

AGENDA

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

**NORTON REGIONAL EVENT CENTER
1601 E. 3rd STREET, SAN BERNARDINO, CA**

REGULAR MEETING OF JULY 16, 2025

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

1. Swear in Regular County Member Supervisor Curt Hagman

ANNOUNCEMENT:

The Political Reform Act requires the disclosure of campaign contributions made to any member of the Commission. Any applicant seeking a change of organization/reorganization or approval of a contract/agreement, any financially interested person who actively supports or opposes any such item, or any agent representing an applicant or interested party on any such item, who has made a contribution of more than \$500 in the past 12 months to any member of the Commission must state for the record the amount and the name of the Commissioner to whom the contribution was made and the item to which they are involved. If you are affected, please contact LAFCO staff prior to consideration of the item.

2. 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.

3. [Approval of Minutes for Regular Meeting of May 21, 2025](#)
4. [Approval of Executive Officer's Expense Report](#)
5. [Ratify Payments as Reconciled and Note Cash Receipts for the Months of April and May 2025](#)
6. [Approval of Records Destruction Pursuant to Commission Records Retention Policy](#)
7. [Review and Update the Catalog Enterprise Systems per Government Code Section 6270.5](#)
8. Consent Items Deferred for Discussion

PUBLIC HEARING ITEMS:

9. Consideration of: 1) Review of Mitigated Negative Declaration Prepared by the County of San Bernardino for a Tentative Tract Map (No. 20348) to Subdivide Two Lots into a 31 Lot Townhome Development and a Minor Use Permit for the Development of 31 Condominiums (Multi-Family Development) on a total of Approximately 2.42 Acres as a Responsible Agency for LAFCO SC#538; and 2) LAFCO SC#538 – City of Montclair Irrevocable Agreement to Annex No. 24-43-I-111 for Sewer Service (Assessor Parcel Numbers 1011-351-04 and 1011-351-05)
10. Consideration of: 1) CEQA Exemption for LAFCO SC#540; and 2) LAFCO SC#540 – City of Colton Extra-Territorial Sewer Service Agreement (Assessor Parcel Number 0274-131-50)
11. Consideration of LAFCO 3276 and LAFCO 3277 identified as follows:
 - A. Consideration of: 1) Review of Mitigated Negative Declaration Prepared by the County of San Bernardino for a Minor Use Permit to establish a personal self-storage facility (mini storage) to include (155) 8'x20' and (8) 8'x10' standard height shipping containers totaling 25,440 square feet of structures on approximately 9.46 acres as a Responsible Agency for LAFCO 3276 and LAFCO 3277
 - B. LAFCO 3276 – Sphere of Influence Amendment (Expansion) for the Hi-Desert Water District
 - C. LAFCO 3277 – Annexation to the Hi-Desert Water District (Assessor Parcel Number 0585-273-04)

DISCUSSION ITEMS:

12. Unaudited Year-End Financial Report for Fiscal Year 2024/25 to include Transfer from Services and Supplies to Salaries and Benefits
13. Candidate Election for Board of Directors to the Special District Risk Management Authority
14. Legislative Update Report

INFORMATION ITEMS:

15. Executive Officer's Report
16. 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 1601 E. 3rd Street, Suite 102, 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 or with limited English proficiency may contact the LAFCO office at (909) 388-0480 at least 72-hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related or language interpretation accommodations, including auxiliary aids or services, to participate in the public meeting. Later requests will be accommodated to the extent feasible.

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

REGULAR MEETING

9:00 A.M.

May 21, 2025

PRESENT:

COMMISSIONERS:

Regular Member

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

Alternate Member

Jesse Armendarez
Rick Denison
Jim Harvey
Kevin Kenley

STAFF:

Samuel Martinez, Executive Officer
Paula de Sousa, Legal Counsel
Michael Tuerpe, Assistant Executive Officer
Arturo Pastor, Analyst
Angela Schell, Commission Clerk
Gavin Centeno, Project Manager/Clerk to the Commission
Tom Dodson, Environmental Consultant

ABSENT:

COMMISSIONERS:

Regular Member

Curt Hagman

Alternate Member

None

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –
9:12 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

1. Swear in Regular (Supervisor Curt Hagman) and Alternate (Supervisor Jesse Armendarez) County Members and Presentation

Project Manager/Commission Clerk administers the Oath of Office for Commissioner Jesse Armendarez.

Chair Warren presents outgoing Commission Clerk Angela Schell with a resolution of appreciation for her more than twenty-six years of LAFCO service and congratulates her on her retirement.

2. Selection of Chair & Vice Chair

Commissioner Cox nominates Commissioner Farrell as Chair of the Commission. Second by Commissioner Bagley. The motion passes with the following roll call vote:

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

Noes: None.
Abstain: None.
Absent: Hagman (Armendarez voting in his stead).

Commissioner Cox nominates Commissioner Bagley as Vice Chair of the Commission. Second by Commissioner Farrell. The motion passes with the following roll call vote:

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

ANNOUNCEMENT OF CONTRIBUTIONS

3. Comments from the Public

There are none.

CONSENT ITEMS:

4. Approval of Minutes for Regular Meeting of April 16, 2025

5. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officer's Expense for Procurement Card Purchases from February 24, 2025 to March 24, 2025.

6. Ratify Payments as Reconciled for the Month of March 2025 and Note Revenue Receipts

Recommendation: Ratify payments as reconciled for the month of March 2025 and note revenue receipts for the same period.

7. Review and Approve Amendment No. 2 to the Agreement for Services with Rebecca Lowery

Recommendation: Staff recommends that the Commission approve Amendment No. 2 to the Agreement for Services between LAFCO and Rebecca Lowery and authorize the Executive Officer to sign.

8. Consent Items Deferred for Discussion

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

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

Noes: None.
Abstain: None.
Absent: Hagman (Armendarez voting in his stead).

PUBLIC HEARING ITEMS:

9. LAFCO 3273 - Annexation to the Twentynine Palms Water District (APN 0634-121-15)

Recommendation: Staff recommends that the Commission approve LAFCO 3273 by taking the following actions:

1. For environmental review, certify that LAFCO 3273 is exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3273, with the condition for the "hold harmless" clause for potential litigation costs, continuation of fees, charges, assessments, etc.;
3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the annexation; and,
4. Adopt LAFCO Resolution No. 3418, setting forth the Commission's determinations and conditions of approval concerning LAFCO 3273.

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

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

10. Review and Adoption of Amendments to LAFCO Policy and Procedure Manual Section III (Human Resources)

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. 3417 approving the amendments to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission's website.

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

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

Noes: None.

Abstain: None.

Absent: Hagman (Armendarez voting in his stead).

11. Review and Adoption of Schedule of Fees, Deposits, and Charges Effective July 1, 2025

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

1. For Environmental Review:

- a. Make the findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines as follows:
 - i. Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service; and,
 - ii. The rates and charges identified in the Schedule are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.
- b. Certify that the proposed revisions to the Schedule of Fees, Deposits, and Charges are statutorily exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.

2. Adopt the Schedule of Fees, Deposits, and Charges, as revised, to be effective July 1, 2025.

3. Adopt LAFCO Resolution No. 3416 reflecting the Commission's determinations related to the Schedule.

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

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

Noes: None.

Abstain: None.

Absent: Hagman (Armendarez voting in his stead).

12. Review and Adoption of Final Budget for Fiscal Year 2025/26 including the Apportionment for Independent Special Districts, Cities and County

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

1. Adopt the Fiscal Year 2025/26 Final Budget with the apportionment of net LAFCO costs based upon the Auditor's information attached to this report; and,
2. Direct the Executive Officer to submit to the County Auditor-Controller the adopted Final Budget and request the apportionment of the Commission's net costs to the

County, Cities/Towns, and Independent Special Districts pursuant to the provisions of Government Code Section 56381 as shown in the approved Final Budget.

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

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

DISCUSSION ITEMS:

13. Legislative Update Report

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

1. Receive and file the Legislative Report;
2. Indicate its Opposition to SB 777 (Richardson) related to abandoned endowment care cemeteries, and authorize the Chair to sign the opposition letter and direct staff to forward said letter to the appropriate recipients; and,
3. Provide direction to staff on legislation of interest or future actions, if any.

Commissioner Cox moves to approve staff recommendations with a modification to Item #2 to revise the Commission's position on SB 777 to "Oppose Unless Amended." Second by Commissioner Farrell. The motion passes with the following roll call vote:

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

INFORMATION ITEMS:

14. Executive Officer's Report

Executive Officer Samuel Martinez provides a summary of the staff report. He noted that San Bernardino LAFCO staff along with other Southern Region LAFCO staffs participated in a focus group meeting facilitated by Pamela Miller (former CALAFCO Executive Director) who was tasked with engaging staffs from the different regions to provide input concerning the CALAFCO structure, member dues, and value-added services, and related topics related to the Association. He ended his report by thanking Chair Warren for her leadership over the last two years.

15. Commissioner Comments

Chair Warren thanks the Commissioners for their support throughout her term as Chair. Commissioner Bagley also thanks Chair Warren for her leadership on CALAFCO as Board member.

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

ATTEST:

GAVIN CENTENO
Project Manager/Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

STEVEN FARRELL, Chair

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JULY 9, 2025 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #4 – APPROVAL OF EXECUTIVE OFFICER’S
EXPENSE REPORT**

RECOMMENDATION:

Approve the Executive Officer’s Expense Report for Procurement Card Purchases from April 23, 2025, to May 22, 2025 and May 23, 2025 to June 23, 2025.

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:

- April 23, 2025 to May 22, 2025
- May 23, 2025 to June 23, 2025

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

SM/GC

Attachment



PROCUREMENT CARD PROGRAM
MONTHLY PROCUREMENT CARD PURCHASE REPORT

ATTACHMENT G

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period 4/23/25 to 5/22/2025	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBE	*R/D	SALES TAX INCL
04/28/25	Amazon	1	Office Supplies	Two Computer Monitors	8900005012	52002305	\$292.72			
04/30/25	Aztek Tacos	2	Staff Workshop	CALAFCO Staff Workshop-Lunch	8900005012	52942943	\$62.21			
04/30/25	Temecula Creek Inn	3	Staff Workshop	CALAFCO Staff Workshop-Hotel	8900005012	52942942	\$231.68			
04/30/25	Temecula Creek Inn	4	Staff Workshop	CALAFCO Staff Workshop-Hotel	8900005012	52942942	\$231.68			
04/30/25	Temecula Creek Inn	5	Staff Workshop	CALAFCO Staff Workshop-Hotel	8900005012	52942942	\$231.68			
05/05/25	Thomson West	6	Law Library Updates	Law Library Updates	8900050912	52002080	\$345.18			
05/05/25	Dell	7	Office Supplies	Employee Lap Top	8900005012	52002305	\$1,851.02			
05/12/25	Zoom	8	Video Conference	Communication	8900005012	52002305	\$17.23			
05/13/25	Frontier	9	Phone Service	Communication	8900005012	52002041	\$757.37			

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 	07/07/25

Approving Official (Print & Sign)	Date
Acquanetta Warren	07/16/25



PROCUREMENT CARD PROGRAM

ATTACHMENT G

MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period 5/22/25 to 6/23/2025	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBE	*R/D	SALES TAX INCL
05/22/25	Panera Bread	1	Office Supplies	Commission Meeting	8900005012	52002305	\$42.98			
05/25/25	Amazon	2	Office Supplies	Computer Docking Station	8900005012	52002305	\$205.54			
05/24/25	Dell	3	Office Supplies	Computer Docking Station	8900005012	52002305	\$478.48			
05/27/25	Amazon	4	Office Supplies	Two Computer Monitors	8900005012	CREDIT	\$292.72			
06/03/25	Thomson West	5	Law Library Updates	Law Library Updates	8900005012	52002080	\$345.18			
06/12/25	Zoom	6	Video Conference	Communication	8900005012	52002305	\$17.23			

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 	07/07/25

Approving Official (Print & Sign)	Date
Steven Farrell	07/16/25

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JULY 9, 2025 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #5 - RATIFY PAYMENTS AS RECONCILED FOR
THE MONTHS OF APRIL AND MAY 2025 AND NOTE REVENUE
RECEIPTS

RECOMMENDATION:

Ratify payments as reconciled for the months of April and May 2025 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:

- April 1 through April 30, 2025
- May 1 through May 31, 2025

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

SM/MT

Attachment

APRIL 2025 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1901990458	5200	2085	04/15/25	Daily Journal	B3908790	Daily Journal Sun Inv B3908790	\$ 451.40
1901990462	5200	2085	04/15/25	Daily Journal	B3908852	Daily Journal Daily Press April Hearing	\$ 818.81
1901992305	5200	2090	04/02/25	Inland Valley Dev. Authority	Mar-25	Janitorial Service	\$ 90.00
1901990470	5200	2400	04/18/25	Best Best Krieger	1022155	Legal Counsel	\$ 2,950.66
1901992266	5200	2445	04/02/25	Dupper	Dupper	Admin Meeting Stipend	\$ 200.00
1901992270	5200	2445	04/02/25	Farrell	Farrell	Admin Meeting Stipend	\$ 200.00
1901992275	5200	2445	04/02/25	Warren	Warren	Admin Meeting Stipend	\$ 200.00
1902001717	5200	2445	04/17/25	Lowery	43	Staff Support	\$ 1,404.38
1902002439	5200	2445	04/18/25	Armendarez	Armendarez	April Meeting Stipend	\$ 200.00
1902002441	5200	2445	04/18/25	Baca	Baca	April Meeting Stipend	\$ 200.00
1902002442	5200	2445	04/18/25	Bagley	Bagley	April Meeting Stipend	\$ 200.00
1902002443	5200	2445	04/18/25	Cox	Cox	April Meeting Stipend	\$ 200.00
1902002444	5200	2445	04/18/25	Denison	Denison	April Meeting Stipend	\$ 200.00
1902002448	5200	2445	04/18/25	Farrell	Farrell	April Meeting Stipend	\$ 200.00
1902002449	5200	2445	04/18/25	Havey	Havey	April Meeting Stipend	\$ 200.00
1902002450	5200	2445	04/18/25	Kenley	Kenley	April Meeting Stipend	\$ 200.00
1902002451	5200	2445	04/18/25	Warren	Warren	April Meeting Stipend	\$ 200.00
1902001722	5200	2895	04/17/25	Konica Minolta	46784733	Konica Inv 46784733	\$ 365.40
1902001722	5200	2895	04/17/25	Konica Minolta	46784733	Konica Inv 46784733	\$ 10.54
1901992305	5200	2905	04/02/25	Inland Valley Dev. Authority	Mar-25	Rent	\$ 2,509.00
1901994250	5200	2905	04/07/25	Inland Valley Dev. Authority	Mar-25	Auditorium Use- April Commission Meeting	\$ 405.00
1901992301	5241	2940	04/02/25	Cox	Cox	Cox Mileage	\$ 86.80
1902002442	5241	2940	04/18/25	Bagley	Bagley	Bagley Stipend & Milage	\$ 121.80
1902002443	5241	2940	04/18/25	Cox	Cox	April Meeting Travel Reimbursement	\$ 82.60
1902002444	5241	2940	04/18/25	Denison	Denison	April Meeting Travel Reimbursement	\$ 93.66
1902002448	5241	2940	04/18/25	Farrell	Farrell	April Meeting Travel Reimbursement	\$ 25.62
1902002449	5241	2940	04/18/25	Harvey	Harvey	April Meeting Travel Reimbursement	\$ 117.60
1902002450	5241	2940	04/18/25	Kenley	Kenley	April Meeting Travel Reimbursement	\$ 33.88
1902002451	5241	2940	04/18/25	Warren	Warren	April Meeting Travel Reimbursement	\$ 27.44
1901992301	5294	2944	04/02/25	Cox	Cox	Travel Reimbursments	\$ 122.28
1901992301	5294	2946	04/02/25	Cox	Cox	Travel Reimbursments	\$ 60.00
							\$ 12,176.87
APRIL 2025 COUNTY TRANSFERS PROCESSED							
4103859733	5200	2032	04/01/25	IT		MAR 2025 Virtual Private Network (VPN)	\$ 10.72
4103859735	5200	2037	04/01/25	IT		MAR 2025 Dial Tone	\$ 246.24
4103859744	5200	2420	04/01/25	IT		MAR 2025 Data Storage and Backup	\$ 73.36
4103859744	5200	2420	04/01/25	IT		MAR 2025 Enterprise Content Management	\$ 89.44
4103859744	5200	2420	04/01/25	IT		MAR 2025 File Sharing Storage	\$ 74.34
4103859744	5200	2420	04/01/25	IT		MAR 2025 Wireless Device (Exchange Active Sync)	\$ 15.75
4103859745	5200	2421	04/01/25	IT		MAR 2025 Desktop Support Services	\$ 727.84
4103859740	5200	2410	04/01/25	IT		IT Infrastructure - Period 10	\$ 751.00
4200152229	5200	2424	04/15/25	Clerk to the Board		NOE - LAFCO SC#537	\$ 50.00
4200153107	5200	2424	04/28/25	Clerk to the Board		NOE - LAFCO 3271	\$ 50.00
4200152551	5200	2445	04/21/25	Registrar of Voters		LAFCO 3276 & 3277	\$ 50.63
4200152553	5200	2445	04/21/25	Registrar of Voters		LAFCO 3274	\$ 101.26

4200152554	5200	2445	04/21/25	Registrar of Voters		LAFCO 3275		\$	101.26
4200153066	5200	2445	04/28/25	Registrar of Voters		Riverside Cert		\$	50.63
4200151643	5200	2310	04/04/25	Mail		Mail Services HAN		\$	388.46
4200151646	5200	2310	04/04/25	Mail		Mail Services FLAT		\$	3.99
4200151668	5200	2310	04/07/25	Mail		Mail Services DEL		\$	245.30
4200152425	5200	2310	04/15/25	Mail		Mail Services FLAT		\$	17.21
4200152759	5200	2310	04/21/25	Mail		Mail Services HAN		\$	1,184.64
TOTAL								\$	5,139.07
APRIL 2025 CASH RECEIPTS									
4103849680	various		04/09/25	City of Chino		LAFCO 3169 Cost Recovery		\$	4,372.44
4103849680	4070	9800	04/09/25	City of Colton		SC 537		\$	634.00
TOTAL								\$	5,006.44
APRIL 2025 COUNTY TRANSFERRED RECEIVED									
101384705	4030	8500	04/25/25	Treasury		QE 3/31/2025 INTEREST APPORTIONMENT		\$	12,938.59
TOTAL								\$	12,938.59
COMPLETED BY: MICHAEL TUERPE						APPROVED BY: SAMUEL MARTINEZ			
Assistant Executive Officer						Executive Officer 			
Date: 7/1/2025						7/1/2025			

MAY 2025 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1902012479	5200	2085	05/06/25	Daily Journal	B3917561	Daily Journal Sun Inv B3917561	\$ 486.96
1902012484	5200	2085	05/06/25	Daily Journal	B3917629	Daily Journal Hi Desert Inv	\$ 536.77
1902026056	5200	2090	05/28/25	Inland Valley Dev. Authority	INV1437	IVDA May Janitorial	\$ 90.00
1902021892	5200	2305	05/20/25	Paper Shredding & Recycle	601190	Onsite Shredding	\$ 78.00
1902027712	5200	2305	05/30/25	Gavin Centeno	PETTYCASH 5/30	Petty Cash Request 5/30	\$ 107.08
1902019102	5200	2315	05/14/25	Corodata	RS7084498	Corodata April Inv	\$ 69.48
1902001719	5200	2315	05/16/25	Corodata	RS7078187	Standard Record Storage/Digital Svcs Pkg	\$ 71.66
1902014240	5200	2400	05/08/25	Best Best Krieger	1027442	Legal Counsel	\$ 3,061.52
1902021432	5200	2400	05/19/25	Best Best Krieger	1027440	Legal Counsel	\$ 3,312.40
1902019936	5200	2424	05/15/25	Tom Dodson	LA-1084-1	LAFCO-3273- Twentynine Palms Water District	\$ 170.00
1902019940	5200	2424	05/15/25	Tom Dodson	LA-1086-1	LAFCO 3274- Springtrails and 3275 26-Acre Island	\$ 170.00
1902019947	5200	2424	05/15/25	Tom Dodson	LA-1087-1	SC#536	\$ 340.00
1902012474	5200	2445	05/06/25	Rebecca Lowery	44	Staff support	\$ 1,181.25
1902012475	5200	2445	05/06/25	CSDA	79687	Workshop Sponsor- Governance Training	\$ 2,566.80
1902019934	5200	2445	05/15/25	Rebecca Lowery	45	Staff support	\$ 1,023.75
1902003081	5200	2445	05/20/25	Event Design Lab	04162025	Video of May meeting	\$ 900.00
1902025025	5200	2445	05/27/25	Armendarez	ARMENDAREZ5-27	May Meeting Stipend	\$ 200.00
1902025037	5200	2445	05/27/25	Baca	BACA5-27	May Meeting Stipend	\$ 200.00
1902025044	5200	2445	05/27/25	Bagley	BAGLEY5-25	May Meeting Stipend	\$ 200.00
1902025051	5200	2445	05/27/25	Cox	COX5-27	May Meeting Stipend	\$ 200.00
1902025053	5200	2445	05/27/25	Denison	DENISON5-27	May Meeting Stipend	\$ 200.00
1902025054	5200	2445	05/27/25	Dupper	DUPPER5-27	May Meeting Stipend	\$ 200.00
1902025056	5200	2445	05/27/25	Farrell	FARRELL5-27	May Meeting Stipend	\$ 200.00
1902025072	5200	2445	05/27/25	Warren	WARREN5-27	May Meeting Stipend	\$ 200.00
1902026851	5200	2445	05/29/25	Rebecca Lowery	Lowery 16	Staff support	\$ 997.50
1902026056	5200	2905	05/28/25	Inland Valley Dev. Authority	INV1437	IVDA May Rent	\$ 2,509.00
1902025044	5294	2940	05/27/25	Bagley	BAGLEY5-25	May Meeting Travel Reimbursement	\$ 121.80
1902025051	5294	2940	05/27/25	Cox	COX5-27	May Meeting Travel Reimbursement	\$ 82.60
1902025053	5294	2940	05/27/25	Denison	DENISON5-27	May Meeting Travel Reimbursement	\$ 93.66
1902025056	5294	2940	05/27/25	Farrell	FARRELL5-27	May Meeting Travel Reimbursement	\$ 25.62
1902025072	5294	2940	05/27/25	Warren	WARREN5-27	May Meeting Travel Reimbursement	\$ 27.44
1902022836	4080	9990	05/21/25	SBCERA		Additional Contribution toward NPL	\$ 54,968.00
							\$ 74,591.29
MAY 2025 COUNTY TRANSFERS PROCESSED							
4103924434	5200	2031	05/01/25	IT		APR 2025 Payroll System Services (EMACS)	\$ 109.05
4103924435	5200	2032	05/01/25	IT		APR 2025 Virtual Private Network (VPN)	\$ 10.72
4103924437	5200	2037	05/01/25	IT		APR 2025 Dial Tone	\$ 246.24
4103903573	5200	2305	05/19/25	Purchasing		7657456817000001	\$ 11.21
4103924441	5200	2420	05/01/25	IT		APR 2025 Wireless Device (Exchange Active Sync)	\$ 15.75
4103924441	5200	2420	05/01/25	IT		APR 2025 File Sharing Storage	\$ 74.34
4103924441	5200	2420	05/01/25	IT		APR 2025 Enterprise Content Management	\$ 89.44
4103924441	5200	2420	05/01/25	IT		APR 2025 Data Storage and Backup	\$ 73.36
4103924442	5200	2421	05/01/25	IT		APR 2025 Desktop Support Services	\$ 727.84
4103924927	5241	2410	05/01/25	IT		IT Infrastructure - Period 11	\$ 751.00
4103903573	5540	5012	05/19/25	Purchasing		7657456817000001	\$ 93.41
4200154115	5200	2445	05/19/25	Auditor		2025 Q1 tax filing	\$ 851.40
4200154645	5200	2445	05/19/25	Auditor		Work on annual apportionment	\$ 5,076.15
4200154120	5200	2445	05/22/25	ROV		Registered voter count	\$ 50.63

4200154126	5200	2445	05/22/25	ROV		Registered voter count	\$ 101.26
1902014821	5294	2940	05/08/25	Art Pastor		*Trip from 04/29/25 To 04/29/25 to APPLE VALLEY	\$ 69.30
1902015334	5294	2940	05/08/25	Mike Tuerpe		*Trip from 04/29/25 To 04/29/25 to Apple Valley	\$ 69.30
1902015335	5294	2940	05/08/25	Art Pastor		*Trip from 01/29/25 To 01/29/25 to RANCHO CUCAM	\$ 30.10
1902024511	5294	2940	05/23/25	Mike Tuerpe		*Trip from 04/30/25 To 05/02/25 to TEMECULA US-	\$ 44.10
1902014821	5294	2943	05/08/25	Art Pastor		*Trip from 04/29/25 To 04/29/25 to APPLE VALLEY	\$ 8.68
1902015334	5294	2943	05/08/25	Mike Tuerpe		*Trip from 04/29/25 To 04/29/25 to Apple Valley	\$ 15.00
1902015335	5294	2943	05/08/25	Art Pastor		*Trip from 01/29/25 To 01/29/25 to RANCHO CUCAM	\$ 21.11
1902024511	5294	2943	05/23/25	Mike Tuerpe		*Trip from 04/30/25 To 05/02/25 to TEMECULA US-	\$ 21.91
4200153940	5200	2310	05/06/25	Mail		Mail Services DEL	\$ 245.30
4200153944	5200	2310	05/06/25	Mail		Mail Services HAN	\$ 468.16
4200154549	5200	2323	05/13/25	Purchasing		N27998 - Emacs Reports 1/6/2024	\$ 18.74
TOTAL							\$ 9,293.50
MAY 2025 CASH RECEIPTS							
4103906113	various		05/19/25	Montclair		Service Contract #538	\$ 8,514.00
4103925704	various		05/29/25	Colton		Service Contract #540	\$ 3,623.00
TOTAL							\$ 12,137.00
MAY 2025 COUNTY TRANSFERRED RECEIVED							
TOTAL				none			\$ -
COMPLETED BY: MICHAEL TUERPE				APPROVED BY: SAMUEL MARTINEZ			
Assistant Executive Officer				Executive Officer			
Date: 7/1/2025				7/1/2025			

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102 San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: JULY 9, 2025 
FROM: SAMUEL MARTINEZ, Executive Officer
GAVIN CENTENO, Project Manager/Clerk to the Commission
TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #6 – APPROVAL OF RECORDS DESTRUCTION
PURSUANT TO COMMISSION RECORDS RETENTION POLICY**

RECOMMENDATION:

Staff recommends the Commission direct the Executive Officer, as Records Management Coordinator, to:

1. Destroy the Commission's Miscellaneous, Personnel, and Financial files as identified in this staff report on page 2 pursuant to the Commission's Records Retention Policy and Records Retention Schedule, and
2. Record the items to be destroyed in the Destruction Log along with a copy of the Commission's minute action authorizing destruction.

BACKGROUND INFORMATION:

The Commission's Records Retention Policy states that the Executive Officer, as the Records Management Coordinator, shall present a Commission agenda item once a year related to records to be destroyed.

In March of this year, the Commission amended its Records Retention Policy by adding several additional categories to the retention schedule for records that staff and legal counsel felt should be addressed. The table below identifies the records that staff is requesting for destruction.

Staff recommends the Commission direct the Executive Officer to take the actions listed in the Recommendation above.

Should the Commission have any questions, staff will be happy to answer them before or at the hearing.

<u>TYPE OF RECORD</u>	<u>LEGAL AUTHORITY</u>	<u>RETENTION PERIOD</u>
Miscellaneous		
Records relating to any pending or potential claim, litigation, or any settlement or other disposition of litigation		Until settled or adjudicated + 5 years and the time for appeal has expired
Purchasing, requisitions, purchase orders	CCP § 337	Until audited + 4 years
Contracts and Leases (including amendments)	CCP § 337 CCP § 337.2	For the term of the contract/lease + 4 years from the termination/completion date
Economic Interest Statements – Form 700 (originals)	GC § 81009(c), (g)	7 years (can image after 2 years)
Ethics Training Compliance	GC § 53235.2	5 years after receipt of training
Correspondence (general correspondence, including letters and e-mails, not otherwise covered by this schedule)		2 years
Personnel		
Personnel files and medical records	LC § 1198.5 GC § 12946 29 CFR 1627.3 29 CFR 825.500	Length of employment + 4 years
Payroll records	29 C.F.R. 516.5, 516.6 LC § 1174, 1197.5	3 years from the date of payment
Records relating to hiring, promotion, selection for training (Personnel files of applicants, applications, promotions, recruitment materials, etc.)	GC § 12946 29 CFR 1627.3	4 years
Oaths of Office (elected and public officials)	29 USC 1113 Sec. of State Guidelines	Current + 6 years
Financial:		
Expense Reports		7 years
Budgets		7 years
Billings/Accounting Reports		7 years
Budget Changes		7 years
Audits		7 years
Invoices		7 years
Fees/Receipts		7 years
Checks/Ledgers/Registers		7 years
Grants (federal, state, or other, and all support documents)	24 CFR 570.502 24 CFR 85.42	Until completed then 7 years

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DATE: JULY 9, 2025 
FROM: SAMUEL MARTINEZ, Executive Officer
ARTURO PASTOR, Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #7: REVIEW AND UPDATE THE CATALOG OF
ENTERPRISE SYSTEMS PER GOVERNMENT CODE SECTION 6270.5

RECOMMENDATIONS:

Staff recommends that the Commission take the following actions:

1. Approve the Enterprise Systems Catalog as of July 1, 2025 as identified in this staff report.
2. Direct the Executive Officer to post the Enterprise Systems Catalog as of July 1, 2025 on the LAFCO website.

BACKGROUND:

On October 11, 2015, the State of California enacted Senate Bill 272 (SB 272) which added a section to the California Public Records Act (Government Code Section 6270.5) relating to public records. Section 6270.5 requires local agencies to create a catalog of "Enterprise Systems" and post that catalog on their respective websites with annual updates.

"Enterprise System" is defined as a software application or computer system that collects, stores, exchanges, and analyzes information that the agency uses that is both of the following:

- A multi-departmental system or a system that contains information collected about the public.
- A system of record where the system serves as an original source of data within an agency.

Systems used for security, public safety, and public utilities are not included in the requirements.

ANNUAL UPDATE:

Below is the catalog of “Enterprise Systems”, as prepared by LAFCO staff, as of July 1, 2025:

LAFCO ENTERPRISE SYSTEMS						
ENTERPRISE SYSTEMS PURCHASED DIRECTLY BY LAFCO						
Vendor	Product	Purpose	Data Type	Custodian	Data Collection Frequency	Data Update Frequency
CDWG	Adobe Acrobat DC Pro	PDF and fillable forms	Documents	Agency-wide	As needed	As needed
ECS Imaging	Laserfische	Document/Records Management	LAFCO Files, PDFs	Agency-wide	As needed	As needed
Zoom	Zoom	Audio/Video communications, meetings, and recordings	Communications	Agency-wide	As needed	As needed
SurveyMonkey	SurveyMonkey	Survey creation	Online Service	Agency-wide	As needed	As needed
ENTERPRISE SYSTEMS PURCHASED OR ACCESSED VIA THE COUNTY OF SAN BERNARDINO						
Vendor	Product	Purpose	Data Type	Custodian	Data Collection Frequency	Data Update Frequency
Blackberry Company	Enterprise Blackberry Exchange (BE) Server	Enterprise BE Server Software and Infrastructure	Email	Agency-wide	Daily	Daily
County Information Services	Property Information Management System (PIMS)	Accessing tax roll data for property valuation	Tax Roll	Agency-wide	Daily	Daily
County Information Services	sbclafco.org website	LAFCO website	Communications	Agency-wide	Daily	Daily
ESRI	ArcGIS Suite	Mapping and spatial analysis	Geographic Information System	Agency-wide	As needed	As needed
Microsoft	Exchange	Email	Email system	Agency-wide	Daily	Daily
Microsoft	Office Suite	Statutory obligations, general office work	Vendors or contractors' information	Agency-wide	As needed	As needed
Microsoft	Enterprise Microsoft Exchange (ME) Email	Enterprise ME Email Software and Infrastructure	Email	Agency-wide	Daily	Daily
Microsoft	Enterprise SQL Server	Enterprise SQL Server Software and Infrastructure	Databases	Agency-wide	Daily	Daily
Microsoft	Office 365	Email system used to send and receive emails	Email	Agency-wide	Daily	Daily
Microsoft	Teams	Audio/Video communication and meetings	Communications	Agency-wide	As needed	As needed
SAP	SAP Core Financials and Procurement	Financial management system	Financial	Agency-wide	Daily	Daily

Staff recommends that the Commission take the actions identified on page 1.

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DATE: JULY 9, 2025 
FROM: SAMUEL MARTINEZ, Executive Officer
ARTURO PASTOR, Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #9: LAFCO SC#538 - City of Montclair Irrevocable Agreement to Annex No. 24-43-I-111 for Sewer Service (APNs 1011-351-04 and 1011-351-05)

INITIATED BY:

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

RECOMMENDATION:

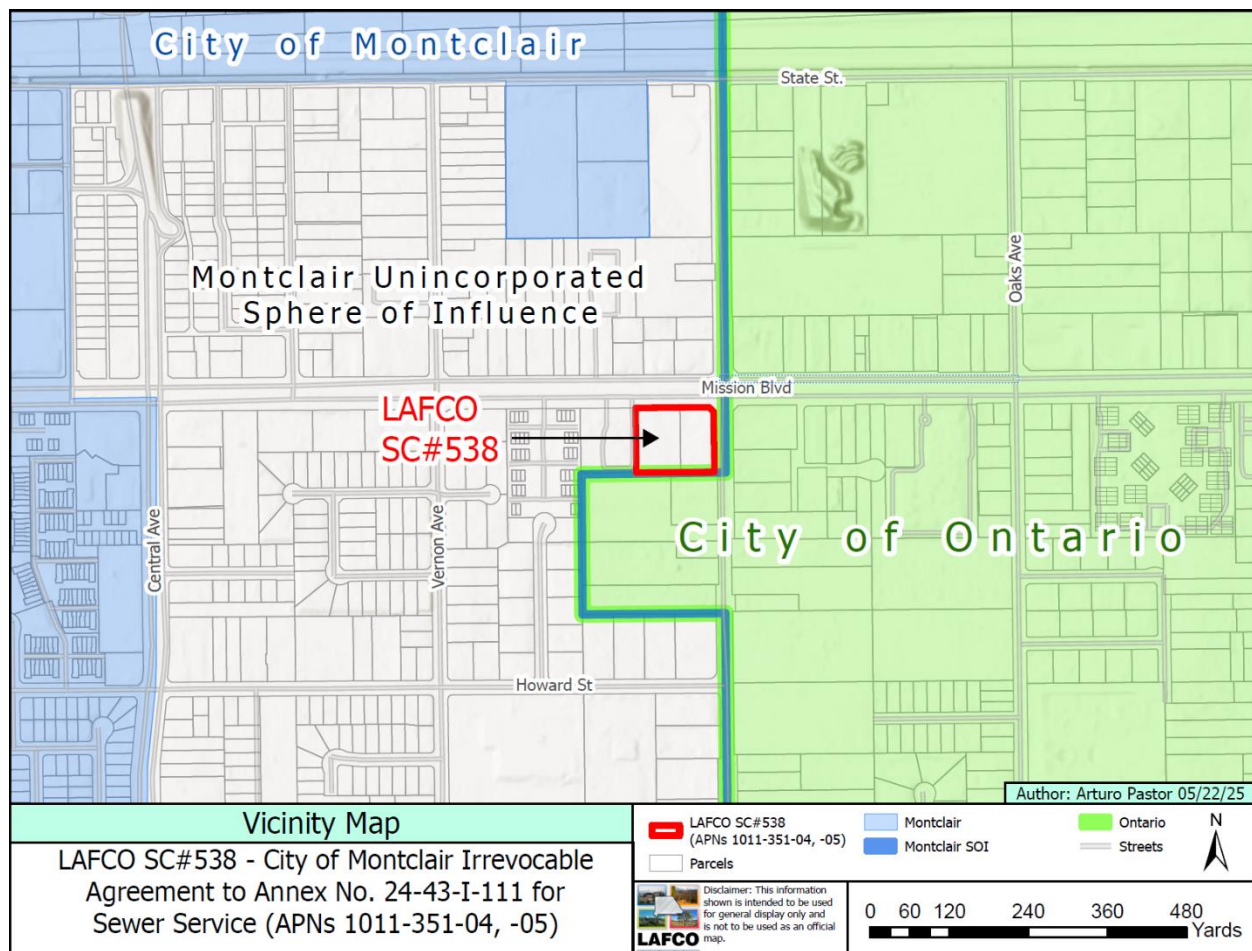
Staff recommends that the Commission approve LAFCO SC#538 by taking the following actions:

1. For environmental review as a responsible agency:
 - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the Initial Study and Mitigated Negative Declaration prepared by the County of San Bernardino for a Tentative Tract Map (TTM 20348) to subdivide two lots into a 31-lot townhome development and a Minor Use Permit for the construction of 31 two-story single-family homes including a community room with centralized open areas on a total of approximately 2.42 acres, and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures identified in the County's environmental documents are the responsibility of the County and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
 - c. Direct the Executive Officer to file a Notice of Determination within five (5) days of this action.

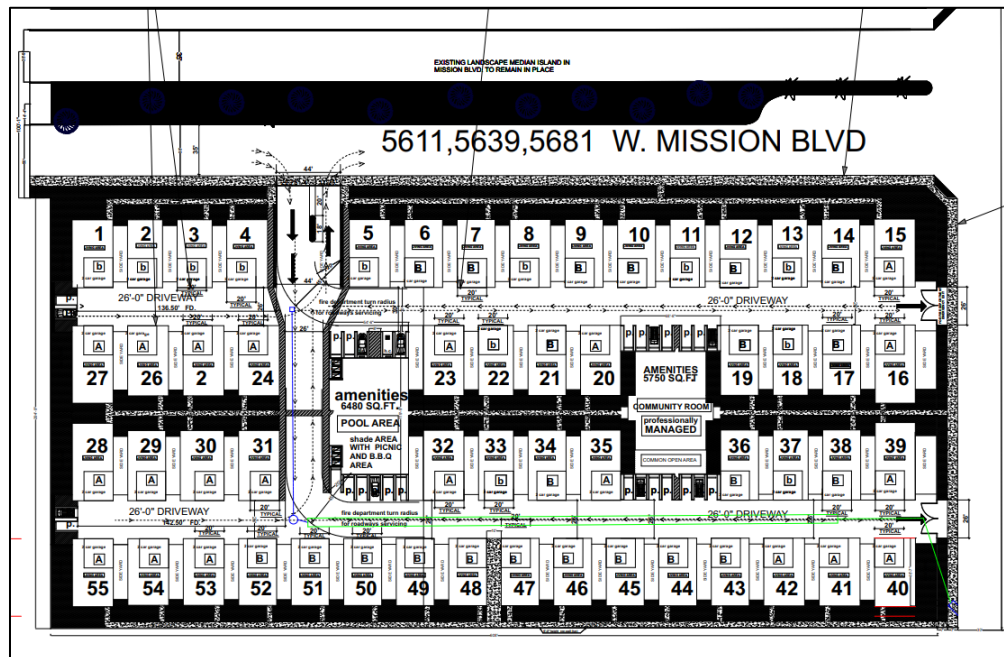
2. Approve LAFCO SC#538 authorizing the City of Montclair to extend sewer service outside its boundaries to TTM 20348, proposed for a 31-lot townhome development on Assessor Parcel Numbers 1011-351-04 and 1011-351-05.
3. Adopt LAFCO Resolution No. 3421 setting forth the Commission's determinations and approval of the agreement for service outside the City of Montclair's boundaries.

BACKGROUND:

The City of Montclair (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service. The agreement relates to two parcels, Assessor Parcel Numbers (APNs) 1011-351-04 and 1011-351-05, which encompasses approximately 2.42 acres and is generally located on the southwestern corner of Mission Boulevard and Benson Avenue, within the City of Montclair's southeastern sphere of influence. The map below, which is also included as Attachment #1 to the staff report, provides a location of the contract area.



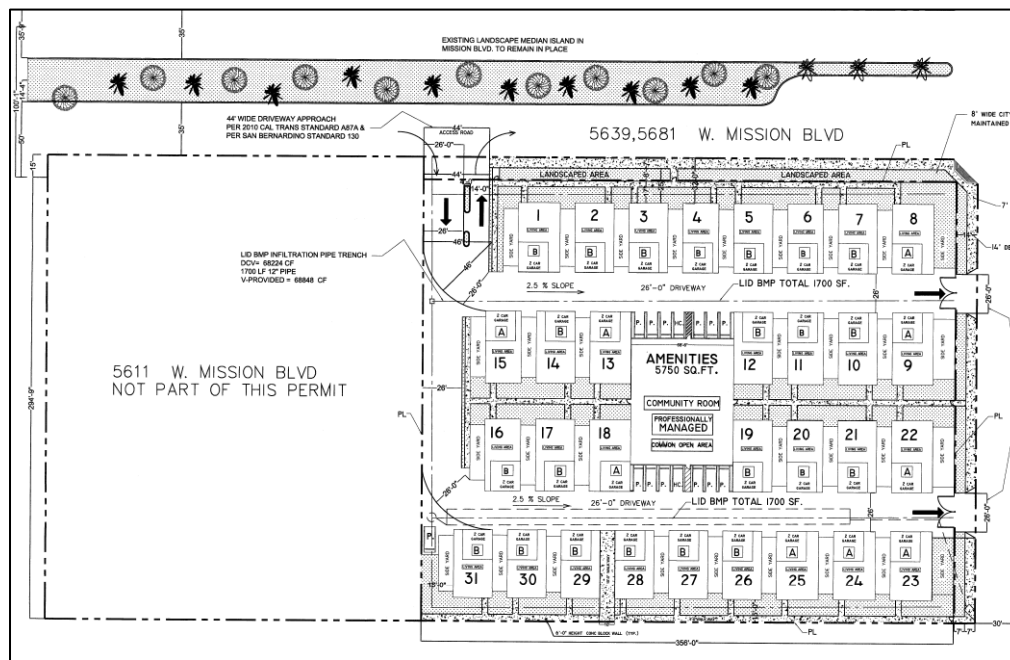
The County Land Use Services Department previously processed the original project, which was a proposed tentative tract map for 55-lots on three parcels, APNs 1011-351-03, 1011-351-04, and 1011-351-05, for a total of 4.42 acres.



However, in 2017, the property owner for the lot with the existing development—which has a single-family residence and 18 mobile homes on it—requested connection to the City’s sewer facilities. LAFCO approved LAFCO SC#416 (IAA No. 17-27-I-99 for Sewer Service), which was an authorization request submitted by the City for APN 1011-351-03.



The revised project that was approved by the County in November 2022 now creates a total of 31 lots on approximately 2.43 acres, which includes the two parcels associated with the current authorization request, APNs 1011-351-04 and 1011-351-05.



The Conditions of Approval placed upon this project include the requirement to connect to the City of Montclair's sewer facilities prior to issuance of building permits (see Conditions 94 and 95) and the required LAFCO approval of said out-of-agency service connection (Condition 96). A copy of the Conditions of Approval for the project is included as Attachment #3 to this report.

Therefore, the City, on behalf of the property owner/developer, has requested that the Commission authorize the extension of sewer service to the parcels pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take 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 for the project through a lateral connection to the existing 8-inch sewer main located in Mission Boulevard.

Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of services outside an agency's boundaries. The City of Montclair has identified an estimated cost of \$273,774 (known costs) in sewer treatment and collection fees:

Description	Cost	Total
Inland Empire Utilities Agency (IEUA) Connection Fee per Equivalent Dwelling Unit (EDU)	\$8,620	\$60,340
City of Montclair EDU Fee (10% of IEUA Connection Fee)	\$862	\$6,034
City Engineering / Plan Check Fee	\$4,400	\$4,400
City Permit and Inspection Fee	\$3,000	\$3,000
Total Costs		\$73,774

In addition, the property owner/developer will be responsible for the entire cost for the construction and installation of the sewer lateral from the existing sewer main, estimated to cost approximately \$200,000.

ENVIRONMENTAL DETERMINATION:

The County Land Use Services Department prepared an Initial Study and Mitigated Negative Declaration for a Tentative Tract Map (TPM 20348) to subdivide two lots into a 31-lot townhome development and a Minor Use Permit for the construction of 31 two-story single-family homes including a community room with centralized open areas on a total of approximately 2.42 acres. The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and Mitigated Negative Declaration for the proposed project. Mr. Dodson's analysis indicates that the County's environmental assessment and Mitigated Negative Declaration (MND) are adequate for the Commission's use as a CEQA Responsible Agency.

Mr. Dodson has indicated that the necessary environmental actions to be taken by the Commission are as follows:

- a) Certify that the Commission, its staff, and its Environmental Consultant, have independently reviewed and considered the County's environmental assessment and Mitigated Negative Declaration for the project and found them to be adequate for Commission use;
- b) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that all mitigation measures identified in the County's environmental documents are the responsibility of the County and/or others, not the Commission; and,
- c) Direct the Executive Officer to file the Notice of Determination within five (5) days.

A copy of Mr. Dodson's response together with the County's Notice of Determination and Mitigated Negative Declaration is included as Attachment #4 to this report.

CONCLUSION:

The development of Tentative Tract Map 20348, a 31-unit residential condominium complex approved by the County, requires that it receive sewer service from the City of Montclair. For the Final Tract Map to record, the property owner/developer must show proof of its ability to connect to the City of Montclair's sewer infrastructure – which is the Commission's authorization for the agreement pursuant to Government Code Section 56133.

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

DETERMINATIONS:

1. The project area, Assessor Parcel Numbers 1011-351-04 and 1011-351-05, is within the sphere of influence assigned to the City of Montclair and is anticipated to become a part of that City sometime in the future.

The project is within the boundary of Monte Vista Water District and will receive water service from the Monte Vista Water District.

The application requests authorization to receive City of Montclair's sewer service for a proposed 31-unit residential condominium complex (Tentative Tract Map 20348). The requirement to receive sewer service from the City of Montclair is a condition of approval placed upon the project by the County's Land Use Services Department. Therefore, approval of the City of Montclair's request for authorization to provide sewer service is necessary to satisfy the conditions of approval for the project.

2. The City of Montclair's Irrevocable Agreement to Annex No. 24-43-I-111 being considered is for the provision of sewer service to Assessor Parcel Numbers 1011-351-04 and 1011-351-05. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner/developer and the City of Montclair to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Montclair for the extension of sewer service to the parcels are identified as totaling \$73,774. In addition, the property owner/developer will be responsible for the entire cost of the sewer lateral

extension from the existing sewer main, estimated to cost approximately \$200,000.

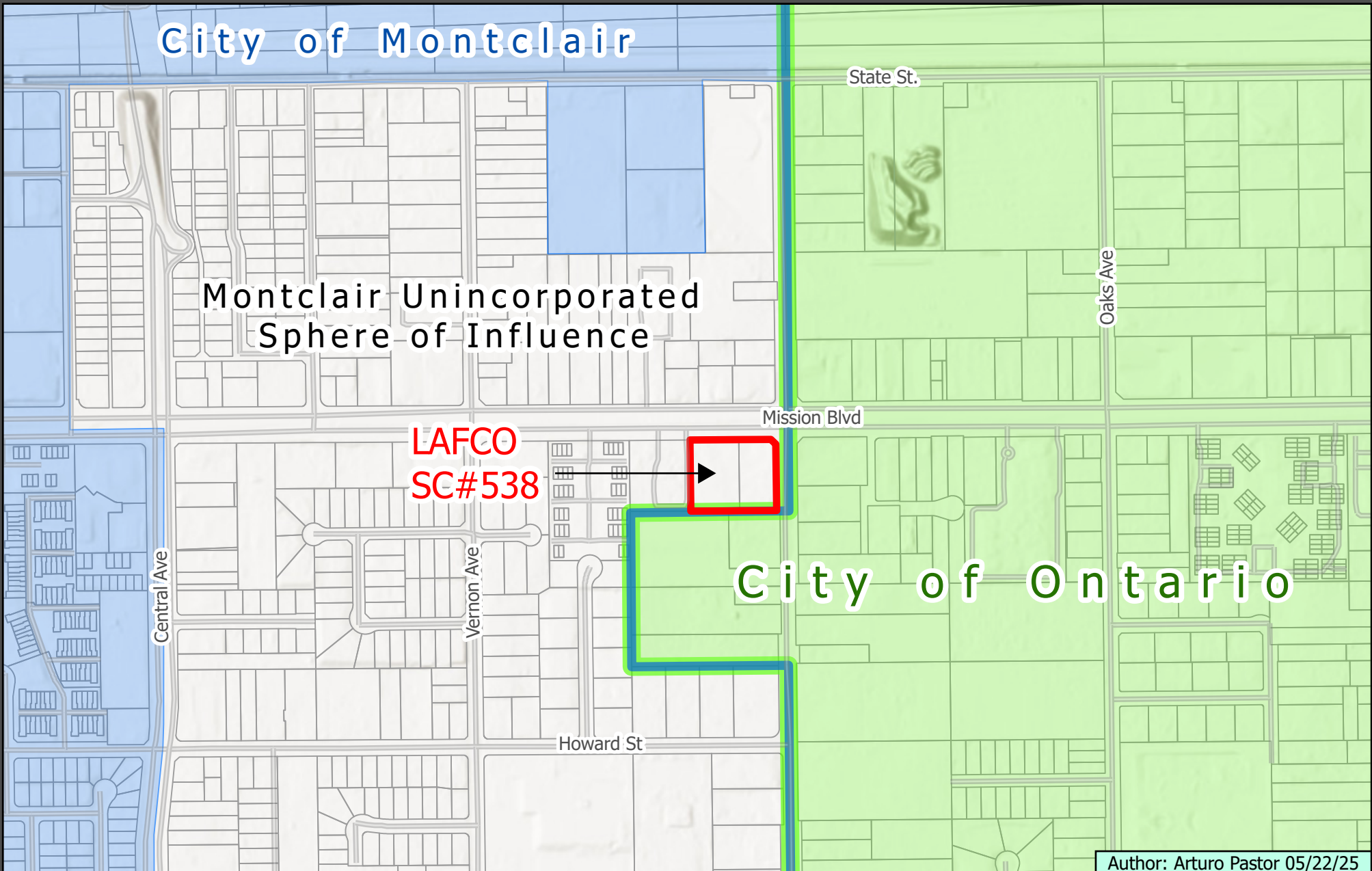
4. Acting as the CEQA Lead Agency, the County of San Bernardino—as a function of its review for a Tentative Tract Map (TPM 20348) to subdivide two lots into a 31-lot townhome development and a Minor Use Permit for the construction of 31 two-story single-family homes including a community room with centralized open areas on a total of approximately 2.42 acres project area—prepared an environmental assessment and adopted a Mitigated Negative Declaration, which indicates that approval of the project will not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County's Initial Study and Mitigated Negative Declaration have been reviewed by the Commission and its staff who find them to be adequate for the service contract decision.

The Commission certifies that it has reviewed and considered the County's Mitigated Negative Declaration and its environmental effects as outlined in the Initial Study prior to reaching a decision on the service contract and finds the information substantiating the Mitigated Negative Declaration adequate for its use as CEQA Responsible Agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for the project and that all mitigation measures are the responsibility and jurisdiction of the County and/or others, not the Commission, and are considered self-mitigating through implementation of the Conditions of Approval.

The Commission directs its Executive Officer to file a Notice of Determination within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

Attachments:

1. [Vicinity Map](#)
2. [City of Montclair's Application and Signed Extraterritorial Wastewater Service Agreement](#)
3. [County's Conditions of Approval for the Project Including a Site Plan](#)
4. [Response from Tom Dodson and Associates including the County's Mitigated Negative Declaration \(Notice of Determination and Initial Study\)](#)
5. [Draft Resolution No. 3421](#)



Author: Arturo Pastor 05/22/25

Vicinity Map

LAFCO SC#538 - City of Montclair Irrevocable Agreement to Annex No. 24-43-I-111 for Sewer Service (APNs 1011-351-04, -05)

 LAFCO SC#538 (APNs 1011-351-04, -05)	 Montclair	 Ontario
 Parcels	 Montclair SOI	 Streets

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

0 60 120 240 360 480 Yards

N



April 22, 2025

Kathleen Rollings-McDonald, Executive Officer
Local Agency Formation Commission
215 N. D Street, Suite 204
San Bernardino, CA 92415-0490

SUBJECT: Irrevocable Annexation Agreement No. 24-43-I-III for (CASE NO. 2024-27), for a 2.42-acre site at the southwest corner of Mission Boulevard and Benson Avenue, Ontario, CA 91762 (APNS 1011-351-04 AND 1011-351-05)

Dear Ms. Rollings-McDonald:

The City of Montclair hereby requests that LAFCO consider the proposed contract for service referenced above and attached to this letter, pursuant to the requirements of Government Code Section 56133.

This Agreement is for:

- ☐ An immediate connection for extension of sanitary sewer service to alleviate a health and safety problem as defined by your policies.
- ☒ The extension of sewer services. Attached to this letter is a completed application as required by your agency.

Per your procedures, a check for \$8,240 to cover filing costs is enclosed. This Agreement will permit a sewer connection on the subject property.

Thank you for your assistance on this matter.

Sincerely,


Edward C. Starr
City Manager

Attachments: (1) LAFCO Application
(2) Agreement No. 24-43-I-III with Site Plan

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

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

AGENCY TO EXTEND SERVICE:

AGENCY NAME: City of Montclair
CONTACT PERSON: Monica Heredia, P.E.
Title: Director of Public Works/City Engineer
ADDRESS: 5111 Benito Street
Montclair, CA 91763
PHONE: 909-625-9441
EMAIL: mheredia@cityofmontclair.org

CONTRACTING PARTY:

NAME OF
PROPERTY OWNER: Armineh Gharibens c/o 2A LLC
CONTACT PERSON: 18554 Brymer Street
Northridge, CA 91326
MAILING ADDRESS: _____

PHONE: _____
EMAIL: _____
ADDRESS OF PROPERTY PROPOSED
FOR CONTRACT: SWC Mission Blvd. and Benson Ave.
Ontario, CA 91762
CONTRACT NUMBER/IDENTIFICATION: _____
PARCEL NUMBER(S): 1011-351-04-0000 and 1011-351-05-0000

*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.

This agreement is for the connection to new thirty-one unit residential condominium on individual lots.

- (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.

Connect to existing 8-inch sewer mainline.

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.

One 6-inch connection to existing 8-inch sewer line in the City of Montclair.

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

The time frame for annexing the area that includes this property to the City of Montclair is unknown at this time.

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

.

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.

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.

Land Services approved concept and layout pending Board of Supervisors approval of proposed subdivision of seven lots.

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	☒
Permit (Conditional Use Permit, General Plan Amendment, etc.)	☐
Conditions of Approval	☒
Negative Declaration (Initial Study)	☒
Notice of Determination (NOD)/Notice of Exemption (NOE)	☐
Department of Fish and Game (DFG) Receipt	☐
Others (please identify below)	☐

Pending approval of MND review and approval
Pending Department of Fish and Wildlife receipt

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.

Street, curb and gutter, sidewalk, ADA requirements around driveway.

*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>
Inland Empire Utilities Agency (IEUA) Connection Fee per Equivalent Dwelling Unit (EDU)	\$ 8,620	\$ 60,340
City of Montclair EDU Fee (10% of IEUA Connection Fee)	\$ 862	\$ 6,034
Construction	\$ 200,000	\$ 200,000
City Engineering / Plan Check Fee	\$ 4,400	\$ 4,400
City Permit and Inspection Fee	\$ 3,000	\$ 3,000
Total Costs		\$ 273,774

- (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).

Not applicable

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

CERTIFICATION

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

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

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

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

SIGNED

NAME:

POSITION TITLE:

DATE:



Michael P. Diaz

Director of Community Development

4/22/25

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
1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
San Bernardino, CA 92415-0490
PHONE: (909) 388-0480 • FAX: (909) 388-0481

Rev: rcl – 9/4/2024



Electronically
Recorded in Official Records
San Bernardino County

Assessor-Recorder-County Clerk

DOC# 2024-0217437

Recording Requested by:

Silvia Gutierrez
City of Montclair

When Recorded Mail To:

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

09/11/2024
12:52 PM
SAN

Titles: 1 Pages: 10

T1585

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

This Space for Recorder's Use Only

FREE RECORDING PURSUANT TO GOVERNMENT CODE §27383

**AGREEMENT NO. 24-43-I-111
AN IRREVOCABLE AGREEMENT TO ANNEX
TO THE CITY OF MONTCLAIR**

**2A LLC
2.42-ACRE SITE
AT THE SOUTHWEST CORNER OF MISSION BOULEVARD
AND BENSON AVENUE, ONTARIO, CA 91762
(APNS 1011-351-04-0000 AND 1011-351-05-0000)**

AGREEMENT NO. 24-43-I-111**AN IRREVOCABLE AGREEMENT TO ANNEX
TO THE CITY OF MONTCLAIR**

This agreement is entered into this 11 day of September, 2024, between 2A LLC, hereinafter referred to as "Owner," and the City of Montclair, hereinafter referred to as "City."

WHEREAS, the Owner is the legal property owner of the real property located at the southwest corner of Mission Boulevard and Benson Avenue, Ontario, CA 91762 (APNs 1011-351-04 and 1011-351-05) the land referred to herein below (hereinafter "the Subject Property"), as referenced by the San Bernardino County Tax Assessor Parcel Numbers (APNs 1011-351-04 and 1011-351-05), and is further described in Exhibits "A" and "B" attached hereto and incorporated by reference as though fully set forth.

WHEREAS, the subject property is approximately 2.42 acres in total size and located within unincorporated San Bernardino County and the Sphere of Influence of the City of Montclair; and

WHEREAS, the County zoning designation for the Subject Property is "Medium Density Residential (MDR)" and

WHEREAS, on November 10, 2022, the County of San Bernardino (County) approved PROJ 2020-00087, allowing Tentative Tract Map (No. 20348) to subdivide a thirty-one lot residential development in conjunction with a Minor Use Permit to allow the construction of thirty-one residential condominiums. The project is currently in plan in check with the County; and

WHEREAS, the Owner is required and desires to connect the subject property to the sanitary sewer system in the Mission Boulevard roadway, which is owned and maintained by the City of Montclair and

WHEREAS, the City is willing to allow a connection to said sanitary sewer system if a request is made at the earliest possible time to annex the Subject Property to the City of Montclair provided that such connection is conditioned upon the performance of Owner of all requirements of Owner under this Agreement; and

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

WHEREAS, the City intends to pursue annexation of the Owner's property, but processing said annexation before the commencement of construction on the Subject Property would cause a delay in connecting to said sewer system, which could create a substantial hardship for the Owner of the Subject Property; and,

WHEREAS, the agreements, conditions, and covenants contained herein are made for the direct benefit of City and of the Subject Property and described herein and shall create an equitable servitude upon the Subject Property and operate as a covenant running with the land for the benefit of each of City and the Owner of the Subject Property and his/her/its heirs, successors, and assigns.

Recording Requested by:

Silvia Gutierrez
City of Montclair

When Recorded Mail To:

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

This Space for Recorder's Use Only

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WHEREAS, the agreements, conditions, and covenants contained herein are made for the direct benefit of City and of the Subject Property and described herein and shall create an equitable servitude upon the Subject Property and operate as a covenant running with the land for the benefit of each of City and the Owner of the Subject Property and his/her/its heirs, successors, and assigns.

Irrevocable Annexation Agreement No. 24-43-I-111

NOW, THEREFORE, the Parties agree as follows:

1. Owner hereby gives irrevocable consent to annex the Subject Property to the City of Montclair at such time as the annexation may be properly approved through appropriate legal proceedings, and Owner further agrees to provide all reasonable cooperation and assistance to the City in the annexation proceedings necessary or convenient to complete the annexation of the Subject Property to the City at the earliest feasible time. Said cooperation includes signing any applications of consent or other documents prepared by the City to effectuate the annexation and submitting any evidence reasonably within the control of the Owner at the various hearings required for the annexation. Said cooperation does not include, however, any obligation on behalf of Owner to institute any litigation or judicial proceeding whatsoever to force annexation to the City.
2. Owner irrevocably waives any rights to protect the annexation of the Subject Property to the City.
3. The City does hereby agree to allow a connection of the Subject Property to the sewer line owned by the City of Montclair, which is located in Mission Boulevard, at such time as all applicable permits have been obtained and associated fees have been paid.
4. The owner agrees to pay such annexation fees and costs and other municipal charges as would ordinarily be charged in the annexation of the Subject Property to the City. Said fees shall be payable when the same becomes due and payable. The obligations of Owner to pay City the amounts referred to in this Section shall constitute a lien on the Subject Property, enforceable by City, with interest at the legal rate, until paid in full.
5. The owner shall pay all fees and charges and make all deposits required by the City to connect the Subject Property ("Connection Fees and Charges") to and use the sewer ("Usage Fees and Charges"), and Owner agrees to be bound by all City ordinances, rules, and regulations with respect to the sewer system. The owner agrees to pay monthly sewer charges beginning on the date the City Council approves this agreement. The obligations of Owner to pay City the Connection Fees and Charges and Usage Fees and Charges shall constitute a lien on the Subject Property, enforceable by City, with interest at the legal rate, until paid in full.
6. Owner shall be responsible for the maintenance and repair of the sewer lateral from the buildings, and/or structures to which the sewer lateral is connected to the public sewer main in the street or City easement. This responsibility includes both the portion of the sewer lateral on private property and the portion located beneath the street up to the point where the lateral connects to the public sanitary sewer main. The property owner's responsibilities include maintenance and repair of the lateral, overflow cleanup, and damages to the sewer main and/or pavement. City may respond and take corrective action in the event of a sewage overflow from a lateral where there is an immediate threat to health or safety. However, the property owner shall be responsible to immediately reimburse City for all costs incurred by City. The obligations of Owner under this Section shall constitute a lien on the Subject Property based upon the reasonable costs to complete such tasks, enforceable by City, with interest at the legal rate, until paid in full.
7. Owner shall install any and all future improvements upon Subject Property to the City's standards, provided that the County standard(s) shall apply when more restrictive than the City standard(s).

Irrevocable Annexation Agreement No. 24-43-I-111

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

9. This Agreement and the benefit and responsibilities to the Subject Property shall inure to the benefit and responsibilities of City, as well as Owner, subsequent owners, their heirs, successors, and assigns; and the agreements, conditions, and covenants contained herein shall run with the land and be binding upon them and upon the land.

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

11. Owner shall provide any purchaser of the Subject Property with a copy of this Agreement, and the Agreement shall be referenced in, and attached as an Exhibit to, the Covenants, Conditions, and Restrictions ("C, C, & Rs") subsequently recorded for the condominium project.

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

CITY:

CITY OF MONTCLAIR, CALIFORNIA


Javier John Dutrey, Mayor

Date: 9-4-24

ATTEST:


Andrea Myrick, City Clerk

APPROVED AS TO FORM:


Diane E. Robbins, City Attorney

OWNER(S):

2A LLC


Name/Title: Armineh Gharibans,
Manager

Date: 9-11-24


Name/Title: Shayesteh Ahankoob,
Manager

Date: 9/11/24

EXHIBIT "A"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

Parcel 1:

That portion of Lots 3 and 4, Block 19, of Monte Vista Tract No. 2, in the County of San Bernardino, State of California, as per map recorded in Book 16, Pages 33 and 34 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at a point 240 feet West of the Northeast corner of said Lot 4; thence South and parallel with the East line of said Lot 4, a distance of 309.98 feet; thence West and parallel with the North line of said Lots 3 and 4, a distance of 130 feet; thence North and parallel with the West line of Lot 3, a distance of 309.98 feet; thence East 130 feet to the point of beginning.

EXCEPTING therefrom the North 15 feet thereof, deeded for a state highway.

Parcel 2:

A portion Lot 4, Block 19, of Monte Vista Tract No. 2, County of San Bernardino, State of California, as per map recorded in Book 16, Pages 33 and 34 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the Northeast corner of said Lot 4; thence West 167 feet to the true point of beginning; thence West 73 feet; thence South 309.98 feet; thence East 73 feet; thence North 309.98 feet to the true point of beginning.

Assessor's Parcel No: 1011-351-04

EXHIBIT "B"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

THAT PORTION OF LOT 4, BLOCK 19, MONTE VISTA TRACT NO. 2, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 16, PAGE(S) 33 AND 34 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE WEST 167 FEET; THENCE SOUTH 309.98 FEET; THENCE EAST 167 FEET; THENCE NORTH 309.98 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THE NORTH 15 FEET THEREOF AS CONVEYED TO THE STATE OF CALIFORNIA, IN A DEED RECORDED JUNE 17, 1929, IN BOOK 512, PAGE(S) 63, OFFICIAL RECORDS.

APN: 1011-351-05

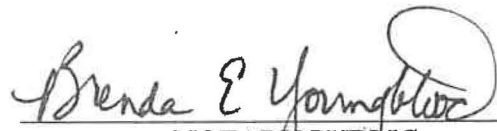
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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

On August 29, 2024, before me, Brenda E. Youngblood, a Notary Public, personally appeared Diane E. Robbins, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person or entity upon behalf of which the person acted, executed the instrument.

