

AGENDA

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

NORTON REGIONAL EVENT CENTER
1601 EAST THIRD STREET, SAN BERNARDINO

REGULAR MEETING OF SEPTEMBER 20, 2023

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

ANNOUNCEMENT:

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

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

CONSENT ITEMS:

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

2. [Approval of Minutes for Regular Meeting of August 16, 2023](#)
3. [Approval of Executive Officer's Expense Report](#)
4. [Ratify Payments as Reconciled and Note Cash Receipts for the Month of July 2023](#)
5. [Ratify Action of the Commission Chair Warren's Appointment of Voting Delegate and Alternate Voting Delegate for the CALAFCO Conference](#)
6. Consent Items Deferred for Discussion

PUBLIC HEARING ITEMS:

7. [Consideration of: \(1\) Review of the City of Rancho Cucamonga's CEQA Categorical Exemption to Develop a 103,945 Sq. Ft. Warehouse Distribution Facility as CEQA Responsible Agency for LAFCO SC#508; and \(2\) LAFCO SC#508 – Cucamonga Valley Water District Irrevocable Agreement to Annex for Sewer Service – 8545 Pecan Avenue \(APN 0229-171-02\)](#)
8. [Consideration of: \(1\) CEQA Exemption as CEQA Lead Agency for LAFCO SC#510; and \(2\) LAFCO SC#510 - City of Redlands OSC 23-03 for Water and Sewer Service \(APNs 0298-391-01, -03, -09, and -10\)](#)
9. [Consideration of: \(1\) CEQA Exemption as CEQA Lead Agency for LAFCO SC#513; and \(2\) LAFCO SC#513 - City of San Bernardino Irrevocable Agreement to Annex No. 2023-372 for Sewer Service \(APN 0267-021-02\)](#)

10. Consideration of: (1) Review of Addendum #1 to the Final Environmental Impact Report Prepared by the City of Chino for Its Review of the County's Yorba Villas Residential Project (SCH# 2021060049) that includes a County Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR), Zoning Amendment from Single Residential 1-Acre Minimum (RS-1) to Single Residential (RS), Planned Development Permit to Allow for Reduced Setbacks from County Development Code Standards, and Tentative Tract Map (TTM #20394) to Subdivide the Project Site into a 45-Unit Residential Housing Tract and two Lettered Lots on Approximately 13.35 Acres as CEQA Responsible Agency for LAFCO SC#514; and (2) LAFCO SC#514 – City of Chino Pre-Annexation and Development Agreement for Sewer Service (Yorba Villas, LLC; APNs 1013-211-21 & 1013-211-22)

DISCUSSION ITEMS:

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

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.

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

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

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

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

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

REGULAR MEETING

9:00 A.M.

AUGUST 16, 2023

PRESENT:

COMMISSIONERS:

Regular Member

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

Alternate Member

Jim Harvey
Kevin Kenley

STAFF:

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

ABSENT:

COMMISSIONERS:

Regular Member

Alternate Member

Rick Denison
Dawn Rowe

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –
9:00 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

ANNOUNCEMENT OF CONTRIBUTIONS

1. Comments from the Public

Jan Orbaker, Chair, Mentone Chamber of Commerce

CONSENT ITEMS:

2. Approval of Regular Meeting of July 19, 2023

3. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card Purchases from June 23 to July 24, 2023.

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

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

5. Initiate Special Study Pursuant to Government Code Section 56378 for Barstow Cemetery District

Recommendation: Staff recommends that the Commission initiate a special study for the Barstow Cemetery District.

Public comment: David Maya, Friends of Barstow Cemetery Task Force, related to Item 4.

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

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

PUBLIC HEARING ITEMS:

7. LAFCO SC#509 – City of Redlands OSC 23-07 for Water and Sewer Service (APN 0298-231-06)

Recommendation: Staff recommends that the Commission approve LAFCO SC#509 by taking the following actions:

1. Certify that LAFCO SC#509 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#509 authorizing the City of Redlands to extend water and sewer service outside its boundaries to Assessor Parcel Number 0298-231-06.
3. Adopt Resolution No. 3378 setting forth the Commission's determinations and approval of the agreement for service outside the City of Redlands' boundaries.

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

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

Commissioner Hagman arrives at the dais at 9:22 a.m.

8. LAFCO 3259 – Reorganization to Include Annexation to the City of Loma Linda and Detachment from the San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5, and County Service Area 70

Recommendation: Staff recommends that the Commission approve LAFCO 3259 by taking the following actions:

1. With respect to environmental review:
 - a. Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City's Initial Study and Mitigated Negative Declaration for the Canyon Ranch Annexation (ANX No. P21-072), General Plan Amendment (GPA No. P21-073), Zone Change (ZC No. P21-074), and Tentative Tract Maps 20403 and 20404 (TTM No. P-21-075) for approximately 141 acres.
 - b. Determine that the City's environmental assessment and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO 3259;
 - c. Determine that the Commission does not intend to adopt alternative or additional mitigation measures for the project; that the mitigation measures identified in the City's environmental document are the responsibility of the City and/or others, not the Commission; and,
 - d. Direct the Executive Officer to file the Notice of Determination within five (5) days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval of LAFCO 3259 since the City of Loma Linda, as lead agency, has paid said fees.
2. Approve LAFCO 3259, with the standard LAFCO terms and conditions that include the "hold harmless" clause for potential litigation costs by the applicant and the continuation of fees, changes, and/or assessments currently authorized by the annexing agency; and,
3. Adopt LAFCO Resolution #3379, setting for the Commission's determinations and conditions of approval concerning this reorganization proposal.

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

Ayes: Baca, Bagley, Cox, Dupper, Farrell, Hagman, and Warren.

Noes: None.

Absent: None.

9. Review and Adoption of Amendments to LAFCO Policy and Procedure Manual – Chapter 2: Out-of-Agency Service Contracts of Section IV – Application Processing

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

1. Provide staff with any additional changes, corrections, or amendments to the Policy and Procedure Manual as presented.
2. Adopt the amendments to the Policy and Procedure Manual.
3. Adopt Resolution No. 3380 approving the amendments to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commissions website.

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

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

DISCUSSION ITEMS:

10. Unaudited Year-End Financial Report for Fiscal Year 2022/23

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

Chair Warren states the item is to receive and file.

INFORMATION ITEMS:

11. Legislative Update Report

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

12. Executive Officer's Report

Executive Officer Samuel Martinez reminds the Commission of the September 20 meeting, which will have several service contracts and also an item to review the Commission's policy related to Gov Code 56133. He also notes that the month of October will be dark due to the CALAFCO Conference and that the Commission will return for a November meeting.

14. Commissioner Comments

There is none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 9:53 A.M.

ATTEST:


ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

ACQUANETTA WARREN, Chair

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : SEPTEMBER 12, 2023 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

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

RECOMMENDATION:

Approve the Executive Officer’s Expense Report for Procurement Card Purchases from July 25 to August 22, 2023 .

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:

- July 25, 2023 to August 22, 2023

This statement includes the purchase of a video conferencing system composed of three separate purchases: tv screen, monitor stand, and camera/microphone system.

Activity includes five instances of the procurement card being used for personal purchases at Panera Bread. The procurement card was inadvertently used in place of my personal credit card. I have already provided reimbursement for these charges, which will appear on the September reconciliation report.

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

SM/AS

Attachment



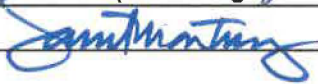
PROCUREMENT CARD PROGRAM

ATTACHMENT G

MONTHLY PROCUREMENT CARD PURCHASE REPORT

F		Cardholder Samuel Martinez					Travel	Billing Period 7/25/23 to 8/22/2023		
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX INCL
07/26/23	Panera Bread	1	Office Expense	Employee to Reimburse	8900005012	52002305	\$9.49		R	
07/25/23	Costco Warehouse	2	Office Expense	Video Conferencing	8900005012	52002305	\$475.98		R	
07/28/23	Panera Bread	3	Office Expense	Employee to Reimburse	8900005012	52002305	\$14.77		R	
08/04/23	Panera Bread	4	Office Expense	Employee to Reimburse	8900005012	52002305	\$29.54		R	
08/05/23	McAfee	5	Computer Software	Subscription Renewal	8900005012	52002115	\$149.99		R	
08/05/23	Panera Bread	6	Office Expense	Employee to Reimburse	8900005012	52002305	\$10.86		R	
08/05/23	Amazon	7	Office Expense	Video Conferencing System	8900005012	52002305	\$1,173.30		R	
08/09/23	Panera Bread	8	Office Expense	Employee to Reimburse	8900005012	52002305	\$7.17		R	
08/09/23	Vimeo Pro	9	Video	View Commission Meeting	8900005012	52002115	\$240.00		R	
08/09/23	Eventbrite	10	Annual Conf. Fee	Conference Mobile Workshop	8900005012	52002941	\$327.52		R	
08/12/23	Zoom	11	Video Conferencing	Commission Meeting	8900005012	52002305	\$16.15		R	
08/15/23	Southwest Airlines	12	Air Travel - A. Pastor	Annual Conf. Monterey, CA	8900005012	52002945	\$166.97		R	
08/15/23	Southwest Airlines	13	Air Travel - M. Tuerpe	Annual Conf. Monterey, CA	8900005012	52002945	\$166.97		R	
08/17/23	Panera Bread	14	Office Expense	Commission Meeting	8900005012	52002305	\$49.36		R	
08/17/23	Frontier Comm	15	Phone Service	Communication	8900005012	52002041	1,293.02			


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 	09/12/23

Approving Official (Print & Sign)	Date
Acquanetta Warren	09/20/23

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DATE : SEPTEMBER 13, 2023
FROM: SAMUEL MARTINEZ, Executive Officer 
TO: LOCAL AGENCY FORMATION COMMISSION

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

RECOMMENDATION:

Ratify payments as reconciled for the month of July 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:

- July 1 through July 31, 2023

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

SM/MT



Attachment

JULY 2023 PAYMENTS PROCESSED

Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount
1901546895	52002085	07/17/23	Daily Journal	B3712963	Daily Journal Inv. B3712963 Notice of Hearing	\$ 547.40
1901537026	52002090	07/03/23	City Comm	UNIT: 150	City Comm Lease Pymt 01-Jul-2023 & Window Damage	\$ 372.00
1901537026	52002090	07/03/23	City Comm	UNIT: 150	City Comm Lease Pymt 01-Jul-2023 & Window Damage	\$ 810.00
1901537026	52002090	07/03/23	City Comm	UNIT: 150	City Comm Lease Pymt 01-Jul-2023 & Window Damage	\$ 430.00
1901540983	52002090	07/10/23	Jan Pro	93801	Fee for Janitorial Service Month of July 2023	\$ 588.00
1901543459	52002180	07/12/23	So Cal Edison	6433-7-11-23	Cust acct 700099666433 Svc Acct 8002108287	\$ 503.41
1901537023	52002245	07/03/23	SDRMA	73458	Worker's Compensation Program Invoice SDRMA	\$ 2,044.87
1901540981	52002245	07/10/23	SDRMA	73892	Property/Liability Package Program Invoice	\$ 11,127.44
1901537034	52002305	07/03/23	Shred-It	8004260045	Stericycle Shred-It Inv 8004260045	\$ 19.25
1901546898	52002315	07/17/23	Vital Records Control	3589978LAX1	VRC Inv 3589978LAX1 Mo. Storage Fee	\$ 137.85
1901537031	52002335	07/03/23	Apple One	01-6657998	Lowery, Rebecca 1 Office Asst 06/24/23	\$ 294.60
1901546840	52002335	07/17/23	Apple One	01-6667680	Lowery, Rebecca 1 Office Asst 07/01/2023	\$ 196.40
1901546842	52002400	07/17/23	Best, Best, Krieger	969931	Legal counsel	\$ 18.40
1901546843	52002400	07/17/23	Best, Best, Krieger	969932	Legal counsel	\$ 3,183.60
1901543462	52002444	07/12/23	Bay Alarm	20701865	Bay Alarm Inv 20701865	\$ 123.00
1901549152	52002445	07/19/23	Baca	BACA7-19-23	Stipend for July 19 Commission Meeting	\$ 200.00
1901549153	52002445	07/19/23	Bagley	BAGLEY7-19-23	Stipend for July 19 Commission Meeting	\$ 200.00
1901549155	52002445	07/19/23	Cox	COX7-19-23	Stipend for July 19 Commission Meeting	\$ 200.00
1901549157	52002445	07/19/23	Denison	DENISON7-19-2023	Stipend for July 19 Commission Meeting	\$ 200.00
1901549159	52002445	07/19/23	Dupper	DUPPER7-19-23	Stipend for July 19 Commission Meeting	\$ 200.00
1901549163	52002445	07/19/23	Farrell	FARRELL7-19-23	Stipend for July 19 Commission Meeting	\$ 200.00
1901549165	52002445	07/19/23	Hagman	HAGMAN7-19-23	Stipend for July 19 Commission Meeting	\$ 200.00
1901549166	52002445	07/19/23	Harvey	HARVEY7-19-23	Stipend for July 19 Commission Meeting	\$ 200.00
1901549167	52002445	07/19/23	Kenley	KENLEY7-19-23	Stipend for July 19 Commission Meeting	\$ 200.00
1901549413	52002445	07/20/23	Rebecca Lowery	1	Staff support	\$ 775.00
1901550611	52002445	07/24/23	Event Design Lab	3755	Live Stream Broadcast Package Per Event Day	\$ 750.00
1901543465	52002895	07/12/23	Konica Minolta	42660920	Konica Invoice 42660920	\$ 365.38
1901543465	52002895	07/12/23	Konica Minolta	42660920	Konica Invoice 42660920	\$ 77.37
1901537026	52002905	07/03/23	City Comm	UNIT: 150	City Comm Lease Pymt 01-Jul-2023 & Window Damage	\$ 14,256.00
1901549153	52942940	07/19/23	Bagley	BAGLEY7-19-23	Travel to meeting	\$ 113.97
1901549155	52942940	07/19/23	Cox	COX7-19-23	Travel to meeting	\$ 77.29
1901549157	52942940	07/19/23	Denison	DENISON7-19-2023	Travel to meeting	\$ 87.63
1901549163	52942940	07/19/23	Farrell	FARRELL7-19-23	Travel to meeting	\$ 23.97
1901549166	52942940	07/19/23	Harvey	HARVEY7-19-23	Travel to meeting	\$ 110.04
1901549167	52942940	07/19/23	Kenley	KENLEY7-19-23	Travel to meeting	\$ 31.70
1901541000	40759545	07/10/23	Inland Senior Development	SC#495	Refund of deposits	\$ 725.50
TOTAL						\$ 39,590.07


JULY 2023 COUNTY TRANSFERS PROCESSED

4102968571	52002305	07/03/23	Purchasing		PUR. / STAPLES	\$ 25.47
4103001676	52412410	07/31/23	IT		IT Infrastructure - Period 1	\$ 711.00
4102968571	55405012	07/03/23	Purchasing		PUR. / STAPLES	\$ 212.24
4200119185	52002445	07/14/23	ROV		LAFCO 3240 voter certification	\$ 98.94

4200119552	52002445	07/14/23	ROV		LAFCO 3240 voter certification, invoice correction	\$ (98.94)
1901551022	52942940	07/24/23	Michael Tuerpe		*Trip from 07/12/23 To 07/12/23 to Barstow	\$ 94.32
1901551097	52942940	07/24/23	Art Pastor		*Trip from 07/10/23 To 07/14/23 to San Diego	\$ 141.48
1901551097	52942942	07/24/23	Art Pastor		*Trip from 07/10/23 To 07/14/23 to San Diego	\$ 982.72
1901539786	52942943	07/06/23	Michael Tuerpe		*Trip from 06/28/23 To 06/28/23 to Big River	\$ 24.25
1901546180	52942943	07/14/23	Art Pastor		*Trip from 06/28/23 To 06/28/23 to Big River	\$ 22.70
1901551022	52942943	07/24/23	Michael Tuerpe		*Trip from 07/12/23 To 07/12/23 to Barstow	\$ 9.00
1901551097	52942943	07/24/23	Art Pastor		*Trip from 07/10/23 To 07/14/23 to San Diego	\$ 129.55
1901546180	52942944	07/14/23	Michael Tuerpe		*Trip from 06/28/23 To 06/28/23 to Big River	\$ 44.53
1901546180	52942946	07/14/23	Art Pastor		*Trip from 06/28/23 To 06/28/23 to Big River	\$ 50.60
1901551097	52942946	07/24/23	Art Pastor		*Trip from 07/10/23 To 07/14/23 to San Diego	\$ 200.00
4200119157	52002310	07/24/23	Mail		Mail Services - DEL	\$ 84.50
4200119159	52002310	07/10/23	Mail		Mail Services - FLAT	\$ 3.96
4200119160	52002310	07/10/23	Mail		Mail Services - HAN	\$ 480.11
4200120077	52002323	07/31/23	Mail		N12689 - #10 Regular ENV - Blue ink	\$ 243.05
TOTAL						\$ 3,459.48
JULY 2023 CASH RECEIPTS						
4102985180	40709800	07/17/23	City of Montclair		SC#507	\$ 577.00
4102985180	various	07/17/23	Cucamonga Valley Water Dist.		SC#508	\$ 3,568.00
4102985180	various	07/17/23	City of Redlands		SC#509	\$ 3,568.00
4102985180	various	07/17/23	City of Redlands		SC#510	\$ 7,072.00
4102985180	various	07/17/23	West Valley Water District		LAFCO 3263 & 3264	\$ 9,962.00
4102985180	40759930	07/17/23	Monte Vista Water District		Cost recovery for Monte Vista sewer project	\$ 31,800.60
TOTAL						\$ 56,547.60
JULY 2023 COUNTY TRANSFERRED RECEIVED						
101005241	40308500	07/27/23	Treasurer		QE 6/30/2023 INTEREST APPORTIONMENT	\$ 6,480.52
	various	07/01/23	Auditor		LAFCO'S 2023-2024 APPORTIONMENT (cities & districts)	\$ 781,522.00
TOTAL						\$ 788,002.52
COMPLETED BY: MICHAEL TUERPE Senior Analyst					APPROVED BY: SAMUEL MARTINEZ Executive Officer	
Date: 9/13/2023					9/13/2023	
						

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: SEPTEMBER 13, 2023 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #5: Ratify Action of the Commission Chair Warren's Appointment of Voting Delegate and Alternate Voting Delegate for the CALAFCO Conference Regional Caucus Elections and the Annual Business Meeting

RECOMMENDATION:

Staff recommends that the Commission ratify the action of Chair Warren's revised appointment of this Commission's voting and alternate voting delegate for the CALAFCO Conference as follows:

- Vice Chair Steven Farrell as voting delegate; and,
- Jim Bagley as alternate voting delegate.

BACKGROUND:

At the CALAFCO Annual Conference in October 2023, elections will occur for the Southern Region representatives on the Board of Directors.

In July, the Commission designated Chair Acquanetta Warren as the voting delegate and Vice Chair Steven Farrell as the alternate voting delegate to cast the Commission's vote for CALAFCO Board Member during the Regional Caucus Elections as well as for any items during the CALAFCO Annual Business Meeting that requires a vote.

Chair Warren recently determined she is unable to attend the CALAFCO Conference. Therefore, staff requested Chair Warren to authorize sending CALAFCO a revised Voting Delegate Form prior to the September 18 deadline. At this hearing, staff is recommending that the Commission ratify the authorization made by Chair Warren to submit the revised form naming Vice Chair Steven Farrell as the voting delegate and Jim Bagley—as the most recent past-Chair—as the alternate voting delegate.

Attachment: Revised 2023 CALAFCO Voting Delegate Form



1129 Firehouse Alley
Sacramento, CA 95814
(916) 442-6536

2023 CALAFCO VOTING DELEGATE

The Local Agency Formation Commission of the below named county, hereby names and appoints the following Commissioners to be its duly authorized voting delegate and alternate for purposes of the 2023 CALAFCO Board of Directors election to be held on Thursday, October 19, 2023, during the CALAFCO Regional Caucus and Annual Meeting in Monterey, California.

County Name:

San Bernardino

Delegate:

Steven Farrell

Alternate:

Jim Bagley

Appointment Authorized by:

Chair Acquanetta Warren, to be ratified by the Commission on September 20, 2023

Name of individual completing form on behalf of the LAFCo:

Samuel Martinez

Will your delegate or alternate be attending the CALAFCO Annual Conference?

Yes: No:


PLEASE RETURN COMPLETED FORM BY 5:00 PM ON SEPTEMBER 18, 2023

TO: René LaRoche via email to: rlaroch@calafco.org

Late submissions will NOT be accepted.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

DATE: SEPTEMBER 13, 2023 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

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

INITIATED BY:

Cucamonga Valley Water District, 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 City of Rancho Cucamonga's Notice of Exemption ("NOE") package approving a Class 32 Categorical Exemption (Infill Development Project) to develop a 103,945 sq. ft. warehouse distribution facility on approximately 4.75 acres and found it to be adequate for the Commission's use as Responsible Agency;
 - b) The Commission has considered the City's NOE and the minimal environmental effects of the project and finds the information adequate for the Commission's use for its authorization of said service agreement;
 - c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the City of Rancho Cucamonga and/or others, not the Commission; and are self-mitigating through the Conditions of Approval; and,
 - d) Direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.

2. Approve SC#508 authorizing the Cucamonga Valley Water District to extend sewer service outside its boundaries to Assessor Parcel Number 0229-171-02; and,
3. Adopt LAFCO Resolution #3383 setting forth the Commission’s determinations and approval of the agreement for service outside the Cucamonga Valley Water District’s boundaries.

BACKGROUND:

LAFCO SC#508 is a request for authorization of an out-of-agency service agreement submitted by the Cucamonga Valley Water District (“Water District”) to provide sewer service to a single parcel, Assessor Parcel Number 0229-171-02. The service contract area comprises approximately 4.75 acres generally located on the east side of Pecan Avenue (8545 Pecan Avenue), between Arrow Route and Whittram Avenue, within the sphere of influence for the Cucamonga Valley Water District (located within the City of Rancho Cucamonga), see Figure 1 below. Attachment #1 also provides a location and vicinity map of the project site along with a map outlining the location of the infrastructure to be extended.

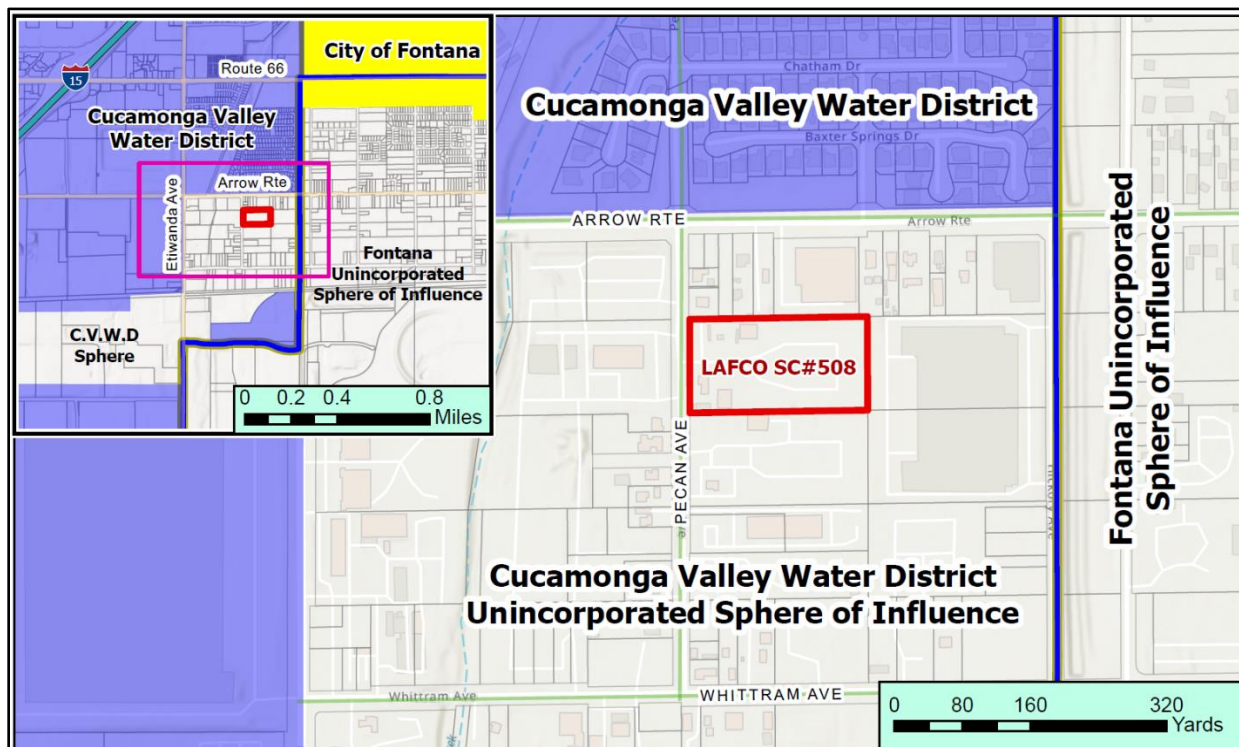


FIGURE 1 – Vicinity Map

In February 2020, the City of Rancho Cucamonga approved a site plan and architectural review (Design Review DRC2019-00590) for development of an

approximate 104,000 square foot warehouse building on the 4.75-acre site. Based on data provided to LAFCO, the proposed warehouse has been constructed, and is awaiting connection to the Water District's sewer system to begin operation. Water service will be provided by the Fontana Water Company, which overlay's the area.

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

PLAN FOR SERVICE:

The Water District's application indicates that sewer service will be provided by installing a new sewer main and a force main in Pecan Avenue. The Water District will maintain the new main which will have adequate capacity to service the project. The new main in Pecan Avenue will connect to Inland Empire Utilities Agency ("IEUA") existing 36" regional sewer trunk main in Arrow Route. The new sewage will be transported to IEUA's Regional Plant No. 4. IEUA's sewer trunk main and wastewater treatment plant both have available capacity to service 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 Water District has identified an estimated cost of \$9,371 as identified below:

Description of Fees/Charges	Fee
Sewer System Capacity Fee, Water District	\$1,239
Sewer System Capacity Fee, IEUA	\$8,132
TOTAL	\$9,371

In addition, the costs of all improvements needed to extend the sewer to the proposed development are borne by the property owner/developer.

ENVIRONMENTAL DETERMINATION:

Prior to the Water District considering an out-of-area service contract for the sewer connection, the City approved Design Review DRC2019-00590 for development of an approximate 104,000 square foot warehouse building in February 2020. When the City approved the project, the City adopted a Class 32 Categorical Exemption (Infill Development Project) to comply with the California Environmental Quality Act (CEQA).

Tom Dodson, the Commission's environmental consultant, reviewed the City's data supporting the Class 32 Notice of Exemption ("NOE"). Based on a field review of the

site and review of the environmental issues in the City's documents, no substantial changes in circumstances have occurred since the 2020 NOE was adopted that would require additional environmental documentation or review. Under this situation, Mr. Dodson recommends that the Commission take the following steps if it chooses to approve LAFCO SC#508, acting as a CEQA Responsible Agency:

1. Indicate that the Commission, staff, and environmental consultant, have independently reviewed the City's NOE package approving a Class 32 Categorical Exemption (Infill) to develop a 103,945 sq. ft. warehouse distribution building on approximately 4.75 acres and found it adequate for the for the Commission's use as Responsible Agency.
2. The Commission needs to indicate that it has considered the City'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#508.
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.

A copy of Mr. Dodson's response is included as Attachment #3 to this report.

CONCLUSION:

The development of the warehouse facility approved by the City requires that it receive wastewater service from the Cucamonga Valley Water District. 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 supports the Water District's request for authorization to provide sewer service to the proposed project since its facilities are close to the anticipated development, and there is no other existing entity available to provide this service within the area.

Additionally, as outlined in the Water District's application, it plans to initiate an annexation of approximately 380 acres to match the boundary of the City of Rancho Cucamonga, which would include the area of this service contract. Therefore, staff recommends approval of LAFCO SC#508.

DETERMINATIONS:

1. The service contract area, identified as Assessor Parcel Numbers (APN) 0229-171-02, is within the sphere of influence assigned the Cucamonga Valley Water District and is anticipated to become a part of that Water District sometime in the future.

The project will receive water service from the Fontana Water Company.

The application requests authorization to receive sewer service from the Cucamonga Valley Water District. The sewer connection requirement is a condition of approval as identified in the City's Conditional Use Permit for the warehouse project. 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 Cucamonga Valley Water District's Irrevocable Agreement to Annex being considered is for the provision of sewer service to APN 0229-171-02, located on the east side of Pecan Avenue (8545 Pecan Avenue), between Arrow Route and Whittram Avenue, within the sphere of influence for the Cucamonga Valley Water District. 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 Water District to proceed in finalizing the contract for the extension of this service.
3. The estimated fees charged this project by the Water District for sewer service are identified as totaling \$9,371. Payment of these fees is required prior to connection to the Water District's sewer facilities. In addition, the property owner/developer shall bear all costs to complete improvements needed to extend the sewer service to the project.
4. Acting as the CEQA lead agency, the City filed a Notice of Exemption for the proposed development of an approximate 104,000 square foot warehouse project on approximately 4.75 acres. In approving the project, the City adopted a Class 32 Categorical Exemption (Infill Exemption) to comply with the California Environmental Quality Act (CEQA).

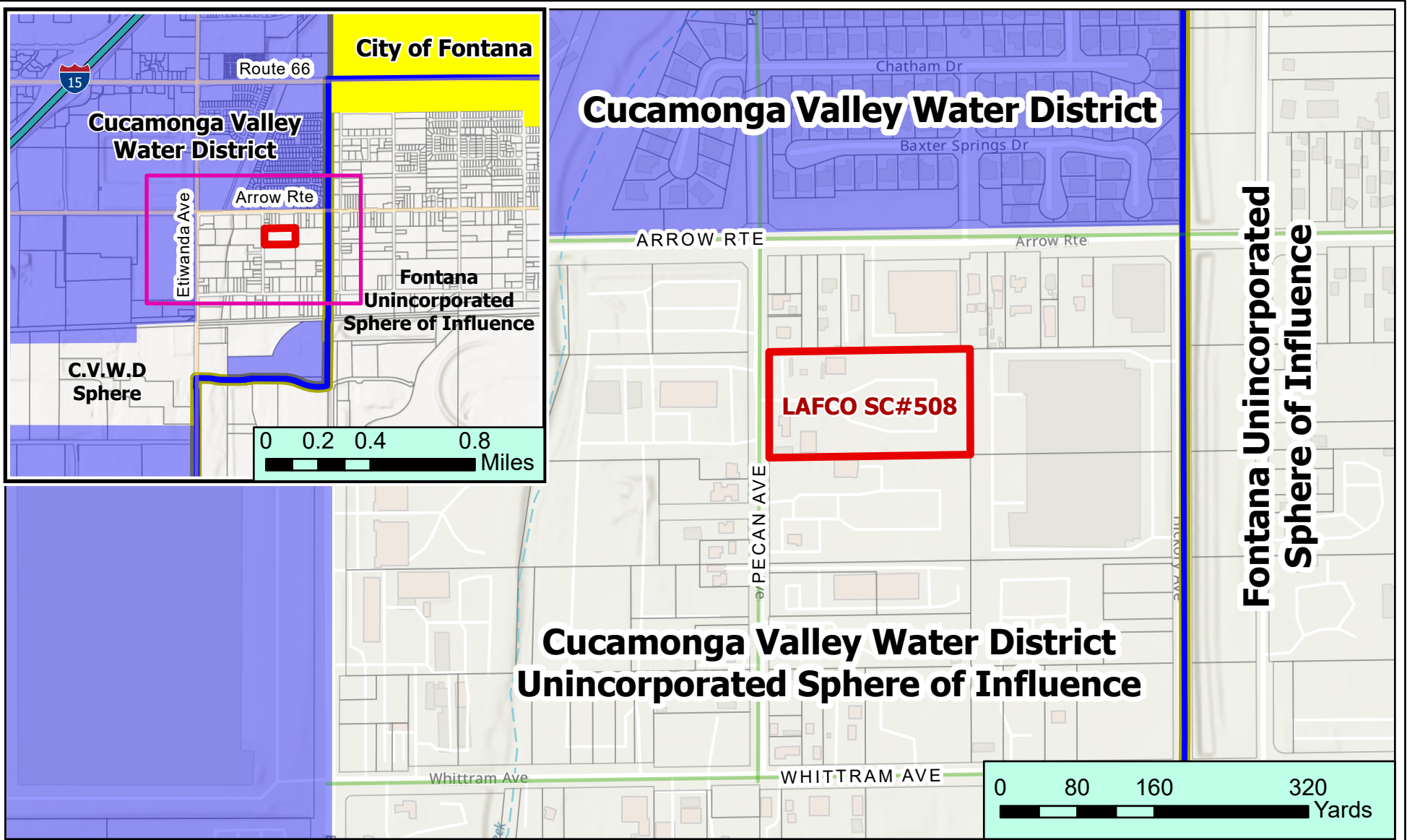
The Commission certifies that it has reviewed and considered the City's Notice of Exemption (Categorical Exemption) filed for the project prior to reaching a decision on the out-of-area service contract and finds the information adequate for the Commission's use in its decision on the service extension as a CEQA responsible agency. The Commission further finds that does not intend to adopt alternatives or additional mitigation measures for this project and that all mitigation measures are the responsibility of the City of Rancho Cucamonga and/or others, not the Commission, and are self-mitigating through the Conditions of Approval.

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.

SM/mt







Attachments:

1. [Vicinity Maps](#)
2. [Cucamonga Valley Water District Application and Contract](#)
3. [Tom Dodson and Associates' Response and City's Notice of Exemption](#)
4. [Draft Resolution #3383](#)



Vicinity Map

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

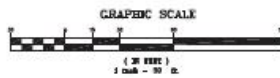
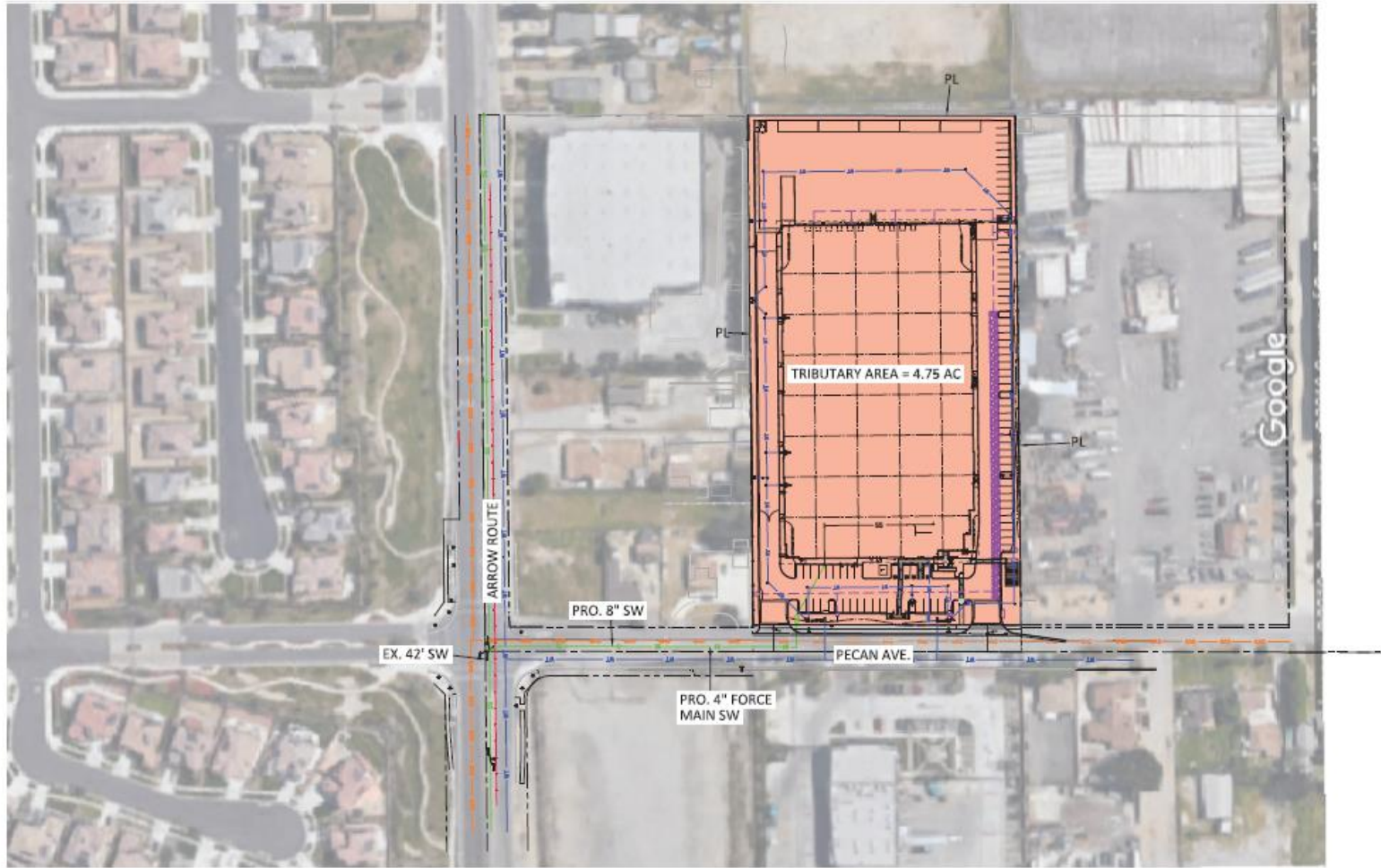
-  LAFCO SC #508
-  Cucamonga Valley WD Sphere
-  Cucamonga Valley WD
-  City of Fontana
-  Parcels
-  Extent Indicator



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



8545 PECAN AVENUE - SEWER TRIBUTARY AREA



LEGEND

- 18" AT — WATER
- 36" — SEWER
- 36" — STORM DRAIN
- — TELEPHONE
- 100' — 300' — GAS

PREPARED BY:
CA ENGINEERING, INC.
 2545 PECAN AVE.
 RANCHO CUCAMONGA, CA 91730
 (909) 851-8226

PROPERTY ADDRESS:
 8545 PECAN AVE.
 RANCHO CUCAMONGA, CA

JOB NO.
251-47
 SHEET
1 of 1

**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: Cucamonga Valley Water District
CONTACT PERSON: Gull Nawaz
ADDRESS: 10440 Ashford Street
Rancho Cucamonga, CA 91730
PHONE: (909) 483-7451
EMAIL: Gulln@cvwdwater.com

CONTRACTING PARTY:

NAME OF PROPERTY OWNER: Shean Kim
CONTACT PERSON: Shean Kim
MAILING ADDRESS: 3010 Old Ranch Parkway, Suite 470
Seal Beach, CA 90740
PHONE: (510) 381-1611
EMAIL: SheanK@xebecrealty.com
ADDRESS OF PROPERTY PROPOSED FOR CONTRACT: 8545 Pecan Avenue
Rancho Cucamonga, CA 91739
CONTRACT NUMBER/IDENTIFICATION: _____
PARCEL NUMBER(S): 0229-171-02
ACREAGE: 4.75 acres

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

Sanitary Sewer Treatment

- (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.

New sewer main and lateral to be installed by owner. New sewer main to be maintained by CVWD. New sewer main will have adequate capacity to serve development.

New sewer main on Pecan Avenue will connect to IEUA's existing 36" regional sewer trunk main on Arrow Route. The new sewage will be treated at IEUA's Regional Water Recycling Plant No.4 (RP-4). IEUA's sewer trunk main and wastewater treatment plant both have available capacity to serve the new development.

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.

Agreement to allow parcel to build new local sewer main on Pecan Avenue that will be maintained by CVWD. New sewer main will connect to existing IEUA regional sewer trunk main on Arrow Route that is maintained by IEUA. Sewage will be treated at IEUA wastewater treatment plant. Since the property is currently located outside CVWD's service area and requires a sewer connection to IEUA facility, annexation agreement is needed since large scale CVWD annexation of approximately 380 acres will occur in the future.

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.

CVWD will initiate a large scale annexation consisting of approximately 380 acres of land that would allow CVWD to have identical service area as the City of Rancho Cucamonga. CVWD plans to initiate the large scale annexation with LAFCO in about a one-year timeframe.

- (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.

CVWD is committed to completing the 380 acre annexation of land that would make CVWD's service area identical to the City of Rancho Cucamonga service area. The large scale annexation of 380 acres of land is more economical than having single parcel annexations.

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 CVWD's sphere of influence.

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

Existing general industrial per City of Rancho Cucamonga land use plan.

- (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.

City of Rancho Cucamonga already entitled the general industrial building. City already completed CEQA for the development. Owner has already constructed the general industrial building. All construction activity is complete. The last item that the owner needs is a sewer connection to CVWD's sewer system which is contingent upon the execution of a Out-of -Service contract with LAFCO.

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.

Contract property owner to construct 400 lineal feet of new local 8" sewer main on Pecan Avenue which will connect to IEUA's 36" regional sewer trunk main located on Arrow Route. CVWD will maintain new local 8" sewer main. IEUA's tech committee has reviewed the proposed sewage flow from the project and determined the 36" regional sewer trunk main has adequate capacity to serve the development. IEUA's tech committee has approved the 8" sewer main connection to the existing 36" regional sewer trunk main contingent upon CVWD executing a out-of-service contract with LAFCO. Property owner's contractor to obtain necessary encroachment permit for construction and excavation activities.

Extension of Service by Contract
Application Form

(FOR LAFCO USE ONLY)

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

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
CVWD Sewer System Capacity Fee	\$1,239.00	\$1,239.00
IEUA Sewer System Capacity Fee	\$8,132.00	\$8,132.00
Property Owner 400' of 8" Sewer Main Installation	\$200,000.00	\$200,000.00
Total Costs		\$209,371.00

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

IEUA Sewer System Capacity Fee of \$8,132.00.

