SPHERE OF INFLUENCE AMENDMENTS/UPDATES

- LAFCO 3262 – Annexation to the Helendale Community Services District (Lower Eastern Sphere of Influence)

*LAFCO staff conducted the Protest Hearing for LAFCO 3262 on January 29, 2024; Not a single protest was received upon the conclusion of the protest period; staff subsequently issued the Certificate of Completion on February 5, 2024*

- LAFCO 3268 – Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 (East End Annexation)

*LAFCO staff issued the Notice of Filing for LAFCO 3268 on December 21, 2023.*

- LAFCO 3266 - Special Study of the Barstow Cemetery District

*LAFCO staff posted the adopted Barstow Cemetery District special study on the LAFCO website.*

**LAFCO NEWS:**

**Governance Training Program**

The Commission had its second Governance Training session (webinar) for FY 23/24 on February 8, 2024. The topic was “Ethics AB 1234 Compliance.” Management staff attended the webinar as well as Commissioner Bagley. In addition, the Commission also sponsored two attendees from the Barstow Cemetery District and nine members from other independent special districts.

**CALAFCO NEWS:**

**CALAFCO January Newsletter**

Enclosed is the CALAFCO January Newsletter, which highlights recent CALAFCO Board updates such as election results, committee assignments, new CALAFCO branding, conference highlights, and other CALAFCO related news.

**OTHER PUBLICATIONS:**

*2024 Guide to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000*

The 2024 CKH Guide is now available, and can be accessed from the link below:

[https://www.sbcounty.gov/uploads/LAFCO/Publications/CKH\\_2024.pdf](https://www.sbcounty.gov/uploads/LAFCO/Publications/CKH_2024.pdf)

Enclosure:



## FROM THE BOARD CHAIR

**Dear Board of Directors and esteemed  
LAFCO members,**

I am honored by your invitation to serve as the Chair of the CALAFCO Board for 2024. I sincerely appreciate your trust and confidence in me, and I look forward to working with you to advance our organization's mission and vision.

As the Chair of the Board, I will strive to uphold the highest standards of leadership, integrity, and accountability. I will also seek to foster a culture of collaboration, innovation, and excellence among our board members, staff, and stakeholders. I believe that together, we can overcome any challenges and seize any opportunities that may arise in our dynamic environment.

I am excited about the prospects of our organization and the potential impact we can have on our communities and beyond. I am eager to hear your ideas, insights, and feedback on improving our performance and achieving our goals. I invite you to



contact me anytime with your suggestions, concerns, or questions.

Thank you once again for this incredible opportunity. I am grateful to Bill Connelly and would like to thank him for his leadership in 2023. I wish you all a productive and prosperous year ahead.

Sincerely,

**Margie Mohler, Chair**

Watch for our New Look

[www.calafco.org](http://www.calafco.org)

## BOARD BRIEF

Retirements and other circumstances saw five members cycle off the Board after the October elections. Our profoundest thanks go to Southern region reps Jo MacKenzie (San Diego) and Mike Kelley (Imperial), Coastal Region rep Shane Stark (Santa Barbara), Northern region rep Debra Lake (Humboldt), and Central Region rep Daniel Parra (Fresno) for the time and expertise that they devoted to CALAFCO—some of them for many years. We are confident that we will see many of you in future endeavors.

In their place, we were also honored to install the five new members. Southern Region: Kimberly Cox (San Bernardino) and Yxstian Gutierrez (Riverside); Coastal Region: Kenneth Leary (Napa); Northern Region: Gordon Mangel (Nevada); and Central Region: Tamara Wallace (El Dorado). We look forward to the many contributions that we know our new Board members will make to CALAFCO. Welcome aboard, everyone!