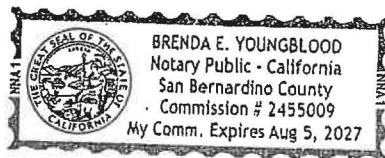
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



NOTARY PUBLIC

(SEAL)



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 San Bernardino

On September 4, 2024 before me, Krystal Alexis Roman, A Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Javier John Dutrey, Mayor and Andrea Myrick, City Clerk
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 Krystal Alexis Roman
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____

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: _____

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

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State of California

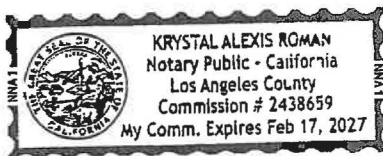
County of San Bernardino

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Date Here Insert Name and Title of the Officer
 personally appeared Javier John Dutrey, Mayor and Andrea Myrick, City Clerk
Name(s) of Signer(s)

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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.



Place Notary Seal and/or Stamp Above

Signature *Krystal Alexis Roman*
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: _____

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: _____

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☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

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State of California

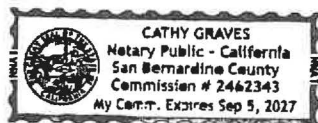
County of San Bernardino }

On September 11, 2024 before me, Cathy Graves, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Armineh Gharibans and
Name(s) of Signer(s)

Shayesteh Ahankooob

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:

Place Notary Seal and/or Stamp Above

Signature Cathy Graves
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: Agreement 24-43-1-111

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

☐ Corporate Officer – Title(s): _____ ☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General ☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact ☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator ☐ Trustee ☐ Guardian or Conservator

☐ Other: _____ ☐ Other: _____

Signer is Representing: _____ Signer is Representing: _____



Land Use Services Department Planning

David Doublet
Director

November 17, 2022

Armineh Gharibans
10956 Balboa Blvd
Granada Hills, CA 91344

Kas Koob Kast Construction, Inc.
1340 E. 6th Street
Los Angeles, CA 90021

RE: TENTATIVE TRACT 20348 TO CREATE 31 CONDOMINIUM PARCELS FROM TWO LOTS, AND A MINOR USE PERMIT FOR THE DEVELOPMENT OF 31 CONDOMINIUMS (MULTI-FAMILY DEVELOPMENT), WITH A MAJOR VARIANCE FOR REDUCED FRONT (17 FEET IN LIEU OF 25 FEET) AND STREET SIDE (15 FEET IN LIEU OF 25 FEET) YARD SETBACKS, WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR) LAND USE CATEGORY AND THE MULTIPLE RESIDENTIAL (RM) ZONING DESIGNATION, ON APPROXIMATELY 4.41 ACRES. APN: 1011-351-04,05; 4TH SUPERVISORIAL DISTRICT; PROJECT NO. P201900202 (PROJ-2020-00087)

Dear Ms. Gharibans,

On **November 10, 2022**, the Zoning Administrator approved the above Project, a Tentative Tract Map (No. 20348) request to subdivide two lots into thirty-one (31) lot townhome development, in conjunction with a Minor Use Permit to allow the the construction of thirty-one (31) condominiums (multi-family development), with a Major Variance for reduced front (17 feet in lieu of 25 feet) and street side (15 feet in lieu of 25 feet) yard setbacks, within the Medium Density Residential (MDR) Land Use Category and the Multiple Residential (RM) Zoning Designation, on approximately 4.41 acres, pursuant to Chapter 85.12.030 of the San Bernardino County Development Code (SBCC) and the conditions of approval contained herein.

This decision becomes effective on **November 22, 2022**, unless an appeal is filed. Any person may file an appeal to the Planning Commission prior to the effective date. The appeal, accompanied by the \$1,712.00 appeal fee, must be made in writing on the forms available from the Public Information Counter or on the San Bernardino County Land Use Services webpage (<http://cms.sbcounty.gov/lus/Planning/Applications.aspx>).

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

The Conditions of Approval are listed under specific headings according to when each condition must be completed for the applicable County Department. The headings are: General Requirements, Prior to Issuance of Grading Permits or Land Disturbing Activities, Prior to Issuance of Building Permits, and Prior to Final Inspection or Occupancy. Also enclosed are Condition Compliance Release Forms that list each County Department/Division or outside agency – when applicable, that must sign-off on the project for each stage of development before

BOARD OF SUPERVISORS

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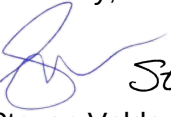
November 17, 2022

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Building and Safety permits can be issued. In accordance with SBCC §86.06.060, the Minor Use Permit must be deemed “exercised” within thirty-six (36) months of the effective date or the approval shall expire. The Minor Use Permit is deemed to have been exercised when actual construction or alternation under a valid Building Permit has commenced. An extension of time in compliance with SBCC §86.06.060(b) may be granted for a maximum of thirty-six (36) months, upon filing an Extension of Time Application and the necessary fee to this office at least thirty (30) days prior to the expiration date.

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

Sincerely,



Steven Valdez
Steven Valdez, Senior Planner

SV/drp



Conditions of Approval

Record: P201900202 (PROJ-2020-00087)

Planning Commission Date: November 10, 2022

Planning Division

1. Project Description. A Tentative Tract Map (No. 20348) request to subdivide two lots into a thirty one (31) lot condominium development, in conjunction with a Minor Use Permit to allow the the construction of thirty-one (31), two-story single family homes and community room, with centralized open areas on a total of 4.41 acres located at 5681 Mission Boulevard in the Multiple Residential (RM) Zoning District and Medium Density Residential (MDR) Land Use District in the Montclair City Sphere of Influence. A Major Variance is included to reduce the street front and street side yard setbacks to 15' on Benson Avenue and 17 feet on Mission Boulevard. 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. APN 1011-351-04 and 05; P201900202 (PROJ-2020-00087).
2. Project Location. The Project site is located at 5681 Mission Boulevard, unincorporated Montclair.
3. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "indemnities" (herein collectively the County's elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

4. Development Impact Fees: Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
5. Clear Sight Triangle: Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90-degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
6. Continuous Effect/Revocation: All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
7. Revisions: Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
8. Construction Hours: Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.



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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. **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.
12. **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.
13. **Mitigation Measure AQ-1:** All applicable measures included in Rule 403, shall be incorporated into Project plans and specifications as implementation of Rule 403, which include but are not limited to (1):
 - All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
 - The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less.
 - The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day
14. **Mitigation Measure AQ-2:** The following measures shall be incorporated into Project plans and specifications as implementation of SCAQMD Rule 1113 (2):
 - Only "Low-Volatile Organic Compounds (VOC)" paints (no more than 50 gram/liter of VOC) consistent with SCAQMD Rule 1113 shall be used.
15. **Mitigation Measure AQ-3:** The following measures shall be incorporated into Project plans and specifications as implementation of SCAQMD Rule 445 (3):
 - Rule 445 prohibits the use of wood burning stoves and fireplaces in new development.
16. **Mitigation Measure BIO-1:** The Applicant shall designate an avian biologist (qualified biologist) experienced in identifying local and migratory bird species; conducting bird surveys using appropriate survey protocol, nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, identifying nesting stages and success; establishing avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.
17. **Mitigation Measure BIO-2:** If start of construction occurs between February 1 and August 31, then a qualified biologist shall conduct a breeding bird survey at the appropriate time of day/night during the appropriate weather conditions, no more than three days prior to the start of construction to determine if nesting is occurring. This survey can be conducted as part of the burrowing owl surveys. Preconstruction surveys shall focus on direct and indirect evidence of nesting, including nest locations, nesting stages, and nest behavior. Surveys shall evaluate all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. The duration of the survey shall be dependent upon the size of the project site, density, and complexity of the habitat; and shall be sufficient to ensure complete and accurate data is collected.



Conditions of Approval

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Planning Commission Date: November 10, 2022

18. **Mitigation Measure BIO-3:** If active occupied nests are found, they shall not be disturbed unless the qualified biologist verifies through non-invasive methods that either (a) the adult birds have not begun egg-laying and incubation; or (b) the juveniles from the occupied nests are capable of independent survival and would not be impacted by the removal of the nest. If the biologist is not able to verify one of the above conditions, then no disturbance shall occur within a distance specified by the qualified biologist for each nest or nesting site. The qualified biologist would determine the appropriate distance in consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. The size and location of buffer zones shall be based on nesting bird species, species behavior, nesting stage, species sensitivity to disturbance, and the intensity and duration of the disturbance activity.
19. **Mitigation Measure CUL-1:** If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall cease and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) shall be contacted immediately to evaluate the find(s). If the discovery proves to be significant under CEQA, additional work such as data recovery excavation may be warranted and will be reported to the County of San Bernardino.
20. **Mitigation Measure CUL-2:** To avoid inadvertent adverse impacts to previously unidentified elements of the residence and garage at 5611 W. Mission Blvd., a monitor with a background in historic architecture is recommended to be on-site to monitor and document the demolition activities; to identify and recover any isolated artifacts or personal affects that may be of historic value; and to report the findings. This level of monitoring should include a photographic record and, if items are recovered, applicable analysis.
21. **Mitigation Measure CUL-3:** Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (no less than 100-ft radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the County of San Bernardino Coroner will be notified. The County of San Bernardino and the Project Proponent shall also be informed of the discovery. The Coroner will determine if the bones are historic/archaeological or a modern legal case. The Coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section § 5097.98.
22. **Mitigation Measure GEO-1:** The project proponent shall have a paleontological consultant on-call to address any issues pertaining to paleontological resources (fossil specimens). While it is unlikely to be applicable, the on-call status will assist in the avoidance of any unanticipated adverse environmental impacts
23. **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.
24. **Project Account:** The Project account number is PROJ-2020-00087. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
25. **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.



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- a) Graffiti and debris: The Home Owners Association shall remove graffiti and debris immediately through weekly maintenance.
 - b) 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.
 - c) Dust control: The Home Owners Association shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - d) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - e) 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.
 - f) Lighting: The Homeowners 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.
 - g) Fire Lanes: The Homeowners 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.
 - h) 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.
26. 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.

County Fire - Community Safety

27. Fire AHJ: San Bernardino County Fire is not the Authority Having Jurisdiction (AHJ) for this property. Please contact: Ontario Fire Prevention Department: 303 E "B" Street, Ontario, CA 91764 (909) 395- 2000 <https://www.ontarioca.gov/fire/fire-prevention>.

Public Works - Solid Waste Management

28. Franchise Hauler Service Area – This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec Waste Industries).
29. Recycling Storage Capacity – The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
30. Mandatory Trash Service – This property falls within a Uniform Handling Service area. All owners of a dwelling or a commercial or industrial unit within the uniform handling area shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County



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Code Title 4, Division 6, Chapter 5, Section 46.0501.

31. Mandatory Commercial Organics Recycling – As of January 1, 2019, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of solid waste per week to recycle their organic waste. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

Land Use Services - Land Development - Drainage

32. Tributary Drainage: Adequate provisions should be made to intercept and conduct the tributary off site on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
33. 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.
34. 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.
35. 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.
36. 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.
37. Natural Drainage: The natural drainage courses traversing the site shall not be occupied or obstructed.

Public Health– Environmental Health Services

38. 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.
39. 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 – Traffic Division

40. Backing into Roadway: Project vehicles shall not back up into the project site nor shall they back out into the public roadway.
41. Access: The project driveway access on Mission Blvd will be restricted to right in/right out only.

Department of Public Works – Surveyors Office



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42. 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.
43. 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.
- 44.
45. Land Survey Monuments: If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.
46. Record of Survey: Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
 - a. Monuments set to mark property lines or corners;
 - b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
 - c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

Prior to Land Disturbance / Recordation

Land Use Services - Building and Safety

47. Wall Plans: Submit plans and obtain separate building permits for any required retaining walls.
48. Geotechnical (Soil) Report Required Before Grading: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.
49. Demolition Permit Required Before Grading: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.

Land Use Services - Land Development - Drainage

50. Topo Map: A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
51. FEMA Flood Zone: FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06037C1750F dated 9/26/2008. No elevation requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
52. Drainage Improvements: A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.



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53. 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.
54. 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>)
55. On-site Flows: On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
56. Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
57. NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov
58. Grading Plans: Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

Land Use Services - Planning

59. 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;
 - a) retrofitting existing engines with particulate traps;
 - b) use of low sulfur fuel; and
 - c) 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.
60. Air Quality: Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Project is in non- attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:
 - a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 1. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
 2. 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



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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.
1. 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.

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

62. **Mitigation Measure TCR-2:** *Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.*

63. **Mitigation Measure MM-TCR-3:** *Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed. Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner.*

Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed



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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.

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

64. **Mitigation Measure MM TCR-4:** If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

Public Health– Environmental Health Services

65. **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

66. **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.
67. **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.
68. **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.
69. **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.
70. **Title Report.** A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.
71. **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

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



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Building Codes, submitted for review and approval by the Building and Safety Division.

74. Avigation Easement: An Avigation Easement shall be granted to the appropriate airport and recorded prior to the issuance of building permits for all construction in the AR overlay areas. Plans submitted in the AR overlays shall conform to the interior noise levels as per San Bernardino County standards.

Land Use Services - Land Development - Roads

75. Encroachment Permits: Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
76. 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
77. Road Improvements: Road Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

Mission Boulevard (Major Divided Highway – 120' Right of Way / 94' Curb to Curb)

- Driveway Approach. Design driveway approach per 2010 Caltrans Driveway Standard Detail A87A (W=12' min – 26' max), and located per San Bernardino County Standard 130.

Benson Avenue (Secondary Highway – 88')

- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.

78. Regional Transportation Fee: Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Montclair Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$2,549.00 per unit for Multi Family Use, which includes the 31 units per the site plan. Therefore, the estimated Regional Transportation Fees for the Project is \$79,019.00.

The current Regional Transportation Development Mitigation Plan can be found at the following website:
<http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

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

Land Use Services - Planning

80. 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.
81. 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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82. 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.
83. 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.
84. 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.
85. 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. No white vinyl windows shall be allowed, unless they match the color of the proposed window frame. Also, all windows facing Mission Boulevard and Benson Avenue shall be soundproof to reduce the noise from vehicles and pedestrians traveling on the adjacent streets.
86. Architectural Design. Prior to approval of a building permit, the architectural design of the proposed tract shall be approved to the satisfaction of the City of Montclair and County Planning Director.
87. Fire Approvals. Prior to the issuance of the Final Tract Map and/or Building Permits, the applicant shall submit an approval letter or construction plans approved by the City of Montclair Fire Department.
88. Signs. On-site signs shall be allowed in land use zoning districts that allow residential land uses and shall be subject to the following standards:
 - i) On-site residential signs are signs that give notice of the name and/or address of residential land uses on the same parcel and/or the name of a resident on the parcel. Except as otherwise provided, on-site residential signs shall not exceed a total of six square feet in area for each residential dwelling and shall not exceed six feet in height.
 - ii) On-site residential signs for multi-family structures shall not exceed 20 square feet in area.
 - iii) On-site residential signs shall also include signs that identify a residential development by name or give similar notice to identify a residential area or neighborhood. Each residential area or development shall be limited to a maximum of two permanent signs per principal entrance to the residential development. The maximum total sign area shall be 100 square feet for each development and individual signs shall not exceed a maximum height of six feet when the sign is located outside the front setback area and four feet when the sign is within the front setback area. These signs shall not advertise the sales of parcels or homes.
89. 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.
 - a) 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.
 - b) 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



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location for employees and customers. The specific transit routes displayed shall include Omni Trans Route 8, San Bernardino-Mentone-Yucaipa.

- c) 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.

90. 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.
- a) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
- b) Grading contractor shall provide the implement the following when possible:
 - 1. Training operators to use equipment more efficiently.
 - 1. Identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions
 - 2. Replacing older, less fuel-efficient equipment with newer models
 - 3. Use GPS for grading to maximize efficiency
- c) 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.”
- d) 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.
- e) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
- f) 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.

91. 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.
- a. Plumbing. All plumbing shall incorporate the following:



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- 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.
 - b. 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.**
 - c. 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
 - d. 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.
 - e. 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.
 - f. 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.
 - g. Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.
92. 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:



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- a. Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent.
- a. All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting.
- b. Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

Public Health– Environmental Health Services

93. 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.
94. Sewage Disposal: Method of sewage disposal shall be City of Montclair, or, if not available, EHS approved onsite wastewater treatment system (OWTS).
95. 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).
96. 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.
97. Demolition Inspection Required: All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact EHS Vector Section at 1-800-442-2283.
98. Existing OWTS: Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
99. Existing Wells: If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.
100. Individual Wells: If an approved water company cannot serve the project, individual wells are authorized for each daughter parcel providing that County Development Code infrastructure requirements can be met. Conceptual plans, showing that wells and septic system locations meet setback requirements, may be required (§ 83.09.060). If wells are approved, the following notes shall be placed on the Composite Development Plan (CDP), "An individual well shall be utilized as the domestic water source for each lot. The well shall be installed, pump tested, and the pump test results reviewed and approved by EHS prior to the issuance of building permits for each lot."
101. New OWTS: If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to EHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.



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102. Water Purveyor: Water purveyor shall be City of Montclair or EHS approved.
103. 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.
104. 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.

Land Use Services - Building and Safety

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

Public Works - Solid Waste Management

106. CDWMP Part I: CDWMP Part I must be submitted prior to issuance of the permit. County franchise waste hauler is Burrtec Waste. For questions related to the submittal of this plan please call (909) 386-8701 or visit the EZOP website at <http://wp.sbcounty.gov/ezop/permits/construction-waste-management-plan-part-1/>

Prior to Final Inspection

Public Works - Solid Waste Management

107. CDWMP Part II: CDWMP Part II must be submitted prior to the Final Inspection. County franchise waste hauler is Burrtec Waste. For questions related to the submittal of this plan please call (909) 386-8701 or visit the EZOP website at <http://wp.sbcounty.gov/ezop>

Prior to Occupancy

Land Use Services - Land Development - Drainage

108. LDD Requirements: All LDD requirements shall be completed by the applicant prior to occupancy.
109. Road Improvements: All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
110. Parkway Planting: Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.
111. Structural Section Testing: A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.
112. 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.
113. 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.

Land Use Services – Planning



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114. 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").
115. Rooftop Equipment: No roof top mechanical equipment is allowed.
116. 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.
117. Installation of Improvements: All required on-site improvements shall be installed per approved plans.
118. Fees Paid: Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ- P201900202 (PROJ-2020-00087).
119. 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.

Department of Public Works – Surveyors Office

120. 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.
121. 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:
 - d. Monuments set to mark property lines or corners;
 - e. 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;
 - f. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.
- 122.

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



Conditions of Approval

Record: P201900202 (PROJ-2020-00087)

Planning Commission Date: November 10, 2022

Dept. of Public Works	Flood Control	(909) 387-7995
	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Special Districts	Water and Sanitation	(760) 955-9885
	Administration, Park and Recreation, Roads, Streetlights, Television Districts, and Other	(909) 386-8800
External Agencies (Caltrans, U.S. Army, etc.)		See condition text for contact information...

**FINDINGS
MAJOR VARIANCE
MINOR USE PERMIT
TENTATIVE TRACT MAP
NOVEMBER 10, 2022**

PROPOSED PROJECT: TENTATIVE TRACT 20348 TO CREATE 31 CONDOMINIUM PARCELS FROM TWO LOTS, AND A MINOR USE PERMIT FOR THE DEVELOPMENT OF 31 CONDOMINIUMS (MULTI-FAMILY DEVELOPMENT), WITH A MAJOR VARIANCE FOR REDUCED FRONT (17 FEET IN LIEU OF 25 FEET) AND STREET SIDE (15 FEET IN LIEU OF 25 FEET) YARD SETBACKS, WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR) LAND USE CATEGORY AND THE MULTIPLE RESIDENTIAL (RM) ZONING DESIGNATION, ON APPROXIMATELY 4.41 ACRES (PROJECT).

TENTATIVE TRACT MAP FINDINGS: [Development Code Section 87.02.060]

- 1. THE PROPOSED MAP, SUBDIVISION DESIGN, AND IMPROVEMENTS ARE CONSISTENT WITH THE GENERAL PLAN, ANY APPLICABLE COMMUNITY PLAN, AND ANY APPLICABLE SPECIFIC PLAN.**

The proposed subdivision, together with the provisions for its design and improvements is consistent with the General Plan, MUP and Major Variance Findings, and allows for development according to multi-Family standards and design guidelines in the Development Code.

- 2. THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE AND PROPOSED DENSITY OF DEVELOPMENT.**

The site is physically suitable for the type and proposed density of development because all physical constraints of the site, including access, circulation and drainage, have been recognized and mitigated with appropriate conditions of approval.

- 3. THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.**

The potential environmental effects of the proposed MUP and Tentative Tract Map have been analyzed in a Mitigate Negative Declaration, which determined the Project to have no adverse effects on the environment with the implementation of the required mitigation measures and conditions of approval.

- 4. THE DESIGN OF THE SUBDIVISION OR TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS.**

The design of the subdivision or the type of improvements is not likely to cause serious public health problems, because the conditions of approval for the proposed map and the related Minor Use Permit and Major Variance require compliance with County health and safety standards.

- 5. THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF THE PROPERTY WITHIN THE PROPOSED SUBDIVISION.**

The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, because the conditions of approval require any conflicts to be resolved prior to recordation.

6. THE DISCHARGE OF SEWAGE FROM THE PROPOSED SUBDIVISION INTO THE COMMUNITY SEWER SYSTEM WILL NOT RESULT IN VIOLATION OF EXISTING REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD.

The improvements required per the conditions of multi-family development and MUP approval, and the manner of development proposed adequately address all natural and man-made hazards associated with the proposed development and the Project site, including but not limited to flood, seismic, biotic and fire hazards. A preliminary Water Quality Management Plan and Drainage study were approved for the Project site.

7. THE DESIGN OF THE SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.

The design of the proposed subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities, as encouraged by the Multi-family Development Standards and the Multiple Residential (RM) standards.

8. THE PROPOSED SUBDIVISION, ITS DESIGN, DENSITY, AND TYPE OF DEVELOPMENT AND IMPROVEMENTS CONFORMS TO THE REGULATIONS OF THIS DEVELOPMENT CODE AND THE REGULATIONS OF ANY PUBLIC AGENCY HAVING JURISDICTION BY LAW.

The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law. The proposed subdivision design meets the minimum lot size, depth, width, and gross acreage requirements of the Multi Family development standards with the approval of the MUP. Agencies having jurisdiction by law have reviewed the proposed subdivision and have provided conditions of approval to ensure regulations of the Development Code and any applicable federal, state, and local laws are met.

MINOR USE PERMIT FINDINGS: [Development Code Section 85.06.040]

1. THE SITE FOR THE PROPOSED USE IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE PROPOSED USE AND ALL LANDSCAPING, LOADING AREAS, OPEN SPACES, PARKING AREAS, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.

The proposed 31-unit condominium subdivision meets all development code requirements for Multiple Residential (RM) Land Use District with the approval of a major variance for a reduced front and street side yard setback. The site is adequate in terms of shape and size to accommodate the proposed use and all landscaping.

2. THE SITE FOR THE PROPOSED USE HAS ADEQUATE LEGAL AND PHYSICAL ACCESS WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE.

The proposed Project provides for adequate site access off Mission Boulevard via a gated entryway and is required to maintain fire access/exits on Benson Avenue.

3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THAT

THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, OR OTHER DISTURBANCE.

An Initial Study (IS) was prepared for the proposed Project resulting in a Mitigated Negative Declaration (MND). These documents are collectively referred to as the "IS/MND." The IS/MND analyzed potential impacts to surrounding properties, and recommended mitigation measures to address any potentially significant impacts, including biological resources. These mitigation measures, which are incorporated into the Project's proposed Conditions of Approval, ensure that there will be no significant adverse impacts to abutting properties from the Project.

The Project will comply with the noise restrictions established by Development Code Section 83.01.080 during construction and operations. Construction will be temporary and will not involve blasting or produce noise and/or vibration that exceed Development Code requirements. Operation of the Project will generate minimal noise at a level that is within County Development Code standards.

In addition, the use will not substantially interfere with the present or future ability to use solar energy systems. The proposed Project will allow for the installation of solar on the rooftop of the proposed residential units in the future and would not limit the future development of solar energy systems or other development on neighboring properties.

4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE GENERAL PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.

The proposed development is in a centralized urban setting, near a major arterial and will contain full urban services. Therefore, the proposed development is consistent with Multiple Residential (RM) goals outlined in the General Plan Land Use Element. The proposed Minor Use Permit for a multifamily condominium development specifically implements the following goal.

- **Policy LU-2.4 Land Use Map consistency.** We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Consistency: The Project site is currently vacant but was formerly used as a commercial property. The surrounding land uses to the north, south, east, and west are a mixture of commercial and residential uses. The proposed Project will develop the vacant parcel into 31 two-story detached condominiums which would be consistent with the proposed GPA. The development of the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. As such, the proposed Project will be a benefit to the community and not compromise existing development in the area.

- **Policy LU-2.1 Compatibility with existing uses.** We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

Consistency: The proposed Project provides for a mixture of housing types, in varying floor plans. The varying sizes of homes are appropriate for the area and will lead to a good mixture of housing types at varying prices. The condominium product also allows for home ownership for first time homebuyers.

- **Policy LU-2.2 Compatibility with planned uses.** We require that new residential development is located, scaled, buffered, and designed to minimize negative impacts both on and from adjacent areas designated for nonresidential land uses.

Consistency: The proposed Project is an infill project located in an area of similar uses that have been developed with single-family homes and light commercial uses. The proposed residential development is designed to strengthen the existing communities and will lead to improved walkability through the required street, and curb improvements. Furthermore, the development will consist of a mixture of housing types and styles that will allow for the appropriate mixture of uses along Mission Boulevard and Benson Avenue. In addition, the proposed infill development in the Montclair Sphere is encouraged by the General Plan.

- **Policy LU-2.14 Contiguous land administration.** We support the consolidation of disconnected land areas under public ownership or administration to increase financial and environmental value, streamline the management of land and resources, and establish more complete and effective transition areas or buffers. Such consolidation may include transfer of title of property among public entities and the purchase or swapping of private property voluntarily sold when the consolidation is fiscally neutral or beneficial to the County.

Consistency: The surrounding land uses to the north, south, east, and west are a mixture of commercial and residential uses. The Project site is adjacent to commercial uses on the north side of Mission Boulevard; to the south and east is the City of Ontario and single-family and a church; and to the west is a mobile home park and single family homes similar to what is being proposed. The proposed Project will develop the vacant parcel into 31 two-story detached condominiums. The Tentative Tract Map and Minor Use Permit will allow a vacant lot that is underutilized to be developed with a condominium project that provides a reasonable extension to the existing single-family homes located south of the project site.

- **Policy LU-1.2 Infill development.** We prefer new development to take place on existing vacant and underutilized lots where public services and infrastructure are available.

Consistency: The proposed Project is an infill project located in an area of similar uses that have been developed with single-family homes and light commercial uses. The proposed residential development is designed to strengthen the existing communities and will lead to improved walkability through the required street, and curb improvements. Furthermore, the development will consist of a mixture of housing types and styles that will allow for the appropriate mixture of uses along Mission Boulevard and Benson Avenue. In addition, the proposed infill development in the Montclair Sphere is encouraged by the General Plan.

5. THERE IS SUPPORTING INFRASTRUCTURE, EXISTING OR AVAILABLE, CONSISTENT WITH THE INTENSITY OF DEVELOPMENT, TO ACCOMMODATE THE PROPOSED DEVELOPMENT WITHOUT SIGNIFICANTLY LOWERING SERVICE LEVELS.

The proposed residential development has been included in the utility and service providers' plans. The proposed Project also will not result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electrical power, natural gas, or telecommunications

facilities, the construction or relocation of which could cause significant environmental effects. Therefore, the proposed development can be accommodated by existing infrastructure and will not significantly lower service levels.

6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

The Project's Conditions of Approval reflect requirements designed to protect the public health, safety, and general welfare. These conditions are based on established legal requirements and are applicable to all similar projects. Consequently, they are considered reasonable and necessary to protect the public health, safety, and general welfare. All conditions listed in the conditions of approval are necessary and reasonable to ensure compliance and to carry out the goals, policies and objectives of the County's General Plan.

7. THE DESIGN OF THE SITE HAS CONSIDERED THE POTENTIAL FOR THE USE OF SOLAR ENERGY SYSTEMS AND PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.

The location of the proposed Project was designed in a manner to not interfere with the future ability for the property owner to install a solar energy system. The Project would not impede development of solar energy generation systems on adjacent parcels

Additional Findings for Minor Use Permits. The review authority shall first find and justify that all of the following additional findings are true before approving a Minor Use Permit application.

- (1) There are no circumstances that would result in standards or conditions not being able to adequately mitigate environmental impacts.

The Mitigated Negative Declaration prepared adequately mitigates environmental impacts. Mitigation Measures are included as Conditions of Approval.

- (2) The project is planned for immediate development and does not include a phase development.

The project is planned for immediate development and is not phased.

- (3) The project is not likely to result in controversy. If the proposed project fails to satisfy any of the findings identified in this Subdivision, it shall only be processed as a Conditional Use Permit in compliance with this Chapter.

The project is not controversial and is similar in design and layout as adjacent single-family homes.

VARIANCE FINDINGS: [Development Code Section 85.17.060]

- 1. THE GRANTING OF THE VARIANCE WILL NOT BE MATERIALLY DETRIMENTAL TO OTHER PROPERTIES OR LAND USES IN THE AREA AND WILL NOT SUBSTANTIALLY INTERFERE WITH THE PRESENT OR FUTURE ABILITY TO USE SOLAR ENERGY SYSTEMS;**

The proposed variance will allow for a reduced front and street side yard setback at 15 feet on Benson Avenue and 17 feet on Mission Avenue, instead of 25 feet in the Multi-Family Residential (RM) Zoning District. The reduced front and street side yard setback was necessary to allow for code compliant driveways and fire access lanes on the project site. Although the Variance is pushing the proposed dwellings closer to the street, adequate landscaping, fencing, and security measures are being provided with the multiple family project that allows the Project to comply with similar types of detached condominium developments on Mission Boulevard. As such, the proposed variance will not be detrimental to other properties or land uses given that similar setbacks are provided on Mission Boulevard. Furthermore, the placement of single-family homes at a reduced setback will not interfere with the future ability to use solar because the roof, where most solar installation occur will not be impacted, as a result of the reduced setback. Therefore, the granting of the variance will not interfere with or limit the future ability to use solar energy systems on the subject property or adjacent properties.

2. THERE ARE EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS APPLICABLE TO THE SUBJECT PROPERTY OR TO THE INTENDED USE THAT DO NOT APPLY TO OTHER PROPERTIES IN THE SAME VICINITY AND LAND USE ZONING DISTRICT;

The subject property, although considered a multifamily development by definition, is more similar to a single-family housing development on small lots. The type of multi-family development is unique to San Bernardino County and the subject property. The unique type of development and configuration on the property lead to a reduction of the required front yard setback and is an extraordinary condition. The reduced front and street side yard setback will not apply to other properties in the same zone, but does exist on other multifamily developments in the vicinity as described above and below. Due to the extraordinary conditions that exist on the subject property, as a result of the unique development, the strategic placement of the multi-family homes facing Mission Boulevard and Benson Avenue at 15 feet (Benson Avenue) and 17 feet (Mission Boulevard) instead of 25 feet was necessary to provide adequate public safety without reducing the number of units. The reduced front yard setback still enables the property owner to use the front yard setback area similar to other properties on Mission Boulevard and Benson Avenue, and serves to improve public safety and privacy by limiting hiding spaces, thereby improving eyes on the street, and required Crime Prevention through Environmental Design standards.

3. THE STRICT APPLICATION OF THE LAND USE ZONING DISTRICT DEPRIVES THE SUBJECT PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTIES IN THE VICINITY OR IN THE SAME LAND USE ZONING DISTRICT; AND

The Development Code states that a 25' front and street side yard setback is required in the Multiple Residential (RM) Zoning District. The strict application of the code deprives the property of adequate access and fire lanes, and ultimately leads to a reduction of homes on a site that is well under density, due to the unique configuration of the single-family homes on small lots. Therefore, the reduced front yard setback at 17 feet and street side yard setback at 15 feet, instead of 25', allows the property to be enjoyed similar to other properties in the vicinity, and will not represent a deviation from how adjacent properties are used. Approving this variance will allow the applicant the same privileges enjoyed by neighboring properties with the incorporated conditions of approval.

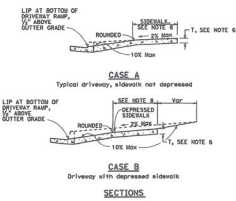
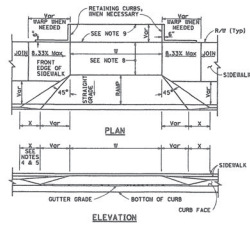
4.THE GRANTING OF THE VARIANCE IS COMPATIBLE WITH THE MAPS, OBJECTIVES, POLICIES, PROGRAMS, AND GENERAL LAND USES SPECIFIED IN THE GENERAL PLAN AND ANY APPLICABLE SPECIFIC PLAN

The variance request is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan discussed above. It allows reasonable use of a residential lot for residential purposes.

ENVIRONMENTAL FINDING:

The potential environmental effects of the proposed Project have been analyzed in an Initial Study. The Initial Study / Mitigated Negative Declaration analysis found no substantial evidence that the Project will have a significant effect on the environment. The Project will not have a significant adverse impact on the environment with the implementation of all the conditions of approval and environmental mitigation measures. The proposed Mitigated Negative Declaration for this Project reflects the County's independent judgment in making this decision. Therefore, adoption of a Mitigated Negative Declaration is recommended.

END OF FINDINGS



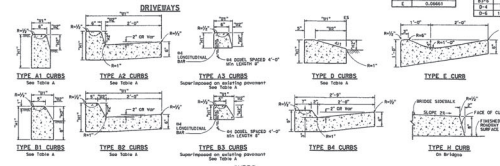
**Planning
Approved**

NOTES:
1. FOR BALANCE OF INFO PLEASE REFER TO GRADING PLANS & DETAILS.

Caltrans Standard A87A

SCALE: 10:10

9



NOTES:
1. All retaining walls shall be designed for a minimum 10% surcharge.
2. All retaining walls shall be designed for a minimum 10% surcharge.
3. All retaining walls shall be designed for a minimum 10% surcharge.
4. All retaining walls shall be designed for a minimum 10% surcharge.
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9. All retaining walls shall be designed for a minimum 10% surcharge.
10. All retaining walls shall be designed for a minimum 10% surcharge.

TYPE	MIN. VERTICAL CURVE	MIN. HORIZONTAL CURVE
TYPE 1	10'	10'
TYPE 2	15'	15'
TYPE 3	20'	20'
TYPE 4	25'	25'
TYPE 5	30'	30'
TYPE 6	35'	35'
TYPE 7	40'	40'
TYPE 8	45'	45'
TYPE 9	50'	50'
TYPE 10	55'	55'
TYPE 11	60'	60'
TYPE 12	65'	65'
TYPE 13	70'	70'
TYPE 14	75'	75'
TYPE 15	80'	80'
TYPE 16	85'	85'
TYPE 17	90'	90'
TYPE 18	95'	95'
TYPE 19	100'	100'
TYPE 20	105'	105'
TYPE 21	110'	110'
TYPE 22	115'	115'
TYPE 23	120'	120'
TYPE 24	125'	125'
TYPE 25	130'	130'
TYPE 26	135'	135'
TYPE 27	140'	140'
TYPE 28	145'	145'
TYPE 29	150'	150'
TYPE 30	155'	155'
TYPE 31	160'	160'
TYPE 32	165'	165'
TYPE 33	170'	170'
TYPE 34	175'	175'
TYPE 35	180'	180'
TYPE 36	185'	185'
TYPE 37	190'	190'
TYPE 38	195'	195'
TYPE 39	200'	200'
TYPE 40	205'	205'
TYPE 41	210'	210'
TYPE 42	215'	215'
TYPE 43	220'	220'
TYPE 44	225'	225'
TYPE 45	230'	230'
TYPE 46	235'	235'
TYPE 47	240'	240'
TYPE 48	245'	245'
TYPE 49	250'	250'
TYPE 50	255'	255'
TYPE 51	260'	260'
TYPE 52	265'	265'
TYPE 53	270'	270'
TYPE 54	275'	275'
TYPE 55	280'	280'
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TYPE 70	355'	355'
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TYPE 74	375'	375'
TYPE 75	380'	380'
TYPE 76	385'	385'
TYPE 77	390'	390'
TYPE 78	395'	395'
TYPE 79	400'	400'
TYPE 80	405'	405'
TYPE 81	410'	410'
TYPE 82	415'	415'
TYPE 83	420'	420'
TYPE 84	425'	425'
TYPE 85	430'	430'
TYPE 86	435'	435'
TYPE 87	440'	440'
TYPE 88	445'	445'
TYPE 89	450'	450'
TYPE 90	455'	455'
TYPE 91	460'	460'
TYPE 92	465'	465'
TYPE 93	470'	470'
TYPE 94	475'	475'
TYPE 95	480'	480'
TYPE 96	485'	485'
TYPE 97	490'	490'
TYPE 98	495'	495'
TYPE 99	500'	500'
TYPE 100	505'	505'
TYPE 101	510'	510'
TYPE 102	515'	515'
TYPE 103	520'	520'
TYPE 104	525'	525'
TYPE 105	530'	530'
TYPE 106	535'	535'
TYPE 107	540'	540'
TYPE 108	545'	545'
TYPE 109	550'	550'
TYPE 110	555'	555'
TYPE 111	560'	560'
TYPE 112	565'	565'
TYPE 113	570'	570'
TYPE 114	575'	575'
TYPE 115	580'	580'
TYPE 116	585'	585'
TYPE 117	590'	590'
TYPE 118	595'	595'
TYPE 119	600'	600'
TYPE 120	605'	605'
TYPE 121	610'	610'
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TYPE 128	645'	645'
TYPE 129	650'	650'
TYPE 130	655'	655'
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TYPE 150	755'	755'
TYPE 151	760'	760'
TYPE 152	765'	765'
TYPE 153	770'	770'
TYPE 154	775'	775'
TYPE 155	780'	780'
TYPE 156	785'	785'
TYPE 157	790'	790'
TYPE 158	795'	795'
TYPE 159	800'	800'
TYPE 160	805'	805'
TYPE 161	810'	810'
TYPE 162	815'	815'
TYPE 163	820'	820'
TYPE 164	825'	825'
TYPE 165	830'	830'
TYPE 166	835'	835'
TYPE 167	840'	840'
TYPE 168	845'	845'
TYPE 169	850'	850'
TYPE 170	855'	855'
TYPE 171	860'	860'
TYPE 172	865'	865'
TYPE 173	870'	870'
TYPE 174	875'	875'
TYPE 175	880'	880'
TYPE 176	885'	885'
TYPE 177	890'	890'
TYPE 178	895'	895'
TYPE 179	900'	900'
TYPE 180	905'	905'
TYPE 181	910'	910'
TYPE 182	915'	915'
TYPE 183	920'	920'
TYPE 184	925'	925'
TYPE 185	930'	930'
TYPE 186	935'	935'
TYPE 187	940'	940'
TYPE 188	945'	945'
TYPE 189	950'	950'
TYPE 190	955'	955'
TYPE 191	960'	960'
TYPE 192	965'	965'
TYPE 193	970'	970'
TYPE 194	975'	975'
TYPE 195	980'	980'
TYPE 196	985'	985'
TYPE 197	990'	990'
TYPE 198	995'	995'
TYPE 199	1000'	1000'
TYPE 200	1005'	1005'
TYPE 201	1010'	1010'
TYPE 202	1015'	1015'
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TYPE 229	1150'	1150'
TYPE 230	1155'	1155'
TYPE 231	1160'	1160'
TYPE 232	1165'	1165'
TYPE 233	1170'	1170'
TYPE 234	1175'	1175'
TYPE 235	1180'	1180'
TYPE 236	1185'	1185'
TYPE 237	1190'	1190'
TYPE 238	1195'	1195'
TYPE 239	1200'	1200'
TYPE 240	1205'	1205'
TYPE 241	1210'	1210'
TYPE 242	1215'	1215'
TYPE 243	1220'	1220'
TYPE 244	1225'	1225'
TYPE 245	1230'	1230'
TYPE 246	1235'	1235'
TYPE 247	1240'	1240'
TYPE 248	1245'	1245'
TYPE 249	1250'	1250'
TYPE 250	1255'	1255'
TYPE 251	1260'	1260'
TYPE 252	1265'	1265'
TYPE 253	1270'	1270'
TYPE 254	1275'	1275'
TYPE 255	1280'	1280'
TYPE 256	1285'	1285'
TYPE 257	1290'	1290'
TYPE 258	1295'	1295'
TYPE 259	1300'	1300'
TYPE 260	1305'	1305'
TYPE 261	1310'	1310'
TYPE 262	1315'	1315'
TYPE 263	1320'	1320'
TYPE 264	1325'	1325'
TYPE 265	1330'	1330'
TYPE 266	1335'	1335'
TYPE 267	1340'	1340'
TYPE 268	1345'	1345'
TYPE 269	1350'	1350'
TYPE 270	1355'	1355'
TYPE 271	1360'	1360'
TYPE 272	1365'	1365'
TYPE 273	1370'	1370'
TYPE 274	1375'	1375'
TYPE 275	1380'	1380'
TYPE 276	1385'	1385'
TYPE 277	1390'	1390'
TYPE 278	1395'	1395'
TYPE 279	1400'	1400'
TYPE 280	1405'	1405'
TYPE 281	1410'	1410'
TYPE 282	1415'	1415'
TYPE 283	1420'	1420'
TYPE 284	1425'	1425'
TYPE 285	1430'	1430'
TYPE 286	1435'	1435'
TYPE 287	1440'	1440'
TYPE 288	1445'	1445'
TYPE 289	1450'	1450'
TYPE 290	1455'	1455'
TYPE 291	1460'	1460'
TYPE 292	1465'	1465'
TYPE 293	1470'	1470'
TYPE 294	1475'	1475'
TYPE 295	1480'	1480'
TYPE 296	1485'	1485'
TYPE 297	1490'	1490'
TYPE 298	1495'	1495'
TYPE 299	1500'	1500'
TYPE 300	1505'	1505'
TYPE 301	1510'	1510'
TYPE 302	1515'	1515'
TYPE 303	1520'	1520'
TYPE 304	1525'	1525'
TYPE 305	1530'	1530'
TYPE 306	1535'	1535'
TYPE 307	1540'	1540'
TYPE 308	1545'	1545'
TYPE 309	1550'	1550'
TYPE 310	1555'	1555'
TYPE 311	1560'	1560'
TYPE 312	1565'	1565'
TYPE 313	1570'	1570'
TYPE 314	1575'	1575'
TYPE 315	1580'	1580'
TYPE 316	1585'	1585'
TYPE 317	1590'	1590'
TYPE 318	1595'	1595'
TYPE 319	1600'	1600'
TYPE 320	1605'	1605'
TYPE 321	1610'	1610'
TYPE 322	1615'	1615'
TYPE 323	1620'	1620'
TYPE 324	1625'	1625'
TYPE 325	1630'	1630'
TYPE 326	1635'	1635'
TYPE 327	1640'	1640'
TYPE 328	1645'	1645'
TYPE 329	1650'	1650'
TYPE 330	1655'	1655'
TYPE 331	1660'	1660'
TYPE 332	1665'	1665'
TYPE 333	1670'	1670'
TYPE 334	1675'	1675'
TYPE 335	1680'	1680'
TYPE 336	1685'	1685'
TYPE 337	1690'	1690'
TYPE 338	1695'	1695'
TYPE 339	1700'	1700'
TYPE 340	1705'	1705'
TYPE 341	1710'	1710'
TYPE 342	1715'	1715'
TYPE 343	1720'	1720'
TYPE 344	1725'	1725'
TYPE 345	1730'	1730'
TYPE 346	1735'	1735'
TYPE 347	1740'	1740'
TYPE 348	1745'	1745'
TYPE 349	1750'	1750'
TYPE 350	1755'	1755'
TYPE 351	1760'	1760'
TYPE 352	1765'	1765'
TYPE 353	1770'	1770

TOM DODSON & ASSOCIATES

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

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

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



June 30, 2025

Mr. Samuel Martinez
Executive Officer
Local Agency Formation Commission
1601 East 3rd Street, Suite 120
San Bernardino, CA 92415-0490

Dear Sam:

LAFCO SC#538 consists of an application for Extension of Service by the City of Montclair to a 2.42-acre condominium development located in the City's Sphere of Influence (Sphere). The specific action before the Local Agency Formation Commission (LAFCO or Commission) consists of a request by the City of Montclair (City) to extend sewer service to a proposed 31-lot multi-family residential development (Townhome Development) at the southwest corner of Mission Boulevard and Benson Avenue. If the Commission approves LAFCO SC#538, the project can move forward with development of the 31-unit townhome project under San Bernardino County jurisdiction, and connect to the City's existing 8-inch sewer main located in Mission Avenue, adjacent to the project site.

The County prepared an Initial Study and adopted a Mitigated Negative Declaration (MND) for this project to comply with the California Environmental Quality Act (CEQA). This document addressed the whole of the project as it was defined in 2021, which included three parcels, APNs 1011-351-03, -04, and -05, encompassing total of 4.42 acres that resulted in Tentative Tract Map No. 20348 being approved at that time. However, based on a field review of the project site, the surrounding environment has changed where one of the parcels, APN 1011-351-03, was removed from the overall project. In 2017, the existing single-family residence and the 18 mobile homes on said parcel were connected to the city's sewer system and said existing development within said parcel remains as is. Subsequently, the County approved a revised project that only included the development of the two other parcels, APNs 1011-351-04 and -05, that reduced the development from 55 condominium units on the original 4.42 acres to 31 units on 2.42 acres. A Notice of Determination was processed for the revised County project in 2022.

LAFCO Staff concurs with this decision and supports the connection of the Townhome development to the City's sewer collection and treatment systems. The Initial Study concluded that implementation of the proposed project, including an out-of-agency service agreement for sewer service, would not result in significant adverse impacts to the environment and brought forward several project specific mitigation measures for implementation. None of these measures is the responsibility of the Commission. Therefore, I am recommending that the Commission consider the adopted Initial Study/Mitigated Negative Declaration (IS/MND) as a CEQA Responsible Agency and as the appropriate CEQA environmental determination for LAFCO SC#538.

Thus, after independent review of the proposed action, this proposed out-of-agency 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 approval of this action. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#538, acting as a CEQA Responsible Agency:

1. Indicate that the Commission Staff and environmental consultant have independently reviewed the County's IS/MND and found it adequate for the propose service contract extension authorization request contained in LAFCO SC#538.
2. The Commission needs to indicate that it has considered the IS/MND and environmental effects, prior to reaching a decision on the project, and finds the information substantiating the MND adequate for approval of the out-of-agency service extension authorization request contained in LAFCO SC#538 .
3. The Commission should indicate that it does not intend to adopt alternatives or other mitigation measures for this project. The mitigation measures required for this project will remain the responsibility of the County and others to implement.
4. File a new Notice of Determination with the County Clerk of the Board acting as a CEQA Responsible Agency.

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

Sincerely,

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

Tom Dodson

DATE FILED & POSTEDPosted On: 12/16/22Removed On: 01/28/23Receipt No: 36-12162022
- 866**Notice of Determination**

To:

☒ Office of Planning and Research

U.S. Mail:

Street Address:

P.O. Box 3044

1400 Tenth St., Rm 113

Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ Clerk of the BoardCounty of: San BernardinoAddress: 385 North Arrowhead Avenue, Second Floor
San Bernardino, CA 92415-0130

From:

Public Agency: San Bernardino County, LUSDAddress: 385 North Arrowhead Ave, First Floor San
Bernardino, CA 92415-0187Contact: Steven ValdezPhone: 909-387-4421

Lead Agency (if different from above):

Address: _____

Contact: _____

Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.State Clearinghouse Number (if submitted to State Clearinghouse): 2021110150 (PROJ-2020-00087)Project Title: Kas Koob Multifamily DevelopmentProject Applicant: Armineh Gharibans, Kas Koob ConstructionProject Location (include county): 5681 Mission Boulevard

Project Description: A TENTATIVE TRACT MAP (NO. 20348) REQUEST TO SUBDIVIDE TWO LOTS INTO A THIRTY-ONE (31) LOT TOWNHOME DEVELOPMENT, IN CONJUNCTION WITH A MINOR USE PERMIT TO ALLOW THE THE CONSTRUCTION OF THIRTY-ONE (31), TWO-STORY SINGLE FAMILY HOMES AND COMMUNITY ROOM, WITH CENTRALIZED OPEN AREAS ON A TOTAL OF 4.41 ACRES LOCATED AT 5681 MISSION BOULEVARD IN THE MULTIPLE RESIDENTIAL (RM) ZONING DISTRICT AND MEDIUM DENSITY RESIDENTIAL (MDR) LAND USE DISTRICT IN THE MONTCLAIR CITY SPHERE OF INFLUENCE.

This is to advise that the San Bernardino County has approved the above (☒ Lead Agency or ☐ Responsible Agency)described project on November 10, 2022 and has made the following determinations regarding the above (date)

described project.

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

**COUNTY OF
SAN BERNARDINO****DEC 16 2022****CLERK OF THE BOARD**This is to certify that the final and record of project approval are the Mitigated Negative Declaration are available to the General Public at: 385 N. Arrowhead Ave., San Bernardino, CA 92415Signature (Public Agency): Steven Valdez Title: Senior PlannerDate: 12/15/2022

Date Received for filing at OPR: _____

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

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

PROJECT LABEL:

APNs:	1011-351-03, -04 & -05	USGS Quad:	Ontario Quadrangle
Applicant:	Kas Construction, Inc.	T, R, Section:	T01S, R08W, 26
Location	5611, 5639, and 5681 Mission Blvd	Thomas Bros	
Project No:	P201900202 (PROJ-2020-00087)	Community Plan:	None
Rep	Kas Koob	LUZD:	Multiple Residential (RM)
Proposal:	A Tentative Tract Map (No. 20348) request to subdivide three lots into a fifty-five (55) lot multi-family development, in conjunction with a Conditional Use Permit (CUP) to allow the construction of fifty-five (55), two-story single-family homes, a community room, a pool with restrooms, and a centralized open community park area on a total of 4.41 acres located at 5611, 5639 and 5681 Mission Boulevard.	Overlays:	AR 3- Ontario International Airport

PROJECT CONTACT INFORMATION:

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

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

PROJECT DESCRIPTION:

Summary

Kas Construction, Inc. (Project Applicant) is requesting approval of a Conditional Use Permit (CUP) to allow for a Tentative Tract Map (TTM No. 20348) to subdivide 4.41 acres into 55 residential condominium lots, with amenities that include a pool area, community room and open space. Each condominium building will be two-story with a maximum height of 26 feet, 11 inches.

The development includes 110 garage spaces, and 30 guest parking spaces, for a total of 142 parking spaces. The development also includes the following amenities: a pool area,

community room, and common open space. The proposed condominiums would be developed in six different plans. Plan A includes 17 units in three different plans at 2,500 square-feet per unit, and Plan B includes 38 units in three different plans at 2,300 square-feet per unit). The Project Site is in unincorporated San Bernardino County within the Sphere of Influence (SOI) of the City of Montclair (see Figure 1-Regional Location). The Project Site is located on the southwest corner of West Mission Boulevard and Benson Drive (see Figure 2-Project Vicinity) and comprises three Assessor's Parcel Numbers (APNs) (1011-351-03, 04, and -05). The property addresses are 5611, 5639, 5681 Mission Boulevard. The property is currently comprised of vacant land and a mobile home park. Mission Boulevard would serve as the main access road to the Proposed Project. Two driveways are proposed on Benson Drive for emergency access (see Figure 3-Site Plan).

Surrounding Land Uses and Setting

The Project Site is in unincorporated San Bernardino County within the SOI of the City of Montclair. The County of San Bernardino Land Use Plan Map: Land Use Zoning Districts show the Project Site is within the Multiple Residential (RM) zoning designation. To the north of the Project Site is commercial development in unincorporated San Bernardino County within the SOI of the City of Montclair. To the south is vacant land and residential development in the City of Ontario. To the east is vacant land and a church in the City of Ontario and to the west is vacant land in unincorporated San Bernardino County within the SOI of the City of Montclair. The following table lists the existing land uses and zoning district designations.

Existing Land Use and Land Use Zoning Districts			
Location	Existing Land Use	Land Use Category	Land Use Zoning District
Project Site	Vacant/mobile home park	Medium Density Residential (MDR)	Multiple Residential (RM)
North	Commercial	Commercial (C)	Service Commercial (CS)
South	Vacant/Residential	City of Ontario	Rural Residential (City of Ontario)
East	Vacant/Church	City of Ontario	High Density Residential (City of Ontario)
West	Vacant/Residential	Medium Density Residential (MDR)	Multiple Residential (RM)

Project Site Location, Existing Site Land Uses and Conditions

The Proposed Project is within the jurisdiction of the County of San Bernardino and within the SOI of the City of Montclair. The Project Site is currently vacant with the exception of the occupied mobile home park located on APN 1011-351-03 and a concrete pad located on APN 1011-351-04 (see Site Photograph). The vacant portion of the site currently supports weeds, grasses, and a magnolia tree. The Project Site topography is relatively flat with an elevation of approximately 930 feet above mean sea level.

ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Federal: None.

State of California: None.

Initial Study P201900202 (PROJ-2020-00087)

APN: 1011-351-03, 04, and -05

October 2021

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

Regional: South Coast Air Quality Management District.

Local: None

Site Photograph



Figure 1 Land Use of the Property

Figure 2 Project Vicinity Map

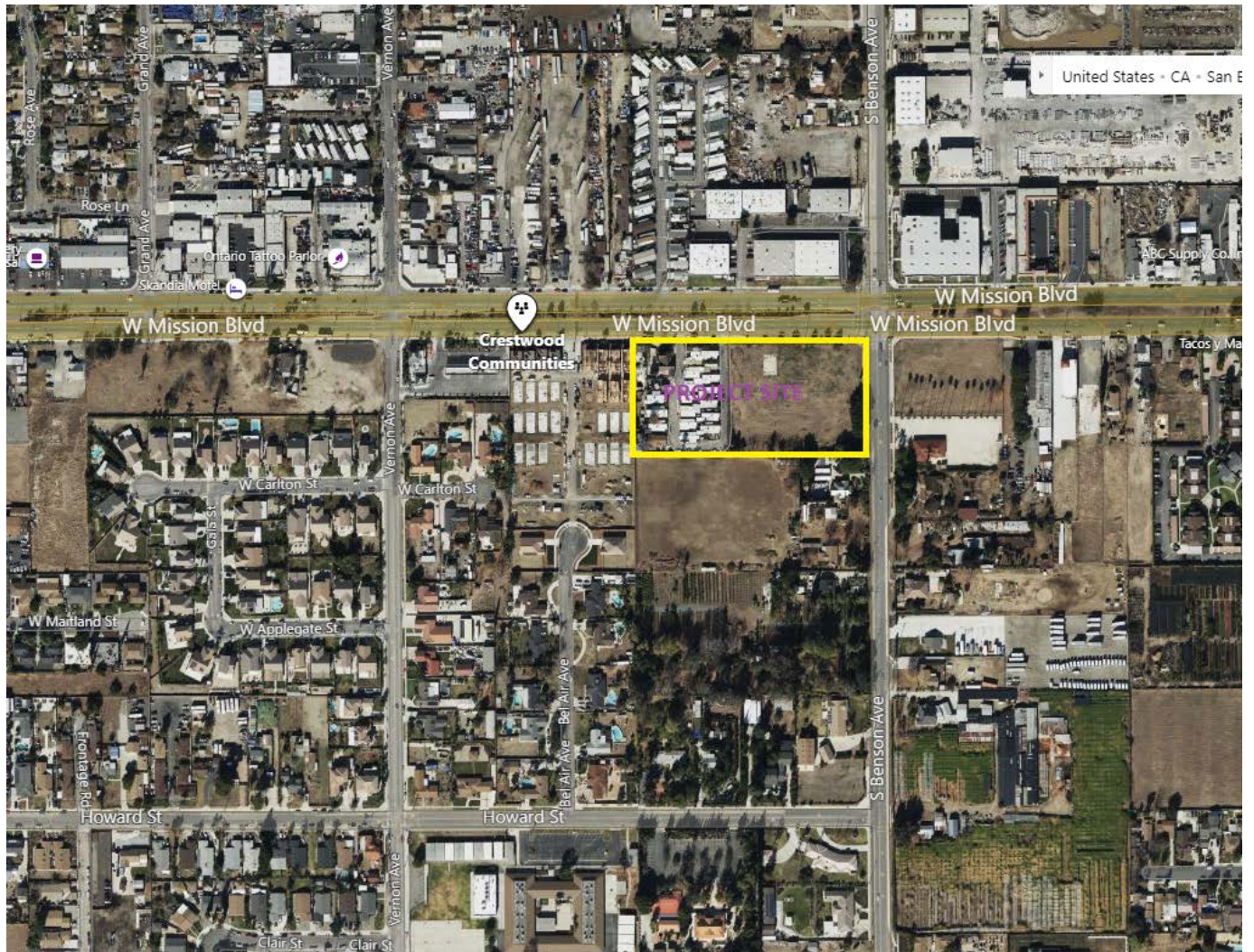
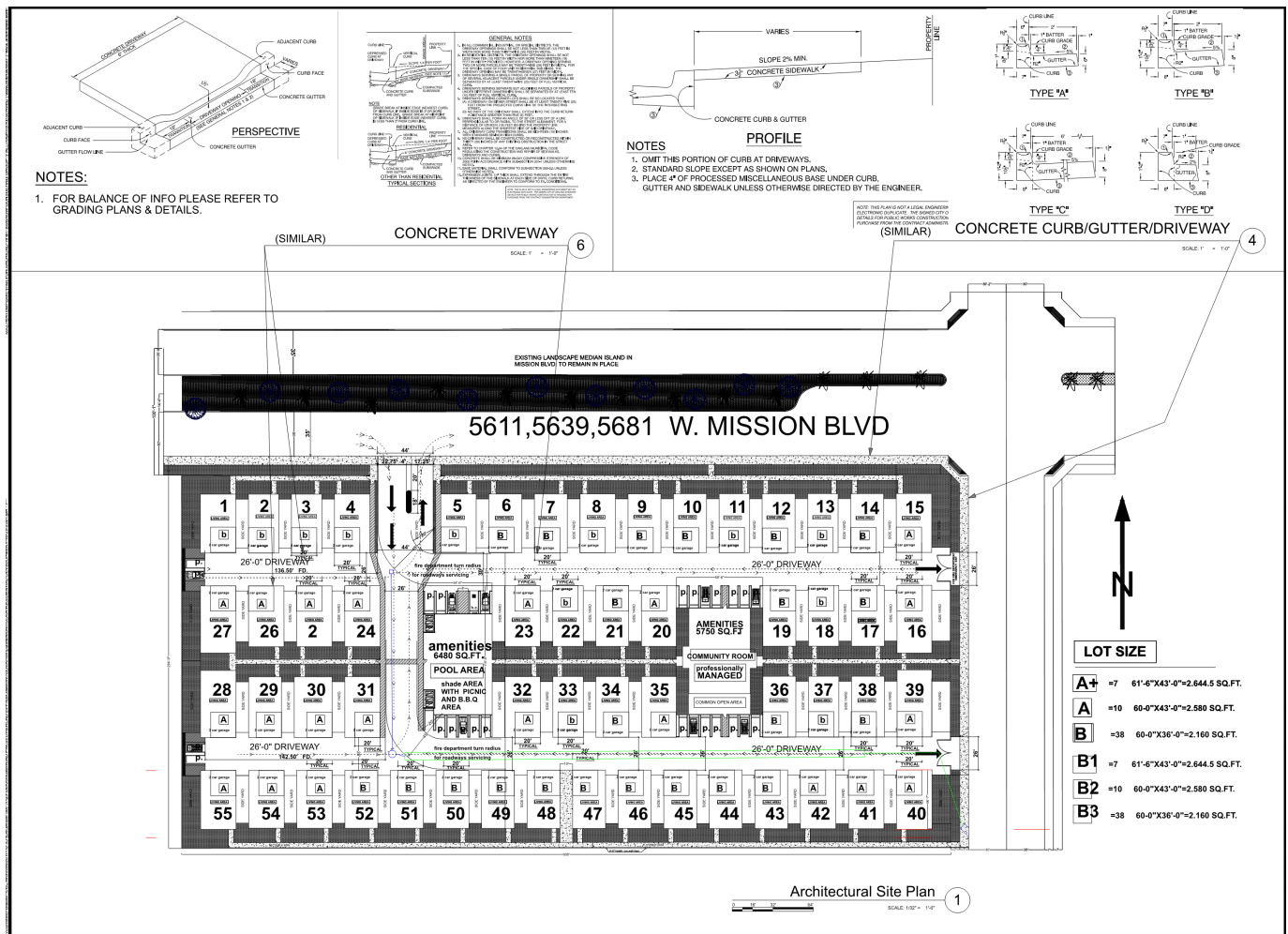


Figure 3 Site Plan



CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

On August 26, 2021, the County of San Bernardino mailed notification pursuant to AB52 to the following tribes: San Gabriel Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians, Morongo Band of Mission Indians, San Manuel Band of Mission Indians and Gabrieleno Band of Mission Indians - Kizh Nation. To date, no comments or requests for consultation have been received. However, to ensure potential impacts to tribal cultural resources are reduced to the extent feasible, mitigation measures that were required to minimize potential impacts(see Mitigation Measures TCR-1 through TCR-4).

EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 20 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. Technical studies and data were summarized herein to provide analyses of various environmental factors (e.g. air quality model results, biological resources assessment, cultural resources investigation, traffic study); these are cited herein where appropriate and included in the list of references. The effect of the project is categorized into one of the following four categories of possible determinations:

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

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

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

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

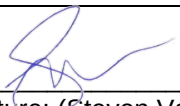
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: Based on this initial evaluation, the following finding is made:

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


Signature: (Steven Valdez, Planner)

11/5/2021

Date

David Prusch
Signature: (David Prusch, Supervising Planner)

11/5/2021

Date

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

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

San Bernardino Policy Plan 2020; Submitted Project Materials

a) Have a substantial adverse effect on a scenic vista?

The Project Site is located at the southwest corner of the intersection at Mission Boulevard and Benson Drive in the Multiple Residential (RM) Zoning District in the unincorporated area of San Bernardino County. Near the project site, the County of San Bernardino Policy Plan does not identify any scenic resources or vistas. The Project Site is within the SOI of the City of Montclair and the City identifies local mountain ridgelines as the community's key visual resources but has not outlined any governing policies. The City of Ontario, located to the east of the Project Site has designated Mission Boulevard from the western to the eastern city limits as a scenic highway. As Mission Boulevard enters the City of Montclair, its scenic value is lost due to the lack of landscaping and the strip commercial uses that line the boulevard. Additionally, the proposed future development of two-story condominium residential units with a maximum height of 26 feet, 11 inches would be comparable in height to nearby two-story single-family residences located south of the Project Site, new two-story town homes being developed to the west of the Project Site, and as observed on a site visit by Lilburn Corporation on February 22, 2021. Therefore, the Proposed Project would

not have a substantial adverse effect on a scenic vista. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The closest State Scenic Highway to the Project Site is a segment of California State Route 91, located approximately 12 miles southwest of the Project Site. Given the distance between the Project Site and the nearest officially designated State Scenic Highway, the Proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

- c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The Project Site is mostly vacant and has a mobile home park development on Assessor's Parcel No. 1011-351-03. The Proposed Project includes the development of 55 two-story residential condominium units and required amenities (pool, clubhouse) which would be consistent with the Multiple Residential (RM) land use zoning designation. As Mission Boulevard enters the City of Montclair, its scenic value is lost due to the lack of landscaping and the strip commercial uses that line the boulevard. The City of Montclair identifies local mountain ridgelines as the community's key visual resources but has not outlined any governing policies. The City of Ontario, located to the east of the Project Site has designated Mission Boulevard from the western to the eastern city limits as a scenic highway. In the context to other existing residential development in the vicinity of the Project Site, the Proposed Project would not degrade the existing visual character of the Project Site or its surroundings. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The development of 55 two-story residential condominium units is not anticipated to generate a significant amount of light and glare when compared to the surrounding area. Existing nighttime light and glare in the area is from urban development including streetlights, residential dwelling units, and vehicle headlights. The design and placement of light fixtures within the future new development would be reviewed for consistency with County of San Bernardino's Glare and Outdoor Lighting standards (Chapter 83.07) and subject to County approval. Standards require shielding, diffusing,

or indirect lighting to avoid glare. Lighting would be selected and located to confine the area of illumination to on-site streets. The Proposed Project is not anticipated to create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

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

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? ☐ ☐ ☐ ☒

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

San Bernardino Policy Plan 2020; California Department of Conservation Farmland Mapping and Monitoring Program; Submitted Project Materials

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The Project Site is designated as "Urban and Built-Up Land" and is not designated as Prime, Unique or Grazing farmland, or considered Farmland of Statewide or Local Importance, according to the Farmland Mapping and Monitoring Program.¹ The Project Site is not designated as agricultural, according to the Policy Plan. The Proposed Project would not convert Prime or Unique Farmland, or Farmland of Statewide or Local Importance. Therefore, no impacts are identified or anticipated and no mitigation measures are required.

No Impact

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

The Project Site is designated as "Urban and Built-Up Land" and is not a part of a Williamson Contract.² The Project Site is not designated as agricultural, according to the Countywide Policy Plan. The Proposed Project would not result in conflicts with existing zoning for agriculture use, or a Williamson Contract. Therefore, no impacts are identified or anticipated and no mitigation measures are required.