- (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.
CVWD only provides service to customers located in its service area. CVWD understands
LAFCO is the approving agency when it comes to CVWD serving potential customers whom
are located outside CVWD's service area.

CERTIFICATION

As a part of this application, the City/Town of _____, or the _____ CVWD _____ 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

Gull Nawaz

NAME:

Gull Nawaz

POSITION TITLE:

Senior Associate Engineer

DATE:

7/6/2023

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

TYLER BUI
Gull Nawaz



Recorded in Official Records
San Bernardino County

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Assessor-Recorder-County Clerk

DOC # 2023-0164569

Cucamonga Valley Water District
Attn: Assistant General Manager
10440 Ashford Street
Rancho Cucamonga, CA 91730

07/05/2023
02:10 PM
SAN
H6313

Titles: 1 Pages: 8
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

This Irrevocable Agreement to Annex ("Agreement"), is entered into this 6th day of April, 2023 by and between Pecan XC, LLC., a/an Delaware Company, hereinafter referred to as "Owner," and the CUCAMONGA VALLEY WATER DISTRICT, a public agency, hereinafter referred to as "CVWD." Owner and CVWD may be referred to in this Agreement individually as "Party" and collectively as "Parties".

RECITALS:

WHEREAS, Owner holds title to certain unincorporated real property located at [8545 Pecan Avenue, Rancho Cucamonga, CA. 91739.] and which is further described as follows: [Please see the attached Legal Description] ("Property"); and

WHEREAS, the Property is within CVWD's sphere of influence for the provision of water and sewer service; and

WHEREAS, Owner desires to obtain sewer service for the Property from CVWD. Sewer service includes the collection of wastewater from CVWD customers which is then transported through CVWD's collection system and sent to regional wastewater treatment facilities of the Inland Empire Utilities Agency, a separate public agency ("IEUA"); and

WHEREAS, as part of the requirements for making a connection to CVWD's sewer system for the provision of sewer service, Owner will need to construct a sewer main for direct connection to an IEUA trunk sewer main; and

WHEREAS, Owner desires to make the necessary connection and to initiate sewer service from CVWD prior to completion of the procedures required for approval of an annexation of the Property into CVWD's service area. Approval of an annexation is required to be obtained from the San Bernardino County Local Agency Formation Commission ("LAFCO"); and

WHEREAS, in order for CVWD to provide sewer service prior to approval of an annexation, LAFCO requires approval of an Out-Of-Agency Service Contract and this Agreement. In addition, IEUA requires approval of this Agreement; and

WHEREAS, the Parties desire to enter into this Agreement in order to set forth the terms and conditions required by LAFCO, CVWD and IEUA in order to provide sewer service to the Property prior to approval of an annexation of said Property to CVWD's service area; and

WHEREAS, the covenants and conditions set forth herein shall create an equitable servitude upon the Property, and shall be fully binding upon Owner's 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 CVWD. Owner agrees to covenant for itself, its agents, employees, contractors, heirs, successors and assigns ("Successors") not to, in any way, object to, protest, delay, frustrate or otherwise impede any annexation proceedings concerning the annexation of the Property to CVWD. Owner and its Successors shall cooperate in every reasonable way with the requests of CVWD, IEUA, LAFCO, or any other public agency in any proceedings to annex the Property to CVWD. 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 CVWD, IEUA, LAFCO, or any other public agency.
- b. To pay such annexation fees and costs and other charges as would ordinarily be charged in the annexation of property to CVWD. Said fees shall be payable when the same becomes due and payable. Said fees shall include, but are not limited to, all costs and expenses related to: (i) application for, and approval of, out-of-agency sewer service from CVWD; and (ii) application for, and approval of, annexation of the Property into CVWD's service area.
- c. To pay all fees and charges and make all deposits required by: (i) CVWD to connect to, and receive service from, CVWD's sewer system; and (ii) IEUA to connect to, and receive service from, IEUA's regional sewer system. Owner further agrees to be bound by all CVWD and IEUA laws, rules and regulations respecting connection to, and service from, CVWD's sewer system and IEUA's regional sewer system. Nothing in this Agreement shall be deemed to be a binding commitment for the initiation of service.

- d. To acknowledge that execution of this Agreement to annex is on behalf of all future successors and assigns; and that said Agreement shall be irrevocable without written consent of CVWD.
- e. To allow CVWD to make application to LAFCO on behalf of Owner for out-of-agency service and annexation and pay all application fees for approval to connect to CVWD's sewer system, pursuant to Section 56133 of the Government Code which applies to out-of-agency service.
- f. Owner acknowledges and agrees that if CVWD determines that any attempted annexation fails or is unreasonably delayed because Owner or Successor failed to exercise good faith and best efforts to cause or assist in permitting the annexation to occur, any connection to CVWD's sewer system and/or IEUA's regional sewer system permitted or authorized by this Agreement may be terminated at the sole option of CVWD and upon reasonable notice to Owner to provide for alternative service.
- g. Owner shall indemnify, defend, and hold CVWD 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 CVWD AGREES:

- a. To allow the Property to connect to CVWD's sewer system, subject to payment of all applicable fees and permits and compliance with all applicable laws, rules and regulations.

SECTION III BE IT MUTUALLY AGREED, AS FOLLOWS:

- a. A duly authorized representative of CVWD shall record this Agreement with the County Recorder.
- b. The benefit to the Property will inure to the benefit of subsequent owners, their 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 the Property to CVWD's sewer system, and to initiate service, are contingent upon Owner securing approval from LAFCO and IEUA, as applicable, for out-of-agency service and ultimate annexation of the Property into CVWD's service area.
- d. This Agreement may be executed in counterparts.


- e. 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.
- f. 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.
- g. 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.

**CUCAMONGA VALLEY
WATER DISTRICT**

OWNER



John Bosler
General Manager



Signature
Jay Soni, President
Name Pecan XC, LLC

ACKNOWLEDGMENT

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

STATE OF CALIFORNIA)
COUNTY OF ~~SAN BERNARDINO~~)

Orange

On Apr: 17, 2023 before me, Sarah Lynne Norton, Notary Public, personally appeared Jay Soni, 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.

Sarah Lynne Norton
Notary Public

(Seal)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

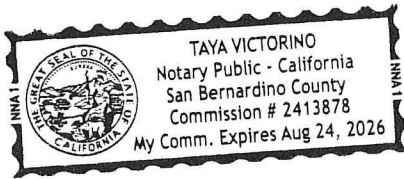
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Bernardino)
On June 20, 2023 before me, Taya Victorino, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared John Andrew Boster
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF RANCHO CUCAMONGA, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 389 OF TRACT NO. 2102 OF FONTANA ARROW ROUTE TRACT, IN THE CITY OF RANCHO CUCAMONGA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 31, PAGES 11 TO 15, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 0229-171-02

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



September 11, 2023

Mr. Samuel Martinez
Local Agency Formation Commission
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0480

Dear Sam:

I have completed the California Environmental Quality Act (CEQA) review of out-of-area service contract, LAFCO SC#508 for the Commission. LAFCO SC#508 consists of a request by the Cucamonga Valley Water District (CVWD or District) to authorize an out-of-agency sewer service agreement for a single parcel (APN 0229-171-02). This 4.75-acre parcel is located in the City of Rancho Cucamonga's (City) eastern incorporated territory at 8545 Pecan Avenue, on the east side of Pecan Avenue, and south of Arrow Route. Refer to the attached map for the specific location. Approval of SC#508 would allow the CVWD to connect the property to a sewer pipeline located adjacent to the property in Pecan Avenue. Prior to CVWD considering an out-of-area service contract for the sewer connection, the City approved Design Review for development of an approximate 104,000 square foot warehouse building in February 2020. When they approved the project, the City adopted a Class 32 Categorical Exemption (Infill Exemption) to comply with the California Environmental Quality Act (CEQA). A copy of the City's approval (including Resolution No.20-15) is provided as an Attachment to this letter. The out-of-area service contract application to LAFCO from the CVWD is also provided as part of this package.

After reviewing this complex set of documentation, I recommend that the Commission rely upon the City's Notice of Exemption documents as adequate for LAFCO's Responsible Agency CEQA environmental determination for LAFCO SC#508. This is because the implementation of the overall project, including the connections to the CVWD sewer system, will not result in any additional adverse impact on the physical environment. Based on data provided to LAFCO, the proposed warehouse has already been constructed, and is awaiting connection to the District's sewer system to begin operation. I have reviewed the City's data supporting the Class 32 Notice of Exemption and 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 City's adopted environmental documentation (Notice of Exemption, NOE) as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO SC#508.

Based on a review of LAFCO SC#508 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 City's NOE as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was initially completed in 2020. Based on a field review of the site and review of the environmental issues in the City's documents, no substantial changes in circumstances have occurred since the 2020 NOE was adopted 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#508, 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 District's proposed out-of-area service contract.
2. The Commission needs to indicate that it has considered the 2020 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#508.
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.

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

Sincerely,

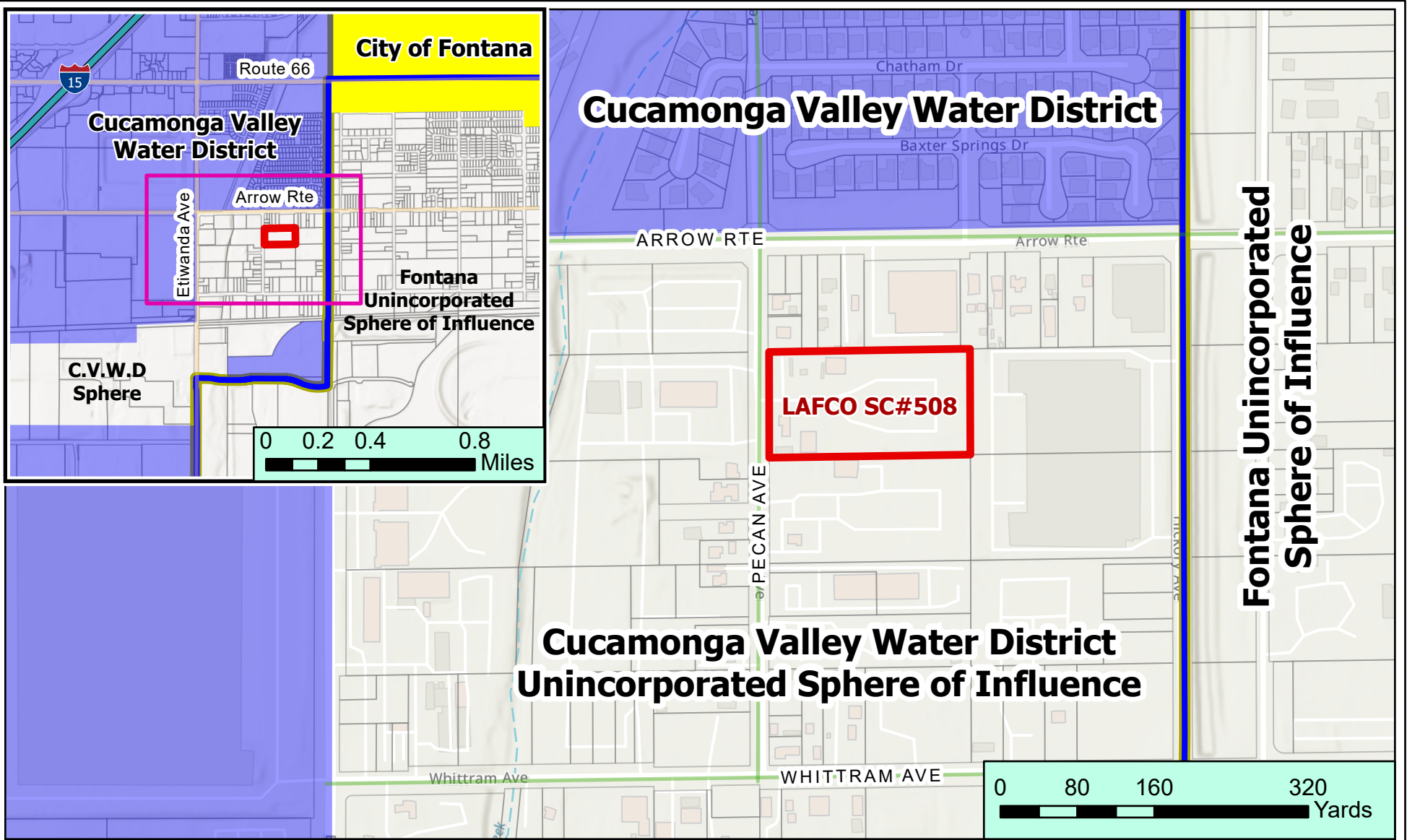
A handwritten signature in cursive script that reads "Tom Dodson".

Tom Dodson

TD/cmc







Attachment

LAFCO SC#508 CE Memo



Vicinity Map

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

-  LAFCO SC #508
-  Cucamonga Valley WD Sphere
-  Cucamonga Valley WD
-  City of Fontana
-  Parcels
-  Extent Indicator



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



DATE FILED & POSTED

Posted On: 4/27/2020

Removed On: 6/9/2020

Receipt No: 36-04272020-93

NOTICE OF EXEMPTION

TO: Clerk of the Board of Supervisors
County of San Bernardino
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: City of Rancho Cucamonga
P. O. Box 807
Rancho Cucamonga, CA 91729

Project Title: Design Review DRC2019-00590 - A request for site plan and architectural review of a 103,945 square foot warehouse distribution building on 4.75 acres of land in the General Industrial (GI) District on the east side of Pecan Avenue south of Arrow Route.

Project Location Specific: APN: 0229171020000 (8545 Pecan Avenue)

Project Location - County: San Bernardino

Description of Nature, Purpose, and Beneficiaries of Project: X

Name of Public Agency Approving Project: City of Rancho Cucamonga

Name of Person or Agency Carrying Out Project: XEBEC Realty


Exempt Status:

- 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. Section 15332 – Infill Projects
- Statutory Exemptions. State code number

Reasons Why Project is Exempt: Infill Development On Less Than 5 Acres

Lead Agency Contact Person: Tabe van der Zwaag, Associate Planner

Area Code/Telephone/Extension: (909) 477-2750

Signature: 
Title: Associate Planner

Date: 4/23/20

CLERK OF THE
BOARD OF SUPERVISORS
2020 APR 27 PM 1:28
COUNTY OF SAN BERNARDINO
CALIFORNIA

RESOLUTION NO. 20-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DESIGN REVIEW DRC2019-00590, A REQUEST FOR SITE PLAN AND ARCHITECTURAL REVIEW OF A 103,945 SQUARE FOOT WAREHOUSE DISTRIBUTION BUILDING ON 4.75 ACRES OF LAND IN THE GENERAL INDUSTRIAL (GI) DISTRICT ON THE EAST SIDE OF PECAN AVENUE SOUTH OF ARROW ROUTE; AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0229-171-02.

A. Recitals.

1. Shean Kim, on behalf of Xebec Realty, filed an application for the approval of Design Review DRC2019-00590 as described in the title of this Resolution. Hereinafter in this Resolution, the subject Design Review request is referred to as "the application."

2. On the 12th day of February 2020, the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing on the application and concluded said hearing on that date.

3. All legal prerequisites prior to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Rancho Cucamonga as follows:

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on February 12, 2020, including written and oral staff reports, together with public testimony, this Commission hereby specifically finds as follows:

a. The application applies to a property generally located on the east side of Pecan Avenue, south of Arrow Route; and

b. The subject property is located on the east side of Pecan Avenue and south of Arrow Route. The site is currently being used as a storage and maintenance yard for a trucking firm and includes multiple metal buildings and portable office modules. The parcel is approximately 660 feet from east to west and 330 feet from north to south, with an area of approximately 206,895 square feet (4.75 acres). The right-of-way improvements and utility undergrounding along Pecan Avenue have not been installed; and

c. The existing Land Use, General Plan and Zoning designations for the project site and adjacent properties are as follows:

	Land Use	General Plan	Zoning
Site	Vacant Parcel	General Industrial	General Industrial (GI) District
North	Industrial Building, Single-Family Residences	General Industrial	General Industrial (GI) District
South	Trucking Firm	General Industrial	General Industrial (GI) District
East	Warehouse Building	General Industrial	General Industrial (GI) District
West	Trucking Firm	General Industrial	General Industrial (GI) District

d. The proposed building will be of concrete tilt-up construction. The basic layout of the building will be typical for warehouse buildings. The primary (or long) axis for the building will be aligned west to east. The office area will be located at the southwest corner of the building. There will be a dock loading/storage area with 10 dock doors located at the rear (east side) of the building; and

e. The project complies with all development standards including building and parking setbacks, floor area ratio and landscape coverage as shown on the following table:

	Required	Provided	Compliant?
Building Setback (Street)	25 Feet	70 Feet	Yes
Building Setback (Side)	5 Feet	40 and 50 Feet	Yes
Building Setback (Rear)	0 Feet	135 Feet	Yes
Parking Setback	15 Feet	45 Feet	Yes
Landscape Depth	25 Feet	33 Feet	Yes
Landscape Coverage	10 Percent	10.8 Percent	Yes
Floor Area Ratio	50 – 60 Percent	50 Percent	Yes
Building Height*	35 – 75 Feet	40 Feet	Yes
*35 Feet at Minimum Setback (1 Foot Additional Height for Each 1 Foot of Additional Setback)			

f. The parking requirement for the project is based on the mix of office and warehouse floor areas in the building. The project is required to provide 79 vehicle parking spaces and 10 trailer parking spaces based on the proposed 8,000 square feet of office area and 95,945 square feet of warehouse area as shown in the following table:

	Parking Ratio	Required Parking	Provided Parking
Office Parking (8,000 SF)	1:250 SF	32 Spaces	32 Spaces
Warehouse Parking (95,945 SF)	1:1,000 for 1 st 20,000 SF 1:2,000 for 2 nd 20,000 SF 1:4,000 for the Remaining SF	45 Spaces	47 Spaces
Total Vehicle Parking		77 Spaces	79 Spaces
Trailer Parking (10 Dock High Doors)	1 per Dock High Door	10 Spaces	10 Spaces

3. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing and upon the specific findings of facts set forth in Paragraphs 1 and 2 above, this Commission hereby finds and concludes as follows:

a. The proposed project is in accord with the General Plan, the objectives of the Development Code, and the purposes of the district in which the site is located. The proposal is to construct an industrial building of 103,945 square feet. The underlying General Plan designation is General Industrial (GI) District.

b. The proposed development is compatible with the existing and proposed land uses in the surrounding area. The potential land uses that would be associated with this project are consistent with the land uses within the vicinity where it is located and the expectations of the community. The zoning of the property and all properties surrounding the subject property is General Industrial (GI) District.

c. The proposed development complies with each of the applicable provisions of the Development Code. The proposed development complies with all standards outlined in the Development Code, including building and parking setbacks, average landscape depth, floor area ratio, parking, dock and storage area screening, landscape coverage, site planning, and architecture.

d. The proposed project, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. The potential land uses that would be associated with this project are consistent with the land uses within the vicinity where it is located and the expectations of the community. The zoning of the property and all properties surrounding the subject property is General Industrial (GI) District.

4. The Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under a Class 32 exemption under State CEQA Guidelines Section 15332 - In-Fill Development Projects for the following reasons: (1) the project is consistent with the applicable General Plan designations and all applicable General Plan policies as well as with the applicable zoning designation and regulations, (2) the proposed development occurs within the City limits on a project site of no more than five acres substantially surrounded by urban uses, (3) the project site has no value as a habitat for endangered, rare or threatened species, (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) the site can be adequately served by all required utilities and public services.

The General Plan Land Use and Zoning Designation for the project site are Industrial Park (IP) District, which permits the development and operation of a warehouse/distribution building of the proposed size and configuration. The project complies with the City's development standards and design guidelines, including setbacks, height, lot coverage, and design requirements. The project site is located within the City limits, is under five acres, and is surrounded by existing residential development and City infrastructure. The following are the five environmental factors that need to be analyzed in order to determine that the project qualifies for the Categorical Exemption:

- a) Traffic: A Trip Generation Analysis (Ganddini Group; August 8, 2019) was prepared for the project which determined that the number of trips generated by the project would not create a significant impact. The project site is presently being used by a truck repair and storage operation which generates an estimated 242 daily vehicle trips. The proposed warehouse distribution use will create an estimated 237 daily trips or a 5-trip reduction from current conditions. Based on the reduction in daily trips, it was determined that the

project was below the 50 peak hours trips that would necessitate a Traffic Impact Analysis.

- b) Noise: A Noise Impact Analysis (Recon; August 16, 2019) was prepared for the project. The analysis determined that the construction and operational noise levels would not exceed the City's noise thresholds and no mitigation measures were necessary.
- c) Air Quality: Separate Air Quality and Green House Gas Analysis (Recon: August 21, 2019) were prepared for the project. The analysis determined that emissions associated with construction and operation of the project would be below South Coast Air Quality Maintenance District (SCAQMD) thresholds for both Air Quality and Green House Gases.
- d) Water Quality: A Water Quality Control exhibit (CA Engineering, Inc.; November 5, 2019) was prepared for the project. It was also determined through the review of the project's preliminary water quality plan that the project would not result in a significant impact related to water quality of the site or surrounding properties.
- e) Biological: A Biological Resource Assessment (BRA) (WRA; August 2019) was prepared for the project site. The project site does not include any natural habitats and is surrounded by development. The BRA determined that the project site does not contain drainage features, ponded areas, wetlands or riparian habitats that would be under the jurisdiction of federal, state or local agencies. Based on the onsite conditions, the project is not anticipated to result in any impact to federally or State-listed plants or animals listed as endangered or threatened or to any non-listed special-status species. No natural communities will be affected by the project and the project is not within a Habitat Conservation Plan area. The BRA does recommend a nesting bird survey prior to grading if vegetation removal takes place during the bird nesting period (February 1 to August 31).

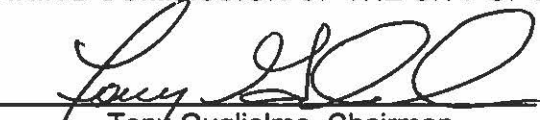
The Planning Commission has reviewed the Planning Department determination of exemption, and based on its own independent judgment, concurs in the staff's determination of exemption.

5. Based upon the findings and conclusions set forth in Paragraphs 1, 2, 3, and 4 above, this Commission hereby approves the application subject to each and every condition set forth below and in the attached standard conditions incorporated herein by this reference.

6. The Secretary to this Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 12TH DAY OF FEBRUARY 2020.

PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA

BY: 
Tony Guglielmo, Chairman

ATTEST: 
Anne McIntosh, AICP, Secretary

I, Anne McIntosh, AICP, Secretary of the Planning Commission for the City of Rancho Cucamonga, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Rancho Cucamonga, at a regular meeting of the Planning Commission held on the 12th day of February 2020, by the following vote-to-wit:

AYES: COMMISSIONERS: GUGLIELMO, OAXACA, DOPP, MORALES

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: WILLIAMS

ABSTAIN: COMMISSIONERS:

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

PROPOSAL NO.: LAFCO SC#508

HEARING DATE: SEPTEMBER 20, 2023

RESOLUTION NO. 3383

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#508 – CUCAMONGA VALLEY WATER DISTRICT IRREVOCABLE AGREEMENT TO ANNEX FOR SEWER SERVICE – 8545 PECAN AVENUE (APN 0229-171-02)

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

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

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

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

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

WHEREAS, the public hearing by this Commission was called for September 20, 2023 at the time and place specified in the notice of public hearing; and,

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

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

RESOLUTION NO. 3383

DETERMINATIONS:

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

1. The service contract area, identified as Assessor Parcel Numbers (APN) 0229-171-02, is within the sphere of influence assigned the Cucamonga Valley Water District and is anticipated to become a part of that Water District sometime in the future.

The project will receive water service from the Fontana Water Company.

The application requests authorization to receive sewer service from the Cucamonga Valley Water District. The sewer connection requirement is a condition of approval as identified in the City's Conditional Use Permit for the warehouse project. 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 Cucamonga Valley Water District's Irrevocable Agreement to Annex being considered is for the provision of sewer service to APN 0229-171-02, located on the east side of Pecan Avenue (8545 Pecan Avenue), between Arrow Route and Whittram Avenue, within the sphere of influence for the Cucamonga Valley Water District. 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 Water District to proceed in finalizing the contract for the extension of this service.
3. The estimated fees charged this project by the Water District for sewer service are identified as totaling \$9,371. Payment of these fees is required prior to connection to the Water District's sewer facilities. In addition, the property owner/developer shall bear all costs to complete improvements needed to extend the sewer service to the project.
4. Acting as the CEQA lead agency, the City filed a Notice of Exemption for the proposed development of an approximate 104,000 square foot warehouse project on approximately 4.75 acres. In approving the project, the City adopted a Class 32 Categorical Exemption (Infill Exemption) to comply with the California Environmental Quality Act (CEQA).

The Commission certifies that it has reviewed and considered the City'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 as a CEQA responsible agency. The Commission further finds that does not intend to adopt alternatives or additional mitigation measures for this project and that all mitigation measures are the responsibility of the City of Rancho Cucamonga and/or others, not the Commission, and are self-mitigating through the Conditions of Approval.

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. 3383

SECTION 2. CONDITION. The Cucamonga 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 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 Cucamonga Valley Water District to provide sewer service to the project area, Assessor Parcel Number 0229-171-02.

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#508 – Cucamonga Valley Water District Irrevocable Agreement to Annex for Sewer Service – 8545 Pecan Avenue (APN 0229-171-02), has been approved.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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


I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of September 20, 2023.

DATED:

SAMUEL MARTINEZ
Executive Officer

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

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

DATE: SEPTEMBER 13, 2023 
FROM: SAMUEL MARTINEZ, Executive Officer
ARTURO PASTOR, Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

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

INITIATED BY:

City of Redlands, on behalf of property owner.

RECOMMENDATION:

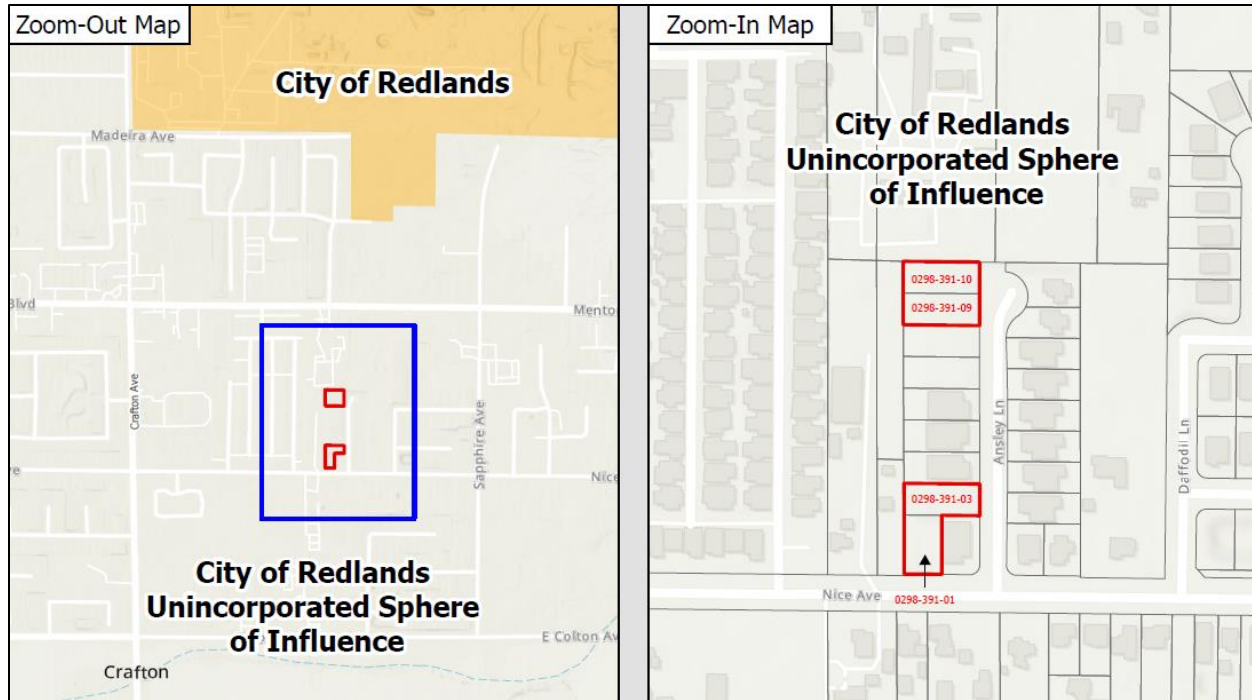
Staff recommends that the Commission approve LAFCO SC#510 by taking the following actions:

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

BACKGROUND:

The City of Redlands (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend water and sewer service to four parcels, Assessor Parcel Numbers (APNs) 0298-391-01, 0298-391-03, 0298-391-09, and 0298-391-10, comprising a total of approximately of 0.8 acres. Three of the parcels are generally located on the west side of Ansley Lane (1215, 1239, and 1243 Ansley Lane) and the fourth parcel is generally located on the

north side of Nice Avenue (2143 Nice Avenue), within the City of Redlands' eastern sphere of influence, in the unincorporated community of Mentone. The map below outlines the location of the contract parcels and Attachment #1 also provides a location and vicinity map of the site along with a map outlining the location of the water and sewer infrastructure to be extended to the parcels.



The property owner intends to build single-family residences on each of the vacant parcels, which requires connection to the City's water and sewer facilities. Therefore, the City, on behalf of the property owner, requests that the Commission authorize the extension of water and 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 action to implement the terms in the agreement.

PLAN FOR SERVICE:

The City's application, included as Attachment #2, identifies that water and sewer service would be provided through connection to the City's existing 8" water and sewer mains that are adjacent to the contract parcels in Nice Avenue and Ansley Lane. Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of service outside an agency's boundaries. The City has submitted an estimated total cost of \$82,776 in fees and charges for the extension of water and sewer service to the four parcels. Following is a list of the City's water and sewer fees:

Description of Fees/Charges	Cost/Unit	Total
<i>Development Impact Fees</i>		
• Water Source Acquisition	\$783	\$3,132
• Water Capital Improvement	\$4,350	\$17,400
• Sewer Capital Improvement	\$3130	\$12,520
<i>Connection Fee</i>		
• Meter Set	\$225	\$900
<i>Other Fees</i>		
• Measure “U” Charges	\$8,381	\$33,524
• Water Frontage Charge	\$1,830	\$5,490
• Sewer Frontage Charge	\$1,830	\$5,490
• Water Frontage Charge	\$2,160	\$2,160
• Sewer Frontage Charge	\$2,160	\$2,160
	Total Costs	\$82,776

In addition to the cost outlined above, the property owner will be responsible for the entire cost of the construction and installation of the water and sewer improvements to the parcels.

ENVIRONMENTAL DETERMINATION:

As the CEQA lead agency, the Commission’s Environmental Consultant, Tom Dodson from Dodson and Associates, has reviewed this proposal and has indicated that it is his recommendation that the review of LAFCO SC#510 is exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission’s authorization of the out-of-agency service agreement has no potential to cause a significant adverse impact on the environment; and therefore, the request is exempt (under the “Common Sense Rule”) from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3). A copy of Mr. Dodson’s response is included as Attachment #3 to this report.

CONCLUSION:

The purpose of the service contract application is for the City to receive authorization to provide water and sewer service outside its boundaries via contract to four parcels that require connection to the City of Redlands’ water and sewer facilities. Staff has reviewed this request for authorization to provide water and sewer service from the City of Redlands outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcels to be served are within the sphere of influence assigned the City of Redlands and are anticipated to become a part of the City sometime in the future. Staff supports the City’s request for authorization to provide water and sewer service to APNs 0298-391-01, 0298-391-03, 0298-391-09, and 0298-391-10 since its facilities are adjacent to the parcels and there are no other existing entity available to provide these services within the area.

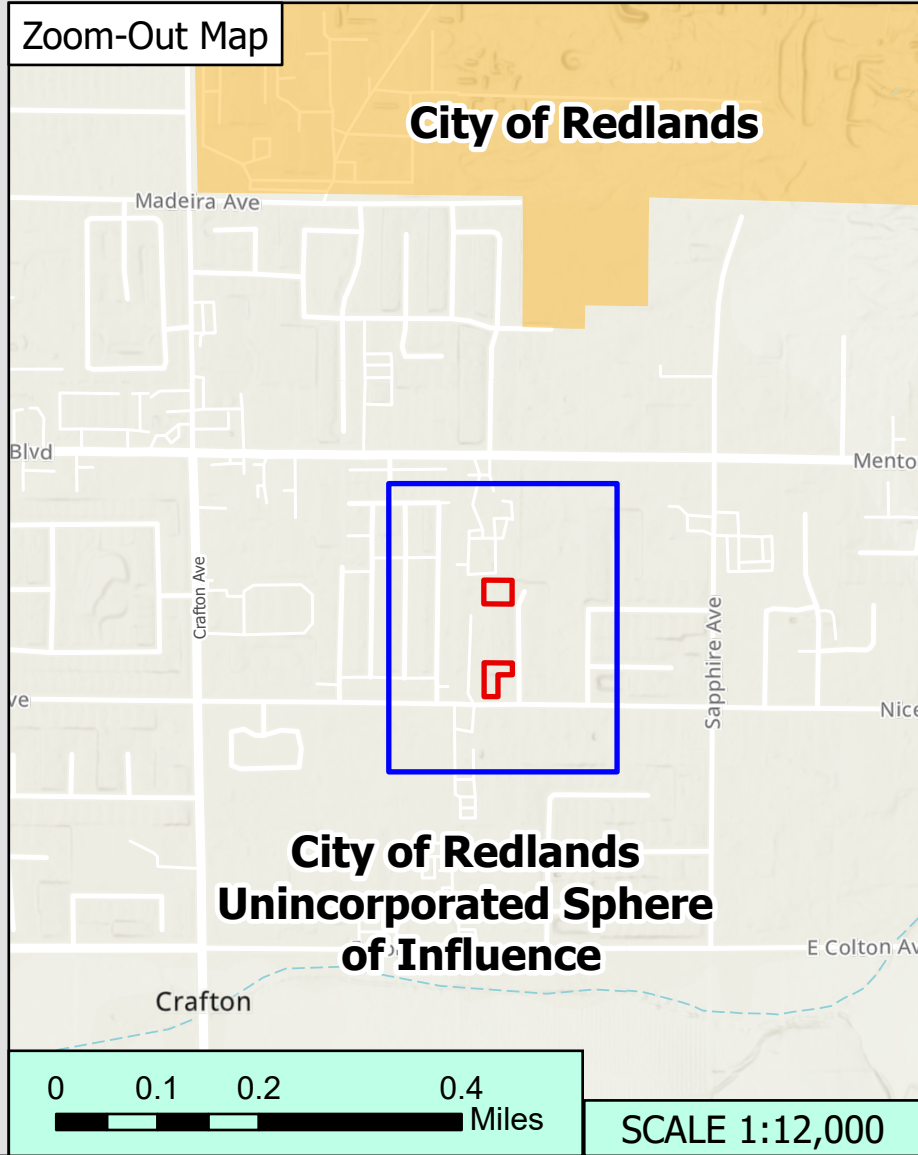
DETERMINATIONS:

1. The contract parcels, identified as Assessor Parcel Numbers (APNs) 0298-391-01, 0298-391-03, 0298-391-09, and 0298-391-10, are within the sphere of influence assigned the City of Redlands and are anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Redlands water and sewer service.
2. The City of Redlands' OSC No. 23-03 being considered is for the provision of water and sewer service to four parcels. One parcel, APN 0298-391-01, is located on the north side of Nice Avenue (2143 Nice Avenue). The three other parcels, APNs 0298-391-03, 0298-391-09, and 0298-391-10, are generally located on the west side of Ansley Lane (1215, 1239, and 1243 Ansley Lane). All four parcels are within the City of Redlands' eastern sphere of influence, in the unincorporated community of Mentone. This contract will remain in force in perpetuity or until such time as the parcels are annexed. Approval of this request will allow the property owner and the City of Redlands to proceed in finalizing the contract for the extension of water and sewer service.
3. The estimated fees the property owners will be charged by the City of Redlands for the extension of water and sewer service are identified as totaling \$82,776. Payment of these fees are required prior to connection to the City's water and sewer facilities. In addition, the property owners will be responsible for the entire costs of the construction and installation of the water and sewer extension.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review under the "Common Sense Rule" since it has no potential to cause a significant adverse impact on the environment (Section 15061[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this service contract is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines. The Commission hereby adopts the Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

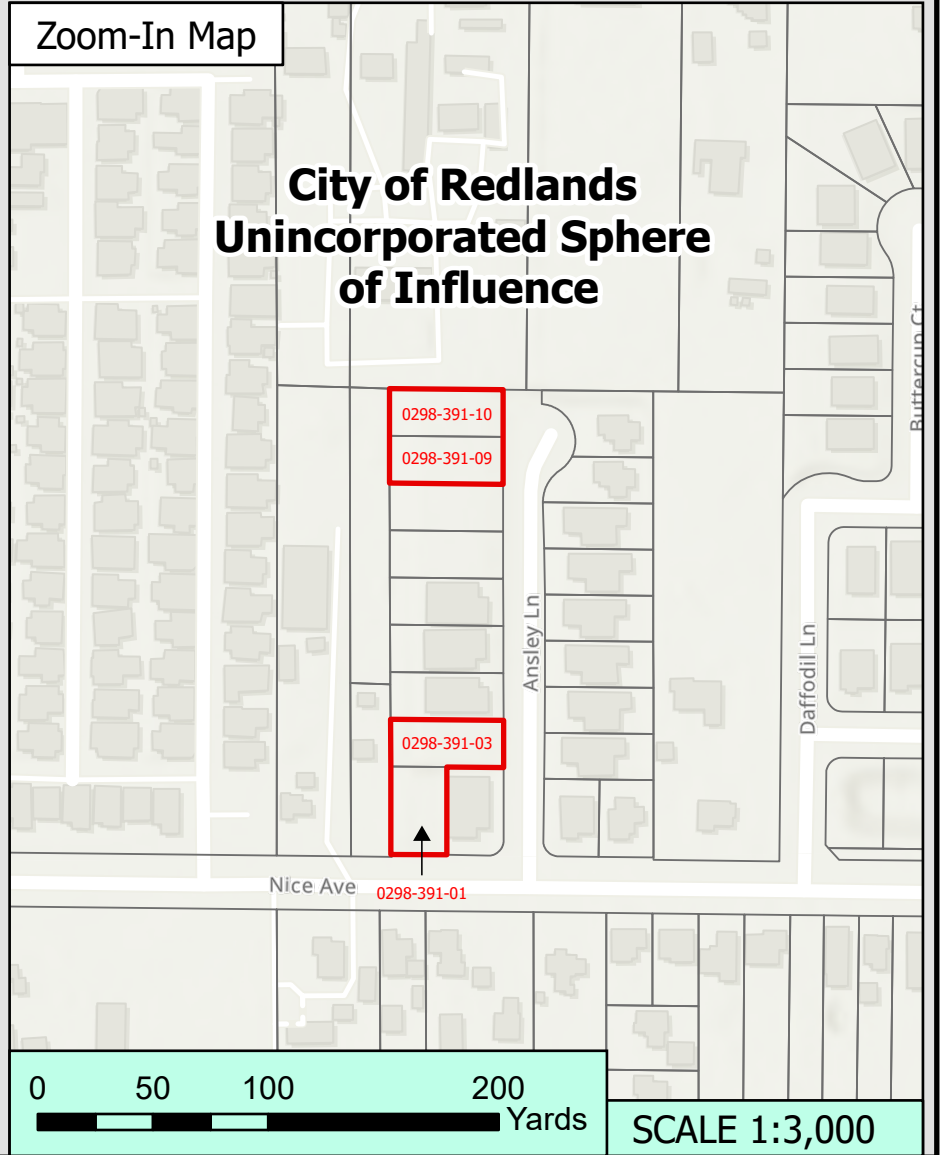
Attachments:

1. [Vicinity Map](#)
2. [City of Redlands Application and Contract](#)
3. [Response from Tom Dodson and Associates](#)
4. [Draft Resolution #3382](#)

Zoom-Out Map



Zoom-In Map



Vicinity Map

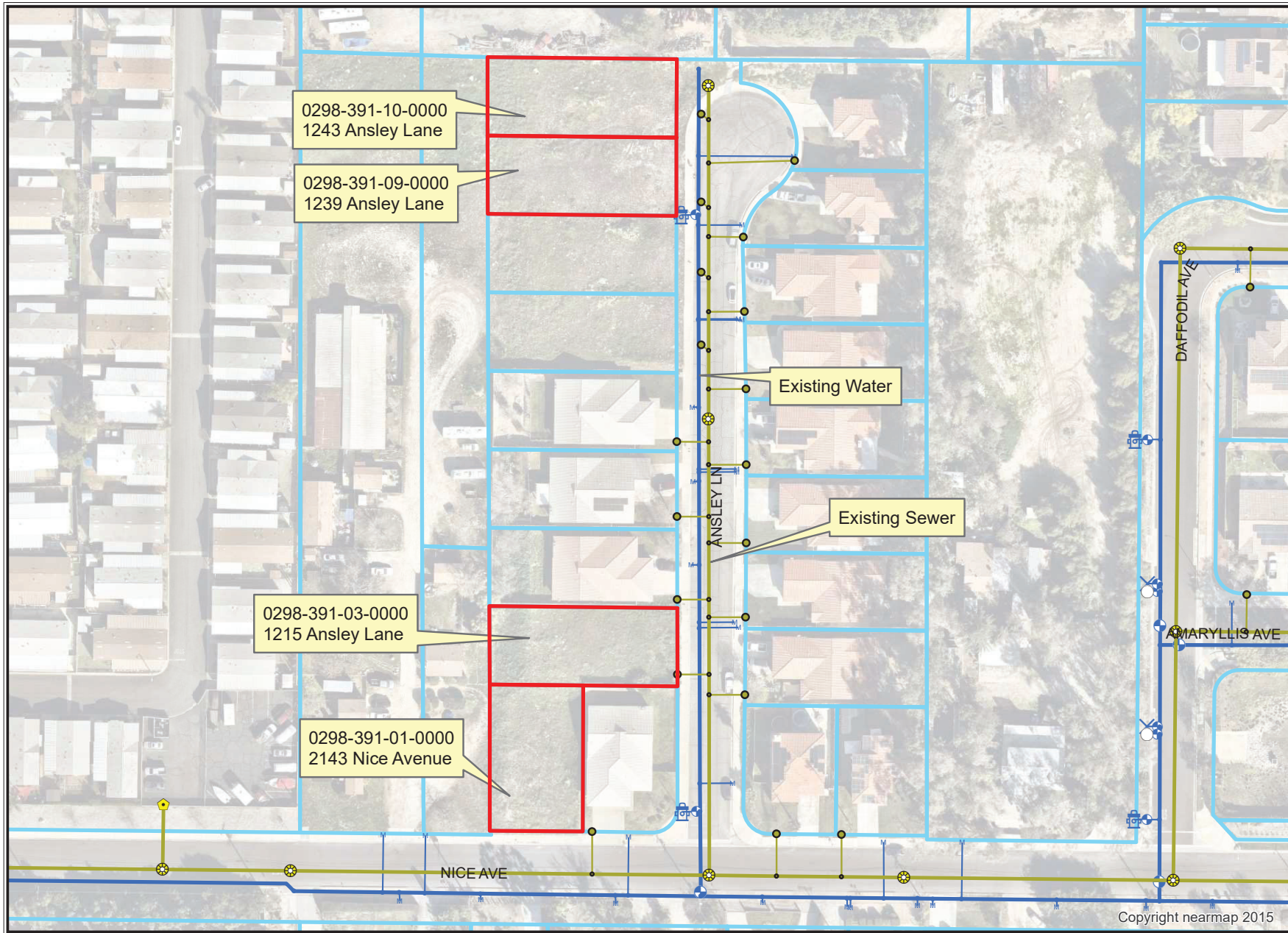
LAFCO SC#510 - City of Redlands OSC 23-03
for Water and Sewer Service (APNs
0298-391-01, -03, -09, and -10)

- City of Redlands
- LAFCO SC#510
- Extent Indicator for Zoom-In Map



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

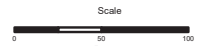




Title

OSC 23-03
Attachment B
Aerial Photograph

This map was produced by the City of Redlands, Geographic Information System. The City of Redlands assumes no warranty or legal responsibility for the information contained on this map. The data used to generate this map is dynamic in nature, therefore the information shown may or may not be the most current.