While the end and beginning of a year are typically full of holiday happenings, the CALAFCO Board was still hard at work. Actions taken during the December and January meetings included approval of the following items:

- CALAFCO 2024 Legislative Policies and Priorities. (Those were unchanged from 2023.)
- 2024 Board meeting schedule (see the Schedule of Events on page 9 for more information.)
- FY 2024-2025 Member dues (approved with a 3.1% CPI

*(Continued on page 4)*

## BOARD MEMBERS

Margie Mohler, Chair  
Acquanetta Warren, Vice Chair  
Gay Jones, Treasurer  
Black Inscore, Secretary  
Bill Connelly  
Kimberly Cox  
Rodrigo Espinosa  
Yxstian Gutierrez  
Kenneth Leary  
Gordon Mangel  
Michael McGill  
Derek McGregor  
Anita Paque  
Wendy Root Askew  
Josh Susman  
Tamara Wallace

## CALAFCO Staff

René LaRoche, Exec. Director  
Clark Alsop, Legal Counsel  
Stephen Lucas, Exec. Officer  
José Henriquez, Dep. Exec. Ofc.  
Dawn Longoria, Dep. Exec. Ofc.  
Gary Thompson, Dep. Exec. Ofc.  
Jeni Tickler, Administrator





## FROM THE EXECUTIVE DIRECTOR

### Happy 2024!

It absolutely boggles my mind to be saying that because it seems like we just launched into 2023. Where *did* the year go?

As we bid farewell to 2023 and welcome the new year, I am filled with gratitude for the incredible community that is CALAFCO. Your enthusiasm, volunteerism, commitment, and support have made the past year truly remarkable.

We've developed a new brand and have some exciting plans in the pipeline – from our engaging events and enriching workshops, to a new website and staff photo contest – and all are designed to make the CALAFCO experience even more fantastic for our members. Stay tuned for updates and get ready to make this year the best one yet!

Of course, it wouldn't be a new year without a toast! So, here's to new beginnings, shared laughter (and lots of it), and the continued growth of our wonderful association. My wish for each of you is that the year ahead is filled with

accomplishments, health, happiness, and countless reasons to celebrate.

May we all embark on 2024 with boundless energy, fresh perspectives, and a shared spirit of collaboration, and may this year bring you nothing but joy, success, and memorable moments!

Here's to making the new year all that we want it to be!

Happy New Year!!

**René LaRoche, Executive Director**



# BOARD COMMITTEE ASSIGNMENTS

The following Board member committee assignments were made on January 5, 2024:

## AWARDS COMMITTEE:

Rodrigo Espinosa (Central), Blake Inscore (Northern), Kenneth Leary (Coastal), and Derek McGregor (Southern)

## CONFERENCE COMMITTEE:

Kenneth Leary (Coastal), Gordon Mangel (Northern), Anita Paque (Central), and Acquanetta Warren (Southern)

## ELECTIONS COMMITTEE:

Bill Connelly (Northern), Kimberly Cox (Southern), Kenneth Leary (Coastal), and Anita Paque (Central)

## LEGISLATIVE COMMITTEE:

Bill Connelly (Northern), Yxstian Gutierrez (Southern), Gay Jones (Central), Mike McGill (Coastal), Derek McGregor (Southern), Margie Mohler, Anita Paque, Wendy Root Askew (Coastal), Josh Susman (Northern), and Tamara Wallace (Central)

## AD HOC MODERNIZATION COMMITTEE:

Gordon Mangel (Northern), Margie Mohler (Coastal), Tamara Wallace (Central), Acquanetta Warren (Southern)

### **BOARD BRIEF, Continued from page 2**

adjustment.)

- Amended CALAFCO Policy 4.5, pertaining to the Legislative Committee (Now defines a quorum as 7 of the Board and Staff voting members, requires the committee to disband within 15 minutes of the start time when no quorum exists, and has been reformatted for easier reading.)
- A new CALAFCO brand.
- Authorization to move association funds into higher yielding accounts.
- Appointment of members to committees.

Additional information for any Board item can be found in the agenda packets posted on the website, or by contacting the Executive Director.

## NEW BRAND UNVEILED

### NEW LOOK

It's here! It's here! After a process that started with our Strategic Planning in February, 2023, we are thrilled to share our revitalized CALAFCO brand! As our first ever professionally designed logo, this brand represents a significant milestone in our journey towards modernization and innovation under Phase I of our Strategic Plan.

Our new brand provides us with a **Refreshed Visual Identity** in a simple, modern design to better represent our professionalism, as well as **Enhanced Messaging** that builds on CALAFCO's new Mission Statement. We've also added a new tag line to better communicate the supportive position that CALAFCO plays for its members.