No Impact

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

Implementation of the Proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for Timberland Production because the Project Site is within a predominantly urbanized area and these designations do not occur in the vicinity. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

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

¹ <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed 4/30/21.

² <https://www.arcgis.com/apps/webappviewer/index.html?id=fcb9bc427d2a4c5a981f97547a0e3688>
Accessed 4/30/21.

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

No Impact

- e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

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

No Impact

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

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d)	Result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people?	☐	☐	☒	☐
SUBSTANTIATION: <i>(Discuss conformity with the South Coast Air Quality Management Plan, if applicable):</i>					
San Bernardino Policy Plan 2020; Submitted Project Materials					

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

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

The County of San Bernardino currently designates the Project Site as Multiple Residential (RM). Construction of the proposed 55 two-story residential condominium units would be an acceptable use within the RM zoning district upon approval of a Tentative Tract Map and Conditional Use Permit. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?*

The Proposed Project's construction and operational emissions were screened using California Emissions Estimator Model (CalEEMod) version 2016.3.2 prepared by the SCAQMD. CalEEMod was used to estimate the on-site and off-site construction emissions. The emissions incorporate Rule 402 and 403 by default as required during construction. The criteria pollutants screened for include reactive organic gases (ROG), nitrous oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), and particulates (PM₁₀ and PM_{2.5}). Two of the analyzed pollutants, ROG and NO_x, are ozone precursors. Both summer and winter season emission levels were estimated.

Construction Emissions

The estimated maximum daily construction emissions without mitigation are summarized in Table 1. Under the assumed scenarios, emissions resulting from the Proposed Project construction would not exceed criteria pollutant thresholds established by the SCAQMD for emissions of any criteria pollutant.

Regional Operational Emission Impacts without Mitigation

Table 2 summarizes the Proposed Project's daily regional emissions from on-going operations. During operational activity, the Proposed Project would not exceed any of the thresholds of significance. Thus, a less than significant impact would occur for Project-related operational-source emissions and no mitigation is required.

Table 1
Construction Emissions Summary (Without Mitigation)

Year	Emissions (lbs/day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Summer						
2022	3.2556	33.1344	21.1645	0.0471	19.8813	11.4688
2023	21.2611	16.9308	20.5531	0.0465	2.1438	1.0524
Winter						
2022	3.2560	33.1370	21.0615	0.0456	19.8813	11.4688
2023	21.2618	16.9143	19.9210	0.0450	2.1439	1.0525
Maximum Daily Emissions	21.2618	33.1370	21.1645	0.0471	19.8813	11.4688
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No

Table 2
Operational Emissions Summary (Without Mitigation)

Operational Activities-Summer Scenario	Emissions (lbs/day)				
	ROG	NO _x	CO	SO ₂	PM ₁₀
Area Source	17.2318	1.3021	35.4804	0.0781	4.6108
Energy Source	0.0402	0.3433	0.1461	0	0.0278
Mobile	1.0808	6.0028	13.0869	0.0541	4.1661
Total Maximum Daily Emissions	17.2318	6.0028	35.4804	0.0781	4.6108
SCAQMD Regional Threshold	55	55	550	150	150
Threshold Exceeded?	No	No	No	No	No
Operational Activities-Winter Scenario	Emissions (lbs/day)				
	ROG	NO _x	CO	SO ₂	PM ₁₀
Area Source	17.2318	1.3021	35.4804	0.0781	4.6108
Energy Source	0.0402	0.3433	0.1461	0	0.0278
Mobile	0.9373	6.0082	11.4047	0.0499	4.1663
Total Maximum Daily Emissions	17.2318	6.0082	35.4804	0.0781	4.6108
SCAQMD Regional Threshold	55	55	550	150	150
Threshold Exceeded?	No	No	No	No	No

Standard Regulatory Requirements/Best Available Control Measures (BACMS)

South Coast Air Quality Management District (SCAQMD) Rules that are currently applicable during construction activity for this Project include but are not limited to Rule 403 (Fugitive Dust) (1), Rule 1113 (Architectural Coatings) (2), Rule 445 (Wood Burning Devices).

The Project Applicant would be required to comply with Rules 402 nuisance, and 403 fugitive dust, which require the implementation of Best Available Control Measures (BACMs) for each fugitive dust source, and the AQMP, which identifies Best Available Control Technologies (BACTs) for area sources and point sources. Those measures are described below:

BACM AQ-1

All applicable measures included in Rule 403, shall be incorporated into Project plans and specifications as implementation of Rule 403, which include but are not limited to (1):

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
- The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less.
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.

BACM AQ-2

The following measures shall be incorporated into Project plans and specifications as implementation of SCAQMD Rule 1113 (2):

- Only "Low-Volatile Organic Compounds (VOC)" paints (no more than 50 gram/liter of VOC) consistent with SCAQMD Rule 1113 shall be used.

BACM AQ-3

The following measures shall be incorporated into Project plans and specifications as implementation of SCAQMD Rule 445 (3):

- Rule 445 prohibits the use of wood burning stoves and fireplaces in new development

Construction Impacts

The Project-specific evaluation of emissions presented in the preceding analysis demonstrates that Project construction-source air pollutant emissions would not result in exceedances of regional thresholds. Therefore, Project construction-source emissions would be considered less than significant on a project-specific and cumulative basis.

Operational Impacts

The Project-specific evaluation of emissions presented in the preceding analysis demonstrates that Project operational-source air pollutant emissions would not result in exceedances of regional thresholds. Therefore, Project operational-source emissions would be considered less than significant on a project-specific and cumulative basis.

As shown in Table 2 and Table 3, and described above, the construction emissions during either summer or winter seasonal conditions would not exceed SCAQMD thresholds. Impacts would be less than significant, and no mitigation measures would be required.

Less Than Significant Impact

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

SCAQMD has developed a methodology to assess the localized impacts of emissions from a Proposed Project as outlined within the Final Localized Significance Threshold (LST) Methodology report; completed in June 2003 and revised in July 2008. The use of LSTs is voluntary, to be implemented at the discretion of local public agencies acting as a lead agency pursuant to CEQA. According to SCAQMD LST methodology, LSTs would apply if the Proposed Project includes stationary sources or attracts mobile sources (such as heavy-duty trucks) that may spend long periods queuing and idling at the site; such as industrial warehouse/transfer facilities. Therefore, no long-term localized significant threshold analysis is warranted. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

d) *Result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people?*

The Proposed Project does not contain land uses typically associated with the emission of objectionable odors. Potential odor sources associated with the Proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities as well as the temporary storage of domestic solid waste associated with the Proposed Project's long-term operational uses. Standard construction requirements would minimize odor impacts resulting from construction activity. It should be noted that any construction odor emissions generated would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction activity. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with County of San Bernardino solid waste regulations. The Proposed Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the Proposed Project construction and operations would be less than significant. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
IV. BIOLOGICAL RESOURCES – Would the project:				

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, | ☐ | ☒ | ☐ | ☐ |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

- | | | | | | |
|----|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| b) | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ |
| c) | Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ |
| d) | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☒ |
| e) | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☒ | ☐ | ☐ |
| f) | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ |

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

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

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

A General Biological Survey (Survey), dated April 2, 2021, was completed by Natural Resources Assessment, Inc. (NRAI). The purpose of the study was to identify impacts associated with the Proposed Project on biological resources on the Project Site and the vicinity. The work included a review of biological texts on general and specific biological resources, and those resources considered to be sensitive by various wildlife agencies, local governmental agencies, and interest groups. On the undeveloped portion of the

Project Site, the dominant species observed in the non-native grassland during the field survey were ripgut brome (*Bromus diandrus*), storksbill (*Erodium cicutarium*), slender wild oats (*Avena barbata*), and red brome (*Bromus madritensis* ssp. *rubens*). Other species observed included mare's tails (*Erigeron canadensis*), mouse barley (*Hordeum murinum*), horehound (*Marrubium vulgare*), and cudweed aster (*Corethrogyne filaginifolia*).

No amphibians or reptile species were observed. Bird species observed included horned lark (*Eremophila alpestris*), yellow-rumped warbler (*Setophaga coronata*), mourning dove (*Zenaida macroura*), red-tailed hawk (*Buteo jamaicensis*), and northern mockingbird (*Mimus polyglottos*). No sign of native mammals were observed.

There is no habitat for sensitive plants, fish, amphibians, reptiles, mammals or insects that were listed as potentially present in the vicinity of the property.

Raptors and all migratory bird species, whether listed or not, also receive protection under the Migratory Bird Treaty Act (MBTA) of 1918³. The MBTA prohibits individuals to kill, take, possess, or sell any migratory bird, bird parts (including nests and eggs) except per regulations prescribed by the Secretary of the Department (16 U. S. Code 703⁴).

Based on the Proposed Project footprint and existing site conditions, none of the special-status plant or wildlife species known to occur in the general vicinity of the Project Site are expected to be directly or indirectly impacted from implementation of the Proposed Project with the proposed mitigation measures provided below. Furthermore, the Project Site was observed to be suitable for nesting habitat on and around the property for nesting birds. Thus, it was determined that implementation of the Proposed Project would have "no effect" on nesting birds known to occur in the general vicinity of the Project Site with the mitigation measures.

Mitigation Measures:

BIO-1. *The Applicant shall designate an avian biologist (qualified biologist) experienced in identifying local and migratory bird species; conducting bird surveys using appropriate survey protocol, nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, identifying nesting stages and success; establishing avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.*

BIO-2. *If start of construction occurs between February 1 and August 31, then a qualified biologist shall conduct a breeding bird survey at the appropriate time of day/night during the appropriate weather conditions, no more than three days prior to the start of construction to determine if nesting is occurring. This survey can be conducted as part of the burrowing owl surveys. Preconstruction surveys shall focus on direct and indirect evidence of nesting, including nest locations, nesting stages, and nest behavior. Surveys shall evaluate all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. The duration of the survey shall be dependent upon the size of the project site, density, and complexity of the habitat; and shall be sufficient to ensure complete and accurate data is collected.*

³ <https://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php>

⁴ <https://www.fws.gov/le/USStatutes/MBTA.pdf>

BIO-3. *If active occupied nests are found, they shall not be disturbed unless the qualified biologist verifies through non-invasive methods that either (a) the adult birds have not begun egg-laying and incubation; or (b) the juveniles from the occupied nests are capable of independent survival and would not be impacted by the removal of the nest. If the biologist is not able to verify one of the above conditions, then no disturbance shall occur within a distance specified by the qualified biologist for each nest or nesting site. The qualified biologist would determine the appropriate distance in consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. The size and location of buffer zones shall be based on nesting bird species, species behavior, nesting stage, species sensitivity to disturbance, and the intensity and duration of the disturbance activity.*

Less than Significant with Mitigation

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?*

The Project Site does not support riparian habitat. It is not located in a riparian area as recognized by the general biological assessment. Implementation of the Proposed Project would not result in impacts to riparian habitat. There are no other identified sensitive natural communities in the vicinity. Therefore, no impacts are identified or anticipated and no mitigation measures are required.

No Impact

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

The property does not have any drainage that meets the definitions of jurisdictional waters. There are no areas that support wetland or riparian habitat. No impacts are identified or anticipated and no mitigation measures are required.

No Impact

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

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

As concluded in the General Biological Survey, the development of the Proposed Project would not impact designated wildlife nursery sites or regional wildlife movement corridors/linkages. No impacts are identified or anticipated and no mitigation measures are required.

No Impact

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?*

The Project Site is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or state habitat conservation plan as identified in the CDFW California Regional Conservation Plans Map (April 2019).⁵ No impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

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

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
V. CULTURAL RESOURCES – Would the project:					
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c)	Disturb any human remains, including those outside of formal cemeteries?	☐	☒	☐	☐

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

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⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>

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

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

A Phase I Cultural Resource Investigation (CRI), dated April 2021, was completed by McKenna et al. (McKenna) to determine impacts to historical and archaeological resources associated with the implementation of the Proposed Project. Investigation included an archaeological records check completed through the California State University, Fullerton, South Central Coastal Information Center, Fullerton, California. This information included a review of previously completed cultural resources investigations, recorded cultural resources, and historic maps.

McKenna reviewed records on file at the San Bernardino County Archives and supplemented the records with data provided through previous studies completed by McKenna in the immediate area. McKenna also investigated the particular project area through the Bureau of Land Management, General Land Office records, San Bernardino County Assessor's Office, local historical references, and historic maps and aerial photographs.

A field survey conducted by McKenna found most of the open area east of the trailer park was covered in tall, green grass that hindered visual surface examination. However, some areas of less dense vegetation and areas surrounding remnants of structures provided more successful inspection. The trailer park property was found to be completely paved and only the built environment available for inspection. The intensive field survey yielded no evidence of prehistoric archaeological resources.

Research confirmed the project area has been owned and occupied, to one extent of another, since before 1905. In summary, the Project Site contained at least one standing structure around 1915; historic improvements within the current project area can date between 1915 and 1947. The properties were built-out by 1948 and the majority of improvements were demolished after 1994. Current aerial photographs show only two historic structures remain – the 1927 Hardt residence and garage, surrounded by the trailer park that was established by 1959 and built-out by 1964.

Properties achieving significance within the past 50 years are eligible if such properties are of exceptional importance. Although the remaining structures on the Project Site pre-date 50 years, they are not considered to “embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.” Each structure has been altered through the replacement of original materials and, in the case of the residence, exterior structural redesign to accommodate the earthquake retrofitting and/or structural stabilizing, resulted in a change in the actual design of portions of the structure – specifically on the north elevation and facing the W. Mission Blvd. No particular architect or builder has been associated with these structures and there is no evidence of “high artistic values.” The construction is basic and the building relatively plain. It is a vernacular structure with no specifically assigned architectural style, particularly

because of the alterations. Thus, the structures are not considered to be of historical significance.

McKenna determined that no evidence of prehistoric archaeological resources was found within the project area. Although there is always a potential for buried resources, the potential within this particular project area is considered extremely low. To assure protection of previously unidentified or unexpected buried resources however, the following Mitigation Measures are required:

Mitigation Measures:

CR-1: *If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall cease and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) shall be contacted immediately to evaluate the find(s). If the discovery proves to be significant under CEQA, additional work such as data recovery excavation may be warranted and will be reported to the County of San Bernardino.*

CR-2: *To avoid inadvertent adverse impacts to previously unidentified elements of the residence and garage at 5611 W. Mission Blvd., a monitor with a background in historic architecture is recommended to be on-site to monitor and document the demolition activities; to identify and recover any isolated artifacts or personal affects that may be of historic value; and to report the findings. This level of monitoring should include a photographic record and, if items are recovered, applicable analysis.*

Less than Significant with Mitigation

- c) *Disturb any human remains, including those outside of formal cemeteries?*

Construction activities, particularly grading, could potentially disturb human remains interred outside of a formal cemetery. Thus, the potential exists that human remains may be unearthed during grading and excavation activities associated with project construction. In the event that human remains are discovered during grading or other ground disturbing activities, the following Mitigation Measure is required:

Mitigation Measure:

CR-3: *Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (no less than 100-ft radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the County of San Bernardino Coroner will be notified. The County of San Bernardino and the Project Proponent shall also be informed of the discovery. The Coroner will determine if the bones are historic/archaeological or a modern legal case. The Coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section § 5097.98.*

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.

Less than Significant with Mitigation

Therefore, no significant adverse impacts are identified or anticipated with the implementation of mitigation measures CR-1, CR-2 and CR-3.

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

SUBSTANTIATION: San Bernardino Policy Plan 2020; Submitted Project Materials

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

Building Energy Conservation Standards

The California Energy Conservation and Development Commission (California Energy Commission) adopted Title 24, Part 6, of the California Code of Regulations; energy Conservation Standards for new residential and nonresidential buildings in June 1977 and standards are updated every three years. Title 24 ensures building designs conserve energy. The requirements allow for the opportunities to incorporate updates of new energy efficiency technologies and methods into new developments. In June 2015, the California Energy Commission (CEC) updated the 2016 Building Energy Efficiency Standards. Under the 2016 Standards, residential buildings are approximately 28 percent more energy efficient than the previous 2013 Energy Efficiency Standards. The 2016 Standards improved upon the previous 2013 Standards for new construction of and additions and alterations to residential and nonresidential buildings. The CEC updated the 2019 Building Energy Efficiency Standards in May 2018. The 2019 Title 24 standards state that residential buildings are anticipated to be

approximately 7 percent more energy efficient. When the required rooftop solar is factored in for low-rise residential construction, residential buildings that meet the 2019 Title 24 standards would use approximately 53 percent less energy than residential units built to meet the 2016 standards.

Senate Bill 350

Senate Bill (SB) 350 (de Leon) was signed into law in October 2015. SB 350 establishes new clean energy, clean air and greenhouse gas reduction goals for 2030. SB 350 also establishes tiered increases to the Renewable Portfolio Standard: 40 percent by 2024, 45 percent by 2027, and 50 percent by 2030.

Senate Bill 100

Senate Bill 100 (SB 100) was signed into law September 2018 and increased the required Renewable Portfolio Standards. SB 100 requires the total kilowatt-hours of energy sold by electricity retailers to their end-use customers must consist of at least 50 percent renewable resources by 2026, 60 percent renewable resources by 2030, and 100 percent renewable resources by 2045. SB 100 also includes a State policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045. Under the bill, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

Electricity

Southern California Edison (SCE) provides electricity to the Project Site. Currently, the existing Project Site is mostly vacant with a mobile home park. Implementation of the Proposed Project would replace the mobile home park and adjacent vacant land with 55 two-story residential condominium units and amenities. Therefore, development of the Proposed Project would cause a permanent increase in demand for electricity when compared to existing conditions. According to the California Energy Commission: Electricity Consumption by Planning Area, SCE residential use consumed 32,479.8 GWh in the year 2019 (accessed 5/5/2021). The CalEEMod model projected that the Proposed apartment complex would consume 0.339 GWh annually. The increase in electricity demand from the project would represent a 0.001 percent of the overall SCE residential consumption. Therefore, projected electrical demand would not significantly impact SCE's level of service.

The condominiums that would be constructed on the Project Site would be designed to comply with the 2019 Building Energy Efficiency Standards. The County San Bernardino would review and verify that the Proposed Project plans would be in compliance with the most current version of the Building and Energy Efficiency Standards. The Proposed Project would also be required adhere to CALGreen, which establishes planning and design standards for sustainable developments, and energy efficiency. These sustainable features would be incorporated into the Proposed Project in which shall include high energy efficiency insulation, wall assemblies and windows to maximize insulation of cool or warm temperature; Cool roof concrete roof tiles; Radiant barrier roof

sheathing; energy efficiency heating and cooling systems; and Solar panels. The development of the Proposed Project is not anticipated to affect with achievement of the 60 percent Renewable Portfolio Standard established in the current SB 100. SCE and other electricity retailer's SB 100 goals include that end-user electricity use such as residential and commercial developments use would decrease from current emission estimates. The Proposed Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation and no mitigation measures are recommended.

Natural Gas

The Proposed Project and surrounding area are serviced by Southern California Gas Company (SoCalGas). The Project Site is mostly vacant with a mobile home park and there is existing demand for natural gas. The development of the Proposed Project would create a permanent increase demand of natural gas. However, the existing SoCalGas facilities is expected to meet the increased demand of natural gas. According to the California Energy Commission: Gas Consumption by Planning Area, SoCalGas, residential use consumed 2,467.27 Therms in the year 2019 within the SoCalGas region (accessed 5/5/2021). The CalEEMod model projected that the Proposed apartment complex would consume 13,598.1 Therms annually. The increase natural gas demand from the project would represent a 0.0014 percent of the SoCalGas residential consumption. Therefore, the natural gas demand from the Proposed Project would represent an insignificant percentage of the overall demand in Southwest Gas Company' service area. Title 24 is a collection of energy standards that address the energy efficiency of new (and altered) homes; the 2022 Building Energy Efficiency Standards will improve upon the 2019 Energy Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The Proposed Project would be built in accordance with the 2022 energy standards of Title 24; therefore, no significant impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation are anticipated and no mitigation measures are recommended. The Proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Impacts are less than significant, and no mitigation is recommended.

Fuel

During construction of the proposed single-family structures on each newly created parcel, the transportation energy consumption is dependent on the type of vehicle and number of vehicle trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Temporary transportation fuel use such as gasoline and diesel during construction would come from the transportation and use of delivery vehicles and trucks, construction equipment, and construction employee vehicles. Additionally, most construction equipment during grading would be powered by gas or diesel. Electric powered equipment shall be implemented as development furthers. Impacts related to transportation energy use during construction would be temporary and would not require the use of additional use of energy supplies or the construction of new infrastructure; therefore, impacts would not be significant.

During operations of the Proposed Project, the use of fuel would be generated by residents, visitors, trips by maintenance staffs, employee vehicle trips and delivery trucks. The Proposed Project is a residential development project approximately two miles south of I-10 and two miles north of SR-60, reducing the need to drive long distances to the existing freeway system. The Proposed Project is essentially an in-fill project. Additionally, the Proposed Project is not expected to result in a substantial demand for energy that would require expanded supplies or the construction of other infrastructure or expansion of existing facilities. The fuel use related with vehicle trips produced by the Proposed Project would not be considered inefficient, wasteful, or unnecessary. The Proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Impacts are less than significant, and no mitigation is recommended.

Less Than Significant Impact

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Project design and operation would comply with the County of San Bernardino Greenhouse Gas Emissions Reduction Plan, and the State Building Energy Efficiency Standards related to appliance efficiency regulations, and green building standards. Project development would not cause inefficient, wasteful and unnecessary energy consumption, and no adverse impact would occur.

The Proposed Project is to adhere to County of San Bernardino: Greenhouse Gas Emissions Reduction Plan and Title 24 order to support decrease energy consumption and GHG emissions to become a more sustainable community and to meet the goals of AB 32. The Proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce GHG emissions, including Title 24, AB 32, and SB 32; therefore, the Project is consistent with AB 32, which aims to decrease emissions statewide to 1990 levels by to 2020. The Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and therefore no impact would occur and not mitigation measures are recommended.

No Impact

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

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
VII.	GEOLOGY AND SOILS – Would the project:				

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

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

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

San Bernardino Policy Plan 2020; Submitted Project Materials

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

The Project Site is not located within an Alquist-Priolo Earthquake Fault Zone and there are no known faults on-site. The possibility of damage due to ground rupture is

considered negligible since active faults are not known to cross the Project Site. However, secondary effects of seismic shaking resulting from large earthquakes on major faults in the Southern California region, which may affect the Project Site, include soil liquefaction, dynamic settlement, shallow ground rupture, seiches and tsunamis. The nearest fault to the Project Site is the Cucamonga fault, which is identified as an Alquist -Priolo fault and is located approximately seven miles to the north of the Project Site. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

ii) Strong seismic ground shaking?

As is the case for most areas of Southern California, ground shaking resulting from earthquakes associated with nearby and more distant faults may occur at the Project Site. During the life of the Proposed Project, seismic activity associated with the active faults can be expected to generate moderate to strong ground shaking at the Project Site. As a mandatory condition of project approval, the Proposed Project would be required to construct proposed structures in accordance with the California Building Code (CBC) which is established by the California Building Standards Code. The code is also known as Title 24, Part 2 of the California Code of Regulations. The CBC is designed to preclude significant adverse effects associated with strong seismic ground shaking. With mandatory compliance with standard design and construction measures, potential impacts would be reduced to a less than significant and the Proposed Project would not expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

iii) Seismic-related ground failure, including liquefaction?

Liquefaction is a process whereby strong earthquake shaking causes sediment layers that are saturated with groundwater to lose strength and behave as a fluid. Ground failure associated with liquefaction can result in severe damage to structures. As demonstrated by San Bernardino County Land Use Plan: Geologic Hazard Overlays Map, the Project Site is not located in an area at risk for liquefaction. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

iv) Landslides?

Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes. The Project Site has no prominent geologic features occurring on or within the vicinity and therefore the site is at little risk for landslide. No impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

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

During the development of the Project Site, which would include disturbance of 4.41 acres, project-related dust may be generated due to the operation of machinery on-site or due to high winds. Additionally, erosion of soils could occur due to a storm event. Development of the Proposed Project would disturb more than one acre of soil; therefore, the Proposed Project is subject to the requirements of the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-2009-DWQ). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation. The Construction General Permit requires the development and implementation of a Storm Water Pollution and Prevention Plan (SWPPP). The SWPPP must list Best Management Practices (BMPs) to avoid and minimize soil erosion. Adherence to BMPs is anticipated to ensure that the Proposed Project does not result in substantial soil erosion or the loss of topsoil. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

- c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?*

The Project Site is located on the valley floor and topography at the site and in the vicinity is relatively level. As concluded above, the Project Site is not located within an area identified as having a potential for slope instability. There are no known areas susceptible to landslides near the site, nor is the site in the path of any known or potential landslides. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

No Impact

- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

Expansive soils are composed of fine-grained silts and clays which are subject to swelling and contracting. The amount of swelling and contracting is subject to the amount of fine-grained clay materials present in the soils and the amount of moisture either introduced or extracted from the soils. Soils on the Project Site are identified as Tujunga sandy loam (TuB), as shown the United States Department of Agriculture Natural Resources Conservation Service We Soil Survey Map (Accessed 4/12/2021). TuB soil is considered well-draining and has no clay materials. Thus, making it non-expansive in nature. No impacts are identified or anticipated and no mitigation measures are required.

No Impact

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The Proposed Project would not require the use of septic tanks or alternative wastewater disposal. The Proposed Project would connect to existing City sewer collection lines in the immediate vicinity. Therefore, no impacts are identified or anticipated and no mitigation measures are required.

No Impact

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

As mentioned in Section V of this document, a Phase I Cultural Resource Investigation (CRI), dated April 16, 2021, was completed by McKenna et al. (McKenna) which included a determination of potential impacts to paleontological resources associated with the implementation of the Proposed Project. The intensive survey of the project area yielded no evidence of paleontological resources and research confirmed the low potential for the presence of paleontological resources in the younger Quaternary alluvial deposits. Deeper, older Quaternary alluvial deposits are sufficiently deep to negate the potential for any future development of the site to impact paleontologically sensitive deposits. However, although impacts are considered less than significant, the possibility of encountering paleontological resources remains. Therefore, possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are:

Mitigation Measure:

GEO-1: *The project proponent shall have a paleontological consultant **on-call** to address any issues pertaining to paleontological resources (fossil specimens). While it is unlikely to be applicable, the on-call status will assist in the avoidance of any unanticipated adverse environmental impacts.*

Less than Significant with Mitigation

Therefore, no significant adverse impacts are identified or anticipated with the implementation of mitigation measure GEO-1.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
VIII. GREENHOUSE GAS EMISSIONS – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b)	☐	☐	☒	☐

Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

SUBSTANTIATION: San Bernardino Policy Plan 2020; Submitted Project Materials

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

The County's Greenhouse Gas Emissions Reduction Plan (GHG Plan) was adopted on December 6, 2011 and became effective on January 6, 2012. The GHG Plan establishes a GHG emissions reduction target for the year 2020 that is 15 percent below 2007 emissions. The plan is consistent with AB 32 and sets the County on a path to achieve more substantial long-term reductions in the post-2020 period. Achieving this level of emissions will ensure that the contribution to greenhouse gas emissions from activities covered by the GHG Plan will not be cumulatively considerable.

In 2007, the California State Legislature adopted Senate Bill 97 (SB97) requiring that the CEQA Guidelines be amended to include provisions addressing the effects and mitigation of GHG emissions. New CEQA Guidelines have been adopted that require: inclusion of a GHG analyses in CEQA documents; quantification of GHG emissions; a determination of significance for GHG emissions; and, adoption of feasible mitigation to address significant impacts. The CEQA Guidelines [Cal. Code of Regulations Section 15083.5 (b)] also provide that the environmental analysis of specific projects may be tiered from a programmatic GHG plan that substantially lessens the cumulative effect of GHG emissions. If a public agency adopts such a programmatic GHG Plan, the environmental review of subsequent projects may be streamlined. A project's incremental contribution of GHG emissions would not be considered cumulatively significant if the project is consistent with the adopted GHG plan.

Implementation of the County's GHG Plan is achieved through the Development Review Process by applying appropriate reduction requirements to projects, which reduce GHG emissions. All new developments are required to quantify the project's GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 metric tons of carbon dioxide equivalent (MTCO₂e) per year is used to identify and mitigate project emissions. The Proposed Project is anticipated to generate 511.70 MTCO₂e which would not exceed 3,000 MTCO₂e per year. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

Less Than Significant Impact

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

The Proposed Project is not anticipated to conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. Any project that does not exceed 3,000 MTCO₂e per year would be considered to be consistent with the Plan and determined to have a less than

significant individual and cumulative impact for GHG emissions. The Proposed Project is anticipated to generate 511.70 MTCO₂e which would not exceed 3,000 MTCO₂e per year. Since the Proposed Project is considered to be in compliance with the GHG Plan given that only 511.70 MTCO₂e of annual emissions are estimated. Therefore, no significant adverse impacts are anticipated and no mitigation measures are required.

Less Than Significant Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? ☐ ☐ ☒ ☐

SUBSTANTIATION:

San Bernardino Policy Plan 2020; Submitted Project Materials

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

Post-construction activities of the proposed residential development would not require the routine transport or use of hazardous materials. No significant adverse impacts or anticipated and no mitigation measures are required.

No Impact

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

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

No Impact

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

The storage and use of hazardous materials are not associated with single-family homes; therefore, no impacts associated with emission of hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of a school are anticipated. No significant adverse impacts or anticipated and no mitigation measures are required.

No Impact

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The Project Site was not found on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 by the California Department of Toxic Substances Control's EnviroStor data management system (accessed February 24, 2021). No hazardous materials sites are located within or in the immediate vicinity of the Project

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

No Impact

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The Project Site is located approximately 3.5 miles west of the Ontario International Airport. As demonstrated by Map 2-1, Airport Influence Area, of the Ontario Airport Land Use Compatibility Plan (ONT ALUCP), the Project Site is within the Airport Influence Area. In accordance with Map 2-2, Safety Zones, and Map 2-3, Noise Impact Zones, the Project Site is located outside of the ONT ALUCP safety and noise impact zones. The Project Site is located within the greater than 200-foot Allowable Height Above Ground Level (AGL) zone as depicted on Map 2-4, Airspace Protection Zones. The maximum height of the Proposed Project is approximately 28 feet in height within the AGL. The San Bernardino Countywide Policy Plan – Hazard Overlay Map FH27 B shows that the Proposed Project is within the Airport Safety Review Area 3. The development of the Proposed Project would be subject to the land use requirements and standards of the ALUCP, and Table S-5: Land Use Compatibility in Aviation Safety Areas of the San Bernardino Countywide Policy Plan. With adherence to the San Bernardino County Development Code and the applicable land use requirements and standards of the ALUCP, the Proposed Project is not anticipated to result in a safety hazard for people residing or working in the project area. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The Project Site does not contain any emergency facilities and does not serve as an emergency evacuation route. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Post-construction activities at the site would not interfere with an adopted emergency response or evacuation plan. Access provided via Mission Boulevard would be maintained for ingress/egress at all times. No impacts are identified or anticipated and no mitigation measures are required.

No Impact

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

As identified by San Bernardino Countywide Policy Plan – Hazard Overlay Map FH27 B (Montclair), the Project Site is located within a Fire Safety Area. Furthermore, the Project Site is located in a region which is developed primarily with residential, commercial, and industrial development; wildland is not located within the vicinity. Therefore, the Proposed Project would not expose people or structures to a significant risk of loss, injury

or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
X. HYDROLOGY AND WATER QUALITY - Would the project:					
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c)	Substantially alter the existing drainage pattern of the site or are a, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i.	result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii.	substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	☐	☐	☒	☐
iii.	create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or	☐	☐	☒	☐
iv.	impede or redirect flood flows?	☐	☐	☒	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

SUBSTANTIATION:

San Bernardino Policy Plan 2020; Submitted Project Materials

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

The Proposed Project includes the construction of 55 condominiums units on a 4.41-acre site. The Proposed Project would disturb more than one acre and therefore would be subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one-acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into storm water systems, and to develop and implement a SWPPP. The purpose of a SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of storm water associated with construction activities; and 2) identify, construct and implement storm water pollution control measures to reduce pollutants in storm water discharges from the construction site during and after construction. The Santa Ana RWQCB has issued an area-wide NPDES Storm Water Permit for the County of San Bernardino, the San Bernardino County Flood Control District, and the incorporated cities of San Bernardino County. The County then requires implementation of measures for a project to comply with the area-wide permit requirements. A SWPPP is based on the principles of Best Management Practices (BMPs) to control and abate pollutants. The SWPPP must include (BMPs) to prevent project-related pollutants from impacting surface waters. These would include, but are not limited to, street sweeping of paved roads around the site during construction, and the use of hay bales or sandbags to control erosion during the rainy season. BMPs may also include or require:

- The Project Proponent shall avoid applying materials during periods of rainfall and protect freshly applied materials from runoff until dry.
- All waste to be disposed of in accordance with local, state and federal regulations. The Project Proponent shall contract with a local waste hauler or ensure that waste containers are emptied weekly. Waste containers cannot be washed out on-site.
- All equipment and vehicles to be serviced off-site.

In addition to complying with NPDES requirements, the County also requires the preparation of a Water Quality Management Plan (WQMP). In accordance with the County's requirements, Encompass Associates, Inc. prepared a Preliminary (PWQMP) for the Proposed Project in April 2020 (available at the County offices for review). The PWQMP has identified various BMPs which shall be implemented by the Proposed Project. Mandatory compliance with the Proposed Project's SWPPP and PWQMP, in addition to compliance with NPDES Permit requirements, would ensure that all potential pollutants of concern are minimized or otherwise appropriately treated prior to being discharged from the Project Site. Therefore, implementation of the Proposed Project would not violate any water quality standards or waste discharge requirements. No

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

Less Than Significant Impact

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

The Project Site is within the service area of the Monte Vista Water District (MVWD). As documented in the MVWD 2020 Urban Water Management Plan (UWMP), the District relies on approximately 50 percent of its water supply from groundwater and other local supplies, and 50 percent of its water supply from treated imported surface water. The District is dependent on four sources for its long-term water supply which include the Chino Groundwater Basin, Imported State Water Project surface water received from the Metropolitan Water District of Southern California (MWD) through the Inland Empire Utilities Agency (IEUA) and the Water Facilities Authority (WFA). Entitlement water deliveries from San Antonio Water Company (SAWCO), including groundwater produced from local adjudicated groundwater basins and surface water produced from the San Antonio Creek Watershed; and Recycled water from IEUA are also sources of long-term water supply. Table 3-2 of the UWMP states the 2040 District's water demand would be approximately 14,337 AFY. As indicated in Table 4-2, the total projected residential (single family and multi-family) water demands within the District in 2045 is estimated at about 8,436 AFY.

Water demands for the past five years (from FY 2015-16 to FY 2019-20) averaged approximately 16,116 AFY. Due to conservation efforts and demand management measures, recent water demands have been less than its historical water demands, including during long-term droughts. The District's projected water demands (during normal, single dry, and a five consecutive year drought) are provided in Section 7.2.3 and are anticipated to incorporate similar reductions in water use rates as a result of the shortage response actions, ongoing conservation efforts, and demand management measures. Supply and demand for a single dry year is projected to be equal and at approximately 18,816 AFY for 2045.

Since the District's projected water demands are similar to, it is anticipated that the District will be able to continue providing sufficient water supplies to its customers to meet projected water demands, including during long-term droughts. In addition, as discussed in Section 8.4.1, based on historical and on-going management practices, the District will be able to continue relying on its water supply source from the Chino Basin for adequate supply augmentation in response to each of the standard water shortage levels identified in Section 8.3. Therefore, the water basin would not be substantially depleted by serving the Proposed Project. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- i) *Result in substantial erosion or siltation on- or off-site;*
- ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;*

Encompass Associates, Inc. calculated that the required design capture volume (DCV) for stormwater at the Project Site is approximately 14,085 cubic feet. The WQMP states that the underground retention volume is anticipated to be approximately 14,100 cubic feet. The designed underground infiltration system would be constructed on the southeastern portion of the Project Site and within a landscaped area (refer to Figure 3). Implementation of the low-impact development infiltration BMPs is anticipated to achieve a complete on-site retention of the DCV. Additionally, there are no streams or rivers on, or in the vicinity of, the Project Site. With adherence to a Final WQMP approved by the County of San Bernardino, the Proposed Project is not anticipated to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion, siltation, or flooding on- or off-site. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

Implementation of low-impact development infiltration BMPs as described in above, is anticipated to achieve a complete on-site retention of the DCV. As such, with adherence to the WQMP, the Proposed Project is not anticipated to create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

- iv) *Impede or redirect flood flows?*

The Preliminary WQMP calculates the required design capture volume (DCV) for stormwater at the Project Site is approximately 14,085 cubic feet. The WQMP states that the underground retention volume is anticipated to be approximately 14,100 cubic feet. The infiltration drainage basins have been designed to capture 100 percent of the runoff. Additionally, there are no streams or rivers on, or in the vicinity of, the Project Site. With adherence to the Preliminary WQMP, the Proposed Project is not anticipated to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion, siltation, or flooding on- or off-site. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

As shown on FEMA Flood Map 06071C8616H, the Proposed Project is located in an area identified as Zone X, which is an area of minimal flood hazard. Tsunamis are large waves generated in open bodies of water by fault displacement of major ground movement. Due to the inland location of the Project Site, tsunamis are not considered to be a risk. A seiche is a surface wave created when an inland body of water is shaken, usually by earthquake activity. Policy Map HZ-5 of the Countywide Policy Plan shows that seiches do not pose inundation hazards to the Proposed Project site. Therefore, the risk of release of pollutants of by flood, seiche, or tsunami is considered low. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The Proposed Project would adhere to WQMP BMP, regional and local water quality control and/or sustainable groundwater management plans. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

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

SUBSTANTIATION:

San Bernardino Policy Plan 2020; Submitted Project Materials

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

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

The Proposed Project is the development of 55 two-story condominiums and amenities on approximately 4.41 acres of land. The surrounding land uses to the north, south,

east, and west are a mixture of commercial and residential uses and vacant land. The Project Site is mostly vacant but also consists of a mobile home park on Assessor's Parcel No. 1011-351-03.

Implementation of the Proposed Project would displace 19 mobile homes to allow for the development of 55 residential condominiums units. Although development of the condominiums would result in the demolition of the 19 mobile homes and displacement of residents', development of the condominiums would accommodate the forecast growth in the number of households anticipated by San Bernardino's Countywide Policy Plan. The Proposed Project would not conflict with local land use policies, regulations, or conflict with existing zoning. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XII. MINERAL RESOURCES - Would the project:					
a)	Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☒	☐
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☒	☐

SUBSTANTIATION: (Check ☐ if project is located within the Mineral Resource Zone Overlay):

San Bernardino Policy Plan 2020; Submitted Project Materials

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

Gravel deposits in the alluvial fans of the San Bernardino County Valley represent the most significant and widely spread mineral resource in the region. Aggregates are essential ingredients in construction materials such as concrete, plaster and mortar. Construction of the Proposed Project would demand aggregate resources, such as steel, wood, and concrete which are anticipated to be required as part of the construction phase. These resources are commercially available in the southern California region without any constraint. No potential for adverse impacts to the natural resources base supporting these materials is forecast to occur over the foreseeable future. The Proposed Project's demand for mineral resources would be minimal and is considered less than significant due to the abundance of available local aggregate resources. No

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

Less Than Significant Impact

- b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

The Project Site is located in an area designated as Mineral Resource Zone 3 (MRZ-3) as outlined by Mineral Land Classification of a Part Southwestern San Bernardino County: The San Bernardino Area Map (West), of The California Department of Conservation. The San Bernardino Countywide Policy Plan defines MRZ-3 as an area that contains deposits whose significance cannot be evaluated from available data. Additionally, the Project Site is located in the Multiple Residential (RM) land use zoning designation. The Project Site is not located within a planning area for mining. Therefore, the Proposed Project would not result in the loss of availability of a locally important mineral resource recovery site. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XIII. NOISE - Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

SUBSTANTIATION: (Check if the project is located in the Noise Hazard Overlay District ☐ or is subject to severe noise levels according to the Policy Plan Noise Element ☐):

San Bernardino Policy Plan 2020; Submitted Project Materials

- a), b) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Generation of excessive groundborne vibration or groundborne noise levels?

A Noise Assessment, dated March 10, 2021, was completed by Urban Crossroads (available at County offices for review) to describe the potential Project-related construction noise impacts and noise impacts originating from the construction of the Project. Noise from construction activities is typically limited to the hours of operation established under a jurisdiction's Municipal Code. Section 83.01.080(g)(3) of the County of San Bernardino Development Code indicates that construction activity is considered exempt from the noise level standards between the hours of 7:00 a.m. to 7:00 p.m. except on Sundays and Federal holidays. However, neither the County of San Bernardino Policy Plan or Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers, which would allow for a quantified determination of what CEQA constitutes a *substantial temporary or periodic noise increase*. Therefore, a numerical construction threshold based on Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual* is used for analysis of daytime construction impacts. The FTA considers a daytime exterior construction noise level of 80 dBA L_{eq} as a reasonable threshold for noise sensitive land use.

The analyzed construction noise activity and groundborne vibration noise levels include the demolition of an existing mobile home park on the west side of the site, site preparation, building construction, paving, and architectural coating. To evaluate whether the Project would generate potentially significant short-term noise levels and groundborne vibration, a construction-related daytime noise level threshold of 80 dBA L_{eq} is used as a reasonable threshold to assess the daytime construction noise level impacts. The construction noise analysis shows that the nearest receiver locations would satisfy the reasonable daytime 80 dBA L_{eq} significance threshold during Project construction activities, as shown on Table 4 below.

**Table 4
Typical Construction Equipment Noise Level Summary**

Receiver Location ¹	Construction Noise Levels (dBA L_{eq})		
	Highest Construction Noise Levels ²	Threshold ³	Threshold Exceeded? ⁴
R1	72.3	80	No
R2	71.8	80	No
R3	73.6	80	No

R4	77.6	80	No
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¹ Noise receiver locations are shown on Exhibit B of Noise Assessment.

² Highest construction noise level operating at the Project site boundary to nearby receiver locations.

³ Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual.

⁴ Do the estimated Project construction noise levels exceed the construction noise level threshold?

The Noise Assessment demonstrates that the construction noise levels and groundborne vibration associated with the Proposed Project would satisfy the County of San Bernardino exterior noise level standards at all nearby receiver locations. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

Less Than Significant Impact

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?*

The Project Site is located approximately 3.5 miles west of the Ontario International Airport. As demonstrated by Map 2-1, Airport Influence Area, of the Ontario Airport Land Use Compatibility Plan (ONT ALUCP), the Project Site is within the Airport Influence Area. In accordance with Map 2-2, Safety Zones, and Map 2-3, Noise Impact Zones, the Project Site is located outside of the ONT ALUCP safety and noise impact zones. With adherence to the San Bernardino County Development Code and the applicable land use requirements and standards of the ALUCP, the Proposed Project is not anticipated to result in excessive noise levels for people residing or working in the project area. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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XIV. POPULATION AND HOUSING - Would the project:

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) | Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☒ | ☐ |
| b) | Displace substantial numbers of existing people or housing, necessitating the | ☐ | ☐ | ☒ | ☐ |

construction of replacement housing
elsewhere?

SUBSTANTIATION:

San Bernardino Policy Plan 2020; Submitted Project Materials.

- a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Chapter five of the San Bernardino Countywide Policy Plan defines a household as occupied housing units, and can be a person living alone, related people living together, or unrelated people living together. According to the 2016 American Community Survey (ACS), there were 620,587 households countywide, of which 95,226 were in unincorporated areas. According to the ACS, the average persons per household was 3.41 countywide and 3.23 when limited to unincorporated areas.

The Project Site is in unincorporated San Bernardino County and the Proposed Project includes the development of 55 residential condominium units. Implementation of the Proposed Project would generate a population growth of approximately 178 persons (based on 3.23 people per household). The Project Site has a land use zoning designation of Multiple Residential (RM), which allows for the Proposed Project and of which population growth is already anticipated from buildout of the Planning Area. No significant adverse impacts are identified or anticipated and no mitigation measures are required.

Less Than Significant Impact

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

The Project Site consists of three parcels (APNs 1011-351-03, -04 and -05). Two of the Project parcels are vacant and one is developed with a 19-space mobile home park. Implementation of the Proposed Project would displace 19 mobile homes to allow for the development of 55 residential condominium units. Although development of the condominiums would result in the removal of the 19 mobile homes and displacement of residents', development of the condominiums would accommodate the forecast growth in the number of households anticipated by San Bernardino's Countywide Policy Plan. Furthermore, the Proposed Project encourages efficient, aesthetic and desirable use of the Project Site.

In conformance with Senate Bill 330, also known as the Housing Crisis Act of 2019, which requires replacement capacity for any displaced residential unit potential at the time of a project's approval based on the zoning of the site in effect on January 1, 2018, the Proposed Project is an allowable use within the RM land use zoning designation. The Proposed Project accommodates a higher residential density that would offset the loss of residential unit capacity on APN 1011-351-03. The Proposed Project would allow for a total of 55 residential units, a 36 residential-unit increase of the existing Project

Site, thereby avoiding an overall net loss of residential unit capacity from the current Project Site. No significant adverse impacts are identified or anticipated and no mitigation measures are required.

Less Than Significant Impact

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

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

SUBSTANTIATION:

San Bernardino Policy Plan 2020; Submitted Project Materials

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

Fire Protection?

The City of Montclair Fire Department provides fire protection and safety services to the City of Montclair and its Sphere of Influence. The nearest fire station is Montclair Fire Station #152, 10825 Monte Vista Avenue, located approximately one mile northwest of the Project Site. The Proposed Project is required to provide a minimum of fire safety and support fire suppression activities, including type and building construction, fire sprinklers, and paved fire access. The Proposed Project is in an urbanized area that occurs within the existing fire service area and would accommodate approximately 178 residents (based on 3.23 people per household). The Proposed Project would receive adequate fire protection services and would not result in the need for new or physically altered fire protection facilities. Developer Impact fees are collected at the time of

building permit issuance. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

Police Protection?

Law enforcement services are provided by the San Bernardino County Sheriff's Department. All emergency calls and requests for service from the Project would be dispatched from the Sheriff station at 10510 Civic Center Dr, Rancho Cucamonga. As crime and calls for service change over time, the District's boundaries and staffing assignments are evaluated to maintain a balance of service across the County. Staffing for the department is not based on a particular ratio of "officer per citizen" but is determined by the ability to conduct proactive community-oriented policing and problem solving.

The Proposed Project would generate approximately 178 residents (based on 3.23 people per household). To determine a crime rate directly associated with a development proposal would be speculative; the County reviews its needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection throughout the County. Developer Impact fees are collected at the time of building permit issuance. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

Schools?

The Project Site is located within the boundary of the Ontario-Montclair School District. The following schools provide educational services to the project area: Mission Elementary School (5555 Howard Street), Oaks Middle School (1221 South Oaks Avenue), and Montclair High School (4725 Benito Street). The Facilities Planning and Operations Department Ontario-Montclair School District states that as of July 17, 2020, the development impact fee is \$4.95 per SF for Single-Family and Multi-Family Residences. Using the Student Generation Rates (SGR) provided by the Ontario-Montclair School District: Schoolhouse Services, the Proposed Project is anticipated to generate approximately 3 students. The methodology of estimated students was calculated by multiplying the proposed 55 condominiums by the Condominium SGR (.05). With the collection of development impact fees, impacts related to school facilities are expected to be less than significant and no mitigation measures are required.

Less Than Significant Impact

Parks?

Anticipated population growth of the unincorporated areas of San Bernardino County is approximately 49,680 people at buildout. The unincorporated growth represents a two percent increase of potential users on existing regional park facilities, with an average annual growth rate of 0.10 percent over the planning horizon of 24 years. The amount of regional parkland in the county is 8,515 acres, which is sufficient for the parkland

needs of about 3.4 million people if based on the 2007 General Plan standard of 2.5 acres per 1,000 residents. In the updated Countywide Policy Plan, the standard for regional parkland would be replaced by an emphasis on maintaining and improving existing facilities and the coordination with other jurisdictions to provide regional park land (Policy NR-3.6, Regional park land). Accordingly, no new and/or expanded facilities would need to be developed due to Countywide Policy Plan buildout, and no additional impacts would occur. Therefore, no significant impacts are identified or anticipated and no mitigation measures are required.

Less Than Significant Impact

Other Public Facilities?

The Proposed Project population of 178 would increase demand for other public facilities/services, such as libraries, community recreation centers, and/or animal shelters. The Project Proponent would be required to pay the applicable development impact fees, property tax, and utility user tax. As such, implementation of the Proposed Project would not adversely affect other public facilities or require the construction of new or modified facilities. No impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XVI. RECREATION					
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☒	☐
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

SUBSTANTIATION:

San Bernardino Policy Plan 2020; Submitted Project Materials

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

Demands for recreational facilities are generated by the populations in the facilities' service areas. The County's total 49,680 projected growth in population in unincorporated areas would increase the use of existing regional park and recreational facilities. Regional parks, however, are also used and funded by those in incorporated jurisdictions. The unincorporated growth represents a two percent increase of potential users on existing regional park facilities, with an average annual growth rate of 0.10 percent over the planning horizon of 24 years. This incremental level of growth would not lead to substantial physical deterioration of existing park and recreational facilities.

The population of the incorporated and unincorporated areas is forecasted to reach 2,744,578 in 2040. The amount of regional parkland in the county is 8,515 acres, which is sufficient for the parkland needs of about 3.4 million people if based on the 2007 General Plan standard of 2.5 acres per 1,000 residents. In the updated Countywide Policy Plan, the standard for regional parkland would be replaced by an emphasis on maintaining and improving existing facilities and the coordination with other jurisdictions to provide regional park land (Policy NR-3.6, Regional park land). Accordingly, no new and/or expanded facilities would need to be developed due to Countywide Policy Plan buildout, and no additional impacts would occur. Therefore, no significant impacts are identified or anticipated and no mitigation measures are required.

Less Than Significant Impact

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The Proposed Project includes private open space for each proposed condominium unit totaling 68,074 square-feet throughout the Project Site. Additionally, amenities are proposed as part of development of the Proposed Project including a communal pool, community room and a common open areas. Implementation of policies listed in the Countywide Goals and Policies of the Recreation Element in the Countywide Policy Plan would ensure impacts to parks are less than significant and no mitigation measures are required. The Proposed Project is not anticipated to require construction or expansion of recreational facilities. Therefore, no adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

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

SUBSTANTIATION:

San Bernardino Policy Plan 2020; Submitted Project Materials

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

Most of the Project Site is undeveloped and vacant, but one parcel contains a 19-space mobile home park. The Project Site is served by Omnitrans, which primarily serves unincorporated portions of San Bernardino County and 15 surrounding cities. Omnitrans offers multiple services such as Local Fixed Route Buses, Freeway Express Routes, OmniGo, sbX Rapid Transit, and Access ADA Service.

Omnitrans provides services to/from 12 Transit Centers throughout San Bernardino Valley. The Transit Centers interconnect to other Transit Centers, which allow for movement to major destinations such as the Ontario International Airport, medical centers, educational facilities, shopping malls, business parks, and community centers.

Existing transit routes and transit stops occur within a ½ mile of the Project Site. The site is served by Omnitrans Route 85 along Central Avenue. Omnitrans has stops located on Central Avenue, less than ½-mile from the site. The transit frequency at stops is about 30 minutes during the morning and afternoon peak commute periods.

A VMT Analysis, dated July 21, 2020, was completed by Urban Crossroads (available for review at the County offices). As of December 2018, all lead agencies are required to adopt VMT as a replacement for automobile delay-based level of service (LOS) as the new measure for identifying transportation impacts for land use projects. This statewide mandate went into effect July 1, 2020.

The City of Montclair utilizes the San Bernardino County Transportation Authority (SBCTA) VMT Screening Tool. The Screening Tool allows users to input an assessor's parcel number (APN) to determine if a project's location meets one or more of the screening thresholds for land use projects identified in the Governor's Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory).

As noted in the Technical Advisory, "residential and office projects that locate in areas with low VMT and that incorporate similar features (density, mix of uses, and transit accessibility) will tend to exhibit similarly low VMT." As concluded in the report, the Project is located within a low VMT generating zone. The low VMT Area screening threshold is met and would be assumed to result in a less-than-significant VMT impact. No significant adverse impacts are identified or anticipated and no mitigation measures are required.

Less Than Significant Impact

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

The Project Site is located on the south side of Mission Boulevard between Vernon and Benson Avenues. Mission Boulevard would serve as an access road to the Project Site and Benson Avenue would serve as an emergency access to the Project Site (see Figure 3-Site Plan). The Proposed Project is not expected to substantially increase hazards due to a geometric design feature (e.g., sharp curves or intersections) or incompatible uses (e.g., farm equipment). No impacts are identified or anticipated and no mitigation measures are required.

No Impact

- d) *Result in inadequate emergency access?*

Mission Boulevard and Benson Avenue would serve as access roads to the Project Site. The Proposed Project design features would be verified during the County's Site Plan review process. The Proposed Project is not anticipated to result in inadequate emergency access. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

Less Than Significant Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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XVIII. TRIBAL CULTURAL RESOURCES

a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- | | | | | | |
|-----|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| i) | Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | ☐ | ☒ | ☐ | ☐ |
| ii) | A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? | ☐ | ☒ | ☐ | ☐ |

SUBSTANTIATION:

San Bernardino Policy Plan 2020 Submitted Project Materials

- a), b) i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or;*
- ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

As discussed in Section V of this document, a Phase I Cultural Resource Investigation (CRI), dated April 2021, was completed by McKENNA et al. (McKenna) to determine impacts to tribal cultural resources associated with the implementation of the Proposed Project. McKenna contacted the Native American Heritage Commission to inquire as to the presence/absence of significant resources in the area. McKenna also received names of local Native Americans interested in studies completed in this area. On March 4, 2021, McKenna sent notices pursuant to AB52 to interested tribes. No responses from any of the local Native American representatives were received. No data was presented to indicate any concerns over sensitivity for the area. However, in the event resources are found during construction and to ensure potential impacts to Tribal Cultural Resources are reduced to the extent feasible, the following mitigation measure shall be required:

Mitigation Measures:

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

TR-2: Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

TR-3: Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County

Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.

Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner.

Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

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

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

TR-4: If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

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

Less Than Significant Impact

Therefore, no significant adverse impacts are identified or anticipated with the implementation of Mitigation Measures TCR-1 – TCR-4.

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

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

SUBSTANTIATION:

San Bernardino Policy Plan 2020; Submitted Project Materials

- a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

The Monte Vista Water District (MVWD) is the public water utility that would provide water service to the Project Site. MVWD provides retail water services to the City of Montclair, portions of the City of Chino and the unincorporated areas of San Bernardino County in Ontario, Chino and Pomona.⁶ There is an existing 10-inch water line along Mission Boulevard along the Project Site's northern boundary. The Proposed Project would be connected to the existing water line. The Project Proponent would pay all connection and meter fees to MVWD and adhere to MVWD's requirements for ensuring that the appropriate connections are made to the existing main.

According to the City of Montclair: Sewer Master Plan 2017, the majority of wastewater flows within the City and southerly unincorporated areas in the City's sphere of influence. Wastewater flows are conveyed to a 21-inch trunk sewer along Roswell Avenue near the southwest corner of the City before being discharged to the regional Inland Empire Utilities Agency (IEUA) interceptor system. The remaining City wastewater is discharged to the regional IEUA interceptor within Phillips Boulevard east of Ramona Avenue. The City of Montclair owns, operates, and maintains a sanitary sewer collection system including approximately 87 miles of sewer lines, among which, 80 miles of City sewers are within the City limits and the remaining seven miles of City sewer lines are located in the southerly unincorporated areas of the City. The Proposed Project would be connected to the existing sewer line via the existing 8-inch sewer line located on Bel Aire Avenue to the southwest of the Project Site.

Southern California Edison (SCE) provides electrical service to the project area. The source of electricity is from existing powerlines. The Proposed Project would receive electrical power by connecting to Southern California Edison's existing power lines. Southern California Gas Company provides natural gas service to the vicinity and the Proposed Project Site. Therefore, the Proposed Project would receive natural gas from the Southern California Gas Company by connecting to the existing line. Time Warner Cable would provide telecommunication services to the Project Site. Telecommunication services to the area would be via above ground connections from existing telephone lines and therefore the Proposed Project would connect to existing telecommunication infrastructure.

Residential development of the Proposed Site has been included in the utility and service providers' plans. The Proposed Project is not anticipated to require or result in

⁶ <https://www.mvwd.org/Faq.aspx?QID=104>

the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electrical power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The MVWD is the public water utility that would provide water service to the Project Site. As stated in the 2020 UWMP, the region utilizes drinking water produced from groundwater and water purchased from Water Facilities Authority (WFA), Chino Basin Desalter Authority (CDA), and the San Antonio Water Company and has purchased recycled water from IEUA. The UWMP states that the region would increase its total water supply from 16,833 AF of water delivered in 2015 to 18,816 AFY (single dry year in 2045).

Water demands for the past five years (from FY 2015-16 to FY 2019-20) averaged approximately 16,116 AFY. Due to conservation efforts and demand management measures, recent water demands have been less than its historical water demands, including during long-term droughts. The District's projected water demands (during normal, single dry, and a five consecutive year drought) are anticipated to incorporate similar reductions in water use rates as a result of the shortage response actions, ongoing conservation efforts, and demand management measures. Supply and demand for a single dry year is projected to be 18,816 AFY for 2045.

Since the District's projected water demands are similar to, it is anticipated that the District will be able to continue providing sufficient water supplies to its customers to meet projected water demands, including during long-term droughts. In addition, based on historical and on-going management practices, the District will be able to continue relying on its water supply source from the Chino Basin for adequate supply augmentation in response to each of the standard water shortage levels. Furthermore, the Proposed Project is a permitted use, requiring a CUP within the Countywide Policy Plan and therefore associated water demands have already anticipated by the Monte Vista District and evaluated by the 2020 UWMP. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- c) *Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?*

According to the City of Montclair's Sewer Master Plan 2017, the Project Site is within the City's sewer service area. The City, through its Public Works Department, provides sewer service to residents and businesses within the City limits as well as the southerly unincorporated areas in the City's sphere of influence. The City also receives some flow from the City of Upland. The City owns, operates, and maintains a sanitary sewer

collection system including approximately 87 miles of sewers. Among which, 80 miles of City sewers are within the City limits and the remaining seven miles of City sewers are located in the southerly unincorporated areas of the City. The majority of wastewater flows within the City are conveyed to a 21-inch trunk sewer along Roswell Avenue in the southwest corner of the City before being discharged to the regional Inland Empire Utilities Agency (IEUA) interceptor system. The remaining City wastewater flow is discharged to the regional IEUA interceptor on Phillips Boulevard east of Ramona Avenue.

The City of Montclair Public Works Sewer Maintenance Division would provide sewer maintenance to the Project Site via the existing 10-inch sewer line along Mission Boulevard along the Project Site's northern boundary. No significant adverse impacts are identified or anticipated and no mitigation measures are required.

Less Than Significant Impact

- d) *Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Burrtec provides solid waste services for the City of Montclair and surrounding areas. The nearest landfill is the Mid-Valley Sanitary Landfill, located in Rialto. According to CalRecycle, the Mid-Valley Landfill has an estimated remaining capacity of 61,219,377 cubic yards with an approximate cease operation date of April 2033. The nearest Material Recovery Facilities (MRF) is West Valley Transfer Station in Fontana, which sorts and processes recyclable materials. As provided by California Department of Resources Recycling and Recovery (CalRecycle) (Accessed 3/8/2021), the proposed 55 condominium units are anticipated to produce approximately 673 pounds of solid waste per day based on 12.23 pounds per household per day. The Proposed Project's contribution of 673 pounds of solid waste per day would not substantially alter existing or future solid waste generation patterns or disposal services considering the maximum permitted throughput at the Mid-Valley Landfill and the availability of additional landfills in the region.

The Proposed Project would also adhere to regional and State solid waste policies. The Proposed Project is subject to Assembly Bill 1327, Chapter 18, Solid Waste Reuse and Recycling Access Act of 1991 (Act). The Act requires that adequate areas be provided for collecting and loading recyclable materials such as paper products, glass, and other recyclables. Implementation of the waste reduction and recycling programs would reduce the amount of solid waste generated by the Proposed Project and diverted to landfills. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The Proposed Project would be consistent with waste policies and goals as included in Section 5.18.4-Solid Waste of the Countywide Policy Plan. The Proposed Project would comply with all federal, State, and local statutes and regulations related to solid waste,

including the Solid Waste Reuse and Recycling Access Act of 1991. The Act requires that adequate areas be provided for collecting and loading recyclable materials such as paper products, glass, and other recyclables. Future tenants of the Proposed Project would be serviced by trash pickup. The Proposed Project does not propose any activities that would conflict with the applicable programmatic requirements. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

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

SUBSTANTIATION:

San Bernardino Policy Plan 2020; Submitted Project Materials

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The Project Site is not within or near a state responsibility area or fire hazard severity zone, as shown on Policy Map HZ-5 and Policy map HZ-6 of the Countywide Policy

Plan. The Project Site does not contain any emergency facilities, nor does it serve as an emergency evacuation route. During construction and long-term operation, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County of San Bernardino. The Proposed Project would not impair an adopted emergency response plan or emergency evacuation plan; therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?*

The Project Site is relatively flat and is located in a predominantly developed region with no wildlands located on or near the Project Site. As shown on Policy Map HZ-5 of the Policy Plan, the Project Site is not identified in an area associated with risk of wildland fire. Therefore, the Proposed Project is not anticipated to exacerbate wildfire risks, thereby exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

As stated in Section XIX(a), the Proposed Project would connect to existing utilities and service system infrastructure. Therefore, the Proposed Project is not anticipated to require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary ongoing impacts to the environment. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Topography of the Project Site is relatively level. As shown on Policy Map HZ-5 of the Countywide Policy Plan, the Project Site is not identified in an area associated with risk of wildland fire. Additionally, the Project Site is not located within a 100-year FEMA Flood Zone Area and there are no dams, reservoirs, or large water bodies near the Project Site, as shown on FEMA Flood Map 06071C8616H. The Project Site is not anticipated to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No significant adverse impacts are identified or anticipated and no mitigation measures are required.

Less Than Significant Impact

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XXI. MANDATORY FINDINGS OF SIGNIFICANCE:				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐
a) <i>Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>				

A General Biological Survey, dated April 2, 2021, was completed by Natural Resources Assessment, Inc. (NRAI). The report concluded that there is no habitat for sensitive plants, fish, amphibians, reptiles, mammals, or insects that were listed as potentially present in the vicinity of the Project Site. However, the Project Site was observed to be suitable for nesting habitat on and around the property, and appropriate pre-construction surveys would be required (see Mitigation Measures BIO-1, BIO-2 and BIO-3). Based

on the Proposed Project footprint and existing site conditions, no special-status plant or wildlife species known to occur in the general vicinity of the Project Site are expected to be directly or indirectly impacted from implementation of the Proposed Project with the proposed mitigation measures provided in this Initial Study.

During the Cultural Resources Survey, research confirmed the Project area had been owned and occupied before 1905. In summary, the Project Site contained at least one standing structure dating around 1915; historic improvements within the current Project area dated between 1915 and 1947. The structures were built-out by 1948 and the majority of improvements were demolished after 1994. Current aerial photographs show only two historic structures remain – the 1927 Hardt residence and garage, surrounded by the trailer park that was established by 1959 and built-out by 1964.

Properties achieving significance within the past 50 years are eligible if such properties are of exceptional importance. Although the remaining structures on the Project Site pre-date 50 years, they are not considered to “embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.” Each structure has been altered through the replacement of original materials and, in the case of the residence, exterior structural redesign to accommodate the earthquake retrofitting and/or structural stabilizing, resulted in a change in the actual design of portions of the structure – specifically on the north elevation and facing Mission Blvd. The construction is basic and the building relatively plain. It is a vernacular structure with no specifically assigned architectural style, particularly because of the alterations. Thus, the structures are not considered to be of historical significance.

As concluded in the Cultural Resource Survey, no evidence of prehistoric archaeological resources were found within the Project area. Although there is always a potential for buried resources, the potential within the Project area is considered extremely low. To assure protection of previously unidentified or unexpected buried resources appropriate mitigation as provided in this Initial Study shall be made a condition of project approval. Therefore, with implementation of Mitigation Measures CR-1 through CR-3, and TCR-1 through TCR-4, potential impacts would be reduced to a less than significant level.

Less Than Significant Impact

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

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

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

As concluded in the VMT Analysis, the Proposed Project would not result in a significant impact to traffic and would not be cumulatively considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Similarly, the pollutant emissions from the Proposed Project are below SCAQMD thresholds and therefore, the Proposed Project would be in compliance SCAQMD's AQMP. In addition, greenhouse gas emissions from the Proposed Project are below thresholds. Therefore, air quality and greenhouse gas impacts would not be cumulatively considerable.