REDLANDS "A City That Works"

May 15, 2023

OneStop.mxd

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SAN BERNARDINO LAFCO APPLICATION FOR EXTENSION OF SERVICE BY CONTRACT

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

AGENCY TO EXTEND SERVICE:

AGENCY NAME: City of Redlands

CONTACT PERSON: Donald Young

ADDRESS: 35 Cajon Street
Redlands, CA 92373

PHONE: 909-798-7585 x6

EMAIL: DYOUNG@CITYOFREDLANDS.ORG

CONTRACTING PARTY:

NAME OF PROPERTY OWNER: Elias Alfata

CONTACT PERSON: Elias Alfata

MAILING ADDRESS: 6372 Garden Hills Way
Riverside, CA 92506

PHONE: 951-454-0912

EMAIL: gedriverside@gmail.com

ADDRESS OF PROPERTY PROPOSED FOR CONTRACT: 2143 Nice Ave., 215 Ansley Lane, 1239 Ansley Lane and 1243 Ansley Lane
Mentone, CA 92359

CONTRACT NUMBER/IDENTIFICATION: OSC 23-03

PARCEL NUMBER(S): 0298-391-01-06, -03, -09, and -10

ACREAGE: 0.19, 0.21, 0.21, and 0.21

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.

Domestic Water Service and Sewer Service for each parcel

- (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.

Preannexation Agreement

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.

Projected timeframe of annexation has too many variables to
allow for a prediction of when the annexation will occur.

Extension of Service by Contract
Application Form

(FOR LAFCO USE ONLY)

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

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

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

Vacant Land intended for single family residential use.

- (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.

Properties are currently vacant land. Owner intends to construct single

family residences. Owner is coordinating with County of San Bernardino

Building Division to obtain building permits for construction.

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.

Installation of a domestic water service that will connect to the existing 8" water main that is site adjacent in Nice Avenue and Ansley Lane.

Installation of a sewer lateral that will connect to the existing 8" sewer main that is site adjacent in Nice Avenue and Ansley Lane.

Upon approval of this Extension of Service Contract the applicant will apply for installation of a water meters and establishment of a utility service accounts. The applicant will also hire a contractor for installation of the water and sewer laterals.

- (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>
Development Impact Fees		
Water Source Acquisition	\$783	\$3132
Water Capital Improvement	\$4350	\$17400
Sewer Capital Improvement	\$3130	\$12520
Connection Fee		
Meter Set	\$225	\$900
Other Fees		
Measure "U" Charges	\$8381	\$33522
Water Frontage Charge	\$1830	\$5490
Sewer Frontage Charge	\$1830	\$5490
Water Frontage Charge	\$2160	\$2160
Sewer Frontage Charge	\$2160	\$2160
Total Costs		\$82774

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

Not Applicable

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

- 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.

City of Redlands Municipal Code identifies appropriate procedures
for extension of utility service to properties with the City's sphere
of influence areas.

CERTIFICATION

As a part of this application, the City/Town of Redlands, or the San Bernardino 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

Donald P. Young

NAME:

Donald P. Young

POSITION TITLE:

One Stop Permit Center Manager

DATE:

06/28/2023

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 W. Third Street, Unit 150,
San Bernardino, CA 92415-0490

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

RESOLUTION NO. 8489

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS APPROVING PRE-ANNEXATION AGREEMENT NO. 23-07, RELATED TO OUTSIDE CITY UTILITY CONNECTIONS FOR WATER SERVICE AND SEWER SERVICE FOR A VACANT LOT LOCATED AT 2160 NICE AVENUE (APN: 0298-231-06-0000), WITHIN THE UNINCORPORATED COMMUNITY OF MENTONE WITHIN SAN BERNARDINO COUNTY.

WHEREAS, on June 20th, 2023, Michael Guilliam and Tanna Guillian, Husband and Wife as Joint Tenants filed an application for Outside City Case No. 23-07 and Pre-Annexation No. 23-07 with the City for outside City utility connections for a vacant parcel located at 2160 Nice Avenue (APN: 0298-231-06-0000) in the unincorporated community of Mentone within San Bernardino County; and

WHEREAS, on June 20th, 2023, the City Council found that Outside City Case No. 23-07 was consistent with the City's General Plan and determined the public health, safety, welfare of the residents of Redlands would be served by the City's continued processing of the Outside City Case application, determined that the City of Redlands was acting as a Responsible Agency under the California Environmental Quality Act, and directed staff to prepare a Pre-Annexation Agreement; and

WHEREAS, the subject property's land use designation in the 2035 General Plan is Low Density Residential and the proposed project is consistent with the 2035 General Plan land use designation;

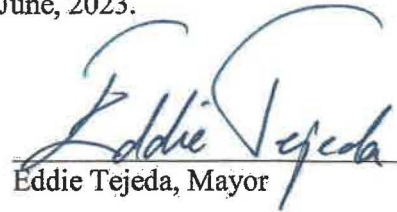
~~WHEREAS, the proposal is not subject to environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301(a) for existing facilities and Section 15319-pertaining to annexations of existing facilities and lots for exempt facilities.~~

~~DELETED BY THE CITY~~ NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

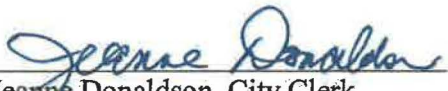
SECTION 1. The City Council of the City of Redlands hereby determines that the proposed Pre-Annexation Agreement is not subject to environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities).

SECTION 2. The City Council hereby approves Pre-Annexation No. 23-07 (Exhibit A) for the provision of water service and sewer service to enable development of a vacant lot located at 2160 Nice Avenue (APN: 0298-231-06-0000) in the unincorporated community of Mentone in San Bernardino County.

ADOPTED, SIGNED AND APPROVED this 20th day of June, 2023.


Eddie Tejada, Mayor

ATTEST:


Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting thereof held on the 20th day of June 2023, by the following vote:

AYES: Councilmembers Barich, Davis, Guzman-Lowery, Saucedo; Mayor Tejada
NOES: None
ABSENT: None
ABSTAINED: None



Jeanne Donaldson, City Clerk

EXHIBIT A

Pre-Annexation Agreement

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:



Electronically
Recorded in Official Records
San Bernardino County

Assessor-Recorder-County Clerk

CITY CLERK'S OFFICE
CITY OF REDLANDS
P.O. BOX 3005
REDLANDS, CA 92373

DOC# 2023-0154707

06/23/2023
08:47 AM
SAN

Titles: 1 Pages: 22

B9246

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

**FEES NOT REQUIRED
PER GOVERNMENT CODE
SECTION 6103**

(THIS SPACE FOR RECORDER'S USE ONLY)

**AGREEMENT FOR ANNEXATION AND PROVISION
FOR CITY UTILITY SERVICES**

This Agreement for Annexation and Provision of City Utility Services ("Agreement") is made and entered into this 20th day of June, 2023 by and between the City of Redlands, a municipal corporation organized and existing under the laws of the State of California ("City") and Elias Alfata and Debra Alfata, ("Property Owners"). City and Property Owners are sometimes individually referred to herein as a "Party" and, together, as the "Parties."

RECITALS

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

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

WHEREAS, Property Owner owns four vacant parcels of land generally located at 1243 Ansley Lane, 1239 Ansley Lane, 1215 Ansley Lane, and 2143 Nice Avenue and identified as county of San Bernardino Assessor's Parcel Numbers 0298-391-10-0000, 0298-391-09-0000, 0298-391-03-0000, and 0298-391-01-0000 ("Properties") in the unincorporated Mentone area of the county of San Bernardino within the City's sphere of influence, as described in Exhibit "A" titled "Site Plan" and Exhibit "B" titled "Grant Deed" has made a request and application to City to receive water and sewer service for properties located in the unincorporated area of the county of San Bernardino, and has provided evidence satisfactory to City that the Property Owners are the fee owners of the Properties; and

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

WHEREAS, City's General Plan and Chapter 13.60 of the Redlands Municipal Code establish policies and procedures for the approval of City utility services to properties located within the City's sphere of influence and require, among other things, the owners of the property to be served to enter into an agreement, and record the same in the official records of the county of San Bernardino, requiring the property owners to annex the properties to City upon certain conditions; and

WHEREAS, City has prepared a General Plan for the unincorporated area in which the Properties are located to provide for the orderly planning of such area, and has determined that the proposed development of the Properties is consistent with the goals and policies of City's General Plan; and

WHEREAS, it is the policy and goal of City to discourage and not facilitate development in City's sphere of influence which is unwilling and/or fails to comply with City's General Plan and City's development standards by refusing to extend utility services in such instances; and

WHEREAS, pursuant to the requirements of Chapter 13.60 of the Redlands Municipal Code and in consideration for City's agreement to extend utility services outside its jurisdictional boundaries to the Properties, Property Owner has entered into this Agreement to provide assurances to City that connection to City's domestic water system will occur in accordance with the Redlands General Plan and the development standards of the Redlands Municipal Code, and that the Properties shall be annexed to City in accordance with this Agreement's terms, provisions and conditions;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of Redlands and Property Owners agree as follows:

AGREEMENT

1. Recitals. The foregoing recitals are true and correct.
2. Provision of Utility Services. City agrees to provide domestic water service to the Properties consistent with the terms and conditions of this Agreement, provided that the connection complies with all rules and regulations of City governing the extension and provision of utility services to properties located outside City's boundaries at the time a request by Property Owners for application for a water and sewer service connection is approved by City's Municipal Utilities and Engineering Department. Nothing herein represents a commitment by City to provide such service unless and until Property Owners comply with all such rules and regulations. As a condition of approval of an application for water and sewer connections, and prior to receiving any service, Property Owners agree to pay the full cost of such service as established by City for the extension of utility services to the Properties.

3. Agreement to Develop by City Standards. In consideration of City's agreement to provide City water and sewer service to the Properties, Property Owners shall develop the Properties in accordance with the Redlands General Plan and any applicable development standards of the Redlands Municipal Code.

4. Agreement to Annex. In consideration of City's agreement to provide City water and sewer service to the Properties, Property Owners hereby irrevocably consent to annexation of the Properties to City and agree to they shall take any and all reasonable and necessary actions, and fully and in good faith cooperate with City, to cause the annexation of the Properties to City. Property Owners and City agree that in the event City initiates an annexation of the Properties, City shall be responsible for the costs of such annexation. In all other instances where the annexation of the Properties is proposed to City, Property Owners shall be responsible for such costs.

5. Payment of Fees. As a condition of receiving domestic water and sewer service from City, Property Owners shall pay to City all then-established applicable development impact fees, water acquisition fees, and user fees specifically for such domestic water and sewer service.

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

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

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

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

10. Indemnity and Cost of Litigation.

A. Property Owners agree to and shall hold City, and its elected and appointed officials, officers, agents, and employees free and harmless from any and all liability for damage or claims for damage for personal injury, including death, and claims for property damage which may arise from the operations, errors, or omissions of Property Owners or those of its contractors,

subcontractors, agents, employees or any other persons acting on Property Owner's behalf which relate to development of the Properties. Property Owners agree to and shall defend, indemnify and hold harmless City, its elected officials, officers, agents, employees and representatives from all actions for damages caused or alleged to have been caused by reason of Property Owner's acts, errors or omissions in connection with the development of the Properties. This hold harmless agreement applies to all damages and claims for damages suffered or alleged to have been suffered by reason of Property Owner's or its representatives' acts, errors or omissions regardless of whether or not City supplied, prepared or approved plans or specifications relating to the development of the Properties and regardless of whether or not any insurance policies of Property Owners relating to such development are applicable.

B. Property Owners shall defend, at its expense, including attorneys' fees, indemnify and hold harmless City, and its elected and appointed officials, officers, agents and employees from any claim, action or proceeding against any of them to attack, set aside, void or annul the approval of this Agreement or the approval of any permit or entitlement granted in furtherance of this Agreement. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding.

11. Liquidated Damages. In the event that a property is not annexed to City in accordance with the terms of the Agreement, the then existing owner of the Property shall pay each year to City, as liquidated damages, a sum equal to the property taxes and any sales taxes the City would have received had the Property been annexed. Failure to make such liquidated damages payments shall be good cause for City to cease service to the Property.

12. Section Headings. All section headings and sub-headings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

13. Governing Law. This Agreement and any dispute arising hereunder shall be governed by and construed in accordance with the laws of the State of California.

~~14. Attorneys' Fees. In the event any action is commenced to enforce or interpret the terms or conditions of this Agreement the prevailing Party shall, in addition to any costs and other relief, be entitled to the recovery of its reasonable attorneys' fees, including fees for a Party's use of in-house counsel.~~

15. Binding Effect. The burdens of this Agreement bind and the benefits of this Agreement inure to the assigns and successors in interest of the Parties.

16. Authority to Execute. The person or persons executing this Agreement warrant and represent that they have the authority to execute this Agreement on behalf of the legal, fee title owner of the Property.

17. Waiver and Release. Property Owners hereby waive and release any and all claims it may have against City, and its elected and appointed officials, officers, employees and agents with respect to any City actions or omissions relating to the development of the Properties, and the Parties' entry into, and execution of, this Agreement. Property Owners make such waiver and release with full knowledge of Civil Code Section 1542, and hereby waive any and all rights thereunder to the extent of this waiver and release, of such Section 1542 is applicable. Civil Code Section 1542 provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

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

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

CITY OF REDLANDS

By: Eddie Tejada
Eddie Tejada, Mayor

PROPERTY OWNER

By: ELIAS ALFATA
Elias Alfata, Owner

By: Debra Alfata
Debra Alfata, Owner

ATTEST:

Jeanne Donaldson
Jeanne Donaldson, City Clerk

EXHIBIT "A"
SITE PLAN

Site Plan

Nice Avenue and Ansley Lane
Mentone, CA
Annexation Agreement

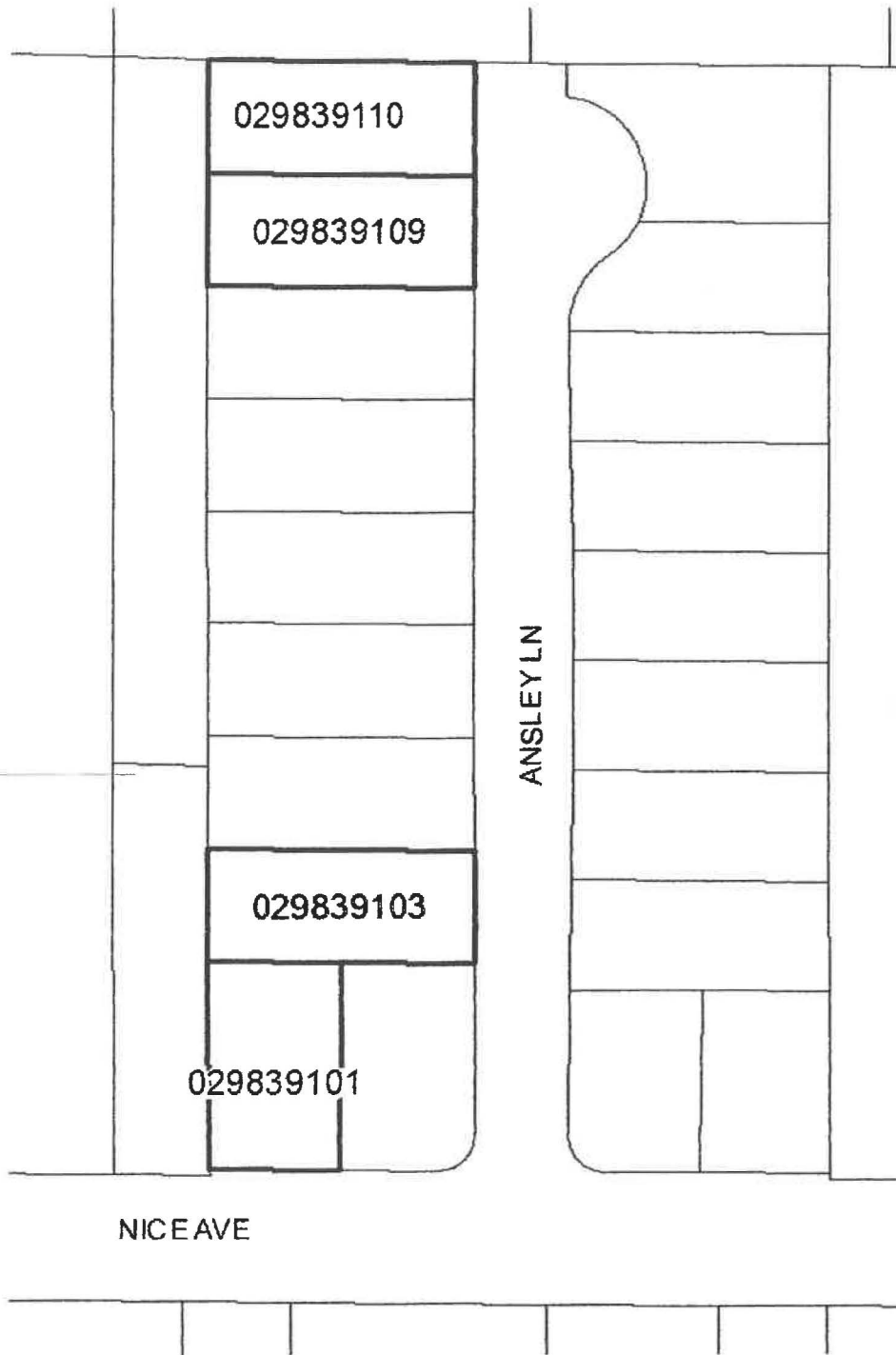


EXHIBIT "B"
GRANT DEED

APN	Address
0298-391-01	2143 Nice Avenue
0298-391-03	1215 Ansley Lane
0298-391-09	1239 Ansley Lane
0298-391-10	1243 Ansley Lane

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California)
County of San Bernardino)
On June 12, 2023 before me, Jennifer Macias, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Eddie Tejeda and Jeanne Donaldson
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature Jennifer Macias
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: Annexation Agreement 0248 3A1 09 0000
Document Date: June 20, 2023 Number of Pages: 7
Signer(s) Other Than Named Above: JTA &

Capacity(ies) Claimed by Signer(s)
Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

ACKNOWLEDGMENT

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

State of California
County of Riverside

On June 15, 2023 before me, Krista Chavez, Notary Public
(insert name and title of the officer)

personally appeared Elias Alfata and Debra Alfata
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 Krista Chavez (Seal)



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



September 5, 2023

Mr. Samuel Martinez
Local Agency Formation Commission
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0480

Dear Sam:

I have completed the California Environmental Quality Act (CEQA) review of out-of-area service contract, LAFCO SC#510 for the Commission. LAFCO SC#510 consists of a request by the City of Redlands to authorize out-of-agency water/wastewater service agreements for four single-family residential parcels (APN 0298-391-01, -03, -09, and -10). These parcels are located in the City's eastern Sphere of Influence on Ansley Lane and Nice Avenue, west of Sapphire Avenue and south of Mentone Avenue. Refer to the attached Vicinity Map. Approval of SC#510 would allow the City of Redlands to extend water and wastewater (both collection and treatment) services to these properties from pipelines located adjacent to the properties in Ansley Lane and Nice Avenue.

Based on the above proposal and the analysis and findings presented below, I conclude that LAFCO SC#510 can be implemented without causing significant adverse environmental impacts. The administrative record does not identify any action 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 four single-family residences on these four parcels, the previous engineering of the area as part of a tract map, and the available service lines adjacent to the site, I conclude that this project has no potential to cause a significant adverse impact on the environment.

Therefore, I recommend that LAFCO SC#510 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#510 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, these proposed out-of-area service extensions do 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#510 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 that reads "Tom Dodson". The signature is written in a cursive, slightly slanted style.

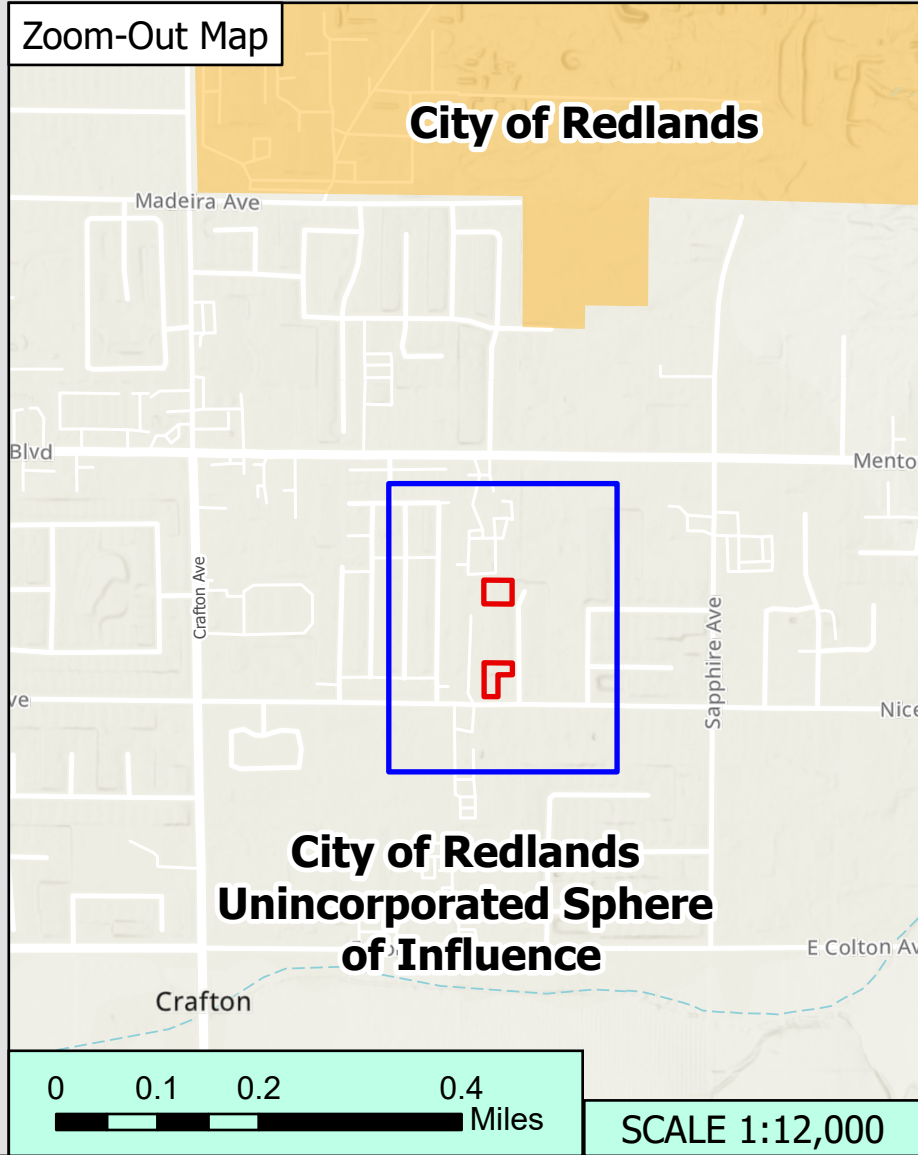
Tom Dodson

TD/cmc

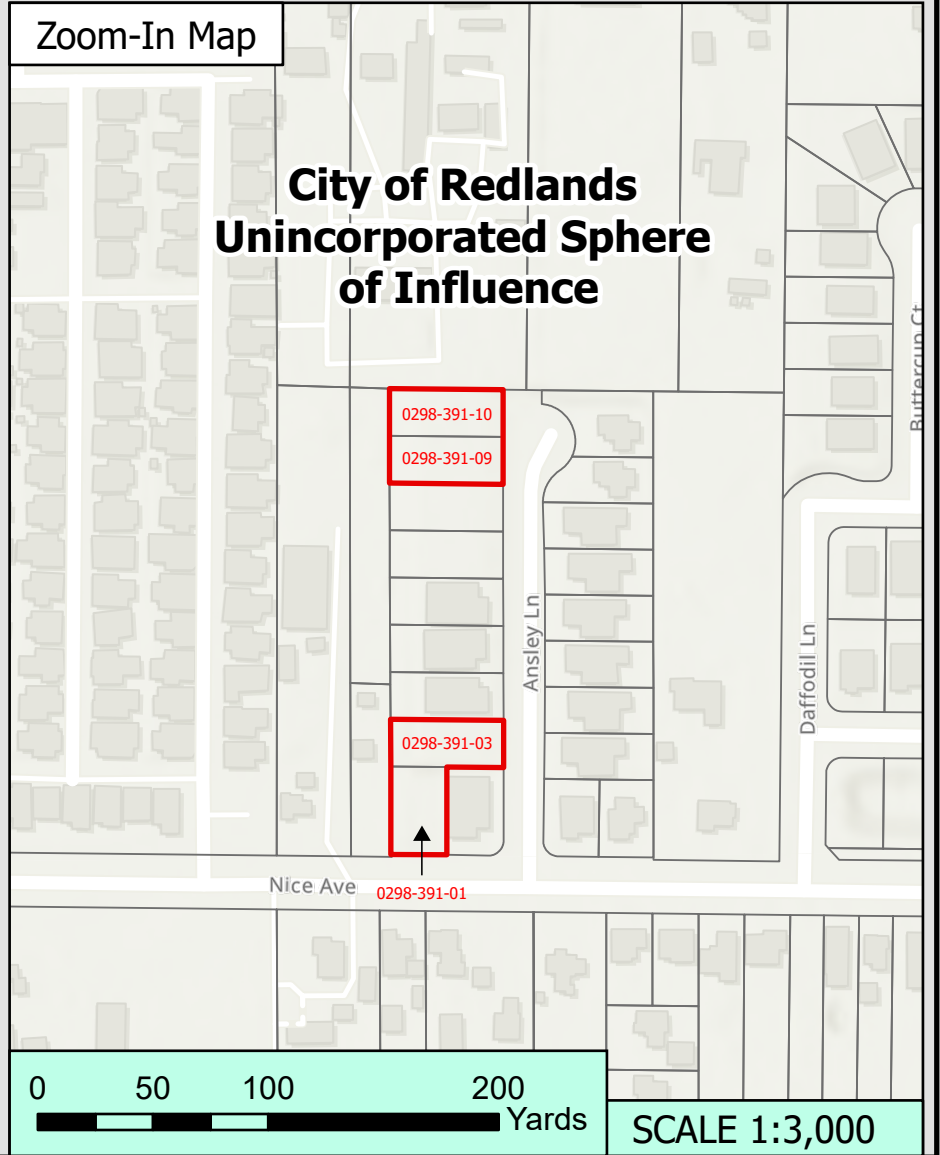
Attachment

LAFCO SC#510 CE Memo

Zoom-Out Map



Zoom-In Map



Vicinity Map

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

- City of Redlands
- LAFCO SC#510
- Extent Indicator for Zoom-In Map



Disclaimer: This information 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 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, 21080.9, 21080.10, 21084, 21108, 21151, 21152, 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

PROPOSAL NO.: LAFCO SC#510

HEARING DATE: SEPTEMBER 20, 2023

RESOLUTION NO. 3382

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#510 – CITY OF REDLANDS OSC NO. 23-03 FOR WATER AND SEWER SERVICE (ASSESSOR PARCEL NUMBERS 0298-391-01, -03, -09, and -10)

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

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

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

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

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

WHEREAS, the public hearing by this Commission was called for September 20, 2023 at the time and place specified in the notice of public hearing; and,

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

RESOLUTION NO. 3382

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 parcels, identified as APNs 0298-391-01, 0298-391-03, 0298-391-09, and 0298-391-10, are within the sphere of influence assigned the City of Redlands and are anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Redlands water and sewer service.
2. The City of Redlands' OSC No. 23-03 being considered is for the provision of water and sewer service to APNs 0298-391-01, 0298-391-03, 0298-391-09, and 0298-391-10 generally located on the west side of Ansley Lane (215, 1239, and 1243 Ansley Lane) and one on the north side of Nice Avenue (2143 Nice Avenue). These parcels are in between Crafton and Sapphire Avenues, within the City of Redlands' eastern sphere of influence, in the unincorporated community of Mentone. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request will allow the property owners and the City of Redlands to proceed in finalizing the contract for the extension of water and sewer service.
3. The estimated fees the property owners will be charged by the City of Redlands for the extension of water and sewer service are identified as totaling \$82,774 (for a breakdown of charges, see table on page 3). Payment of these fees are required prior to connection to the City's water and sewer facilities. In addition, the property owners will be responsible for the entire costs of the construction and installation of the water and sewer extension.
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 Redlands shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this service contract, including any reimbursement of legal fees and costs incurred by the Commission.

RESOLUTION NO. 3382

SECTION 3. The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of Redlands to provide water and sewer service to Assessor Parcel Numbers 0298-231-01, -03, -09, and -10.

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#510 – City of Redlands OSC No. 23-03 for Water and Sewer Service (APNs 0298-231-01, -03, -09, and -10), has been approved.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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


I, **SAMUEL MARTINEZ**, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of September 20, 2023.

DATED:

SAMUEL MARTINEZ
Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

DATE: SEPTEMBER 13, 2023 
FROM: SAMUEL MARTINEZ, Executive Officer
ARTURO PASTOR, Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

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

INITIATED BY:

City of San Bernardino, on behalf of the property owners.

RECOMMENDATION:

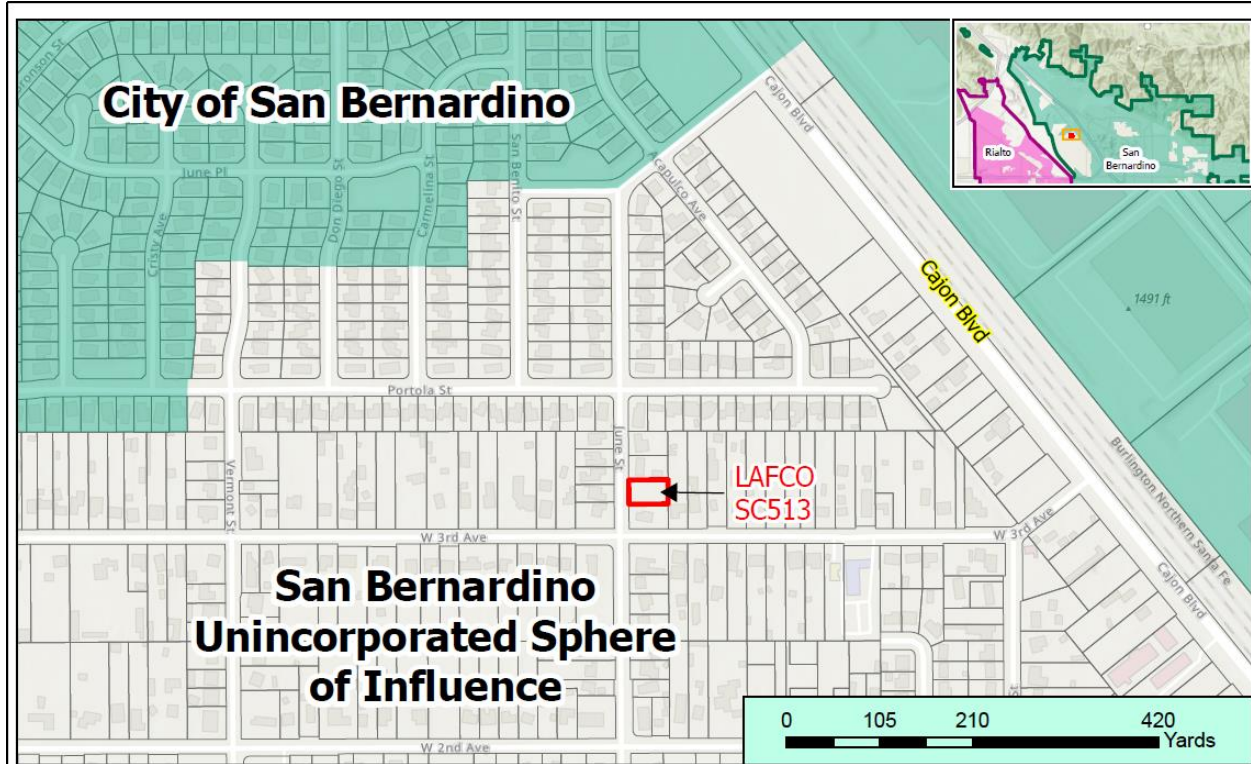
Staff recommends that the Commission approve LAFCO SC #513 by taking the following actions:

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

BACKGROUND:

The City of San Bernardino (City) submitted a request for authorization of an out-of-agency service agreement that outlines the terms by which it will extend sewer service outside its boundaries. The agreement relates to a single parcel, Assessor Parcel Number (APN) 0267-021-02, generally located on the east side of June Street (3835 June Street), between Portola Street and 3rd Avenue, within the City of San Bernardino's western sphere of influence, in the unincorporated community of Muscoy.

The location and vicinity map below, along with the maps outlining the location of the sewer infrastructure to be extended, is included as Attachment #1.



Vicinity Map

The property owners intend to build a single-family residence on the vacant parcel, which requires connection to the City’s sewer facilities. Water service will be provided by the Muscoy Mutual Water Company, which currently overlays the area. Therefore, the City, on behalf of the property owners, requests that the Commission authorize the extension of sewer service to the parcel pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final action to implement the terms in the agreement.

PLAN FOR SERVICE:

The City’s application, included as Attachment #2, identifies that sewer service will be provided through connection to the City’s existing 18-inch sewer main in June Street directly adjacent to the property. Pursuant to the Commission’s application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside an agency’s boundaries. The City has submitted an estimated total cost of \$5,595 in fees and charges for the extension of sewer service to the parcel. Following is a list of the City’s sewer fees:

Sewer Fees	Cost
Sewer Treatment Capacity Charge	\$3,500.00
Sewer Collection Capacity Charge	\$1,680.00
Sewer Lateral Inspection Fee	\$415.00
Total	\$5,595.00

In addition to the cost outlined above, the property owners will be responsible for the entire cost of installing the sewer lateral to the parcel.

ENVIRONMENTAL DETERMINATION:

As the CEQA lead agency, the Commission’s Environmental Consultant, Tom Dodson from Dodson and Associates, has reviewed this proposal and has indicated that it is his recommendation that the review of LAFCO SC#513 is exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission’s authorization of the out-of-agency service agreement has no potential to cause a significant adverse impact on the environment; and therefore, the request is exempt (under the “Common Sense Rule”) from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3). A copy of Mr. Dodson’s response is included as Attachment #3 to this report.

CONCLUSION:

The purpose of the service contract application is for the City to receive authorization to provide sewer service outside its boundaries through connection to the City of San Bernardino’s sewer facilities to serve a parcel that requires connection for a proposed single-family residence to be built on the property.

Staff has reviewed this request for authorization to provide sewer service from the City of San Bernardino outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City of San Bernardino and is anticipated to become a part of the City sometime in the future. Staff supports the City’s request for authorization to provide sewer service to APN 0267-021-02 since its facilities are adjacent to the property and there are no other existing entity available to provide this service within the area.

DETERMINATIONS:

1. The parcel, identified as Assessor Parcel Number 0267-021-02, 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 application requests authorization to receive City of San Bernardino sewer service.

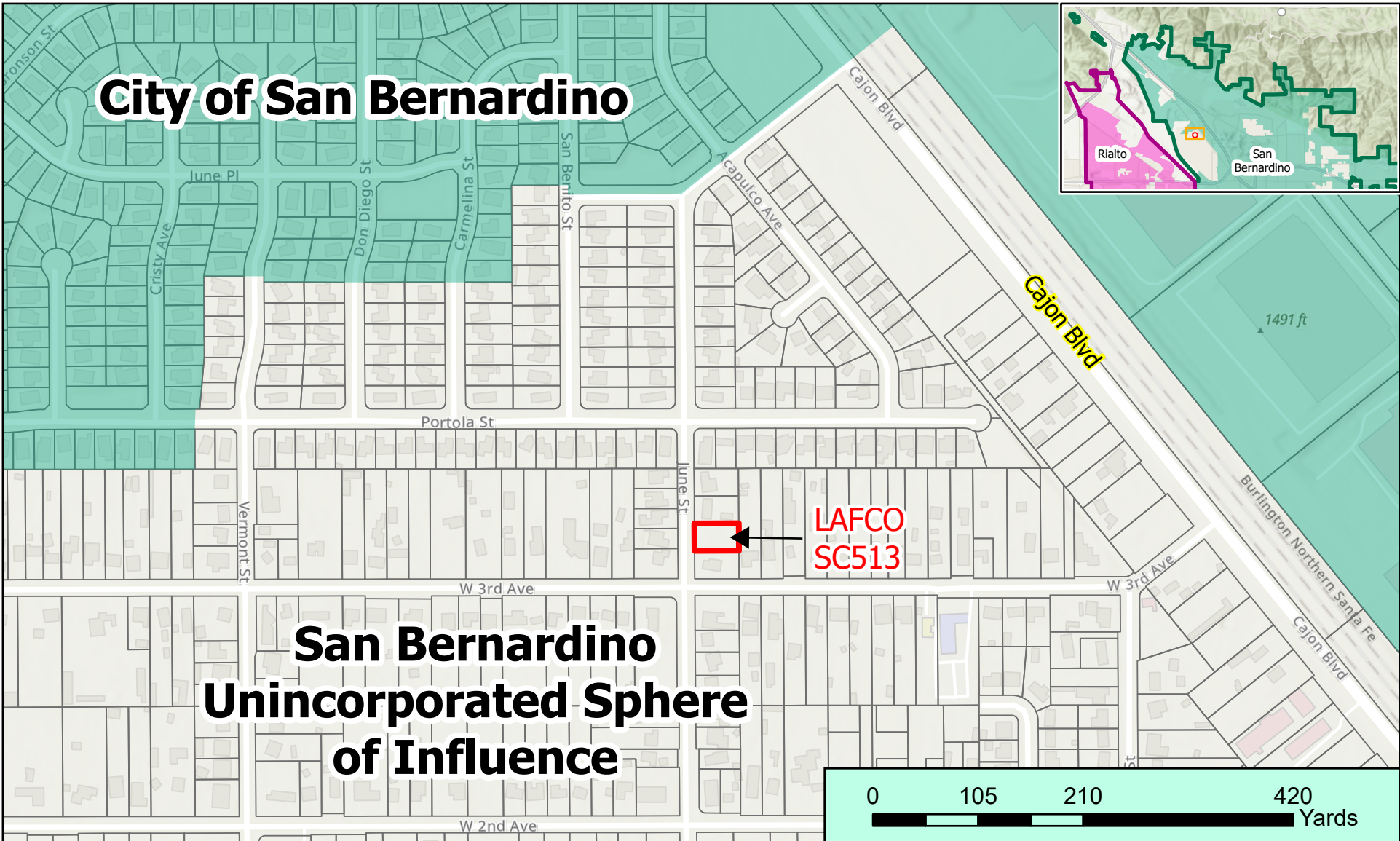
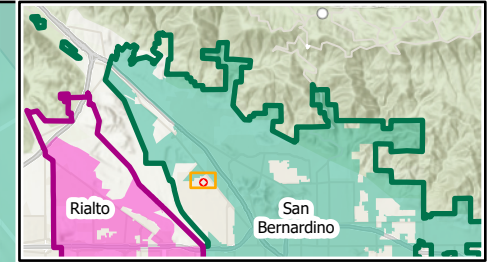
The property will receive water service from the Muscoy Mutual Water Company.