While operational enhancements have been happening, and continue to happen, behind the scenes, the new logo is our first public-facing change. As such, it also symbolizes our transition into a streamlined, more efficient, and modernized association.

The rebranding will soon be accompanied by a new website, which is currently under development. The new website is expected to complement our new brand with a similar modern aesthetic, while also providing us with the technological platform to take event



registrations, and administer dues and payments.

As the hub for all CALAFCO information and resources, we look forward to enhanced website features that will serve up information with an intuitive and friendly user experience. Watch for that unveiling soon!

Of course, work of this magnitude does not occur in a vacuum. Thank you to the Board of Directors for their effort to develop the 2023-2026 Strategic Plan which outlined rebranding as an action item, as well as for the input they provided to develop the logo Design Brief that guided our consultant, Tara Bravo Mulally with CV Strategies.

Also, our sincere thanks to the EOs who took the polls which provided us with needed feedback.

Finally, special thanks to our Ad Hoc Rebranding Committee members who guided the development of this new brand through multiple meetings, discussions, and polls. Those members were Mike Kelley (Southern), Steve Lucas (Northern), Margie Mohler (Coastal), and Anita Paque (Central).





## YEAR 1 END

2023 marked the end of the first-year of this two year legislative cycle. During the year, a total of 3,030 bills were introduced – 1,974 in the Assembly and 1,056 in the Senate. Of those, CALAFCO reviewed nearly all at least once, tracked 21 bills, and took formal positions on 7 bills.

Support positions were taken by CALAFCO on AB 1753 (Assembly Local Government Committee) which was CALAFCO's Omnibus bill, SB 360 (Blakespear) regarding the California Coastal Commission membership, and SB 878, 879, and 880, the Senate Governance and Finance Committee annual validations.

Positions in Opposition were taken on AB 399 (Boerner) County Water Authority Act, AB 530 (Boerner) the first iteration of the County Water Authority Act bill that missed deadlines, and AB 918 (Garcia) the Imperial County Healthcare District.

The call for legislative proposals went out in July and culminated in the receipt of five new Omnibus proposals. To be Omnibus material, the proposal must seek to institute minor or technical changes that are not of concern to other stakeholders.

The collection of Omnibus proposals was

submitted to the Assembly Local Government Committee Consultant for the 2024 session. However, after review and stakeholder outreach, the Committee Consultant approved only one proposal to move forward.

Consequently, CALAFCO starts 2024 with 10 active bills in tracking (all currently marked as watch, neutral or no position), and an Omnibus bill. Thank you to Joe Serrano (Santa Cruz) for spearheading the Omnibus effort.

## NEW LAWS

**AB 1753 (ALGC) CALAFCO's Omnibus bill** adds two new provisions. The first addition is to Government Code Section 56658(d) where a cross reference to existing Revenue and Taxation Code Section 99 was added. The second change is to GC Sec. 56882, changes "mail" to "transmit" and adds subsection (b), which requires a confirmation of receipt for resolutions transmitted by email or electronic means.

**SB 360 (Blakespear) California Coastal Commission** - Allows members of JPAs, LAFCOs, and the San Diego Association of

*(Continued on page 7)*



## HAPPY TRAILS, JURG!!



The End of the year brought with it the retirement of long-time Imperial EO, Jurg Heuberger - a life change to which Jurg was looking forward! Displaying their characteristic solidarity, Southern Region EOs and staffers traveled to El Centro on December 13th where they wined and dined Jurg, and then hailed him the next day at his last LAFCO meeting. Respect takes many forms, and this display was certainly one of the sweetest! **Congratulations to Jurg on this new journey!**

### Associate Member SPOTLIGHT

#### NEW GOLD ASSOCIATE!

Thank you to Planwest Partners for upgrading to a **Gold Membership!**

Planwest Partners provides contract LAFCO staffing services to multiple LAFCOs - and Collette is a regular presenter at workshops and conferences! Many thanks!