Although cumulative impacts are always possible, by incorporating all mitigation measures provided in this Initial Study as part of approving the Proposed Project, the Project's contribution to any such cumulative impacts would be reduced to levels that are not cumulatively considerable. Additionally, mitigation measures have been adopted by the County for buildout of the Countywide Policy Plan, Therefore, with the incorporation of mitigation identified in this document, the Project would result in individually limited, but not cumulatively considerable, impacts. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

All potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region, the local community or its inhabitants. At a minimum, the Project Proponent would be required to meet conditions of approval for the Project to be implemented. It is anticipated that all such conditions of approval will further ensure that no potential for adverse impacts will be introduced by construction activities or initial or future land uses authorized by the project approval.

Less Than Significant Impact

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

GENERAL REFERENCES

Arcadis U.S., Inc. *Inland Empire Utilities Agency and Water Facilities Authority Final 2015 Urban Water Management Plan*. June 2016.

California Department of Conservation, California Important Farmland Finder. Accessed April 6, 2020 from <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>

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City of Montclair, Sewer Master Plan Update. April 2017.

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PROJECT-SPECIFIC REFERENCES

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Encompass Associates, Inc. *Water Quality Management Plan*. April 17, 2020.

Lilburn Corporation. *Air Quality & Greenhouse Gas CalEEMod Output Summary Tables-Annual, Summer, and Winter*. April 7, 2021.

Natural Resources Assessment, Inc. *General Biological Survey*. April 2, 2021.

Urban Crossroads. *Mission New Town House Noise Assessment*. March 10, 2021.

Urban Crossroads. *Mission New Town House Vehicle Miles Traveled (VMT) Screening Analysis*. July 21, 2020.

McKenna et.al., *Phase I Cultural Resource Investigation, for the Proposed Mission New Townhouse Project, 5611 to 5681 W. Mission Blvd.*, April 2021.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO SC#538

HEARING DATE: JULY 16, 2025

RESOLUTION NO. 3421

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#538 – CITY OF MONTCLAIR IRREVOCABLE AGREEMENT TO ANNEX NO. 24-43-I-111 FOR SEWER SERVICE (APNs 1011-351-04 AND 1011-351-05)

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

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

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

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

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

WHEREAS, the public hearing by this Commission was called for July 16, 2025 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. 3421

DETERMINATIONS:

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

1. The project area, Assessor Parcel Numbers 1011-351-04 and 1011-351-05, is within the sphere of influence assigned to the City of Montclair and is anticipated to become a part of that City sometime in the future.

The project is within the boundary of Monte Vista Water District and will receive water service from the Monte Vista Water District.

The application requests authorization to receive City of Montclair's sewer service for a proposed 31-unit residential condominium complex (Tentative Tract Map 20348). The requirement to receive sewer service from the City of Montclair is a condition of approval placed upon the project by the County's Land Use Services Department. Therefore, approval of the City of Montclair's request for authorization to provide sewer service is necessary to satisfy the conditions of approval for the project.

2. The City of Montclair's Irrevocable Agreement to Annex No. 24-43-I-111 being considered is for the provision of sewer service to Assessor Parcel Numbers 1011-351-04 and 1011-351-05. This contract will remain in force in perpetuity or until such time as the area will be annexed. Approval of this request for authorization will allow the property owner/developer and the City of Montclair to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Montclair for the extension of sewer service to the parcels are identified as totaling \$73,774. In addition, the property owner/developer will be responsible for the entire cost of the sewer lateral extension from the existing sewer main, estimated to cost approximately \$200,000.
4. Acting as the CEQA Lead Agency, the County of San Bernardino—as a function of its review for a Tentative Tract Map (TPM 20348) to subdivide two lots into a 31-lot townhome development and a Minor Use Permit for the construction of 31 two-story single-family homes including a community room with centralized open areas on a total of approximately 2.42 acres project area—prepared an environmental assessment and adopted a Mitigated Negative Declaration, which indicates that approval of the project will not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County's Initial Study and Mitigated Negative Declaration have been reviewed by the Commission and its staff who find them to be adequate for the service contract decision.

The Commission certifies that it has reviewed and considered the County's Mitigated Negative Declaration and its environmental effects as outlined in the Initial Study prior to reaching a decision on the service contract and finds the information substantiating the Mitigated Negative Declaration adequate for its use as CEQA Responsible Agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for the project and that all mitigation measures are the responsibility and jurisdiction of the County and/or others, not the Commission, and are considered self-mitigating through implementation of the Conditions of Approval.

RESOLUTION NO. 3421

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

SECTION 3. The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of Montclair to provide sewer service to the project area, Assessor Parcel Numbers 1011-351-04 and 1011-351-05.

SECTION 4. The Commission instructs the Executive Officer of this Local Agency Formation Commission to notify the affected agencies that the application identified as LAFCO SC#538 - City of Montclair Irrevocable Agreement to Annex No. 24-43-I-111 for Sewer Service (APNs 1011-351-04 and 1011-351-05), 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 July 16, 2025.

DATED:

SAMUEL MARTINEZ
Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JULY 9, 2025 
FROM: SAMUEL MARTINEZ, Executive Officer
ARTURO PASTOR, Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #10: LAFCO SC#540 – City of Colton Extra-Territorial
Sewer Service Agreement (APN 0274-131-50)

INITIATED BY:

City of Colton, on behalf of the property owner/developer.

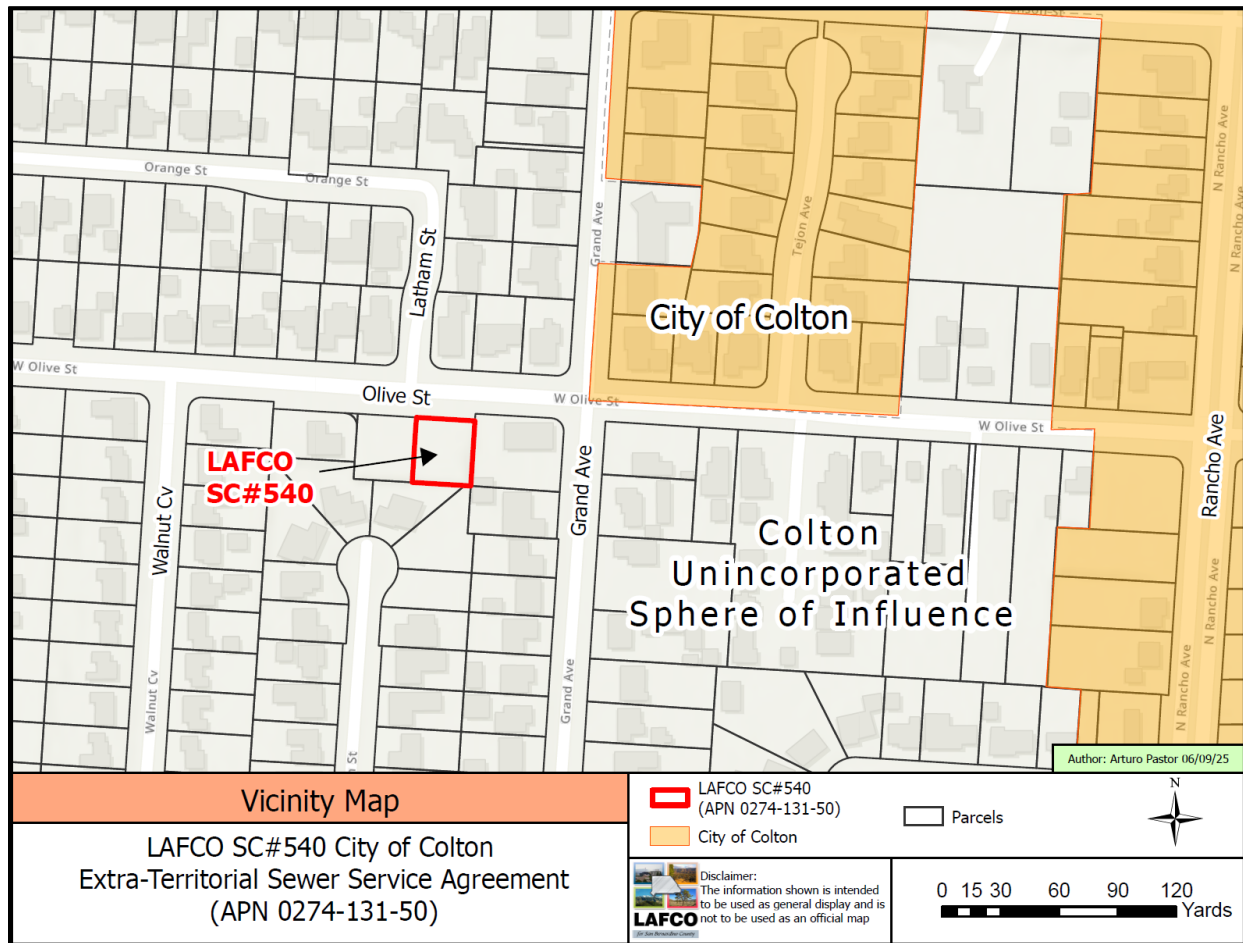
RECOMMENDATION:

Staff recommends that the Commission approve LAFCO SC#540 by taking the following actions:

1. Certify that LAFCO SC#540 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#540 authorizing the City of Colton to extend sewer service outside its boundaries to Assessor Parcel Number 0274-131-50.
3. Adopt LAFCO Resolution No. 3422 setting forth the Commission's determinations and approval of the agreement for service outside the City of Colton's boundaries.

BACKGROUND:

The City of Colton (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service outside its boundaries to a parcel, Assessor Parcel Number (APN) 0274-131-50, generally located on the south of Olive Street, between Walnut Cove and Grand Avenue (923 W Olive St), within the City of Colton's sphere of influence. The vicinity map below, which is also included as Attachment #1, provides the location of the parcel.



Vicinity Map

The property owner/developer anticipates building a single-family residence along with an accessory dwelling unit (ADU) which requires connection to the City's sewer facilities.

Note that in March 2025, the Commission confirmed that the provision of water service by the City within the area previously served by Terrace Water Company—which includes APN 0274-131-50—is exempt from further LAFCO review through approval of LAFCO SC#536. Therefore, the provision of water service to the parcel is not considered as part of this authorization request.

However, the extension of sewer service will require a contract with the City for the provision of its sewer service outside its boundaries. Therefore, the City, on behalf of the property owner/developer, has requested that the Commission authorize the extension of sewer service to the parcel pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

PLAN FOR SERVICE:

The City's application, included as Attachment #2, identifies that sewer service to the parcel would be provided from the existing sewer main in Grand Avenue and extending an 8-inch sewer main by approximately 265 feet westerly to the property in Olive Street along with a 4-inch service lateral fronting the contract parcel.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside the agency's boundaries. The City estimates a total of \$41,345.75 for the extension of sewer service to the parcel. Following is a table with a breakdown of the fee calculation:

Description of Fees/Charges	Cost	Total Cost
265 LF of 8" Sewer Main	75/LF	\$19,875.00
(1) Sewer Manhole	\$5,500 ea	\$5,500.00
(1) 4" Sewer Lateral	\$2,200 ea	\$2,200.00
City of Colton Capacity & Connection Fee	-	\$13,770.75
Total Costs		\$41,345.75

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

ENVIRONMENTAL DETERMINATION:

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has reviewed this application and has indicated it is his recommendation that the review of LAFCO SC#540 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 development of the single-family residence and ADU requires that it receive sewer service from the City of Colton. The service contract application requests authorization to provide sewer service outside the City's boundaries.

Staff has reviewed this request for authorization to provide sewer service from the City of Colton outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcel to be served is within the sphere of influence assigned to the City of Colton 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 0274-131-50 since its facilities are near the parcel, and there is no other existing entity available to provide this service within the area.

DETERMINATIONS:

1. The parcel, identified as Assessor Parcel Number 0274-131-50, is within the sphere of influence assigned to the City of Colton and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Colton sewer service.

For water service, the Commission has previously confirmed that the provision of water service by the City of Colton within the area previously served by the Terrace Water Company—which includes said parcel—is exempt from LAFCO review (LAFCO SC#536).

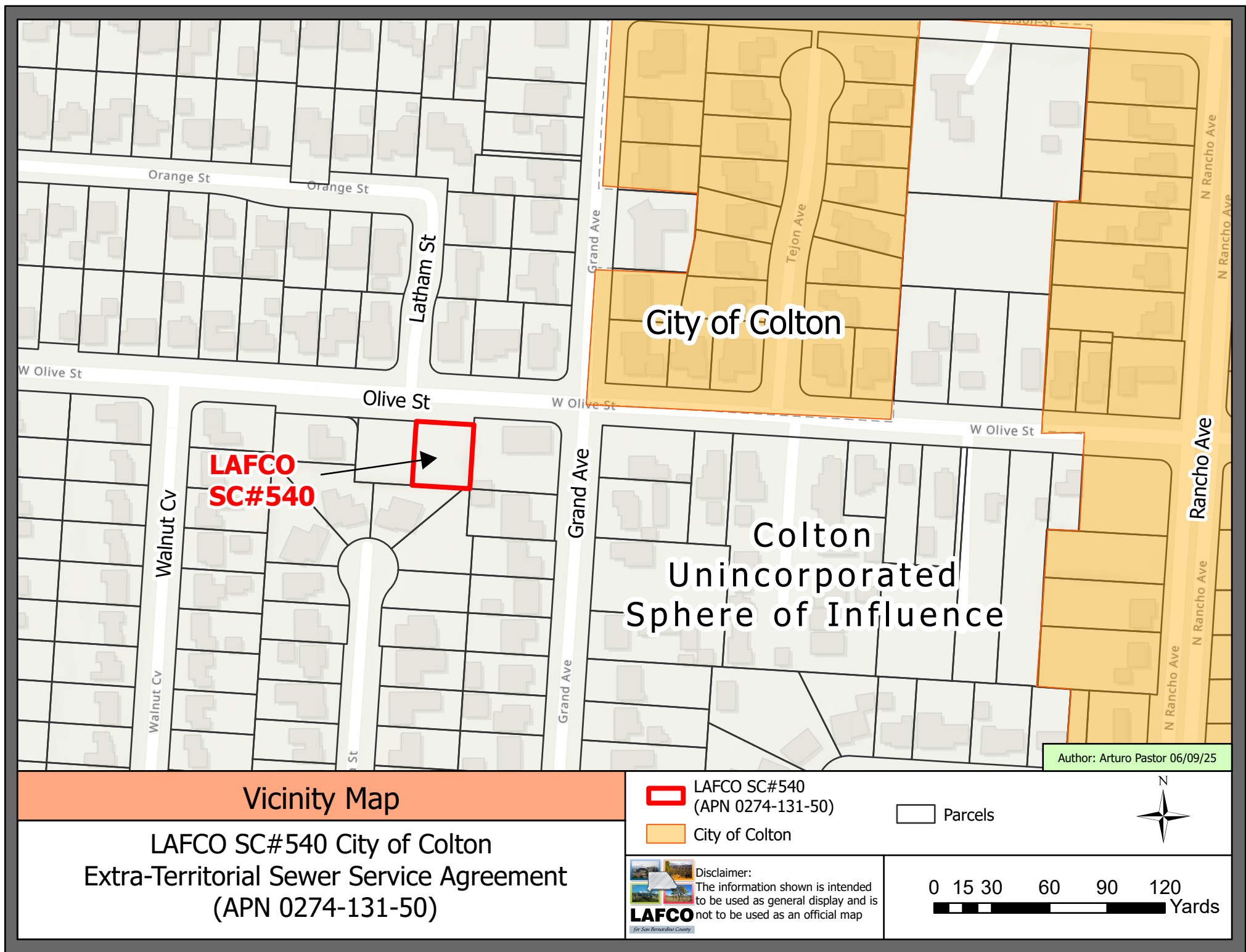
Therefore, this application requests authorization to receive City of Colton sewer service only. Approval of the City's request for authorization to provide sewer service is necessary for the proposed development of the single-family residence and ADU to proceed.

2. The City of Colton Extra-Territorial Sewer Service Agreement being considered is for the provision of sewer service to Assessor Parcel Number 0274-131-50. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner/developer and the City of Colton to proceed in finalizing the contract for the extension of sewer service.
3. The City of Colton estimates a total of \$41,345.75 for the extension of sewer service to the project. Payment of these fees are required prior to connection to the City's sewer facilities.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review under the "Common Sense Rule" since it has no potential to cause a significant adverse impact on the environment (Section 15061[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this proposal is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines. The Commission hereby adopts the Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

Attachments:

1. [Vicinity Map](#)

2. City of Colton's Application and Contract
3. Response from Tom Dodson and Associates
4. Draft Resolution No. 3422



**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 Colton Public Works - Water Wastewater Division

CONTACT PERSON: Jess Sotto, P.E.

ADDRESS: 160 S 10th Street

Colton, CA 92324

PHONE: (909) 370-5551

EMAIL: jsotto@coltonca.gov

CONTRACTING PARTY:

NAME OF PROPERTY OWNER: Jay - Gees, LLC

CONTACT PERSON: Tony Jara

MAILING ADDRESS: 5318 El Rivino Road

Riverside, CA 92509

PHONE: (951) 784-5270

EMAIL: TonyJara9050@gmail.com; office@maliercontractors.com

ADDRESS OF PROPERTY PROPOSED FOR CONTRACT:

CONTRACT NUMBER/IDENTIFICATION:

PARCEL NUMBER(S): 0274-131-50

ACREAGE: 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.

Sewer Service

- (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.

A Sewer Line extension from Colton City Boundary to County

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.

Sewer service provided by City of Colton for a development of 2,200sf single family residence and 1,200sf Additional Dwelling Unit. (Detached)

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.

Information not yet available at this time.

**Extension of Service by Contract
Application Form**

(FOR LAFCO USE ONLY)

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

The City believes there is annexation not appropriate at this time.

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

N/A

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

This property is a Vacant Lot.

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

Property owner is planning to construct a Single Family Residence with an
Additional Dwelling Unit (ADU)

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.

Construction of a 2,200sf Single Family Residence with a 1,200 sf ADU.

Proposed plans & plans will be submitted to SB County Land Use Services

*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	☐
Permit (Conditional Use Permit, General Plan Amendment, etc.)	☐
Conditions of Approval	☐
Negative Declaration (Initial Study)	☐
Notice of Determination (NOD)/Notice of Exemption (NOE)	☐
Department of Fish and Game (DFG) Receipt	☐
Others (please identify below)	☐

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.

Infrastructure type is a 2,200 sf single family residence

with a detached 1,200sf ADU. An extension of 265 ft of 8" sewer main with one 4" service lateral. The location of the service extension is along the center line of Grand & Olive, and the sewer extension will be 265 ft west of Grand Ave.

The City of Colton will require a Water Wastewater Permit for this utility work.

SEE attached visual.

*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>
265 LF of 8" Sewer Main	75 / LF	\$19,875.00
(1) Sewer Manhole	\$5,500 ea	\$5,500.00
(1) 4" Sewer Lateral	\$2,200 ea	\$2,200.00
City of Colton Capacity & Connection Fee	--	\$13,770.75
Total Costs		\$41,345.75

- (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).

None

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

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

CERTIFICATION

As a part of this application, the City/Town of Colton, or the City of Colton 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.

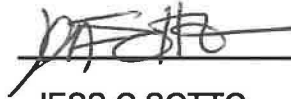
The agency signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless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

JESS C SOTTO

POSITION TITLE:

UTILITIES ENGINEER

DATE:

5-28-2025

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

Site Location



4/27/2023, 8:02:19 AM

- City Limits
- Parcels
- Site Address



San Bernardino County, Maxar, Microsoft, Esri Community Maps Contributors, City of Colton, County of Riverside, County of San Bernardino, California State Parks, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

Recording Requested By:
City of Colton)
)
When Recorded Mail To:)
)
CITY OF COLTON)
650 North La Cadena Drive)
Colton, California 92324)
Attn: City Clerk)

Exempt from Filing Fees
Gov't Code Section 6103

(Space Above for Recorder's Use Only)

**EXTRA-TERRITORIAL SEWER SERVICE AGREEMENT
BY AND BETWEEN
CITY OF COLTON AND JAY GEES LLC**

1. PARTIES AND DATE.

This Extra-Territorial Sewer Service Agreement ("Agreement") is made on this ____ day of _____, 2025 by and between the **CITY OF COLTON** ("City") and **JAY GEES LLC** ("Property Owner"). The City and Property Owner are sometimes collectively referred to as "Parties" and individually as "Party" throughout this Agreement.

2. RECITALS.

2.1 Property Owner and Property. Property Owner is the legal owner of certain real property described in Exhibit "A" ("Property") attached hereto and incorporated by reference, which is located outside of the City's boundaries.

2.2 Sewer Service. Property Owner wants sewer service to be provided to the Property. The City and Property Owner believe that the City can provide efficient sewer service to the Property.

2.3 Property Outside of City's Boundaries. The Property will remain outside of the City's boundaries.

2.4 Annexation Not Required. Annexation of the Property to the City is not required, so long as sewer service under this Agreement is strictly limited to the Property.

2.5 No Opposition to Future Annexation. Property Owner will not oppose any future annexation proceeding concerning the annexation of the Property to the City.

2.6 LAFCO Approval. City's sewer service to the Property is subject to approval by the Local Agency Formation Commission ("LAFCO") pursuant to California Government Code Section 56133.

2.7 Additional Agreements. City is agreeing to provide sewer service pursuant to this Agreement and thereby subject to certain terms and conditions set forth in additional agreements provided for in Section 3.3 below.

2.8 Terms and Conditions. Property Owner and the Property shall be subject to all terms and conditions of this Agreement, including the additional agreements provided for in Section 3.3 below, as well as all applicable federal, state and local laws, rules and regulations, including, but not limited to, all ordinances and regulations of the City, the County of San Bernardino, and all other public agencies governing properties and sewer service within the City.

2.9 Colton Utility Authority. Property Owner understands that the City has entered into a Utility System Management Agreement, dated as of September 1, 2000, with the Colton Utility Authority ("CUA") for the maintenance, management and operation of its Water Enterprise and Wastewater Enterprise ("CUA Management Agreement"). To the extent that this Agreement is deemed to be a "material contract" under the CUA Management Agreement, City enters into this Agreement on behalf of the CUA and subject to the terms of the CUA Management Agreement.

3. **TERMS.**

3.1 Recitals. The above recitals are incorporated herein by reference.

3.2 Legal Description. The Property (APN 0274-131-50-0000), which is located outside of the City's boundaries, is more fully described in Exhibit "A" attached hereto and incorporated by reference.

3.3 Additional Agreements.

3.3.1 Connection Agreement. The Property shall be connected to the City's public sewer main lines pursuant to terms and conditions provided for in a separate agreement between the City and Property Owner.

3.3.2 Fee Agreement. Property Owner and the City will enter into a separate agreement providing for the payment of all applicable fees, including, but not limited to, an agreement processing fee, an extra-territorial acreage fee, a monthly sewer service fee, a capacity fee and a saddle fee.

3.4 Annexation.

3.4.1 Property Owner Consent. Property Owner hereby irrevocably consents to the annexation of the Property to the City. Property Owner agrees to covenant for herself and her agents, employees, contractors, heirs, successors and assigns who obtain title to the Property

("Successors") to not in any way object to, protest, delay, frustrate or otherwise impede any annexation proceedings concerning the annexation of the Property to the City. Property Owner and her Successors shall cooperate in every reasonable way with the requests of the City, LAFCO or any other public agency in any proceedings to annex the Property to the City. The Property Owner's and the Successors' 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 other public agency at Property Owner's sole cost and expense. If Property Owner wishes to commence proceedings to annex the Property to the City, Property Owner shall be responsible for all applicable fees, including those fees which may be imposed by LAFCO and the City.

3.4.2 No City Obligation. The City shall not have any obligation to annex the Property to the City at any particular time or at all. The City shall retain, in its sole and absolute discretion, the right to annex the Property when and if the City believes annexation is appropriate.

3.5 City's and Property Owners Obligations. The City shall provide sewer service to the Property when, and as long as, all required agreements are executed, fees are paid and the Property is connected to the City's sewer system.

3.6 Applicable Laws, Rules & Regulations. The intent and purpose of this Agreement is for the Property to enjoy the same benefits and be subject to the same obligations and restrictions as a property located within the City's boundaries which receives sewer service. Therefore, Property Owner, the Property's discharge of sewage into the City's sanitary sewer, shall be subject to all applicable federal, state and local laws, rules and regulations, including, but not limited to, all ordinances and regulations of the City, the County of San Bernardino, and all other public agencies governing properties and sewer service within the City.

3.7 Notices Under Agreement. Notices required under this Agreement shall be sufficient if in writing and either served personally upon the parties to whom they are directed or by deposit in the United States mail, postage prepaid, certified, return receipt requested, addressed to the following:

City: City Clerk
City of Colton
650 N. La Cadena Dr.
Colton, CA 92324

Property Owner: Tony Jara,
Authorized Signatory of Jay Gees LLC
5318 El Rivino Rd.
Riverside, CA 92509

3.8 Authority; Termination; Colton Utility Authority. This Agreement is entered into pursuant to the authority granted to the City by California Government Code Section 56133(a). This Agreement shall terminate with the written consent of both Parties or in the event the Property is annexed to the City. To the extent that this Agreement is deemed to be a "material contract" under the CUA Management Agreement, Property Owner has no right to terminate this Agreement, either with or without cause, based upon the existence or non-existence of the CUA Management Agreement. Therefore, if the CUA Management Agreement expires or terminates for any reason, Property Owner shall remain fully obligated to perform under this Agreement on behalf of the CUA or another third party contracted by the CUA for the maintenance, management and operation of the Water Enterprise and/or Wastewater Enterprise.

3.9 Recordation; Assignment. This Agreement shall be binding upon the Parties, their heirs, successors and assigns. While this Agreement is intended to be recorded against the Property with the County Recorder, it need not be in order to be effective. This Agreement shall expressly apply only to the Property described herein. Property Owner shall have the right to assign her rights, duties and obligations under this Agreement to Successor owners or legal occupants of the Property.

3.10 No Additional Connections. No additional water or sewer service connections are permitted pursuant to this Agreement, other than those expressly provided for herein.

3.11 Modification. This Agreement may be modified only by a subsequent written amendment duly approved and executed by both Parties.

3.12 Governing Law and Venue. This Agreement shall be governed by and construed under the laws of the State of California. Any action commenced to enforce the terms of this Agreement shall be filed in the County of San Bernardino, State of California.

3.13 Attorneys' Fees. Should the Parties commence litigation and/or arbitration to enforce the provisions of this Agreement, the prevailing Party shall be entitled to receive the costs of such litigation or arbitration, including reasonable attorneys' fees, expert fees and other costs and expenses.

3.14 Further Cooperation. Each Party covenants and agrees to prepare, execute, acknowledge, file, record, publish, deliver to the other Party such other instruments or documents, including, but not limited to, the additional separate agreements referred to herein, as is required and may be reasonably necessary to carry out this Agreement.

3.15 Integration. This Agreement represents the entire understanding between the City and Property Owner as to those matters contained herein, and supersedes and cancels any prior oral or written understandings, promises or representations with respect to those matters covered hereunder.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

**SIGNATURE PAGE FOR
EXTRA-TERRITORIAL SEWER SERVICE AGREEMENT
BY AND BETWEEN
CITY OF COLTON AND JAY GEES LLC**

IN WITNESS WHEREOF, the Parties have entered into this Agreement as of the
_____ day of _____, _____.

CITY OF COLTON

By: _____
Frank J. Navarro, Mayor

Attest: _____
Isaac T. Suchil
City Clerk

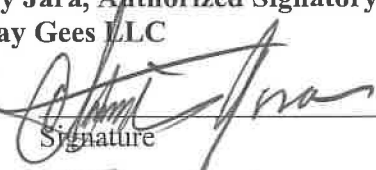
Recommended for Approval:

Executive Director
Colton Utility Authority

Approved as to Form:

Carlos Campos
City Attorney

**Tony Jara, Authorized Signatory
of Jay Gees LLC**

By:  _____
Signature
 _____
Name (Print)

CALIFORNIA CERTIFICATE OF 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 MAY 28, 2025 before me, FLORENCE C. GOMEZ, Notary,
(here insert name and title of the officer) PUBLIC

personally appeared OTHONIEL JARA

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)



Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of EXTRA TERRITORIAL WATER SERVICE AGREEMENT

containing _____ pages, and dated _____

The signer(s) capacity or authority is/are as:

☒ Individual(s)

☐ Attorney-in-Fact

☐ Corporate Officer(s)

Title(s)

☐ Guardian/Conservator

☐ Partner - Limited/General

☐ Trustee(s)

☐ Other:

representing:

Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # 85 Entry # 1

Notary contact: (909) 543-6240

Other

☐ Additional Signer(s)

☐ Signer(s) Thumbprint(s)

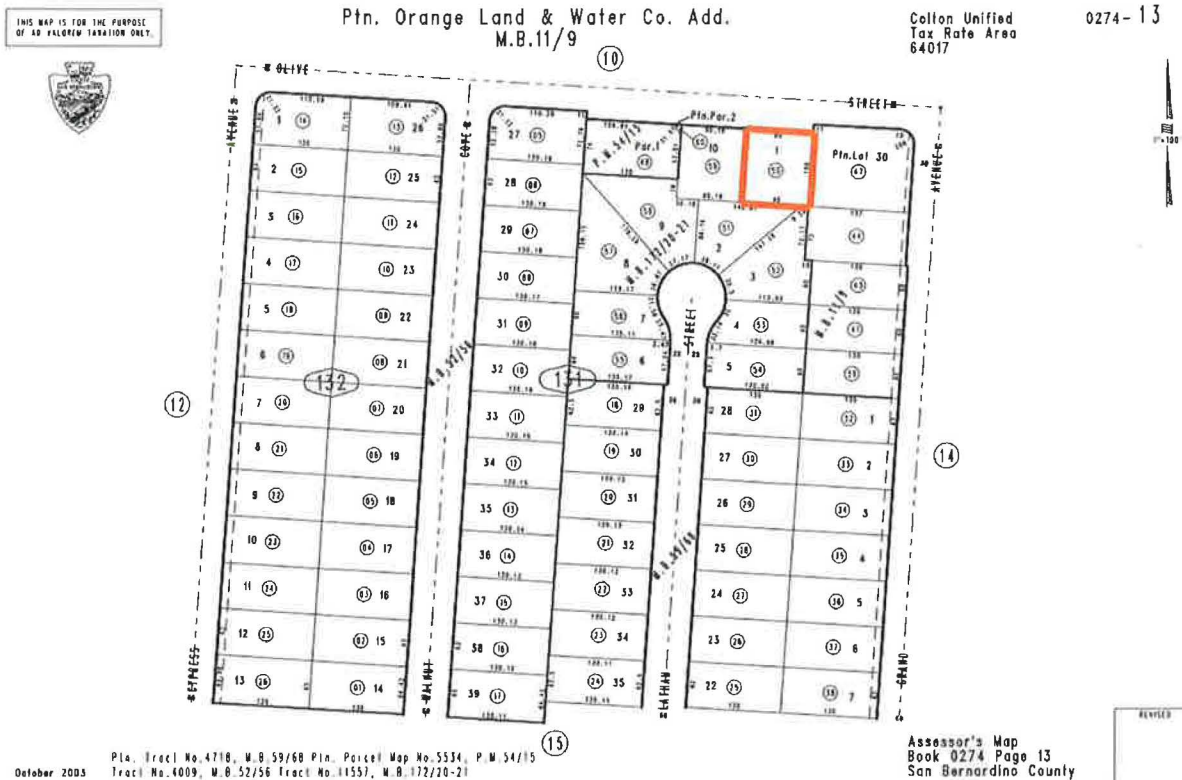
☐

EXHIBIT "A" **LEGAL DESCRIPTION AND MAP/DIAGRAM OF PROPERTY**

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

LOT 42 OF BLOCK "B" OF TRACT NO. 1, BEING A SUBDIVISION OF A PORTION OF COLTON TERRACE CITRUS TRACT, IN THE CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS RECORDED IN MAP BOOK 19, PAGE 67 RECORDS OF SAN BERNARDINO COUNTY STATE OF CALIFORNIA. EXCEPTING THE SOUTHEASTERLY 3.00 FEET OF SAID LOT.

Assessor's Parcel Numbers(s): 0274-131-50-0000



TOM DODSON & ASSOCIATES

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

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

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



July 2, 2025

Mr. Samuel Martinez
Local Agency Formation Commission
1601 East 3rd Street, Suite 102
San Bernardino, CA 92415-0480

Dear Sam:

I have completed the California Environmental Quality Act (CEQA) review of the out-of-agency service contract, LAFCO SC#540 for the Commission. LAFCO SC#540 consists of a request by the City of Colton to authorize an out-of-agency wastewater service agreement for APN 0274-131-50, which is to be developed with a single-family residence and an accessory dwelling unit (ADU). This parcel is located in the City's Sphere of Influence on the south side of Olive Street (923 West Olive Street), between Walnut Cove and Grand Avenue. Approval of SC#540 would allow the City of Colton to extend wastewater (both collection and treatment) services to this property from a sewer main located in Grand Avenue by extending the sewer main approximately 265 feet to the property in Olive Street.

Based on the above proposal and the findings presented below, it appears that LAFCO SC#540 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. As indicated, the property is being developed with a single-family residence and an ADU. 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#540 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#540 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-agency service agreement.

Thus, after independent review of this proposed action, this proposed out-of-agency 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 it.

Based on this review of LAFCO SC#540 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 style with a large, stylized "T" and "D".

Tom Dodson

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sbclafco.org

PROPOSAL NO.: LAFCO SC#540

HEARING DATE: JULY 16, 2025

RESOLUTION NO. 3422

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#540 – CITY OF COLTON EXTRA-TERRITORIAL SEWER SERVICE AGREEMENT (APN 0274-131-50)

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 July 16, 2025 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. 3422

DETERMINATIONS:

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

1. The parcel, identified as Assessor Parcel Number 0274-131-50, is within the sphere of influence assigned to the City of Colton and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Colton sewer service.

For water service, the Commission has previously confirmed that the provision of water service by the City of Colton within the area previously served by the Terrace Water Company—which includes said parcel—is exempt from LAFCO review (LAFCO SC#536).

Therefore, this application requests authorization to receive City of Colton sewer service only. Approval of the City's request for authorization to provide sewer service is necessary for the proposed development of the single-family residence and ADU to proceed.

2. The City of Colton Extra-Territorial Sewer Service Agreement being considered is for the provision of sewer service to Assessor Parcel Number 0274-131-50. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner/developer and the City of Colton to proceed in finalizing the contract for the extension of sewer service.
3. The City of Colton estimates a total of \$41,345.75 for the extension of sewer service to the project. Payment of these fees are required prior to connection to the City's sewer facilities.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review under the "Common Sense Rule" since it has no potential to cause a significant adverse impact on the environment (Section 15061[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this 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 Colton 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 Colton to provide sewer service to the project area, Assessor Parcel Number 0274-131-05.

RESOLUTION NO. 3422

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#540 - City of Colton Extra-Territorial Sewer Service Agreement (APN 0274-131-50), 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 July 16, 2025.

DATED:

SAMUEL MARTINEZ
Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
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DATE: JULY 9, 2025 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #11: LAFCOs 3276 and 3277 (see full titles below)

TITLES:

LAFCO 3276 – Sphere of Influence Amendment (Expansion) for the Hi-Desert Water District

LAFCO 3277 – Annexation to the Hi-Desert Water District (Assessor Parcel Number 0585-273-04)

INITIATION:

Initiated by resolution of the Hi-Desert Water District

RECOMMENDATION:

Staff recommends that the Commission approve LAFCOs 3276 and 3277 by taking the following actions:

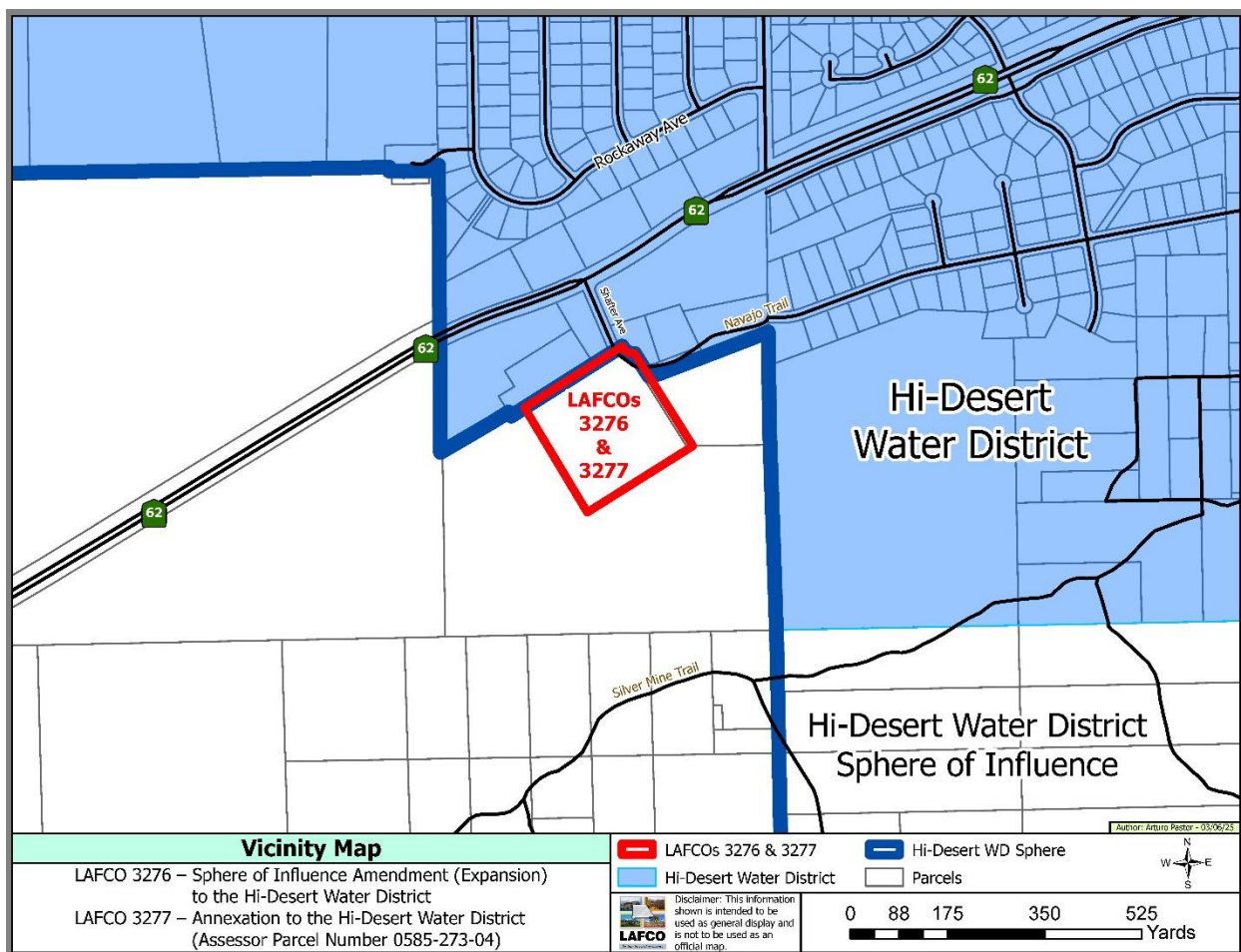
1. With respect to environmental review for LAFCO 3276 and LAFCO 3277:
 - a. Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the County's Initial Study and Mitigated Negative Declaration for a Minor Use Permit to establish a personal self-storage facility (mini storage) to include (155) 8'x20' and (8) 8'x10' standard height shipping containers totaling 25,440 square feet of structures on approximately a 9.46-acre parcel;
 - b. Determine that the County's environmental assessment and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA

Responsible Agency for its consideration of LAFCO 3276 and LAFCO 3277;

- c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures identified in the County's environmental document are the responsibility of the County and/or others, not the Commission; and,
 - d. Direct the Executive Officer to file the Notices of Determination within five (5) days.
2. For LAFCO 3276 (sphere of influence amendment):
- a) Determine that the proposed sphere of influence amendment, submitted under the provisions of Government Code Section 56428, does not require a service review;
 - b) Approve the sphere of influence amendment (expansion) for the Hi-Desert Water District;
 - c) Affirm the description of the functions and services for the Hi-Desert Water District, as identified in the *LAFCO Policy and Procedure Manual*; and,
 - d) Adopt LAFCO Resolution No. 3423 reflecting the Commission's determinations for the sphere of influence amendment as identified.
3. For LAFCO 3277 (annexation):
- a) Approve LAFCO 3277, with the standard terms and conditions that include, but are not limited to, the "hold harmless" clause for potential litigation costs by both the Hi-Desert Water District and the property owner;
 - b) Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the annexation proposal; and,
 - c) Adopt LAFCO Resolution No. 3424 setting forth the Commission's determinations and conditions for LAFCO 3277.

BACKGROUND:

In December 2024, the Hi-Desert Water District (District) initiated an application for a sphere of influence expansion and an annexation—with 100% landowner consent—to include a 9.46-acre parcel into the boundary of the District. The sphere of influence expansion and annexation area (Project Area) includes a single parcel, Assessor Parcel Number (APN) 0585-273-04, generally located south of State Route (SR) 62 and west of Shafter Avenue, immediately west of the Town of Yucca Valley's boundary along SR 62. Location and vicinity maps are included as Attachment #1 to this report. The map below provides a general location of the sphere of influence expansion and annexation area.



The primary reason for the sphere of influence expansion and annexation request is to provide water service to a mini-storage facility that is being developed on the parcel. The parcel is currently not within the District's boundary; therefore, annexation to the District is required in order to receive water service.

PROCESSING OF LAFCOs 3276 and 3277:

The annexation proposal is designated as LAFCO 3277.

LAFCO 3276 is a companion application to amend (expand) the sphere of influence for the District of the exact same area. Through the sphere of influence expansion, the annexation proposal will be within the sphere of influence assigned the District, a requirement for annexation.

Both LAFCOs 3276 and 3277 are discussed concurrently within this report since the area being considered for both actions are identical.

RECOMMENDATION:

Staff recommends that the Commission approve both LAFCOs 3276 and 3277 for the following reasons:

1. LAFCO 3277 was submitted to provide water service to a mini-storage facility that is being developed on the parcel, APN 0585-273-04. The parcel is currently not within the District's boundary; therefore, annexation to the District is required in order to receive water service.
2. LAFCO 3276 is a companion application to expand the District's sphere of influence to include the annexation area, a requirement for annexation.
3. The proposal has 100% landowner consent to the annexation.

For these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3276 and LAFCO 3277.

ENVIRONMENTAL CONSIDERATIONS:

San Bernardino County Land Use Services Department prepared an Initial Study and Mitigated Negative Declaration for its review of a Minor Use Permit to establish a personal self-storage facility (mini storage) to include (155) 8'x20' and (8) 8'x10' standard height shipping containers totaling 25,440 square feet of structures on approximately 9.46 acres. The County's environmental assessment for the project has been reviewed by the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, and has determined that the County's documents are adequate for the Commission's use as a responsible agency under CEQA for both the sphere of influence amendment (LAFCO 3276) and the annexation proposal (LAFCO 3277).

Mr. Dodson has indicated that the necessary environmental actions to be taken by the Commission for LAFCO 3276 and LAFCO 3277, as a responsible agency under CEQA, are as follows:

- Certify that the County's environmental assessment and Mitigated Negative Declaration prepared for the project, has been independently reviewed and considered by the Commission and its staff;
- Determine that the County's environmental assessment and Mitigated Negative Declaration prepared for the project, is adequate for the Commission's use as a CEQA responsible agency for its consideration of LAFCO 3276 and LAFCO 3277;
- Determine that the Commission does not intend to adopt alternatives or mitigation measures for the project; that the mitigation measures identified in the County's environmental documents are the responsibility of the County and/or others, not the Commission; and,
- Direct the Executive Officer to file the Notices of Determination within five days.

A copy of Mr. Dodson's analysis and environmental recommendation is included as Attachment #4 to this report.

LAFCO 3276 (SPHERE OF INFLUENCE AMENDMENT):

SUMMARY OF SPHERE OF INFLUENCE AMENDMENT:

This section provides the Commission with an analysis of the application materials as well as additional information obtained during processing.

A “sphere of influence” is defined as a planning boundary that designates an agency’s probable future boundary and service area. The sphere of influence amendment is required to move forward with the annexation of the area into the District.

SERVICE REVIEW DETERMINATION:

It is the staff’s position that a sphere of influence “amendment” does not require that a service review be conducted pursuant to Government Code Section 56430 as this section reads in part, “In order to prepare and to update spheres of influence in accordance with 56425, the commission shall conduct a service review...” In this case, LAFCO 3263 includes a sphere of influence amendment pursuant to Section 56428, not updates pursuant to Section 56430. Therefore, a service review is not required.

SPHERE OF INFLUENCE AMENDMENT DETERMINATIONS:

Staff’s responses to the determinations required by State law for sphere of influence amendment, as outlined in Government Code Section 56425, are as follows:

1. The present and planned land uses in the area, including agricultural and open space lands

The project area has a land use designation of MV/IC (Morongo Valley/Community Industrial). Community Industrial provides sites for light industrial uses such as light manufacturing uses, wholesale/warehouse services, contract/construction services, transportation services, agriculture support services, incidental commercial and accessory residential uses, and similar and compatible uses. The proposed development of a mini-storage facility is a permitted use within the project area.

2. The present and probable need for public facilities and services in the area

There will be a change to the public facilities and utility services as a result of annexation of the project area, which is dependent upon the sphere of influence amendment. The sphere of influence amendment and the concurrent annexation will place the project area within the Hi-Desert Water District. The development of a mini-storage facility requires potable water, irrigation water, and/or fire suppression water service.

3. The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide

The Hi-Desert Water District provides water and sewer service within the Town of Yucca Valley and its surrounding unincorporated communities, including the community of Yucca Mesa. The District currently owns and operates an 8-inch potable water line in Shafter Avenue, which is adjacent to the project area. The District can feasibly extend and adequately supply potable water, irrigation water, and/or fire suppression water service to the proposed mini-storage facility being developed within the project area.

4. The existence of any social or economic communities of interest

The project area is located within the Morongo Valley community. However, a local agency associated with the community, the Morongo Valley Community Services District, does not provide water service within said Morongo Valley community nor are there any water service providers anywhere near the project area.

5. The Present and Probable Need for Public Facilities and Services of any Disadvantaged Unincorporated Communities Within the Existing Sphere of Influence for a City/Special District that Provides Public Facilities or Services Related to Sewers, Water, or Fire Protection

The Town of Yucca Valley has a coterminous boundary and sphere of influence; therefore, the Town itself does not have any disadvantaged unincorporated communities; however, surrounding areas are considered disadvantaged, including areas within the Hi-Desert Water District's boundaries.

The District provides water service within the Town and its surrounding communities, including the community of Yucca Mesa. The District began providing sewer service within the Town's core along SR 62. The District is now getting ready to begin Phase 2 of implementing and expanding its sewer collection system to provide sewer service to additional customers within the District's boundaries.

The San Bernardino County Fire Protection District provides fire protection and emergency medical services within the Town and its surrounding communities.

FUNCTIONS AND SERVICES FOR SPECIAL DISTRICTS:

Government Code Section 56425(i) requires that during a sphere of influence amendment or update for a Special District, the Commission is required to review and identify the range of services to be provided, as well as the nature and location of these services. At present the Commission's Policy and Procedure Manual identifies the

authorized functions and services to be provided by the special districts under its purview. That listing identifies the following functions and services for:

Hi-Desert Water District:

<u>FUNCTION</u>	<u>SERVICES</u>
Water	Retail, agricultural, domestic, replenishment, fire flow, fire hydrants
Sewer	Collection, transportation, treatment, reclamation, disposal, planning and engineering

LAFCO staff recommends that the Commission affirm the service description for the Hi-Desert Water District as identified in the *LAFCO Policy and Procedure Manual, Section VI, Chapter 3: Listing of Special Districts within San Bernardino LAFCO Purview - Authorized Functions and Services*.

LAFCO 3277 (ANNEXATION PROPOSAL):

In every consideration for jurisdictional change, the Commission is required to look at a number of areas of consideration including boundaries, land uses, and service issues and the effects on other local governments within the area.

BOUNDARIES:

As outlined earlier, the annexation area is generally located south of State Route (SR) 62 and west of Shafter Avenue, immediately west of the Town of Yucca Valley's boundary along SR 62.

LAFCO 3277 has no boundary concerns since annexation to the District is required in order to receive water service.

It is noted that the project area is located within the Morongo Valley community. As identified earlier, the project area is within the sphere of influence assigned the Morongo Valley Community Services District (Morongo Valley CSD), which is the agency associated with said Morongo Valley community. However, the Morongo Valley CSD is not a water (or sewer) service provider for the community. Therefore, the inclusion of the project area into Hi-Desert Water District's boundary (and sphere of influence) will not change the Morongo Valley CSD's boundary and sphere of influence as a result of this action.

LAND USE:

The parcel is generally vacant with a few scattered free-standing shipping containers along the north side of the property. The County's General Plan land use designation for the parcel is MV/IC (Morongo Valley/Community Industrial).

No change in land use is anticipated as a result of the annexation. In addition, approval of this proposal will have no direct impact on the current land use designation assigned for the parcel. Therefore, there are no land use concerns related to this proposal.

SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. The County service providers within the annexation area are County Service Area 70 (multi-function entity, unincorporated countywide). In addition, the following entities overlay the annexation area: Hi-Desert Memorial Healthcare District (dba Morongo Basin Healthcare District), Mojave Desert Resource Conservation District, Mojave Water Agency and its Improvement Zones 1 and M (State Water Contractor), San

Bernardino County Fire Protection District (SBCFPD), SBCFPD South Desert Service Zone, and SBCFPD Service Zone FP-5.

The application includes a plan for the extension of water service to the parcel as required by law and Commission policy (included as part of Attachment #2 to this report). The Plan for Service indicates that water service will be provided to the parcel from the District's existing 8-inch water line in Shafter Avenue, which is adjacent to the project area. The District has identified the estimated costs associated with the type of extension of water service needs for the project:

Domestic Water Meter Installation	Estimated at \$3,000 - \$5,000
Irrigation Meter Installation	Estimated at \$3,000 - \$5,000
Fire Protection Service (on an 8" Fire Service)	Estimated at \$6,000 - \$9,000

In addition, the property owner will be responsible for the construction of the water extension from the water main.

As required by Commission policy and State law, the Plan for Service shows that the extension of its services will maintain, and/or exceed, current service levels provided to the parcel.

WAIVER OF PROTEST PROCEEDINGS:

The annexation area is legally uninhabited and LAFCO staff verified that the area possesses 100% landowner consent to the annexation (see Attachment #3). Therefore, if the Commission approves LAFCO 3277 and none of the affected local agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending pursuant to Government Code Section 56662(d) that protest proceedings be waived and that the Executive Officer be directed to complete the action following completion of the mandatory reconsideration period of 30-days.

DETERMINATIONS:

The following determinations are required pursuant to Government Code Section 56668 and Commission policy:

1. The County Registrar of Voters Office has determined that the annexation area is legally uninhabited, containing zero registered voters as of March 24, 2025.
2. The County Assessor's Office has determined that the total estimated assessed value of land and improvements within the annexation area is \$390,150.
3. Through approval of the companion sphere of influence amendment, LAFCO 3276, the annexation will be within the sphere of influence assigned the Hi-Desert Water District.

4. Legal notice of the Commission's consideration of the proposal has been provided through publication in the *Hi-Desert Star*, a newspaper of general circulation within the annexation area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to landowners and registered voters surrounding the annexation area (25 total). Comments from registered voters, landowners, and other individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.
6. The Southern California Associated Governments (SCAG) has adopted its 2024-2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS), referred to as Connect SoCal 2024, pursuant to Government Code Section 65080. LAFCO 3277 has no direct impact on SCAG's Connect SoCal 2024.
7. Acting as the CEQA Lead Agency, the San Bernardino County Land Use Services Department—as a function of its review of a Minor Use Permit to establish a personal self-storage facility (mini storage) to include (155) 8'x20' and (8) 8'x10' standard height shipping containers totaling 25,440 square feet of structures on approximately 9.46 acres—prepared an environmental assessment and adopted a Mitigated Negative Declaration, which indicates that approval of the project will not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County's Initial Study and Mitigated Negative Declaration have been reviewed by the Commission and its staff who find them to be adequate for the annexation decision.

The Commission certified that it has reviewed and considered the County's Mitigated Negative Declaration and its environmental effects as outlined in the Initial Study prior to reaching a decision on the annexation and finds the information substantiating the Mitigated Negative Declaration adequate for its use as CEQA Responsible Agency. The Commission further found that it does not intend to adopt alternatives or additional mitigation measures for the project and that all changes, alterations and mitigation measures are the responsibility and jurisdiction of the County and/or others, not the Commission, and are considered self-mitigating through implementation of the Conditions of Approval.

The Commission directed 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.

8. The annexation area is currently served by the following local agencies: County of San Bernardino, Hi-Desert Memorial Healthcare District (dba Morongo Basin Healthcare District), Mojave Desert Resource Conservation District, Mojave Water Agency, San Bernardino County Fire Protection District and its Valley Service Zone and its Zone FP-5, County Service Area 70 (unincorporated County-wide multi-function agency).

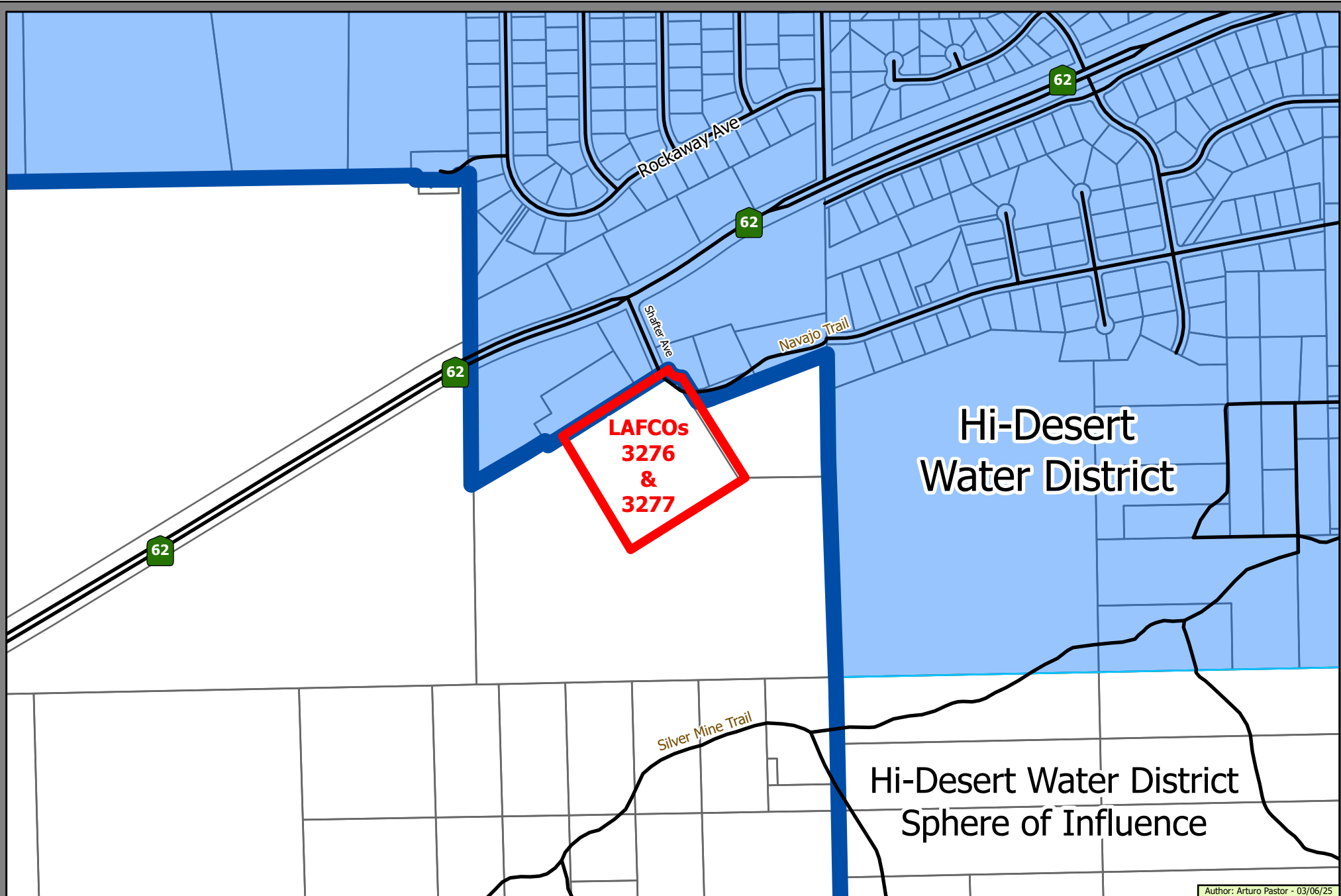
None of these agencies are affected by this annexation proposal as they are either regional in nature or identified for other services for the annexation area.

9. The Hi-Desert Water District submitted a plan for the provision of water service to the annexation area as required by Government Code Section 56653. The Plan is to provide potable water, irrigation water, and/or fire suppression water service to the mini-storage facility. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements.
10. The annexation area can benefit from the availability and extension of water service from the Hi-Desert Water District.
11. This proposal will not affect the fair share allocation of the regional housing needs assigned the County through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) since the annexation area is proposed for a mini-storage facility.
12. With respect to environmental justice, the annexation proposal—which is to provide water service to the parcel—will not result in the unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino, acting on behalf of the Hi-Desert Water District, adopted a resolution indicating there will be no transfer of property tax revenues as a result of the annexation. This resolution fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards.

ATTACHMENTS:

1. [Vicinity Map including Sphere Amendment and Annexation Maps](#)
2. [Hi-Desert Water District Application for the Sphere Amendment and Annexation](#)
3. [Landowner Consent Form](#)

4. [Tom Dodson's Environmental Response for LAFCO 3276 and LAFCO 3277](#)
5. [Draft Resolution No. 3423 for LAFCO 3276](#)
6. [Draft Resolution No. 3424 for LAFCO 3277](#)



Vicinity Map

LAFCO 3276 – Sphere of Influence Amendment (Expansion) to the Hi-Desert Water District

LAFCO 3277 – Annexation to the Hi-Desert Water District (Assessor Parcel Number 0585-273-04)



LAFCOs 3276 & 3277



Hi-Desert Water District



Hi-Desert WD Sphere



Parcels



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

0 88 175 350 525 Yards



LAFCO 3276

SHEET 1 OF 1

**SPHERE OF INFLUENCE AMENDMENT (EXPANSION) FOR
THE HI-DESERT WATER DISTRICT**

0 100 200 400

SCALE: 1" = 200'

5 4

EAST 1/4 COR.
SECTION 5

**SAN BERNARDINO COUNTY
SECTION 5, T.1S. R.5E. S.B.M.**

29 PALMS HIGHWAY (RT 62)

HI-DESERT
WATER DISTRICT
LAFCO NO. 2656
ANNEXATION NO. 91-12

HI-DESERT
WATER DISTRICT
LAFCO NO. 2656
ANNEXATION NO. 91-12

PARCEL 2

PARCEL 3

COURSE 5
R= 65.16'
Δ= 73°31'02"
L= 83.61'

TOWN OF
YUCCA VALLEY
SAN BERNARDINO
COUNTY

LARIAT AVENUE

P.O.B.

PARCEL MAP NO. 7849
P.M.B. 85/26-27
PARCEL 4

APN 0585-273-13

EAST LINE
SECTION 5

PARCEL 1

APN 0585-273-04
433,656 S.F.
(9.955 AC.)

SHAFTER AVENUE
DOC# 2024-0255014 O.R.
10/24/2024

TOWN OF
YUCCA VALLEY
SAN BERNARDINO
COUNTY

PARCEL 1

COURSE 4
N58°56'30"E 623.57'

N67°51'00"E RAD.

COURSE 6
S31°03'30"E
143.72'

N05°40'02"W RAD.

COURSE 1
S31°03'30"E 447.33'

COURSE 2
S58°56'30"W 660.00'

COURSE 3
N31°03'30"W 660.00'

AFFECTED AGENCIES

HI-DESERT WATER DISTRICT

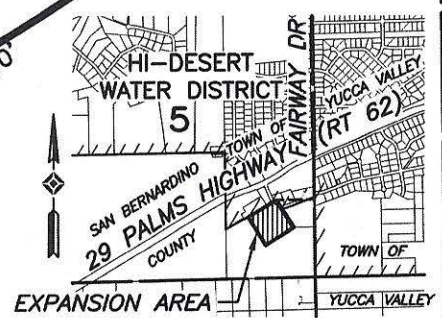
LEGEND

P.O.B. POINT OF BEGINNING

SECTION LINE

EXISTING HI-DESERT WATER
DISTRICT SPHERE OF INFLUENCE

SPHERE EXPANSION



VICINITY MAP
N.T.S.

SURVEYOR:

PREPARED UNDER THE DIRECTION OF:

FIGUEROA
SURVEYING, INC.

1265 N La Cadena Dr | #9A | Colton | CA 92324
909 264 3007 | josephf@figsurv.com

Joseph A. Figueroa 6/17/25

JOSEPH A. FIGUEROA
L.S. 9288

DATE



LAFCO 3277
ANNEXATION TO THE HI-DESERT WATER DISTRICT
(ASSESSOR PARCEL NUMBER 0585-273-04)

SHEET 1 OF 1

5 4

0 100 200 400

SCALE: 1" = 200'

EAST 1/4 COR.
SECTION 5

SAN BERNARDINO COUNTY
SECTION 5, T.1S. R.5E. S.B.M.

29 PALMS HIGHWAY (RT 62)

HI-DESERT
WATER DISTRICT
LAFCO NO. 2656
ANNEXATION NO. 91-12

HI-DESERT
WATER DISTRICT
LAFCO NO. 2656
ANNEXATION NO. 91-12

PARCEL 2
COURSE 5
R= 65.16'
Δ= 73°31'02"
L= 83.61'

PARCEL 1

COURSE 4
N58°56'30"E 623.57'

N67°51'00"E RAD.

COURSE 6
S31°03'30"E
143.72'

TOWN OF
YUCCA VALLEY
SAN BERNARDINO
COUNTY

P.O.B.

PARCEL MAP NO. 7849
P.M.B. 85/26-27
PARCEL 4

APN 0585-273-13

EAST LINE
SECTION 5

PARCEL 1
APN 0585-273-04
433,656 S.F.
(9.955 AC.)

SHAFTER AVENUE
DOC# 2024-0255014 O.R.
10/24/2024

N31°03'30"W 660.00'
COURSE 3

S58°56'30"W 660.00'
COURSE 2

AFFECTED AGENCIES

HI-DESERT WATER DISTRICT

LEGEND

P.O.B. POINT OF BEGINNING

SECTION LINE

EXISTING HI-DESERT WATER
DISTRICT BOUNDARY

ANNEXATION BOUNDARY

FIGUEROA
SURVEYING, INC.

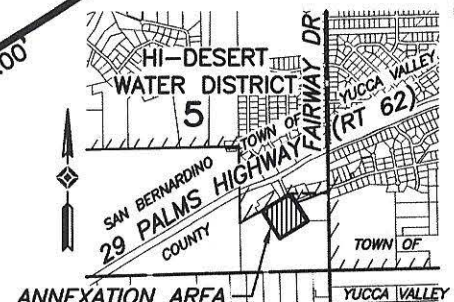
1265 N La Cadena Dr | #9A | Colton | CA 92324
909 264 3007 | josephf@figsurv.com

SURVEYOR:

PREPARED UNDER THE DIRECTION OF:

JOSEPH A. FIGUEROA
L.S. 9288

DATE



VICINITY MAP
N.T.S.



SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

GENERAL INFORMATION

1. NAME OF PROPOSAL: Annexation APN: 0585-273-04-0000 (Owner: Connor Bauman)

2. NAME OF APPLICANT: Hi-Desert Water District

APPLICANT TYPE: ☐ Landowner ☒ Local Agency
☐ Registered Voter ☐ Other

MAILING ADDRESS:

55439 29 Palms Hwy., Yucca Valley, CA 92284

PHONE: (760) 365-8333

FAX: (760) 365-8673

E-MAIL ADDRESS: ronw@hdwd.com

3. GENERAL LOCATION OF PROPOSAL:

7886 Shafter Ave., Yucca Valley, CA 92284

(APN: 0585-273-04-0000; 10 acres of vacant land)

4. Does the application possess 100% written consent of each landowner in the subject territory?
YES ☒ NO ☐ If YES, provide written authorization for change.

5. Indicate the reason(s) that the proposed action has been requested.

Applicant is looking to develop a non-residential property, and the County of San Bernardino requires they have access to water.

LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres): 10 Acres

2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments) **Property is Non-residential**
3. Approximate current population within area: **N/A**
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):

N/A - Not annexing to a city

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):

N/A

5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:

None

6. Indicate the existing use of the subject territory. **Property is currently vacant**

What is the proposed land use? **Non-Residential**

7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ☐ NO ☒ If YES, please explain.

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

- | | |
|--|--|
| ☐ Agricultural Land Uses | ☐ Agricultural Preserve Designation |
| ☐ Williamson Act Contract | ☐ Area where Special Permits are Required |
| ☐ Any other unusual features of the area or permits required: | |

9. **Provide a narrative response to the following factor of consideration as identified in §56668(p):**

The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:

This parcel is not located within the Sphere of Influence of the Hi-Desert Water District Agency as determined by San Bernardino Local Agency Formation Commission. Therefore, given that the owner of the parcel desires to annex in order to obtain water service for development purposes, the annexation process positively promotes environmental justice

(FOR LAFCO USE ONLY)

by providing a pathway to potable water service while meeting all the goals and objectives of SB LAFCO.