2. The City of San Bernardino Irrevocable Agreement to Annex No. 2023-372 being considered is for the provision of sewer service to Assessor Parcel Number 0267-021-02. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request will allow the property owners and the City of San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The estimated fees the property owners will be charged by the City of San Bernardino for the extension of sewer service are identified as totaling \$5,595. Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owners shall bear all costs to complete improvements needed to extend the sewer service to the property.
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.

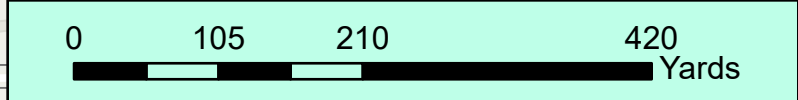
Attachments:

1. [Vicinity Maps](#)
2. [City of San Bernardino's Application and Contract](#)
3. [Response from Tom Dodson and Associates](#)
4. [Draft Resolution #3381](#)

City of San Bernardino



San Bernardino Unincorporated Sphere of Influence



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

- LAFCO SC#513
- San Bernardino Sphere
- City of Rialto
- City of San Bernardino
- Parcels



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



SBMWD Sewer Infrastructure

JUNE ST

3880

3875

3860

3855

3840

2320

2318

3820

2264

2260

2256

2250

3800

2294

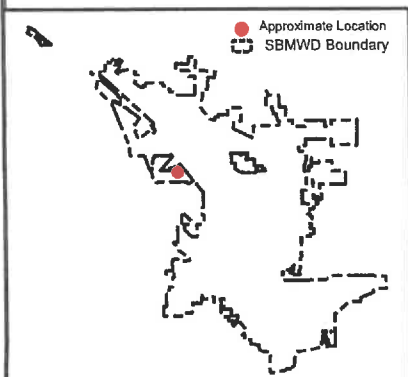
3RD AVE.

0320037

1472

18" VCP
18" VCP

L=506'
L=506'



NOT FOR CONSTRUCTION USE

This map and accompanying data sheet represent a visual aid intended to assist San Bernardino Municipal Water Department personnel with the management of water system facilities. Data provided hereon is not a guarantee of actual field conditions nor a substitute for record drawings and field verification.

MAY, 2023



**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: Mr. Ted Brunson
ADDRESS: 397 Chandler Place
San Bernardino, CA 92408
PHONE: (909) 453-6165
EMAIL: Ted.Brunson@sbmwd.org

CONTRACTING PARTY:

NAME OF PROPERTY OWNER: Mr. John Camarena & Ms. Magdalena Lagos
CONTACT PERSON: Ms. Magdalena Lagos
MAILING ADDRESS: 4420 Condor Avenue
Fontana, CA 92336
PHONE: 951-529-1889
EMAIL: magda@crwroof.com
ADDRESS OF PROPERTY PROPOSED FOR CONTRACT: 3835 June Street
San Bernardino, CA 92407
CONTRACT NUMBER/IDENTIFICATION: 2019-006
PARCEL NUMBER(S): APN: 0267-021-02
ACREAGE: 0.25

Extension of Service by Contract
Application Form

(FOR LAFCO USE ONLY)

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

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

Sanitary Sewer Treatment (Sewer Treatment) and

Sanitary Sewer Collection (Sewer Collection)

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

Existing sanitary sewer collection main exists within June Street fronting the Contract Parcel.

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

Sewer lateral and connection to the SBMWD sanitary sewer main to be installed by owner.

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

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

SBMWD Sewer Lateral Connection Invoice to be paid prior to issuance of sewer lateral inspection permit.

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

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

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

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

Irrevocable Annexation Agreements for new sewer connections.

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

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

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

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

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

6. (a) What is the existing use of the property? The property is currently a vacant parcel and is awaiting connection to the existing sanitary sewer main within June Street.

Land Type is listed as Single Family Residential from PIMS.

- (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 currently vacant parcel is awaiting connection to the existing sanitary sewer main prior to development of a single family residence.

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.

SBMWD maintains a 18" Vitrified Clay Pipe (VCP) sanitary sewer main in June Street
fronting the contract parcel. Capacity exists in the 18" sanitary sewer main, as well
as at the San Bernardino Water Reclamation Plant, to serve the contract parcel.
Sewer lateral to be installed by owner's licensed contractor (Class A or Classes
C-34 & C-42), from proposed development up to and including connection to
existing sanitary sewer main. All necessary permits for excavation and pavement
replacement to be obtained by owner's contractor with the respective governing
agencies. SBMWD to provide sewer connection permit and certificate of paid
sewer treatment capacity and sewer collection capacity charges, and perform

inspection within the right-of-way of June Street during installation and
connection of the sewer lateral to the sanitary sewer main.

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

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
Sewer Treatment Capacity Charge	\$3,500.00	\$3,500.00
Sewer Collection Capacity Charge	\$420.00/Brm x 4	\$1,680.00
Sewer Lateral Inspection Fee	\$415.00	\$415.00
Total Costs		\$5,595.00

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

Outside City Sewer Service Permit Application Fee of \$1,125.00 was paid with
submission of original Sewer Application Fee of \$180.00 (11/2022).

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

Not applicable.

- 11 Does the City/District have any policies related to extending service(s) outside its boundary? YES NO. If yes, has a copy been provided to LAFCO? YES NO. If not, please include a copy of the policy or policies (i.e. resolution, municipal code section, etc.) as part of the application.
Policy attached. Policy was adopted by the City of San Bernardino when the sewer collection system was maintained by the Public Works Department. It is unknown if this policy has been provided to LAFCO at an earlier date.

CERTIFICATION

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

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

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

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

SIGNED



NAME:

Ted Brunson

POSITION TITLE:

Development Services Manager

DATE:

Jul 13, 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 # 2023-0070793

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

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

Attn: City Manager

Jessica Faras

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

03/27/2023
03:07 PM
SAN
H6313

Titles: 1 Pages: 7

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

(Space above for Recorder's use)

IRREVOCABLE AGREEMENT TO ANNEX
No. 2023-372

This Irrevocable Agreement to Annex ("Agreement"), is entered into this 1st day of February, 2023; by and between John Camarena and Magdalena Lagos, husband and wife as joint tenants, hereinafter referred to as "OWNERS," and the CITY OF SAN BERNARDINO, a charter city and municipal corporation, hereafter referred to as a "CITY." OWNERS and CITY may be referred to in this Agreement individually as "Party" and collectively as "Parties".

RECITALS:

WHEREAS, OWNERS hold title to the one parcel, APN 0264-021-02-0000, located at 3835 June Street, San Bernardino, California, and parcel is further described as follows:

The North 82 feet of the South 166 feet of Lot 50, Tract No. 2946, in the unincorporated area of the County of San Bernardino, State of California as per Plat recorded in Book 40 of Maps, Pages 82 to 84, inclusive, records of said County, with Assessor's Parcel Number: 0267-021-02 ("Property").

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

OWNERS desire 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 OWNERS' heirs, successors and assigns.

SECTION I OWNERS AGREE:

- a. To consent to the annexation of the Property to the CITY. OWNERS agree 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. OWNERS and their 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 OWNERS and their 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 OWNERS 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. OWNERS acknowledge and agree that if CITY determines that any attempted annexation fails or is unreasonably delayed because the OWNERS 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

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

OWNERS

Approved By:

PP [Signature]
City Manager *Charles McHady*

[Signature]
City Attorney

Attested By:

[Signature]
Genoveva Rocha
CMC, City Clerk

[Signature]
Signature

John Camarena
Name

[Signature]
Signature

Magdalena Lagos
Name

ACKNOWLEDGMENT

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

State of California
County of SAN BERNARDINO)

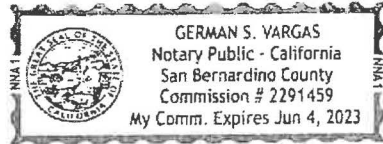
On FEBRUARY 02, 2023 before me, GERMAN S. VARGAS/NOTARY PUBLIC
(insert name and title of the officer)

personally appeared JOHN JOSEPH CAMARENA & MAGDALENA LAGOS,
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)



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



September 5, 2023

Mr. Samuel Martinez
Local Agency Formation Commission
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0480

Dear Sam:

I have completed the California Environmental Quality Act (CEQA) review of out-of-area service contract, LAFCO SC#500 for the Commission. LAFCO SC#513 consists of a request by the City of San Bernardino to authorize out-of-agency wastewater service agreement for an approximate 0.25-acre parcel (APN 0267-021-02). This parcel is located in the City's western Sphere of Influence at 3835 June Street, just south of Portola Street in the unincorporated community of Muscoy. Approval of SC#513 would allow the City of San Bernardino to extend wastewater (both collection and treatment) services to this property from a sewer main located adjacent to the property in June Street,

Based on the above proposal and the findings presented below, it appears that LAFCO SC#513 can be implemented without causing significant adverse environmental impacts. The administrative record does not identify any action to comply with the California Environmental Quality Act (CEQA) for this proposed project. The property owner intends to install a single-family residence on this property. Therefore, LAFCO will consider this extension of service as the CEQA lead agency. Based on the existing developed character of the project area and the available sewer line adjacent to the site, this project has no potential to cause a significant adverse impact on the environment.

Therefore, I conclude that LAFCO SC#513 does not constitute a project under CEQA and adoption of an exemption (under the "Common Sense" finding in the State CEQA Guidelines) and filing of a Notice of Exemption is the most appropriate determination to comply with the CEQA. This exemption is found in Section 15061(b)(3) for this action. The Commission can approve this review and finding for this action and I recommend that you notice LAFCO SC#513 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#513 and the pertinent sections of CEQA and the State CEQA Guidelines, I believe it is appropriate for the Commission's CEQA environmental determination to cite the "Common Sense" exemption, as adequate documentation in accordance with the

Commission's CEQA lead agency status. If you have any questions regarding this recommendation, 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 style with a large, looped initial "T".

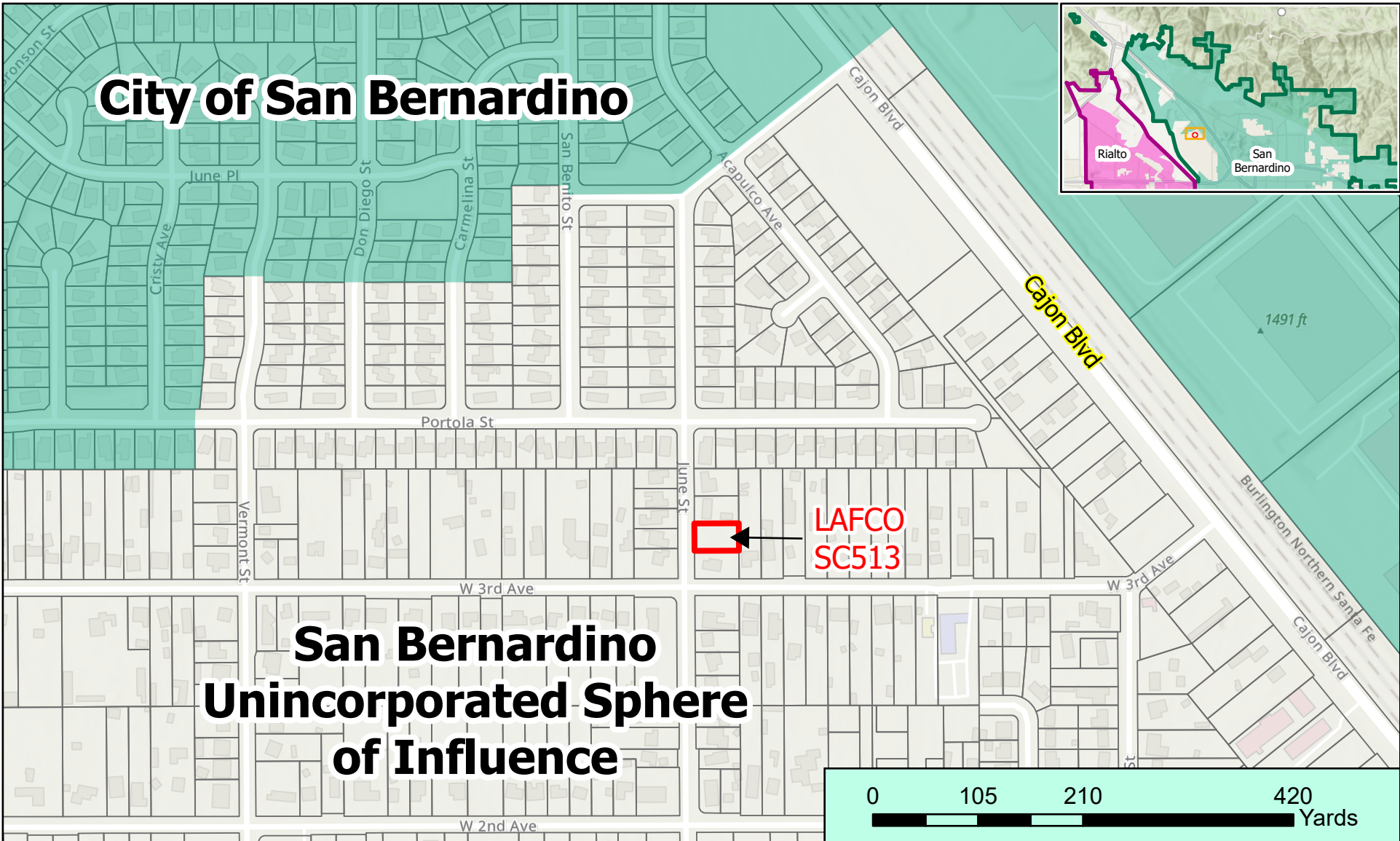
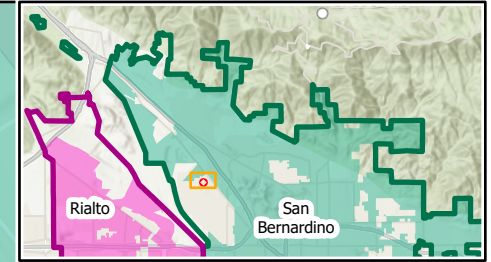
Tom Dodson

TD/cmc

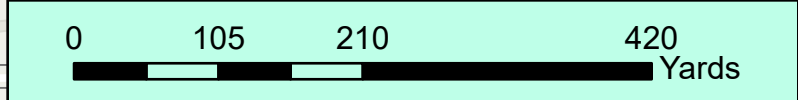
Attachment

LAFCO SC#513 CE Memo

City of San Bernardino



San Bernardino Unincorporated Sphere of Influence



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

- LAFCO SC#513
- San Bernardino Sphere
- City of Rialto
- City of San Bernardino
- Parcels



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



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

PROPOSAL NO.: LAFCO SC#513

HEARING DATE: SEPTEMBER 20, 2023

RESOLUTION NO. 3381

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#513 – CITY OF SAN BERNARDINO IRREVOCABLE AGREEMENT TO ANNEX NO. 2023-372 FOR SEWER SERVICE (ASSESSOR PARCEL NUMBERS 0267-021-02)

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

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

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

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

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

WHEREAS, the public hearing by this Commission was called for September 20, 2023 at the time and place specified in the notice of public hearing; and,

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

RESOLUTION NO. 3381

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 parcel, identified as Assessor Parcel Number 0267-021-02, 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 application requests authorization to receive City of San Bernardino sewer service.

The property will receive water service from the Muscoy Mutual Water Company.


2. The City of San Bernardino Irrevocable Agreement to Annex No. 2023-372 being considered is for the provision of sewer service to Assessor Parcel Numbers 0267-021-02. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request will allow the property owners and the City of San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The estimated fees the property owners will be charged by the City of San Bernardino for the extension of sewer service are identified as totaling \$5,595. Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owners shall bear all costs to complete improvements needed to extend the sewer service to the property.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review under the "Common Sense Rule" since it has no potential to cause a significant adverse impact on the environment (Section 15061[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this proposal is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines. The Commission hereby adopts the Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

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

SECTION 3. The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of San Bernardino to provide sewer service to Assessor Parcel Numbers 0267-021-02.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

DATE: SEPTEMBER 13, 2023 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

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

INITIATED BY:

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

RECOMMENDATION:

Staff recommends that the Commission approve LAFCO SC#514 by taking the following actions:

1. For environmental review as a responsible agency:
 - a. Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City of Chino's Addendum #1 and the County's Complete Final Environmental Impact Report (EIR) for the Yorba Villas Residential Project (SCH# 2021060049) that includes a County Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR), Zoning Amendment from Single Residential 1-Acre Minimum (RS-1) to Single Residential (RS), Planned Development Permit to Allow for Reduced Setbacks from County Development Code Standards, and Tentative Tract Map (TTM #20394) to Subdivide the Project Site into a 45-Unit Residential Housing Tract and two Lettered Lots on Approximately 13.35 Acres;
 - b. Determine that the City's Addendum #1 and the County's Complete Final EIR for the Yorba Villas Residential Project are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO SC#514;

- c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
 - d. Direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
2. Approve LAFCO SC#514 authorizing the City of Chino to extend sewer service outside its boundaries to Tentative Tract 20394, proposed for a 45-unit residential subdivision on Assessor Parcel Numbers 1013-211-21 and 1013-211-22; and,
 3. Adopt LAFCO Resolution #3384 setting forth the Commission’s determinations and approval of the agreement for service outside the City of Chino’s boundaries.

BACKGROUND:

The City of Chino (hereinafter the “City”) has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service. The agreement relates to two parcels (Assessor Parcel Numbers 1013-211-21 and 1013-211-22) comprising approximately 13.35 acres, which are generally located on the northwest corner of Francis and Yorba Avenues, within the City of Chino’s northern sphere of influence (see Figure 1 below). Attachment #1 also provides a location and vicinity map of the contract area along with a map outlining the location of the sewer infrastructure to be extended.



FIGURE 1 – Vicinity Map

In October 2022, the County Board of Supervisors conditionally approved the Yorba Villas Residential Project - Tentative Tract Map 20394 (see Figure 2 below), which is to create 45 single-family residential lots on the 13.35-acre project site.

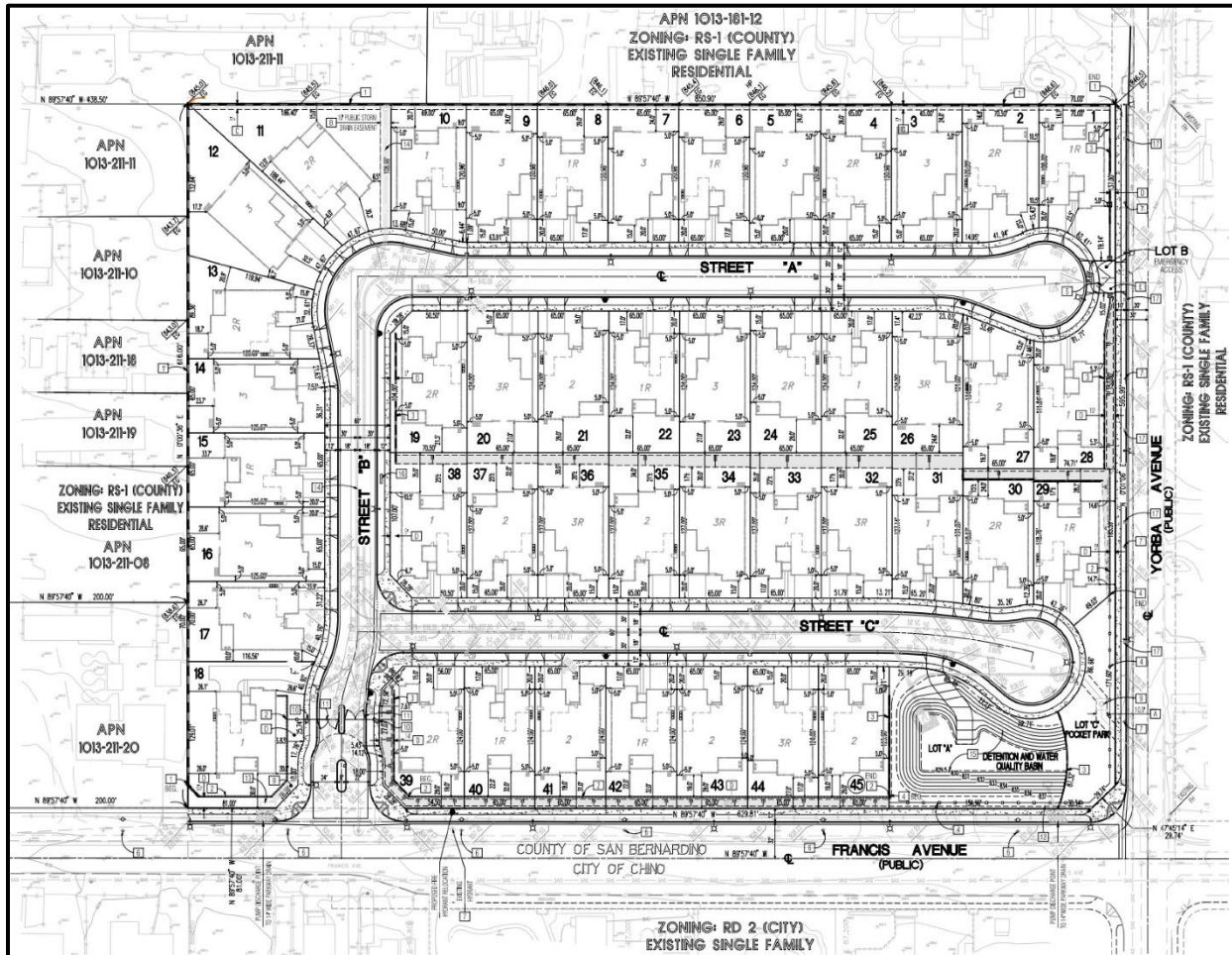


FIGURE 2 – Site Plan for Tentative Tract 20394

The City, on the other hand, recently considered and approved the pre-zoning and the initiation of the Ramona Francis Annexation, a 145-acre reorganization area that includes the project site. The City's approval included the pre-zoning of the project site from RD 2 (Residential, 2 Units/Acre) to RD 4.5 (Residential, 4.5 Units/Acre). Figure 3 below shows the project site in relation to the overall reorganization area.

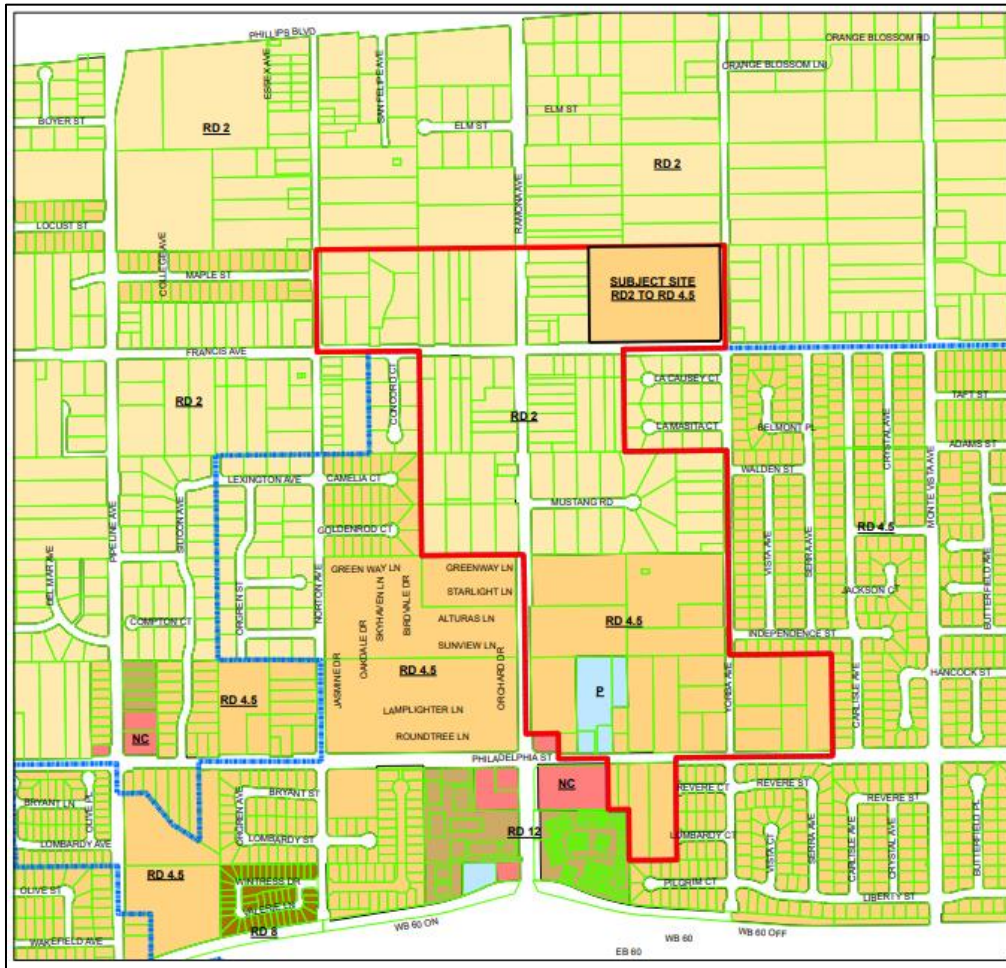


FIGURE 3 – Proposed Ramona Francis Annexation

The property owner/developer is in support of the proposed annexation and has processed the Pre-Annexation and Development Agreement with the City that outlines not only the sewer service to the project site, but also conditions regarding the development of the Yorba Villa Project through the entitlements that have been approved by the County. One of the provisions in the agreement is that the City will not submit the proposed annexation to LAFCO unless the Final Map for Tentative Tract 20394 has been recorded.

The Conditions of Approval placed upon this project includes the requirement to connect to sewer (Conditions 90-91) and requires LAFCO authorization of said out-of-agency service connection (Condition 92). Water service will be provided by the Monte Vista Water District, which currently overlays the project site. A copy of the Conditions of Approval for the project is included as part of Attachment #2 to this report (Exhibit B to the Pre-Annexation and Development Agreement).

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 (included as Attachment #2 to this report) indicates that sewer service will be provided to Tentative Tract 20394 by extending the 8-inch sewer main approximately 713 linear feet along Yorba Avenues that will tie into the existing sewer main at the intersection of La Masita Court and Yorba Avenue. An additional 1,684 linear feet of sewer main will be constructed within the tract.

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 property owner/developer will be responsible for all construction costs associated with the extension of sewer service to the project site, estimated to be approximately \$201,855. This does not include other costs such as County permit fees, mobilization, road repair, etc.

In addition, the City has indicated that the following amounts are required from the property owner/developer prior to connection to the City’s sewer facilities:

SUMMARY OF DEVELOPMENT IMPACT FEES & OTHER FEES/CHARGES

Fees/Charges	Units	Fee/Unit	Impact Fee
Development Impact Fee			
• Sewer Impact Fee	45	\$583	\$26,235.00
Other Fees and Charges			
• Administrative Fee = 12% of DIF(\$26,235)			\$3,148.20
• IEUA Fee	45	\$8,132	\$365,940.00
• City Permit		\$300	\$300.00
Subtotal			\$395,623.20
Inspection and Plan Check Fees		<i>TBD</i>	<i>TBD</i>

In addition, the property owner/developer will also be responsible for the entire cost of the construction and installation of all the sewer improvements within the project site.

ENVIRONMENTAL DETERMINATION:

The County of San Bernardino prepared an Environmental Impact Report (EIR) for the Yorba Villas Residential Project (SCH# 2021060049) that includes:

- A County Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR),
- Zoning Amendment from Single Residential 1-Acre Minimum (RS-1) to Single Residential (RS),
- Planned Development Permit to Allow for Reduced Setbacks from County Development Code Standards, and

- Tentative Tract Map (TTM #20394) to Subdivide the Project Site into a 45-Unit Residential Housing Tract and two Lettered Lots on Approximately 13.35 Acres.

The City of Chino prepared an addendum to the County's Complete Final EIR, Addendum #1, for its review and approval of the Pre-Annexation and Development Agreement by and between the City of Chino and Yorba Villas, LLC.

The City's Addendum #1 (included as part of Attachment #3) and the County's Complete Final Environmental Impact Report for the Yorba Villas Residential Project (available for review as Web links on the last page of Attachment #3), have been reviewed by the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, who determined that, if the Commission chooses to approve LAFCO SC#514, the City's Addendum #1 and the County's Complete Final EIR are adequate for Commission's use as Responsible Agency under CEQA (California Environmental Quality Act). 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 City's Addendum #1 and the County's Complete Final Environmental Impact Report for the Yorba Villas Residential Project (SCH# 2021060049);
- b. Determine that the City's Addendum #1 and the County's Complete Final EIR for the Yorba Villas Residential Project are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO SC#514;
- c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures are the responsibility of the County and/or others, not the Commission; and,
- c. Direct the Executive Officer to file the Notice of Determination within five (5) days.

CONCLUSION:

The development of Tentative Tract 20394, approved by the County of San Bernardino, requires that it receive sewer service, which will be provided by the City of Chino. For the project to proceed to record the Final Tract Map, the property owner/developer must show proof of his ability to connect to the City of Chino'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 Chino outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcels to be served are 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 residential development since its facilities are adjacent the anticipated development, and there is no other existing entity available to provide the level of service required by the approved residential development within the area.

DETERMINATIONS:

1. The project area, Assessor Parcel Numbers 1013-211-21 and 1013-211-22, 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.

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

The application requests authorization to receive City of Chino’s sewer service for a proposed 45 single-family residential subdivision—the Yorba Villas Residential Project (Tentative Tract Map 20394). The Conditions of Approval placed upon this project includes the requirement to connect to sewer service. Therefore, approval of the City of Chino’s request for authorization to provide sewer service is necessary to satisfy said conditions of approval for the project.

2. The City of Chino’s Pre-Annexation and Development Agreement being considered is for the provision of sewer service to the project area, Assessor Parcel Numbers 1013-211-21 and 1013-211-22. This contract will remain in force in perpetuity or until such time as the area will be annexed. Approval of this application will allow the property owner/developer and the City of Chino to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Chino for the extension of sewer service are identified as totaling \$395,623.20. As noted, the total fee does not include other fees such as the City’s inspection and plan check fees. This also does not include other costs such as County permit fees, mobilization, road repair, etc. The property owner/developer shall bear all costs to complete improvements needed to extend the sewer service to the project estimated at \$201,855. In addition, the property owner will also be responsible for the entire cost for the construction and installation of the sewer mains and lateral extensions within the tract.
4. A Complete Final Environmental Impact Report (EIR) was prepared and certified by the County for the Yorba Villas Residential Project (SCH# 2021060049) that includes a County Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR), Zoning Amendment from Single Residential 1-Acre Minimum (RS-1) to Single Residential (RS), Planned Development Permit to Allow for Reduced Setbacks from County Development Code Standards, and Tentative Tract Map (TTM #20394) to Subdivide the Project Site into a 45-Unit Residential Housing Tract and two Lettered Lots on Approximately 13.35 Acres. The City of Chino prepared an addendum to the County’s Complete Final EIR, Addendum #1, for its review and approval of the Pre-Annexation and Development Agreement by and between the City of Chino and Yorba Villas, LLC. The Commission, its staff, and its Environmental Consultant have independently reviewed the City’s Addendum #1 as well as the County’s Complete Final EIR for the Yorba Villas Residential Project.

The Commission certifies that it has considered the City’s Addendum #1 and the County’s Complete Final EIR and the environmental effects as outlined in the documents prior to reaching a decision on the service contract and finds the information substantiating the environmental determinations are adequate for its use

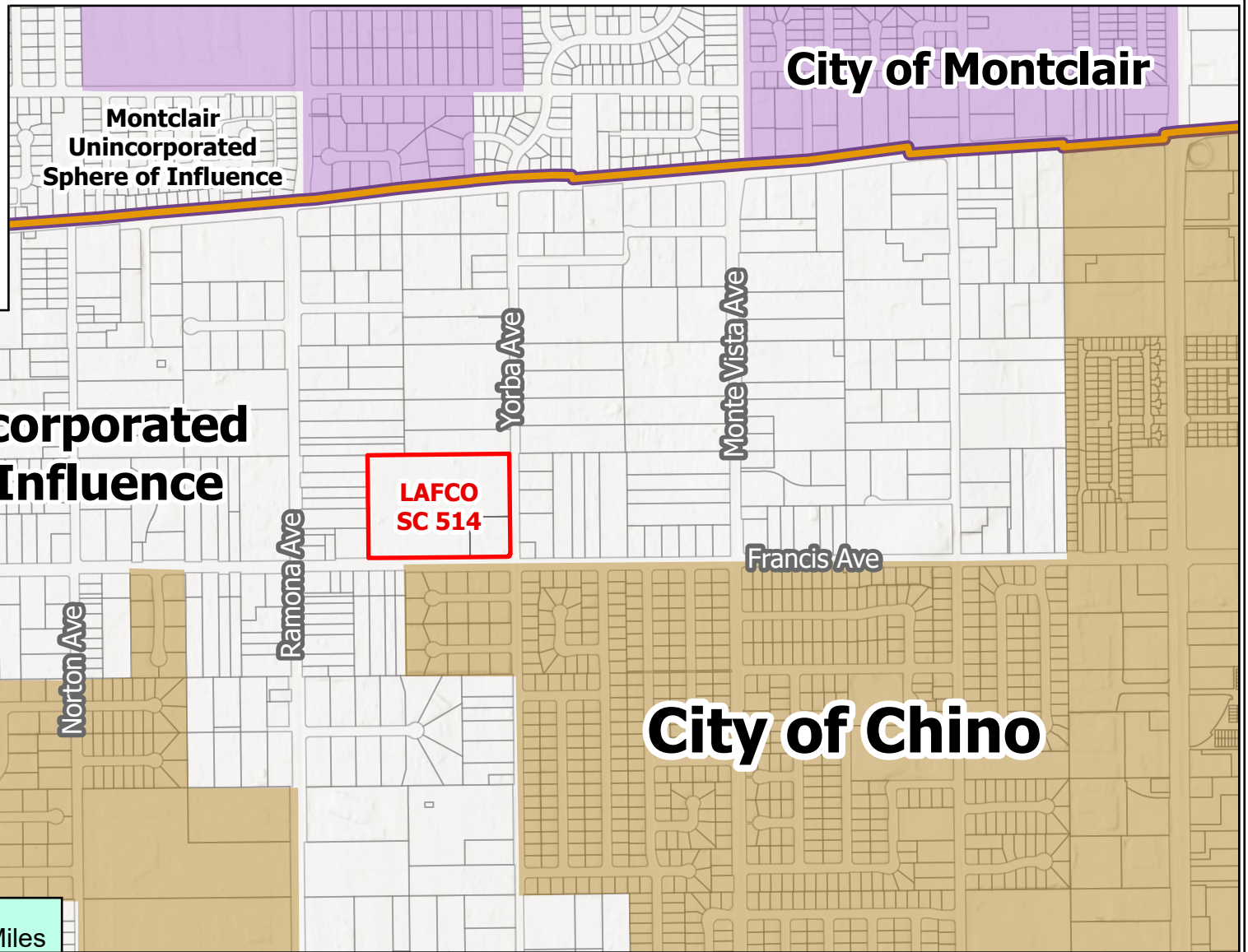
in approving LAFCO SC#514 as a CEQA Responsible Agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for this project as all changes, alterations and mitigation measures are within the responsibility and jurisdiction of the County and/or others and are self-mitigating through implementation of the Conditions of Approval.

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

SM/MT

Attachments:

1. [Vicinity Map and Maps of the Contract Area](#)
2. [City of Chino's Application, Signed Contract, and County's Conditions of Approval for Tentative Tract Map 20394](#)
3. [Tom Dodson and Associates' Response Including the City's Addendum with Links to the County's Complete Final Environmental Impact Report for the Yorba Villas Residential Project \(SCH# 2021060049\)](#)
4. [Draft Resolution #3384](#)



Vicinity Map

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

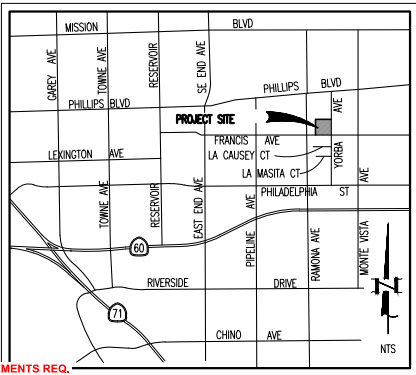
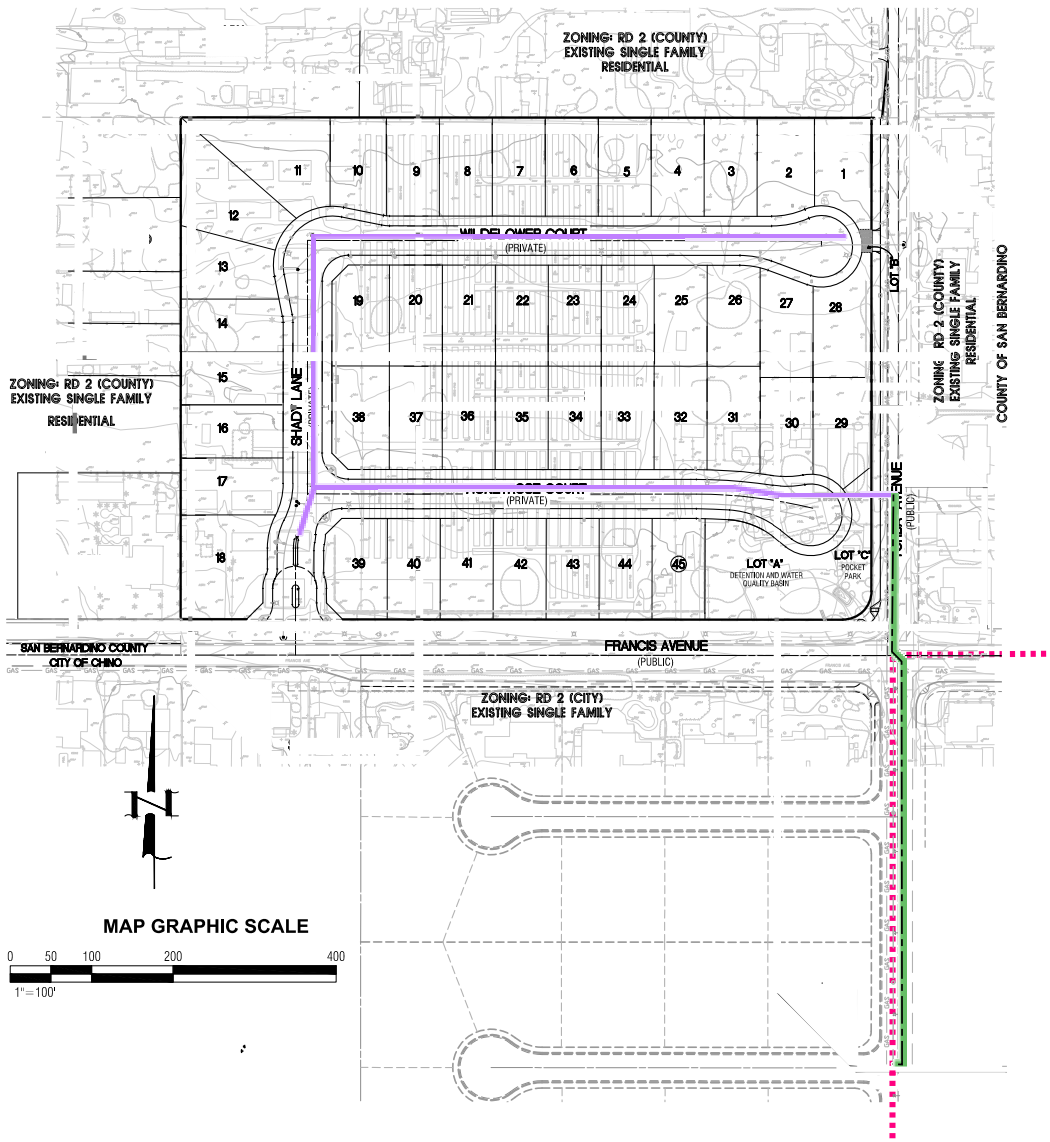
- LAFCO SC 999
- Montclair Sphere
- City of Ontario
- Chino Sphere
- City Montclair
- Chino Hills
- City of Chino



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



SEWER EXHIBIT TRACT NO. 20394



- PUBLIC (CHINO) SEWER WITH EASEMENTS REQ.
- PUBLIC (CHINO) SEWER LINES (NEW, 8" SEWER TO BE INSTALLED)
- - - - - EXISTING 8" PUBLIC (CHINO) SEWER LINE

VICINITY 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 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: Yorba Villas, LLC (see note below)
CONTACT PERSON: Erik Pfahler, SVP and Manager
MAILING ADDRESS: 11766 Wilshire Blvd., Ste. 820
Los Angeles, CA 90025
PHONE: (310) 582-1991, ext. 203
EMAIL: erik@borsteinenterprises.com
ADDRESS OF PROPERTY PROPOSED FOR CONTRACT: 4570 and 4664 Francis Avenue
Chino, CA 91710
CONTRACT NUMBER/IDENTIFICATION: See attached legal description
PARCEL NUMBER(S): 1013-211-21 and 1013-211-22
ACREAGE: 13.25 acres

Note:
YORBA VILLAS, LLC, a Delaware limited liability company
Borstein Enterprises, is the Managing Member
loren@borsteinenterprises.com

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 Tract Map No. 20394, a residential development project
consisting of 45 single-family homes located in the Sphere of Influence.