Also, **WELCOME** to our new Associate member, **David Scheurich**! David is Staff Chief of Cooperative Fire Protection for CAL FIRE. His primary activities include review and assistance in coordination of Cooperative Fire Protection agreements.

**PLANWEST**  
PARTNERS, INC.



### TRACKS AROUND THE STATE

Only one month into the year and we have two new EOs!

**Congratulations to Paula Graf**, who traded in the "Assistant" mantle to become the new Imperial LAFCO EO on January 1st.

And in Shasta, Krystle Heaney replaces George Williamson who happily stepped aside as EO. **Congratulations, Krystle!**

### NEW LAWS

(Continued from page 6)

Governments to serve on the Coastal Commission.

**AB 557 (Hart) Brown Act teleconferencing** - Revises the rules for teleconferencing during a proclaimed emergency by removing the sunset date, removing references to social distancing, and extending the time between legislative findings of a continued emergency from the previous 30-day period to 45 days. Does not affect regular teleconferencing rules.





## 2023 CONFERENCE – MONTEREY



### “The best conference, yet!”

We heard that refrain repeatedly from attendees during the October, 2023, Annual Conference. But, it's hard NOT to get it right when you've got the location, weather, and volunteers that we had to help put it all together! Thank you to the 40 or so volunteers who had our backs to make everything happen from planning to execution! It definitely takes a village to provide for 270 attendees (nearly 23% higher than our previous high) but you all nailed it!

And, a special thank you to Director Wendy Root Askew, EO Kate McKenna, and the fabulous crew from Monterey LAFCO for providing SOOOO much assistance! You guys rock!

### Award Winners

Of course, the much anticipated highlight of the event was the Achievement Awards that were presented at the Association Dinner on Thursday night. Congratulations to all of our winners!

**OUTSTANDING VOLUNTEER:** *Anita Paque (Calaveras)*

**OUTSTANDING ASSOCIATE MEMBER:** *Colantuono, Highsmith & Whatley*

**OUTSTANDING COMMISSIONER:** *Richard Bettencourt (San Benito)*

**OUTSTANDING LAFCO PROFESSIONAL:** (two-way tie)

*Andrea Ozdy (Ventura), and José Henriquez (Sacramento)*

**MIKE GOTCH EXCELLENCE IN PUBLIC SERVICE AWARDS,**

**- AGRICULTURE CATEGORY:** *Napa LAFCO*

**- INNOVATION CATEGORY:** *Tom Cooley (Plumas)*

**LIFETIME ACHIEVEMENT AWARD:** *Dawn Mittleman Longoria (Napa)*

And, a special congratulations to *Commissioner Fred Sheriff* from *Tulare LAFCO* who won the evening's door prize - a spectacular painting donated by Anwar Fonseca. Congrats, Fred!





SCHEDULE OF UPCOMING EVENTS

Tenaya Lodge, Fish Camp, CA  
2024 Annual Conference Site

JANUARY	5	CALAFCO Board of Directors Meeting (Virtual)*
	12	CALAFCO Legislative Committee (Virtual)†
FEBRUARY	16	CALAFCO Legislative Committee (Virtual)†
MARCH	5	CALAFCO U -
	22	CALAFCO Legislative Committee (Virtual)†
APRIL	12	CALAFCO Board of Directors Meeting (Virtual)*
	24-26	CALAFCO Staff Workshop (Pleasanton)
MAY	10	CALAFCO Legislative Committee (Virtual)†
JUNE	14	CALAFCO Legislative Committee (Virtual)†
JULY	12	CALAFCO Legislative Committee (Virtual)†
	19	CALAFCO Board of Directors Meeting (Virtual)*
AUGUST	23	CALAFCO Legislative Committee (Virtual), if needed†
SEPTEMBER		Let's get ready for the Conference!
OCTOBER	16-18	CALAFCO Annual Conference (Yosemite)
	17	CALAFCO Annual Business Meeting (Yosemite)
	18	CALAFCO Board of Directors Meeting (Yosemite)
NOVEMBER	1	CALAFCO Legislative Committee (Virtual)†
DECEMBER	6	CALAFCO Legislative Committee (Virtual), if needed†

\* 10:00 AM Start time  
† 9:00 AM Start time