ENVIRONMENTAL INFORMATION

1. Provide general description of topography. **The parcel is generally flat.**
2. Describe any existing improvements on the subject territory as % of total area.

Residential _____ %	Agricultural _____ %
Commercial _____ %	Vacant <u>100%</u>
Industrial _____ %	Other _____ %
3. Describe the surrounding land uses:

NORTH	<u>Non-Residential (Private Ownership)</u>
EAST	<u>Vacant (Private Ownership)</u>
SOUTH	<u>Vacant (Private Ownership)</u>
WEST	<u>Vacant (Private Ownership)</u>
4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).
None
5. Will service extensions accomplished by this proposal induce growth on this site? YES ☐
NO ☒ Adjacent sites? YES ☐ NO ☐ Unincorporated ☐ Incorporated ☐
6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐
NO ☒ If YES, please identify.
7. Is this proposal a part of a larger project or series of projects? YES ☐ NO ☒ If YES, please explain.

NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME **Hi-Desert Water District**

TELEPHONE NO.

760-365-8333

ADDRESS: **55439 29 Palms Hwy., Yucca Valley, CA 92284**

(FOR LAFCO USE ONLY)

NAME Connor Bauman

TELEPHONE NO.

714-330-3837

ADDRESS: 232 Avenida Aragon., San Clemente, CA 92672

CERTIFICATION

As a part of this application, the Hi-Desert Water District (the applicant) and/or Connor Bauman (real party in interest - landowner of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

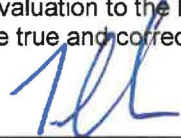
This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

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

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

DATE

2-19-25



SIGNATURE

Tony Culver

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

General Manager, Hi-Desert Water District

Title and Affiliation (if applicable)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

☒

ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT

☒

SPHERE OF INFLUENCE CHANGE SUPPLEMENT

☐

CITY INCORPORATION SUPPLEMENT

☐

FORMATION OF A SPECIAL DISTRICT SUPPLEMENT

☐

ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT

SUPPLEMENT SPHERE OF INFLUENCE AMENDMENT

INTRODUCTION: The questions on this form are designed to obtain data about the specific sphere of influence amendment application to allow the Commission, staff and others to adequately assess the application. You may also include any additional information that you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please provide an identification of the agencies involved in the proposed sphere of influence change(s):

SPHERE EXPANSION

SPHERE REDUCTION

Hi-Desert Water District

N/A

2. Provide a narrative description of the following factors of consideration as outlined in Government Code Section 56425. (If additional room for response is necessary, please attach additional sheets to this form.)

The present and planned land uses in the area, including agricultural and open-space lands.

This property is zoned as MV/IC – (Morongo Valley Community/Industrial and is being developed as a commercial storage facility.

The present and probable need for public facilities and services in the area.

The current desire for public water service is for development purposes as a storage facility.

The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide.

Hi-Desert Water District owns and operates an 8" potable water line on Shafter Ave. served by Pressure Zone 3682. This pressure zone can adequately supply domestic, fire and irrigation water service.

The existence of any social or economic communities of interest in the area.

None

The present and probable need for public facilities or services related to sewers, municipal and industrial water, or structural fire protection for any disadvantaged unincorporated community, as defined by Govt. Code Section 56033.5, within the existing sphere of influence.

None

3. If the sphere of influence amendment includes a city sphere of influence change, provide a written statement of whether or not agreement on the sphere change between the city and county was achieved as required by Government Code Section 56425. In addition, provide a written statement of the elements of agreement (such as, development standards, boundaries, zoning agreements, etc.) (See Government Code Section 56425)

N/A

4. If the sphere of influence amendment includes a special district sphere of influence change, provide a written statement: (a) specifying the function or classes of service provided by the district(s) and (b) specifying the nature, location and extent of the functions or classes of service provided by the district(s). (See Government Code Section 56425(ii))

This request will require a sphere of influence and boundary change for the Hi-Desert Water District. The District will be annexing this property into its service area and provide potable water service to the subject parcel.

5. For any sphere of influence amendment either initiated by an agency or individual, or updated as mandated by Government Code Section 56425, the following service review information is required to be addressed in a narrative discussion, and attached to this supplemental form (See Government Code Section 56430):
- a. Growth and population projections for the affected area.
 - **N/A (subject parcel is classified Community/Industrial)**
 - b. Location and characteristics of disadvantaged unincorporated communities within or contiguous to the sphere of influence.
 - **None**
 - c. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, including those associated with a disadvantaged unincorporated community.
 - d. Financial ability of agencies to provide services.
 - e. Status of, and opportunities for, shared facilities.
 - f. Accountability for community service needs, including governmental structure and operational efficiencies.
 - **To address a current need for water service for the area**

(FOR LAFCO USE ONLY)

If additional sheet are submitted or a separate document provided to fulfill Item #5, the narrative description shall be signed and certified by an official of the agency(s) involved with the sphere of influence review as to the accuracy of the information provided. If necessary, attach copies of documents supporting statements.

CERTIFICATION

As a part of this application, the **Hi-Desert Water District**, (the applicant) and/or the **Connor Bauman** (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

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

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

I hereby certify that the statements furnished above present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE

2-19-25

SIGNATURE

Tony Culver

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

General Manager, Hi-Desert Water District

Title and Affiliation (if applicable)

Rev: krm – 8/19/2015

SUPPLEMENT ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS

INTRODUCTION: The questions on this form are designed to obtain data about the specific annexation, detachment and/or reorganization proposal to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please identify the agencies involved in the proposal by proposed action:

ANNEXED TO

DETACHED FROM

Hi-Desert Water District

N/A

2. For a city annexation, State law requires pre-zoning of the territory proposed for annexation. Provide a response to the following:

N/A

- a. Has pre-zoning been completed? YES ☐ NO ☐
b. If the response to "a" is NO, is the area in the process of pre-zoning? YES ☐ NO ☐

Identify below the pre-zoning classification, title, and densities permitted. If the pre-zoning process is underway, identify the timing for completion of the process.

N/A

3. For a city annexation, would the proposal create a totally or substantially surrounded island of unincorporated territory?

YES ☐ NO ☐ If YES, please provide a written justification for the proposed boundary configuration.

N/A

4. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

Not to the agency's knowledge / Potential Water Standby Charges

5. Will the territory be relieved of any existing special taxes, assessments, district charges or fees required by the agencies to be detached?

Not to the agency's knowledge

6. If a Williamson Act Contract(s) exists within the area proposed for annexation to a City, please provide a copy of the original contract, the notice of non-renewal (if appropriate) and any protest to the contract filed with the County by the City. Please provide an outline of the City's anticipated actions with regard to this contract.

N/A

7. Provide a description of how the proposed change will assist the annexing agency in achieving its fair share of regional housing needs as determined by SCAG.

N/A

8. **PLAN FOR SERVICES:**

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

- A. A description of the level and range of each service to be provided to the affected territory.
- B. An indication of when the service can be feasibly extended to the affected territory.
- C. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.
- D. The Plan shall include a Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditure. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.
- E. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
- F. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).

CERTIFICATION

As a part of this application, the Hi-Desert Water District, and/or the (the applicant) and/or Connor Bauman (real party in interest - landowner) 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.

(FOR LAFCO USE ONLY)

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

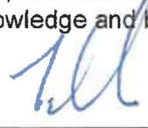
As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party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

As the proponent, I acknowledge that annexation to the Hi-Desert Water District may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles XIIIC and XIID of the State Constitution (Proposition 218) to a hearing, assessment ballot processing or an election on those existing taxes, fees and assessments.

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE

2-19-25



SIGNATURE

Tony Culver

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

General Manager, Hi-Desert Water District

Title and Affiliation (if applicable)

/REVISED: krm – 8/19/2015



Local Agency Formation Commission (LAFCO) of San Bernardino County

PLAN FOR SERVICE REPORT - ANNEXATION OF PARCEL #0585-273-04

February 2025

Prepared on Behalf of Applicant/Property Owner: Connor Bauman

By

Hi-Desert Water District

Ron Wortham

Hi-Desert Water District

55439 29 Palms Hwy.

Yucca Valley, CA 92284

I certify the information contained in this Plan
for Service Report is accurate to the best of
my knowledge.

A handwritten signature in blue ink, reading "Ronald R. Wortham", is written over a horizontal line.

Ron Wortham
Director of Operations

Introduction:

This Plan for Service was prepared in accordance with Government Code Section 56653 for annexation of Assessor Parcel No. 0585-273-04 (the property), approximately 10-acres located at 7886 Shafter Ave., Yucca Valley, CA 92284.

Hi-Desert Water District (HDWD) is a special district formed on December 14, 1962, pursuant to Division 12, Section 30321 of the California Water Code, to provide drinking water service for a growing population in Yucca Valley, California.

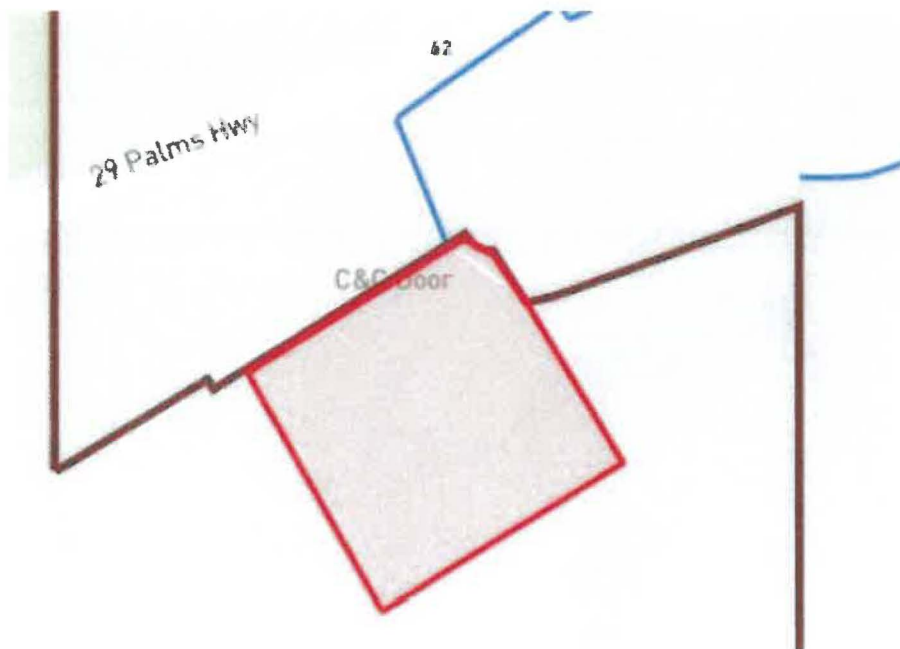
HDWD's water service area spans 57 square miles and includes over 300 miles of pipeline and provides water to the Town of Yucca Valley and a portion of the unincorporated areas of San Bernardino County.

Connor Bauman (the property owner) who wishes to develop the property and requires water service has requested HDWD to initiate annexation for the property.

HDWD's service boundary is immediately adjacent to the property. There are no other neighboring water agencies, the only other known source of water service for the property would be to drill a well.

Property Location:

The property is located at 7886 Shafter Ave. on the West end of Yucca Valley adjacent to HDWD's service boundary.



Water Service Plan:

The property owner is seeking access to *water service* from HDWD. To our knowledge, there would be no other entity that would be providing a “service” for which LAFCO would be required to approve.

Sewer Service Statement: This parcel is not subject to the Town of Yucca Valley Onsite Wastewater Treatment Systems Prohibition, which is outlined in Chapter 4, Section H. SEPTIC SYSTEMS of The California Regional Water Quality Control Plan for the Colorado River Basin Region. *At this time there are no available sewer facilities for this property and the property will not be required to connect to any sewer facilities.*

No mainline extension or additional infrastructure are needed to service this parcel.

The Agency has sufficient capacity to service this additional parcel. The fiscal impact of adding one additional service connection would not be significant and is within the projected annual growth for the Agency. The Agency has completed a Water Rate Study which advised the Prop. 218 rate setting process, the fees were adopted by the Board on August 21, 2024. The Water Rate Study includes a 20-year financial model which is used here as the fiscal impact analysis.

Upon finalization of approvals by LAFCO to annex the parcel and receipt of payment of fees applicable to installing water service, HDWD can install the needed meter/service within approximately two weeks.

Cortese-Knox-Hertzberg Local Government Reorganization Act

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act, the District provides the following information:

Appendices: Reference

1. Water and Wastewater Rate Study – Water and Wastewater Financial Plan and Rate Study Report - Final report received and filed by the Board of Directors on August 21, 2024.
2. Ordinance No. 90 An ordinance of the Board of Directors of Hi-Desert Water District establishing rates for water service charges and taking other actions related thereto, adopted August 21, 2024.

HI-DESERT WATER DISTRICT

Water and Wastewater Rate Study

FINAL REPORT / MAY 23, 2024



May 23, 2024

Paul G. Peschel
General Manager
Hi-Desert Water District
55439 29 Palms Highway
Yucca Valley, California 92284

Subject: Water and Wastewater Financial Plan and Rate Study Report

Dear Mr. Peschel,

Raftelis is pleased to submit this Water and Wastewater Rate Study report to Hi-Desert Water District. The Study promotes the District's financial stability by recommending rates that meet proposed reserve targets by the end of the Study period. The report includes:

- A long-range financial plan to determine yearly revenue needs over the next five years;
- Proposed revenue adjustments that promote financial stability;
- A cost of service analysis that allocates costs to each customer class;
- A proposed rate structure that collects the cost to serve each class determined by the cost of service analysis.

We enjoyed working with you, your staff, and the District's Board. Please do not hesitate to call should you have any questions.

Sincerely,



Steve Gagnon, PE (AZ)
Project Manager



Katelyn Milius, PE (OH)
Senior Consultant

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Appendices

Appendix A: Status Quo Financial Plans for Water and Wastewater
Appendix B: Drought Rates (FY 24/25- FY 28/29)

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1. Executive Summary

1.1. Study Overview

The Hi-Desert Water District (District) engaged Raftelis Financial Consultants (Raftelis) to conduct a comprehensive financial plan and develop cost-of-service water and wastewater rates for fiscal years (FY) 2024/2025 through 2028/2029. This report documents the study's findings, analyses, and proposed changes developed with input from District staff and the Board of Directors. This executive summary provides an overview of the study and includes findings and recommendations for water and wastewater rates.

1.2. Rate Study Process

This study was conducted using industry-standard principles outlined by the American Water Works Association's (AWWA) *Manual M1* and the Water Environment Federation's (WEF) *Financing and Charges for Wastewater Systems*. The overall process outlined below applies to both water and wastewater rates.

1. **Financial Plan:** Develop cash flow projections for the Water and Wastewater Enterprise to determine the amount of revenue required from water and wastewater rates.
2. **Cost of Service Analysis:** Allocate costs to system components and then to various customer classes based on the costs incurred and user characteristics of each.
3. **Rate Design:** Develop rates that generate sufficient revenues based on the financial plan and cost of service analyses and that communicate the policy preferences of the agency, maintaining that rates are cost-justified.
4. **Report Preparation:** Develop a Study report to document study results.
5. **Rate Adoption:** Proposed rates may be adopted by the Board only after holding a public hearing in accordance with the procedural requirements of Proposition 218.

1.3. Reserve Policy

The District established reserve policies to ensure long-term financial stability. Reserves minimize rate fluctuations due to unforeseen cash flow requirements such as recessions or droughts. The District provided beginning reserve balances for June 30, 2023 and Raftelis projected FY 23/24 ending reserve balances. Without revenue increases, Raftelis projects reserves will be below target at the end of FY 24/25. District Staff is proposing to eliminate Water Supplemental Reserves, since the aquifer is full or near full, and increase Capital Reserves from 5% to 10% to ensure adequate coverage for upcoming capital needs.

There are currently no Wastewater Reserves. The objective over the study period is to build wastewater reserves so that the Wastewater Fund can reimburse the water fund for a \$7.5 million loan for the construction of the wastewater system. **Table 1-1** shows the proposed reserve targets used in this study.

Table 1-1 Proposed Reserve Targets

WATER	Recommended Target		Existing Target	
Operating Reserves	50%	of Oper. Budget	50%	of Oper. Budget
Water Supplemental Reserves	0%	of Oper. Budget	10%	of Oper. Budget
Emergency Reserves	5%	of Oper. Budget	5%	of Oper. Budget
Capital Reserves	10%	of Oper. Budget	5%	of Oper. Budget
WASTEWATER				
Operating Reserves	25%	of Oper. Budget	NA	
Capital Reserves ¹	100%	of Average 10 yr. CIP	NA	

1.4. Proposed Financial Plan

The proposed financial plan detailed in this report follows industry standards for long-term financial planning. The financial plan relies on reasonable assumptions based on industry indices, such as general inflation based on the Consumer Price Index (CPI) and input from District Staff. Raftelis reviewed inflationary assumptions with Staff to project future revenues and expenses.

Without revenue adjustments in both Water and Wastewater, revenues are not sufficient to recover expenses. The net cash flows are negative for each year during the study period in both the water and wastewater enterprise funds. The cash balances in water are projected to fall below the operating reserve target in FY 24/25, and wastewater has no reserves or reserve targets currently.

To reach reserve targets and promote a financially stable utility, Raftelis and District Staff propose the revenue adjustments shown in **Table 1-2**. The financial plan assumes that the revenue adjustments will occur on July 1 each year.

Table 1-2 Proposed Revenue Adjustments

Water Revenue Adjustment	8.00%	8.00%	8.00%	8.00%	8.00%
Wastewater Revenue Adjustment	14.00%	14.00%	9.75%	9.75%	9.75%

Key factors influencing the need for proposed revenue adjustments include:

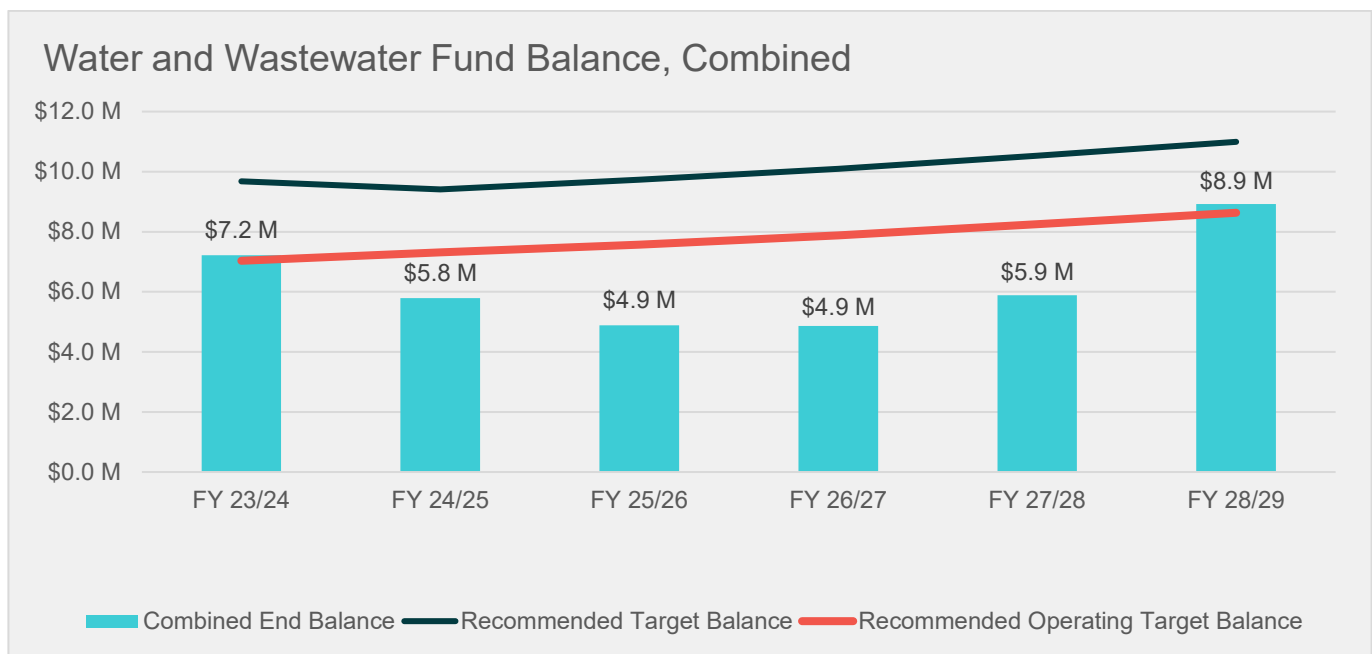
- **Cost inflation:** Operating costs continue to increase year over year due to general inflationary pressures.
- **Reduction in baseline water demand:** Following two multi-year droughts and associated mandatory conservation and messaging, the District has lower overall water consumption relative to historical demands. While conservation is necessary to ensure reliable long-term water supplies, utility costs must be recovered based on the remaining water use and reduced water demands generally mean increased rate pressure.
- **Planned capital expenditures:** The Water Enterprise plans to make \$11.1 M in CIP in the next five years.

¹ The proposed wastewater capital reserves are 5% of annual operating expenses. The modeled capital reserves are as shown in Table 1-1. The two reserves goals yield comparable reserve targets with FY 2025 targets of \$183k and \$186k for the targets of 100% capital and 5% of annual operating expenses respectively.

- **Slower connections to the Wastewater System:** The Phase 1 wastewater projects are complete, but several customer required to connect as a result of the State’s Septic to Sewer conversion mandate have not done so.
- **Building wastewater reserves:** Utilities must have sufficient cash on hand for working capital (paying routine expenses), to mitigate unexpected cost increases, and to mitigate risk, whether from recessions or natural disasters. The wastewater enterprise currently does not have reserves. Revenue adjustments will promote a self-sustaining.

Figure 1-1 shows the total combined reserves for the Water and Wastewater enterprise funds with the proposed revenue adjustments. For the purposes of this report, reserves are defined as all cash, cash equivalents and checking accounts that are not restricted. The District does not consider checking accounts to be part of reserves, however the below reserve balances includes checking accounts. The enterprise funds are combined because the wastewater fund is projected to have a deficit for the next three years and by combining the reserves, Stakeholders see the overall District financial health. The reserves for water and wastewater meet the recommended *operating* reserve target by the end of the study period.

Figure 1-1 Combined Water and Wastewater Reserves with Proposed Revenue Adjustments FY 23/24 - FY 28/29



Further details on the Water and Wastewater financial plans can be found in Section 4.1 and Section 5.1, respectively.

1.5. Cost of Service

To calculate fair and equitable rates so that users pay in proportion to the cost of providing service, Raftelis performed a cost of service analysis for both water and wastewater consistent with industry standards. The costs to serve each customer class is determined; rates are then designed to recover the costs from each class so that each class pays its fair share in line with Proposition 218 requirements.

1.6. Proposed Water Rates

The District's existing water rate structure consists of a fixed charge that includes a Water Service fee and a Capital Replacement Program (CRP) fee (based on meter size) and variable Water Rates (per hundred cubic feet [hcf] of water delivered). This study proposes revising the customer groups from two (irrigation and non-irrigation) to five (residential, irrigation, commercial, public, bulk).

Table 1-3 presents the proposed fixed charge ("basic monthly fees") for all customer classes, which is made up of the Water Service fee and the CRP fee.

Table 1-3 Proposed Basic Monthly Fee FY 24/25- FY 28/29

Meter Size	Current Fixed Charge	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
5/8 inch	\$23.35	\$25.22	\$27.24	\$29.42	\$31.78	\$34.33
1 inch	\$46.17	\$53.39	\$57.67	\$62.29	\$67.28	\$72.67
1 1/2 inch	\$84.20	\$100.35	\$108.38	\$117.06	\$126.43	\$136.55
2 inch	\$129.83	\$156.70	\$169.24	\$182.78	\$197.41	\$213.21
3 inch	\$251.49	\$306.97	\$331.53	\$358.06	\$386.71	\$417.65
4 inch	\$388.37	\$476.02	\$514.11	\$555.24	\$599.66	\$647.64
6 inch	\$768.59	\$945.61	\$1,021.26	\$1,102.97	\$1,191.21	\$1,286.51

Table 1-4 presents the proposed volumetric rates per hcf of water use. The sum of the unit cost components for water supply, delivery and peaking, reduced by revenue offsets yield the proposed volumetric rate in FY 24/25.

Revenue offsets from non-water rate-derived property tax revenue were used to promote affordability. Property tax was allocated based on the District's input and reduced the residential rate for each Tier and CIMIS Tier 2 and 3 rate. The District has discretion over how to use such non-water rate-derived revenue.

Table 1-4 Proposed Volumetric Rates² per hcf for FY 24/25- FY 28/29

	Current Rates	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
Residential (SFR, MFR, MHP)³						
Tier 1: 0-4 units	\$4.11	\$4.42	\$4.78	\$5.17	\$5.59	\$6.04
Tier 2: 5-11 units	\$6.95	\$7.53	\$8.14	\$8.80	\$9.51	\$10.28
Tier 3: 12 + units	\$7.91	\$8.53	\$9.22	\$9.96	\$10.76	\$11.63
Commercial (COM)						
Tier 1: 0-4 units	\$6.44	\$7.22	\$7.80	\$8.43	\$9.11	\$9.84
Tier 2: 5-11 units	\$6.95	\$7.92	\$8.56	\$9.25	\$9.99	\$10.79
Tier 3: 12 + units	\$7.91	\$7.92	\$8.56	\$9.25	\$9.99	\$10.79
Public (PBE)						
Tier 1: 0-4 units	\$6.44	\$7.22	\$7.80	\$8.43	\$9.11	\$9.84
Tier 2: 5-11 units	\$6.95	\$8.10	\$8.75	\$9.45	\$10.21	\$11.03
Tier 3: 12 + units	\$7.91	\$8.43	\$9.11	\$9.84	\$10.63	\$11.49
Irrigation (IRR)						
Tier 1: 0-4 units	\$6.49	\$7.47	\$8.07	\$8.72	\$9.42	\$10.18
Tier 2: 5-11 units	\$6.95	\$8.30	\$8.97	\$9.69	\$10.47	\$11.31
Tier 3: 12 + units	\$11.15	\$11.47	\$12.39	\$13.39	\$14.47	\$15.63
CIMIS (CIM)						
Tier 1: 0-4 units	\$6.49	\$7.47	\$8.07	\$8.72	\$9.42	\$10.18
Tier 2: 5-11 units	\$6.95	\$8.19	\$8.85	\$9.56	\$10.33	\$11.16
Tier 3: 12 + units	\$6.95	\$8.19	\$8.85	\$9.56	\$10.33	\$11.16
Bulk (BLK)						
Tier 1: 0-4 units	\$6.49	\$7.00	\$7.56	\$8.17	\$8.83	\$9.54
Tier 2: 5-11 units	\$6.95	\$7.63	\$8.25	\$8.91	\$9.63	\$10.41
Tier 3: 12 + units	\$11.15	\$7.92	\$8.56	\$9.25	\$9.99	\$10.79

1.7. Proposed Wastewater Rates

There are no proposed changes to the rate structure in which all residential customers pay a monthly fixed rate (“Monthly Maintenance Fee”) per equivalent dwelling unit (EDU) that varies based on estimated customer wastewater discharge volumes. Commercial customers pay based on their wastewater discharge. One EDU is defined as 175 gallons per day (gpd). This rate structure was created as part of the *Hi-Desert Water District Assessment District No. 2014-1 Engineer’s Report* and is consistent with the cost-of-service and allows for revenue stability. **Table 1-5** details the EDU assignment to each class. The formula used to calculate commercial EDUs is detailed in Section 4.1.2.

² Rates are rounded up to the nearest cent.

³ MFR and MHP have revised tiers based on unit count. For example: An apartment with 6 dwelling units would have a Tier 1 threshold of 24 units of water (6 dwelling units x 4 units of water each)

Table 1-5 Wastewater EDU by Customer Class

Customer Class	EDU Assignment
Single Family Home (SFR)	1 EDU per Parcel
Multi-Family Residential (MFR)	0.75 EDU per Unit
Mobile Home Property (MHP)	0.60 EDU per Unit
Commercial Property (COM)	Minimum of 1 EDU per parcel or Calculated EDU from 90% water consumption

Table 1-6 shows the proposed EDU charges for FY 24/25 through FY 28/29. These rates are effective on July 1st of each fiscal year of the study, beginning on July 1, 2024.

Table 1-6 Proposed Monthly Maintenance Fees per EDU for FY 24/25- FY 28/29

	Current	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
Charge per EDU	\$46.71	\$53.25	\$60.71	\$66.62	\$73.12	\$80.25

Residential properties are proposed to be charged through their property tax bill, while commercial properties will be charged based on monthly use of the system on monthly water bills.

1.8. Average Single Family Bill Impact

Figure 1-2 shows the average **water** single family bill impact with the proposed revenue adjustments. **Figure 1-3** shows the average **wastewater** single-family bill impact with the proposed revenue adjustments and **Figure 1-4** shows the **combined** water and wastewater average single family bill impacts. With the proposed revenue adjustments, the average single family customer bill impact for both water and wastewater is \$10.81 per month, a 10.8% increase in FY 24/25. This includes a 6 hcf water bill going from \$53.69 to \$57.96 and a single family sewer bill of 1 EDU increasing from \$46.71 to \$53.25.

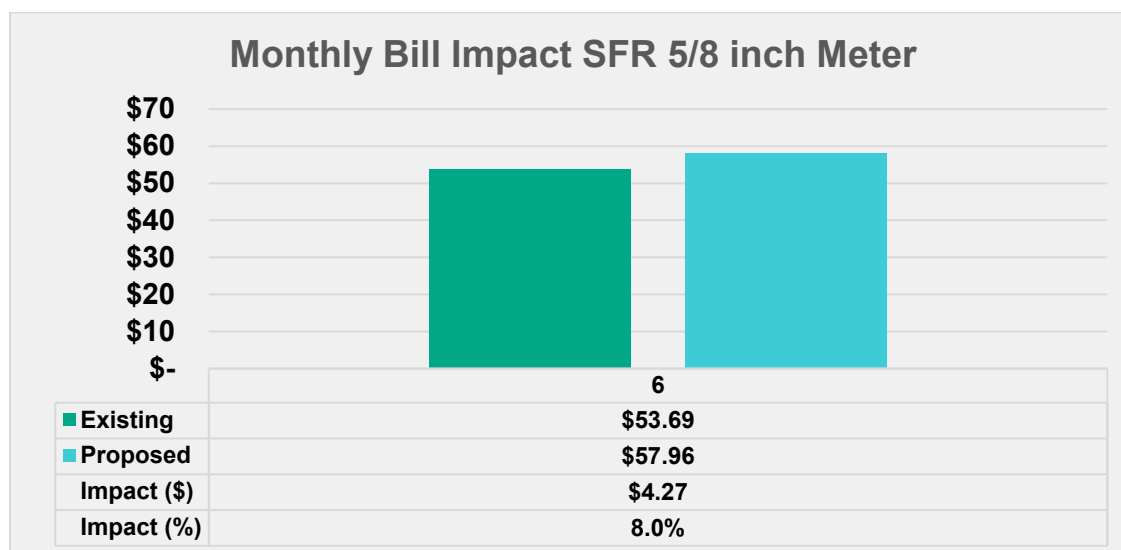
Figure 1-2: Average Single Family Water Bill Impact

Figure 1-3: Average Single Family Wastewater Bill Impact

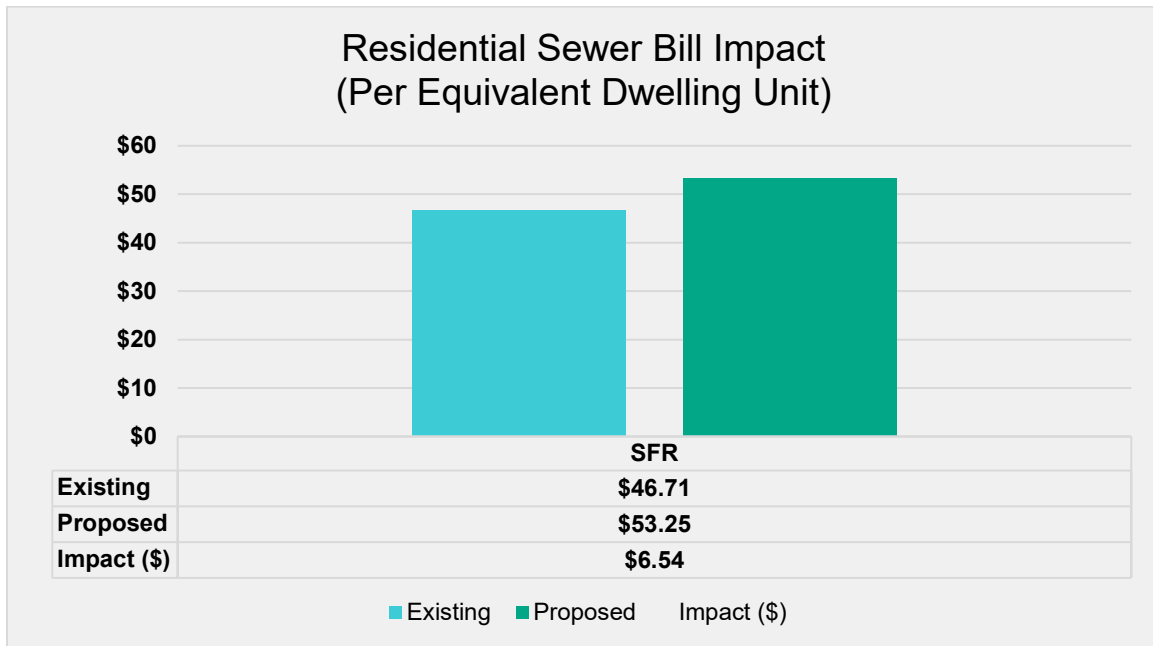
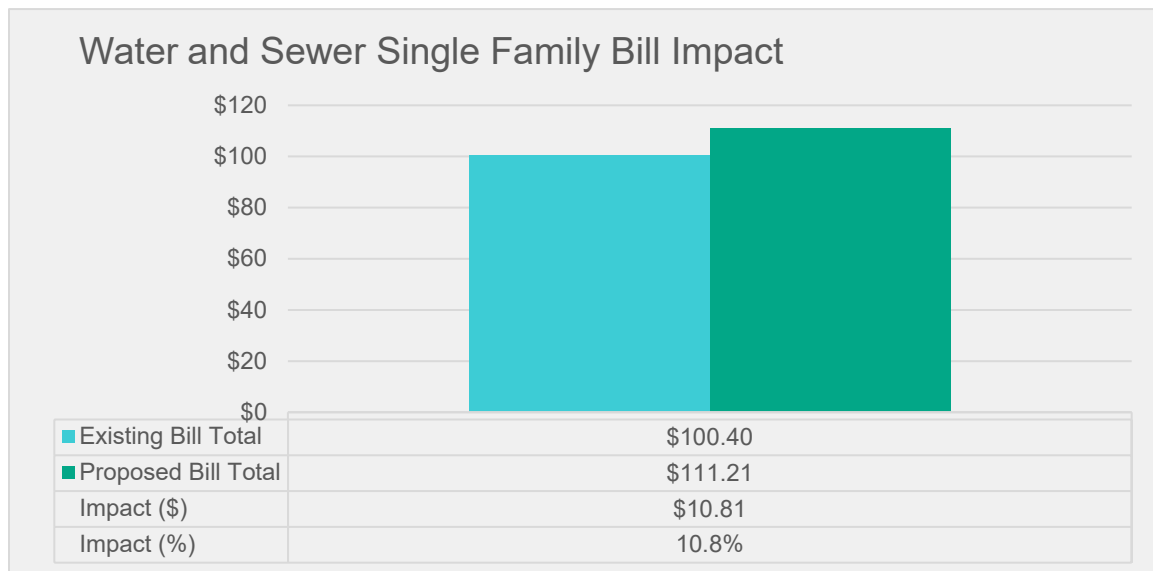


Figure 1-4 Average Single Family Water and Sewer Bill Impact



1.9. Drought Rates

Drought rates allow the District to recover fixed costs when customers curtail water use during a drought. The percent reduction in water demand during each water shortage emergency stage is defined in the District's Water Shortage Contingency Plan, approved by the Board as a part of the *2020 Urban Water Management Plan*

and Municipal Code. **Table 1-7** shows the estimated revenue losses at each stage and the percent increase required to recover the lost revenue. A more detailed calculation of these estimates is provided in Section 3.5.

Table 1-7: Estimated Revenue Losses at Each Stage/Level of Drought

Stages of Shortage	% Reduction	Description	Revenue Shortfall	Volumetric Rate Increase
Stage 1	10%	Water Alert	\$413,596	7%
Stage 2	20%	Moderate Water Shortage	\$804,916	15%
Stage 3	30%	Severe Water Shortage	\$1,244,847	27%
Stage 4	40%	Critical Water Shortage	\$1,673,724	43%
Stage 5	50%	Water Shortage Crisis	\$2,081,627	68%
Stage 6	60%	Emergency Water Shortage	\$2,382,324	100%

Table 1-8 shows the proposed drought rates for the first year of the study at each drought stage (10%, 20%, etc.). All rates are shown in \$/hcf terms.

Table 1-8: Proposed Drought Rates FY 24/25

	FY 24/25 Proposed Rates	Stage 1 - 7% Increase	Stage 2 - 15% Increase	Stage 3 - 27% Increase	Stage 4 - 43% Increase	Stage 5 - 68% Increase	Stage 6 - 100% Increase
Residential (SFR, MFR, MHP)⁴							
Tier 1: 0-4 units	\$4.42	\$4.72	\$5.08	\$5.61	\$6.35	\$7.41	\$8.85
Tier 2: 5-11 units	\$7.53	\$8.04	\$8.65	\$9.56	\$10.81	\$12.62	\$15.07
Tier 3: 12 + units	\$8.53	\$9.10	\$9.80	\$10.83	\$12.24	\$14.29	\$17.07
Commercial (COM)							
Tier 1: 0-4 units	\$7.22	\$7.71	\$8.29	\$9.17	\$10.36	\$12.10	\$14.45
Tier 2: 5-11 units	\$7.92	\$8.45	\$9.10	\$10.06	\$11.37	\$13.27	\$15.85
Tier 3: 12 + units	\$7.92	\$8.45	\$9.10	\$10.06	\$11.37	\$13.27	\$15.85
Public (PBE)							
Tier 1: 0-4 units	\$7.22	\$7.71	\$8.29	\$9.17	\$10.36	\$12.10	\$14.45
Tier 2: 5-11 units	\$8.10	\$8.65	\$9.30	\$10.28	\$11.62	\$13.57	\$16.21
Tier 3: 12 + units	\$8.43	\$9.00	\$9.68	\$10.70	\$12.10	\$14.13	\$16.87
Irrigation (IRR)							
Tier 1: 0-4 units	\$7.47	\$7.97	\$8.58	\$9.48	\$10.72	\$12.52	\$14.95
Tier 2: 5-11 units	\$8.30	\$8.86	\$9.53	\$10.54	\$11.91	\$13.91	\$16.61
Tier 3: 12 + units	\$11.47	\$12.24	\$13.17	\$14.56	\$16.46	\$19.22	\$22.96
CIMIS (CIM)							
Tier 1: 0-4 units	\$7.47	\$7.97	\$8.58	\$9.48	\$10.72	\$12.52	\$14.95
Tier 2: 5-11 units	\$8.19	\$8.74	\$9.41	\$10.40	\$11.75	\$13.72	\$16.39

⁴ MFR and MHP have revised tiers based on unit count. For example: An apartment with 6 dwelling units would have a Tier 1 threshold of 24 units of water (6 dwelling units x 4 units of water each)

	FY 24/25 Proposed Rates	Stage 1 - 7% Increase	Stage 2 - 15% Increase	Stage 3 - 27% Increase	Stage 4 - 43% Increase	Stage 5 - 68% Increase	Stage 6 - 100% Increase
Tier 3: 12 + units	\$8.19	\$8.74	\$9.41	\$10.40	\$11.75	\$13.72	\$16.39
Bulk (BLK)							
Tier 1: 0-4 units	\$7.00	\$7.47	\$8.04	\$8.89	\$10.05	\$11.73	\$14.01
Tier 2: 5-11 units	\$7.63	\$8.14	\$8.76	\$9.69	\$10.95	\$12.79	\$15.27
Tier 3: 12 + units	\$7.92	\$8.45	\$9.10	\$10.06	\$11.37	\$13.27	\$15.85

1.9.1. Drought Rate Adoption

The Board would adopt the drought rates separately from any other type of rate increase. For the duration of the rate proposal period (5 years), the Board would have the ability to adopt drought rates by increasing the then-current commodity rate without having to re-issue the Proposition 218 notice if it provides the percentage increases in the public notice.

2. Legal Framework and Rate Setting Methodology

2.1. Legal Framework

This report section describes the legal framework that informed the cost of service analysis and rate design, which ensures a fair and equitable cost allocation to customer classes.

2.1.1. California Constitution - Article XIII D, Section 6 (Proposition 218)

Proposition 218, reflected in the California Constitution as Article XIII D, was approved by the voters in 1996 to ensure that property-related fees and charges are reasonable and proportional to the cost of providing service. The principal substantive and procedural requirements for water and sewer service fees and charges are as follows:

1. A property-related charge (such as for water and sewer) imposed by a public agency on a parcel shall not exceed the costs required to provide the property-related service.
2. Revenues derived by the charge shall not be used for any purpose other than that for which the charge was imposed, and may not be used to fund general governmental services such as police, fire protection, or library services.
3. The amount of the charge imposed upon any parcel shall not exceed the proportional cost of service attributable to the parcel.
4. No charge may be imposed for a service unless that service is actually used or immediately available to the owner of property.
5. A written notice of the proposed charge shall be mailed to the record owner of each parcel at least 45 days prior to the public hearing. At the public hearing, the agency must consider oral and written testimony and protests, and if protests are filed on behalf of a majority of separate parcels, the agency may not adopt the proposed charges.

Water and wastewater rates and charges should be recovered from classes of customers in proportion to the cost of serving those customers. Proposition 218 requires that water and wastewater rates cannot be “arbitrary and capricious”, meaning that the rate-setting methodology must be sound and that there must be a nexus between costs and the rates charged. Raftelis followed industry standard rate setting methodologies set forth by the AWWA *M1 Manual* and WEF’s *Manual of Practice No. 27* to ensure this study meets Proposition 218 requirements and that it creates rates that charge customers equitably.

2.1.2. California Constitution – Article X, Section 2

Article X, section 2 of the California Constitution (adopted in 1976) states the following:

“It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or

unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare.”

As stated above Article X, section 2 of the California Constitution requires preservation of the State’s water supplies and discourages the wasteful or unreasonable use of water by encouraging conservation. As such, public agencies are constitutionally mandated to maximize the beneficial use of water, prevent waste, and encourage conservation.

In addition, section 106 of the Water Code declares that the highest priority use of water is for domestic purposes, and irrigation secondary. To meet the objectives of Article X, a water purveyor can utilize its water rate design to incentivize the efficient use of water. The District established single family tiered rates to incentivize customers to conserve water. Though they incentivize conservation, the tiered rates (as well as rates for the remaining classes) are based on the cost incurred to provide water to each tier and class as required by Proposition 218.

Tiered Rates – “inclining” block rate structures (which are synonymous with “increasing” block rate structures and tiered rates) when properly designed, allow a water utility to send consistent conservation price incentives to customers. Due to heightened interest in water conservation, tiered rates have gained widespread use, especially in relatively water-scarce regions, such as Southern California. Tiered rates meet the requirements of Proposition 218 as long as the tiered rates reflect the cost of service. In other words, to the extent an agency implements tiered rates, each tier must correspond to the costs of providing water service in each tier. These costs include water supply costs and peaking costs.

2.2. Cost Based Rate Setting Methodology

As stated in the American Water Works Association (AWWA) M1 Manual “the costs of water rates and charges should be recovered from classes in proportion to the cost of serving those customers.” There are four major steps in calculating rates discussed below.

2.2.1. Calculate Revenue Requirement

The rate-making process starts by determining the test year revenue requirement; for this study, the test year is FY 24/25. The revenue requirement should sufficiently fund the utility’s O&M, debt service and capital expenses as well as reserve funding.

2.2.2. Cost of Service Analysis (COS)

The annual cost of providing water service is distributed among customer classes commensurate with their service requirements. A COS analysis involves;

1. Functionalizing costs. Examples of functions are supply, treatment, transmission, distribution, storage, meter servicing and customer billing and collection. In this study the District’s staff provided functionalized O&M expenditures.
2. Allocating functionalized costs to cost components. Cost components include base, maximum day, maximum hour, meter service, customer service and conservation costs.
3. Lastly, distributing the cost components, using unit costs, to customer classes in proportion to their demands on the water system. This is described in the M1 Manual published by AWWA.

A COS analysis considers both the average quantity of water consumed (base costs) and the peak rate at which it is consumed (peaking or capacity costs as identified by maximum day and maximum hour demands). Peaking costs are costs that are incurred during peak times of consumption. The water system is designed to handle peak demands and the additional costs associated with design, construction and the operation and maintenance of facilities to meet these peak demands need to be allocated to those imposing such costs on the utility. In other words, not all customer classes share the same responsibility for peaking-related costs.

2.2.3. Rate Design and Calculations

Rates do more than simply recover costs. Within the legal framework and industry standards, properly designed rates should support and optimize a blend of various utility objectives, such as conservation, affordability for essential needs and revenue stability among other objectives. Rates should work as a public information tool in communicating these objectives to customers and may legally do so as long as they do not exceed the proportional cost of service.

2.2.4. Rate Adoption

Rate adoption is the last step of the rate-making process to comply with Proposition 218. Raftelis documented the rate study results in this Study Report to help inform the public about the proposed changes, the rationale and justifications behind the changes and their anticipated financial impacts in lay terms. At least 45 days after sending out the public notices, at a public hearing, the District shall consider all written protests against the proposed rates. If there is no majority protest, the District may adopt the new rates.

3. Water Financial Plan and Rates

This chapter presents the projections for revenues, O&M expenses, capital improvement and reserve requirements for FY 24/25 – 28/29. Projected revenues are compared to expenses to assess potential revenue shortages and the need for rate adjustments over the planning horizon. The cost of service analysis is described in detail, and the FY 24/25 rates are derived. Lastly, drought rates are discussed as a protection from revenue loss during periods of water shortage and use reduction.

3.1. Introduction

3.1.1. Water System Background

Hi-Desert Water District (District) provides potable water service to approximately 24,000 people through more than 11,000 connections in the Town of Yucca Valley and a portion of the unincorporated area of San Bernardino County. The total service area is 57 square miles and the water system includes 16 storage tanks, 12 active wells, and over 312 miles of pipeline.

3.1.2. Water Sources

The District's water sources include groundwater from two basins, the Ames Valley Basin and the Warren Valley Basin. In recent years, the Ames Valley Basin has yielded 500 AF of water per year (down from 700 AF), while purchased water from Mojave Water Agency (MWA) provides most of the District's water supply at about 2,500 AF per year, delivered through the Morongo Basin Pipeline.

According to the Urban water management plan (UWMP)⁵, when available, the District buys excess State Water Project (SWP) water from MWA and stores it for future use. This activity also allows the District to take advantage of wet year supplies due to abundant storage available in District's groundwater basins.

During the last few years, the District has purchased additional water to replenish the groundwater basin. During FY 26/27- 28/29, this study assumes the District will purchase 8 percent more water than is needed to serve customers in FY 23/24 and FY 24/25 followed by 7% in FY 25/26 and 10% more for the last two years of the study and store it in the aquifer.

⁵ UWMP 2020

3.1.3. Customer Classes and Number of Accounts

Table 3-1 lists all the customer classes and respective abbreviations used throughout the report. CIM customers are irrigation customers that include public baseball fields, school playgrounds, etc.

Table 3-1 Customer Classes

User Abbreviation	User Class
BLK	Bulk water users
CIM	CIMIS – irrigation customers
COM	Commercial customers
FPR	Fire protection
IRR	Irrigation customers
MHP	Mobile home parks
MTF	Multifamily dwellings
PBE	Public/Government customers
SFR	Single family residences

The number of accounts in each customer class is used to project the revenue from current fixed monthly charges. District staff provided individual water consumption for each account for FY 22/23. Raftelis used the provided data to estimate the customer count by meter size and class. The number of accounts for FY 22/23 used in the financial model is presented in **Table 3-2**.

Table 3-2 Number of Water Accounts by Customer Classes in FY 22/23

Meter Size	BLK	CIM	COM	IRR	MHP	MTF	PBE	SFR ⁶	Total
5/8 inch	2	1	302	41	2	150	29	9,998	10,525
1 inch	3	0	95	44	4	113	13	25	297
1 1/2 inch	0	3	29	4	0	12	7	5	60
2 inch	0	8	48	9	4	13	15	1	98
3 inch	12	2	0	0	0	1	2	0	17
4 inch	0	0	1	0	0	0	0	0	1
6 inch	0	0	0	0	2	0	0	0	2
TOTAL	17	14	475	98	12	289	66	10,029	11,000

⁶ By state building code, all new single-family residential homes now require a 1-inch meter for fire protection. Since the use would be similar to the 5/8-inch capacity, these SFR customers with 1-inch meters for fire protection are considered 5/8-inch meters.

The number of dwelling units for multifamily residences (MTF) and mobile home parks (MHP) is presented in **Table 3-3**. Currently, MTF and MHP customers have revised tier thresholds based on dwelling units. For example, a multifamily duplex would have a tier 1 threshold of 8 units rather than 4 units (2 dwelling units x 4 units = 8 units). Raftelis projects that the number of MTF and MHP units will remain constant throughout the study period based on District input.

Table 3-3 Number of Dwelling Units

Meter Size	Mobile Home Units	Multifamily Units
5/8 inch	19	381
1 inch	106	399
1 1/2 inch	0	81
2 inch	215	255
3 inch	0	33
4 inch	0	0
6 inch	274	0
TOTAL	614	1149

3.2. Water Financial Plan

This section details District's water revenues and expenses and provides a projection of revenue requirements over the five-year study period. The status quo financial plan is shared, which shows projected financial health if the District does not raise rates, and a revenue adjustment scenario is shared showing the cashflow if rates are increased as recommended.

3.2.1. Current Tiers and Rates

The District's rate structure includes volumetric rate revenues and fixed monthly charges. Below is a review of the existing rate structure used to project water rate revenues under the Status Quo financial plan scenario.

The District has a 3-tier inclining block (tiered rates) rate structure for all customers. The unit of water is one hcf. **Table 3-4** shows the current rates and tier thresholds. The tier breakpoints were set in the previous rate study. The tier 1 breakpoint was set at the average winter use, therefore it is an approximation of indoor water use. Tier 2 was set at the average summer use and therefore represents and average allocation for outdoor water use.

Table 3-4 Current Rates and Tier Thresholds

Customer class	Tier	Current Rate
Residential	Tier 1: 0-4 units	\$4.11
	Tier 2: 5-11 units	\$6.95
	Tier 3: 12 + units	\$7.91
Commercial and Public	Tier 1: 0-4 units	\$6.44
	Tier 2: 5-11 units	\$6.95
	Tier 3: 12 + units	\$7.91
CIMIS	Tier 1: 0-4 units	\$6.49
	Tier 2: 5-11 units	\$6.95
	Tier 3: 12 + units	\$6.95
Irrigation and Bulk	Tier 1: 0-4 units	\$6.49
	Tier 2: 5-11 units	\$6.95
	Tier 3: 12 + units	\$11.15

Fixed revenues (revenues that do not depend on the volume of water sold), consists of a monthly water service charge and a capital replacement charge per meter depending on its size, as displayed in **Table 3-5**.

Table 3-5 Basic Monthly Fees

Meter Size	Water Service	Capital Replacement Program (CRP)	Monthly Total
5/8 inches	\$11.69	\$11.66	\$23.35
1 inch	\$17.02	\$29.15	\$46.17
1 1/2 inches	\$25.90	\$58.30	\$84.20
2 inches	\$36.54	\$93.29	\$129.83
3 inches	\$64.94	\$186.55	\$251.49
4 inches	\$96.90	\$291.47	\$388.37
6 inch	\$185.65	\$582.94	\$768.59

3.2.2. Financial Policy

The District has reserves to promote financial stability, improve credit ratings and minimize customer rate fluctuations due to unforeseen and expected cash flow requirements⁷. There are five reserves, each of them associated with a specific purpose or risk. The District's Administrative Code describes each reserve and its target (shown in **Table 3-6** as "Water existing reserve policy"). As part of this study, Raftelis worked with District staff to review the reserves and their targets. Modifications to the existing reserves are proposed and shown in **Table 3-6** as "Water staff recommendation."

⁷ Hi-Desert Water District code, chapter 4.15

Table 3-6 Projected Reserves

WATER EXISTING RESERVE POLICY	District Target		FY 23/24 Projected Reserve Targets
Operating Reserves	50%	of Oper. Budget	\$6,143,581
Water Supplemental Reserves	10%	of Oper. Budget	\$1,228,716
Debt Reserves (Debt falls off in FY 24/25)	110%	annual debt service payment	\$617,925
Emergency Reserves	5%	of Oper. Budget	\$614,358
Capital Reserves	5%	of Oper. Budget	\$614,358
Total			\$9,218,939
WATER STAFF RECOMMENDATION			FY 23/24 Projected Reserve Targets (Recommended)
Operating Reserves	50%	of Oper. Budget	\$6,143,581
Water Supplemental Reserves	0%	of Oper. Budget	\$0
Debt Reserves (Debt falls off in FY 24/25)	110%	annual debt service payment	\$617,925
Emergency Reserves	5%	of Oper. Budget	\$614,358
Capital Reserves	10%	of Oper. Budget	\$1,228,716
Total			\$8,604,581
End Reserves for FY 23/24			\$7,542,432

3.2.3. Assumptions

Various assumptions are used to project future revenues and expenses. They can be divided into two major groups: (i) assumptions related to economic factors, such as inflation, capital cost, and interest rates and (ii) core business assumptions, such as water sale projections and capital replacement costs.

3.2.3.1. Inflationary Assumptions

The inflationary assumptions are summarized in **Table 3-7**. General inflation, for FY 24/25 reflects the recent inflation reported by the Bureau of Labor Statistics Consumer Price Index. For the latter years, it reflects longer term average inflation. Utility inflation reflects information from SCE as noted in footnote 7 and capital inflation reflects recent reading of the Engineering News Record Construction Cost Index as noted in footnote 8.

Table 3-7 Inflationary Assumptions

	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
Expense Escalators					
General/CPI	5.0%	4.0%	3.0%	3.0%	3.0%
Utilities (Electricity) ⁸	10.0%	3.0%	3.0%	3.0%	3.0%
Capital ⁹	6.0%	5.0%	4.0%	3.0%	3.0%
Purchased Water Cost	\$628.00	\$635.89	\$664.84	\$708.70	\$755.56
Revenue Escalators					
Other Oper Rev	1.0%	1.0%	1.0%	1.0%	1.0%
Misc Rev	1.0%	1.0%	1.0%	1.0%	1.0%
Reserve Interest Rate	1.0%	1.0%	1.0%	1.0%	1.0%
Property tax	1.0%	1.0%	1.0%	1.0%	1.0%

3.2.3.2. Water Use and Account Growth Assumptions

Water use and account growth assumptions are used to predict future rate revenues. Current water use by customer class and by tier is presented in **Table 3-8**. Total water use in FY 22/23 was about 1,057,918 hcf.

Table 3-8 Metered Water Use by Tiers in FY 22/23 (hcf)

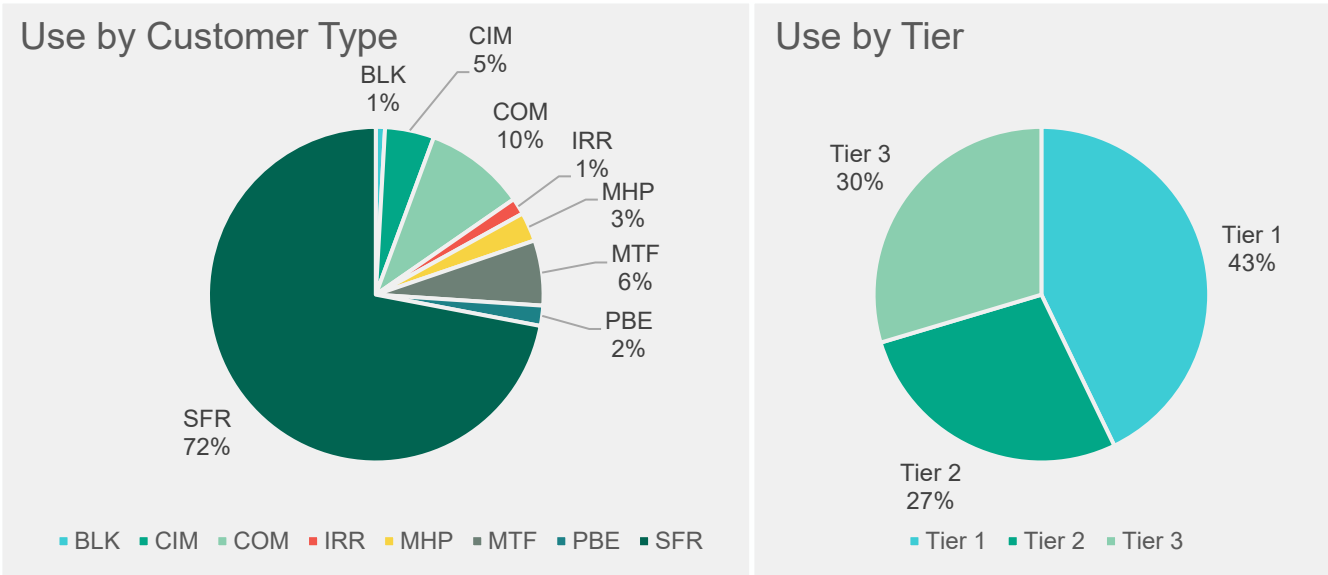
	TOTAL (hcf)	BLK	CIM	COM	IRR	MHP	MTF	PBE	SFR
Tier 1	453,189	435	643	13,614	2,020	25,405	45,473	2,093	363,506
Tier 2	291,434	643	1071	13,533	2,002	3,934	17,476	2,487	250,288
Tier 3	313,295	8,295	48,428	75,868	12,932	228	3,538	15,999	148,007
Total Use (hcf)	1,057,918	9,373	50,142	103,015	16,954	29,567	66,487	20,579	761,801

Figure 3-1 displays the water use by customer class and by tier. SFR uses 72% of the water. The tiered rates are applied to all customer classes.

⁸ Per direction from the Board which reflects SCE rate increases. SOURCE: <https://www.cpuc.ca.gov/events-and-meetings/a2305010-sce-pph-2024-04-10-2pm>

⁹ The ENR CCI for Los Angeles for FY 21/22 and 22/23 was 7.9% and 4.9%, respectively.

Figure 3-1 Water Use by Tier and Customer Class in FY 22/23



District staff projects a moderate water demand increase during the next five years (0.5% in FY 24/25 and 0.6% after that), driven by a slight increase in the number of accounts and water use and supported by the District’s *2020 Urban Water Management Plan*. Raftelis used the projections presented in **Table 3-9** to escalate water use and the number of SFR accounts over the study period.

Table 3-9 Account and Water Growth Assumptions

New accounts per year	50	50	50	50	50
Annual water demand growth rate	0.5%	0.6%	0.6%	0.6%	0.6%

3.2.4. Projected Revenues

Table 3-10 shows the calculated rate revenues and projected non-operating revenues for FY 24/25 through FY 28/29 based on the District’s current water rates. The projected annual rate revenue is determined by multiplying the accounts by meter size by the current fixed rates over 12 months, and the use by tier by the current volumetric rate.

Table 3-10 Water Projected Revenues

	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
Subtotal Revenues from Rates	\$9,921,518	\$9,973,717	\$10,025,916	\$10,078,115	\$10,130,314
Other Operating Revenues					
Delinquent Fees	\$207,916	\$209,995	\$212,095	\$214,216	\$216,358
Returned Checks	5,917	5,976	6,036	6,096	6,157
Disconnect/Reconnect	29,684	29,981	30,281	30,583	30,889
Turn On Fee	30,569	30,874	31,183	31,495	31,810
Standby	172,119	173,840	175,579	177,335	179,108
Total Other Operating Revenues	\$446,204	\$450,666	\$455,173	\$459,724	\$464,322
Non-Operating Revenues/(Expenses):					
Property taxes and assessments	\$2,140,714	\$2,162,121	\$2,183,743	\$2,205,580	\$2,227,636
Interest earnings	66,440	45,025	16,584	-	-
Other non-operating revenues, net	57,608	58,184	58,766	59,354	59,948
Total non-operating revenues, net	\$2,264,763	\$2,265,330	\$2,259,093	\$2,264,934	\$2,287,583
TOTAL REVENUES (excl. meter sales and grants)	\$12,632,484	\$12,689,713	\$12,740,181	\$12,802,773	\$12,882,219

3.2.5. Projected O&M Expenses

Raftelis projects O&M expenses by dividing them into two main groups. The first group includes water supply costs. For this group, projected costs depend on the volume of purchased water and the respective cost inflation factor. The second group includes administrative, customer billing, transmission and distribution, etc., costs which do not directly depend on volumetric sales and are projected to increase with the inflationary factors shown in **Table 3-7**.

Water use projections, based on the assumptions in **Table 3-9** are shown in **Table 3-11**, line 1. The District estimates 14% water loss; the percentage is calculated by subtracting the volume of billed water from the volume of water produced. For the first two years of the study, the District supplied the total water production value of 3,038 AF in line 9. In FY 26/27- FY28/29, total water production, shown on line 9, is determined by adding water losses and additional water purchases to water use.

The District's water is obtained from the Mojave Water Agency (MWA) and the Ames Valley basin (groundwater). Raftelis assumed, based on District feedback, 500 AF from the Ames Valley Basin in FY 24/25 – FY 25/26, and 703 AF after that. Raftelis projected the amount of purchased water from MWA (line 15) to be equal to the difference between total water produced (line 9) and the groundwater extracted from the Ames Valley basin.

Based on input from District staff, Raftelis projected MWA water purchases as shown in line 15 of **Table 3-11**. Annual water supply costs are calculated using the projected volumes and the cost per acre foot (AF) shown in line 11. The projected cost per acre foot was provided by District staff.

Table 3-11 Calculated Water Costs

Line		FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
1	Total Water Use (hcf)	1,068,499	1,074,785	1,081,070	1,087,355	1,093,640
2	Total Water Use (AF)	2,453	2,467	2,482	2,496	2,511
3						
4	Water system loss (in total water production)	14%	14%	14%	14%	14%
5	Total Water Produced (includes water loss) (hcf)	1,242,008	1,249,314	1,256,620	1,263,925	1,271,231
6	Total Water Produced (includes water loss) (AF)	2,851	2,868	2,885	2,902	2,918
7	Additional Water Purchases (% of Water Use)	8%	7%	10%	10%	10%
8	Additional Water Purchases (AF)	187	170	248	250	251
9	Total Water Produced (includes water loss & additional water purchased) (AF)	3,038	3,038	3,133	3,151	3,169
10						
11	Cost per AF for Purchased Water	\$628.00	\$635.89	\$664.84	\$708.70	\$755.56
12	Groundwater cost per AF	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
13						
14	Water Supply					
15	Purchased water from Mojave (AF)	2,538	2,538	2,430	2,448	2,466
16						
17	Groundwater Supply					
18	Groundwater - AMES Well/Wells (AF)	500	500	703	703	703
19	Natural Recharge Groundwater (AF)	-	-	-	-	-
20	Total Groundwater	500	500	703	703	703
21						
22	Total Water Cost	\$1,593,864	\$1,613,889	\$1,615,541	\$1,735,041	\$1,863,515

Total projected annual O&M expenses are presented in **Table 3-12**. There is an average 3.4% increase each year over the study period. Supply costs decrease slightly because the study assumes a lower wholesale rate from Mojave Water Agency in FY 24/25 compared to the FY 23/24 budget.

Table 3-12 Water O&M Expenses for FY 23/24 -FY 28/29

	FY 23/24 Budget	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
Source of supply	\$1,711,125	\$1,593,864	\$1,613,889	\$1,615,541	\$1,735,041	\$1,863,515
Pumping and water treatment	\$2,357,473	\$2,593,220	\$2,671,017	\$2,751,147	\$2,833,682	\$2,918,692
Const. & Maint. / CRP (Trans & Dist)	\$2,177,348	\$2,286,215	\$2,377,664	\$2,448,994	\$2,522,463	\$2,598,137
Field Services (Meters)	\$336,123	\$352,929	\$367,046	\$378,058	\$389,399	\$401,081
Accounting/Billing/ Customer Service	\$1,196,242	\$1,186,054	\$1,233,497	\$1,270,501	\$1,308,617	\$1,347,875
Administrative	\$4,508,851	\$4,743,894	\$4,933,650	\$5,081,659	\$5,234,109	\$5,391,132
Total Operating Expenses	\$12,287,162	\$12,756,177	\$13,196,762	\$13,545,900	\$14,023,311	\$14,520,433

3.2.6. Capital Replacement Program

The capital replacement program (CRP) projections were provided by District staff. The District charges a capacity fee for each new account (new construction) and the revenue is used for CRP funding. Raftelis calculated the revenue from capacity fees based on the assumed number of new accounts in **Table 3-9** and the current fee per 5/8-inch meter of \$5,418 for a total of \$270,900 per year. The rate funded CRP is reduced by the capacity fee revenue to obtain the rate funded (i.e. “pay as you go” - PAYGO) capital costs shown in **Table 3-13**.