(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 Yorba
Avenue owned and maintained by the City of Chino .

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

3. Please provide a description of the service agreement/contract.
The property owner entered into a Pre-Annexation Development Agreement with
the City of Chino (attached).

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.

Extension of Service by Contract
Application Form

(FOR LAFCO USE ONLY)

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

See response 4(a).

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

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

Vacant

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

The City is in the process of pre-zoning the annexation area. The density is changing from RD 2 (2 DUs/ac) to RD 4.5 (4.5 DUs/ac) zoning designation.

7. If the service agreement/contract is for development purposes, please provide a complete description of the project to be served and its approval status.
The owner received approval by the County's Planning Commission of its vesting

Tentative Map No. 20394 for the development of 45 single-family homes, new private streets, a small private park, on-site drainage, and more. (See attached approval)

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 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.

The project will connect to the City of Chino's sewer system.

The project in-tract sewer will exit the project onto Yorba Avenue approximately 200 feet north of Francis Avenue, then the new sewer main will run south, down Yorba Avenue approximately 713 feet, paralleling the exiting City sewer, before tying into the existing City sewer main at the intersection of La Masita Court and Yorba Avenue. Ultimate wastewater treatment will be provided by IEUA under contract with the City of Chino.

Extension of Service by Contract
Application Form

(FOR LAFCO USE ONLY)

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

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
LAFCO Fees	\$ 8,240.00	\$ 8,240.00
Sewer DIF	\$ 583.00	\$ 583.00
Water DIF	n/a	n/a
IEUA SFDF Fee (per unit)	\$ 8,132.00	\$ 8,132.00
Estimated Construction Costs	\$201,855.00	\$201,855.00
Plan Check & Inspection	tbd	tbd
City Permit	\$ 300.00	\$ 300.00
Note: Does not include other costs such as County permit fees, mobilization, road repair, etc.		
Total Costs		tbd

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

N/A

- (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).

- 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.

Attached

CERTIFICATION

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

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

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

Extension of Service by Contract
Application Form

(FOR LAFCO USE ONLY)

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

SIGNED



NAME:

Jesus Plasencia

POSITION TITLE:

Assistant City Engineer

DATE:

8/3/23

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

FREE RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Chino
13220 Central Avenue
Chino, CA 91710
City Clerk

APNs 1013-211-0-000 and 1013-211-22-0-000
THE UNDERSIGNED GRANTOR DECLARES:
DOCUMENTARY TRANSFER TAX IS \$0 per R&T
Code 11922

(Space Above This Line for Recorder's Office Use)
(Exempt from Recording Fee per Gov. Code
§6103)

PRE-ANNEXATION AND DEVELOPMENT AGREEMENT

This PRE-ANNEXATION AND DEVELOPMENT AGREEMENT ("Agreement") is entered into and effective as of August 18, 2023 ("Effective Date", subject to Section 4.1), by and between the CITY OF CHINO, a California municipal corporation ("City") and YORBA VILLAS, LLC, a California limited liability company ("Owner"). The City and Owner are sometimes referred to herein individually as a "Party" and collectively as the "Parties".

RECITALS

WHEREAS, Owner is the beneficial owner of certain real property in the County of San Bernardino, California, commonly referred to as 4570 and 4664 Francis Avenue, Chino ("Property"), which consists of approximately 13.35 acres and is described in Exhibit A;

WHEREAS, the Property is within the jurisdiction of the County of San Bernardino ("County") and in City's sphere of influence;

WHEREAS, Owner currently has received approval by the County's Planning Commission of its Vesting Tentative Tract Map No. 20394, including conditions of approval thereto and various County comments clarifying the conditions of approval, attached hereto as Exhibit B (collectively, the "VTM"), for development of a gated project at the Property ("Project") comprised of 45 single-family homes, new private streets, a small private park, street improvements (along Francis and Yorba Avenue), and on-site stormwater infrastructure and related amenities at the Property. County's approval of the VTM and anticipated approval of one or more final maps based on the VTM ("Final Map"), and any and all subsequent permits and approvals for development of the Project issued by County as described herein are hereinafter collectively referred to as "Owner's Entitlements";

WHEREAS, Owner is supportive of the annexation of the Property to the City as part of the area included in City's planned Ramona Francis Annexation process

("Annexation Area"), but Owner's support is subject to certain conditions as set forth in this Agreement; and

WHEREAS, in connection with the anticipated annexation of the Annexation Area, City is in the process of considering an ordinance to pre-zone the Annexation Area and anticipates such process to be completed by September, 2023, including pre-zoning of the Property under the City's "RD 4.5" zoning designation (Residential - Single-Family, authorizing 3 to 4.5 units per acre), which is consistent with Owner's Entitlements; and

WHEREAS, City's proposed annexation of the Annexation Area ("Annexation") must be approved by the San Bernardino Local Agency Formation Commission ("LAFCO") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §§ 56000-57550);

WHEREAS, as of the Effective Date, City's proposed Annexation has been initiated, but is not yet complete and City has not formally applied for LAFCO approval thereof; and

WHEREAS, the Parties agree that this Agreement will promote and encourage the Annexation to City by providing Owner, and its successors, assigns, and lenders, with certainty as to the annexation of the Property to City and the ability of Owner to develop the Property as contemplated by Owner's Entitlements, while providing City with certainty that Owner will support City's application for the Annexation, including the Property pursuant to the terms herein; and

WHEREAS, the Parties acknowledge that this Agreement is authorized under California law, including but not limited to, Owner's right to waive certain rights to oppose the Annexation (76 Ops Cal Atty Gen 227 (1993)).

NOW, THEREFORE, City and Owner mutually agree as follows:

ARTICLE 1. GENERAL PROVISIONS

1.1 Incorporation of Recitals. The recitals stated above are hereby incorporated into the operative provisions of this Agreement.

1.2 Ownership of the Property. Owner represents that it has the requisite legal or equitable interest in the Property, and thus, Owner is qualified to enter into and be a party to this Agreement.

1.3 Pre-Annexation Agreement and Development Agreement. This Agreement is made and entered into as, and constitutes, a pre-annexation agreement in accordance with the holdings of *Morrison Homes Corp. v. City of Pleasanton* (1976) 58 Cal.App.3d 734 and *Carruth v. City of Madera* (1965) 233 Cal.App.2d 688, and consistent with 76 Ops. Cal. Atty. Gen. 227 (1993), and Section 66413(a) of the Government Code. This Agreement is also made and entered to as, and constitutes, a development agreement pursuant to and in accordance with Section 65864 *et seq.* of

the Government Code and Section 20.23.070 of the Chino Municipal Code, provided that, pursuant to Government Code Section 65865(b), and subject to the immediately following sentence, this Agreement shall not become operative as a development agreement unless and until the Annexation of the Property is completed prior to expiration of the Term. In the event that the Annexation of the Property is not completed prior to expiration of the Term, this Agreement shall remain unmodified, and in full force and effect and operative as a pre-annexation agreement for the then-remaining balance of the Term, except as it may be terminated by Owner in accordance with Sections 3.4. The overall design, development, construction, and use of the Project and all on-site and off-site Improvements in connection therewith, including without limitation, permitted uses of the Property, the density and intensity of use, the maximum height and size of the proposed buildings and structures, and provisions for reservation or dedication of land for public purposes, are as authorized and set forth in Owner's Entitlements and this Agreement. Notwithstanding the foregoing, the provisions of Section 3.1 shall serve as a stand-alone agreement between the parties concerning the provision of extra-territorial sewer service to the Property irrespective of whether the Annexation of the Property is completed, as further set forth in Section 3.4.

1.4 Assignment of Rights. Owner shall be permitted to assign or otherwise transfer this Agreement, and all or a portion of its rights and obligations hereunder, to any other person, firm or entity, who acquires the Owner's interest in all or a portion of the Property; provided the Owner and such assignee/transferee execute and record an assignment of this Agreement whereby such assignee/transferee assumes and agrees to be bound to City for all obligations of Owner hereunder with respect to all or such portion of the Property. The provisions of this Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns. To the extent of the interest of the Owner, and its assigns, in the Property, the covenants of Owner set forth in this Agreement shall be covenants running with the land and enforceable to the full extent permitted by applicable law. Notwithstanding any provision herein to the contrary, Owner may assign this Agreement to any lender for purposes of security without complying with the provisions of this Section.

1.5 Release Upon Transfer. With respect to and effective upon any assignment permitted pursuant to the provisions of Section 1.4, Owner shall automatically be released from its obligations under this Agreement, provided the assignee/transferee expressly assumes the obligations under this Agreement.

ARTICLE 2. ANNEXATION OF THE PROPERTY

2.1 Annexation of the Property. The City is currently processing the Annexation and will, in accordance with this Agreement, continue to process such Annexation at City's sole cost. In the event that the Annexation has not been completed within one (1) year of the Effective Date, Owner may, but is not required to, initiate proceedings for the annexation of the Property to the City and pay for all expenses involved with such Owner-initiated annexation process. The City shall not submit any application to LAFCO seeking approval of the Annexation ("Annexation Application") unless and until the following preconditions have occurred: (i) Owner has received a

copy of such Annexation Application; (ii) Owner has recorded the approved Final Map, provided recordation occurs within five (5) business days following the County's final approval of the Final Map in recordable form; (iii) County has finally approved the first County building permit for the Project; (iv) LAFCO has finally approved the Property sewer service provisions as described in and pursuant to Sections 3.1, 3.4, and 3.6 of this Agreement in accordance with Section 65133 of the Government Code; and (v) the City Council has, consistent with Government Code § 55644(a), formally adopted a resolution of application directing submittal of the Annexation Application to LAFCO. Notwithstanding the immediately preceding sentence, the preconditions identified in subsections (ii) and (iii) of the immediately preceding sentence shall not apply, and shall have no force or effect, on or following December 19, 2023. Subject to the qualification set forth in the immediately preceding sentence, once the five (5) preconditions to City's submittal of the Annexation Application to LAFCO described in this Section 2.1 have occurred or been satisfied, City shall promptly submit the Annexation Application to LAFCO in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the Parties agree to cooperate with each other with respect to such Annexation proceedings. The Parties further acknowledge and agree that, with respect to the Annexation of the Property, the City Council's resolution of application and the City's Annexation application shall include a request that LAFCO condition its approval and the effectiveness of such Annexation upon the Parties' compliance with this Agreement (the "Annexation Condition").

2.2 Consent to Annexation. The Owner will consent to the Annexation of the Property to the City in accordance with the provisions of this Agreement and provided the Annexation is made subject to the Annexation Condition. Subject to the terms of this Agreement, Owner shall support the Annexation and cooperate with the City in the processing of the Annexation with respect to the Property and shall not object to such Annexation; provided such support does not cause significant additional costs to Owner.

ARTICLE 3. CONDITIONS TO ANNEXATION

3.1 Sewer Service. City represents and warrants and agrees that it has adequate sewer service capacity and, irrespective of LAFCO's approval or disapproval of the Annexation, will provide sewer services to accommodate the expected sewer service needs for the Property, as developed pursuant to the Owner's Entitlements. City acknowledges and agrees that all prerequisites to the provision of such services set forth in Section 13.12.091 (Sewer service within the city's sphere of influence) of the Chino Municipal Code have been fully satisfied and City expressly waives the provision of City Resolution No. 2022-041, at Section 3, requiring the Property to be developed in accordance with the City's General Plan unless and until pre-zoning of the Property is completed pursuant to Section 3.4 herein. City acknowledges and agrees that that the Project shall be permitted to connect to the City's sewer system by Owner, at its sole cost, installing a single, eight-inch (8") sewer line on Yorba Avenue, the northernmost terminus of which will start approximately one hundred ninety two feet (192') north of the Francis Avenue street centerline and extend south along and under the surface of Yorba Avenue where it will tie into an existing manhole located at the intersection of

Yorba Avenue and La Masita Court (collectively, the “Off-Site Sewer Improvements”), which manhole currently connects to an existing eight inch (8”) sewer owned and operated by the City, and further agrees that the Owner and Project shall not be required to fund, reimburse, construct, supplement, oversize, improve or otherwise subsidize the cost of any other sewer or wastewater improvements located outside of the Project Site boundary. The City acknowledges and agrees that Owner’s construction of the Off-Site Sewer Improvements will adequately accommodate the expected sewer service needs for the Property, as developed pursuant to the Owner’s Entitlements. Subject to the preceding provisions, Owner agrees, subject to the provisions of Sections 3.2 and 3.4, to accept and abide by the City’s applicable rules related to sewage connection facilities set forth in Chino Municipal Code Chapters 13.12 and 13.13 as in force and effect on the Effective Date; provided that City shall not apply to or enforce against the Project or the Property any such provisions in any manner that prevents, delays, or renders practically or economically infeasible the development of the Project pursuant to Owner’s Entitlements. City acknowledges that Owner is materially relying on the representation in this Section 3.1 and, without such sewer service, Owner shall be relieved of the obligation to consent to the Annexation as to all or any part of the Annexation Area, including but not limited to the Property, and, following Annexation, may take actions to de-annex the Property without City opposition. City agrees to use commercially reasonable efforts to expeditiously review and process all Project-related sewer improvement plans, as may be submitted to City by Owner, in accordance with Section 19.09.010 (Improvement Plans) of the Chino Municipal Code. City shall, within fourteen (14) days following the Effective Date, formally request and apply to LAFCO for its approval, pursuant to Section 65133 of the Government Code, of the City’s provision of new or extended sewer service to the Project and Property outside of the City’s jurisdictional boundary in accordance with this Agreement, and to thereafter diligently process in good faith such formal request and application.

3.2 Acknowledgment of Owner’s Entitlements. City acknowledges and agrees that Owner’s Entitlements have been duly approved and issued by the County, are valid and binding upon City, and shall apply to and govern the development of Owner’s Project at the Property. To this end, City acknowledges and accepts the density, intensity and uses, and all other aspects of the Project authorized under Owner’s Entitlements. City further acknowledges and agrees that Owner’s Entitlements are consistent and conform in all respects with the “RD 4.5 (4.5 du/ac)” land use designation established by the City’s Envision Chino General Plan 2025 (“General Plan”), City’s “RD 4.5” Zoning Ordinance at Chapter 20.04 of the Chino Municipal Code, the City’s Small Lot Residential Subdivision Ordinance at Chapter 20.13 of the Chino Municipal Code, and City’s Subdivision Ordinance at Title 19 of the Chino Municipal Code, except with respect to the vested authorization for private streets (and with respect to such private streets, City hereby finds and determines that the Project qualifies for a waiver of any otherwise applicable requirement for public streets pursuant to Section 19.01.120 of the Chino Municipal Code), and that, following City’s pre-zoning of the Property pursuant to Section 3.4, no further discretionary approvals shall be required from City for Owner to develop the Property consistent with Owner’s Entitlements. City agrees that, except as provided in Section 3.5, City shall not impose

any additional conditions or development standards on Owner's development of the Property in accordance with Owner's Entitlements in any manner that Owner reasonably determines would prevent, delay, or cause an adverse economic impact on Owner's development of the Project on the Property. Additionally, the Parties acknowledge that Owner has a vested right to receive approval of its Final Map; provided such final map is in substantial conformance with the VTM, which is included within Owner's Entitlements. Should Owner wish to materially amend Owner's Entitlements following annexation of the Property to City, Owner acknowledges and agrees that such amendment shall be subject to all applicable rules, standards and fees imposed by City in accordance with the Chino Municipal Code and City-adopted fees; provided that City, in conducting any review required for such amendment pursuant to the California Environmental Quality Act, City shall consider the Environmental Impact Report ("EIR") certified by the County in connection with Owner's Entitlements and, to the greatest legal extent, tier off such EIR in evaluating the proposed amendment. Notwithstanding any provision of this Agreement to the contrary, the Parties agree that, for purposes of the immediately preceding sentence, any proposed or approved revision to any Project building plans, which does not require an amendment to the VTM, shall not constitute a material amendment of an Owner's Entitlement. The term of any subdivision map or any other map, permit, rezoning or other land use authorization or entitlement approved by the City, or approved as an Owner's Entitlement or Post-Final Map Approval (as defined in Section 3.3), shall, to the fullest extent permitted by law, automatically be extended for the longer of the duration of this Agreement (including any extensions) or the term otherwise applicable to such approval if this Agreement is no longer in effect.

3.3 Applicable Development Permits and Fees. Prior to Annexation of the Property, all Owner's Entitlements shall be issued by the County and shall be binding on City for all purposes. Following Annexation, Owner may elect, upon written notice to City, to continue to have all post-Final Map permits for development of the Project, including but not limited to building plan revisions, grading permits, building permits, and certificates of occupancy, and all plan checks, inspections and certifications in connection therewith (each, individually, a "Post-Final Map Approval" or, collectively, the "Post-Final Map Approvals"), issued and conducted by County subject to City and Owner, using commercially reasonable efforts, securing an agreement with the County for such purpose and that is consistent with and does not diminish Owner's rights under this Agreement and Owner's Entitlements, which Post-Final Map Approvals shall be accepted by and be binding upon City for all purposes, and to have all applicable related development impact fees required pursuant to Owner's Entitlements paid by Owner and collected by County. Absent such election by Owner, following Annexation, Owner may have any Post-Final Map Approval issued and conducted by the City, which Post-Final Map Approval shall not be conditioned, withheld or delayed. With respect to any Post-Final Map Approval issued or conducted by the City in accordance with the preceding sentence, Owner shall directly pay to the City the City development impact fees applicable to such Post-Final Map Approval, in the type and amount specified on the attached Exhibit C. Notwithstanding any provision herein to the contrary, Owner shall pay all applicable City fees for sewer service imposed on a citywide basis, including but not limited to then-applicable City development impact fees for sewage

collection facilities pursuant to Chino Municipal Code section 3.40.040(F) and then-applicable sewer connection fees imposed on a citywide basis. Provided Owner and City are able to secure written approval by the County to perform all required inspections to approve the development of the Property pursuant to Owner's Entitlements, with any reasonably-required cooperation of City for such County approval, then, without limiting the provisions of the first sentence of this Section, (i) City shall allow County representatives or a County-approved third-party to perform such inspections of, and issue necessary approvals for, the applicable improvements at the Property for consistency with County standards and Owner's Entitlements, and (ii) Owner shall only be required to post improvement bonds with the County and City agrees that the County shall be solely charged with the authority and responsibility to release such bonds. Any additional or ancillary inspections not performed by County shall be performed by City at City's then applicable inspections fees per the then-current City Master Fee Resolution.

3.4 Pre-Zoning of Property Consistent with Owner's Entitlements. City agrees to promptly process and present to the City's Planning Commission and City Council for approval of an appropriate General Plan amendment and zoning ordinance to pre-zone the Property, consistent with the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act, so as to establish a General Plan land use designation for the Property that is consistent with the General Plan's existing "RD 4.5 (4.5 du/ac)" land use designation and to pre-zone the Property consistent with the City's "RD 4.5" zoning designation. Owner acknowledges that the approval of such General Plan amendment and pre-zoning ordinance is subject to the discretion of City's Planning Commission and City Council. However, should the City Council not finally approve such general plan amendment and pre-zoning of the Property consistent with City's "RD 4.5 (4.5 du/ac)" General Plan land use designation and with the City "RD 4.5" zoning designation within three (3) months following the Effective Date, or if either such approval or the Annexation is successfully challenged by a third-party in a court of competent jurisdiction, City acknowledges and agrees that Owner may, upon written notice to City, terminate this Agreement and thereupon Owner shall have no further obligations with respect to the processing of the Annexation and the Parties shall have no further obligation hereunder; provided, however that, notwithstanding any such termination of this Agreement or City's inability to complete Annexation pursuant to Section 2.1, Owner shall consent to having the City provide sewer service to the Property for the Project and, upon receipt of such written consent, City shall promptly provide such extra-territorial sewer service and promptly permit Owner to connect to City's sewer infrastructure. Notwithstanding any provision of this Agreement to the contrary, should Owner terminate this Agreement in accordance with this Section, Owner expressly reserves and does not waive any of Owner's rights arising under applicable law to protest or otherwise oppose annexation of the Property to the City (collectively, "Owner Protest Rights"), and in no event shall City's performance of its obligation to provide extra-territorial sewer service to the Property for the Project in accordance with this Section be conditioned on, or otherwise require, Owner's waiver of any Owner Protest Rights. The Parties acknowledge and agree that, notwithstanding any provisions of this Agreement to the contrary, the provisos in the two preceding

sentences shall continue to apply and be binding on the Parties notwithstanding any termination of this Agreement pursuant to the provisions of this Section 3.4.

3.5 Compliance with City Standards. Owner agrees that all publicly-owned City facilities and rights-of-way constructed by Owner at or adjacent to the Property, including installation of accessible ramps at the northwest corner of Frances and Yorba at the entry of the Property, shall be accomplished in accordance with the City's 2019 Policy on the Accessibility of Pedestrian Facilities, as amended, to implement the requirements of the Americans with Disabilities Act of 1990. City shall provide reasonable extensions of time for Owner to comply with City standards for design of any such public improvements.

ARTICLE 4. TERMINATION/DEFAULT AND REMEDIES

4.1 Term of Agreement. The term of this Agreement ("Term") shall commence on the Effective Date and shall continue until the later to occur of five (5) years from the Effective Date or five (5) years following completion of the Annexation, unless terminated earlier as provided in this Agreement. The Term shall be tolled during the pendency of any Third-Party Challenge (as defined in Section 4.5) and during the pendency of any third-party challenge to the pre-zoning of the Property or to the Annexation. Notwithstanding any other date set forth in the first paragraph of this Agreement or any other provision herein to the contrary, this Agreement shall only become effective upon the effective date of the City ordinance approving this Agreement, whereupon for all purposes under this Agreement, the term "Effective Date" shall mean the effective date of such City ordinance.

4.2 Default. Subject to any extensions of time by written mutual consent of the Parties, the failure or unreasonable delay by any Party to perform any of its material duties or obligations hereunder or to comply in good faith with the terms of this Agreement for a period of thirty (30) days after the delivery of a written notice of default from another Party shall constitute a default under this Agreement ("Default"). If the nature of the alleged Default is such that it cannot reasonably be cured within such 30-day cure period, then the commencement of the cure within such time period, and the diligent prosecution to completion of the cure thereafter, shall be deemed to be a cure within such 30-day period. Any notice of Default given hereunder shall specify, in detail, the nature of the alleged Default and the manner in which such Default may be satisfactorily cured in accordance with the terms and conditions of this Agreement.

4.3 Remedies After Default. Upon the occurrence of a Default under this Agreement, the noticing non-defaulting Party may, at its option, institute legal and equitable proceedings against the defaulting Party in mandamus, specific performance, injunctive or declaratory relief, or, in the alternative, terminate this Agreement. During the time periods specified in Section 4.2 for the cure of an event of Default, the Party charged therewith shall not be considered to be in Default for purposes of institution of legal or equitable proceedings with respect thereto.

4.4 Rights and Duties Following Termination. Except as provided in Sections 1.3 and 3.4, upon the termination of this Agreement, no Party shall have any further right or obligation hereunder except with respect to (i) any obligations to have been performed prior to said termination, or (ii) any material default in the performance of the provisions of this Agreement which has occurred prior to said termination.

4.5 Third Party Challenge. In the event of any third-party challenge to this Agreement (“Third-Party Challenge”), and provided this Agreement is not terminated pursuant to Section 3.4 or upon mutual written consent of the Parties, Owner shall have the obligation to defend the Third-Party Challenge at its sole cost and expense. The City agrees to cooperate with the Owner in the defense of any Third-Party Challenge and shall not allow a default judgment to be entered against it or compromise the defense of the Third-Party Challenge without Owner’s prior written approval in Owner’s sole and absolute discretion. Subject to the preceding provisions of this Section, Owner shall indemnify and hold the City and its officials, agents and employees harmless from and against any claims, losses, or liabilities assessed or awarded, including any award of attorney fees and costs, against City by way of judgment, settlement or stipulation in resolution of such Third-Party Challenge. Notwithstanding any provision of this Agreement to the contrary, Owner shall have no obligation to defend, or indemnify costs or liabilities City may occur with respect to, any third-party challenges to City’s pre-zoning of the Property, its adoption of any general plan amendment related to the Property, or to the Annexation.

4.6 Attorneys’ Fees. In the event that a Party to this Agreement brings an action against the other Party hereto by reason of the breach of any condition, covenant, representation or warranty in this Agreement, or otherwise arising out of this Agreement, the prevailing Party in such action shall be entitled to recover from the other reasonable expert witness fees, and its reasonable attorney’s fees and costs. Attorneys’ fees shall include attorneys’ fees on any appeal, and, in addition, a Party entitled to attorneys’ fees shall be entitled to all other reasonable costs for investigating such action, including the conducting of discovery.

4.7 Indemnity. Owner shall defend (with counsel reasonably acceptable to City), indemnify, and hold harmless City from and against any and all third party claims, demands, actions, damages, liabilities, losses, costs and expenses (including reasonable attorneys’ fees) incurred by City and to the extent arising or resulting from: (a) Owner’s development of the Project following Annexation of the Property; (b) Owner’s failure to comply, following Annexation of the Property, with any then-applicable state or federal law, including but not limited to California Labor Code § 1720, with respect to the Property or the Project, or (c) Owner’s breach of this Agreement.

4.8 Mortgagee Protection. Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish or impair the lien of any deed of trust or mortgage of the Property, but all of the terms and conditions contained in this Agreement shall be binding upon and effective against and shall run to the benefit of any person or entity, including any deed of trust beneficiary or mortgagee who acquires title to or possession

of the Property, or any portion thereof, by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise.

ARTICLE 5. MISCELLANEOUS PROVISIONS

5.1 Annual Review. This Agreement shall be subject to the annual review ("Annual Review") by the City Council pursuant to Chino Municipal Code Section 20.23.070, on or before each anniversary date of the Effective Date in order to determine Owner's good faith compliance with the terms of this Agreement, which determination shall be made on the basis of written findings supported by substantial evidence. Within thirty (30) days of receipt of written notice from the City Manager or designee of the City's intent to conduct an Annual Review ("Review Notice"), Owner shall submit a report, in a form reasonably required by the City Manager or designee, describing its compliance with this Agreement during the immediately preceding twelve (12) month period. Such Review Notice shall include the form of the report. Owner shall further reimburse City the reasonable costs incurred by City in conducting such review within thirty (30) days of the City's request supported by an accounting of such costs. If, as a result of the Annual Review, the City Council finds and determines, on the basis of substantial evidence, that Owner has not complied in good faith with the terms or conditions of this Agreement, the City Council shall not take any action to amend or terminate the Agreement without first conducting public hearings in accordance with the procedures specified by Chino Municipal Code Subsection 20.23.070 H as in effect on the Effective Date. If City fails, during any calendar year, to either (i) conduct the Annual Review or (ii) timely provide Owner the relevant Review Notice, and such failure remains uncured as of December 31 of any year during the Term, such failure shall be conclusively deemed an approval by City of Owner's compliance with the terms of this Agreement. With respect to any year for which Owner has been determined or deemed to have complied with this Agreement, City shall, within thirty (30) days following a request made by Owner, provide Owner with a written notice of compliance, in recordable form, duly executed and acknowledged by City. Owner shall have the right, in Owner's sole discretion, to record such notice of compliance.

5.2 Amendment. This Agreement shall be amended only by a written instrument executed by the Parties hereto, or their successors in title.

5.3 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the Parties with respect to the subject matter set forth herein, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony of evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

5.4 Severability. If any word, phrase, term, provision, clause, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the invalid provision shall be deemed to be severable from the remaining provisions

contained within the Agreement. The Parties hereby state and acknowledge they would have adopted each and every provision contained within this Agreement notwithstanding the presence of an invalid provision.

5.5 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the Parties, and the rule of construction to the effect that ambiguities are to be resolved against the drafting Party or in favor of the City shall not be employed in interpreting this Agreement, all Parties having been represented by counsel in the negotiation and preparation hereof.

5.6 Waiver. Failure of a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or the failure by a Party to exercise its rights upon the default of the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by the other Party with the terms of this Agreement thereafter.

5.7 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the Party benefited thereby of the covenants to be performed hereunder by such benefited Party.

5.8 Further Actions and Instruments. Each of the Parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either Party at any time, the other Party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The provisions of this Section shall not require the taking of any actions which are prohibited by law or, except as expressly set forth in this Agreement, impair the lawful legislative discretion of the City as to those matters to which the law imparts legislative discretion to the City.

5.9 Corporate Authority. The person(s) executing this Agreement on behalf of each of the Parties hereto represent and warrant that (i) such Party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said Party, (iii) by so executing this Agreement such Party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement such Party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other agreement to which such Party is bound.

5.10 Notices. All notices under this Agreement shall be effective upon personal delivery, via facsimile so long as the sender receives confirmation of successful transmission from the sending machine, or three (3) business days after deposit in the United States mail, first class, postage fully prepaid and addressed to the respective Parties as set forth below or as to such other address as the Parties may from time to time designate in writing:

To City: City of Chino
13220 Central Avenue
Chino, CA 91710
Attn: City Manager

Copy to: Chino City Attorney
Aleshire & Wynder
18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
Attn: Fred Galante

To Owner: YORBA VILLAS, LLC
Attn: Loren Borstein
11766 Wilshire Boulevard, Suite 820
Los Angeles, CA 90025
loren@borsteinenterprises.com

Copy to: Bradley Brownlow
Holland & Knight LLP
560 Mission Street, Suite 1900
San Francisco, CA 94105
Bradley.Brownlow@hklaw.com

5.11 Time of the Essence. The Parties expressly acknowledge that time is of the essence in the performance of the provisions of this Agreement.

5.12 Counterparts This Agreement may be executed in any number of counterparts, each of which shall constitute one original and all of which shall be one and the same instrument.

[Signatures on following page]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first set forth above.

**CITY
CITY OF CHINO**

By: _____
Eunice Ulloa, Mayor

ATTEST:

By: _____
Natalie Gonzaga, City Clerk

APPROVED AS TO FORM

By: _____
Fred Galante, City Attorney

OWNER

YORBA VILLAS, LLC, a Delaware limited liability company

By: Borstein Enterprises, a California corporation

Its: Authorized Agent



Loren Borstein, President

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California }
County of LOS ANGELES }
On 08/07/2023 before me, SARAH ROCK
Date Here Insert Name and Title of the Officer
personally appeared WOLAN BOBSTEIN
Name(s) of Signer(s)

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



Place Notary Seal and/or Stamp Above

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 [Handwritten Signature]
Signature of Notary Public

OPTIONAL

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

Description of Attached Document

Title or Type of Document: PUE - ANNEXATION & DEVELOPMENT AGREEMENT

Document Date: Number of Pages: 13

Signer(s) Other Than Named Above: n/a

Capacity(ies) Claimed by Signer(s)

Signer's Name: WOLAN BOBSTEIN Signer's Name:

- Corporate Officer - Title(s)
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:

Signer is Representing: Signer is Representing:

Exhibit A

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of San Bernardino, State of California, described as follows:

PARCELS 2 AND 3 OF PARCEL MAP NO. 2464, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT FILED IN BOOK 21 OF PARCEL MAPS, PAGE 64, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 1013-211-21-0-000 and 1013-211-22-0-000

Exhibit B

Vesting Tentative Map No. 20394

1 PROVIDE 1/2 BLOCK OPENING EVERY 25' ON CENTER

APN 1013-181-12
ZONING: RS-1 (COUNTY)
EXISTING SINGLE FAMILY
RESIDENTIAL

SAN BERNARDINO COUNTY LAND USE SERVICES
Planning Division

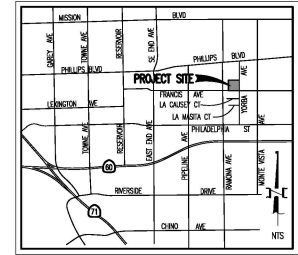
CONDITIONALLY APPROVED

HEARING BODY
Planning Staff, Planning Administrator, Planning Commission, Board of Supervisors

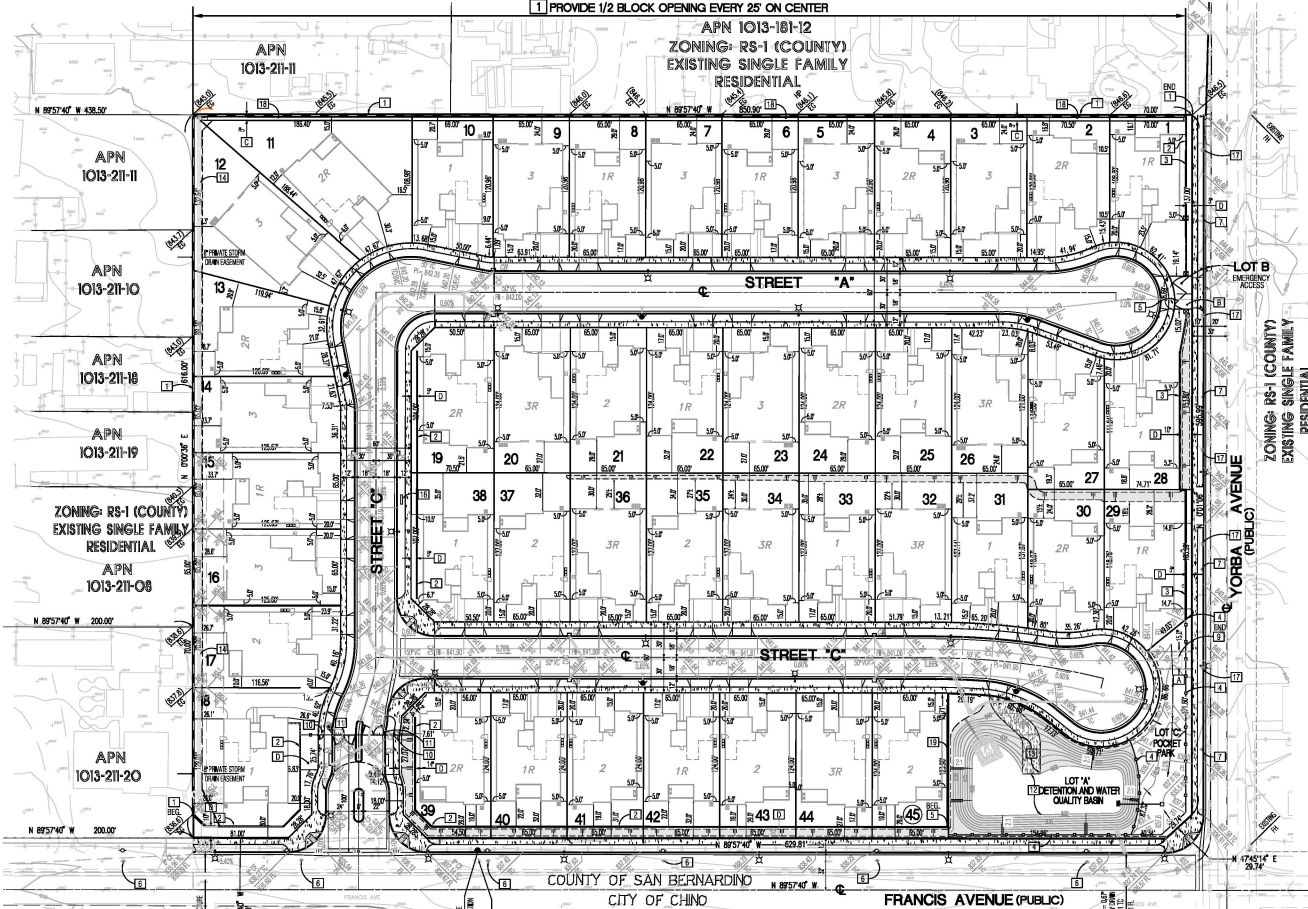
Project No.: PROJ-2021-00008 APNs: LOTS 1-45
Action Date: 10/4/22 Effective Date: 10/4/22 Expiration Date: 10/4/25

Planner Signature: Steven Valdez Steven A. Valdez

Planning review and approval shall be required for any modification



VICINITY MAP



LOT TABULATION

LOT #	LOT AREA (SF)	BUILDING FOOTPRINT (SF)	PRIVATE OPEN SPACE (SF)	LOT #	LOT AREA (SF)	BUILDING FOOTPRINT (SF)	PRIVATE OPEN SPACE (SF)	
1	8,498	3,929	4,560	26	8,080	3,929	4,131	
2	8,251	3,948	4,325	26	8,037	4,320	3,717	
3	7,861	4,320	3,541	27	8,010	3,948	4,054	
4	7,864	3,948	3,918	28	9,438	3,929	4,056	
5	7,864	4,320	3,544	29	8,216	3,929	5,287	
6	7,864	3,929	3,836	30	7,815	3,948	3,869	
7	7,864	4,320	3,544	31	8,255	3,929	4,328	
8	7,864	3,929	3,936	32	8,255	4,320	3,936	
9	7,864	4,320	3,544	33	8,255	3,929	4,328	
10	7,912	3,929	3,883	34	8,255	4,320	3,936	
11	13,838	3,948	9,812	35	8,255	3,948	4,309	
12	11,948	4,320	7,626	38	8,255	4,320	3,936	
13	8,729	3,948	4,783	37	8,255	3,948	4,309	
14	8,107	4,320	3,787	38	8,753	3,929	4,824	
15	8,167	3,929	4,238	39	9,039	3,948	5,093	
16	8,165	4,320	3,845	40	8,060	3,929	4,731	
17	8,677	3,948	4,731	41	8,060	3,948	4,714	
18	13,295	3,929	9,366	42	8,060	3,929	4,731	
19	8,547	3,948	4,596	43	8,060	3,948	4,714	
20	8,060	4,320	3,740	44	8,060	4,320	3,740	
21	8,060	3,948	4,114	45	8,059	3,948	4,113	
22	8,060	3,929	4,131	TOTAL PRIVATE OPEN SPACE			198,901	
23	8,060	4,320	3,740	LOT A COMMON OPEN SPACE			16,385	
24	8,060	3,948	4,114	LOT B COMMON OPEN SPACE			440	
							LOT C POCKET PARK	6,791
							PRIVATE STREET PARKWAYS	24,149
							TOTAL OPEN SPACE	247,666

% OPEN SPACE TO NET AREA = 47.4%

LEGEND/ABBREVIATIONS

- RS-1 COUNTY OF SAN BERNARDINO ZONING
- RD-2 CITY OF CHINO ZONING
- BEG. BEGIN
- B.S.L. BUILDING SETBACK LINE
- SF FEET
- FL FLOW LINE
- TC TOP OF CURB
- CF FACE OF CURB
- CB CATCH BASIN
- LP LOW POINT
- HP HIGH POINT
- VC VERTICAL CURVE
- BVC BEGIN VERTICAL CURVE
- MVC MIDDLE OF VERTICAL CURVE
- EVC END OF VERTICAL CURVE
- PI POINT OF INTERSECTION
- FS FINISH SURFACE
- TR TRACT
- FM FORCE MAIN
- VEH. VEHICLE
- FR FIRE HYDRANT
- PROPOSED STREET LIGHT
- RELOCATED POWER POLE
- EXISTING POWER POLE TO BE RELOCATED/REMOVED (BY OTHERS)
- CATCH BASIN
- PROPOSED SEWER LINE
- PROPOSED MAIN WATER
- PROPOSED STORM DRAIN
- EXISTING GAS LINE
- EXISTING WATER LINE
- EXISTING SEWER LINE

DEVELOPMENT STANDARDS

- LOT AREA, MINIMUM - 7,800 SF
- LOT WIDTH, MINIMUM - 66 FEET
- LOT DEPTH, MINIMUM - 100 FEET
- MAXIMUM DENSITY - 4 DU/AC
- LOT COVERAGE - 80% MAXIMUM
- FRONT BUILDING SETBACK, MINIMUM - 20 FEET
- REAR BUILDING SETBACK - 15 FEET
- INTERIOR SIDE SETBACK, MINIMUM - 5 FEET ONE SIDE, 10 FEET OTHER
- LOCAL STREET SIDE SETBACK, MINIMUM - 10 FEET
- COLLECTOR STREET SIDE SETBACK, MINIMUM 25 FEET
- STORIES - 2
- MAXIMUM BUILDING HEIGHT - 35 FEET
- STREET FURNITURE, MINIMUM - 45 FEET
- VARIANCE REQUIRED

LAND USE SUMMARY:

LOTS 1-45	8.63	ACRES
LOT A	0.27	ACRES
LOT B	0.08	ACRES
LOT C	0.16	ACRES
STREETS "A", "B" & "C"	2.62	ACRES
YORBA AVENUE	0.41	ACRES
FRANCIS AVENUE	0.05	ACRES
TOTAL	13.348	ACRES
GROSS ACREAGE	13.36	ACRES (12.03 NET)
RESIDENTIAL LOTS	45	LOTS
GROSS DENSITY	3.37	DU/AC
EXISTING ZONING	RS-1	RS
PROPOSED ZONING	RS	RS

EASEMENT NOTES

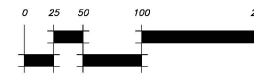
- (A) SEWER EASEMENT
- (B) PRIVATE STORM DRAIN EASEMENT
- (C) PRIVATE LANDSCAPE EASEMENT

WALL AND FENCING AND MISCELLANEOUS NOTES:

- 1 6" HIGH BLOCK WALL ON TOP OF 3' MAX. RETAINING WALL (PRECISION ON BOTH SIDE)
- 2 6" HIGH ONE SIDE SPLIT FACE BLOCK WALL (PRECISION - SIDE FACES HOMEOWNER)
- 3 RETAINING BLOCK WALL (SPLIT FACE ON STREET SIDE)
- 4 6"x6" HIGH TUBULAR STEEL FENCE
- 5 EVA GATE WITH KNOX BOX
- 6 EXISTING POWER POLE TO BE RELOCATED
- 7 EXISTING POWER POLE TO REMAIN
- 8 EXISTING FIRE HYDRANT TO BE RELOCATED
- 9 SEWER LIFT STATION
- 10 PEDESTRIAN GATE
- 11 GATED VEHICULAR ENTRANCE
- 12 PROPOSED INFILTRATION BASIN, SEE PWOMP REPORT FOR DETAILS
- 13 PROPOSED CONCRETE ACCESS RAMP (15% MAX. SLOPE)
- 14 HEAVY BROOM FINISH
- 15 PROPOSED 36" PRIVATE STORM DRAIN FOR OFF-SITE RUN-OFF
- 16 PROPOSED NEIGHBORHOOD MAIL BOXES
- 17 EXISTING NEIGHBORHOOD MAIL BOXES TO BE RELOCATED
- 18 PROPOSED RECTANGULAR CHANNEL, WITH STEEL GRATED COVER
- 19 PROPOSED RETAINING WALL ON LOT 45

SERVICES:

- SEWER:**
MONTE VISTA WATER DISTRICT
10575 CENTRAL AVENUE
MONTCLAIR, CA 91703
PH: (909) 624-0035
- WATERS:**
MONTE VISTA WATER DISTRICT
10575 CENTRAL AVENUE
MONTCLAIR, CA 91703
PH: (909) 624-0035
- GAS:**
THE GAS COMPANY
PH: (800) 427-2200
- CABLE:**
TIME WARNER
5977 SYCAMORE COURT
CHINO, CA 91710
PH: (909) 802-2533
- TELEPHONE:**
VERIZON CALIFORNIA
PH: (800) 483-4000
- ELECTRIC:**
SOUTHERN CALIFORNIA EDISON
1331 FRANCIS STREET
ONTARIO, CA 91761
PH: (800) 654-8555



PREPARED FOR:

YORBA VILLAS, LLC
11766 WILSHIRE BOULEVARD, SUITE 820
LOS ANGELES, CA 90025

CONTACT PERSON: ERIC PFAHLER
TELEPHONE: (310) 582-1991 EXT. 203
FAX: (310) 582-1999
Email: Erik@borsteinenterprises.com

PREPARED BY:

MDS CONSULTING MORSE SCHULTZ
PLANNERS ENGINEERS SURVEYORS

1700 West 8th Street
Suite 300
Brea, CA 92618
www.mdsinc.com

DATE PREPARED: MAY 18, 2022

VESTING TENTATIVE TRACT NO. 20394
YORBA VILLAS • SITE PLAN
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SHEET C1 OF 1



Land Use Services Department Planning

David Doublet
Director

EFFECTIVE DATE: October 4, 2022
EXPIRATION DATE: October 4, 2025

October 19, 2022

Erik Pfahler, Borstein Enterprises
11766 Wilshire Blvd, Suite 820
Los Angeles, CA 90025

SUBJECT: A POLICY PLAN AMENDMENT FROM VERY LOW DENSITY RESIDENTIAL (VLDR) TO LOW DENSITY RESIDENTIAL (LDR) AND A ZONING DISTRICT CHANGE FROM SINGLE RESIDENTIAL- 1 ACRE MINIMUM (RS-1) TO SINGLE RESIDENTIAL (RS) FOR A PROPOSED 45 UNIT PLANNED DEVELOPMENT, CONSISTING OF THE SUBDIVISION OF TWO LOTS INTO FORTY-FIVE (45) OWNERSHIP LOTS AND TWO (2) COMMON LOTS LOCATED AT 4570 FRANCIS AVENUE IN THE UNINCORPORATED AREA OF CHINO. APN: 1013-21-121 & 22; PROJECT NUMBER: PROJ-2021-00008.