Table 3-13 Capital Replacement Program Projections

CRP Total	\$1,820,000	\$2,495,000	\$2,550,000	\$2,525,000	\$1,725,000
CRP Funding					
New development (Capacity fee) funding	\$270,900	\$270,900	\$270,900	\$270,900	\$270,900
PAYGO funded	\$1,549,100	\$2,224,100	\$2,279,100	\$2,254,100	\$1,454,100

3.2.7. Debt

The District has one outstanding bond issue - Water Revenue Bonds Series 2013, which will be fully paid in FY 23/24. There is no other debt considered during this study period.

3.2.8. Status Quo Financial Plan

The Status Quo financial plan summarizes the District’s financial position if there is no increase in rates as shown in **Figure 3-2** to **Figure 3-3**. A detailed status quo financial plan is provided in **Appendix A**.

A utility’s revenue requirement is the yearly revenue needed to operate and maintain its water services and ensure fiscal solvency. The revenue requirement is determined by adding O&M expenses, rate-funded capital

expenditures, debt service payments and changes in end reserves. The status quo financial plan demonstrates that the revenue requirement exceeds existing revenues.

Figure 3-2 illustrates the Status Quo Financial Plan, which compares existing revenues with projected expenses. Expenses include O&M, CRP costs (capital expenses) and reserve funding and are shown by stacked bars, while total revenue at existing rates is represented by the black line. **Figure 3-2** compares revenue (black line) with expenses (stacked bars) and shows that current revenue from existing rates does not meet future total expenses, indicating a need for revenue adjustments. Note that under this scenario, the net cashflow (which either funds or depletes reserves) are negative each year (red stacked bars below the x-axis).

Figure 3-2 Status Quo Financial Plan Projections

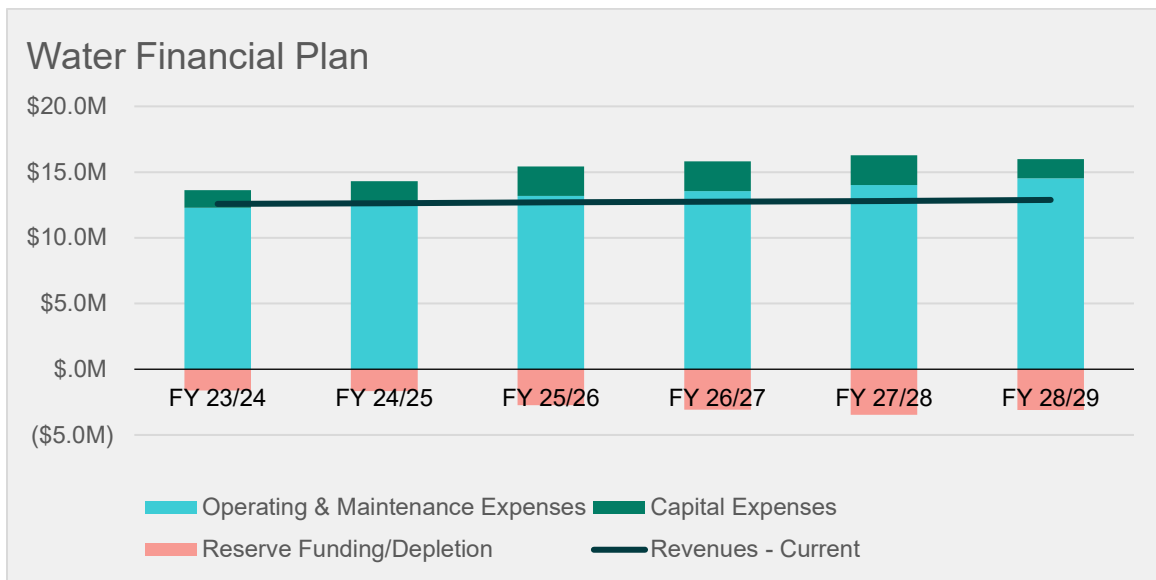
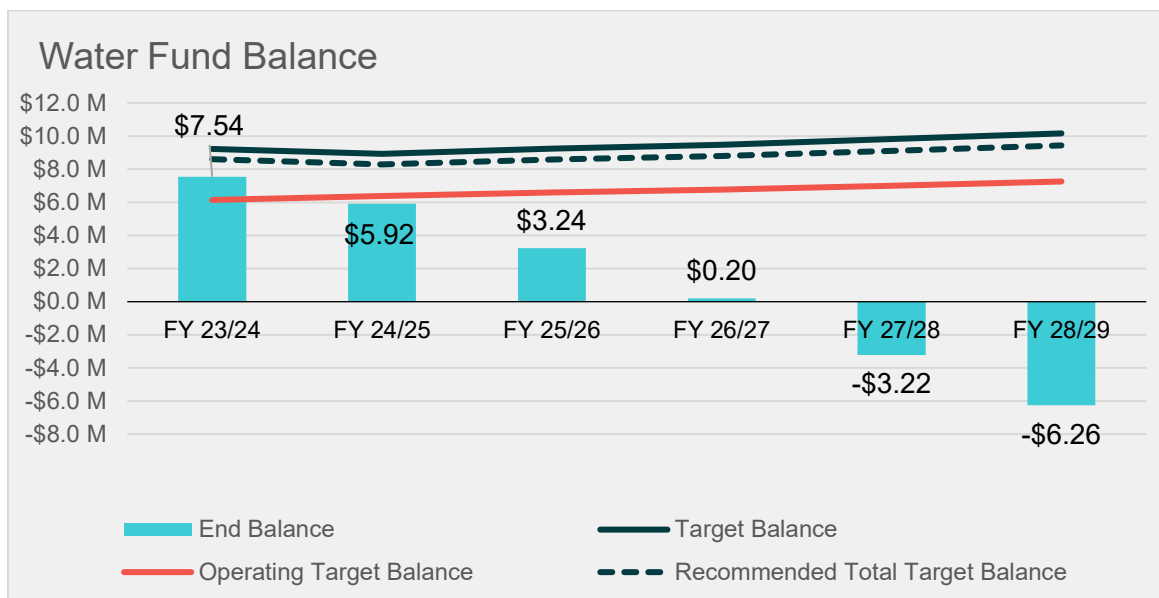


Figure 3-3 displays the District's projected ending balances. For the purposes of this study, all unrestricted cash and cash equivalents are considered reserves though the District does not consider checking accounts as part of reserves. The black line represents the projected target reserves under existing targets, the dotted black line represents projected reserves under proposed targets, and the red line shows target operating reserves (which are part of the total target reserves). The ending balances are projected to drop below the targeted Operating Reserves in FY 24/25 and be negative by FY 27/28.

Figure 3-3 Status Quo End Balances Projections



3.2.9. Proposed Revenue Adjustments and Financial Plan

An 8% revenue adjustment per year starting in FY 24/25 is proposed as shown in **Table 3-14**. The financial plan model assumes that the revenue adjustments will occur on July 1 each year.

Table 3-14 Proposed Water Revenue Adjustments

Water Revenue Adjustment	8.00%	8.00%	8.00%	8.00%	8.00%
--------------------------	-------	-------	-------	-------	-------

A detailed financial plan with the proposed revenue increase is presented in **Table 3-15**. Explanations of various line items in the table are detailed below:

- To calculate the revenues from current rates in Lines 2 through 4, the following steps were taken:
 1. The number of accounts (projected using **Table 3-2**, **Table 3-3** and **Table 3-9**) were multiplied by the current monthly fixed rates and by 12 (months) to calculate the annual fixed rate revenues.
 2. The annual water consumption by customer class and by tier (projected using **Table 3-8** and **Table 3-9**) was multiplied by the current volumetric rates from **Table 3-4** to calculate the annual volumetric rate revenues.
- The additional revenue from rate adjustment is shown in line 7 and it represents the cumulative increase in revenues due to the proposed 8% annual rate increase.
- Raftelis calculated revenues in **Table 3-10**.
- Line 10, “Total Revenues”, is equal to the sum of both rate and non-rate revenues.
- Annual cashflows (line 27) is calculated as the difference between total revenues (line 10) and cash outflows (the sum of O&M, annual debt payments and CRP expenditures).

For FY 24/25-FY 26/27, the District will draw on reserves to meet yearly expenses. In FY 27/28 – FY 28/29, the net cashflow turns positive and reserves reach operating targets in FY 28/29.

Table 3-15 Financial Plan Projections with Proposed Revenue Adjustment

	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
1 REVENUES					
2 Water Consumption Sales	\$6,492,128	\$6,530,317	\$6,568,506	\$6,606,695	\$6,644,884
3 Monthly Service Charge	\$1,633,327	\$1,639,999	\$1,646,672	\$1,653,344	\$1,660,017
4 CRP Charge	\$1,796,063	\$1,803,400	\$1,810,738	\$1,818,075	\$1,825,413
5 Revenues from Current Rates	\$9,921,518	\$9,973,717	\$10,025,916	\$10,078,115	\$10,130,314
6					
7 Subtotal Proposed Revenues Adjustments	\$793,721	\$1,659,626	\$2,603,851	\$3,633,049	\$4,754,441
8 Subtotal Revenues from Rates	\$10,715,239	\$11,633,343	\$12,629,767	\$13,711,164	\$14,884,755
9					
10 TOTAL REVENUES (excl. meter sales and grants)	\$13,430,174	\$14,365,615	\$15,381,787	\$16,489,506	\$17,700,480
11					
12 Operations & Maintenance Expenses					
13 Source of supply	\$1,593,864	\$1,613,889	\$1,615,541	\$1,735,041	\$1,863,515
14 Pumping and water treatment	\$2,593,220	\$2,671,017	\$2,751,147	\$2,833,682	\$2,918,692
15 Const. & Maint. / CRP (Trans & Dist)	\$2,286,215	\$2,377,664	\$2,448,994	\$2,522,463	\$2,598,137
16 Field Services (Meters)	\$352,929	\$367,046	\$378,058	\$389,399	\$401,081
17 Accounting/Billing/Customer Service	\$1,186,054	\$1,233,497	\$1,270,501	\$1,308,617	\$1,347,875
18 Administrative	\$4,743,894	\$4,933,650	\$5,081,659	\$5,234,109	\$5,391,132
19 TOTAL O&M EXPENSES	\$12,756,177	\$13,196,762	\$13,545,900	\$14,023,311	\$14,520,433
20					
21 NET REVENUE	\$673,998	\$1,168,853	\$1,835,887	\$2,466,195	\$3,180,047
22					
23 CIP EXPENDITURES (excl. funded by grants and new dev't)					
24 PAYGO funded CIP	\$1,549,100	\$2,224,100	\$2,279,100	\$2,254,100	\$1,454,100
25 TOTAL CIP EXPENDITURES	\$1,549,100	\$2,224,100	\$2,279,100	\$2,254,100	\$1,454,100
26					
27 NET CASH FLOW	(\$875,102)	(\$1,055,247)	(\$443,213)	\$212,095	\$1,725,947
28 Beginning Balance	\$7,542,432	\$6,717,330	\$5,712,083	\$5,318,870	\$5,580,965
29 Capital Contributions - New installations	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
30 Ending Balance	\$6,717,330	\$5,712,083	\$5,318,870	\$5,580,965	\$7,356,912
31 Proposed Target Reserves	\$8,291,515	\$8,577,895	\$8,804,835	\$9,115,152	\$9,438,281

The proposed rate increases allow the District to fully cover costs starting in FY 27/28, as illustrated in **Figure 3-4**.

Figure 3-4 Financial Plan Projections with Proposed Revenue Adjustment

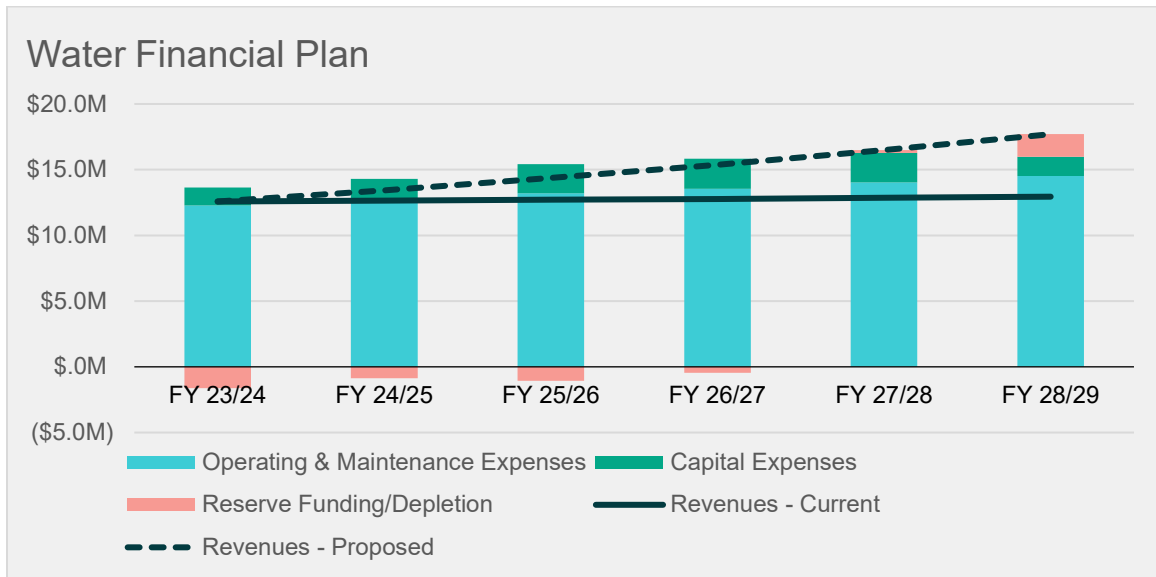
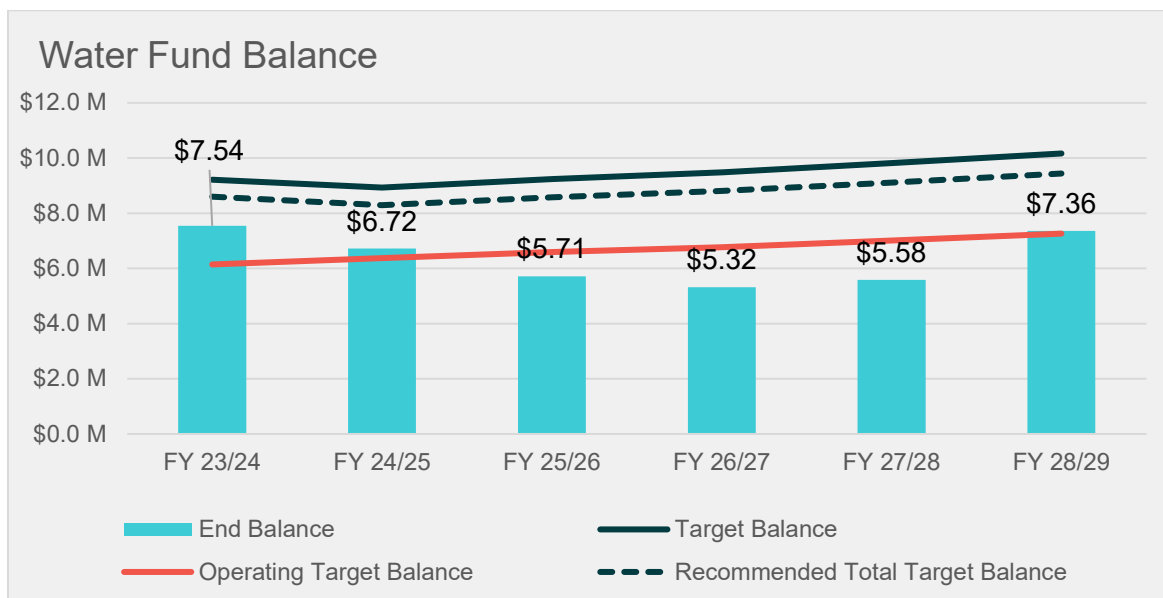


Figure 3-5 shows the resulting reserve balances as a result of the 8% per year revenue adjustments. Even with these revenue adjustments, the reserves fall below Operating Target balances in FY 25/26 and remain below this target through FY 27/28. The District will reach operating target reserves by FY 28/29. The District is minimizing customer rate increases for its customers by allowing the reserves to fall below target for a few years.

Figure 3-5 End Balance Projections with proposed Revenue Adjustment



3.3. Water Cost of Service Analysis

The principles and methodology of a cost of service analysis were described in **Section 2.2**. A cost of service analysis distributes the utilities revenue requirement (costs) to each customer class. The first step in a cost of service analysis is to functionalize a utility's O&M costs to the following functions:

1. water supply,
2. treatment,
3. pumping,
4. distribution storage,
5. distribution
6. meter maintenance,
7. customer service and meter reading
8. general and administrative costs and
9. fire protection.

The District functionalized expenses for this study. The functionalization of costs allows us to better allocate the functionalized costs to the cost causation components. Typical cost causation components include:

1. base (average) costs (sometime base costs are broken out into supply and delivery costs as is done in this study)
2. peaking costs (maximum day and maximum hour),
3. meter service,
4. billing and customer service, and
5. general and administrative costs.

Peaking costs are further divided into maximum day and maximum hour demand. The maximum day demand is the maximum amount of water used in a single day in a year. The maximum hour demand is the maximum use in an hour on the maximum use day. Different facilities, such as distribution and storage facilities, and the O&M costs associated with those facilities, are designed to meet customer peaking demands. Therefore, extra capacity costs include the O&M and capital costs associated with meeting peak customer demand. This method is consistent with the *AWWA M1 Manual* and is widely used in the water industry to perform cost of service analyses.

3.3.1. Proposed Tiers

The last study revised the tiers so that all customer classes have tiered rates. All classes remain tiered with the same tiered break points. Tier 1 is set at the average winter use and tier 2 is set at the average summer use. The tier breakpoints for multi-family residential are per apartment. The tier breakpoints are estimates for average indoor water use (tier 1) and average outdoor water use (tier 2).

3.3.2. Peaking Allocation

To allocate costs to base and peaking cost components¹⁰, the cost of service analyses uses system peaking factors. System peaking factors are defined as follows:

¹⁰ Peaking cost components include Max Day and Max Hour extra capacity

- The Average Day peaking factor is assigned a value of 1.0 signifying no peaking demand.
- The Maximum Day (Max Day) peaking factor of 1.49 is calculated as the ratio between the system wide max day and average day capacity provided by the District¹¹ and it means the system delivers 1.49 times the amount of water it does during an average day. It is calculated by dividing the Max Day demand of the system in gallons per day by the average demand in gallons per day.
- The Maximum Hour (Max Hour) peaking factor of 2.48 is calculated multiplying the Max Day peaking factor by 1.66 which is the industry standard max hour multiplier for utility of this size. The Max Hour peaking factor means that the system is designed to deliver 2.48 times the amount of water during the max hour that it does during an average day.

The derivation of the allocation bases which are used to allocate costs to the cost-causing components is shown in **Table 3-16**. Costs associated with Average Day demand is 100% allocated to the base (no peaking capacity used). Expenses allocated using the Max Day basis assume 67% (1/1.49) of costs are due to base demands with the remaining proportion 33% (100%-67%) of costs allocated to the Max Day cost component. Lastly, expenses allocated using the Max Hour basis attribute 40% (1/2.48) of the costs to the base cost component, 20% (0.49/2.48) to maximum day and 40% (100% - 40% -20%) to maximum hour. Collectively the maximum day and hour cost components are known as peaking costs. These allocation bases are used to assign the functionalized costs in **Table 3-18** to the cost components.

Table 3-16 System Wide Peaking Factors and Allocation to Cost Components

Cost component allocation basis	Peaking Factor	Base	Max Day	Max Hour	Total
Average Day ¹²	1.0	100%	0%	0%	100%
Max Day ¹³	1.49	67%	33%	0%	100%
Max Hour ¹⁴	2.48	40%	20%	40%	100%

3.3.3. Customer Class Peaking Factor Derivation

Peaking factors help properly distribute extra capacity costs to each class based on their peaking tendencies (extra capacity demanded). Water consumption by tier was calculated using FY 22/23 consumption data. Next, Raftelis calculated the peaking factor for each customer class. The peaking factors are defined as the ratio between the system wide month with highest water use and the average monthly water use during the fiscal year.

$$\text{Peaking Factor} = \frac{\text{Max month water use}}{\text{Average month water use}}$$

Where:

- *Max month water use* - the system wide month with highest water use during the fiscal year
- *Average month water use* - the average monthly water use calculated by dividing the annual water use by 12 (months)

¹¹ Maximum Day and Average Day water production provided by the District are 12.65 and 8.48 million gallons per day and are based on HDWD's water system master plan for 2016.

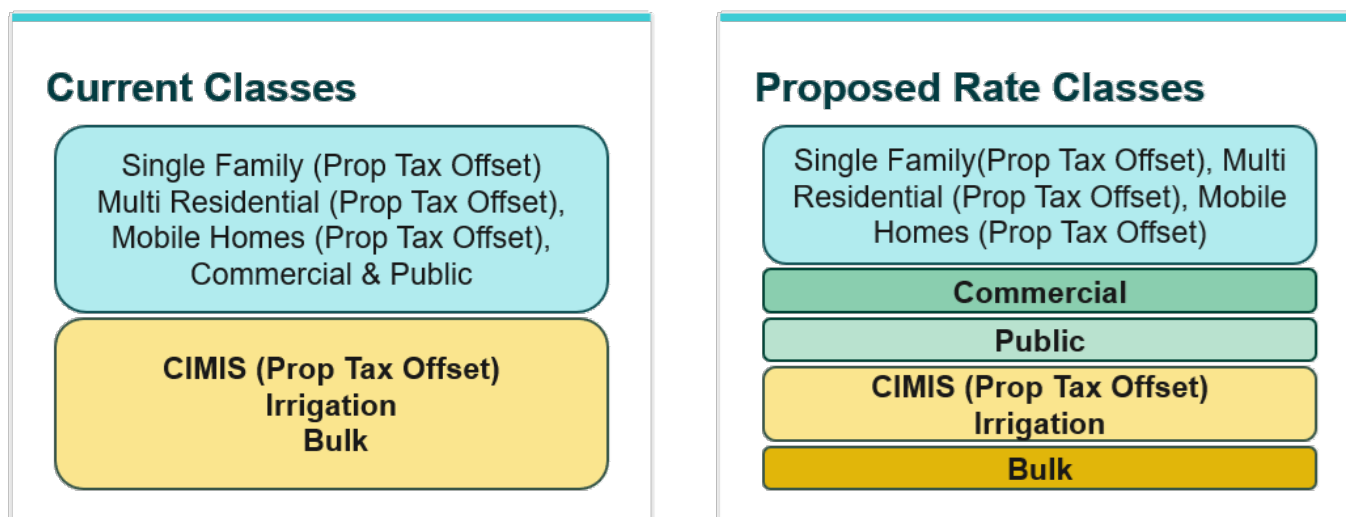
¹² Provided by District's staff

¹³ Provided by District's staff

¹⁴ Used calculated industry standard Max Hour peaking factor utilities of this sizes

After discussions with District staff and review of peaking factors, Raftelis proposes to increase the number of customer classes from two to five. The comparison between existing and proposed customer groups is shown in **Figure 3-6**.

Figure 3-6 Customer Group Comparison, Current vs. Proposed



The five customer groups created include: residential (SFR, MHP, MTF), commercial, public, irrigation (CIM, IRR), and bulk customers. The customers with similar peaking factors were grouped together and the peaking factors by tier for each of the five classes were determined. The peaking factor for each tier is a weighted average of the respective peaking factors by tiers for the customer classes included in the group. The water sales were used as the weight in the weighted average. Irrigation customers displayed higher peaking characteristics as shown in **Table 3-17**. The peaking factors were rounded to the second decimal.

Table 3-17 Customer Group Peaking Factors

	Residential (SFR, MHP, MTF)	Commercial	Public	Irrigation (IRR, CIM)	Bulk
Peaking Factor - Tier 1	1.06	1.06	1.06	1.13	1.00
Peaking Factor - Tier 2	1.37	1.08	1.13	1.18	1.00
Peaking Factor - Tier 3	1.89	1.08	1.22	2.06	1.08

3.3.4. Allocation of Functionalized Water Expenses to Cost Components

Raftelis performed a cost of service analysis for FY 24/25 using projected O&M costs and CRP expenditures. The projected functionalized O&M costs in **Table 3-12** were allocated to cost-causing components as explained in **Section 2.2**.

The allocations assigned to Base, Max Day and Max Hour from **Table 3-16** were used to allocate costs to the cost-causing components. Costs related solely to providing average day demand, such as supply sources, were allocated 100% to Base. Costs designed to meet Max Day peaking requirements, such as reservoirs and transmission facilities, were allocated to both Base and Max Day components. Water supply costs were

entirely allocated to the Water Supply cost component. Customer service related costs were allocated 100 percent to the customer service component. Costs related to meter maintenance were allocated to the meter service cost component. Accounting costs were allocated to the general and administrative cost components and billing costs were allocated to the customer service cost component based on District’s staff inputs.

Table 3-18 shows the allocation of O&M cost to the cost components. The table consists of two parts: the upper portion shows the allocation of each function to cost component, and the lower section of the table shows the resulting allocation for FY 24/25.

For example, as shown in the second row labeled “Treatment”, Raftelis allocated Water Treatment costs using Max day allocation basis (e.g. 67% attributed to Base and 33% attributed to Max day cost components). The second half of the table shows \$347,676 of the total treatment costs are allocated to base ($67\% \times \$518,644 = \$347,676$) and \$170,968 to Maximum day component ($33\% \times \$518,644 = \$170,968$).

Raftelis performed similar calculations for each group of O&M expenses and determined the cost by component as shown in the row labeled “Total” of **Table 3-18**. The resulting O&M cost allocation percentages by cost-causing component are determined in the last row labeled “O&M” by dividing the total cost in each column by the FY 24/25 O&M budget of \$12,756,177. These percentages are used to allocate the FY 24/25 revenue requirement to the cost components.

The columns labeled as Max Day and Max Hour are collectively known as peaking costs. Peaking costs are costs associated with delivering water during times of above average flow. Water systems must be sized to deliver water at different flow rates because the flow rate changes hourly, daily and seasonally. A Water Master Plan identifies the components of a water system and how they are designed or sized. It is normally water distribution tanks and pipelines, that must be sized to meet not only max hourly and daily flows but fire flows. Capital costs and operational costs are influenced by the upsizing of tanks and pipelines. For example, the District has 16 water distribution reservoirs (tanks), that must be sized to meet daily peak flows. Larger tanks are more costly to construct and maintain compared to smaller tanks and the concept of peaking strives to allocate both capital and operational costs to customer classes that are more responsible for peak flows. Peaking costs also apply to pipeline construction and maintenance.

Table 3-18 Allocation of Functionalized O&M Expenses to Cost Causation Components

Functions	Allocation Basis	Water Supply	Base	Max Day	Max Hour	Meter Service	Customer Service	Gen & Admin	Direct Fire Protection
Supply	Source of Supply	100%	0%	0%	0%	0%	0%	0%	0%
Treatment	Max Day	0%	67%	33%	0%	0%	0%	0%	0%
Pumping	Max Day	0%	67%	33%	0%	0%	0%	0%	0%
Distribution Storage	Max Day	0%	67%	33%	0%	0%	0%	0%	0%
Distribution	Max Hour	0%	40%	19%	39%	0%	0%	0%	2%
Meter Maintenance	Meter Service	0%	0%	0%	0%	100%	0%	0%	0%
Customer Service and Meter Reading	Cust. Service	0%	0%	0%	0%	0%	66%	34%	0%
General & Admin	Gen & Admin	0%	0%	0%	0%	0%	0%	100%	0%
Direct Fire Protection	Fire	0%	0%	0%	0%	0%	0%	0%	100%
FY 2025 Budget									
Supply	\$1,593,864	\$1,593,864	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Treatment	\$518,644	\$0	\$347,676	\$170,968	\$0	\$0	\$0	\$0	\$0
Pumping	\$2,074,576	\$0	\$1,390,704	\$683,872	\$0	\$0	\$0	\$0	\$0
Distribution Storage	\$228,622	\$0	\$153,258	\$75,364	\$0	\$0	\$0	\$0	\$0
Distribution	\$2,011,869	\$0	\$795,693	\$391,278	\$783,401	\$0	\$0	\$0	\$41,497
Meter Maintenance	\$352,929	\$0	\$0	\$0	\$0	\$352,929	\$0	\$0	\$0
Customer Service and Meter Reading	\$865,820	\$0	\$0	\$0	\$0	\$0	\$571,441	\$294,379	\$0
General & Admin	\$5,064,129	\$0	\$0	\$0	\$0	\$0	\$0	\$5,064,129	\$0
Direct Fire Protection	\$45,724	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$45,724
Total	\$12,756,177	\$1,593,864	\$2,687,331	\$1,321,482	\$783,401	\$352,929	\$571,441	\$5,358,507	\$87,222
O&M		12.5%	21.1%	10.4%	6.1%	2.8%	4.5%	42.0%	0.7%

Table 3-19 Fixed Assets Allocation to Cost Causation Components

Function	Type of Asset	Allocation Basis	Water Supply	Base	Max Day	Max Hour	Meter Service	Customer Service	Gen & Admin	Direct Fire Protection
General	General	Base	0%	100%	0%	0%	0%	0%	0%	0%
Supply	Supply	Source of Supply	100%	0%	0%	0%	0%	0%	0%	0%
Supply	Treatment Plant	Base	0%	100%	0%	0%	0%	0%	0%	0%
Distribution	Pumping	Max Day	0%	67%	33%	0%	0%	0%	0%	0%
Distribution	Transmission mains	Max Hour	0%	40%	19%	39%	0%	0%	0%	2%
General	Storage	Max Hour	0%	40%	19%	39%	0%	0%	0%	2%
Meters	Meters	Meter Service	0%	0%	0%	0%	100%	0%	0%	0%
Hydrants	Hydrants	Fire	0%	0%	0%	0%	0%	0%	0%	100%
Billing & CS	Billing & CS	Gen & Admin	0%	0%	0%	0%	0%	0%	100%	0%
Acquisition Cost										
General	General	\$ 5,774,616	\$0	\$5,774,616	\$0	\$0	\$0	\$0	\$0	\$0
Supply	Supply	\$7,069,534	\$7,069,534	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Supply	Treatment Plant	\$3,530,863	\$0	\$3,530,863	\$0	\$0	\$0	\$0	\$0	\$0
Distribution	Pumping	\$7,190,546	\$0	\$4,820,224	\$2,370,322	\$0	\$0	\$0	\$0	\$0
Distribution	Transmission mains	\$39,997,373	\$0	\$15,818,932	\$7,778,885	\$15,574,559	\$0	\$0	\$0	\$824,996
General	Storage	\$9,445,904	\$0	\$3,735,848	\$1,837,086	\$3,678,136	\$0	\$0	\$0	\$194,834
Meters	Meters	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Hydrants	Hydrants	\$847,105	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$847,105
Billing & CS	Billing & CS	\$45,805	\$0	\$0	\$0	\$0	\$0	\$0	\$45,805	\$0
Total		\$73,901,746	\$7,069,534	\$33,680,483	\$11,986,293	\$19,252,696	\$0	\$0	\$45,805	\$1,866,934
Capital			9.6%	45.6%	16.2%	26.1%	0.0%	0.0%	0.1%	2.5%

A similar procedure for cost allocation is applied to fixed assets costs as shown in **Table 3-19**. These percentages are used to allocate the FY 24/25 revenue requirement to the cost components.

3.3.5. Revenue Requirement Calculation

Water rates are calculated for FY 24/25, referred to as the “test year.” Thus, the FY 24/25 revenue requirement is allocated to the cost components using the percentages described in **Section 3.3.4**.

The revenue requirement calculation for FY 24/25, shown in **Table 3-20**, is based upon the premise that the utility must generate annual revenues to meet O&M expenses and capital investment needs. *Total* revenue requirements are calculated in line 5 of **Table 3-20**, however some of the revenue needs are met from non-rate revenue. Revenues from sources other than water charges (e.g. revenues from miscellaneous services, earned interest or property tax and assessments) are revenue offsets and are deducted from the total revenue requirement (as shown in line 11 of **Table 3-20**). Finally, the revenue from the proposed rate increase, shown in line 15 and the cash balance, shown in line 13, are added to the revenue requirement. Line 17, **Table 3-20** shows the resulting *rate* revenue requirement.

Table 3-20 Revenue Requirement Determination

Line	FY 24/25	Operating	Capital	Total
1	<u>Revenue requirements</u>			
2	O&M expenses	\$12,756,177		\$12,756,177
3	CIP expenses (excl CRP funding)		\$542,185	\$542,185
4	CRP funded capital		\$1,006,915	\$1,006,915
5	Total Revenue Requirements	\$12,756,177	\$1,549,100	\$14,305,277
6	<u>Revenue Offsets</u>			
7	Total Other Operating Revenues	(\$446,204)		(\$446,204)
8	Property taxes and assessments - Revenue Offset	(\$2,140,714)		(\$2,140,714)
9	Interest earnings		(\$70,409)	(\$70,409)
10	Other Non-op. revenues	(\$57,608)		(\$57,608)
11	Total Revenue Offsets	(\$2,644,526)	(\$70,409)	(\$2,714,935)
12	<u>Adjustments</u>			
13	Cash balance	(875,102)		(\$875,102)
14	Annual Rev. Adj't	\$0		\$0
15	Total Adjustments	(\$875,102)	\$0	(\$875,102)
16				
17	Rev. req. from rates	\$9,236,548	1,478,691	\$10,715,239

3.3.6. Revenue Requirement Allocation to Cost Components

In table **Table 3-21**, Raftelis used the cost allocation for O&M and fixed assets allocation, derived in **Table 3-18** and **Table 3-19**, to distribute the revenue requirement, shown in **Table 3-20**, to costs components. The Operating revenue requirement is allocated to the cost components using the calculated O&M allocation percentages. The rate-funded CRP costs were entirely allocated to the CRP charge component, while the remaining capital costs were allocated using the assets allocation percentages. Property taxes were allocated 100% to revenue offsets, as detailed in Section 3.3.11.

The final part of revenue requirement allocation is the redistribution of general and administrative costs, as well as direct fire protection costs, to the remaining cost-causing components. Raftelis reallocated the general and administrative costs to the rest of the cost components using reallocation factors shown in line 33 as “Gen & Admin Realloc. Factors” in **Table 3-21**. Raftelis determined the reallocation factors in line 33 by calculating the relative share of the cost components in line 31 to the total cost, excluding general and administrative costs (as they are reallocated) and revenue adjustments. The direct fire protection costs were reallocated, which represent the costs related to public fire protection services provided by the District, to the meter service costs as those cost will be recovered by all customers (shown in line 38 of **Table 3-21**). The final revenue requirement distribution by cost-causing component is derived in the last line (39) of **Table 3-21**.

3.3.7. Fixed versus Volumetric Cost Recovery

According to the M1 Manual, the cost-of-service approach to setting water rates results is the proportionate distribution of costs to each tier or customer class based on the costs that each cause. A dual set of fees—fixed and variable—is an extension of this cost causation theory. For example, a utility incurs some costs associated with serving customers irrespective of the amount or rate of water they use, such as billing and customer service costs. These types of costs are referred to as customer-related costs and typically are costs that would be recovered through a fixed charge. These costs are usually recovered on a per-customer basis or some other non-consumptive basis. Regardless of the level of a customer’s consumption, a customer will be charged this minimum amount in each bill. On the other hand, water supply costs represent costs that depend on a customer’s water consumption and can be recovered by a volumetric charge.

Table 3-22 shows the distribution of the total revenue requirement between fixed and variable rates with shares of 35% and 65%, respectively. The water supply, delivery and peaking costs are recovered from commodity charges. Meter service costs and billing and customer service costs are recovered from fixed charges. The rate funded CRP costs, which are also part of the revenue requirements, are incorporated into the fixed charge.

Table 3-21 Allocation of Revenue Requirement by Cost Causation Component

Line	Allocation	Allocation Factor / Total Cost	Water Supply	Base	Max Day	Max Hour	Meter Service	Customer Service	Gen & Admin	Direct Fire Protection	Rev. Offset	CRP Surcharge
1												
2	Operating	O&M	12%	21%	10%	6%	3%	4%	42%	1%		
3	Other capital (excl. CRP charge)	Capital	10%	46%	16%	26%				3%		
4	CRP charge	CRP Surcharge										100%
5												
6	<u>Revenue Offsets</u>											
7	Total Other Operating Revenues	O&M	12%	21%	10%	6%	3%	4%	42%	1%		
8	Property taxes and assessments	Capital	10%	46%	16%	26%				3%		
9	Property taxes and assessments for Rev Offset	Rev. Offset									100%	
10	Interest earnings	Capital	10%	46%	16%	26%				3%		
11	Other Non-Op Revenues	O&M	12%	21%	10%	6%	3%	4%	42%	1%		
12	<u>Adjustments</u>											
13	Cash Balance	O&M	12%	21%	10%	6%	3%	4%	42%	1%		
14	Mid Year Revenue Adjustment	O&M	12%	21%	10%	6%	3%	4%	42%	1%		
15	Revenue Requirement Allocation to Cost Components											
16	Total											
17	Operating	\$12,756,177	\$1,593,864	\$2,687,331	\$1,321,482	\$783,401	\$352,929	\$571,441	\$5,358,507	\$87,222	\$0	\$0
18	Other capital (excl. CRP charge)	\$542,185	\$51,866	\$247,099	\$87,938	\$141,249	\$0	\$0	\$336	\$13,697	\$0	\$0
19	CRP charge	\$1,006,915	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,006,915

Line	Allocation	Allocation Factor / Total Cost	Water Supply	Base	Max Day	Max Hour	Meter Service	Cus- tomer Service	Gen & Admin	Direct Fire Protection	Rev. Offset	CRP Surcharge
20												
21	<u>Revenue Offsets</u>											
22	Total Other Operating Revenues	(\$446,204)	(\$55,752)	(\$94,001)	(\$46,225)	(\$27,403)	(\$12,345)	(\$19,989)	(\$187,438)	(\$3,051)	\$0	\$0
23	Property taxes and assessments	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
24	Property taxes and assessments for Rev Offset	(\$2,140,714)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	(\$2,140,714)	\$0
25	Interest earnings	(\$70,409)	(\$6,735)	(\$32,089)	(\$11,420)	(\$18,343)	\$0	\$0	(\$44)	(\$1,779)	\$0	\$0
26	Other Non-Op Revenues	(\$57,608)	(\$7,198)	(\$12,136)	(\$5,968)	(\$3,538)	(\$1,594)	(\$2,581)	(\$24,200)	(\$394)	\$0	\$0
27	<u>Adjustments</u>											
28	Cash Balance	(\$875,102)	(\$109,343)	(\$184,357)	(\$90,657)	(\$53,743)	(\$24,212)	(\$39,202)	(\$367,606)	(\$5,984)	\$0	\$0
29	Mid Year Revenue Adjustment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
30												
31	Total Rev Requirements	\$10,715,239	\$1,466,702	\$2,611,847	\$1,255,151	\$821,623	\$314,778	\$509,669	\$4,779,557	\$89,711	(\$2,140,714)	\$1,006,915
32												
33	Gen & Admin Realloc. factors		21%	37%	18%	12%	4%	7%		1.30%		
34												
35	Reallocated Gen&Admin		\$991,612	\$1,765,825	\$848,587	\$555,485	\$212,816	\$344,579	(\$4,779,557)	\$60,652		
36	Adjusted COS (G&A)		\$2,458,314	\$4,377,672	\$2,103,738	\$1,377,108	\$527,595	\$854,248	\$0	\$150,364	(\$2,140,714)	\$1,006,915
37												
38	Reallocated Public Fire Costs						\$150,364			\$(150,364)		
39	Adjusted COS (w/fire protection)		\$2,458,314	\$4,377,672	\$2,103,738	\$1,377,108	\$677,958	\$854,248	\$0	\$0	(\$2,140,714)	\$1,006,915

The costs in **Table 3-21**, line 39 are assigned to their respective cost components in the “Costs” column of **Table 3-22**, where they are then allocated to the rate components. As shown, there are volumetric rate components collected through the volumetric rate and components collected through the fixed charge.

Table 3-22 Allocation of Cost Causation Components to Rate Components¹⁵

Cost Components	Costs	Supply	Delivery	Peaking	Rev. Offset	Meter	Billing & CS	CRP Surcharge
		VOLUMETRIC				FIXED		
Water Supply	\$2,458,314	100%						
Base	\$4,377,672	100%						
Max Day	\$2,103,738			65%		35%		
Max Hour	\$1,377,108			65%		35%		
Meter Service	\$677,958					100%		
Customer Service	\$854,248						100%	
Direct Fire Protection	\$0					100%		
Rev. Offset	(\$2,140,714)				100%			
CRP Surcharge	\$1,006,915							100%
Private Fire Protection	\$0							
TOTAL	\$10,715,239	\$2,458,314	\$4,377,672	\$2,269,634	(\$2,140,714)	\$1,889,170	\$854,248	\$1,006,915

¹⁵ Percentages are rounded.

Table 3-23 Derivation of Cost Component Units

Customer Class	Annual consumption (proposed tiers)	Daily Consumption (proposed tiers)	Peaking Factor	Capacity Factor	Total Capacity (hcf/day)	Extra Capacity (hcf/day)	Capacity Factor	Total Capacity (hcf/day)	Extra Capacity (hcf/day)
A	B	C = B/365	D	E = D*1.12	F = C*E	G = F-C	H = E*(2.48/1.49)	I = C*H	J = I-F
			MAX DAY				MAX HOUR		
SFR	768,864	2,106	1.31		3,126	1,020		5,189	2,063
T1	366,876	1,005	1.06	1.19	1,195	190	1.97	1,984	789
T2	252,608	692	1.37	1.54	1,063	371	2.55	1,765	702
T3	149,379	409	1.89	2.12	868	458	3.52	1,440	573
MTF	67,103	184	1.31		244	61		406	161
T1	45,895	126	1.06	1.19	149	24	1.97	248	99
T2	17,638	48	1.37	1.54	74	26	2.55	123	49
T3	3,571	10	1.89	2.12	21	11	3.52	34	14
MHP	29,841	82	1.31		102	20		169	67
T1	25,641	70	1.06	1.19	84	13	1.97	139	55
T2	3,970	11	1.37	1.54	17	6	2.55	28	11
T3	230	1	1.89	2.12	1	1	3.52	2	1
COM	103,970	285	1.08		344	59		571	227
T1	13,740	38	1.06	1.19	45	7	1.97	74	30
T2	13,658	37	1.08	1.21	45	8	2.01	75	30
T3	76,571	210	1.08	1.21	254	44	2.01	422	168
PBE	20,770	57	1.20		76	19		126	50
T1	2,112	6	1.06	1.19	7	1	1.97	11	5
T2	2,510	7	1.13	1.27	9	2	2.10	14	6
T3	16,147	44	1.22	1.37	61	16	2.27	100	40
IRR	17,111	47	1.99		97	50		161	64
T1	2,039	6	1.13	1.27	7	1	2.10	12	5
T2	2,021	6	1.18	1.33	7	2	2.20	12	5
T3	13,052	36	2.06	2.31	83	47	3.84	137	55
CIM	50,607	139	1.99		316	177		524	208
T1	649	2	1.13	1.27	2	0	2.10	4	1
T2	1,081	3	1.18	1.33	4	1	2.20	7	3
T3	48,877	134	2.06	2.31	309	175	3.84	514	204

Customer Class	Annual consumption (proposed tiers)	Daily Consumption (proposed tiers)	Peaking Factor	Capacity Factor	Total Capacity (hcf/day)	Extra Capacity (hcf/day)	Capacity Factor	Total Capacity (hcf/day)	Extra Capacity (hcf/day)
<i>A</i>	<i>B</i>	<i>C = B/365</i>	<i>D</i>	<i>E = D*1.12</i>	<i>F = C*E</i>	<i>G = F-C</i>	<i>H = E*(2.48/1.49)</i>	<i>I = C*H</i>	<i>J = I-F</i>
			MAX DAY				MAX HOUR		
BLK	9,460	26	1.06		31	5		52	21
T1	439	1	1.00	1.12	1	0	1.86	2	1
T2	649	2	1.00	1.12	2	0	1.86	3	1
T3	8,372	23	1.08	1.21	28	5	2.01	46	18
Water Sales		Daily Water Sales	MD Extra Capacity				MH Extra Capacity		
TOTAL	1,067,726	2,925	1,411				2,862		

3.3.8. Derivation of Cost Component Units (Service Units) and Unit Cost Calculation

The District's rate structure consists of volumetric rates and fixed charges. Volumetric rates are charges per unit of water sold, while fixed charges do not vary with water use. This section calculates the service units and the unit rate by cost component.

At the beginning of Section 3.3, we described typical cost components. The ones applicable to this study are:

1. Supply,
2. Delivery,
3. Peaking (Max Day and Max Hour),
4. Meter service,
5. Billing and customer service,
6. Capital Replacement Program (CRP). Raftelis defined the CRP costs as a separate cost component to be consistent with the existing rate structure.

The proposed volumetric rate will collect the following cost components: supply, delivery and peaking. **Table 3-23** shows the derivation of the units of service for each of these cost components in columns C, G and J respectively. The Max Day and Max Hour extra capacity requirements are in hundred cubic feet per day and are the amount of water demanded during the peak day and hour. Raftelis derived the Max Day and Max Hour requirements as detailed by the header equations in **Table 3-23**. The 1.12 shown in column E is a factor used to convert max monthly use to max day use. It is the ratio of the Max Day design factor of 1.49 divided by the observed (from District data), system wide monthly peaking factor of 1.33. This converts monthly peaking factors, in column D, to daily peaking factors in column E. The remaining calculations convert monthly peaking factors into Max Hour requirements. The total Max Day and Max Hour requirements (service units) are shown in the last line "Total" of **Table 3-23**.

3.3.8.1. Equivalent Meters

Table 3-24 shows the derivation of service units for the billing and customer service cost component and the meter service component – shown at the bottom of the table. The number of bills is equal to the number of meters times 12 (months). Billing and customer service costs are distributed among customers based on the total number of bills in a test year; these costs are the same for each customer and usually do not depend on the size of the meter.

Table 3-24 Number of Bills and Equivalent Meters in FY 24/25

	AWWA Safe Operating Flow	AWWA Ratio	Total Meters¹⁶	Annual Bills	TOTAL Equivalent Meters	Annual Equivalent Meters
5/8 inches	20	1.00	10,634	127,608	10,634	127,608
1 inch	50	2.50	298	3,576	745	8,940
1 1/2 inches	100	5.00	61	732	305	3,660
2 inches	160	8.00	98	1,176	784	9,408
3 inches	320	16.00	17	204	272	3,264
4 inches	500	25.00	1	12	25	300
6 inches	1000	50.00	2	24	100	1,200
Total			11,111	133,332	12,865	154,380

The concept of equivalent meters is used to allocate meter-related costs appropriately. By using equivalent meters instead of a total meter count, the analysis accounts for the fact that larger meters impose greater demands on the system and are more expensive to install, maintain, and replace than smaller meters. Equivalent meters are used in calculating a portion of customer bills known as meter service.

Equivalent meters are based on meter hydraulic capacity. Equivalent meters represent the potential demand on the water system in terms of the base meter size. A ratio of hydraulic capacity is calculated by dividing large meter capacities by the base meter capacity. The capacity ratio is calculated using the meter capacity in gallons per minute (gpm) provided in the AWWA *M1 Manual Principles of Water Rates, Fees, and Charges* (7th Edition) for meters reflecting those used by the District.

The District's most common meter is a 5/8" meter. The ratio at which the meter charge increases is a function of the meter's safe operating capacity. For example, based on the AWWA meter capacity ratios, a customer that has a 2-inch meter has the capacity equivalency of eight 5/8" meters. A 2-inch meter has a safe operating capacity of 160 gpm compared to a 5/8" meter which has a safe operating capacity of 20 gpm as listed in Table B-1 in the M1 Manual. The distribution of meter service and capacity costs using equivalent meters recognizes that meter service and capacity costs are proportional to the service connection size (meter size).

3.3.8.2. Unit Cost Derivation

Table 3-25 derives the cost component unit costs shown at the bottom of the table, by dividing the revenue requirement by cost component, calculated in **Table 3-22** and restated at the top of **Table 3-25**, by the units of service (calculated in **Table 3-23** and **Table 3-24**).

¹⁶ By state building code, all new single-family residential homes now require a 1-inch meter for fire protection. Since the use would be similar to the 5/8-inch capacity, these SFR customers with 1-inch meters for fire protection are considered 5/8-inch meters.

Table 3-25 Unit Cost Derivation

	Supply	Delivery	Max day	Max Hour	Rev. Offset	Meter	Billing & CS	CRP Surcharge
			Peaking Component					
Total revenue requirements	\$2,458,314	\$4,377,672	\$1,371,711	\$897,923	(\$2,140,714)	\$1,889,170	\$854,248	\$1,006,915
Units used	Water Sales	Water Sales	Max day extra capacity	Max hour extra capacity	Eligible water sales	Equivalent Meters (annually)	Bills per year	Equivalent Meters (annually)
Units of Service	1,067,726	1,067,726	1,411	2,862		154,182	133,200	154,182
Unit cost	\$2.30	\$4.10	\$972.21	\$313.75		\$12.25	\$6.41	\$6.53

The delivery and billing and customer service unit costs are applied uniformly among customers/tiers. The proposed meter service costs and CRP surcharge unit costs are for a 5/8-inch meter and will increase with meter size based on AWWA safety capacity meter ratios. The fixed charge, which includes billing, customer service and meter service will be charged to all customers with meters.

The supply costs and volumetric peaking unit costs (Max Day and Max Hour) are allocated as described in **Section 3.3.9** and **Section 3.3.10**, respectively. Revenue offset-eligible sales are discussed in **Section 3.3.11**.

3.3.9. Water Supply Cost Distribution

The water supply costs are further allocated by tier based on the difference between groundwater (GW) costs and MWA (Mojave) purchased water costs. The total water production in **Table 3-26** is from **Table 3-11**. Of the total water produced 16% is GW and 84% is purchased from Mojave. The cost for groundwater (\$163,201) is calculated by multiplying 16% (GW's portion of total water) by \$991,612 (the general and administrative cost allocation to supply shown in line 35 of **Table 3-21**). This is the administrative costs of obtaining GW. The rest of the supply costs are attributed to Mojave water. A unit cost for GW and Mojave water is calculated in **Table 3-26**, in the bottom line, by dividing the total water cost for each by the water produced in hcf.

Table 3-26 Water Supply Unit Cost by Source

	FY 2025	GW	Mojave	TOTAL
Total Water Production (AF)		500 AF	2,538 AF	3,038 AF
Water production by source (%)		16%	84%	100%
Total Water Cost		\$163,201	\$2,295,112	\$2,458,314
Water Produced (hcf)		175,728	891,998	1,067,726
Unit Cost to customers		\$0.93	\$2.57	\$2.30

The unit costs for groundwater and Mojave purchased water are then multiplied by the volume sold in each tier. Groundwater is “supplied” to tier 1 until it is exhausted and the remaining water used in tier 1 is supplied by Mojave water. The total cost of groundwater and Mojave water is added together and then divided by total consumption at each tier, yielding the unit cost by tier as shown in **Table 3-27**.

Table 3-27 Water Supply Unit Cost by Tier

Customer Class	Consumption	GW Consumption	Mojave Consumption	GW Cost	Mojave Cost	Total Cost	Supply Unit Costs
	A	B	C	$D = B * \$0.93$	$E = C * \$2.57$	$F = D + E$	$G = F / A$
All Classes		175,728	891,998	\$163,427	\$2,292,435	\$2,455,862	\$2.30
T1	457,391	175,728	281,662	\$163,427	\$723,871	\$887,298	\$1.94
T2	294,136	-	294,136	\$0	\$755,930	\$755,930	\$2.57
T3	316,200	-	316,200	\$0	\$812,634	\$812,634	\$2.57

3.3.10. Distribution of Peaking Costs to Customer Classes

The distribution of peaking costs to customer classes is derived in **Table 3-28**. The numbers in columns A and B are based on Max Day and Max Hour extra capacity by tier and customer classes from **Table 3-23**. The extra capacity (peaking) costs in column C are the sum of the of Max Day and Max Hour extra capacity costs.

- Max Day extra capacity costs for each tier are calculated by multiplying the Max Day extra capacity in hcf per day from **Table 3-23** and the Max Day extra capacity unit cost from **Table 3-25**.
- Max Hour extra capacity costs are calculated by multiplying the Max Hour extra capacity in hcf per day from **Table 3-23** by Max Hour extra capacity unit cost from **Table 3-25**.

Next, the extra capacity costs (column C) is divided by the total sales, in column D, to yield the proposed peaking rates in column E.

Table 3-28 Peaking Rates Derivation

Customer Class	Max Day A	Max Hour B	Peaking cost C = A+B	Water Use D	Peaking Unit costs E = C/D
SFR	\$991,228	\$647,328	\$1,638,556	768,864	
<i>Tier 1: 0-4 units</i>	\$184,604	\$247,460	\$432,064	366,876	\$1.18
<i>Tier 2: 5-11 units</i>	\$361,055	\$220,216	\$581,270	252,608	\$2.30
<i>Tier 3: 12 + units</i>	\$445,570	\$179,652	\$625,222	149,379	\$4.19
MTF	\$58,954	\$50,627	\$109,581	67,103	
<i>Tier 1: 0-4 units</i>	\$23,093	\$30,956	\$54,049	45,895	\$1.18
<i>Tier 2: 5-11 units</i>	\$25,210	\$15,376	\$40,586	17,638	\$2.30
<i>Tier 3: 12 + units</i>	\$10,651	\$4,294	\$14,945	3,571	\$4.19
MHP	\$19,263	\$21,033	\$40,296	29,841	
<i>Tier 1: 0-4 units</i>	\$12,902	\$17,295	\$30,196	25,641	\$1.18
<i>Tier 2: 5-11 units</i>	\$5,675	\$3,461	\$9,136	3,970	\$2.30
<i>Tier 3: 12 + units</i>	\$686	\$277	\$963	230	\$4.19
COM	\$57,707	\$71,277	\$128,983	103,970	
<i>Tier 1: 0-4 units</i>	\$6,914	\$9,268	\$16,182	13,740	\$1.18
<i>Tier 2: 5-11 units</i>	\$7,689	\$9,387	\$17,075	13,658	\$1.25
<i>Tier 3: 12 + units</i>	\$43,104	\$52,622	\$95,726	76,571	\$1.25
PBE	\$18,694	\$15,765	\$34,459	20,770	
<i>Tier 1: 0-4 units</i>	\$1,063	\$1,425	\$2,488	2,112	\$1.18
<i>Tier 2: 5-11 units</i>	\$1,788	\$1,805	\$3,593	2,510	\$1.43
<i>Tier 3: 12 + units</i>	\$15,843	\$12,535	\$28,379	16,147	\$1.76
IRR	\$48,777	\$20,097	\$68,873	17,111	
<i>Tier 1: 0-4 units</i>	\$1,449	\$1,465	\$2,914	2,039	\$1.43
<i>Tier 2: 5-11 units</i>	\$1,767	\$1,523	\$3,290	2,021	\$1.63
<i>Tier 3: 12 + units</i>	\$45,561	\$17,109	\$62,670	13,052	\$4.80
CIM	\$172,023	\$65,351	\$237,374	50,607	
<i>Tier 1: 0-4 units</i>	\$461	\$466	\$928	649	\$1.43
<i>Tier 2: 5-11 units</i>	\$945	\$815	\$1,760	1,081	\$1.63
<i>Tier 3: 12 + units</i>	\$170,616	\$64,070	\$234,686	48,877	\$4.80
BLK	\$5,065	\$6,446	\$11,511	9,460	
<i>Tier 1: 0-4 units</i>	\$142	\$279	\$422	439	\$0.96
<i>Tier 2: 5-11 units</i>	\$210	\$413	\$623	649	\$0.96
<i>Tier 3: 12 + units</i>	\$4,713	\$5,753	\$10,466	8,372	\$1.25

3.3.11. Revenue Offset Allocation

Non-rate revenue, such as property tax, can often be used to provide revenue offsets – meaning non-rate revenue is applied to the revenue requirement for certain customer classes to promote affordability (lower the

rate). The District provided guidance as to how to best use property tax that reflects community values - which is affordability for SFR and for irrigation of ball fields (CIM). Tax revenue is projected to be \$2.14 million in FY 24/25. The District decided to allocate 100 percent of property tax as a revenue offset for residential customers (SFR, MTF and MHP) and for school and other public field irrigation customers (CIM). **Table 3-29** details the distribution of property tax to both customer classes and the resulting offset to rates shown in the right most column.

Table 3-29 Revenue Offset by Eligible Class

Customer Class	Eligible Water Sales	Property Tax Revenue Offset %	Property Tax Revenue Offset	Offset Rate
RESIDENTIAL (SFR, MTF, MHP)				
T1	438,411 hcf	57.35%	(\$1,227,700)	(\$2.80)
T2	274,217 hcf	18.50%	(\$396,032)	(\$1.44)
T3	153,180 hcf	16.65%	(\$356,429)	(\$2.33)
CIM				
T2	1,081 hcf	0.01%	(\$117)	(\$0.11)
T3	48,877 hcf	7.49%	(\$160,436)	(\$3.28)
TOTAL	915,766 hcf		(\$2,140,714)	

3.4. Proposed Water Rates

The proposed fixed and variable rates resulting from the cost of service analysis and revenue adjustments are discussed in the following sections.

3.4.1. Fixed Monthly Charge Derivation

Table 3-30 shows the derivation of the monthly charge components. The proposed fixed charge is the summation of the Billing & Customer Service (CS), Meter and CRP Charge components, which were derived for a 5/8-inch meter in Table 3-25. The meter and CRP charges for the larger meters are derived by escalating the 5/8-inch meter charge using the AWWA capacity ratios shown in Table 3-24. The Water Service fee is derived by adding the Billing & CS costs to the Meter costs for each meter size. The proposed fixed charge will apply to all customers with a meter.

Table 3-30 Proposed Monthly Fixed Charge (“Basic Monthly Fee”)¹⁷

Meter Size	Billing & CS	Meter	CRP Charge	Proposed Total Fixed Charge	Current Total Fixed Charge	Dollar Change	% change
5/8 inch	\$6.42	\$12.26	\$6.54	\$25.22	\$23.35	\$1.87	8%
1 inch	\$6.42	\$30.64	\$16.33	\$53.39	\$46.17	\$7.22	16%
1 1/2 inch	\$6.42	\$61.27	\$32.66	\$100.35	\$84.20	\$16.15	19%
2 inch	\$6.42	\$98.03	\$52.25	\$156.70	\$129.83	\$26.87	21%
4 inch	\$6.42	\$306.33	\$163.27	\$476.02	\$388.37	\$87.65	23%
6 inch	\$6.42	\$612.65	\$326.54	\$945.61	\$768.59	\$177.02	23%

Applying the proposed revenue adjustments from Table 3-14 to the proposed monthly fixed charges in Table 3-30 and rounding up to the nearest cent, yields the monthly fixed charges for the study period as presented in Table 3-31.

Table 3-31 Proposed Basic Monthly Fee FY 24/25- FY 28/29¹⁸

Meter Size	Current Fixed Charge	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
5/8 inch	\$23.35	\$25.22	\$27.24	\$29.42	\$31.78	\$34.33
1 inch	\$46.17	\$53.39	\$57.67	\$62.29	\$67.28	\$72.67
1 1/2 inch	\$84.20	\$100.35	\$108.38	\$117.06	\$126.43	\$136.55
2 inch	\$129.83	\$156.70	\$169.24	\$182.78	\$197.41	\$213.21
3 inch	\$251.49	\$306.97	\$331.53	\$358.06	\$386.71	\$417.65
4 inch	\$388.37	\$476.02	\$514.11	\$555.24	\$599.66	\$647.64
6 inch	\$768.59	\$945.61	\$1,021.26	\$1,102.97	\$1,191.21	\$1,286.51

3.4.2. Volumetric Rate Derivation

Table 3-32 derives the volumetric rates for FY 24/25 by customer class and provides a comparison with the existing rates.

¹⁷ Rates are rounded up to the nearest cent.

¹⁸ Rates are rounded up to the nearest cent.

The proposed volumetric rate is the sum of the water supply, delivery and peaking, and revenue offset costs as shown in **Table 3-32**. The water delivery costs are equally distributed among all customers. Variations in volumetric rates originate from the different peaking rates as shown in **Table 3-17** and **Table 3-28**, and from the variation in Tier 1 supply costs described in Section 3.3.9 and shown in **Table 3-27**.

In addition, the revenue offsets further differentiate residential Tier 1, 2, and 3 and CIMIS' Tier 2 and 3 volumetric rate. The revenue offsets were detailed in **Table 3-29**.

Table 3-32 Breakdown of Proposed Volumetric Rates¹⁹ per hcf for FY 24/25

Customer Class	Supply	Delivery	Peaking	Rev. Offset	Proposed Vol. Rate	Current Vol. Rate	Dollar Change	% change
Residential (SFR, MFR, MHP)²⁰								
Tier 1: 0-4 units	\$1.94	\$4.10	\$1.18	(\$2.80)	\$4.42	\$4.11	\$0.31	7.5%
Tier 2: 5-11 units	\$2.57	\$4.10	\$2.30	(\$1.44)	\$7.53	\$6.95	\$0.58	8.3%
Tier 3: 12 + units	\$2.57	\$4.10	\$4.19	(\$2.33)	\$8.53	\$7.91	\$0.62	7.8%
Commercial (COM)								
Tier 1: 0-4 units	\$1.94	\$4.10	\$1.18	\$0.00	\$7.22	\$6.44	\$0.78	12.1%
Tier 2: 5-11 units	\$2.57	\$4.10	\$1.25	\$0.00	\$7.92	\$6.95	\$0.97	14.0%
Tier 3: 12 + units	\$2.57	\$4.10	\$1.25	\$0.00	\$7.92	\$7.91	\$0.01	0.1%
Public (PBE)								
Tier 1: 0-4 units	\$1.94	\$4.10	\$1.18	\$0.00	\$7.22	\$6.44	\$0.78	12.1%
Tier 2: 5-11 units	\$2.57	\$4.10	\$1.43	\$0.00	\$8.10	\$6.95	\$1.15	16.5%
Tier 3: 12 + units	\$2.57	\$4.10	\$1.76	\$0.00	\$8.43	\$7.91	\$0.52	6.6%
Irrigation (IRR)								
Tier 1: 0-4 units	\$1.94	\$4.10	\$1.43	\$0.00	\$7.47	\$6.49	\$0.98	15.1%
Tier 2: 5-11 units	\$2.57	\$4.10	\$1.63	\$0.00	\$8.30	\$6.95	\$1.35	19.4%
Tier 3: 12 + units	\$2.57	\$4.10	\$4.80	\$0.00	\$11.47	\$11.15	\$0.32	2.9%
CIMIS (CIM)								
Tier 1: 0-4 units	\$1.94	\$4.10	\$1.43	\$0.00	\$7.47	\$6.49	\$0.98	15.1%
Tier 2: 5-11 units	\$2.57	\$4.10	\$1.63	(\$0.11)	\$8.19	\$6.95	\$1.24	17.8%
Tier 3: 12 + units	\$2.57	\$4.10	\$4.80	(\$3.28)	\$8.19	\$6.95	\$1.24	17.8%
Bulk (BLK)								
Tier 1: 0-4 units	\$1.94	\$4.10	\$0.96	\$0.00	\$7.00	\$6.49	\$0.51	8%
Tier 2: 5-11 units	\$2.57	\$4.10	\$0.96	\$0.00	\$7.63	\$6.95	\$0.68	10%
Tier 3: 12 + units	\$2.57	\$4.10	\$1.25	\$0.00	\$7.92	\$11.15	-\$3.23	-29%

Similar to the fixed charge calculation, the volumetric rates for FY 24/25 to 28/29 are escalated with the proposed revenue adjustment in **Table 3-14**, as derived in **Table 3-33**.

¹⁹ Rates are rounded up to the nearest cent.