Dear Mr. Pfahler:

On October 4, 2022, the above referenced project was approved by the San Bernardino County Board of Supervisors, subject to completion of the attached conditions of approval. The proposed project is found to be in conformance with the County General Plan policies, and the standards of the County Development Code. The effective date of this approval is October 4, 2022. The Planned Development Permit shall expire and become void on October 4, 2025, if it is not exercised pursuant to the conditions of approval.

PLEASE NOTE: THIS WILL BE THE ONLY NOTICE GIVEN FOR THE ABOVE SPECIFIED EXPIRATION DATE AND THE TIME LINES SPECIFIED IN THE CONDITIONS. THE APPLICANT IS SOLELY RESPONSIBLE FOR INITIATING ANY TIME EXTENSION REQUEST THIRTY DAYS BEFORE EXPIRATION.

The conditions of approval are listed under specific headings according to when each condition must be completed for the applicable County Department. Among these headings are: "General Requirements"; "Prior to Grading Permit"; "Prior to Building Permit" and "Prior to Final Inspection or Occupancy". The enclosed Condition Compliance Release Forms list each County Department or outside agency that must sign-off on the project prior to each stage of development. These forms must be completed with all required signatures in order to obtain each requested permit. Prior to issuance of any permit, the developer shall return the completed and signed Condition Compliance Release Form with four (4) copies of the stamped approved plot plan and a copy of the conditions of approval to the Planning Division for review.

Within five working days of submittal, the Planning Division will review and, if appropriate, will release the Planning Division hold on each requested permit by stamping the approved plot plans

BOARD OF SUPERVISORS

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with a "red" permit release stamp or by stamping the grading plans. The developer shall take a copy of the "red stamped" plans along with a copy of the signed Condition Compliance Release Forms to the Building and Safety Division. This will complete the Planning Division's approval process for that permit. Please note that there may be other corrections and reviews by County Fire, County Public Works or Building and Safety Division that need to be satisfied prior to issuance of permits by the Building and Safety Division.

This completes the Planning Division's review of this project. The condition of approval and the approved site plan is the final development criteria and design for this project. This is not considered a conceptual design, and as such, is not subject to change or alteration. Therefore, any proposed revisions or modifications will require additional fees and the submittal of a "Revision to Approved Action Application" for review and approval.

It has been a pleasure working with you on this project. If you have any questions regarding specific condition(s) outlined in the attached conditions of approval, please call the appropriate agency or department. The telephone numbers of each County Department are listed in the conditions of approval next to the department's section heading. If you have any questions regarding this process or require additional information about specific Planning conditions, please contact the Planning Division at (909) 387-4421.

Thank you,


Steven Valdez, Senior Planner

Attachments: Conditions of Approval
Condition Compliance Release Forms
Stamped/Conditionally Approved Plot Plan

cc: County Fire Department, Hazardous Materials Division
Building & Safety Division
Land Development Engineering/Roads & Drainage
Code Enforcement Division
Public Works, Solid Waste Management
County Fire/Community Safety
Environmental Health Services
Public Works, Traffic Division

SV/drp



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Planning Division

1. Project Description. a Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR), including a Zoning District change from Single Residential, 1-acre (RS-1) to Single Residential (RS), in conjunction with a Planned Development and Tentative Tract Map (No. 20394) to subdivide two lots into a 45-unit residential housing tract. 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. The Project site is located at 4570 Francis Avenue, unincorporated Chino.
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



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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. **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.
12. **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.
13. **Performance Standards:** The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
14. **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.
15. **Project Account:** The Project account number is PROJ-2020-00066. 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



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operation of the approved use.

16. 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 Home Owners Association shall conduct inspections for any fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - b) Graffiti and debris: The Home Owners Association shall remove graffiti and debris immediately through weekly maintenance.
 - c) Landscaping: The Home Owners Association 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 Home Owners Association 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) 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.
 - g) Lighting: The Home Owners Association 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.
 - h) Fire Lanes: The Home Owners Association 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.
 - i) 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.
17. 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.



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County Fire - Community Safety

18. Fire AHJ: San Bernardino County Fire is not the Authority Having Jurisdiction (AHJ) for this property. Please contact: Chino Valley Fire District 14011 City Center Drive Chino Hills ,CA 91709 Ph: 909- 902- 5260

Land Use Services - Land Development - Drainage

19. Tributary Drainage: Adequate provisions should be made to intercept and conduct the tributary 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.
20. 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.
21. 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.
22. 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.
23. Natural Drainage: The natural drainage courses traversing the site shall not be occupied or obstructed.
24. 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.

Public Health– Environmental Health Services

25. 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.
26. Noise Levels: Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call EHS at 1-800-442-2283.

Department of Public Works – Surveyors Office

27. Parcel Map: A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
28. Easements: Easements within the remainder portion of the map are to be dedicated by separate document.
29. Non-interference Letter: Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
30. Easement of Record: Easements of record not shown on the tentative map shall be relinquished or relocated. Lots



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affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

31. Parcel Map Review: Review of the Parcel Map by our office is based on actual cost and requires an initial \$3000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
32. Title Report: A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.
33. 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.
34. 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 / Recordation

Land Use Services - Building and Safety

35. 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 recordation of the parcel map.
36. 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.
37. Composite Development Plan (CDP) Note Requirements: The following Composite Development Plan (CDP) Requirements shall be placed on the CDP submitted as a requirement for Recordation of the final map. Wall Plans: Submit plans and obtain separate permits for any required retaining walls. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading and/or building permits. Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.

Land Use Services - Land Development - Drainage

38. 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>
39. 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.



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40. 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.
41. Drainage Improvements: A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safety manner that 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.
42. 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:

Francis Avenue (Secondary Highway – 88 feet):

- Road Dedication. A 35-foot grant of easement is required at the intersection of Francis Avenue and Yorba Avenue
- Street Improvements. Design curb and gutter with match up paving 32 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.

Yorba Avenue (Collector – 66 feet):

- 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. Street A, Street C (Private Road – 60 feet)
 - Road Dedication. A 60-foot grant of easement is required to provide a full-width right-of-way of 60 feet.
 - Street Improvements. Design curb and gutter with match up paving 18 feet from centerline. •Sidewalks. Design sidewalks per County Standard 109 Type "C".
 - Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
 - Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.
 - Cul-de-sac Design. The proposed cul-de-sac shall be designed to County Standard 120. Street B (Private Road – 60 feet):
 - Road Dedication. A 60-foot grant of easement is required to provide a full-width right-of-way of 60 feet.
 - Street Improvements. Design curb and gutter with match up paving 18 feet from centerline.
 - Sidewalks. Design sidewalks per County Standard 109 Type "B".
 - Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of- way.
 - Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.
43. 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.



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44. Maintenance Bond: Once all required public road, drainage, WQMP, and/or utility improvements have been constructed and approved, then a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.
45. Improvement Securities: Any required public road, drainage, WQMP, and/or utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
46. CMRS Exclusion: Road improvements required for this development will not be entered into the County Maintained Road System (CMRS).
47. 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.
48. Project Specific Conditions: All required on-site, and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
49. Private Roads/Improvements: Prior to occupancy, construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.
50. 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.
51. 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.
52. Street Type Entrance: Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
53. Project Specific Conditions: Structural Section Testing. Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

Land Use Services - Planning

54. 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.
55. 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



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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 South Coast 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.

56. **MM CUL-1: Archaeological Resources: Prior to the issuance of the first grading permit, the Applicant shall provide a letter to the County of San Bernardino Planning Division, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologist has been retained to provide on-call services in the event archeological resources are discovered. The archeologist shall be present at the pregrading conference to establish procedures for archeological resource surveillance. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the County shall be immediately notified. The archeologist shall be contacted to flag the area in the field and shall determine, in consultation with the County and the Gabrieleño Band of Mission Indians Kizh-Nation, if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)). If the find is considered a "resource" the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the County and the Gabrieleño Band of Mission Indians Kizh-Nation. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C). If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the developer/applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. Excavation as a treatment option will be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the Project.**

57. **MM BIO-1: Nesting Birds. To the extent possible, construction activities (i.e., demolition, earthwork, clearing, and grubbing) within the Project site and offsite infrastructure areas, shall occur outside of the general bird nesting season for migratory birds, which is March 15 through August 31 for songbirds and January 1 through August 31 for raptors. If construction activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird nesting season for**



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migratory songbirds (March 15 through August 31) and raptors (January 1 to August 31), a qualified biologist shall perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA and California Fish & Game Code. The pre-construction survey shall be performed no more than three days prior to the commencement of construction activities. The results of the pre-construction survey shall be documented by the qualified biologist. If construction is inactive for more than seven days, an additional survey shall be conducted. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements.

If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts within 300 feet (500 feet for raptors) of the active nest shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, or as determined by the qualified biologist. The biological monitor may modify the buffer or propose other recommendations in order to minimize disturbance to nesting birds.

58. **MM HAZ-1:** Prior to issuance of a grading permit, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant and shall detail procedures and protocols for excavation and disposal of onsite hazardous materials, including:

- A certified hazardous waste hauler shall remove all potentially hazardous soils. Excavation of contaminated soils shall be to the depth of approximately 5 feet below the existing ground surface in areas identified in the Phase I and Phase II Environmental Site Assessment (Tetra Tech 2016). In addition, sampling of soil shall be conducted during excavation in the southern and western portions of the site, in areas identified in the Phase I and Phase II Environmental Site Assessment (Tetra Tech 2016), to ensure residential Regional Screening Levels are not exceeded. Excavated materials shall be transported per California Hazardous Waste Regulations to a landfill permitted by the state to accept hazardous materials.
- Any subsurface materials exposed during construction activities that appear suspect of contamination, either from visual staining or suspect odors, shall require immediate cessation of excavation activities. Soils suspected of contamination shall be segregated from other soils to be tested for potential contamination. If contamination is found to be present per Environmental Screening Levels (ESLs), any further proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to California Hazardous Waste Regulations.
- A Health and Safety Plan (HSP) shall be prepared for each contractor that addresses potential safety and health hazards and includes the requirements and procedures for employee protection. The HSP shall also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.
- All SMP measures shall be printed on the construction documents, contracts, and Project plans prior to issuance of grading permits.

59. **PPP HYD-1:** National Pollutant Discharge Elimination System (NPDES). Projects will be constructed in accordance with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, NPDES No. CAS000002. Compliance requires a risk assessment, a SWPPP, and associated BMPs.

60. **PPP HYD-2:** Santa Ana RWQCB MS4 Permit. Projects will be constructed and operated in accordance with the Santa Ana RWQCB Municipal Stormwater (MS4) Permit for the part of the Santa Ana Basin in San Bernardino County in 2010 (Order No. R8-2010-0036). The MS4 Permit requires new development and redevelopment projects to adopt a



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WQMP to:

- Control contaminants into storm drain systems
- Educate the public about stormwater impacts
- Detect and eliminate illicit discharges
- Control runoff from construction sites
- Implement BMPs and site-specific runoff controls and treatments

61. **Mitigation Measure TCR-1:** Prior to commencement of any excavation activities, or the issuance of a grading permit and/or action that would permit site disturbance (whichever occurs first), the Project developer/applicant shall provide a letter to the County of San Bernardino Planning Division, or designee, and retain a Native American Monitor from the Gabrieleño Band of Mission Indians Kizh-Nation to:

- Provide on-call services to address unanticipated prehistoric or tribal resources. The Native American Monitor shall be present at the pre-grading conference to establish procedures for tribal cultural resource surveillance.
- Conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry, and the general steps the Monitor would follow in conducting a salvage investigation.
- Monitor all Project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils. The Native American Monitor(s) shall be present on-site during the construction phases that involve ground disturbing previously undisturbed native soils and shall complete monitoring logs on a daily basis. The logs shall provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. The on-site monitoring shall end when the Project site grading and excavation activities of previously undisturbed native soils are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for tribal cultural resources. (**HAZWOPER certification is needed only if the site has hazardous concerns related to Mitigation Measure HAZ-1).
- Consult on unanticipated discovery of human remains and associated funerary objects:
 - o Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. If funerary objects are discovered during grading or archeological excavations, they shall be treated in the same manner as bone fragments that remain intact and the construction contractor and/or qualified archeologist shall consult with the Gabrieleno Band of Mission Indians – Kizh Nation (Tribe).
 - o As specified by California Health and Safety Code Section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98 The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside of working hours. If the remains are Native American, the Tribe shall make every effort to recommend diverting the Project and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials shall be removed



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and the Project applicant/developer shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects, if possible. The Tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes 4 or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The Project applicant/developer shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

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

62. **MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground Disturbance:**

- A. The Project Applicant/Developer shall retain a Native American monitor from (or approved by) the San Manuel Band of Mission Indians and the Gabrieleno Band of Mission Indians-Kizh Nation ("Tribes"). The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject Project, at all Project locations (i.e., both on-site and any off-site locations that are included in the Project description/definition and/or required in connection with the Project, such as public improvement work). "Ground-disturbing activity" includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. Monitors from the San Manuel Band of Mission Indians and the Gabrieleno Band of Mission Indians-Kizh Nation shall provide Native America monitoring services on a rotating basis.
- B. The Project Applicant/Developer shall provide documentation of its retention of a Native American monitor, as provided in Mitigation Measure TCR-1, to the County Planning Department (?) prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The Project Applicant/Developer shall provide the Tribe with a minimum of 15 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.
- D. The Project Applicant/Developer shall hold at least one pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe(s) will inform and educate the Project's construction and managerial crew and staff members (including any Project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the Project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the Project's compliance with the TCR mitigation measures. The Native American Tribe(s) 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 Tribe(s) shall have the authority to redirect earth moving activities in the affected area.
- E. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-



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related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project applicant/Lead Agency upon written request.

F. Native American monitoring for the Project shall conclude upon the latter of the following: (1) written confirmation from a designated Project point of contact to the Tribe representatives that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site Project location are complete; or (2) written notice by the Tribe to the Project Applicant/Developer and the County Planning Department that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the Project site and at any off-site project location possesses the potential to impact TCRs.

G. Any and all archaeological or cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Project Applicant/Developer and the County Planning Department for dissemination to the San Manuel Band of Mission Indians and the Gabrieleno Band of Mission Indians-Kizh Nation. The County Planning Department and/or Project Applicant/Developer shall, in good faith, consult with both Tribes until all ground disturbing activities of the Project are completed.

Public Health– Environmental Health Services

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

Department of Public Works – Surveyors Office

64. Tentative and Final Map. A Tentative and Final Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.

65. Non-interference Letter. Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

66. Easement. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

67. Fees. Review of the Final Map by our office is based on actual cost, and requires an initial \$8,000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.

68. Title Report. A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

69. Final Monumentation. Final Monumentation, not set prior to recordation, shall be bonded for with a cash deposit to the County Surveyor's Office as established per the current County Fee Ordinance on file with the Clerk of the Board.

Prior to Issuance of Building Permit

Land Use Services - Building and Safety

70. 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."

71. 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.



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72. Slope Easements: Slope rights shall be dedicated where necessary.
73. 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.
74. Encroachment Permits: Prior to installation of driveways, sidewalks, etc., an encroachment 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.

Land Use Services - Land Development - Roads

75. Encroachment Permits: Prior to installation of driveways, sidewalks, etc., an encroachment 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.
76. 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.
77. 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 by a cashier's check to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$7,022.00 per unit for Single Family Use, which includes the 45 units per the site plan dated 07/13/2021. Therefore, the estimated Regional Transportation Fees for the Project is \$315,990.00.

The current Regional Transportation Development Mitigation Plan can be found at the following website:

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

Land Use Services - Planning

78. 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.
79. Exterior Lighting Features. External structures or lighting shall be allowed only where the lighting is activated and controlled by motion sensors.



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80. Streetlights. The project site is located within an urbanized area and streetlights are required. Street Lighting plans and plan check fees must be submitted to Special Districts Department for review and approval. Please submit plans to Special Districts Department, 157 W. 5th Street, 2nd Floor, San Bernardino, CA 92415-0450, (909) 387-5940.
81. Power Lines. As required in County Development Code Section 84.27.050(k), the applicant shall not extend any new aboveground power or communication lines to the site, unless clear and convincing evidence demonstrates that undergrounding these lines would result in substantial environmental impacts. Prior to installation of power line whether underground or overhead, submittal of verification to the County Planning Division is required prior to issuance of building permits.
82. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.
83. Windows. All proposed windows shall provide a minimum 4-inch relief from the exterior of the wall, and match the color and style of the proposed dwelling, as shown on the submitted plans. No white vinyl windows shall be allowed, unless it matches the base color of the building. Also, all windows facing a street shall be sound proof to reduce the noise from vehicles and pedestrians traveling on the street.
84. 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.
85. 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.



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- 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
 - 3. Replacing older, less fuel-efficient equipment with newer models
 - 4. Use GPS for grading to maximize efficiency
 - d) Grading plans shall include the following statements:
 - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration."
 - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes."
 - e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A 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.
86. 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 July 1, 2014. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non-Residential Buildings, as amended January 24, 2013; Cool Roof Coatings performance standards as amended January 24, 2013):
 - 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.



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- b. Plumbing. All plumbing shall incorporate the following:
 - All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
 - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
 - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- c. Lighting. Lighting design for building interiors shall support the use of:
 - Compact fluorescent light bulbs or equivalently efficient lighting.
 - Natural day lighting through site orientation and the use of reflected light.
 - Skylight/roof window systems.
 - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
 - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
 - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d. Building Design. Building design and construction shall incorporate the following elements:
 - Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
 - Roofing materials shall have a solar reflectance index of 78 or greater.
 - All supply ductwork shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply ductwork, excluding risers.
 - Energy Star or equivalent appliances shall be installed.
 - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units
- e. Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
- f. Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
- g. Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
- h. Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20%



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reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.

- 87. **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.

88. **MM GEO-1: Paleontological Resources.** *Prior to the issuance of the first grading permit, the Applicant shall provide a letter to the County of San Bernardino Planning Division, or designee, from a paleontologist selected from the roll of qualified paleontologists maintained by the County, stating that the paleontologist has been retained to provide services for the Project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite for the review and approval by the County. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall also require periodic paleontological spot checks if excavation reaches or exceeds depths of five feet in areas mapped as Quaternary alluvium.*

In the event paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.

Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by Project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage, and treatment shall be done at the Applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.

Public Health– Environmental Health Services

- 89. **Water Service Verification Letter:** Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
- 90. **Sewage Disposal:** Method of sewage disposal shall be Monte Vista Water District , if the District can legally provide the



Conditions of Approval

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sewage disposal services. If not, sewage disposal shall be provided by the City of Chino .

91. 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).
92. Water and Sewer Service Verification: Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either: (1) Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or (2) Out-of- agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.
93. Water Purveyor: Water purveyor shall be Monte Vista Water District or EHS approved.
94. Water Service Verification Letter: Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
95. 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.

Prior to Final Inspection

Prior to Occupancy

Land Use Services - Land Development - Drainage

96. WQMP Improvements: All required WQMP improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works. An electronic file of the approved final WQMP shall be submitted to Land Development Division, Drainage Section.
97. 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.
98. LDD Requirements: Condition of Road Improvements. At the time of occupancy for all structures, the condition of all required on-site and off-site improvements shall be acceptable to the County Department of Public Works.
99. Structural Section Testing: Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.
100. Private Roads/Improvements: Prior to occupancy, all required on-site, and off-site improvements shall be completed by the applicant. Construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.



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- 101. 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. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
- 102. LDD Requirements: CMRS Exclusion. Roads within this development will not be entered into the County Maintained Road System (CMRS).
- 103. LDD Requirements: Landscape Maintenance. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by the County Department of Public Works/current Planning and maintained by the adjacent property owner or other County-approved entity.

Land Use Services - Planning

- 104. 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).
- 105. Rooftop Equipment: No roof top mechanical equipment or air conditioning units are allowed.
- 106. 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.
- 107. Installation of Improvements: All required on-site improvements shall be installed per approved plans.
- 108. 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 .
- 109. 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.

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

Department/Agency	Office/Division	Phone Number
Land Use Services Dept. (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
	Water and Sanitation	(760) 955-9885



Conditions of Approval

Record: PROJ-2021-00008

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Board of Supervisor's Date: October 4, 2022

Special Districts	Administration, Park and Recreation, Roads, Streetlights, Television Districts, and Other	(909) 386-8800
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information...</i>



Land Use Services Department Planning

Chad Nottingham
Interim Director

Jevin Kaye
Assistant Director

June 7, 2023

Erik Pfahler
Yorba Villas, LLC

RE: Yorba Villas, LLC, PROJ-2021-00008, VTTM No. 20394 Summary of Clarification of Conditions of Approval

Dear Mr. Pfahler,

The Conditions of Approval clarifications for the above referenced project are provided below. With this letter, the clarifications are stated in a single document.

1. Sewer Clarification (February 3, 2023):

Clarified Conditions:

91. 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).

And

92. Water and Sewer Service Verification: Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either: (1) Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or (2) Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.

Question:

At what point in the permitting process do conditions 91 and 92 become pre-requisites and require satisfaction?

Answer:

1. Will Serve letter required prior to issuance of building permit.
2. Sewer Connection required before issuance of Certificate of Occupancy.

BOARD OF SUPERVISORS

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

JESSE ARMENDAREZ
Second District

DAWN ROWE
Chair, Third District

CURT HAGMAN
Fourth District

JOE BACA, JR.
Fifth District

Leonard X. Hernandez
Chief Executive Officer

2. Interior Fence Material Clarification (March 28, 2023):

Condition: *none*

Question:

The applicant is planning on installing decorative masonry walls along the perimeter and all areas visible to the public. The clarification is to allow the use of vinyl or wood fencing between lots for side yards and internal rear yards where not exposed to the public?

Answer:

Vinyl fencing along the side yard and internal rear yards are ok as long as they are not all white.

3. Tribal Clarification (April 10, 2023):

Condition:

62. MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground Disturbance:

A. The Project Applicant/Developer shall retain a Native American monitor from (or approved by) the San Manuel Band of Mission Indians and the Gabrieleno Band of Mission Indians-Kizh Nation ("Tribes"). The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject Project, at all Project locations (i.e., both on-site and any off-site locations that are included in the Project description/definition and/or required in connection with the Project, such as public improvement work). "Ground-disturbing activity" includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. Monitors from the San Manuel Band of Mission Indians and the Gabrieleno Band of Mission Indians-Kizh Nation shall provide Native America monitoring services on a rotating basis.

B. The Project Applicant/Developer shall provide documentation of its retention of a Native American monitor, as provided in Mitigation Measure TCR-1, to the County Planning Department (?) prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.

C. The Project Applicant/Developer shall provide the Tribe with a minimum of 15 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.

D. The Project Applicant/Developer shall hold at least one pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where a senior member of the Tribe(s) will inform and educate the Project's construction and managerial crew and staff members (including any Project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the Project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the Project's compliance with the TCR mitigation measures. The Native American Tribe(s) 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 Tribe(s) shall have the authority to redirect earth moving activities in the affected area.

E. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project applicant/Lead Agency upon written request.

F. Native American monitoring for the Project shall conclude upon the latter of the following: (1) written confirmation from a designated Project point of contact to the Tribe representatives that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site Project location are complete; or (2) written notice by the Tribe to the Project Applicant/Developer and the County Planning Department that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the Project site and at any off-site project location possesses the potential to impact TCRs.

G. Any and all archaeological or cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Project Applicant/Developer and the County Planning Department for dissemination to the San Manuel Band of Mission Indians and the Gabrieleno Band of Mission Indians-Kizh Nation. The County Planning Department and/or Project Applicant/Developer shall, in good faith, consult with both Tribes until all ground disturbing activities of the Project are completed.

Question:

There is no record in the EIR or Cultural Report of any reference to the San Manuel Band of Mission Indians. Furthermore, there is no contact information for them anywhere in the project documents. Is it possible the San Manuel Band of Mission Indians were added into the conditions by mistake?

Answer:

The reference to San Manuel was a mistake and was added to the conditions by error. In moving forward, a contract with the Kizh Nation is required before the issuance of a grading permit.

4. Public Perimeter Parkway Clarification (April 10, 2023):

Condition:

42. 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:

Francis Avenue (Secondary Highway – 88 feet):

- ***Road Dedication.*** A 35-foot grant of easement is required at the intersection of Francis Avenue and Yorba Avenue
- ***Street Improvements.*** Design curb and gutter with match up paving 32 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.

Yorba Avenue (Collector – 66 feet):

- 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. Street A, Street C (Private Road – 60 feet)
- Road Dedication. A 60-foot grant of easement is required to provide a full-width right-of-way of 60 feet.
- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline. •Sidewalks. Design sidewalks per County Standard 109 Type “C”.
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.
- Cul-de-sac Design. The proposed cul-de-sac shall be designed to County Standard 120. Street B (Private Road – 60 feet):
- Road Dedication. A 60-foot grant of easement is required to provide a full-width right-of-way of 60 feet.
- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type “B”.
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.

Question:

The Condition regarding sidewalk design requires the use of County Standard 109 C (sidewalk curb adjacent). The Approved Vesting Tentative Map and Site Plan is designed using County Standard 109 A (Sidewalk Parkway adjacent). The applicant requests using County Standard 109 A (sidewalk at ROW adjacent) in conformance to the approved Vesting Tentative Map.

Answer:

Since the project includes a proposed permanent barrier for the project (block wall and tubular steel fencing with block pillars), then the Type “A” sidewalk can be used.

Note: The Offsite Street Plans include using the City of Chino Curb Standard Drawing 1111 Curb Ramp Directional Perpendicular at the intersection of Francis Avenue and Yorba Avenue. This is currently being reviewed and plan checked by County Land Use Services and will modify the applicable condition when approved by Land Use Services.

1. Lighting Clarification (April 28, 2023):

Conditions:

11. 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.

And

78. 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.

Question:

This condition requires all outdoor lighting to include shields to meet the dark sky requirements. The proposed project will include streetlights. Are shields to the streetlights required to prevent light from spilling into front yards?

Answer:

No, does not apply to streetlights.

2. Exterior Lighting Clarification (April 28, 2023):

Condition:

79. Exterior Lighting Features. External structures or lighting shall be allowed only where the lighting is activated and controlled by motion sensors.

Question I:

Are in-tract streetlights, private park lights and entry gate lights required to operate on motion sensors. Does the condition only apply to coach lights and lights mounted on the houses or private homeowner security lighting?

Answer I:

All lights should be on a timer and should meet crime prevention through environmental design standards for safety.

Question II:

Accent lights in the entry and the private park provide security and ambiance and they would not be very effective if they were on motion sensors. Can we have the streetlights, project entry lights, and park lights work with a light level sensor vs a motion sensor?

Answer:

All lights should be on a timer and should meet crime prevention through environmental design standards for safety.

3. Architecture Clarification (April 28, 2023):

Condition:

83. Windows. All proposed windows shall provide a minimum 4-inch relief from the exterior of the wall and match the color and style of the proposed dwelling, as shown on the submitted plans. No white vinyl windows shall be allowed, unless it matches the base color of the building. Also, all windows facing a street shall be soundproof to reduce the noise from vehicles and pedestrians traveling on the street.

Question I:

The condition requires a 4" recess around all windows. It also says, "as shown on the submitted plans" and the submitted plan does not show a 4" recess on the windows. Are changes needed to comply with the condition of approval?

Answer I:

The expectation is for a 4" recess for aesthetic purposes.

Question II:

If a recess is required, can this change to a degree. For example, if a 6" exterior wall provides a 2" deep recess around all windows, only 2" of "relief" can be provided. In that scenario, a 2" thick trim would account for the remaining 2" and would not be appropriate for the Spanish Colonial and Hacienda Ranch elevations which should have only top and boom trim. Further, any recess is not architectural style appropriate for the California Ranch elevation. Can we use no recess if appropriate to the style of the home?

Answer II:

The windows should not impact the approved style or elevational quality of the home. If it does, please use the appropriate window with no recess.

Question III:

The condition states that the front elevation windows "shall be soundproof". There is no such product as soundproof windows. Is there an STC rating (sound rating) specification we should use? Keep in mind these homes are not facing onto a busy street, or highway, and are not near any noise generating facility like an airport. We would like to use a good standard residential STC rating if possible.

Answer III:

An STC rating that reduces the noise to a near soundproof rating is required.

Sincerely,



Steven Valdez
Planning Manager

Exhibit C

City of Chino Development Impact Fees

- Applicable City Development Impact Fee Category: Detached Low Density Residential
- Applicable Development Impact Fees payable upon issuance of building permit by the City:
 - Law Enforcement: \$ 637.00 per unit
 - Fire Suppression \$1,310.00 per unit
 - Circulation (Streets, Signals and Bridges) System: \$4,586.00 per unit
 - Storm Drainage Collection System: \$2,396.00 per unit
 - Sewage Collection**: \$ 583.00 per unit
 - General Facilities, Vehicles, and Equipment: \$ 156.00 per unit
 - Public Use (Community Center) Facilities: \$4,736.00 per unit
 - Administrative Fee:
(12% of the per unit total of above listed fees): \$1,728.48 per unit
 - Residential Parks and Recreation: \$22,494.00 per unit

** Sewage Collection Fee to be paid irrespective of whether the relevant building permit was issued by the County or the City.

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



September 11, 2023

Mr. Samuel Martinez
Local Agency Formation Commission
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0480

Dear Sam:

I have completed the California Environmental Quality Act (CEQA) review of out-of-area service contract, LAFCO SC#514, for the Commission. LAFCO SC#514 has a complicated history as the County prepared an Environmental Impact Report to allow development of a single-family residential subdivision on 13.25 acres located at 4570 and 4774 Francis Avenue, which is within the City of Chino's Sphere of Influence. LAFCO SC#514 consists of a request by the City of Chino (City) to authorize an out-of-agency sewer service agreement for the proposed project. Refer to the attached map for the specific location of the project site. The City of Chino prepared an Addendum (Addendum #1) to the certified Final EIR (FEIR) for the 45-Unit residential housing tract, which included the connection of the property to a sewer pipeline located adjacent to the property in Francis Avenue. Thus, the Commission is relying on both the certified Final EIR and the adopted Addendum #1, which has been provided to the Commission for its consideration to comply with the California Environmental Quality Act (CEQA) as a CEQA Responsible Agency.

After reviewing this complex set of documentation, I recommend that the Commission rely upon the City's environmental package (FEIR and Addendum #1) as adequate for LAFCO's Responsible Agency CEQA environmental determination for LAFCO SC#514. This is because the implementation of the overall project, including the connections to the City's sewer system, will not result in any additional adverse impact on the physical environment. Based on data provided to LAFCO, the proposed project is awaiting connection to the City's sewer system to begin operation. I have reviewed the City's data supporting Addendum #1 and it contains sufficient data to verify that the project being considered in this out-of-area service contract qualified for this Addendum #1, when combined with the FEIR. Therefore, I am recommending that the Commission consider the City's adopted environmental documentation (Addendum #1 as well as the County's FEIR) as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO SC#514.

Based on a review of LAFCO SC#514 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 City's documentation as adequate in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process (FEIR) was initially completed in 2021. Based on a field review of the site and review of the environmental issues in the City's documents, no substantial changes in circumstances have occurred since the 2021 FEIR was adopted that would require additional environmental documentation or review. The City's Addendum #1 was adopted in October 2022. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#514, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff and environmental consultant have independently reviewed the City's Addendum #1 and FEIR package and found them adequate for the City's proposed out-of-area service contract.
2. The Commission needs to indicate that it has considered the Addendum and FEIR and environmental effects, as outlined in these documents, prior to reaching a decision on the project and finds the information substantiating the environmental determinations adequate for approval of LAFCO SC#514.
3. The Commission should indicate that it does not intend to adopt new or different alternatives or mitigation measures for this project.
4. File a Notice of Determination with the San Bernardino County Clerk of the Board as a CEQA Responsible Agency.

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

Sincerely,

A handwritten signature in cursive script that reads "Tom Dodson".

Tom Dodson

TD/cmc

Attachment

LAFCO SC#514 CE Memo

DATE FILED & POSTED

Posted On: 7-2-23

Removed On: 9-2-23

Receipt No: 312-07212023-608



**COUNTY OF
SAN BERNARDINO**

JUL 21 2023

NOTICE OF DETERMINATION

CLERK OF THE BOARD

July 12, 2023

To: Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

Street Address:
1400 Tenth St.
Sacramento, CA 95814

From: City of Chino
Planning Division
P.O. Box 667
Chino, CA 91708-0667

Contact: Mike Hitz
Phone #: 909-334-3448

X San Bernardino County
Clerk of the Board of Supervisors
385 North Arrowhead Ave, 2nd Floor
San Bernardino, CA 92415-0131

Lead Agency (if different from above):

Address: _____

Contact: _____

SUBJECT: Filing of Notice of Determination in compliance with Sections 21108 and 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to the State Clearinghouse): N/A

Project Title: Yorba Villas Pre-Annexation and Development Agreement

Project Applicant: City of Chino
Project Location (include county): 4570 and 4664 Francis Avenue in the City of Chino Sphere of Influence, San Bernardino County, California

Project Description: Approval as Responsible Agency of Pre-Annexation and Development Agreement by and between the City of Chino and Yorba Villas, LLC to facilitate development, and provide sewer service to, the Yorba Villas Residential Project, a 45-unit single-family residential subdivision located at 4570 Francisco Avenue in unincorporated San Bernardino County. The Yorba Villas Residential Project was approved by Lead Agency San Bernardino County on October 4, 2022.

This is to advise that on July 5, 2023, the Chino City Council: 1) Conducted a public hearing; 2) approved introduction of Ordinance No. 2023-014, approving the Pre-Annexation and Development Agreement by and between the City of Chino and Yorba Villas, LLC, to be read by number and title only, and waive further reading of the Ordinance; 3) adopted the CEQA findings and a Mitigation Monitoring and Reporting Program included as part of the Ordinance; 4) adopted the Addendum to the Project EIR confirming no further CEQA review is required; and 5) authorized the City Manager to execute the necessary documents on behalf of the City. The Chino City Council conducted a second reading of Ordinance No. 2023-014 on July 18, 2023.

- The project (will or will not) have a significant effect on the environment.
- The Yorba Villas Residential Project Environmental Impact Report (SCH# 2020120545) was previously certified for the Project by the San Bernardino County Board of Supervisors in its capacity as CEQA Lead Agency on October 4, 2022, and used as the basis for the EIR Addendum and agency approval for this project, or A Negative Declaration was prepared for this project pursuant to the provisions of CEQA; or
- Mitigation measures (were were not) made a condition of approval of the project.

(\$50)

NOTICE OF DETERMINATION

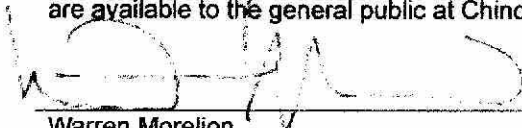
PROJECT NO.: Yorba Villas Pre-Annexation and Development Agreement

DATE: July 12, 2023

4. A Statement of Overriding Considerations (was or was not) adopted for this project.

5. Findings (were were not) made pursuant to the provisions of CEQA for this project.

This is to certify that the EIR Addendum for the Pre-annexation and Development Agreement between the City and Yorba Villas, LLC, the Yorba Villas Residential Project Environmental Impact Report and record of project approval are available to the general public at Chino City Hall, 13220 Central Avenue, Chino, California 91710.



Warren Morelion
Interim Development Services Director

7/19/23

Date

Date Received for filing at OPR:



**ADDENDUM #1 TO THE FINAL ENVIRONMENTAL
IMPACT REPORT FOR THE YORBA VILLAS
RESIDENTIAL PROJECT
SCH # 2020120545**

Responsible Agency:

City of Chino
13220 Central Avenue
Chino, CA 91710

Project Applicant:

Borstein Enterprises
11766 Wilshire Boulevard #820
Los Angeles, CA 90025

ENVIRONMENT | PLANNING | DEVELOPMENT SOLUTIONS, INC.

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June 2023

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1 INTRODUCTION

The City of Chino is considering approval for the pre-annexation agreement pursuant to which the city would provide sewer service to the Project Site and the applicant would support the potential annexation of the Project site from unincorporated San Bernardino County into the City of Chino for two parcels totaling 13.35-acres (Assessor's Parcel Number (APN) 1013-211-21 and 2013-211-22). The sewer service connection would be utilized to serve the Yorba Villas Residential Project (Tentative Tract Map No. 20394) approved by the County of San Bernardino (County) in its capacity as CEQA Lead Agency. The City of Chino is a Responsible Agency for the Yorba Villas project and will utilize this document as evidence that the Modified Project which proposes to construct 1,432 feet of a 4-inch sewer lateral, 1,698 feet of an 8-inch sewer main in Yorba Avenue and 6 48-inch diameter sewer manholes per City of Chino standards qualifies for an Addendum, which is further described below.

1.1 REGULATORY SETTING

Pursuant to Section 21166 of the California Environmental Quality Act (CEQA) and Section 15162 of the State CEQA Guidelines, when an Environmental Impact Report (EIR) has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for the Modified Project unless the agency determines, on the basis of substantial evidence, that one or more of the following conditions are met:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR.
 - b. Significant effects previously examined will be substantially more severe than identified in the previous EIR.
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives.
 - d. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

Section 15164 of the State CEQA Guidelines states that an Addendum to an EIR shall be prepared if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

On October 4, 2022, an EIR was certified and the Yorba Villas Residential Project Final Environmental Impact Report (Final EIR) was approved under Tentative Tact Map (TTM) No. 20394 (Approved Project) in October 2022 (SCH # 2020120545). The City has received a request to connect the Approved Project to the City's sewer line in Yorba Avenue, which is located directly southeast of the previously Approved Project (Modified Project). The Modified Project proposes to construct 1,432 feet of a 4-inch sewer lateral, 1,698 feet of an 8-inch sewer main in Yorba Avenue and 6 48-inch diameter sewer manholes per City of Chino standards.

This Addendum reviews the changes proposed by the Modified Project and any changes to the existing conditions that have occurred since the Final EIR was certified. It also reviews any new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time that the Approved Project was approved. It further examines whether, as a result of any changes or any new information, a subsequent MND or EIR may be required. This examination includes an analysis pursuant to the provisions of Section 21166 and Section 15162 of the State CEQA Guidelines, which includes an analysis of potential environmental impacts on a topic-by-topic basis.