²⁰ MFR and MHP have revised tiers based on unit count. For example: An apartment with 6 dwelling units would have a Tier 1 threshold of 24 units of water (6 dwelling units x 4 units of water each)

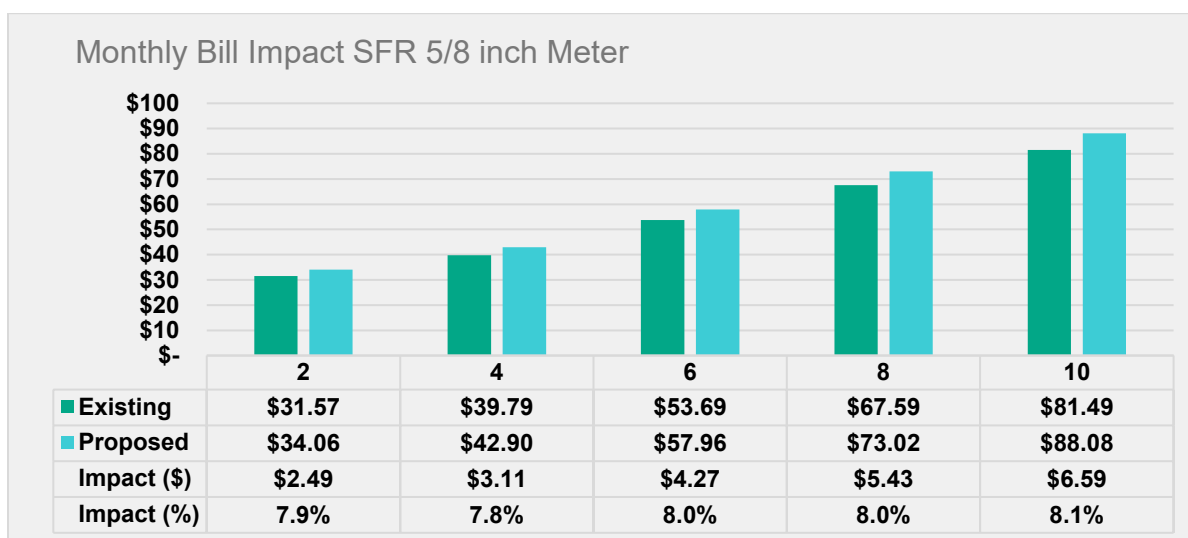
Table 3-33 Proposed Volumetric Rates per hcf for FY 24/25 - FY 28/29

	Current Rates	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
Residential (SFR, MFR, MHP)²¹						
Tier 1: 0-4 units	\$4.11	\$4.42	\$4.78	\$5.17	\$5.59	\$6.04
Tier 2: 5-11 units	\$6.95	\$7.53	\$8.14	\$8.80	\$9.51	\$10.28
Tier 3: 12 + units	\$7.91	\$8.53	\$9.22	\$9.96	\$10.76	\$11.63
Commercial (COM)						
Tier 1: 0-4 units	\$6.44	\$7.22	\$7.80	\$8.43	\$9.11	\$9.84
Tier 2: 5-11 units	\$6.95	\$7.92	\$8.56	\$9.25	\$9.99	\$10.79
Tier 3: 12 + units	\$7.91	\$7.92	\$8.56	\$9.25	\$9.99	\$10.79
Public (PBE)						
Tier 1: 0-4 units	\$6.44	\$7.22	\$7.80	\$8.43	\$9.11	\$9.84
Tier 2: 5-11 units	\$6.95	\$8.10	\$8.75	\$9.45	\$10.21	\$11.03
Tier 3: 12 + units	\$7.91	\$8.43	\$9.11	\$9.84	\$10.63	\$11.49
Irrigation (IRR)						
Tier 1: 0-4 units	\$6.49	\$7.47	\$8.07	\$8.72	\$9.42	\$10.18
Tier 2: 5-11 units	\$6.95	\$8.30	\$8.97	\$9.69	\$10.47	\$11.31
Tier 3: 12 + units	\$11.15	\$11.47	\$12.39	\$13.39	\$14.47	\$15.63
CIMIS (CIM)						
Tier 1: 0-4 units	\$6.49	\$7.47	\$8.07	\$8.72	\$9.42	\$10.18
Tier 2: 5-11 units	\$6.95	\$8.19	\$8.85	\$9.56	\$10.33	\$11.16
Tier 3: 12 + units	\$6.95	\$8.19	\$8.85	\$9.56	\$10.33	\$11.16
Bulk (BLK)						
Tier 1: 0-4 units	\$6.49	\$7.00	\$7.56	\$8.17	\$8.83	\$9.54
Tier 2: 5-11 units	\$6.95	\$7.63	\$8.25	\$8.91	\$9.63	\$10.41
Tier 3: 12 + units	\$11.15	\$7.92	\$8.56	\$9.25	\$9.99	\$10.79

3.4.3. Bill Impacts

Figure 3-7 presents sample monthly bills for single-family residential customers in FY 24/25. A single-family residential account with a 5/8-inch meter which uses 6 hcf will see a 8% increase in the proposed monthly water bill, which is equal to the overall revenue increase.

²¹ MFR and MHP have revised tiers based on unit count. For example: An apartment with 6 dwelling units would have a Tier 1 threshold of 24 units of water (6 dwelling units x 4 units of water each)

Figure 3-7 Sample Residential Customer Water Bill Impact

Bill impacts for other customer classes vary by class with most changing 8 to 9% for the average bill, close to the 8% revenue increase. IRR and CIM customers are more likely to see a significant increase in their bills due to the water supply and peaking factor changes that added more cost to the Tier 3 rates. During the 2019 rate study, the water supply costs were distributed uniformly across all three tiers rather than applying the lower groundwater costs to tier 1, as was done in this study. **Table 3-34** presents the estimated bill impacts for the most common meter size and average water use by customer class.

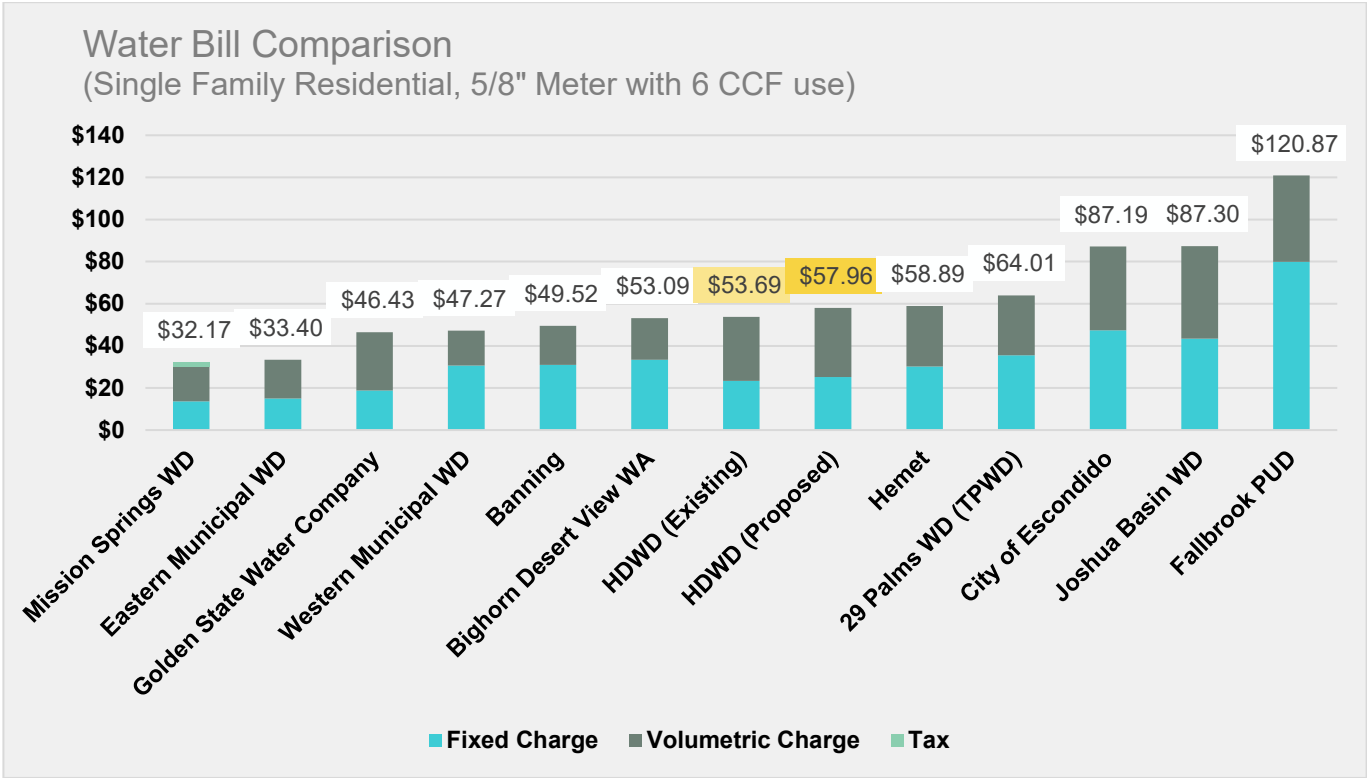
Table 3-34 Estimated Bill Impact by Customer Class

	SFR	MTF	MHP	COM	IRR	PBE	BLK	CIM
Average water use	6	9	205	20	20	29	46	298
Meter size	5/8 inch	5/8 inch	1 inch	5/8 inch	1 inch	5/8 inch	3 inch	2 inch
Number of Units	2		35					
Total Current Bill	\$53.69	\$63.18	\$1,073.32	\$153.13	\$221.13	\$240.14	\$716.35	\$2,199.09
Total Proposed Bill	\$57.96	\$68.11	\$1,161.64	\$164.98	\$244.60	\$262.54	\$665.58	\$2,594.44
Dollar impact	\$4.27	\$4.93	\$88.32	\$11.85	\$23.47	\$22.40	-\$50.77	\$395.35
Percent impact	8.0%	7.8%	8.2%	7.7%	10.6%	9.3%	-7.1%	18.0%

3.4.4. Water Rate Survey

A comparison to other utilities' water bills is shown in **Figure 3-8**. These are current water rates as published on the various utility or city websites and would not include any rate studies that are currently underway.

Figure 3-8 Water Rate Survey



3.5. Drought Rates

Southern California goes through periods of dry weather with very minimal rainfall which necessitates water conservation because of reduced water supplies. As experienced during previous drought conditions, State water regulators and wholesale water agencies may cut back the amount of water available from both surface water and local groundwater and declare mandatory conservation measures. In response, retail agencies declare drought stages to enforce water conservation. The District wants to be prepared to address these conditions when it becomes necessary to mandate conservation so that it can readily provide customers with an incentive to save water and implement drought rates (conservation rates) to mitigate the impact of reduced revenues from lower water sales.

A drought rate may be imposed during times of a declared drought when a certain level of reduction from normal use has been mandated. The District's *Water Shortage Contingency Plan* (the Plan) has six shortage levels as shown in **Table 3-35**. Water use efficiency practices and water conservation measures are outlined in the Plan to alter behavior and achieve reductions at each stage. A drought rate is charged on each unit of water and is calculated to recover costs resulting from loss of revenue due to reduced water use. The amount of the drought rate at different stages is based upon the District's Plan stages and projected revenue shortfall adjusted for changes in costs.

Table 3-35 District Water Shortage Levels

Stages of Shortage	% Reduction	Description
Stage 1	10%	Water Alert
Stage 2	20%	Moderate Water Shortage
Stage 3	30%	Severe Water Shortage
Stage 4	40%	Critical Water Shortage
Stage 5	50%	Water Shortage Crisis
Stage 6	60%	Emergency Water Shortage

Raftelis calculated the drought rate to recover the revenue shortfall that occurs as a result of demand reduction during the four water supply emergency stages.

To determine the drought rate, the first step is to project the water use reduction for each customer class under different drought stages. **Table 3-36** shows the projected water demand for each customer class and tier at different stages. Raftelis projects that single family customers and irrigation customers using more discretionary water are expected to reduce more under the different drought stages. Typically, multi-family customers typically have less irrigation use and will not be able to conserve much. Commercial customers that need water for their businesses will also conserve less. The analysis shows the increase in commodity rates for each drought stage. Note that the actual reduction achieved under each drought stage may vary slightly from the target, as seen in stage 6.

Table 3-36 Projected Water Demand by Percent Usage Reduction

Customer Class	Usage	10% Reduction	10% Usage	20% Reduction	20% Usage	30% Reduction	30% Usage	40% Reduction	40% Usage	50% Reduction	50% Usage	60% Reduction	60% Usage
SFR	768,864												
<i>T1</i>	366,876	5%	348,532	12%	322,851	17%	304,507	20%	293,501	25%	275,157	40%	220,126
<i>T2</i>	252,608	12%	222,295	25%	189,456	38%	156,617	50%	126,304	60%	101,043	70%	75,783
<i>T3</i>	149,379	20%	119,503	40%	89,628	60%	59,752	80%	29,876	92%	11,950	95%	7,469
MTF	67,103												
<i>T1</i>	45,895	5%	43,600	7%	42,682	10%	41,305	15%	39,010	25%	34,421	40%	27,537
<i>T2</i>	17,638	10%	15,874	20%	14,110	35%	11,465	45%	9,701	60%	7,055	70%	5,291
<i>T3</i>	3,571	15%	3,035	35%	2,321	55%	1,607	75%	893	90%	357	95%	179
MHP	29,841												
<i>T1</i>	25,641	5%	24,359	7%	23,846	10%	23,076	15%	21,794	25%	19,230	40%	15,384
<i>T2</i>	3,970	10%	3,573	20%	3,176	35%	2,581	45%	2,184	60%	1,588	70%	1,191
<i>T3</i>	230	15%	196	35%	150	55%	104	75%	58	90%	23	95%	12
COM	103,970												
<i>T1</i>	13,740	0%	13,740	3%	13,328	5%	13,053	10%	12,366	15%	11,679	20%	10,992
<i>T2</i>	13,658	3%	13,249	5%	12,976	10%	12,293	20%	10,927	35%	8,878	45%	7,512
<i>T3</i>	76,571	10%	68,914	15%	65,086	30%	53,600	35%	49,771	45%	42,114	60%	30,629
PBE	20,770												
<i>T1</i>	2,112	0%	2,112	3%	2,049	5%	2,007	10%	1,901	15%	1,796	20%	1,690
<i>T2</i>	2,510	3%	2,435	5%	2,385	10%	2,259	20%	2,008	35%	1,632	45%	1,381
<i>T3</i>	16,147	10%	14,533	15%	13,725	30%	11,303	35%	10,496	45%	8,881	60%	6,459

Customer Class	Usage	10% Reduction	10% Usage	20% Reduction	20% Usage	30% Reduction	30% Usage	40% Reduction	40% Usage	50% Reduction	50% Usage	60% Reduction	60% Usage
IRR	17,111												
T1	2,039	5%	1,937	10%	1,835	20%	1,631	30%	1,427	45%	1,121	60%	815
T2	2,021	7%	1,879	15%	1,717	25%	1,515	45%	1,111	55%	909	65%	707
T3	13,052	15%	11,094	25%	9,789	35%	8,484	60%	5,221	90%	1,305	95%	653
CIM	50,607												
T1	649	5%	617	10%	584	20%	519	30%	454	45%	357	60%	260
T2	1,081	7%	1,005	15%	919	25%	811	45%	595	55%	486	65%	378
T3	48,877	15%	41,545	25%	36,658	35%	31,770	60%	19,551	90%	4,888	95%	2,444
BLK	9,460												
T1	439	0%	439	3%	426	5%	417	10%	395	15%	373	20%	351
T2	649	3%	629	5%	617	10%	584	25%	487	35%	422	45%	357
T3	8,372	10%	7,535	15%	7,116	35%	5,442	40%	5,023	60%	3,349	65%	2,930
	1,067,726	10%	962,631	20%	857,428	30%	746,701	40%	645,054	50%	539,016	61%	420,528

Table 3-37 Estimated Cost Savings by Percent Usage Reduction

Cost Savings	FY 2025	10%	20%	30%	40%	50%	60%
Amount Purchased Water Reduction		10%	20%	30%	40%	50%	61%
Total Water Usage (AF)	2,453	2,211	1,970	1,715	1,482	1,238	966
Reduction in Water Usage (AF)		(241)	(483)	(738)	(971)	(1,215)	(1,487)
Water Supply							
Purchased water from Mojave	2,538 AF	2,297 AF	2,055 AF	1,800 AF	1,567 AF	1,323 AF	1,051 AF
Total Groundwater	500 AF	500 AF	500 AF	500 AF	500 AF	500 AF	500 AF
Total Supply	<u>3,038 AF</u>	<u>2,797 AF</u>	<u>2,555 AF</u>	<u>2,300 AF</u>	<u>2,067 AF</u>	<u>1,823 AF</u>	<u>1,551 AF</u>
Total Water Cost	\$1,593,864	\$1,442,240	\$1,290,460	\$1,130,711	\$984,060	\$831,076	\$660,130
Water Supply Cost Savings							
		\$151,624	\$303,404	\$463,153	\$609,804	\$762,788	\$933,734
Total Pumping and Water Treatment	\$2,593,220	\$2,387,129	\$2,180,826	\$1,963,690	\$1,764,359	\$1,556,418	\$1,324,064
Pumping and Water Treatment Unit Cost (\$/AF)	\$853.59						
Pumping and Water Treatment Cost Savings		\$206,091	\$412,395	\$629,530	\$828,861	\$1,036,802	\$1,269,156
Total Cost Savings		\$357,715	\$715,798	\$1,092,684	\$1,438,665	\$1,799,590	\$2,202,890

The next step is to estimate the water supply cost savings, from lower water purchases, that result when there is a reduction in demand. The variable costs associated with each supply source are used to determine the cost savings. Almost all other costs are fixed and will not vary based on water demand. **Table 3-37** shows the estimated cost savings in water supply costs for each stage. The first cost savings is the reduction in Mojave water purchases. The other cost savings comes from reductions in pumping and water treatment. The pumping and water treatment cost at each stage is estimated by dividing FY 24/25 pumping and water treatment costs (\$2,593,220) by the total water produced in FY 24/25 (3,038 AF) to come up with a unit cost of \$853.59/AF. This unit cost is then multiplied by each stage's total supply in AF to come up with a new pumping and water treatment cost at each stage.

The final step is to calculate the drought surcharge, shown in **Table 3-38**. First, the projected potable water revenue is calculated by multiplying the demand projections from **Table 3-36** for each level of reduction in use or scenario and the proposed water rates in FY 24/25. The revenue shortfall is determined by comparing this revenue for each scenario with the FY 24/25 revenues. Next, we add the estimated cost savings from **Table 3-37** for each scenario. The total shortfall is divided by the projected demand in each scenario to arrive at a uniform percent increase per unit of water for each scenario. **Table 3-38** shows the proposed percentage increase that would be charged for each drought stage. Surcharges for subsequent years would increase by the same percentages of 7%, 15%, 27%, 43%, 67%, or 100%. Rates for intermediate conservation goals may be determined by linearly prorating the increases per unit.

Table 3-38 Drought Surcharge by Percent Usage Reduction

	FY 24/25	10%	20%	30%	40%	50%	50%
Projected Potable Volumetric Revenue	\$6,969,386	\$6,193,515	\$5,444,112	\$4,627,296	\$3,852,437	\$3,083,609	\$2,379,613
Revenue Shortfall		(\$771,311)	(\$1,520,714)	(\$2,337,530)	(\$3,112,389)	(\$3,881,217)	(\$4,585,213)
Cost Savings		\$357,715	\$715,798	\$1,092,684	\$1,438,665	\$1,799,590	\$2,202,890
Net Revenue Shortfall to be Recovered		(\$413,596)	(\$804,916)	(\$1,244,847)	(\$1,673,724)	(\$2,081,627)	(\$2,382,324)
% Revenue Shortfall		7%	15%	27%	43%	68%	100%

The proposed surcharge rates for FY 24/25 are shown in **Table 3-39** with the total projected revenue at each stage shown in **Table 3-40**. The drought rates for the out years of the study are calculated by increasing the rates in effect at the time by the percentages shown in **Table 3-38**. The specific drought rates for each year of the study are shown in **Appendix B**.

Table 3-39 Drought Rates by Percent Usage Reduction FY 24/25

	FY 24/25 Proposed Rates	Stage 1 - 7% Increase	Stage 2 - 15% Increase	Stage 3 - 27% Increase	Stage 4 - 43% Increase	Stage 5 - 68% Increase	Stage 6 - 100% Increase
Residential (SFR, MFR, MHP)²²							
Tier 1: 0-4 units	\$4.42	\$4.72	\$5.08	\$5.61	\$6.35	\$7.41	\$8.85
Tier 2: 5-11 units	\$7.53	\$8.04	\$8.65	\$9.56	\$10.81	\$12.62	\$15.07
Tier 3: 12 + units	\$8.53	\$9.10	\$9.80	\$10.83	\$12.24	\$14.29	\$17.07
Commercial (COM)							
Tier 1: 0-4 units	\$7.22	\$7.71	\$8.29	\$9.17	\$10.36	\$12.10	\$14.45
Tier 2: 5-11 units	\$7.92	\$8.45	\$9.10	\$10.06	\$11.37	\$13.27	\$15.85
Tier 3: 12 + units	\$7.92	\$8.45	\$9.10	\$10.06	\$11.37	\$13.27	\$15.85
Public (PBE)							
Tier 1: 0-4 units	\$7.22	\$7.71	\$8.29	\$9.17	\$10.36	\$12.10	\$14.45
Tier 2: 5-11 units	\$8.10	\$8.65	\$9.30	\$10.28	\$11.62	\$13.57	\$16.21
Tier 3: 12 + units	\$8.43	\$9.00	\$9.68	\$10.70	\$12.10	\$14.13	\$16.87
Irrigation (IRR)							
Tier 1: 0-4 units	\$7.47	\$7.97	\$8.58	\$9.48	\$10.72	\$12.52	\$14.95
Tier 2: 5-11 units	\$8.30	\$8.86	\$9.53	\$10.54	\$11.91	\$13.91	\$16.61
Tier 3: 12 + units	\$11.47	\$12.24	\$13.17	\$14.56	\$16.46	\$19.22	\$22.96
CIMIS (CIM)							
Tier 1: 0-4 units	\$7.47	\$7.97	\$8.58	\$9.48	\$10.72	\$12.52	\$14.95
Tier 2: 5-11 units	\$8.19	\$8.74	\$9.41	\$10.40	\$11.75	\$13.72	\$16.39
Tier 3: 12 + units	\$8.19	\$8.74	\$9.41	\$10.40	\$11.75	\$13.72	\$16.39
Bulk (BLK)							
Tier 1: 0-4 units	\$7.00	\$7.47	\$8.04	\$8.89	\$10.05	\$11.73	\$14.01
Tier 2: 5-11 units	\$7.63	\$8.14	\$8.76	\$9.69	\$10.95	\$12.79	\$15.27
Tier 3: 12 + units	\$7.92	\$8.45	\$9.10	\$10.06	\$11.37	\$13.27	\$15.85

Table 3-40 Revenue Generated at each Stage

	Stage 1 - 7% Increase	Stage 2 - 15% Increase	Stage 3 - 27% Increase	Stage 4 - 43% Increase	Stage 5 - 68% Increase	Stage 6 - 100% Increase
Revenue Generated	\$6,611,442	\$6,255,021	\$5,874,613	\$5,531,714	\$5,168,444	\$4,763,437

²² MFR and MHP have revised tiers based on unit count. For example: An apartment with 6 dwelling units would have a Tier 1 threshold of 24 units of water (6 dwelling units x 4 units of water each)

4. Wastewater Financial Plan and Rates

This chapter details the wastewater rate study methodology and presents the projections for revenues, O&M expenses, capital improvement and reserve requirements for the period FY 24/25 – 28/29. Projected revenues are compared to expenses to assess potential revenue shortages and the need for rates adjustments over the planning horizon. The cost of service analysis, simplified since the District charges per Equivalent Dwelling Unit (EDU), is described in detail, showing how the proposed FY 24/25 wastewater charges are derived.

4.1. Introduction

4.1.1. Wastewater System Background

The Hi-Desert Water District has constructed and now operates a Wastewater Treatment Plant and a wastewater collection system to comply with the Regional Water Quality Control Board resolution (Resolution R7-2011-004) identifying the Town of Yucca Valley as a top priority for eliminating the use of septic systems. The resolution led to an amendment to the Regional Board's Water Quality Control Basin Plan which imposed a three-phased septic tank prohibition on new and existing septic systems within the Town. Phase I of the Wastewater Treatment and Reclamation Project is complete. This included building the Treatment Plant and collection system in the downtown area of Yucca Valley. The first phase was paid for through an assessment district. Properties in the Phase I area are connecting to the system and the District is working on securing funding for Phase 2.

4.1.2. Customer Classes and Number of EDUs

The District's Wastewater rate structure was established in the *Hi-Desert Water District Assessment District No. 2014-1 Engineer's Report*. There are no recommended changes to the structure. The District will continue to charge customers based on Equivalent Dwelling Units (EDUs). One EDU is defined as 175 gallons per day, which is a typical use for a single family customer. The average use in MFR and MHP dwelling units is less than a single family home, so the EDU for these customers is adjusted as shown in **Table 4-1**. Commercial properties' use varies widely based on the type and size of commercial customer, therefore the EDU is calculated monthly based on calculating the EDUs from 90% of water consumption (formula below) or 1 EDU, whichever is greater.

To calculate commercial EDUs the following formula is used:

$$((\text{Water Consumption (HCF)} * 90\%) * \left(\frac{748 \text{ gal/HCF}}{\text{Days in Billing Cycle}} \right)) / 175 \frac{\text{gpd}}{\text{EDU}} = \text{Commercial EDUs}$$

Table 4-1 Wastewater Customer Classes

Customer Class	EDU Assignment
Single Family Home (SFR)	1 EDU per Parcel
Multi-Family Residential (MFR)	0.75 EDU per Unit
Mobile Home Property (MHP)	0.60 EDU per Unit
Commercial Property (COM/PBE)	Minimum of 1 EDU per parcel or Calculated EDU from 90% water consumption

The number of EDUs in each customer class is used to project the revenue from current charges. The number of EDUs for FY 22/23 used in the financial model is presented in **Table 4-2**.

Table 4-2 Wastewater EDUs FY 22/23

Customer Class	FY 22/23
SFR	3,140
MFR	842
MHP	426
COM/PBE (EDU/Month - Average)	1,113
Total	5,520

4.2. Wastewater Financial Plan

This section details the District's wastewater revenues and expenses and projects revenue requirements over the five-year study period. The status quo financial plan is provided in this section, which shows projected financial health if the District does not raise rates, and a revenue adjustment scenario is shared showing the cashflow if rates are increased as recommended.

4.2.1. Current Rates

The current charge per EDU is \$46.71 as shown in **Table 4-3**, this is applied to the customer classes as shown in **Table 4-1** in Section 4.1.2.

Table 4-3 Current Rate per EDU

	FY 22/23
Cost per EDU	\$46.71

4.2.2. Financial Policy

The District has not established a reserves policy for the wastewater enterprise. This study proposes to establish wastewater reserves based on typical reserves. Proposed reserve targets are shown in **Table 4-4**.

Table 4-4 Wastewater Reserve Targets

WASTEWATER PROPOSED	Target
Operating Reserves	25% of Oper. Budget
Capital Reserves	100% of Average 10 yr. CIP ²³

4.2.3. Inflationary and Other Assumptions

To ensure that future costs are reasonably projected, it is necessary to make informed assumptions about inflationary factors. **Table 4-5** shows the inflationary assumptions incorporated in the five-year financial plan. O&M projections are based on the District's FY 23/24 budget using inflationary factors to project O&M expenditures related to general expenses and salaries. The reserve interest rate percentage is used to calculate interest income on reserves (cash balances).

Table 4-5 Inflationary Assumptions

	FY 24/25	FY 25/26	FY 27/28	FY 27/28	FY 28/29
Expense Escalators					
General/CPI	5.00%	4.00%	3.00%	3.00%	3.00%
Capital	6.00%	5.00%	4.00%	3.00%	3.00%
Reserve Interest Rate	1.00%	1.00%	1.00%	1.00%	1.00%

4.2.4. Account Growth Assumptions

Table 4-6 shows the Wastewater account growth assumptions during the study period. The model assumes an account growth of 25 EDUs per year in FY 24/25 and FY 25/26. Connection to the Phase 1 sewer project has been slower than anticipated. Starting in FY 26/27 it is assumed 500 EDUs are added per year as part of the Phase II (and Phase III) septic to sewer conversion project being completed.

Table 4-6 Wastewater Account Growth Assumptions

	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
New accounts per year	25	25	500	500	500

4.2.5. Projected Revenues

Table 4-7 shows the calculated rate revenues and projected non-operating revenues for FY 24/25 through FY 28/29 based on the District's current wastewater rates. The projected annual rate revenue is determined by multiplying the number of EDUs by the corresponding monthly charge per EDU for 12 months. As shown, the study assumes no growth in MFR, MHP and Commercial accounts as this growth is expected to be minimal.

²³ The proposed wastewater capital reserves are 5% of annual operating expenses. The modeled capital reserves are as shown in Table 1-1. The two reserves goals yield comparable reserve targets with FY 2025 targets of \$183k and \$186k for the targets of 100% capital and 5% of annual operating expenses respectively.

Table 4-7 Wastewater Revenues

Revenue Source	FY 23/24 ²⁴	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
SFR	\$1,820,961	\$1,773,906	\$1,787,919	\$2,068,179	\$2,348,439	\$2,628,699
MFR	\$515,011	\$471,678	\$471,678	\$471,678	\$471,678	\$471,678
MHP	\$240,941	\$238,782	\$238,782	\$238,782	\$238,782	\$238,782
COM	\$648,882	\$623,971	\$623,971	\$623,971	\$623,971	\$623,971
Total Sewer Revenue	\$3,225,795	\$3,108,336	\$3,122,349	\$3,402,609	\$3,682,869	\$3,963,129

4.2.6. Projected O&M Expenses

O&M expenses include the costs to operate and maintain the collection system and the wastewater treatment plant, as well as the costs of providing technical services such as engineering services and other administrative and operating costs. The District's FY 23/24 O&M budget and projected O&M expenses are shown in **Table 4-8**. The O&M budget incorporates the inflationary factors shown in **Table 4-4**. The Collection Budget is inflated by the capital inflation factors, and the other budget items are inflated by CPI. The Operations budget includes an additional \$400,000 in FY26/27-FY28/29 to account for additional costs associated with the Phase II septic to sewer project to bring on 1,500 more customers over those three years.

Table 4-8 Wastewater O&M Expenses for FY 23/24 -FY 28/29

	FY 23/24 Budget	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
O&M - Payroll & Benefits	\$1,141,890	\$1,198,985	\$1,246,944	\$1,284,352	\$1,322,883	\$1,362,569
O&M - Operations	1,065,090	\$1,118,345	\$1,163,078	\$1,597,971	\$2,045,910	\$2,507,287
O&M - Collection	55,638	\$58,976	\$61,925	\$64,402	\$66,334	\$68,324
O&M - Administration	1,294,801	\$1,359,541	\$1,413,923	\$1,456,340	\$1,500,031	\$1,545,032
	\$3,557,419	\$3,735,846	\$3,885,870	\$4,403,065	\$4,935,157	\$5,483,212

4.2.7. Capital Improvement Plan (CIP)

Since the wastewater system is fairly new, there are few planned capital improvement projects to include in the 5- year plan. **Table 4-9** shows the assumed CIP costs as provided by District staff. In FY 24/25, the District plans to purchase a camera truck, thus the higher expense. Subsequent years have \$82,500 included to account for any repair or replacement needs.

Table 4-9 Wastewater 5-Year CIP

	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
CIP Costs	\$420,000	\$82,500	\$82,500	\$82,500	\$82,500

4.2.8. Debt

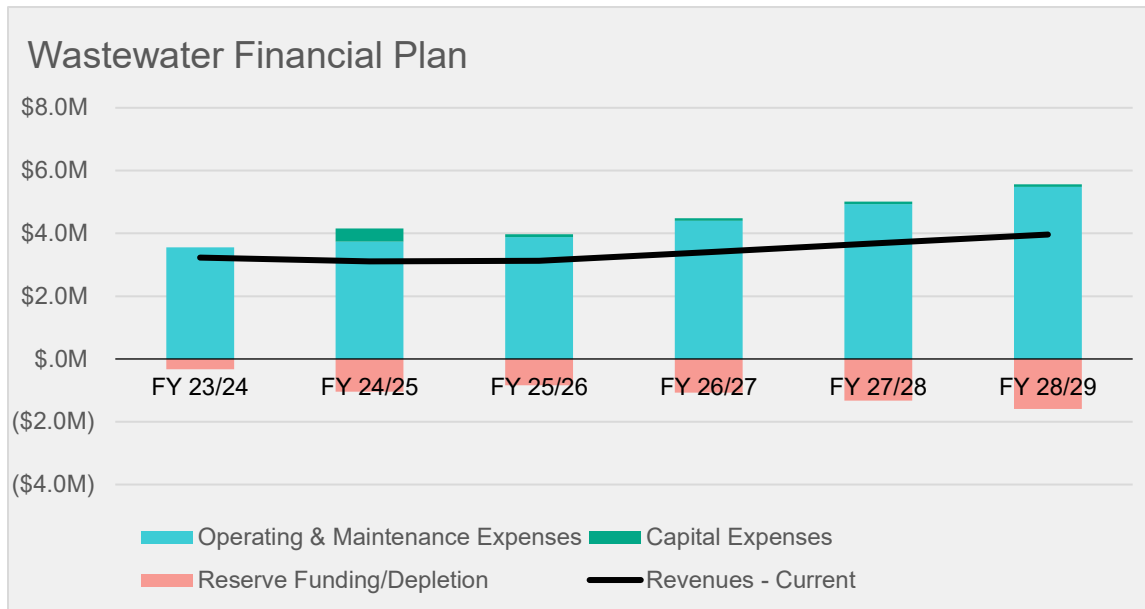
The Wastewater Enterprise currently has a \$7.5 million loan from the Water enterprise that must be repaid. No other debt is planned during this study.

²⁴ From District budget

4.2.9. Status Quo Financial Plan

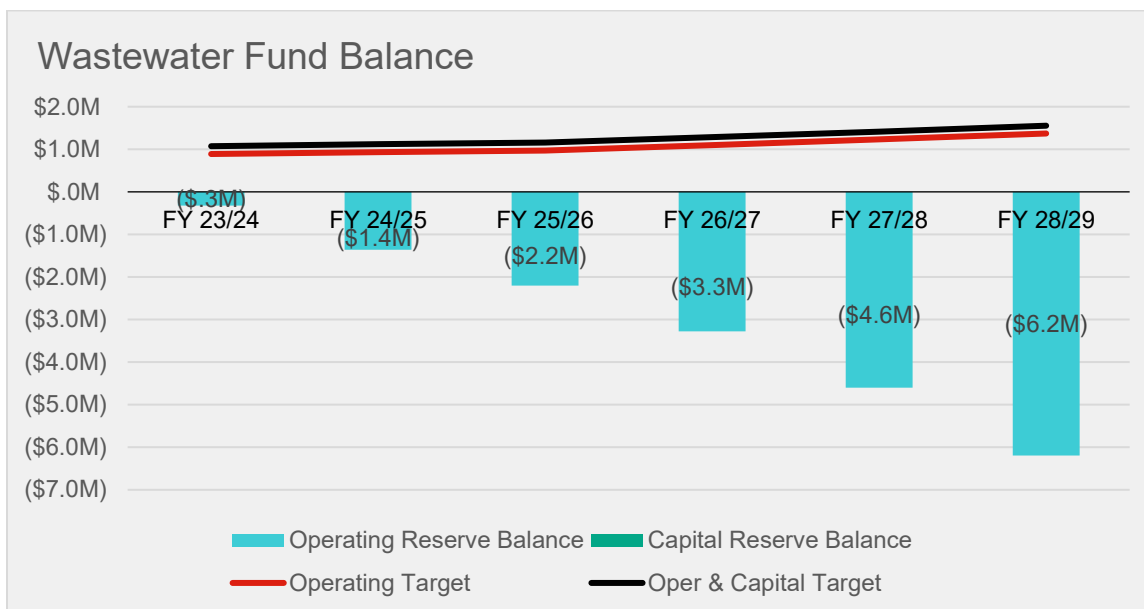
The projected financial plan is based on revenues at existing rates with no adjustments, known as status quo and is attached in **Appendix A**. **Figure 4-1** shows the projected status quo financial plan in graphical format. The bars represent the wastewater utility's cash needs. The black line represents the current revenues, which is below the stacked bars for each year, signifying that the District's wastewater revenues are insufficient to fund its costs. The Revenues are derived from **Table 4-7**, O&M expenses are from **Table 4-8** and Capital expenses are from **Table 4-9**.

Figure 4-1 Status Quo Wastewater Financial Plan



Net cash flow equals total revenues less O&M expenses. Since there are no reserves, the starting balance was set at zero for FY 23/24. Ending balances are calculated by adding beginning balances to net cash flow. The reserve target is derived from the reserve policies summarized in **Table 4-3**. Since the wastewater enterprise is starting with no reserves, the wastewater fund is already at a deficit in FY 23/24 as shown in **Figure 4-2**.

Figure 4-2 Status Quo Wastewater Fund Balance



4.2.10. Proposed Revenue Adjustments and Financial Plan

Table 4-10 shows the proposed revenue adjustments for the wastewater enterprise.

Table 4-10 Wastewater Revenue Adjustments

Wastewater Revenue Adjustment	14.00%	14.00%	9.75%	9.75%	9.75%
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A detailed financial plan with the proposed revenue increase is presented in **Table 4-11**. Explanations of various line items in the table are detailed below:

- The revenues from existing rates (FY 24/25- 28/29 in line 2) are calculated in **Table 4-7**. FY 23/24 revenue is taken from the District's budget. Raftelis calculations, based on EDU counts, are slightly lower than budgeted revenue for FY 23/24.
- The additional revenue from rate adjustment is shown in line 3 and it represents the cumulative increase in revenues due to the proposed rate increases shown in **Table 4-10**.
- Raftelis projected other operating and non-operating revenues by multiplying the actual other revenues (as reported by the District's budget for FY 23/24) by the assumed inflation factors from **Table 4-4**. The only exception is "Interest income" (line 7) which was calculated using the reserve interest rate assumption from **Table 4-4** and the estimated average annual reserves of the District.
- Line 9, "Total Revenues", is equal to the sum of both rate and non-rate revenues.
- Annual cashflows (line 19) is calculated as the difference between total revenues (line 9) and cash outflows (the sum of O&M and CIP expenditures).

With the revenue adjustments, the wastewater enterprise builds its operating reserve close to the target in FY 28/29 (as shown by comparing line 23 to line 27).

Table 4-11 Wastewater Proposed Financial Plan

	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
1 REVENUES						
2 Revenues from Current Rates	\$3,225,795	\$3,108,336	\$3,122,349	\$3,402,609	\$3,682,869	\$3,963,129
3 Subtotal Proposed Revenue Adjustments	\$0	\$435,167	\$935,456	\$1,450,569	\$2,082,207	\$2,845,528
4 Subtotal Revenues from Rates	\$3,225,795	\$3,543,503	\$4,057,804	\$4,853,178	\$5,765,075	\$6,808,657
5						
6 Other Operating Revenues						
7 Interest Income	\$0	\$0	\$0	\$0	\$0	\$9,218
8 Miscellaneous Revenue (FOG)	\$7,960	\$7,960	\$7,960	\$7,960	\$7,960	\$7,960
9 Total Revenue	\$3,233,755	\$3,551,463	\$4,065,764	\$4,861,138	\$5,773,035	\$6,825,835
10						
11 Total O&M	\$3,557,419	\$3,735,846	\$3,885,870	\$4,403,065	\$4,935,157	\$5,483,212
12						
13 Net Cashflow before Capital	(\$323,664)	(\$184,384)	\$179,894	\$458,073	\$837,878	\$1,342,623
14						
15 CIP EXPENDITURES (excl. funded by grants and new dev't)						
16 Rate Funded Capital Projects	\$0	\$420,000	\$82,500	\$82,500	\$82,500	\$82,500
17 Total	\$0	\$420,000	\$82,500	\$82,500	\$82,500	\$82,500
18						
19 Net Cashflow	(\$323,664)	(\$604,384)	\$97,394	\$375,573	\$755,378	\$1,260,123
20						
21 Combined Beginning Balance	\$0	(\$323,664)	(\$928,048)	(\$830,653)	(\$455,081)	\$300,298
22						
23 Combined Ending Balance	(\$323,664)	(\$928,048)	(\$830,653)	(\$455,081)	\$300,298	\$1,560,420
24 Operating Reserve Ending Balance	(\$323,664)	(\$928,048)	(\$830,653)	(\$455,081)	\$300,298	\$1,560,420
25 Capital Reserve Ending Balance	\$0	\$0	\$0	\$0	\$0	\$0
26						
27 Target Reserves	\$1,072,688	\$1,117,295	\$1,154,801	\$1,284,100	\$1,417,123	\$1,554,136
28 Operating Reserves	\$889,355	\$933,962	\$971,467	\$1,100,766	\$1,233,789	\$1,370,803
29 Capital Reserves	\$183,333	\$183,333	\$183,333	\$183,333	\$183,333	\$183,333

The financial plan is shown graphically in **Figure 4-3**. The red bars indicate a deficit the first year of rate adjustments, but sufficient revenue is collected FY 25/26 through 28/29 to build reserves over the course of this study, as shown in **Figure 4-4**.

Figure 4-3 Wastewater Financial Plan

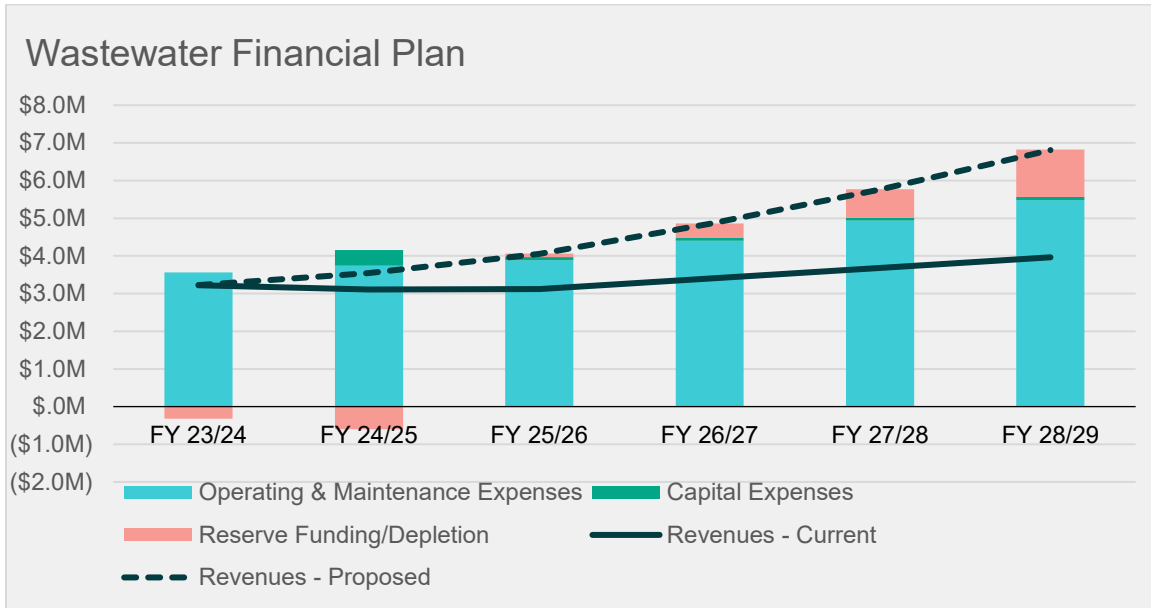
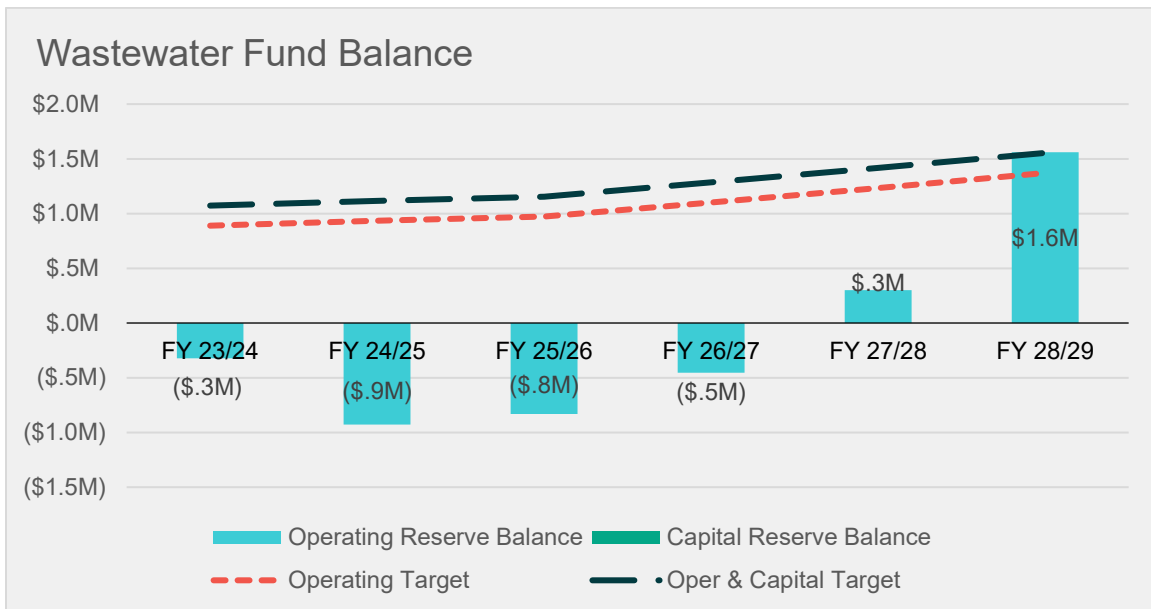


Figure 4-4 Wastewater Fund Balance



4.3. Wastewater Cost of Service Analysis

The Cost of Service (COS) analysis allocates the overall rate revenue requirement to customer classes based on their cost burden to the wastewater system. The COS provides the basis for the proposed wastewater rates through FY 28/29.

The methodology used to develop the COS analysis is informed by the WEF's *Manual of Practice (MOP) No. 27 Financing and Charges for Wastewater Systems*. COS analyses are specific to each wastewater system. The District's COS is simplified because it charges customers based on Equivalent Dwelling Units (EDUs). Therefore, the COS calculates the cost to serve one equivalent dwelling unit.

4.3.1. Wastewater Rate Revenue Requirement Determination

The first step in a COS analysis is to determine the revenue required from wastewater rates. The total revenue requirement results from the wastewater financial plan outlined in Section 4.2, and is shown in **Table 4-12**, below. The revenue requirement is split into operating and capital, which are later allocated based on O&M expenses and capital assets. The revenue requirements (Lines 1-4) include projected FY 24/25 O&M expenses, debt service, and rate-funded CIP expenditures. The non-rate revenue offsets (line 10) include all non-rate revenues. These revenues reduce the final rate revenue requirement. The adjustment for cash balance (line 15) is equal to FY 24/25 negative net operating cash flow under the proposed financial plan, and accounts for the drawdown of operating reserves in FY 24/25.

Table 4-12 Wastewater Rate Revenue Requirement

Line		FY 24/25		
		Operating	Capital	Total
1	Revenue Requirements			
2	O&M Expenses	\$3,735,846		\$3,735,846
3	Debt Service		\$0	\$0
4	Rate Funded CIP		\$420,000	\$420,000
5	Subtotal	\$3,735,846	\$420,000	\$4,155,846
6				
7	Less Revenue Offsets			
8	Interest Income		\$0	\$0
9	Miscellaneous Revenue	\$7,960		\$7,960
10	Subtotal	\$7,960	\$0	\$7,960
11				
12	Less Adjustments			
13	Cash Balance	\$604,384		\$604,384
14	Annual Rev Adjustment	\$0		\$0
15	Subtotal	\$604,384	\$0	\$604,384
16				
17	Rate Revenue Requirement	\$3,123,503	\$420,000	\$3,543,503

4.3.2. Calculation of Unit Cost

The total operating cost and capital cost shown in **Table 4-13**, are from the total rate revenue requirement shown in line 17, **Table 4-12**. The number of EDUs are projected from **Table 4-2**, increasing FY 22/23 EDUs by the growth in **Table 4-6**. The “Charge per EDU” row shows the total charge per sewer equivalent dwelling unit. In the last row, the monthly charge per EDU is shown by dividing the row above by 12.

Table 4-13 Derivation of Cost for one EDU by Cost Component

	Total
Operating Cost	\$3,123,503
Capital Cost	\$420,000
Total Cost of Service	\$3,543,503
Total System EDUs	5,545
Charge per EDU	\$639.04
Monthly Charge per EDU	\$53.25

4.4. Wastewater Proposed Rates

The proposed wastewater rates are calculated based on the COS analysis and the revenue adjustment determined in the proposed financial plan. The proposed rates and the bill impacts based on customer class are presented in this section.

4.4.1. Proposed Rate Schedule

Table 4-14 shows the proposed wastewater rate schedule for the next five years. There is no change to the rate structure or customer classes.

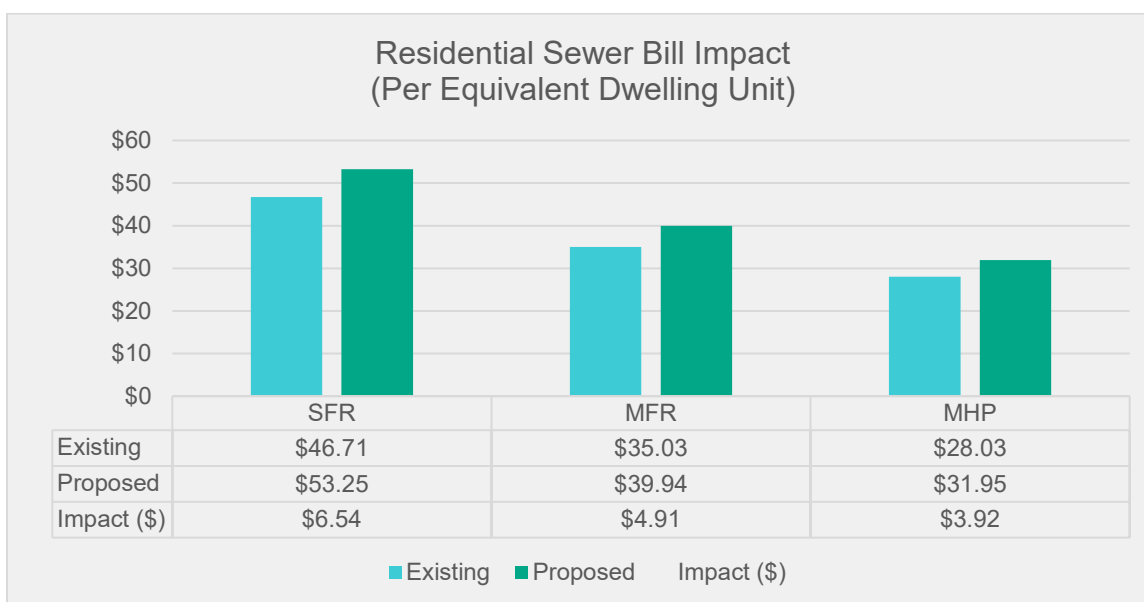
Table 4-14 Proposed Rate Schedule FY 24/25 – FY 28/29

	Current	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
Charge per EDU	\$46.71	\$53.25	\$60.71	\$66.62	\$73.12	\$80.25

4.4.2. Wastewater Bill Impacts

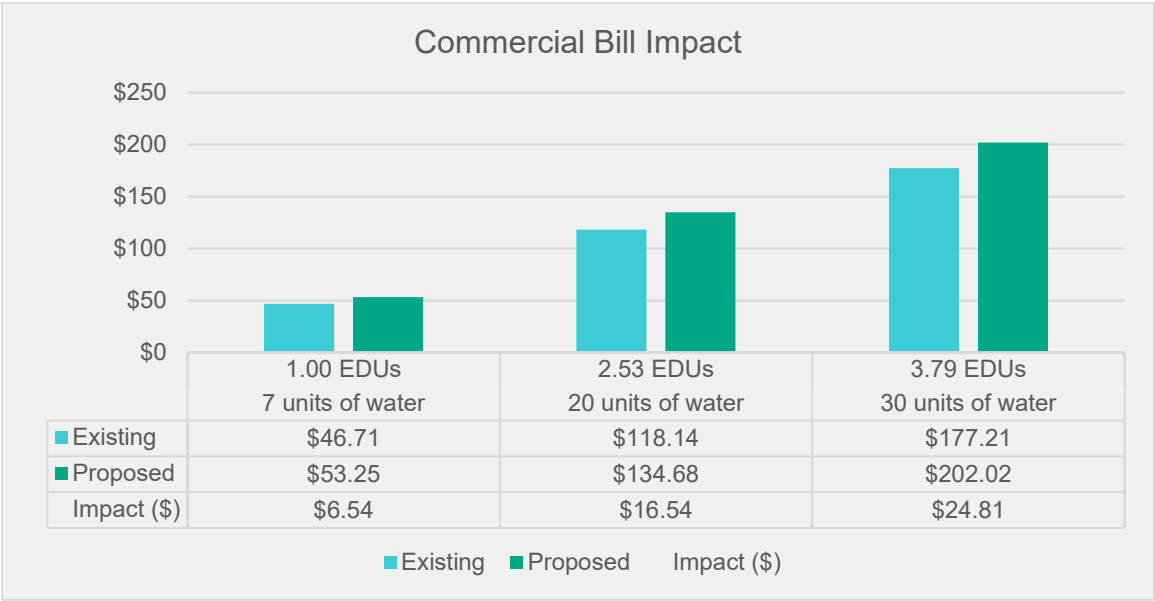
Figure 4-5 presents sample monthly bills for residential customers in FY 24/25. A SFR, MFR, and MHP accounts would see a 14% increase in their proposed monthly water bill, which is equal to the overall revenue increase.

Figure 4-5 Sample Residential Bill Impacts



Sample commercial bills are provided in **Figure 4-6** based on various levels of sewer discharge (water use). Each bill impact is 14%, again equal to the revenue adjustment.

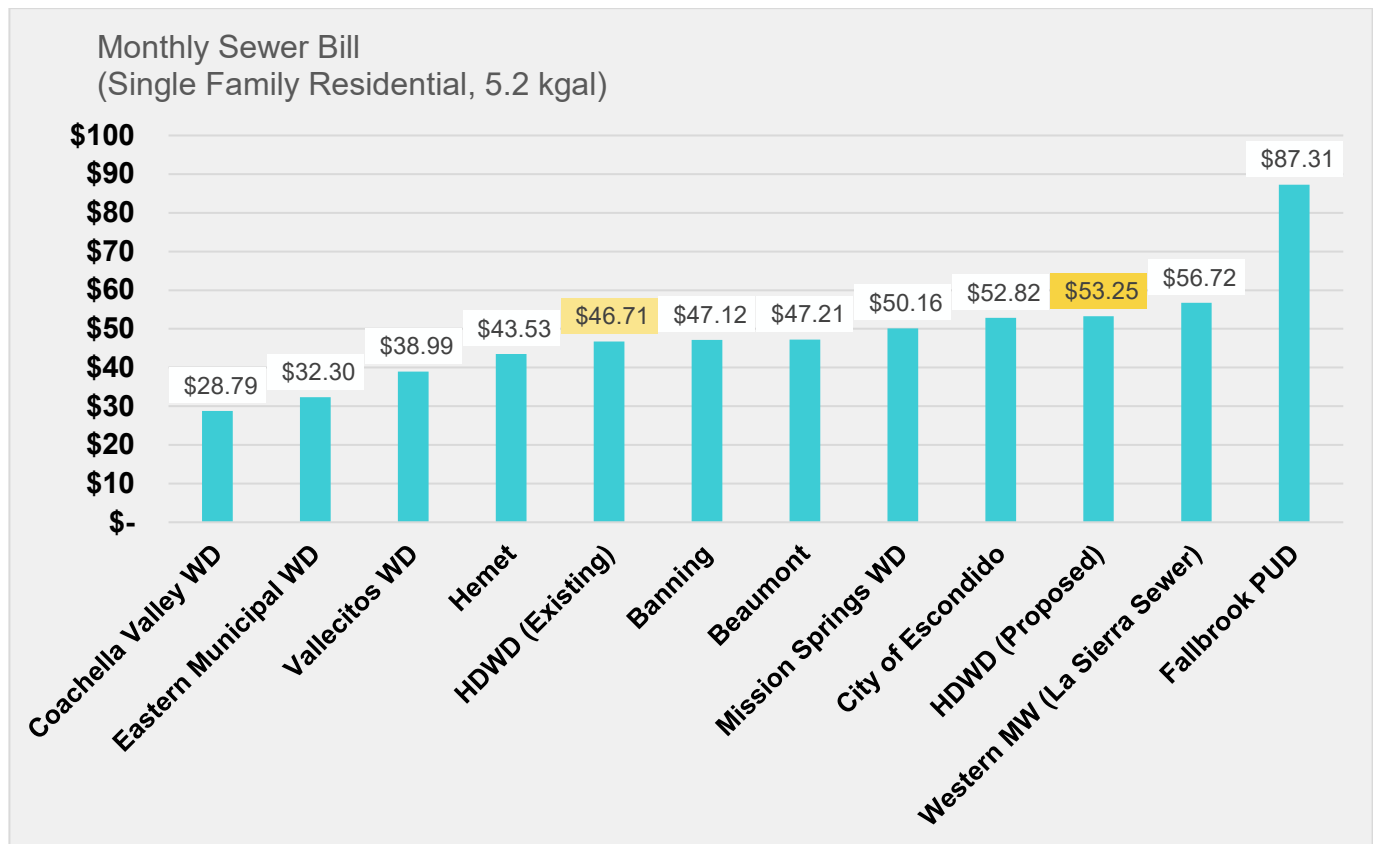
Figure 4-6 Sample Commercial Bill Impact



4.4.3. Wastewater Rate Survey

A comparison to other utilities' wastewater bills is included in **Figure 4-7**. These are current wastewater rates as published on the various utility or city websites and would not include any rate studies that are currently underway.

Figure 4-7 Wastewater Rate Survey



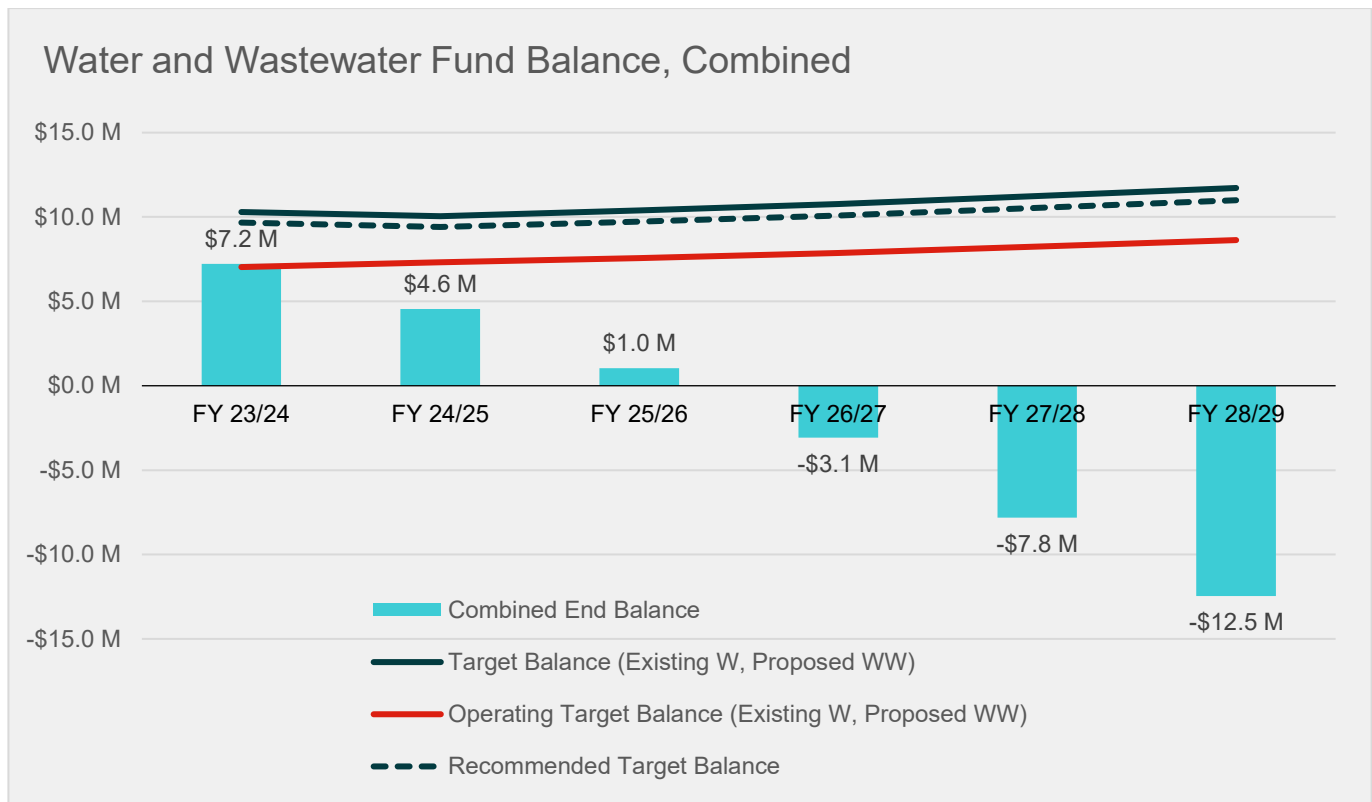
5. Water and Wastewater Combined Reserves and Bill Impacts

Since the District manages both the water and wastewater enterprises and often makes decisions based on its combined (water and wastewater) financial health, the reserves for water and wastewater were combined to account for wastewater fund deficits that would need to be funded by the water enterprise (shown in **Table 5-1**). Under the status quo scenario, without water or wastewater rate adjustments, the combined reserves would fall below proposed operating targets starting in FY 24/25 (shown in **Figure 5-1**).

Table 5-1 Status Quo Combined Reserves FY 24/25 – FY 28/29

	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
Water Reserves	\$7,542,432	\$5,919,640	\$3,238,491	\$203,672	(\$3,220,966)	(\$6,263,280)
Wastewater Reserves	(\$323,664)	(\$1,363,215)	(\$2,201,276)	(\$3,276,273)	(\$4,603,101)	(\$6,197,725)
W/WW Reserves Total	\$7,218,768	\$4,556,425	\$1,037,215	(\$3,072,600)	(\$7,824,067)	(\$12,461,005)

Figure 5-1 Water and Wastewater Fund Balance – Status Quo Scenario



The financial planning sections (3.2.9 and 4.2.10) detail the proposed revenue adjustments for water and wastewater. These adjustments increase the combined reserves to meet the water and wastewater operating targets by the end of the study period (FY 28/29) as shown in **Figure 5-2**. In the interim, the water fund would need to fund wastewater's operating deficit detailed in **Table 5-2**.

Figure 5-2 Water and Wastewater Fund Balance – Proposed Scenario

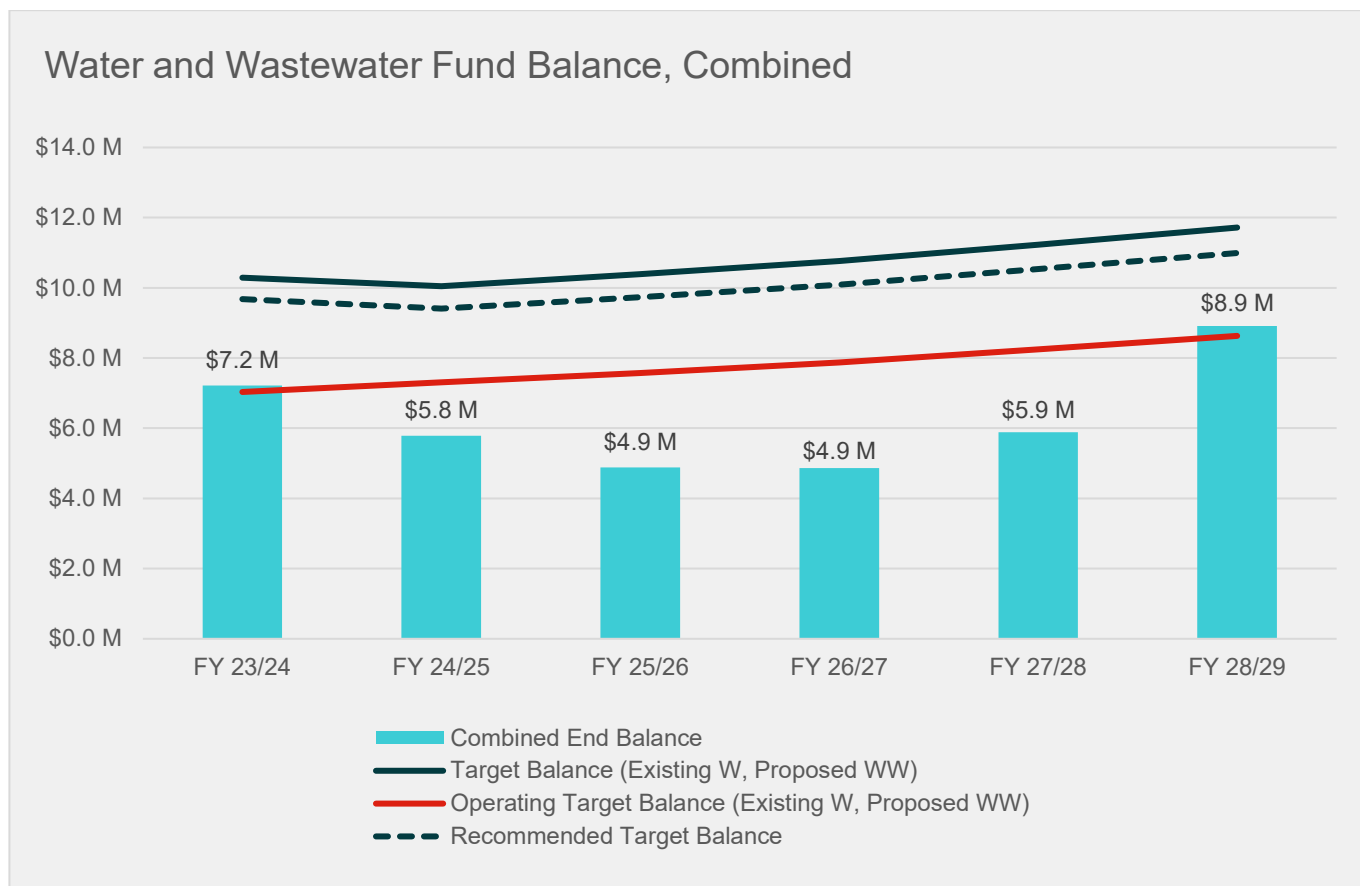
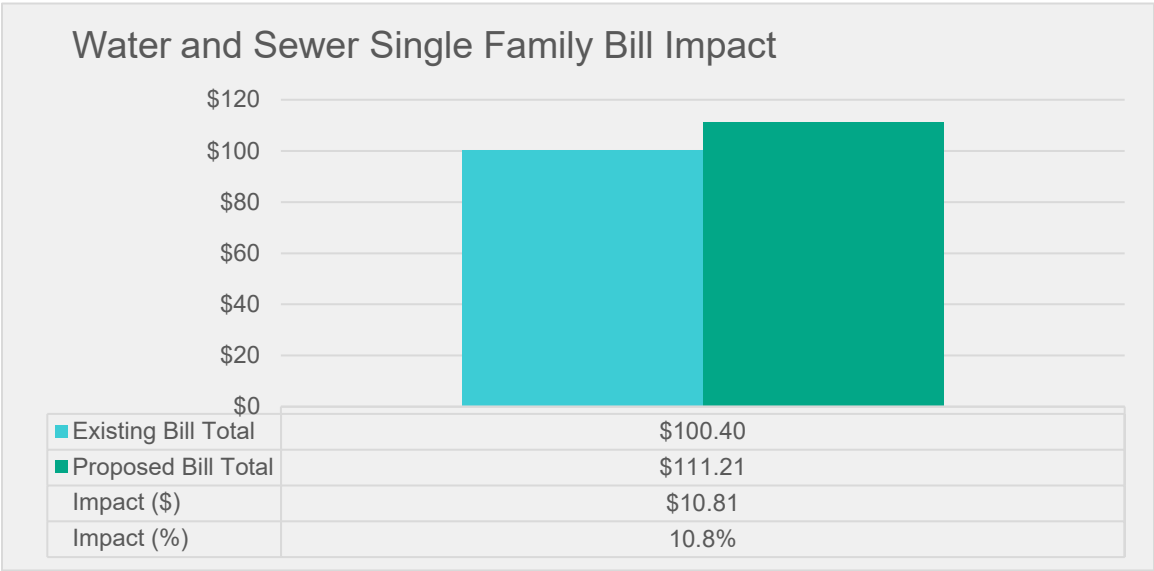


Table 5-2 Proposed Combined Reserves FY 24/25 – FY 28/29

	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
Water Reserves	\$7,542,432	\$6,717,330	\$5,712,083	\$5,318,870	\$5,580,965	\$7,356,912
Wastewater Reserves	(\$323,664)	(\$928,048)	(\$830,653)	(\$455,081)	\$300,298	\$1,560,420
W/WW Reserves Total	\$7,218,768	\$5,789,282	\$4,881,429	\$4,863,789	\$5,881,262	\$8,917,332

The combined bill impact of the proposed revenue adjustments for an average single family customer is provided in **Figure 5-3**.