On the basis of the findings of the Modified Project and the provisions of the State CEQA Guidelines, the City of Chino, as the Responsible Agency, determined that, as documented in this Addendum to the previously Certified Final EIR, no subsequent MND or EIR is required to review the Modified Project application.

2 BACKGROUND

The Approved Project authorizes the development and operation of a 45-unit residential project on approximately 13.35-acres. The Approved Project includes a County Policy Plan Amendment to increase the allowed density on the project site from Very Low Density Residential (VLDR) to Low Density Residential (LDR), Zoning Amendment to change the zoning from Single Residential 1-acre Minimum (RS-1) to Single Residential (RS), Planned Development Permit to allow for reduced setbacks from County Development Code Standards, and a TTM to subdivide the Project site into 45 numbered lots for residential use and 2 lettered lots for emergency vehicle access in the unincorporated area. The Approved Project was previously analyzed in the Final EIR certified by the County of San Bernardino in October 2022. The Approved Project can be identified with State Clearinghouse Number (SCH) 2020120545.

The certified Final EIR did not identify any significant and unavoidable impacts of the Approved Project. Environmental impacts considered less than significant with mitigation incorporated included: Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Tribal Cultural Resources. Less than significant impacts included: Aesthetics, Agriculture, Air Quality, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services Recreation, Transportation, and Utilities.

3 EXISTING SETTING

3.1 PROJECT LOCATION

The Project site is located at 4570 Francis Avenue (APNs 1013-211-21 and 1013-211-22) in unincorporated San Bernardino County within the City of Chino Sphere of Influence. Areas across from Francis Avenue (to the south) are within the City of Chino. Areas across from Yorba Avenue (to the east) are within unincorporated San Bernardino County. The site is located at the northwest corner of the intersection of Francis Avenue and Yorba Avenue. Regional access to the Project site is generally provided via State Route 60 (SR-60) at the Ramona Avenue exit. The regional location of the Modified Project site is shown in Figure 3-1, *Regional Location*. Local access to the Modified Project site is provided by Francis Avenue as shown in Figure 3-2, *Local Vicinity*.

3.2 EXISTING PROJECT SITE

The Project site consists of two parcels totaling 13.35-acres. The parcel on the corner of Francis and Yorba Avenue (the southeastern most portion of the Project site) was developed with a single-family residence; a guest cottage, swimming pool, storage shed, mobile home, bird cage area, and a horse stable, but in 2018 the owner demolished all structures, and the site is currently an empty lot.

The second parcel is adjacent to the first and is roughly divided into three sections: 1) the western section, 2) the middle section, and 3) the eastern section. The western portion of the site was developed with approximately 28 small single-family residences between 1938 and 1997. The structures in this area were demolished in 1997 (Tetra Tech 2016); however, some of the concrete slabs remain onsite. An aerial view of the Project site is shown as Figure 3-3, *Aerial View*.

In 1960, the central portion of the site was developed into a rabbit farm that operated until 2002. Since the closure of the rabbit farm in 2002, the vacant portion of the site has been utilized as grazing land for goats raised on a nearby site. The middle section also contains numerous elongated slabs. The eastern section of the vacant parcel is undeveloped vacant land that was used for goat grazing.

3.3 EXISTING LAND USES AND ZONING DESIGNATION

As approved by the County, the Project site has an existing San Bernardino Countywide Plan land use designation of Low Density Residential (LDR) which allows for a maximum of 2 to 5 dwelling units per acre and is zoned Single Residential (RS) that allows 4 dwelling units per acre.

3.4 SURROUNDING LAND USES

The Project site is located within an urban area that is either fully developed or planned for urban development.

North: The site is bound to the north by two homes on large unkept lots improved with butler buildings and storage areas within unincorporated San Bernardino County, designated as Very Low Density Residential and zoned Single Residential 1-Acre Minimum (RS-1).

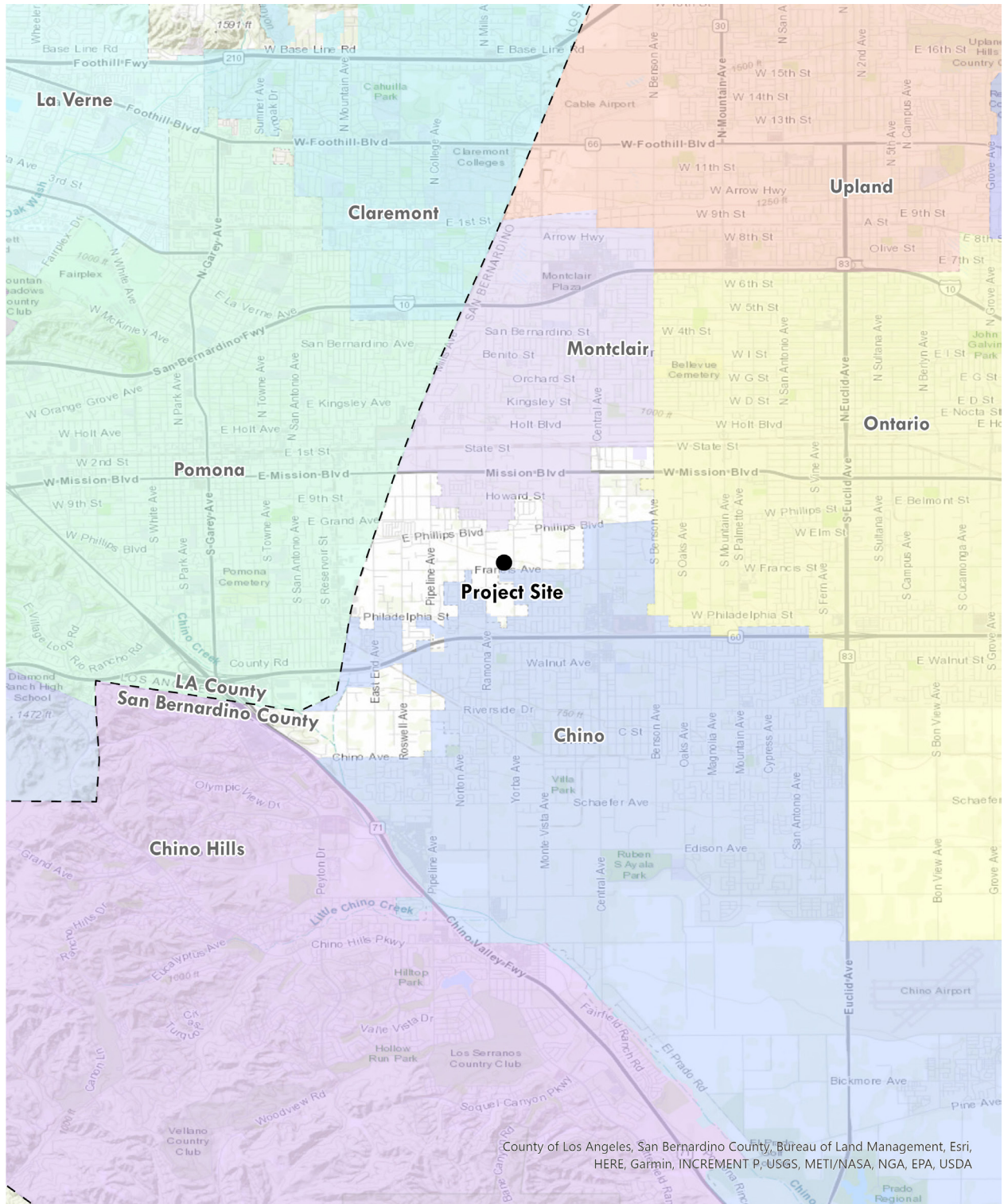
South: The site is bound to the south by Francis Avenue followed by single-story residential housing. The western portion of the street is within unincorporated San Bernardino County, designated as Very Low Density Residential and zoned Single Residential 1-Acre Minimum (RS-1). The easterly portion is within the City of Chino and zoned Residential two dwelling units per acre (RD 2) with homes on approximately 16,000 square foot lots.

West: The site is bound to the west by several deep lots that have a mix of commercial storage, truck storage, goat keeping, and residences within unincorporated San Bernardino County, designated as Very Low Density Residential and zoned Single Residential 20,000 square foot (RS-20M).

East: The site is bound to the east by Yorba Avenue followed by single-story residential housing within unincorporated San Bernardino County, designated as Very Low Density Residential and zoned Single Residential 1-Acre Minimum (RS-1).

Southeast: Residential housing within the City of Chino lies Southeast of the Project site, designated as Residential 4.5 units per acre (RD 4.5) with minimum 7,100 square foot lots.

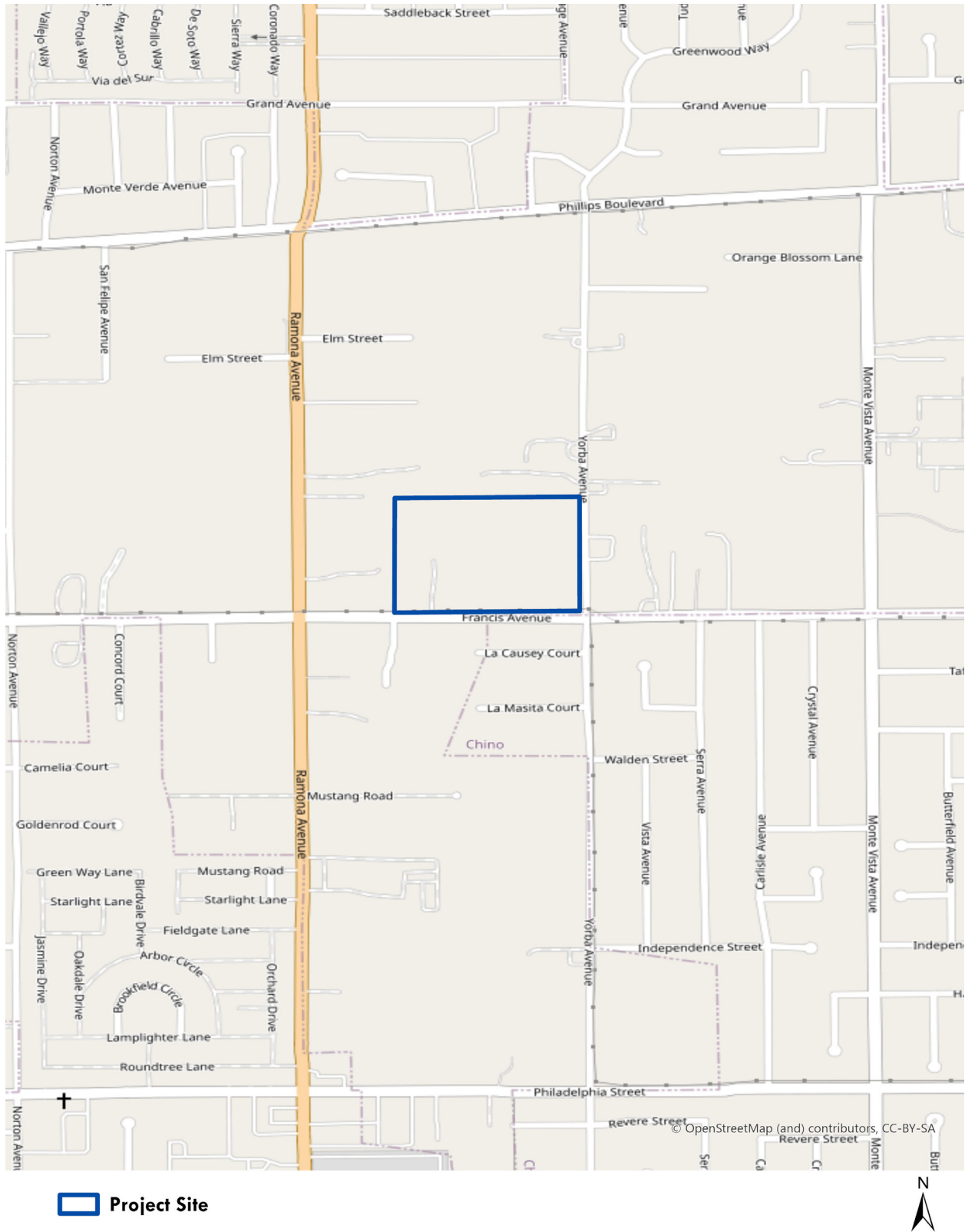
Regional Location



County of Los Angeles, San Bernardino County, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, NGA, EPA, USDA

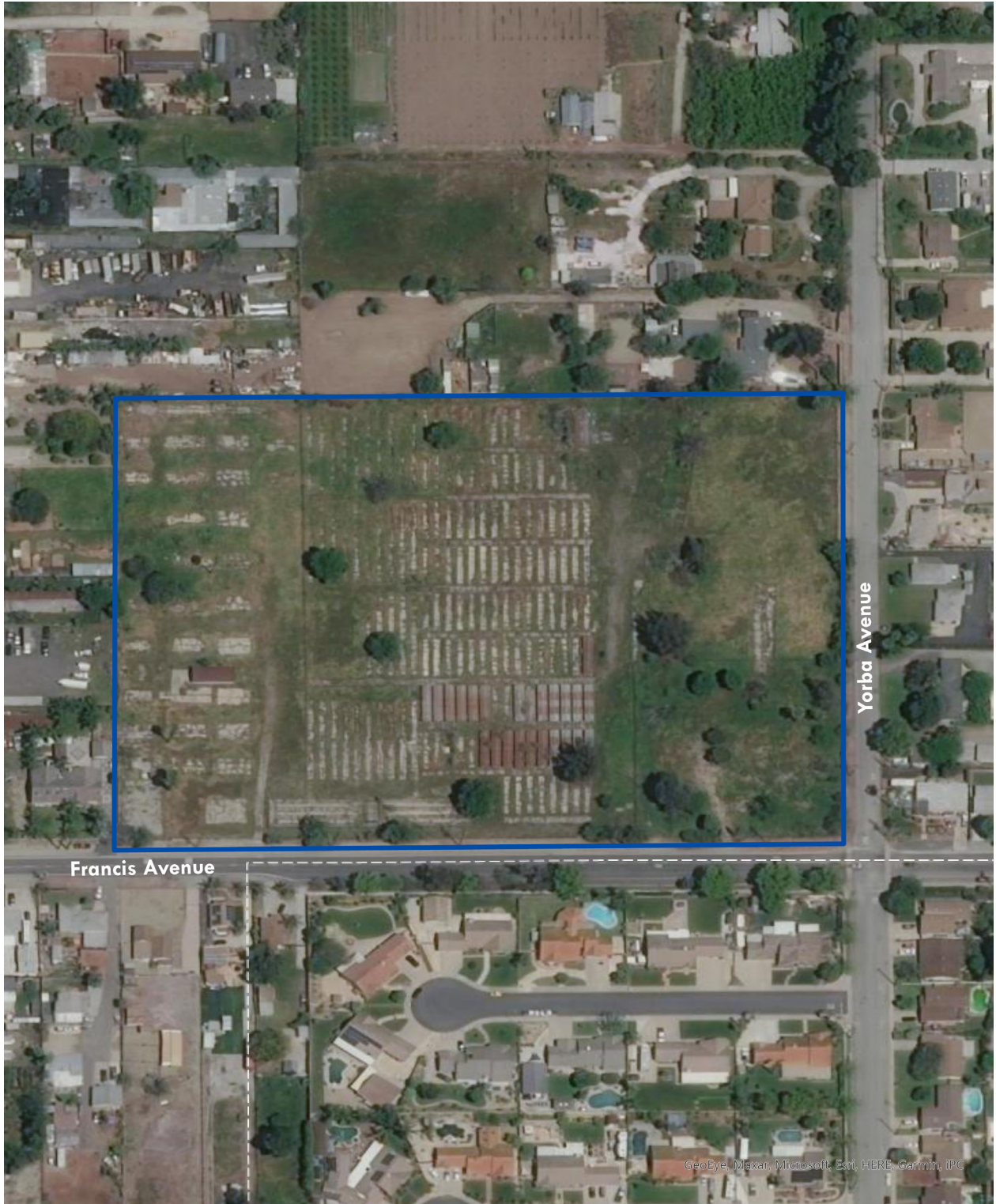
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Local Vicinity



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Aerial View



 Project Site



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4 PROJECT DESCRIPTION

4.1 PREVIOUSLY APPROVED PROJECT OVERVIEW

The Final EIR analyzed the 13.35-acre Project site which included a Policy Plan Amendment, Zoning Amendment, Planned Development Permit, and a TTM to allow for 45 numbered lots for residential use and 2 lettered lots for emergency vehicle access in the unincorporated area the County of San Bernardino within the City of Chino's sphere of influence. The proposed lot sizes ranged from 7,861 square feet to 13,838 square feet, which would result in a density of 3.37 dwelling units per acre. The Approved Project site plan is shown in Figure 4, *Approved Project Site Plan*.

The previously Approved Project Description can be found in Chapter 3 of the Yorba Villas Residential Project Public Review Draft EIR (SCH #2020120545) and Chapter 3 of the Final EIR which is incorporated herein.

The Approved Project included, and the Final EIR analyzed, the installation of an 8-inch private sewer line onsite that would use a lift station to connect to the existing 21-inch Inland Empire Utility Agency (IEUA) Regional Sewage System interceptor in Yorba Avenue. The Final EIR analyzed construction of an approximately 123-foot, 4-inch force main (Off-Site Sewer Line) to connect the On-Site Sewer Line directly to the adjacent IEUA trunk line, with retail wastewater collection service to be provided by the Monte Vista Water District (MVWD) and wholesale wastewater treatment service to be provided by IEUA under contract with MVWD. The Approved Project now, however, proposes to connect to the City of Chino's existing sanitary sewer system via a City-owned, existing sewer line in Yorba Avenue accessible to the Project, with retail wastewater collection service to be provided by the City and wholesale wastewater treatment service to be provided by IEUA under contract with the City, as discussed in more detail in Section 4.2.

4.2 MODIFIED PROJECT OVERVIEW

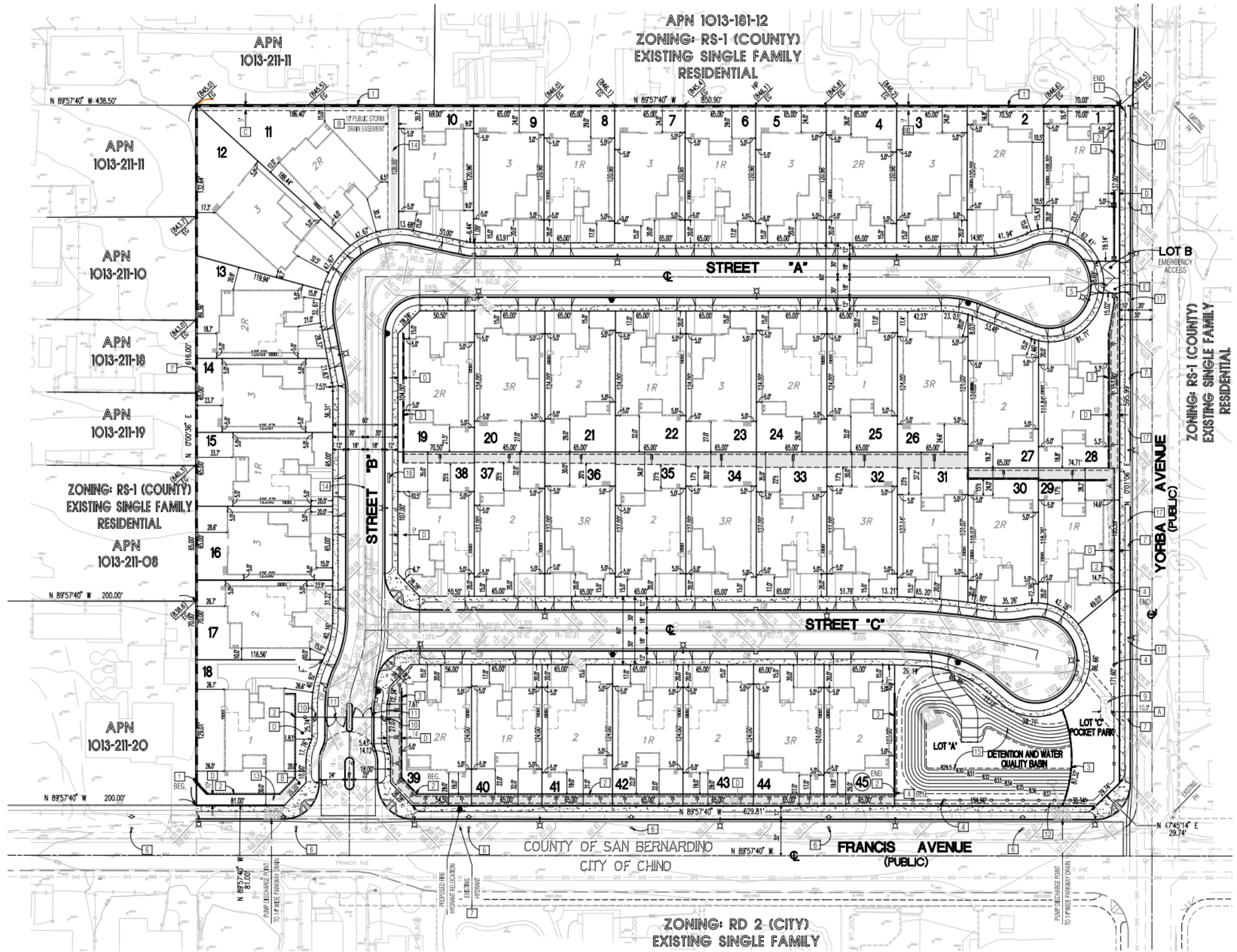
The City of Chino is proposing the adoption of a pre-annexation agreement pursuant to which the city would provide sewer service to the Project Site and the applicant would support the potential annexation of the Project site from unincorporated San Bernardino County into the City of Chino.

The Modified Project would connect to the City of Chino sewer system, as shown in Figure 5, *Proposed Sewer Plan*. The Modified Project includes the construction and trenching of 1,432 feet of a 4-inch sewer lateral, 1,698 feet of an 8-inch sewer main in Yorba Avenue and six 48-inch diameter sewer manholes per City of Chino standards. The sewer main line extension in Yorba Avenue would allow for the Project site to connect to the existing sewer line in Yorba Avenue and receive sewer services from the City of Chino, with ultimate wastewater treatment being provided by IEUA under contract with the City of Chino.

5 DISCRETIONARY APPROVALS, PERMITS, AND STUDIES

The following discretionary approvals, permits, and studies are anticipated for implementation of the Modified Project:

Pre-annexation agreement pursuant to which the city would provide sewer service to the Project Site and the applicant would support the potential annexation of the Project site from unincorporated San Bernardino County into the City of Chino.



Yorba Villas Residential Project Addendum

Figure 4

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6 CEQA ANALYSIS

If approved by the City of Chino, the Modified Project would be constructed and connect to the City of Chino sewer system. A summary of the Modified Project's impacts are provided in Table 2 below.

Table 2: Modified Project Impacts

Environmental Topic	Impacts
Aesthetics:	The previously certified Final EIR determined the Approved Project would result in less than significant impacts. The site is within an urbanized area. Motorists traveling along Francis Avenue and Yorba Avenue experience partial, fleeting views of the San Gabriel Mountains and Chino Hills to the north and south, respectively. The Modified Project is not within the vicinity of a designated state scenic highway as shown in the California Department of Transportation's (Caltrans) State Scenic Highway Mapping System. The Modified Project does not propose a building nor any structure that would physically obstruct views of the San Gabriel Mountains or Chino Hills. The Modified Project would not include additional sources of light and glare. Therefore, the Modified Project would be consistent with findings from the Final EIR and no new impacts would occur.
Agriculture and Forest Resources:	The previously certified Final EIR determined the Approved Project would result in no significant impacts. According to the California Department of Conservation's Important Farmland Finder, the site is classified as Urban and Built-Up Land. Additionally, the site is zoned as Single Residential, 1-acre minimum (RS-1) and is not designated as agricultural or forest land. The Modified Project site is not currently being used for agricultural or foresting purposes. Therefore, the Modified Project is consistent with the findings in the Approved Project and no new impacts would occur.
Air Quality:	The previously certified Final EIR determined the Approved Project would result in less than significant impacts. The trenching included with the proposed sewer line extension was analyzed and included as Appendix A to this addendum. The maximum daily regional emissions resulting from the trenching combined with the Approved Project emissions would not exceed SCAQMD thresholds as shown in Table 1 of Appendix A. The maximum daily local emissions generated by the trenching phase was combined with the emissions generated for the Approved Project. As shown in Table 2 of Appendix A, the Modified Project would not exceed SCAQMD Localized Significance Thresholds (LSTs) when combined with the Approved Project. Thus, emissions would remain less than significant and no new impacts would occur.
Biological Resources:	The previously certified Final EIR determined the Approved Project would result in less than significant impacts with mitigation incorporated. The General Biological Resources Assessment prepared for the Approved Project determined that the Approved Project would result in less than significant impacts to

	<p>candidate, sensitive, or special status species. In addition, the Approved Project site is not designated as a sensitive natural community nor a federally protected wetland. The Tree Preservation Report prepared for the Approved Project determined that the site does not contain trees protected by the County Development Code. The Modified Project does not change the site boundary of the Approved Project. Therefore, the Modified Project would be consistent with the findings from the Final EIR. Due to the presence of ornamental trees onsite, mitigation measure BIO-1 from the Final EIR has been included to avoid construction activities during nesting bird season to the extent possible. If construction activities must occur during nesting season, a qualified biologist would perform a pre-construction survey for active migratory bird nests. If present onsite, no impacts within a specified buffer would be allowed to occur until the nest is deemed inactive. With implementation of mitigation measure BIO-1, impacts from the Modified Project would continue to be less than significant and no new impacts would occur.</p>
<p>Cultural Resources:</p>	<p>The previously certified Final EIR determined the Approved Project would result in less and significant impacts with mitigation incorporated. The site is vacant and does not contain any existing structures on the site and would not result in impacts to historical resources. The Cultural Resource Assessment prepared for the Final EIR found that the closest cultural resource is within one mile of the site. Although no cultural resources have been identified on the site, construction activities would have the potential to disturb unknown archaeological resources on the site. Therefore, in the unlikely event that archaeological resources are encountered during grading activities, mitigation measure CUL-1 from the Final EIR has been included to ensure that an archaeological monitor is present during ground disturbing activities and a Treatment and Disposition Plan (TDP) be established prior to the commencement of ground disturbing activities to provide a process for infield treatment of inadvertent discoveries. With implementation of CR-1, no new impacts would occur.</p>
<p>Energy:</p>	<p>The previously certified Final EIR determined the Approved Project would result in less than significant impacts. The Modified Project would require a new sewer connection, which would require a negligible increase in construction energy consumption from the previously Approved Project. As determined in the Approved Project, construction would be required to comply with all existing regulations and would therefore not be expected to use fuel in a wasteful, inefficient, or unnecessary manner. Therefore, with compliance with applicable construction regulation, the Modified Project would continue to have less than significant impacts related to construction energy consumption. In addition, with compliance to Title 24 requirements, operation of the Approved Project was determined to be less than significant. The Modified Project would not change the operational characteristics of the Approved Project and is therefore consistent</p>

	with what was analyzed in the Final EIR. No new impacts would occur.
Geology and Soils:	<p>The previously certified Final EIR determined the Approved Project would result in less than significant impacts with mitigation incorporated. The Modified Project site is not located in an Alquist-Priolo Fault Zone as shown in the California Department of Conservation’s <i>California Earthquake Hazards Zone Application</i>. The site is subject to ground-shaking hazards from earthquakes on regional fault systems capable of producing moderate to severe ground shaking. However, the Modified Project does not include the development of any structures, and therefore, would not result in impacts. As the Modified Project does not include any structures, impacts related to landslides, erosion/loss of topsoil, expansive soils, and seismic-related ground failure such as liquefaction would not occur.</p> <p>The Cultural Resources Assessment prepared for the Approved Project included a paleontological resources overview and found that the site contains Quaternary alluvial fan deposits and that the Approved Project would be unlikely to encounter significant vertebrate fossils. However, deeper excavations could extend into older finer-grained Quaternary deposits that may encounter significant remains of fossil vertebrates. As such, mitigation measure GEO-1 from the Final EIR has been included to require the preparation of a Paleontological Resources Impact Mitigation Plan and implementation of paleontological monitoring during ground disturbance activities. With implementation of mitigation measure GEO-1, the Modified Project impacts would continue to be less than significant, and no new impacts would occur.</p>
Greenhouse Gas Emissions:	The previously certified Final EIR determined the Approved Project would result in less than significant impacts. GHG emissions from the construction and operation of the Approved Project would be below SCAQMD thresholds. The trenching required for the Modified Project was analyzed and included in Appendix A to this addendum. The Modified Project would generate an additional 2 metric tons of carbon dioxide equivalent (MTCO _{2e}). Construction of the Modified Project and Approved Project combined would result in a total of 696 MTCO _{2e} (23 MTCO _{2e} per year amortized over 30 years). Once operational, the Approved Project and Modified Project would result in 823 MTCO _{2e} per year which is below the SCAQMD significance threshold of 3,000 MTCO _{2e} per year for residential projects. Thus, the Modified Project would be consistent with what was analyzed in the Final EIR and no new impacts would occur.
Hazards and Hazardous Materials:	The previously certified Final EIR determined the Approved Project would result in less than significant impacts with mitigation incorporated. Operation of the Yorba Villas residential development would not require the substantial routine use of hazardous materials such that transport, disposal, or accidental release of such substances would result in a significant hazard to the public or environment. The Approved Project site is not within

	<p>the vicinity of a school nor airport influence area. In addition, the Approved Project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 nor a high fire hazard severity zone. The Modified Project would not change the site location or site boundary of the Approved Project; therefore, no new impacts would occur. The Modified Project does not propose changes to the surrounding roadways or drive access. Therefore, the Modified Project would not result in impacts related to the impairment of an emergency response plan or evacuation plan.</p> <p>Due to the presence of contaminated soils onsite, mitigation measure HAZ-1 from the Final EIR has been included to be implemented prior to and during construction. Mitigation measure HAZ-1 requires the preparation of a Site Management Plan (SMP) for the proper procedures and protocols to be taken during the excavation and disposal of the contaminated soils. With implementation of mitigation measure HAZ-1, the Modified Project would be consistent with the findings from the Final EIR and would result in less than significant impacts.</p>
<p>Hydrology and Water Quality:</p>	<p>The previously certified Final EIR determined the Approved Project would result in less than significant impacts. As determined in the Final EIR, with implementation of a storm water pollution prevention plan (SWPPP) and water quality management plan (WQMP), the Approved Project would result in less than significant impacts related to water quality, erosion, and surface runoff. In addition, impacts related to conflicts with a water quality control plan or sustainable groundwater management plan would be less than significant with compliance to a WQMP.</p> <p>The Modified Project does not propose the addition of any structures, impervious surfaces, or use of groundwater. Therefore, operation of the Modified Project would be consistent with what was analyzed in the Final EIR. In addition, construction of the sewer connection would be required to implement a SWPPP. As such, the Modified Project would be consistent with the findings from the Final EIR and would result in less than significant impacts related to hydrology and water quality. Thus, no new impacts would occur.</p>
<p>Land Use and Planning:</p>	<p>The previously approved Final EIR determined the Approved Project would result in less than significant impacts. The Approved Project included a Zoning Map Amendment that would change the existing zoning designation from RS-1 (Single Residential 1-Acre Minimum) to RS (Single Residential) to implement the proposed residential Project.</p> <p>The RS zone is designated for single-family residential uses with a maximum density of 4 units per acre. The Approved Project consists of development of 45 single-family residences. Although the density of the residences exceeds the allowed density by the existing RS-1 zone, with implementation of the proposed RS zoning designation, the Approved Project would not conflict with</p>

	<p>the zoning code. The Modified Project would not physically divide an established community or conflict with a land use plan, policy or regulation. . As such, the Modified Project would be consistent with the findings from the Final EIR and would result in less than significant impacts. Thus, no new impacts would occur.</p>
<p>Mineral Resources:</p>	<p>The previously approved Final EIR determined the Approved Project would result in less than significant impacts. The San Bernardino County Countywide Plan designates the project site as being located within MRZ-3 which is an area containing mineral deposits and the significance can't be evaluated. The site was previously used for residential uses and was not used for mineral extraction. As such, the Approved Project would not result in the loss of availability of a known mineral resource as the mineral resource was not previously available for extraction. The Modified Project is consistent with what was analyzed in the Final EIR and no impacts would occur.</p>
<p>Noise:</p>	<p>The previously approved Final EIR determined the Approved Project would result in less than significant impacts. Construction of the Modified Project would be compliant with Section 9.40.040 of the City's Noise Ordinance which limits construction between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. Additionally, operation of the Modified Project would not create any additional noise that was not evaluated in the Approved Project Final EIR. Thus, no new impacts would occur.</p>
<p>Population and Housing:</p>	<p>The previously approved Final EIR determined the Approved Project would result in less than significant impacts. The Approved Project would increase housing by approximately 0.0002 percent of the projected increase in households for the County and would redevelop the site with 45 single-family residences and would not displace a substantial number of existing people or housing. The Modified Project would not include the removal or construction of housing on the site. The Modified Project is consistent with what was analyzed in the Final EIR and no impacts would occur.</p>
<p>Public Services:</p>	<p>The previously approved Final EIR determined the Approved Project would result in less than significant impacts. The increase in residents onsite for the Approved Project is limited and would not increase demands such that the existing two fire stations within 3 miles of the Project site would not be able to accommodate servicing the project in addition to its existing commitments, and provision of a new or physically altered fire station would be required that could cause environmental impacts. Although an incremental increase could result from implementation of the project, the need for law enforcement services from the proposed project would not be significant when compared to the current service levels of the San Bernardino County Sheriff Department and the small residential nature of the Approved Project. The Approved Project would pay fees to the Chino Valley Unified School District pursuant to Government Code Section 65995 et seq. The Proposed Project would not require employees or</p>

	<p>implement residential uses on the site, and therefore, would not result in any impacts related to public services. No new impacts would occur from the implementation of the Modified Project.</p>
<p>Recreation:</p>	<p>The previously approved Final EIR determined the Approved Project would result in less than significant impacts. the proposed project would involve the construction of 45 single-family residences onsite and would increase demand for neighborhood and regional parks. The Approved Project would include a 6,791-square foot onsite park including a turf play area and tot lot that would provide recreational facilities for residents. In addition, each residence would include a backyard that would provide additional space for recreation. The Proposed Project would not add additional square footage that would increase the use of recreational facilities. Thus, the Proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. In addition, San Bernardino County Development Code Section 89.02.010 requires the developer dedicate lands or to pay fees in lieu thereof, or a combination of both, for park or recreational purposes. The Modified Project is consistent with what was analyzed in the Final EIR and no impacts would occur.</p>
<p>Transportation:</p>	<p>The previously approved Final EIR determined the Approved Project would result in significant and unavoidable impacts. Implementation of the Approved Project would result in both short-term construction traffic and long-term operational traffic. However, as per the trip generation estimates in the approved scoping agreement, the project does not generate more than 100 trips during both the AM and PM peak hour. (EPD Solutions 2021). The project also does not add more than 50 trips to any intersection during the AM and PM peak hours hence no intersections are required to be analyzed. As the project screens out as per these criteria mentioned in the San Bernardino County Transportation Impact Guidelines, a Transportation Impact Study was not required for the proposed residential development and impacts related to conflicting with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities would be less than significant. The Modified Project would not generate operational trips and construction related trips would be temporary and nominal due to the scope of the Modified Project. Thus, impacts would be less than significant and no new impacts would occur.</p>
<p>Tribal Cultural Resources:</p>	<p>The previously approved Final EIR determined the Approved Project would result in less than significant impacts with mitigation. As part of the AB52 SB18 process for the Yorba Villas Residential Project, the County distributed letters notifying nearby tribes of the opportunity to consult on the Approved Project and assist the County. The Gabrieleño Band of Mission Indians – Kizh Nation requested Native American Monitoring during ground disturbance and provided information on the proximity of known Native American village sites near the Project area. Mitigation</p>

	<p>Measure TCR-1 was included to provide for Native American resource sensitivity training, monitoring, and to prescribe activities should any inadvertent discoveries of tribal cultural resources be unearthed by Project construction activities. The sewer main line trenching would be required to comply with the Approved Project Mitigation Measure TCR-1 and TCR-1a. With implementation of MM TCR-1 and TCR-1a, impacts would be less than significant and no new impacts would occur.</p>
<p>Utilities/Service Systems:</p>	<p>The previously approved Final EIR determined the Approved Project would result in less than significant impacts.</p> <p>The Modified Project would construct a sewer main that would connect to the City of Chino’s sewer system. The City of Chino operates and maintains a local sewer collection system that drains into trunk sewers owned by the Inland Empire Utilities Agency (IEUA) that conveys the sewage to IEUA’s RP-1 wastewater treatment plant for treatment. This plant has a treatment capacity of 44 million gallons per day and treats an average wastewater flow of approximately 28 million gallons per day. The IEUA uses a wastewater demand rate of 270 gallons per day per housing unit. Therefore, the proposed 45-unit residential project would generate an estimated 12,150 gallons per day which would be 0.03 percent of the total capacity of the treatment plant. Thus, the existing capacity of the wastewater treatment plant would be able to accommodate this increase. Therefore, implementation of the proposed Project would not result in impacts related to wastewater treatment provider capacity. The Modified Project would not require additional water infrastructure nor create waste. Therefore, no impacts would occur.</p>
<p>Wildfire:</p>	<p>The previously approved Final EIR screened out wildfire in the Initial Study. During construction and long-term operation, the project would be required to maintain adequate emergency access for emergency vehicles via project roadways as required by the County. Adjacent areas to the project site are urbanized and do not contain hillsides or other factors that could exacerbate wildfire risks and result in exposure of persons to pollutant concentrations from a wildfire. Additionally, the project site is not within an area identified as a Fire Hazard Severity Zone as identified in the HZ-5 Fire Hazard Severity Zone Map within the Countywide Policy Plan that may contain substantial fire risk (Policy Plan 2020). The additional trenching required for the Proposed Project would not interfere with an adopted emergency response plan or evacuation plan or exacerbate fire risks. Thus, no new impacts would occur.</p>

The Modified Project would not result in further major modifications to the previously Approved Project. Therefore, Modified Project changes would not be anticipated to result in new or greater significant impacts beyond those identified in the previously adopted Final EIR and overall Modified Project impacts would be less than significant after mitigation. The Modified Project would be

required to comply with all applicable mitigation, local, State, and federal regulations and policies included in the approved environmental documentation.

7 APPLICABLE APPROVED FEIR MITIGATION MEASURES

The Modified Project would implement all mitigation measures included in the Mitigation Monitoring and Reporting Program (MMRP) from the Final EIR. The MMRP has been modified to reflect the change in agency responsible for implementing the mitigation measures. With implementation, all impacts would be less than significant. Therefore, the Modified Project would not introduce any new Project-specific mitigation measures.

8 DETERMINATION

As set forth in State CEQA Guidelines Section 15164(b), an agency may prepare an addendum to a prior CEQA document: “An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.”

This Addendum is the appropriate CEQA documentation for the Project because:

- the Project does not change the land use that was previously approved, the impacts of which were previously analyzed in the Final EIR for the project approved under the County of San Bernardino;
- the Project would not permit an intensification of uses that would lead to increased environmental impacts beyond those that are already analyzed in the Final EIR;
- the Project does not modify previously analyzed project in a substantive way;
- no new Project-specific mitigation measures are required;
- none of the conditions identified in Public Resources Code Section 21166 or Section 15162 of the CEQA Guidelines apply; and,
- no new significant adverse Project-specific or cumulative impacts in any environmental areas were identified, nor would any project-specific or cumulative impacts in any environmental areas be made worse as a result of implementing the Project.

Therefore, pursuant to State CEQA Guidelines Section 15164, this document serves as an Addendum to the Certified Final EIR prepared for the original Approved Yorba Villas Residential Project FEIR. It is the independent judgment of City of Chino Staff that the proposed changes to the Modified Project do not require the preparation of a subsequent MND or EIR as described in State CEQA Guidelines Section 15162.

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2020

Addendum Appendix A

AQ and GHG Impact Analysis

ENVIRONMENT | PLANNING | DEVELOPMENT SOLUTIONS, INC.

To: City of Chino Planning Division
From: Alex J. Garber
Date: 6/14/2023
Re: Air Quality and Greenhouse Gas Impact Analysis for the Sewer Trenching required for the Yorba Villas Residential Project

This technical memorandum presents an analysis of the Air Quality and greenhouse gas (GHG) impact for the proposed Yorba Villas Residential Project Addendum, located on the northwest corner of Francis Avenue and Yorba Avenue in the County of San Bernardino. The City of Chino is proposing the adoption of a pre-annexation agreement pursuant to which the city would provide sewer service to the Project Site and the applicant would support the annexation of the Project site from unincorporated San Bernardino County into the City of Chino.

Upon approval of the pre-annexation agreement, the Project would be constructed and would connect to the City of Chino sewer system (Modified Project). The Modified Project includes the construction and trenching of 1,432 feet of a 4-inch sewer lateral, 1,698 feet of an 8-inch sewer main in Yorba Avenue and six 48-inch diameter sewer manholes per City of Chino standards. The sewer main line extension in Yorba Avenue would allow for the Project site to connect to the existing sewer line in Yorba Avenue and receive sewer services from the City of Chino. The project site is shown in Figure 1 Project Site. To support the CEQA document for the proposed project, this report analyzes the proposed project's construction and operational impacts to air quality (emission of criterial pollutants) emissions using the California Emissions Estimator Model (CalEEMod) land use emission model.

Summary of Air Quality, Energy and GHG Impact

Air Quality:

The project's maximum daily emissions (regional and local) for the added trenching would not exceed the emissions disclosed in the Approved EIR; therefore, the project would continue to have a less than significant construction air quality impact.

GHG:

The additional trenching would generate 2 MTCO_{2e}, which when added to the total construction GHG emissions from the Approved EIR would result in 696 MTCO_{2e} (23 MTCO_{2e} per year amortized over 30 years). When added to the Approved EIR total operational GHG emissions, the project with additional trenching would result in 823 MTCO_{2e} per year, below the SCAQMD Significance threshold of 3,000 MTCO_{2e} per year for residential projects. Therefore, the project would continue to have a less than significant impact on GHG emissions.

Air Quality Impact Tables

Regional Emissions

The SCAQMD has adopted maximum daily emission thresholds¹ (pounds/day) for the criteria pollutants during construction and operation of a project. While incremental regional air quality impacts of an individual project are generally very small and difficult to measure, SCAQMDs regional maximum emission thresholds set standards to reduce the burden of SCAQMD to attain and maintain ambient air quality standards. The regional thresholds apply to the criteria pollutants mentioned above and can be found in Table 1: *Regional Construction Emissions Estimates* and Table 2: *Regional Operational Emissions Estimates* along with the CalEEMod projects emissions. These emission thresholds include the project emissions generated both from onsite sources (such as off-road construction equipment and fugitive dust) and offsite sources (vehicle travel leaving and arriving to the site). Table 1 shows the daily emissions generated by the trenching phase, as well as the maximum daily emissions disclosed in the Approved EIR. As can be seen in Table 1, the trenching phase would result in lower daily emissions than disclosed in the Approved EIR and would continue to result in less than significant regional air quality impacts.

Table 1. Additional Trenching Regional Construction Emission Estimates

Construction Activity	Maximum Daily Regional Emissions (pounds/day)					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Trenching	1.2	9.1	13.0	0.0	0.8	0.4
Maximum Daily Emission from the Approved EIR	28.2	45.5	31.7	0.1	9.3	5.8
SCAQMD Significance Thresholds	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No

Local Emissions

Localized significance thresholds (LSTs) were also adopted by the SCAQMD due to project-related construction or operational air emissions having the potential to exceed the state and national air quality standards in the project vicinity, while not exceeding the regional emission significance thresholds adopted by the SCAQMD. These thresholds set the maximum rates of daily construction or operational emissions from a project site that would not exceed a national or State ambient air quality standard². The differences between regional thresholds and LSTs are as follows:

1. Regional thresholds include all sources of project construction and operational emissions generated from onsite and offsite emission sources whereas the LSTs only consider the emissions generated from onsite emission sources.
2. LSTs only apply to CO, NO_x, PM₁₀, and PM_{2.5}, while regional thresholds include both ROG and SO_x.

¹ SCAQMD April 2019. Found on 9/3/2020 at <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>

² SCAQMD 2008: Final Localized Significance Threshold Methodology. Referenced on 9/3/2020 at <http://www.aqmd.gov/docs/defaultsource/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf>

3. Regional Thresholds apply to emission sources located anywhere within the SCAQMD whereas the LSTs are location dependent and also depend on the size of the project, and emission location relative to the nearest sensitive receptor.

A sensitive receptor is defined as an individual who is most susceptible to negative health affects when exposed to air pollutants including children, the elderly, and adults with chronic health issues. Such receptors include residences, schools, elderly care centers, and hospitals. SCAQMD provides screening look up tables (Appendix C of the SCAQMD 2008 Final Localized Significance Threshold Methodology)³ for projects that disturb less than or equal to 5 acres in size in a day. These tables were created to easily determine if the daily emissions of NO_x, CO, PM₁₀, and PM_{2.5} from a project could result in a significant impact to the local air quality. The thresholds are determined by:

- Source receptor area (SRA), the geographic area within the SCAQMD that can act as both a source of emissions and a receptor of emission impacts (project is located within SRA 33, Southwest San Bernardino Valley),
- Size of the project,
- Distance to the nearest sensitive receptor.

The phase with the most significant impact is the site preparation phase, which would grade 3.5 acres per day, so 3.5 acres were used for the look up tables. The thresholds between 2 acres and 5 acres from Appendix C were interpolated as the tables give thresholds for 2-acre and 5-acre sites. Distance to the nearest sensitive receptor also determines the emission thresholds. The sensitive receptors closest to the project include residential homes across Yorba Avenue and Francis Avenue and on the project boundary, about 20 feet, to the west and north. These receptors (distance from the project property line to the residential structure) are less than the minimum distance provided in the lookup tables (25 meters). Therefore, 25 meters (82 feet) was used. Table 3: *Localized Construction Emission Estimates* shows the thresholds and estimated maximum daily construction emissions for the proposed project.

Table 2 shows the maximum daily local emissions generated by the trenching phase, as well as the maximum daily emissions disclosed in the Approved EIR. As shown in Table 2, the trenching phase would result in lower emissions than disclosed in the Approved EIR and would continue to have less than significant localized construction air quality impact.

Table 2. Additional Trenching Localized Construction Emission Estimates

Construction Activity	Maximum Daily Local Emissions (pounds/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Trenching	8.9	10.8	0.4	0.3
Maximum Daily Emission from the Approved EIR	46.4	30.9	9.1	5.8
SCAQMD Significance Thresholds	220	1,713	11	7
Threshold Exceeded?	No	No	No	No

Greenhouse Gas

SCAQMD has convened a Greenhouse Gas Emissions (GHG) CEQA Significance Threshold Working Group to help lead agencies determine significance thresholds for GHG emissions when SCAQMD is not the lead

³ SCAQMD 2008: Final Localized Significance Threshold Methodology Appendix C. Referenced on 9/16/2020 at <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/appendix-c-mass-rate-lst-look-up-tables.pdf?sfvrsn=2>

agency. The last working group was held September 2010 (Meeting No. 15)⁴ and proposed a tiered approach, equivalent to the existing consistency determination requirements in CEQA Guidelines Sections 15064(h)(3), 15125(d), or 15152(a). The most recent proposal issued in Meeting No. 15 uses a tiered approach, Tier 1 to Tier 5, to evaluate potential GHG impacts from various uses. This assessment will apply the Tier 3: Numerical Screening Thresholds approach. Tier three consists of screening values, which the lead agency can choose, but must be consistent with all projects within its jurisdiction. A project's construction emissions are averaged over 30 years and are added to the project's operational emissions. If a project's emissions are below one of the following screening thresholds, then the project impact would be is less than significant:

- Option 1: All land use types: 3,000 MT CO_{2e} per year
- Option 2: Based on land use type: residential: 3,500 MT CO_{2e} per year; commercial: 1,400 MT CO_{2e} per year; or mixed use: 3,000 MT CO_{2e} per year

Executive Order S-3-05's year 2050 goal is the basis of SCAQMD' draft Tier 3 screening level thresholds. The objective of the Executive Order is to contribute to capping worldwide CO₂ concentrations at 450 ppm, stabilizing global climate change. The County of San Bernardino utilizes option 1, and therefore the threshold is 3,000 MT CO_{2e} per year.

The trenching phase and the project's construction GHG emissions disclosed in the Approved EIR are shown in Table 3. Table 4 shows the updated amortized emissions added to the operational emissions disclosed in the Approved EIR. As shown in Table 4, the addition of GHG emissions generated the trenching phase to the GHG emissions disclosed in the Approved EIR would continue to have a less than significant GHG impact.

Table 3. Approved EIR Project Construction GHG Emissions with additional Trenching

Activity	Annual GHG Emissions (MTCO _{2e})
Trenching	2
Total Construction Emissions from Approved EIR	694
Total Construction Emissions	696
Total Emissions Amortized Over 30 Years	23

⁴ SCAQMD 2010. Minutes of the GHG CEQA Significance Threshold Stakeholder Working Group #15. Referenced on 9/21/2020 at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf)

Table 4. Approved EIR Project Total GHG Emissions with additional Trenching

Activity	Annual GHG Emissions (MTCO ₂ e)
Project Operational Emissions	
Area	12
Energy	169
Mobile	572
Waste	27
Water	20
Total Project Gross Operation Emissions	800
Project Construction Emissions	23
Total Emissions	823
Significance Threshold	3,000
Threshold Exceeded?	No

Figure 1: Project Site



CalEEMod Output Sheets

Yorba Villas Residential Detailed Report

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1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Yorba Villas Residential
Construction Start Date	1/1/2024
Lead Agency	—
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	2.60
Precipitation (days)	9.20
Location	34.041646563075815, -117.70415388283972
County	San Bernardino-South Coast
City	Unincorporated
Air District	South Coast AQMD
Air Basin	South Coast
TAZ	5213
EDFZ	10
Electric Utility	Southern California Edison
Gas Utility	Southern California Gas
App Version	2022.1.1.13

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Other Asphalt Surfaces	4.30	Acre	4.30	0.00	0.00	—	—	—

City Park	0.51	Acre	0.51	0.00	22,215	22,215	—	—
Single Family Housing	45.0	Dwelling Unit	8.81	87,750	527,079	—	149	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

No measures selected

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	ROG	NOx	CO	SO2	PM10T	PM2.5T	CO2e
Daily, Winter (Max)	—	—	—	—	—	—	—
Unmit.	1.17	9.09	13.0	0.02	0.79	0.43	2,101
Average Daily (Max)	—	—	—	—	—	—	—
Unmit.	0.03	0.25	0.36	< 0.005	0.02	0.01	57.8
Annual (Max)	—	—	—	—	—	—	—
Unmit.	0.01	0.05	0.07	< 0.005	< 0.005	< 0.005	9.56
Exceeds (Daily Max)	—	—	—	—	—	—	—
Threshold	75.0	100	550	150	150	55.0	—
Unmit.	No	No	No	No	No	No	—
Exceeds (Average Daily)	—	—	—	—	—	—	—
Threshold	75.0	100	550	150	150	55.0	—
Unmit.	No	No	No	No	No	No	—
Exceeds (Annual)	—	—	—	—	—	—	—
Threshold	—	—	—	—	—	—	3,000
Unmit.	—	—	—	—	—	—	No

2.2. Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	ROG	NOx	CO	SO2	PM10T	PM2.5T	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—
Daily - Winter (Max)	—	—	—	—	—	—	—
2023	1.17	9.09	13.0	0.02	0.79	0.43	2,101
Average Daily	—	—	—	—	—	—	—
2023	0.03	0.25	0.36	< 0.005	0.02	0.01	57.8
Annual	—	—	—	—	—	—	—
2023	0.01	0.05	0.07	< 0.005	< 0.005	< 0.005	9.56

3. Construction Emissions Details

3.1. Trenching (2023) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	CO	SO2	PM10T	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Off-Road Equipment	1.01	8.89	10.8	0.02	0.36	0.33	1,658
Dust From Material Movement	—	—	—	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—
Off-Road Equipment	0.03	0.24	0.29	< 0.005	0.01	0.01	45.4
Dust From Material Movement	—	—	—	—	0.00	0.00	—

Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.04	0.05	< 0.005	< 0.005	< 0.005	7.52
Dust From Material Movement	—	—	—	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Worker	0.17	0.20	2.26	0.00	0.42	0.10	443
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—
Worker	< 0.005	0.01	0.07	0.00	0.01	< 0.005	12.3
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.01	0.00	< 0.005	< 0.005	2.04
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4. Operations Emissions Details

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	ROG	NOx	CO	SO2	PM10T	PM2.5T	CO2e
------------	-----	-----	----	-----	-------	--------	------

Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	CO	SO2	PM10T	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	ROG	NOx	CO	SO2	PM10T	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—

—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Utilities	Trenching	12/4/2023	12/15/2023	5.00	10.0	—

5.2. Off-Road Equipment

5.2.1. Unmitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Utilities	Dumpers/Tenders	Diesel	Average	2.00	8.00	16.0	0.38
Utilities	Excavators	Diesel	Average	4.00	8.00	36.0	0.38
Utilities	Plate Compactors	Diesel	Average	4.00	8.00	8.00	0.43
Utilities	Skid Steer Loaders	Diesel	Average	1.00	8.00	71.0	0.37
Utilities	Tractors/Loaders/Backhoes	Diesel	Average	2.00	8.00	84.0	0.37

5.3. Construction Vehicles

5.3.1. Unmitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Utilities	—	—	—	—
Utilities	Worker	32.5	18.5	LDA,LDT1,LDT2
Utilities	Vendor	—	10.2	HHDT,MHDT
Utilities	Hauling	0.00	20.0	HHDT
Utilities	Onsite truck	—	—	HHDT

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

Non-applicable. No control strategies activated by user.

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
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5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (Cubic Yards)	Material Exported (Cubic Yards)	Acres Graded (acres)	Material Demolished (sq. ft.)	Acres Paved (acres)
Utilities	0.00	0.00	0.42	0.00	—

5.6.2. Construction Earthmoving Control Strategies

Control Strategies Applied	Frequency (per day)	PM10 Reduction	PM2.5 Reduction
Water Exposed Area	3	74%	74%

5.7. Construction Paving

Land Use	Area Paved (acres)	% Asphalt
Other Asphalt Surfaces	4.30	100%
City Park	0.00	0%
Single Family Housing	0.50	0%

5.8. Construction Electricity Consumption and Emissions Factors

kWh per Year and Emission Factor (lb/MWh)

Year	kWh per Year	CO2	CH4	N2O
2023	0.00	532	0.03	< 0.005

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres
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5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres
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5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)
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6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	19.0	annual days of extreme heat
Extreme Precipitation	5.10	annual days with precipitation above 20 mm
Sea Level Rise	0.00	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about $\frac{3}{4}$ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider different increments of sea level rise coupled with extreme storm events. Users may select from four model simulations to view the range in potential inundation depth for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 50 meters (m) by 50 m, or about 164 feet (ft) by 164 ft.

Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	2	0	0	N/A
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.

The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	2	1	1	3
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	1	1	1	2
Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A

Air Quality Degradation	1	1	1	2
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The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.

The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	76.9
AQ-PM	93.2
AQ-DPM	17.5
Drinking Water	96.4
Lead Risk Housing	56.8
Pesticides	58.1
Toxic Releases	61.6
Traffic	6.28
Effect Indicators	—
CleanUp Sites	46.1
Groundwater	22.1
Haz Waste Facilities/Generators	40.9
Impaired Water Bodies	12.5
Solid Waste	65.0

Sensitive Population	—
Asthma	41.7
Cardio-vascular	69.0
Low Birth Weights	37.2
Socioeconomic Factor Indicators	—
Education	69.2
Housing	39.2
Linguistic	60.6
Poverty	58.9
Unemployment	30.9

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	49.96791993
Employed	62.92826896
Median HI	60.82381625
Education	—
Bachelor's or higher	43.64172976
High school enrollment	100
Preschool enrollment	56.08879764
Transportation	—
Auto Access	49.51879892
Active commuting	3.37482356
Social	—
2-parent households	27.61452586

Voting	55.43436417
Neighborhood	—
Alcohol availability	57.3206724
Park access	14.83382523
Retail density	20.1334531
Supermarket access	18.27280893
Tree canopy	20.67239831
Housing	—
Homeownership	81.7400231
Housing habitability	65.26369819
Low-inc homeowner severe housing cost burden	62.59463621
Low-inc renter severe housing cost burden	33.82522777
Uncrowded housing	54.63877839
Health Outcomes	—
Insured adults	69.70358014
Arthritis	20.9
Asthma ER Admissions	53.9
High Blood Pressure	33.3
Cancer (excluding skin)	27.6
Asthma	55.1
Coronary Heart Disease	28.5
Chronic Obstructive Pulmonary Disease	42.5
Diagnosed Diabetes	39.3
Life Expectancy at Birth	38.8
Cognitively Disabled	44.8
Physically Disabled	18.7
Heart Attack ER Admissions	22.9

Mental Health Not Good	57.3
Chronic Kidney Disease	35.4
Obesity	48.4
Pedestrian Injuries	70.7
Physical Health Not Good	47.6
Stroke	39.4
Health Risk Behaviors	—
Binge Drinking	50.7
Current Smoker	63.1
No Leisure Time for Physical Activity	55.3
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	0.0
Children	51.6
Elderly	48.0
English Speaking	74.3
Foreign-born	33.9
Outdoor Workers	27.5
Climate Change Adaptive Capacity	—
Impervious Surface Cover	78.6
Traffic Density	14.6
Traffic Access	23.0
Other Indices	—
Hardship	40.6
Other Decision Support	—
2016 Voting	66.8

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	64.0
Healthy Places Index Score for Project Location (b)	48.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	Yes
Project Located in a Low-Income Community (Assembly Bill 1550)	No
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Land Use	Used Lot Acreage from architectural plan set.
Construction: Construction Phases	Only Utilities (Trenching) is analyzed.
Construction: Off-Road Equipment	Added typical equipment used for trenching.
Construction: Dust From Material Movement	Trenching consists of an 8 diameter sewer line requiring a trench that is 2.5 feet wide (based on Standard Specification Section 02223 Trenching, Backfilling, and Compacting), 10 feet deep and 721.24 feet long (based on Sewer Improvement Plan).

**ENVIRONMENTAL DOCUMENTS RELATED TO THE
COUNTY OF SAN BERNARDINO'S APPROVAL OF THE
YORBA VILLAS RESIDENTIAL PROJECT
(SCH# 2021060049)**

❖ [Notice of Determination](#)

❖ [Final Environmental Impact Report](#)

- [Revised Appendix G – Revised Preliminary Hydrology Study](#)
- [Revised Appendix H – Revised Preliminary WQMP](#)

❖ [Draft Environmental Impact Report](#)

- [Appendix A – NOP and NOP Comments](#)
- [Appendix B – Biological Resources Assessment](#)
- [Appendix C – Tree Preservation Report](#)
- [Appendix D – Cultural Report](#)
- [Appendix E – Phase I and Phase II Environmental Site Assessment](#)
- [Appendix F – Geotechnical Investigation](#)
- [Appendix G – Preliminary Hydrology Study](#)
- [Appendix H – Preliminary WQMP](#)
- [Appendix I – Noise report](#)
- [Appendix J – MVWD Will-Serve Letter](#)
- [Appendix K – Traffic VMT Memo](#)
- [Appendix L – CalEEMod Runs](#)

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO SC#514

HEARING DATE: SEPTEMBER 20, 2023

RESOLUTION NO. 3384

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#514 – CITY OF CHINO PRE-ANNEXATION AND DEVELOPMENT AGREEMENT FOR SEWER SERVICE (YORBA VILLAS, LLC; ASSESSOR PARCEL NUMBERS 1013-211-21 & 1013-211-22)

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

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

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

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

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

WHEREAS, the public hearing by this Commission was called for September 20, 2023 at the time and place specified in the notice of public hearing; and,

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

RESOLUTION NO. 3384

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 1013-211-21 and 1013-211-22, 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.

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

The application requests authorization to receive City of Chino's sewer service for a proposed 45 single-family residential subdivision—the Yorba Villas Residential Project (Tentative Tract Map 20394). The Conditions of Approval placed upon this project includes the requirement to connect to sewer service. Therefore, approval of the City of Chino's request for authorization to provide sewer service is necessary to satisfy said conditions of approval for the project.

2. The City of Chino's Pre-Annexation and Development Agreement being considered is for the provision of sewer service to the project area, Assessor Parcel Numbers 1013-211-21 and 1013-211-22. This contract will remain in force in perpetuity or until such time as the area will be annexed. Approval of this application will allow the property owner/developer and the City of Chino to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Chino for the extension of sewer service are identified as totaling \$395,623.20. As noted, the total fee does not include other fees such as the City's inspection and plan check fees. This also does not include other costs such as County permit fees, mobilization, road repair, etc. The property owner/developer shall bear all costs to complete improvements needed to extend the sewer service to the project estimated at \$201,855. In addition, the property owner will also be responsible for the entire cost for the construction and installation of the sewer mains and lateral extensions within the tract.
4. A Complete Final Environmental Impact Report (EIR) was prepared and certified by the County for the Yorba Villas Residential Project (SCH# 2021060049) that includes a County Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR), Zoning Amendment from Single Residential 1-Acre Minimum (RS-1) to Single Residential (RS), Planned Development Permit to Allow for Reduced Setbacks from County Development Code Standards, and Tentative Tract Map (TTM #20394) to Subdivide the Project Site into a 45-Unit Residential Housing Tract and two Lettered Lots on Approximately 13.35 Acres. The City of Chino prepared an addendum to the County's Complete Final EIR, Addendum #1, for its review and

RESOLUTION NO. 3384

approval of the Pre-Annexation and Development Agreement by and between the City of Chino and Yorba Villas, LLC. The Commission, its staff, and its Environmental Consultant have independently reviewed the City's Addendum #1 as well as the County's Complete Final EIR for the Yorba Villas Residential Project.

The Commission certifies that it has considered the City's Addendum #1 and the County's Complete Final EIR and the environmental effects as outlined in the documents prior to reaching a decision on the service contract and finds the information substantiating the environmental determinations are adequate for its use in approving LAFCO SC#514 as a CEQA Responsible Agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for this project as all changes, alterations and mitigation measures are within the responsibility and jurisdiction of the County and/or others and are self-mitigating through implementation of the Conditions of Approval.

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

SECTION 2. CONDITION. The City of 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 1013-211-21 and 1013-211-22.

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

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: SEPTEMBER 13, 2023 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #11: Overview of Out-of-Agency Service Contracts
(Government Code Sections 56133 and 56133.5, and Commission's
Policies and Procedures)

RECOMMENDATION:

Staff recommends that the Commission:

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

BACKGROUND:

Staff is presenting the Commission with an overview on out-of-agency service contracts/agreements. In 1994, the Commission was charged with the responsibility of reviewing and approving (or denying) an agency requesting to extend service or services outside its boundaries by contract. This "out-of-agency" service contract/agreement goes by several different names throughout the state, e.g., out-of-agency service agreement, extra-territorial service agreement, irrevocable annexation agreement, pre-annexation agreement etc. Nonetheless, the request is from a city or district for LAFCO to authorize the provision of service outside an agency's jurisdiction or boundary by contract.

Since this LAFCO receives many requests for Commission authorization for such service contracts - four requests on this month's agenda alone— and with several new members on the Commission, staff felt a primer on out-of-agency service contracts is warranted to provide new Commissioners and seasoned Commissioners alike with some background information on the provisions outlined in state law related to out-of-agency service contracts as well as an outline of its policies and procedures related to said out-of-agency service contracts.

DISCUSSION:

State law charges LAFCO with the responsibility for reviewing and authorizing a city or district contract to extend service outside its jurisdiction under the provisions of Government Code Sections 56133 and 56133.5 (see Attachment #1 for text of Sections 56133 and 56133.5).

Section 56134 also relates to service outside an agency's boundary/jurisdiction but specific to fire protection contracts that either transfers more than 25 percent of the service area of an affected public agency or changes the employment status of more than 25 percent of the employees of an affected public agency. This staff report does not discuss fire protection service contracts, which has its own section of the Government Code and its own chapter in the Commission's Policy and Procedure Manual, Ch. 5 of Section IV.

Government Code Sections Related to Out-of-Agency Service Contracts

- **Section 56133**

In general, Government Code Section 56133 states that an agency—a city or district—must first obtain approval from LAFCO before providing new or extended services by contract outside of its jurisdictional boundaries (Subsection (a)). The provision of such service can only be provided within an agency's sphere of influence in anticipation of a later change of organization (Subsection (b)), unless the service is to respond to a threat to the health or safety of the public wherein certain conditions are met, then the service can be provided outside an agency's boundary and outside the agency's sphere of influence (Subsection (c)).

Subsection (d) provides an outline of the review and approval process, as defined in state law, and subsection (e) sets out the "exemption provisions" describing service contracts that are not subject to LAFCO review and authorization. However, note that this Commission is the determiner of fact as whether a contract or agreement is exempt or not. (see discussion below regarding Policy #5)

- **Section 56133.5 (Pilot Program)**

Government Code Section 56133.5 establishes a pilot program for Napa and San Bernardino LAFCOs to authorize an agency—a city or district—to extend services outside of its sphere of influence for additional purposes beyond responding to threat to public health or safety, based upon specific criteria. This process requires that the Commission make the following determinations regarding the area to be served outside an agency's boundary and outside the agency's sphere of influence:

- 1) That the service extension was identified and evaluated in a service review;
- 2) That the service extension will not have an adverse impact on open space/agricultural lands;
- 3) That the service extension is not growth inducing; and,

- 4) That inclusion of the area to be served into the agency's sphere of influence is not feasible or desirable based on adopted commission policies.

Commission's Policies and Procedures

The Commission has adopted policies and procedures regarding out-of-agency service contracts (see Attachment #2).

Policies:

Below are the main aspects of the Commission's policies:

- Policy #1 (Definitions)

The Commission's policy includes a definition of terms to assist in the implementation of Government Code Section 56133. Of particular interest among the different terms defined by the Commission is the definition for "Anticipation of a later change of organization," which is a requirement when providing service outside an agency's jurisdiction within its sphere of influence. The Commission has defined this to mean that the inclusion of an area to be served within the sphere of influence of the serving agency is sufficient to comply with this requirement.

- Policy #2 - Executive Officer Authority

The Commission realized that there will be occasions where an immediate health or safety concern arises in a way that requires a quick response not only from the serving agency (i.e., failed septic system, etc.) but also LAFCO's ability to authorize such service in a timely manner. Therefore, the Commission adopted a policy to respond to these situations by delegating authority to the Executive Officer to administratively approve with or without conditions, or deny requests for authorization to provide service outside an agency's boundary but within said agency's sphere of influence to address health or safety concerns or when the services are non-development related (e.g. existing residence wishing to connect to sewer)

At the August 2023 meeting, the Commission amended this policy and authorized the Executive Officer to also authorize service(s), specifically water and/or sewer service, as it relates to new (or existing) Accessory Dwelling Units (ADUs), for as long as the ADU is on a lot where an existing single-family or multifamily residence already exists.

- Policy #3 – Pilot Program

This policy was added in 2016 to specifically address the pilot program under Government Code Section 56133.5. This pilot program is set to expire on January 1, 2026, unless extended by the legislature.

- Policy #4 – Acquisition of a Private or Mutual Water Company

This policy, which came about right when the Commission formulated its policies related to out-of-agency service contracts, relates to the acquisition of a private water system by a public jurisdiction. It was noted that when the City of Big Bear Lake acquired the entire Southern California Water Company's system in the mountain region, the City has to continue the service and allow for additional connections throughout the entire system's service area without regard to the question of spheres of influence since that system includes other areas outside of the City and outside its sphere of influence, including areas within the communities of Fawnskin, Sugarloaf, Moonridge, Erwin Lake and Lake Williams.

The Commission's Pilot Program has now been able to address this very issue.

- Policy #5 – Determiner of Fact

This policy relates to the exemptions outlined in Subsection (e), where the Commission makes the determination that the service to be provided is exempt from LAFCO review. The Commission's policy regarding exemptions delegates the authority to make the determination for exemption to the Executive Officer in cases where the service extension proposed does not facilitate development.

Procedures:

The Commission has adopted application procedures, which provide potential applicants who requests authorization to provide service outside an agency's boundary with the filing requirements in order to have an understanding of what is needed in order to file a complete application.

In addition to the review procedures outlined in state law, the Commission has also adopted its own additional review procedures, which outline the process for how an application under Section 56133 or Section 56133.5 will be reviewed. Once an application is received, staff makes a determination whether the application requires an Executive Officer administrative review or whether the application requires Commission review and consideration.

- Executive Officer Administrative Review

When a determination is made that the application can be reviewed administratively, the Executive Officer decides to either approve, approve with conditions, or deny the request. The Executive Officer places a memo to the file with a short summary of the request and the environmental determination for the out-of-agency service contract. The Executive Officer then issues a letter to a requesting agency as to the determination regarding its authorization request. The Executive Officer files said environmental determination, typically an exemption, with the County Clerk.

- Commission Review

When a determination is made that the application requires Commission review and consideration, LAFCO staff sends out copies of the application to select County departments/divisions for their review and comment (i.e., Land Use Services Department, Environmental Health Services Division, Registrar of Voters, etc.).

Completion of the CEQA review process is required prior to placing the item on an agenda.

Per Commission policy, out-of-agency service contracts/agreements that require Commission review will require notification similar to the notification requirements for changes of organization/reorganizations, which includes publication in a newspaper of general circulation. In addition, individual notification is also provided to landowners and registered voters surrounding the affected area either within 700 feet (if the contract area is less than 20 acres) or within 1,350 feet (if the contract area is more than 20 acres). *Note: State law only requires surrounding notification within 300 feet for changes of organization/reorganization. In addition, Commission policy and state law allows for a waiver of individual notification when it exceeds 1,000 notices. In those instances, an 1/8th page legal ad is published in a newspaper of general circulation.*

At the LAFCO meeting, the Commission will consider the staff report prepared for the request for authorization, including staff's presentation and other presentations, if any, by interested and affected parties. The Commission then makes a determination to approve, with or without conditions, or deny the authorization request by issuing a resolution outlining its determination.

CONCLUSION:

Staff is simply providing the Commission with an overview of the specific provisions outlined in state law related to out-of-agency service contracts as well as provide an outline of the Commission's adopted policies and procedures related to said out-of-agency service contracts.

If the Commission wishes to provide direction regarding any of its policies and procedures related to out-of-agency service contracts, staff will take said direction and come back at a later date for future consideration.

Attachments:

1. [Government Code Section 56133 and Section 56133.5](#)
2. [Policy and Procedure Manual, Section IV, Chapter 2 \(Out-of-Agency Service Contracts\)](#)

State of California

GOVERNMENT CODE

Section 56133

56133. (a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission of the county in which the affected territory is located.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

(1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of requests made pursuant to this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to any of the following:

(1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

(2) The transfer of nonpotable or nontreated water.

(3) The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

(4) An extended service that a city or district was providing on or before January 1, 2001.

(5) A local publicly owned electric utility, as defined by Section 224.3 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.

(6) A fire protection contract, as defined in subdivision (a) of Section 56134.

(Amended by Stats. 2022, Ch. 37, Sec. 3. (AB 2957) Effective January 1, 2023.)

State of California

GOVERNMENT CODE

Section 56133.5

56133.5. (a) A pilot program is hereby established for the Napa and San Bernardino commissions. If consistent with adopted policy, the Napa and San Bernardino commissions may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, subject to approval at a noticed public hearing in which the commission makes all of the following determinations:

(1) The extension of service or services deficiency was identified and evaluated in a review of municipal services prepared pursuant to Section 56430.

(2) The commission determines both of the following:

(A) The extension of service will not result in adverse impacts on open space or agricultural lands.

(B) The extension of service will not result in growth-inducing impacts.

(3) A sphere of influence change involving the affected territory and its affected agency is not feasible under this division or desirable based on the adopted policies of the commission.

(b) Subdivision (d) of Section 56133 shall apply to any request for new or extended services pursuant to this section.

(c) For purposes of this section, “planned use” means any project that is included in an approved specific plan as of July 1, 2015.

(d) The Napa and San Bernardino commissions shall submit a report before January 1, 2025, to the Legislature on their participation in the pilot program, including how many requests for extension of services were received on or after the effective date of this section, and the action by the commission to approve, disapprove, or approve with conditions. The Napa commission shall also include in the report on the pilot program information on its decision to approve, deny, or approve with conditions any authorization for the City of St. Helena to provide new or extended services outside its jurisdictional boundary and sphere of influence, as described in Section 56133.6. The report required to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(e) The pilot program established pursuant to this section shall be consistent with Chapter 8.5 (commencing with Section 1501) of Part 1 of Division 1 of the Public Utilities Code.

(f) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

(Added by Stats. 2021, Ch. 482, Sec. 1. (SB 13) Effective October 4, 2021. Repealed as of January 1, 2026, by its own provisions.)

CHAPTER 2: OUT OF AGENCY SERVICE CONTRACTS

BACKGROUND:

Beginning January 1, 1994 the Local Agency Formation Commission was charged with the responsibility for reviewing and taking action on a city or district contract to extend service outside its jurisdiction under the provisions of Government Code Section 56133. These are unique actions not directly related to the processing of other types of proposals as defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act and these policies and procedures will provide guidance on their processing.

POLICIES:

(Adopted May 18, 1994; Amended December 20, 2000; March 16, 2016; August 16, 2023.)

1. DEFINITIONS

The definition of terms that follow has been developed to assist in the implementation of Government Code Section 56133 since its terminology, in some areas, is not reflective of current statutory definitions or has no statutory definition within Cortese-Knox-Hertzberg:

- A. "New or extended services" shall mean for cities, the provision of those services authorized a city under its enabling legislation; and for special districts, service shall remain as defined in Government Code Section 56074. It is important to note that a district would be precluded from providing a "new service" unless it has been first authorized that service under existing special district regulations regarding activation of latent functions or services.
- B. "Contract or agreement" shall mean a contract, agreement, or other legal instrument, which requires or agrees to the delivery of service to a property or a defined service area.
- C. "Written approval of the Commission" shall mean the adoption of a resolution of the Commission approving the service agreement/contract at a noticed public hearing or the document signed by the Executive Officer authorizing the completion of the contract in cases where the Executive Officer has been authorized to approve the service agreement/contract (see Policy 2 below).
- D. "Affected County" shall be defined in the same manner as Government Code Section 56012 but relating to the area to which contractual service will be delivered.

- E. "Anticipation of a later change of organization." The inclusion of an area to be served within the sphere of influence of the serving agency shall be sufficient to comply with this provision.
 - F. "Public Agency" shall be defined in compliance with Government Code Section 56070. The definition of public agency does not include a private or mutual water company. Any contract by a city or district to extend service to these types of service companies would require approval from the Commission prior to contract execution.
 - G. "Health and safety concern" shall mean the extension of service to alleviate an immediate health and/or safety problem. Such connections would be limited to the provision of water and/or sewer service to an existing structure, the connection to a failing mutual or private water system requiring auxiliary service, and other similar threats related to health and safety.
- 2. EXECUTIVE OFFICER AUTHORITY.** The Commission has determined that the Executive Officer shall have the authority to approve, or conditionally approve, applications to extend services outside jurisdictional boundaries in cases where the service extension is proposed to remedy a health and safety concern. In addition, the Executive Officer shall have the authority to approve or conditionally approve service extensions where the services in question will not facilitate development or the service is to provide water and/or sewer service to accessory dwelling units or junior accessory dwelling units being created on lots where a single-family or a multifamily dwelling unit already exists. In cases where the Executive Officer recommends denial of a proposed service extension, that application shall be placed on the next agenda for which notice can be provided. After the public hearing, the Commission may approve, conditionally approve, or deny the contract.
- 3. GOVERNMENT CODE SECTION 56133.5.** An application by a city or district to provide new or extended services under the provisions of Government Code Section 56133.5, will require Commission approval at a noticed public hearing prior to the signing of an agreement/contract for the provision of the service.
- 4.** In the case where a city or district authorized to provide water service has acquired the system of a private or mutual water company prior to the enactment of this legislation, those agencies shall be authorized to continue such service and provide additional connections within the service area of the private or mutual water company defined by the Public Utilities Commission or other appropriate agency, at the time of acquisition without LAFCO review or approval as outlined in Government Code Section 56133. The continuation of service connections under this policy shall not be constrained by the sphere of influence of that local agency provided that the area to be served s within the service area

of the private or mutual water company previously defined by the PUC or other appropriate agency.

Applications to extend service outside this previously defined area and outside the sphere of influence of the agency providing service would come under the provisions of Government Code Section 56133.5, which will require Commission approval at a noticed public hearing prior to the signing of an agreement/contract for the provision of the service.

5. For a request for exemption pursuant to Government Code Section 56133(e), the Commission shall make the determination that the service(s) to be provided is/are exempt from LAFCO review. The Commission has, in cases where the service extension proposed does not facilitate development or directly affect employees, delegated the authority to make the determination for exemption pursuant to Government Code Section 56133(e) to the Executive Officer.

APPLICATION PROCEDURES FOR GOVERNMENT CODE SECTIONS 56133 and 56133.5:

Unlike the normal initiation process for proposals for jurisdictional change, Government Code Section 56133 provides that only a city or district may request LAFCO review of an out-of-agency service agreement/contract.

Government Code Section 56133 gives LAFCO the authority to review and approve, approve with conditions, or deny an out-of-agency service agreement/contract. For all development-related applications for service, the item will be considered by the Commission at a noticed public hearing. The authority for action for a non-development-related agreement/contract has been delegated to the LAFCO Executive Officer by the Commission, pursuant to policies adopted on December 20, 2000.

In addition, the pilot program for Napa and San Bernardino LAFCOs pursuant to Government Code Section 56133.5, which authorizes a city or district to extend services outside an agency's boundaries and outside its sphere of influence, will also be subject to Commission approval at a noticed public hearing.

1. Application for Review:

The filing requirements for review of an out-of-agency service contract/agreement shall consist of:

- A. Official Request from Applying Agency. A written request signed by the City Manager/District General Manager requesting approval for an out-of-agency service agreement/contract or an adopted resolution from the city/district proposing to serve outside its boundaries must be submitted.

- B. Payment of Appropriate Filing Fees. The applying agency must submit as part of the application the appropriate filing fees as outlined in the LAFCO Schedule of Fees, Deposits, and Charges in effect at the time of application. In addition, these types of applications are also subject to the following deposits: legal counsel, environmental review, and individual notice. Applicants shall be required to reimburse the Commission for all charges and costs in excess of the deposits outlined above or will be refunded the balance at the close of the application.
- C. A completed application form including the submission of a copy of the proposed agreement/contract that has been signed by the property owner(s) and, if necessary, the agency providing service(s), and maps showing the location of the property to be served, existing agency boundaries, the location of the existing infrastructure, and the proposed location of the infrastructure to be extended.
- D. Any other information deemed appropriate by the Executive Officer in order to review the service extension request based upon its special circumstances.

2. Environmental Review Requirements:

The review of an out-of-agency service agreement/contract is subject to environmental review procedures as outlined in Section V of this Manual.

REVIEW PROCEDURES FOR GOVERNMENT CODE SECTIONS 56133 and 56133.5:

1. Commission Review Procedures:

A development-related agreement/contract associated with the development of a tract, a subdivision, a single-family or multi-family dwelling unit including accessory dwelling units or junior accessory dwelling units being created in conjunction with a new single-family dwelling or a new multifamily dwelling on the lot, a commercial/industrial development and other types of development-related projects or an application to provide new or extended services outside an agency's boundaries and outside its sphere of influence will require the following review:

- A. The city or district proposing to provide service(s) outside its boundaries shall submit to LAFCO a completed application, with all its component parts as previously defined, for review and consideration. Within 30 days, the LAFCO Executive Officer shall notify the entity whether or not the application filing is complete. If incomplete, the applying agency will be notified of the specific insufficiencies within 30 days, as required by law.

- B. The LAFCO staff shall forward a copy of the application to various County departments for their review and comment.
- C. Completion of the CEQA review process will be required prior to placement on the Commission's agenda.
- D. If necessary, a meeting with the applying agency and/or the various County departments may be held dependent upon the circumstances and/or issues related to the service agreement/contract. The determination of whether or not to hold the meeting shall be made by the LAFCO Executive Officer.
- E. Once these required elements have been completed, the item will be placed on a Commission Agenda. Surrounding property owners/registered voters will be notified of the proposed service extension request through individual notification. At a noticed public hearing, the Commission will consider the staff's presentation and presentations, if any, by interested and affected parties, and make a determination.
- F. The Commission has the authority to approve, approve with conditions, or deny the request for authorization of an out-of-agency service agreement/contract. The Commission's determination and any required findings will be set out in a resolution which specifies the property or area to be served, the services to be provided, and the authority of the agency to provide its services outside its boundaries.

2. LAFCO Executive Officer Administrative Review Procedures:


A non-development related agreement/contract_ to provide service(s) to an existing dwelling unit or to accessory dwelling units or junior accessory dwelling units being created on lots where a single-family or multifamily dwelling unit already exists, an agreement/contract between public agencies for fire protection mutual or automatic aid, or an agreement/contract where the services will not facilitate development, will be processed as follows:

- A. Prior to the execution of an agreement/contract for service outside their boundaries, the city/district proposing to provide the service shall submit to LAFCO a completed application, with all its component parts as previously defined, for review and consideration.
- B. Completion of the CEQA review process will be required prior to action by the Executive Officer.

- C. The Executive Officer’s administrative review will include the following determinations:
- (1) The proposed service extension is either nondevelopment-related, to accessory dwelling units or junior accessory dwelling units being created on lots where a single-family or multifamily dwelling unit already exists, and/or involves health and safety concerns as defined by Commission policy.
 - (2) The area to be served is within the sphere of influence of the agency requesting to provide service outside its boundaries.
 - (3) The environmental analysis/assessment, as required by CEQA, has been completed.
- D. The Executive officer can approve, approve with conditions, or deny the request for service extension. If the Executive Officer’s recommendation is denial, that determination will be placed on the next available Commission agenda for which notice can be provided for discussion of the determination.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: SEPTEMBER 13, 2023
FROM: SAMUEL MARTINEZ, Executive Officer 
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #13: EXECUTIVE OFFICER'S REPORT

REMINDER – MEETING SCHEDULE:

Please note the meeting schedule for the remainder of the calendar year:

- October 18 – No LAFCO meeting, CALAFCO Conference
- November 15
- December 20 – No LAFCO meeting

STAFF SITE VISIT AND TRAINING:

Staff is processing the service review of the Barstow Cemetery District. Staff conducted a site visit to the district/cemetery and interviewed the Interim General Manager and two board members. Additionally, staff interviewed representatives from the First and Third Supervisorial Districts.

Staff attended the CA Department of Conservation's training session on Williamson Acts.