Figure 5-3 Average Single Family Water and Sewer Bill Impact



APPENDIX A:

Status Quo Financial Plan Tables



WATER FINANCIAL PLAN	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
REVENUES					
Water Consumption Sales	\$6,492,128	\$6,530,317	\$6,568,506	\$6,606,695	\$6,644,884
Monthly Service Charge	\$1,633,327	\$1,639,999	\$1,646,672	\$1,653,344	\$1,660,017
CRP Charge	\$1,796,063	\$1,803,400	\$1,810,738	\$1,818,075	\$1,825,413
Revenues from Current Rates	\$9,921,518	\$9,973,717	\$10,025,916	\$10,078,115	\$10,130,314
Other Operating Revenues					
Delinquent Fees	\$207,916	\$209,995	\$212,095	\$214,216	\$216,358
Returned Checks	\$5,917	\$5,976	\$6,036	\$6,096	\$6,157
Disconnect/Reconnect	\$29,684	\$29,981	\$30,281	\$30,583	\$30,889
Turn On Fee	\$30,569	\$30,874	\$31,183	\$31,495	\$31,810
Standby	\$172,119	\$173,840	\$175,579	\$177,335	\$179,108
Total Other Operating Revenues	\$446,204	\$450,666	\$455,173	\$459,724	\$464,322
Non-Operating Revenues/(Expenses):					
Property taxes and assessments	\$2,140,714	\$2,162,121	\$2,183,743	\$2,205,580	\$2,227,636
Interest earnings	\$66,440	\$45,025	\$16,584	\$0	\$0
Interest expense	\$0	\$0	\$0	\$0	\$0
Other non-operating revenues, net	\$57,608	\$58,184	\$58,766	\$59,354	\$59,948
Total non-operating revenues, net	\$2,264,763	\$2,265,330	\$2,259,093	\$2,264,934	\$2,287,583
TOTAL REVENUES (excl. meter sales and grants)	\$12,632,484	\$12,689,713	\$12,740,181	\$12,802,773	\$12,882,219
Operations & Maintenance Expenses					
Source of supply	\$1,593,864	\$1,613,889	\$1,615,541	\$1,735,041	\$1,863,515
Pumping and water treatment	\$2,593,220	\$2,671,017	\$2,751,147	\$2,833,682	\$2,918,692
Const. & Maint. / CRP (Trans & Dist)	\$2,286,215	\$2,377,664	\$2,448,994	\$2,522,463	\$2,598,137
Field Services (Meters)	\$352,929	\$367,046	\$378,058	\$389,399	\$401,081
Accounting/Billing/Customer Service	\$1,186,054	\$1,233,497	\$1,270,501	\$1,308,617	\$1,347,875
Administrative	\$4,743,894	\$4,933,650	\$5,081,659	\$5,234,109	\$5,391,132
TOTAL O&M EXPENSES	\$12,756,177	\$13,196,762	\$13,545,900	\$14,023,311	\$14,520,433
NET REVENUE	-\$123,692	-\$507,049	-\$805,719	-\$1,220,538	-\$1,638,214
TOTAL DEBT SERVICE	\$0	\$0	\$0	\$0	\$0

WATER FINANCIAL PLAN	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
CIP EXPENDITURES (excl. funded by grants and new dev't)					
PAYGO funded CIP	\$1,549,100	\$2,224,100	\$2,279,100	\$2,254,100	\$1,454,100
TOTAL CIP EXPENDITURES	\$1,549,100	\$2,224,100	\$2,279,100	\$2,254,100	\$1,454,100
NET CASH FLOW	-\$1,672,792	-\$2,731,149	-\$3,084,819	-\$3,474,638	-\$3,092,314
Beginning Balance	\$7,542,432	\$5,919,640	\$3,238,491	\$203,672	-\$3,220,966
Capital Contributions, New installations	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Ending Balance	\$5,919,640	\$3,238,491	\$203,672	-\$3,220,966	-\$6,263,280
Proposed Target Reserves	\$8,291,515	\$8,577,895	\$8,804,835	\$9,115,152	\$9,438,281

WASTEWATER FINANCIAL PLAN	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
REVENUES						
Sewer Consumption Revenue	\$3,225,795	\$3,108,336	\$3,122,349	\$3,402,609	\$3,682,869	\$3,963,129
Revenues from Current Rates	\$3,225,795	\$3,108,336	\$3,122,349	\$3,402,609	\$3,682,869	\$3,963,129
Other Operating Revenues						
Miscellaneous Revenue (FOG)	\$7,960	\$7,960	\$7,960	\$7,960	\$7,960	\$7,960
Total Revenue	\$3,233,755	\$3,116,296	\$3,130,309	\$3,410,569	\$3,690,829	\$3,971,089
O&M						
O&M - Payroll & Benefits	\$1,141,890	\$1,198,985	\$1,246,944	\$1,284,352	\$1,322,883	\$1,362,569
O&M - Operations	\$1,065,090	\$1,118,345	\$1,163,078	\$1,597,971	\$2,045,910	\$2,507,287
O&M - Collection	\$55,638	\$58,976	\$61,925	\$64,402	\$66,334	\$68,324
O&M - Administration	\$1,294,801	\$1,359,541	\$1,413,923	\$1,456,340	\$1,500,031	\$1,545,032
Total	\$3,557,419	\$3,735,846	\$3,885,870	\$4,403,065	\$4,935,157	\$5,483,212
Net Cashflow before Capital	(\$323,664)	(\$619,551)	(\$755,561)	(\$992,497)	(\$1,244,329)	(\$1,512,123)
CIP EXPENDITURES (excl. funded by grants and new dev't)						
Rate Funded Capital Projects	\$0	\$420,000	\$82,500	\$82,500	\$82,500	\$82,500
Total	\$0	\$420,000	\$82,500	\$82,500	\$82,500	\$82,500
Net Cashflow	(\$323,664)	(\$1,039,551)	(\$838,061)	(\$1,074,997)	(\$1,326,829)	(\$1,594,623)
Combined Beginning Balance	\$ -	(\$323,664)	(\$1,363,215)	(\$2,201,276)	(\$3,276,273)	(\$4,603,101)
Combined Ending Balance	(\$323,664)	(\$1,363,215)	(\$2,201,276)	(\$3,276,273)	(\$4,603,101)	(\$6,197,725)
Target Reserves	\$1,072,688	\$1,117,295	\$1,154,801	\$1,284,100	\$1,417,123	\$1,554,136
Operating Reserves	\$889,355	\$933,962	\$971,467	\$1,100,766	\$1,233,789	\$1,370,803
Capital Reserves	\$183,333	\$183,333	\$183,333	\$183,333	\$183,333	\$183,333

APPENDIX B:

Drought Rates



Table B-1 Drought Rates by Percent Usage Reduction FY 24/25

	FY 24/25 Proposed Rates	Stage 1 - 7% Increase	Stage 2 - 15% Increase	Stage 3 - 27% Increase	Stage 4 - 43% Increase	Stage 5 - 68% Increase	Stage 6 - 100% Increase
Residential (SFR, MFR, MHP)							
Tier 1: 0-4 units	\$4.42	\$4.72	\$5.08	\$5.61	\$6.35	\$7.41	\$8.85
Tier 2: 5-11 units	\$7.53	\$8.04	\$8.65	\$9.56	\$10.81	\$12.62	\$15.07
Tier 3: 12 + units	\$8.53	\$9.10	\$9.80	\$10.83	\$12.24	\$14.29	\$17.07
Commercial (COM)							
Tier 1: 0-4 units	\$7.22	\$7.71	\$8.29	\$9.17	\$10.36	\$12.10	\$14.45
Tier 2: 5-11 units	\$7.92	\$8.45	\$9.10	\$10.06	\$11.37	\$13.27	\$15.85
Tier 3: 12 + units	\$7.92	\$8.45	\$9.10	\$10.06	\$11.37	\$13.27	\$15.85
Public (PBE)							
Tier 1: 0-4 units	\$7.22	\$7.71	\$8.29	\$9.17	\$10.36	\$12.10	\$14.45
Tier 2: 5-11 units	\$8.10	\$8.65	\$9.30	\$10.28	\$11.62	\$13.57	\$16.21
Tier 3: 12 + units	\$8.43	\$9.00	\$9.68	\$10.70	\$12.10	\$14.13	\$16.87
Irrigation (IRR)							
Tier 1: 0-4 units	\$7.47	\$7.97	\$8.58	\$9.48	\$10.72	\$12.52	\$14.95
Tier 2: 5-11 units	\$8.30	\$8.86	\$9.53	\$10.54	\$11.91	\$13.91	\$16.61
Tier 3: 12 + units	\$11.47	\$12.24	\$13.17	\$14.56	\$16.46	\$19.22	\$22.96
CIMIS (CIM)							
Tier 1: 0-4 units	\$7.47	\$7.97	\$8.58	\$9.48	\$10.72	\$12.52	\$14.95
Tier 2: 5-11 units	\$8.19	\$8.74	\$9.41	\$10.40	\$11.75	\$13.72	\$16.39
Tier 3: 12 + units	\$8.19	\$8.74	\$9.41	\$10.40	\$11.75	\$13.72	\$16.39
Bulk (BLK)							
Tier 1: 0-4 units	\$7.00	\$7.47	\$8.04	\$8.89	\$10.05	\$11.73	\$14.01
Tier 2: 5-11 units	\$7.63	\$8.14	\$8.76	\$9.69	\$10.95	\$12.79	\$15.27
Tier 3: 12 + units	\$7.92	\$8.45	\$9.10	\$10.06	\$11.37	\$13.27	\$15.85

Table B-2 Drought Rates by Percent Usage Reduction FY 25/26

Customer Class	FY 25/26	Stage 1 - 7% Increase	Stage 2 - 15% Increase	Stage 3 - 27% Increase	Stage 4 - 44% Increase	Stage 5 - 68% Increase	Stage 6 - 100% Increase
SFR							
Tier 1: 0-4 units	\$4.78	\$5.10	\$5.49	\$6.07	\$6.86	\$8.01	\$9.57
Tier 2: 5-11 units	\$8.14	\$8.69	\$9.35	\$10.33	\$11.68	\$13.64	\$16.29
Tier 3: 12 + units	\$9.22	\$9.84	\$10.59	\$11.71	\$13.23	\$15.45	\$18.46
MTF							
Tier 1: 0-4 units	\$4.78	\$5.10	\$5.49	\$6.07	\$6.86	\$8.01	\$9.57
Tier 2: 5-11 units	\$8.14	\$8.69	\$9.35	\$10.33	\$11.68	\$13.64	\$16.29
Tier 3: 12 + units	\$9.22	\$9.84	\$10.59	\$11.71	\$13.23	\$15.45	\$18.46
MHP							
Tier 1: 0-4 units	\$4.78	\$5.10	\$5.49	\$6.07	\$6.86	\$8.01	\$9.57
Tier 2: 5-11 units	\$8.14	\$8.69	\$9.35	\$10.33	\$11.68	\$13.64	\$16.29
Tier 3: 12 + units	\$9.22	\$9.84	\$10.59	\$11.71	\$13.23	\$15.45	\$18.46
COM							
Tier 1: 0-4 units	\$7.80	\$8.33	\$8.96	\$9.90	\$11.19	\$13.07	\$15.61
Tier 2: 5-11 units	\$8.56	\$9.14	\$9.83	\$10.87	\$12.28	\$14.34	\$17.13
Tier 3: 12 + units	\$8.56	\$9.14	\$9.83	\$10.87	\$12.28	\$14.34	\$17.13
PBE							
Tier 1: 0-4 units	\$7.80	\$8.33	\$8.96	\$9.90	\$11.19	\$13.07	\$15.61
Tier 2: 5-11 units	\$8.75	\$9.34	\$10.05	\$11.11	\$12.56	\$14.66	\$17.51
Tier 3: 12 + units	\$9.11	\$9.72	\$10.46	\$11.57	\$13.07	\$15.26	\$18.24
IRR							
Tier 1: 0-4 units	\$8.07	\$8.61	\$9.27	\$10.25	\$11.58	\$13.52	\$16.15
Tier 2: 5-11 units	\$8.97	\$9.57	\$10.30	\$11.39	\$12.87	\$15.03	\$17.96
Tier 3: 12 + units	\$12.39	\$13.22	\$14.23	\$15.73	\$17.78	\$20.76	\$24.80
CIM							
Tier 1: 0-4 units	\$8.07	\$8.61	\$9.27	\$10.25	\$11.58	\$13.52	\$16.15
Tier 2: 5-11 units	\$8.85	\$9.45	\$10.16	\$11.24	\$12.70	\$14.83	\$17.72
Tier 3: 12 + units	\$8.85	\$9.45	\$10.16	\$11.24	\$12.70	\$14.83	\$17.72
BLK							
Tier 1: 0-4 units	\$7.56	\$8.07	\$8.68	\$9.60	\$10.85	\$12.67	\$15.13
Tier 2: 5-11 units	\$8.25	\$8.81	\$9.47	\$10.47	\$11.84	\$13.82	\$16.51
Tier 3: 12 + units	\$8.56	\$9.14	\$9.83	\$10.87	\$12.28	\$14.34	\$17.13

Table B-3 Drought Rates by Percent Usage Reduction FY 26/27

Customer Class	FY 26/27	Stage 1 - 7% Increase	Stage 2 - 15% Increase	Stage 3 - 27% Increase	Stage 4 - 44% Increase	Stage 5 - 68% Increase	Stage 6 - 100% Increase
SFR							
Tier 1: 0-4 units	\$5.17	\$5.52	\$5.94	\$6.57	\$7.42	\$8.67	\$10.35
Tier 2: 5-11 units	\$8.80	\$9.39	\$10.11	\$11.17	\$12.63	\$14.75	\$17.62
Tier 3: 12 + units	\$9.96	\$10.63	\$11.44	\$12.64	\$14.29	\$16.69	\$19.94
MTF							
Tier 1: 0-4 units	\$5.17	\$5.52	\$5.94	\$6.57	\$7.42	\$8.67	\$10.35
Tier 2: 5-11 units	\$8.80	\$9.39	\$10.11	\$11.17	\$12.63	\$14.75	\$17.62
Tier 3: 12 + units	\$9.96	\$10.63	\$11.44	\$12.64	\$14.29	\$16.69	\$19.94
MHP							
Tier 1: 0-4 units	\$5.17	\$5.52	\$5.94	\$6.57	\$7.42	\$8.67	\$10.35
Tier 2: 5-11 units	\$8.80	\$9.39	\$10.11	\$11.17	\$12.63	\$14.75	\$17.62
Tier 3: 12 + units	\$9.96	\$10.63	\$11.44	\$12.64	\$14.29	\$16.69	\$19.94
COM							
Tier 1: 0-4 units	\$8.43	\$9.00	\$9.68	\$10.70	\$12.10	\$14.13	\$16.87
Tier 2: 5-11 units	\$9.25	\$9.87	\$10.62	\$11.74	\$13.27	\$15.50	\$18.52
Tier 3: 12 + units	\$9.25	\$9.87	\$10.62	\$11.74	\$13.27	\$15.50	\$18.52
PBE							
Tier 1: 0-4 units	\$8.43	\$9.00	\$9.68	\$10.70	\$12.10	\$14.13	\$16.87
Tier 2: 5-11 units	\$9.45	\$10.09	\$10.85	\$12.00	\$13.56	\$15.83	\$18.92
Tier 3: 12 + units	\$9.84	\$10.50	\$11.30	\$12.49	\$14.12	\$16.49	\$19.70
IRR							
Tier 1: 0-4 units	\$8.72	\$9.31	\$10.01	\$11.07	\$12.51	\$14.61	\$17.45
Tier 2: 5-11 units	\$9.69	\$10.34	\$11.13	\$12.30	\$13.90	\$16.24	\$19.40
Tier 3: 12 + units	\$13.39	\$14.29	\$15.37	\$17.00	\$19.21	\$22.43	\$26.80
CIM							
Tier 1: 0-4 units	\$8.72	\$9.31	\$10.01	\$11.07	\$12.51	\$14.61	\$17.45
Tier 2: 5-11 units	\$9.56	\$10.20	\$10.98	\$12.14	\$13.72	\$16.02	\$19.14
Tier 3: 12 + units	\$9.56	\$10.20	\$10.98	\$12.14	\$13.72	\$16.02	\$19.14
BLK							
Tier 1: 0-4 units	\$8.17	\$8.72	\$9.38	\$10.37	\$11.72	\$13.69	\$16.35
Tier 2: 5-11 units	\$8.91	\$9.51	\$10.23	\$11.31	\$12.79	\$14.93	\$17.84
Tier 3: 12 + units	\$9.25	\$9.87	\$10.62	\$11.74	\$13.27	\$15.50	\$18.52

Table B-4 Drought Rates by Percent Usage Reduction FY 27/28

Customer Class	FY 27/28	Stage 1 - 7% Increase	Stage 2 - 15% Increase	Stage 3 - 27% Increase	Stage 4 - 44% Increase	Stage 5 - 68% Increase	Stage 6 - 100% Increase
SFR							
Tier 1: 0-4 units	\$5.59	\$5.97	\$6.42	\$7.10	\$8.02	\$9.37	\$11.19
Tier 2: 5-11 units	\$9.51	\$10.15	\$10.92	\$12.07	\$13.65	\$15.93	\$19.04
Tier 3: 12 + units	\$10.76	\$11.48	\$12.36	\$13.66	\$15.44	\$18.03	\$21.54
MTF							
Tier 1: 0-4 units	\$5.59	\$5.97	\$6.42	\$7.10	\$8.02	\$9.37	\$11.19
Tier 2: 5-11 units	\$9.51	\$10.15	\$10.92	\$12.07	\$13.65	\$15.93	\$19.04
Tier 3: 12 + units	\$10.76	\$11.48	\$12.36	\$13.66	\$15.44	\$18.03	\$21.54
MHP							
Tier 1: 0-4 units	\$5.59	\$5.97	\$6.42	\$7.10	\$8.02	\$9.37	\$11.19
Tier 2: 5-11 units	\$9.51	\$10.15	\$10.92	\$12.07	\$13.65	\$15.93	\$19.04
Tier 3: 12 + units	\$10.76	\$11.48	\$12.36	\$13.66	\$15.44	\$18.03	\$21.54
COM							
Tier 1: 0-4 units	\$9.11	\$9.72	\$10.46	\$11.57	\$13.07	\$15.26	\$18.24
Tier 2: 5-11 units	\$9.99	\$10.66	\$11.47	\$12.68	\$14.34	\$16.74	\$20.00
Tier 3: 12 + units	\$9.99	\$10.66	\$11.47	\$12.68	\$14.34	\$16.74	\$20.00
PBE							
Tier 1: 0-4 units	\$9.11	\$9.72	\$10.46	\$11.57	\$13.07	\$15.26	\$18.24
Tier 2: 5-11 units	\$10.21	\$10.90	\$11.72	\$12.96	\$14.65	\$17.11	\$20.44
Tier 3: 12 + units	\$10.63	\$11.34	\$12.21	\$13.49	\$15.25	\$17.81	\$21.28
IRR							
Tier 1: 0-4 units	\$9.42	\$10.05	\$10.82	\$11.96	\$13.52	\$15.78	\$18.86
Tier 2: 5-11 units	\$10.47	\$11.17	\$12.02	\$13.29	\$15.02	\$17.54	\$20.96
Tier 3: 12 + units	\$14.47	\$15.44	\$16.61	\$18.37	\$20.76	\$24.24	\$28.96
CIM							
Tier 1: 0-4 units	\$9.42	\$10.05	\$10.82	\$11.96	\$13.52	\$15.78	\$18.86
Tier 2: 5-11 units	\$10.33	\$11.02	\$11.86	\$13.11	\$14.82	\$17.31	\$20.68
Tier 3: 12 + units	\$10.33	\$11.02	\$11.86	\$13.11	\$14.82	\$17.31	\$20.68
BLK							
Tier 1: 0-4 units	\$8.83	\$9.42	\$10.14	\$11.21	\$12.67	\$14.80	\$17.68
Tier 2: 5-11 units	\$9.63	\$10.28	\$11.06	\$12.23	\$13.82	\$16.14	\$19.28
Tier 3: 12 + units	\$9.99	\$10.66	\$11.47	\$12.68	\$14.34	\$16.74	\$20.00

Table B-5 Drought Rates by Percent Usage Reduction FY 28/29

Customer Class	FY 28/29	Stage 1 - 7% Increase	Stage 2 - 15% Increase	Stage 3 - 27% Increase	Stage 4 - 44% Increase	Stage 5 - 68% Increase	Stage 6 - 100% Increase
SFR							
Tier 1: 0-4 units	\$6.04	\$6.45	\$6.94	\$7.67	\$8.67	\$10.12	\$12.09
Tier 2: 5-11 units	\$10.28	\$10.97	\$11.80	\$13.05	\$14.75	\$17.22	\$20.58
Tier 3: 12 + units	\$11.63	\$12.41	\$13.35	\$14.76	\$16.69	\$19.49	\$23.28
MTF							
Tier 1: 0-4 units	\$6.04	\$6.45	\$6.94	\$7.67	\$8.67	\$10.12	\$12.09
Tier 2: 5-11 units	\$10.28	\$10.97	\$11.80	\$13.05	\$14.75	\$17.22	\$20.58
Tier 3: 12 + units	\$11.63	\$12.41	\$13.35	\$14.76	\$16.69	\$19.49	\$23.28
MHP							
Tier 1: 0-4 units	\$6.04	\$6.45	\$6.94	\$7.67	\$8.67	\$10.12	\$12.09
Tier 2: 5-11 units	\$10.28	\$10.97	\$11.80	\$13.05	\$14.75	\$17.22	\$20.58
Tier 3: 12 + units	\$11.63	\$12.41	\$13.35	\$14.76	\$16.69	\$19.49	\$23.28
COM							
Tier 1: 0-4 units	\$9.84	\$10.50	\$11.30	\$12.49	\$14.12	\$16.49	\$19.70
Tier 2: 5-11 units	\$10.79	\$11.52	\$12.39	\$13.70	\$15.48	\$18.08	\$21.60
Tier 3: 12 + units	\$10.79	\$11.52	\$12.39	\$13.70	\$15.48	\$18.08	\$21.60
PBE							
Tier 1: 0-4 units	\$9.84	\$10.50	\$11.30	\$12.49	\$14.12	\$16.49	\$19.70
Tier 2: 5-11 units	\$11.03	\$11.77	\$12.67	\$14.00	\$15.83	\$18.48	\$22.08
Tier 3: 12 + units	\$11.49	\$12.26	\$13.19	\$14.59	\$16.49	\$19.25	\$23.00
IRR							
Tier 1: 0-4 units	\$10.18	\$10.86	\$11.69	\$12.92	\$14.61	\$17.06	\$20.38
Tier 2: 5-11 units	\$11.31	\$12.07	\$12.99	\$14.36	\$16.23	\$18.95	\$22.64
Tier 3: 12 + units	\$15.63	\$16.68	\$17.95	\$19.84	\$22.43	\$26.19	\$31.28
CIM							
Tier 1: 0-4 units	\$10.18	\$10.86	\$11.69	\$12.92	\$14.61	\$17.06	\$20.38
Tier 2: 5-11 units	\$11.16	\$11.91	\$12.82	\$14.17	\$16.01	\$18.70	\$22.34
Tier 3: 12 + units	\$11.16	\$11.91	\$12.82	\$14.17	\$16.01	\$18.70	\$22.34
BLK							
Tier 1: 0-4 units	\$9.54	\$10.18	\$10.96	\$12.11	\$13.69	\$15.99	\$19.10
Tier 2: 5-11 units	\$10.41	\$11.11	\$11.95	\$13.22	\$14.94	\$17.44	\$20.84
Tier 3: 12 + units	\$10.79	\$11.52	\$12.39	\$13.70	\$15.48	\$18.08	\$21.60

ORDINANCE NO. 90

AN ORDINANCE OF THE BOARD OF DIRECTORS OF HI-DESERT WATER DISTRICT ESTABLISHING RATES FOR WATER SERVICE CHARGES AND TAKING OTHER ACTIONS RELATED THERETO

WHEREAS, on December 18, 2002, the Board of Directors of the Hi-Desert Water District (“District”) adopted Ordinance 73, establishing rules and regulations for the provision of retail water service and providing among other things, that the Board of Directors shall from time to time establish rates and charges for services provided by the District; and

WHEREAS, on January 22, 2020, the Board of Directors of the District adopted Ordinance No. 89 Establishing Rates for Water Service Charges (“Water Service Charges”); and

WHEREAS, due to increased costs of water, energy, supplies, and equipment, the District engaged an independent rate consultant to conduct a cost-of-service study (the “Rate Study”) to evaluate the service and infrastructure needs, programs, and operations and maintenance costs of the District’s water system (“System”); and

WHEREAS, the Rate Study concluded that the revenues from the District’s Water Service Charges will be insufficient to cover (i) current and projected operations and maintenance costs for the System; and (ii) the capital infrastructure improvements needed to maintain, repair, and update the System; and

WHEREAS, the District has determined that increases to the schedule of rates for its Water Service Charges are necessary for a five-year period to generate revenues sufficient to cover the District’s ongoing costs of operations, maintenance, and infrastructure improvements for the System; and

WHEREAS, the proposed rate structure for the Water Service Charges establishes various customer classes which are identified on the basis of land use type, service characteristics, and demand patterns for such parcels of property. The specific customer classes are: Residential (which includes single-family residential (“SFR”), multi-family residential (“MFR”), mobile home park (“MHP”)), Public (“PBE”), Commercial (“COM”), Irrigation (“IRR”), Bulk (“BLK”), and California Irrigation Management Information System (“CIMIS” or “CIM”); and

WHEREAS, the District’s rates for Water Service Charges are calculated to recover the costs of the District in providing water services and to proportionately allocate those costs among the customer classes; and

WHEREAS, the rate structure for Water Service Charges for all customer classes includes two components: (1) Monthly Fixed Charge; (2) Volumetric Rates; and (3) Drought Rates, which will be imposed only in the event of declared water shortage stage necessitating demand reduction, in order to ensure revenue sufficiency; and

WHEREAS, the schedule of proposed Water Service Charges is attached hereto as Exhibit A, and by this reference incorporated herein; and



WHEREAS, the District has determined that other than the rates for the Water Service Charges as set forth herein, and the rates and charges for sewer service being considered at this same meeting pursuant to a separate ordinance, the rates for all other fees and charges of the District do not need to be increased at this time and shall remain in full force and effect until otherwise modified by the Board of Directors; and

WHEREAS, the revenues derived from the proposed Water Service Charges will not exceed the funds required to provide the water services and shall be used exclusively for the System; and

WHEREAS, the proposed Water Service Charges will not exceed the proportional cost of the service attributable to each parcel upon which they are proposed for imposition; and

WHEREAS, the proposed Water Service Charges will not be imposed on a parcel unless the water services are actually used by, or immediately available to, the parcel; and

WHEREAS, the District, as the lead agency under the California Environmental Quality Act ("CEQA"), in consultation with the District's Legal Counsel, determined that this Ordinance is exempt from CEQA review under Public Resources Code section 21080(B)(8) and State CEQA Guidelines section 15273 because the Water Service Charges are necessary and reasonable to fund the administration, operation, maintenance, and improvements of the System and will not result in the expansion of the System; and

WHEREAS, California Constitution Article XIII D, Section 6 ("Article XIII D") requires that prior to imposing any increase to the Water Service Charges, the District shall provide written notice ("Notice") by mail of the proposed increases to such rates and charges to the record owner of each parcel upon which the rates and charges are proposed for imposition and any tenant directly liable for payment of the rates and charges, the amount of the rates and charges proposed to be imposed on each parcel, the basis upon which the rates and charges were calculated, the reason for the rates and charges, and the date, time, and location of a public hearing ("Hearing") on the proposed rates and charges; and

WHEREAS, pursuant to Article XIII D such Notice is required to be provided to the affected property owners and any tenant directly liable for the payment of the rates and charges not less than forty-five days prior to the Hearing on the proposed rates and charges; and

WHEREAS, the District did provide such Notice to the affected property owners and tenants directly liable for payment of the proposed Water Service Charges in compliance with Article XIII D; and

WHEREAS, the Hearing was held on this day, August 21, 2024; and

WHEREAS, at the Hearing, the District's Board of Directors heard and considered all oral testimony, written materials, and written protests concerning the establishment and imposition of the proposed rates for the Water Service Charges, and at the close of the Hearing, the District did not receive written protests against the establishment and imposition of the proposed rates for the Water Service Charges from a majority of the affected property owners and tenants directly liable for the payment of the Water Service Charges; and



WHEREAS, the Board of Directors of the District now desires to establish and impose the proposed rates for the Water Service Charges.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE HI-DESERT WATER DISTRICT AS FOLLOWS:

SECTION 1. The District Board of Directors finds and determines that the foregoing Recitals are true and correct and incorporates the Recitals herein.

SECTION 2. The Board of Directors hereby adopts, establishes and imposes the Water Service Charges set forth in Exhibit A, effective on the dates, at the rates, and in the amounts set forth therein.

SECTION 3. The District Administrative Code shall be amended as provided in Exhibit A of this Ordinance.

SECTION 4. The Board of Directors hereby finds that the administration, operation, maintenance, and improvements of the System, which are to be funded by the Water Service Charges set forth herein, are necessary to maintain service within the District's existing service area. The Board of Directors finds that the administration, operation, maintenance, and improvements of the System, to be funded by the Water Service Charges set forth herein, will not expand the System. The Board of Directors further finds that such Water Service Charges are necessary and reasonable to fund the administration, operation, maintenance, and improvements of the System. Based on these findings, the Board of Directors hereby determines that the Ordinance is exempt from the requirements of CEQA pursuant to California Public Resources Code section 21080(b)(8) and State CEQA Guidelines section 15273(a).

SECTION 5. The documents and materials that constitute the record of proceedings on which these findings have been based are located at Hi-Desert Water District, 55439 29 Palms Highway, Yucca Valley, California 92284. The custodian for these records is the General Manager of the District.

SECTION 6. The Board of Directors hereby authorizes and directs the General Manager to implement and take all actions necessary to effectuate the rates for the Water Service Charges set forth herein and to file a Notice of Exemption with the County Clerk for San Bernardino County within five (5) working days of the date of the adoption of this Ordinance.

SECTION 7. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of the Ordinance or any part thereof. The Board of Directors hereby declares that it would have adopted each section irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 8. The Ordinance shall supersede all other previous District resolutions and ordinances that may conflict, or be contrary to, this Ordinance.



SECTION 9. The Ordinance shall become effective immediately upon its adoption by the Board of Directors.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Hi-Desert Water District at a regular meeting held on August 21, 2024 by the following votes:

AYES: Hough, Stadum, McKone, Tsuda, Mayes

NOES: None

ABSTAIN: None

ABSENT: None

Scot McKone

Scot McKone, President of the Hi-Desert Water District and its Board of Directors

ATTEST:

Tony Culver

Tony Culver, Secretary of the Hi-Desert Water District and its Board of Directors

(SEAL)



EXHIBIT A

6.15.080 Water service charge.

The monthly water service charges shall be imposed by the district at the rates set forth herein on any customer as a condition of service. Any water customer of an undeveloped parcel may avoid such payment of such water service charges by withdrawing his or her request for service, disconnecting from district facilities by removing the water meter from his or her property, and otherwise terminating district service in accordance with the district's rules and regulations. A water customer of an undeveloped parcel can disconnect from the water system if his or her water meter is removed by the district. The district will reimburse the amount of any acquisition of service charge previously paid by the customer to the district, less any administrative costs of the district associated with such reimbursement. Upon removal of the water meter, the customer shall be responsible for paying the district an annual standby charge at the rates then in effect. In the event the customer chooses to reconnect to the district's water system at a later date, the customer shall pay the district an acquisition service charge at the rate then in effect.

The monthly water service charge shall be as follows:

Table 6.15.080
Rates for Monthly Fixed Charge per Meter Size

Meter Size	FY2024	FY2025	FY2026	FY2027	FY2028
Effective Date	Sept 1, 2024	July 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028
5/8-inch	\$25.22	\$27.24	\$29.42	\$31.78	\$34.33
1-inch	\$53.39	\$57.67	\$62.29	\$67.82	\$72.67
1 1/2-inch	\$100.35	\$108.38	\$117.06	\$126.43	\$136.55
2-inch	\$156.70	\$169.24	\$182.78	\$197.41	\$213.21
3-inch	\$306.97	\$331.53	\$358.06	\$386.71	\$417.65
4-inch	\$476.02	\$514.11	\$555.24	\$599.66	\$647.64
6-inch	\$945.61	\$1,021.26	\$1,102.97	\$1,191.21	\$1,286.51

~~Units in mobile home parks shall be considered as 0.60 of a single family residence. Multifamily shall be considered as 0.72 of a single family residence. [Ord. 89 § 2 (Exh. A), 2020; Ord. 84 § 2, 2012; Ord. 83 § 5, 2011; amended by district 10/2011; Ord. 79 §§ 3 (Exh. A), 6, 2009; Res. 07-19; Res. 05-04 § 8.0].~~

6.15.090 Encompass clause.

Any rates, fees, or charges made for fire protection service to residential properties shall be established at the same meter size required by the district for the property, regardless of fire department requirements. [Res. 10-18; Res. 10-06; Res. 10-01; Res. 05-04 § 30.0].

6.15.100 Water consumption charge.

The monthly water consumption charge per unit (100 cubic feet) shall be as follows:



Table 6.15.100
Volumetric Rates per Hundred Cubic Feet (hcf)*

Customer Class Tiers	FY 24/25 Sept 1, 2024	FY 25/26 July 1, 2025	FY 26/27 July 1, 2026	FY 27/28 July 1, 2027	FY 28/29 July 1, 2028
Residential (SFR, MFR, MHP)¹					
Tier 1: 0-4 units	\$4.42	\$4.78	\$5.17	\$5.59	\$6.04
Tier 2: 5-11 units	\$7.53	\$8.14	\$8.80	\$9.51	\$10.28
Tier 3: 12 + units	\$8.53	\$9.22	\$9.96	\$10.76	\$11.63
Commercial (COM)					
Tier 1: 0-4 units	\$7.22	\$7.80	\$8.43	\$9.11	\$9.84
Tier 2: 5-11 units	\$7.92	\$8.56	\$9.25	\$9.99	\$10.79
Tier 3: 12 + units	\$7.92	\$8.56	\$9.25	\$9.99	\$10.79
Public (PBE)					
Tier 1: 0-4 units	\$7.22	\$7.80	\$8.43	\$9.11	\$9.84
Tier 2: 5-11 units	\$8.10	\$8.75	\$9.45	\$10.21	\$11.03
Tier 3: 12 + units	\$8.43	\$9.11	\$9.84	\$10.63	\$11.49
Irrigation (IRR)					
Tier 1: 0-4 units	\$7.47	\$8.07	\$8.72	\$9.42	\$10.18
Tier 2: 5-11 units	\$8.30	\$8.97	\$9.69	\$10.47	\$11.31
Tier 3: 12 + units	\$11.47	\$12.39	\$13.39	\$14.47	\$15.63
CIMIS (CIM)					
Tier 1: 0-4 units	\$7.47	\$8.07	\$8.72	\$9.42	\$10.18
Tier 2: 5-11 units	\$8.19	\$8.85	\$9.56	\$10.33	\$11.16
Tier 3: 12 + units	\$8.19	\$8.85	\$9.56	\$10.33	\$11.16
Bulk (BLK)					
Tier 1: 0-4 units	\$7.00	\$7.56	\$8.17	\$8.83	\$9.54
Tier 2: 5-11 units	\$7.63	\$8.25	\$8.91	\$9.63	\$10.41
Tier 3: 12 + units	\$7.92	\$8.56	\$9.25	\$9.99	\$10.79

* One hundred cubic feet is equivalent to 748 gallons of water.

¹ MFR and MHP have revised tiers based on unit count. For example: An apartment with 6 dwelling units would have a Tier 1 threshold of 24 units of water (6 dwelling units x 4 units of water each)



Tier Thresholds

Tiers	Units
Tier 1	4 hcf
Tier 2	11 hcf
Tier 3	12+ hcf

[Ord. 89 § 2 (Exh. A), 2020; amended by district 10/2011; Ord. 79 § 3 (Exh. A), 2009; Res. 07-19; Res. 05-04 § 9.0].

DELETE SECTION - CRP charge now included in monthly service charge.

~~6.15.120 Capital replacement charge.~~

~~A. The monthly capital replacement charge shall be as follows:~~

~~Capital Replacement Charge (Based on Meter Size) Effective October 1, 2011~~

FR/COM/PBE Customers	
5/8"	\$7.50
1"	\$15.00
1 1/2"	\$22.50
2"	\$37.50
3"	\$82.50
4"	\$127.50
6"	\$247.50
MHP Customers	
1st unit*	\$7.50
Each additional unit	\$4.50
MTF Customers	
1st unit**	\$7.50
Each additional unit	\$5.40

~~* In the case of an MHP customer, a unit refers to a mobile home dwelling unit.~~

~~** In the case of an MTF customer, a unit refers to a multifamily dwelling unit.~~

~~B. Residential services containing an excess of one unit of service shall be billed at the five-eighths by three-fourths inch rate for each unit. The units shall be determined as follows:~~

~~1. Mobile home parks shall be equal to one unit plus 0.60 units for each additional occupied space.~~

~~2. Multifamily dwellings shall be equal to one unit plus 0.72 units for each additional occupied space. [Ord. 83 § 2 (Exh. A), 2011; Ord. 81 § 2 (Exh. A), 2010; Ord. 80 § 2 (Exh. A), 2010; Ord. 79 § 3 (Exh. A), 2009; Res. 05-04 § 11.0].~~

DROUGHT RATES

Drought rates allow the District to recover fixed costs when customers curtail water use during a



drought. The percent reduction in water demand during each water shortage emergency stage is defined in the District's Water Shortage Contingency Plan, approved by the Board as a part of the *2020 Urban Water Management Plan* and Municipal Code.

Volumetric Rate Increase by Stage of Shortage

Stages of Shortage	Description	Volumetric Rate Increase
Stage 1	Water Alert	7%
Stage 2	Moderate Water Shortage	15%
Stage 3	Severe Water Shortage	27%
Stage 4	Critical Water Shortage	43%
Stage 5	Water Shortage Crisis	68%
Stage 6	Emergency Water Shortage	100%

The Board would adopt the drought rates separately from any other type of rate increase. For the duration of the rate proposal period (5 years), the Board will have the ability to adopt drought rates by increasing the then-current commodity rate without having to re-issue the Proposition 218 notice if it provides the percentage increases in the public notice.



LANDOWNER CONSENT FORM

Local Agency Formation Commission For San Bernardino County

I (We), CONNOR BAUMAN, consent to the
annexation/ reorganization of my (our) property located at:
[REDACTED], YUCCA VALLEY, CA 92284
which is identified as Assessor's Parcel Number(s)
0585-273-04-0-000,
to the HI-DESERT WATER DISTRICT
(name of agency)

Signature(s):



Address:

[REDACTED]

City, State, Zip

SAN CLEMENTE, CA 92672

Date Signed:

3/27/2025

*If a corporation or company owns the property, please provide with
this form authorization from the entity for the signer to sign on its
behalf.*

TOM DODSON & ASSOCIATES

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

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

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



MEMORANDUM

July 9, 2025

Mr. Samuel Martinez
Executive Officer
Local Agency Formation Commission
1601 East 3rd Street, Suite 120
San Bernardino, CA 92415-0490

Dear Sam:

LAFCO's 3276 and 3277 consist of applications from Hi-Desert Water District (District) for a Sphere of Influence Amendment (Expansion) and Annexation to the District. The specific action before the Local Agency Formation Commission (LAFCO or Commission) consists of a request by the District to extend water service to a proposed mini-storage facility that will occupy an approximate 2.3 acre portion of a 9.46-acre parcel. The proposed actions will affect Assessor Parcel Number 0585-273-04 which is generally located south of 29 Palms Highway (State Highway 62) and west of Shafter Avenue on the west side of the District's service area. If the Commission approves LAFCO's 3276 and 3277, the project can move forward with development of an approximate 163 space personal mini-storage facility on the project site, under San Bernardino County jurisdiction, and connect to the District's water distribution system.

The County prepared an Initial Study and adopted a Mitigated Negative Declaration (MND) for this project to comply with the California Environmental Quality Act (CEQA) in February 2024. This document addressed the whole of the project as it is defined above, which resulted in issuance of a Minor Use Permit being approved at that time. The connection of the project to the District's water system was addressed at a very general level as part of the overall project evaluated in the Initial Study. A Notice of Determination was processed for the County project in February 2024.

LAFCO Staff concurs with this decision and supports the connection of the mini-storage facility to the District's water system. The Initial Study concluded that implementation of the proposed project would not result in significant adverse impacts to the environment and brought forward several project specific mitigation measures for implementation. None of these measures is the responsibility of the Commission. Therefore, I am recommending that the Commission consider the adopted Initial Study/Mitigated Negative Declaration (IS/MND) as a CEQA Responsible

Agency and as the appropriate CEQA environmental determination for LAFCO's 3276 and 3277.

Thus, after independent review of the proposed actions, this proposed sphere of influence amendment (expansion) and annexation to the District 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 approval of this action. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO's 3276 and 3277, acting as a CEQA Responsible Agency:

1. Indicate that the Commission Staff and environmental consultant have independently reviewed the County's IS/MND and found it adequate for the proposal contained in LAFCO's 3276 and 3277.
2. The Commission needs to indicate that it has considered the IS/MND and environmental effects, prior to reaching a decision on the project, and finds the information substantiating the MND adequate for approval of the out-of-agency service extension proposal contained in these applications.
3. The Commission should indicate that it does not intend to adopt alternatives or other mitigation measures for this project. The mitigation measures required for this project will remain the responsibility of the County to implement.
4. File new Notices of Determination with the County Clerk of the Board acting as a CEQA Responsible Agency.

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

Sincerely,

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

Tom Dodson

DATE FILED & POSTED

Posted On:

Removed On:

Receipt No:

Notice of Determination

To:

☒ Office of Planning and Research

U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth St., Rm 113

Sacramento, CA 95814

☒ Clerk of the Board

County of: San Bernardino

Address: 385 North Arrowhead Avenue, Second Floor
San Bernardino, CA 92415-0130

From:

Public Agency: San Bernardino County, LUS

Address: 385 North Arrowhead Ave, First Floor San Bernardino, CA 92415-0187

Contact: Alexander Lee

Phone: 909-361-7258

Lead Agency (if different from above):

Address:

Contact:

Phone:

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

State Clearinghouse Number (if submitted to State Clearinghouse): 2023110542

Project Title: Morongo Valley Self Storage

Project Applicant: Ethan Ramberg

Project Location (include county): 7886 Shafter Avenue Morongo Valley, CA 92284

Project Description:

A Minor Use Permit to establish a personal self-storage facility (mini storage) to include (155) 8'x20' and (8) 8'x10' standard height shipping containers totaling 25,440 square feet of structures in the unincorporated community of Morongo Valley.

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

described project on February 15, 2024 and has made the following determinations regarding the above (date) described project.

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

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

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

Signature (Public Agency): Alex Lee Title: Planner
Alexander Lee

Date: 2/23/2024

Date Received for filing at OPR: _____

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

Revised 2011

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

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

PROJECT LABEL:

APNs:	0585-273-04	USGS Quad:	Yucca Valley South Quadrangle
Applicant:	Ethan Ramberg RAMBERG WEST 53 Sansovino Ladera Ranch, CA 92694	T, R, Section:	East 1/3 Fractional Section 5, Township 1 South, Range 5 East, San Bernardino Base and Meridian.
Location	Address: 7886 Shafter Avenue Morongo Valley, CA 92284	Thomas Bros	
Project No:	PROJ-2022-00176	Community Plan:	N.A.
Rep	3rd Supervisorial District; Dawn Rowe	LUZD:	IC – Community Industrial
Proposal:	A Minor Use Permit to establish a personal self-storage facility (mini storage) to include (155) 8'x20' and (8) 8'x10' standard height shipping containers totaling 25,440 square feet of structures in the unincorporated community of Morongo Valley	Overlays:	Flood Plain Safety Zone (FP: F129-B) Fire Safety Zone (FS: F129-B)

PROJECT CONTACT INFORMATION:

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

Contact person: Alexander Lee, Planner
Phone No: (909) 361-7258 **Fax No:** (909) 387-3223
E-mail: Alexander.Lee@lus.sbcounty.gov

Project Sponsor
Inside the Box, Inc.
PO Box 3398
Landers, CA 92285

PROJECT DESCRIPTION:

Summary

The proposed project involves a Minor Use Permit entitlement to establish a personal self-storage facility (mini storage) utilizing shipping containers. The facility would include one hundred fifty-five

(155) 8'x20' and eight (8) 8'x10' standard 10-foot height metal shipping containers totaling 25,440 square feet, to be located on a vacant 9.46-acre parcel in the unincorporated community of Morongo Valley, immediately adjacent to the Town of Yucca Valley northwesterly corporate boundary.

The facility is proposed to operate 7 days a week, from 9 a.m. to 4 p.m. Access will be governed by a self-serve kiosk at a 20-foot-wide entrance gate, with each storage unit assigned an Entry Code for access. The Entry Code will only work during the hours of operation. Security personnel will stop by the site and drive through units twice a day during business hours to ensure compliance with business terms of service. Storage units will be limited to standard residential purposes, such as storage of furniture, clothing, holiday decorations, files /paperwork, and similar items and will be prohibited from storing firearms, food and other hazardous materials.

One 17'-4" x 12' trash enclosure providing two bins will be located near the entrance to the facility per County Standards, and the entire storage facility will be enclosed within a chain link fence structure. The proposed site plan configuration incorporates setbacks as follows: Front – 25 feet; Street side - 25 feet; Interior side - 10 feet; and Rear - 10 feet as required by County Land Development Standards in the MV/IC – Community Industrial Zone.

Vehicular access to the facility will be provided by a 26-foot-wide asphalt paved driveway connecting to Shafter Avenue. All interior drives will also be asphalt paved 24 feet wide, depending on location. Parking will be provided for 83 vehicles (82 regular spaces and one disabled parking space), all located within the fenced area and parallel adjacent to storage units. A portion of Shafter Avenue (from the site entrance to Highway 62), which is currently a gravel/dirt road in a degraded condition, will also be repaved with asphalt to accommodate proposed site usage.

Approximately 20.5% of the development site area will be devoted to landscaped area utilizing drought tolerant native desert plant species such as shrubs, groundcovers, cacti, succulents, and trees as well as decorative rock in compliance with County standards. No protected Joshua trees are located within the development site area. Yucca and Joshua trees located on the hilly remainder of the property will not be disturbed by the proposed project. (Please refer to Section IV: Biological Resources for additional information.)

Surrounding Land Uses and Setting

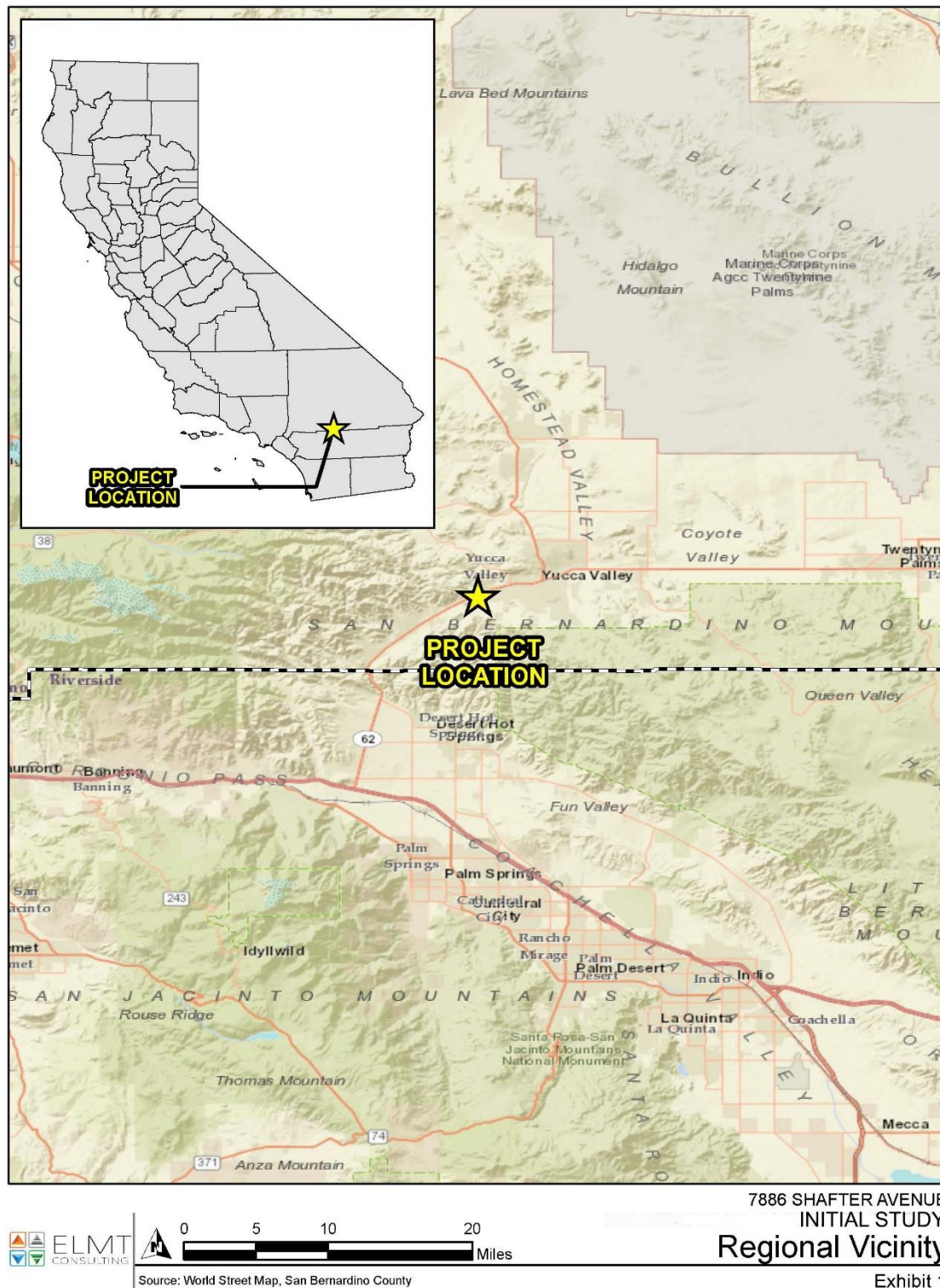
Existing Land Use and Land Use Zoning Districts		
Location	Existing Land Use	Land Use Zoning District
Project Site	Vacant	San Bernardino County: IC (Community Industrial)
North	Industrial – Auto Collision Repair Business	Town of Yucca Valley: I-Industrial Zone
South	Vacant	San Bernardino County: IC (Community Industrial)
East	Vacant	San Bernardino County: IC (Community Industrial)
West	Vacant	San Bernardino County: IC (Community Industrial)

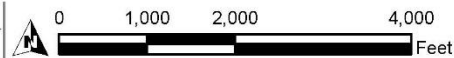
Project Site Location, Existing Site Land Uses and Conditions

The project site encompasses 9.46 acres of vacant land located at 7886 Shafter Avenue, Morongo Valley, immediately adjacent to the northwesterly boundary of the Town of Yucca Valley, in the unincorporated area of San Bernardino County. Existing land uses on-site and on surrounding parcels are indicated in the table above.

A 2.3-acre portion of the 9.46-acre project site is proposed to be developed. This portion of the site has been graded level at some time in the past. Minimal, mostly weedy, vegetation exists within this portion of the site. The remainder of the site is hilly topography in its natural condition and contains typical desert vegetation. (Additional description of this portion of the site is contained in Section IV - Biological Resources).

Exhibits 1 through 3 illustrate the project location regionally and locally. Exhibits 4-a through 4-d provide photographs of existing on-site conditions. Exhibit 5 shows the proposed Site Plan. Exhibit 6 illustrates the proposed Container Layout and Parking Plan.

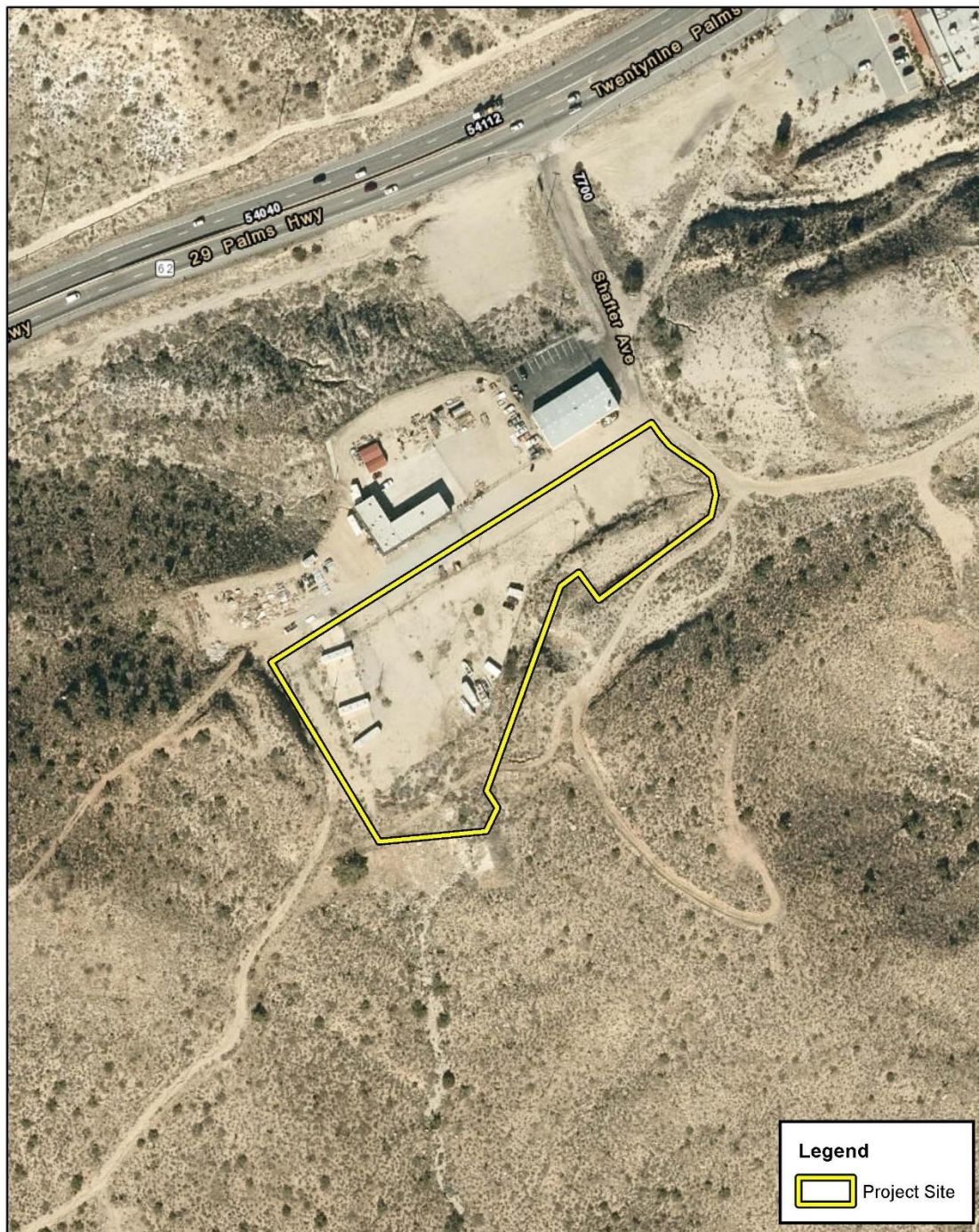




Source: USA Topographic Map, San Bernardino County

7886 SHAFTER AVENUE
 INITIAL STUDY
 Site Vicinity

Exhibit 2



0 62.5 125 250
Feet
Source: ESRI Aerial Imagery, San Bernardino County

7886 SHAFTER AVENUE
INITIAL STUDY
Project Site
Exhibit 3

EXHIBIT 4-A: SITE PHOTOGRAPHS



Photograph 1: From the northeast corner of the project site looking southeast.



Photograph 2: From the northeast corner of the project site looking south.

Photos by ELMT Consulting

EXHIBIT 4-B: SITE PHOTOGRAPHS



Photograph 3: From the eastern limits of the project site at Shafter Avenue looking west.



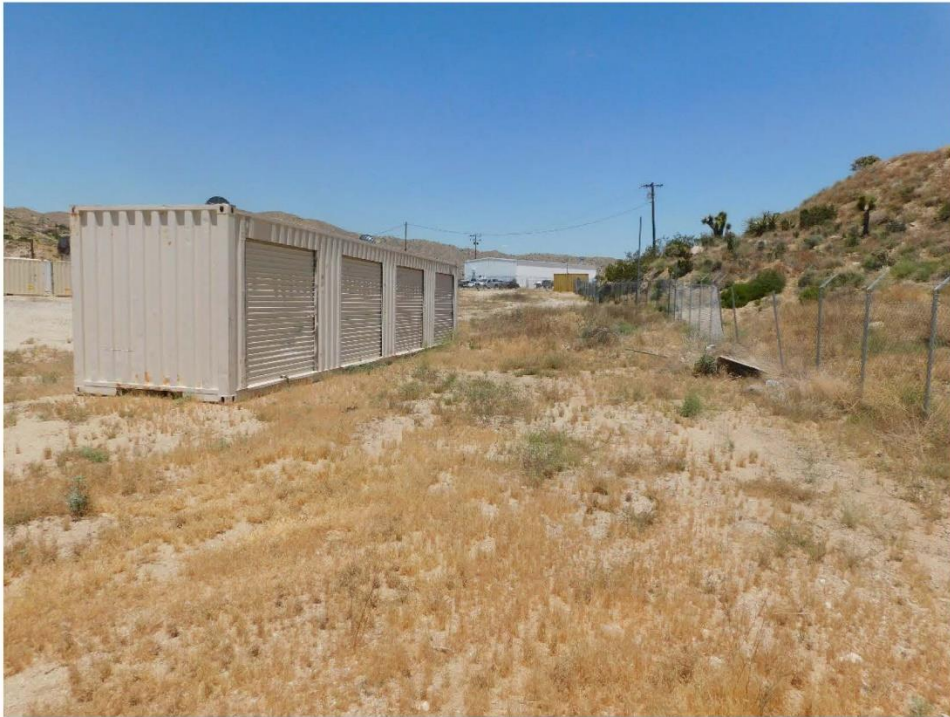
Photograph 4: From the northwest corner of the project site looking west along the northern boundary.

Photos by ELMT Consulting

EXHIBIT 4-C: SITE PHOTOGRAPHS



Photograph 5: From the southwest corner of the project site looking north along the western boundary.



Photograph 6: From the southwest corner of the project site looking east along the southern boundary.

Photos by ELMT Consulting

EXHIBIT 4-D: SITE PHOTOGRAPHS

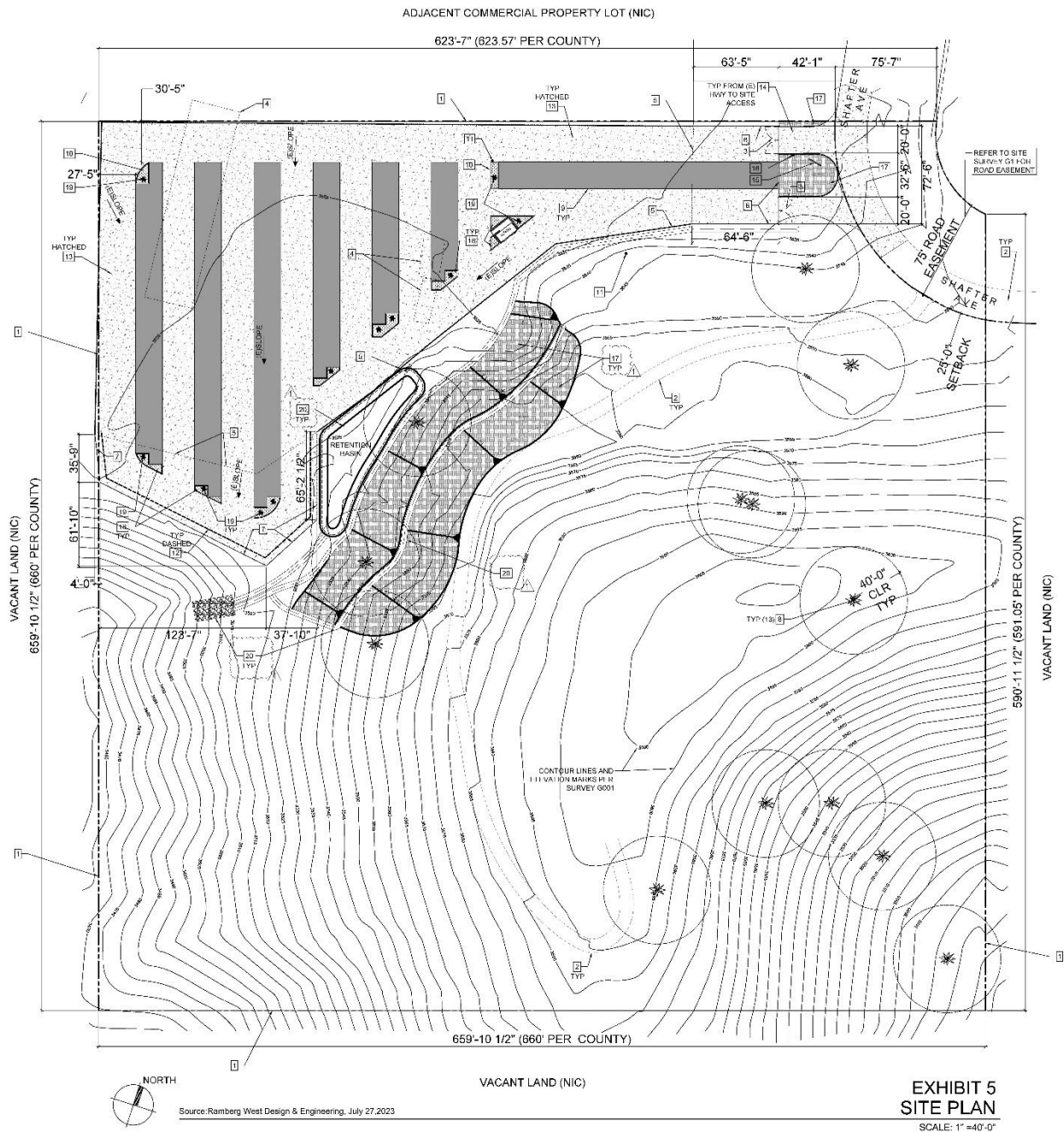


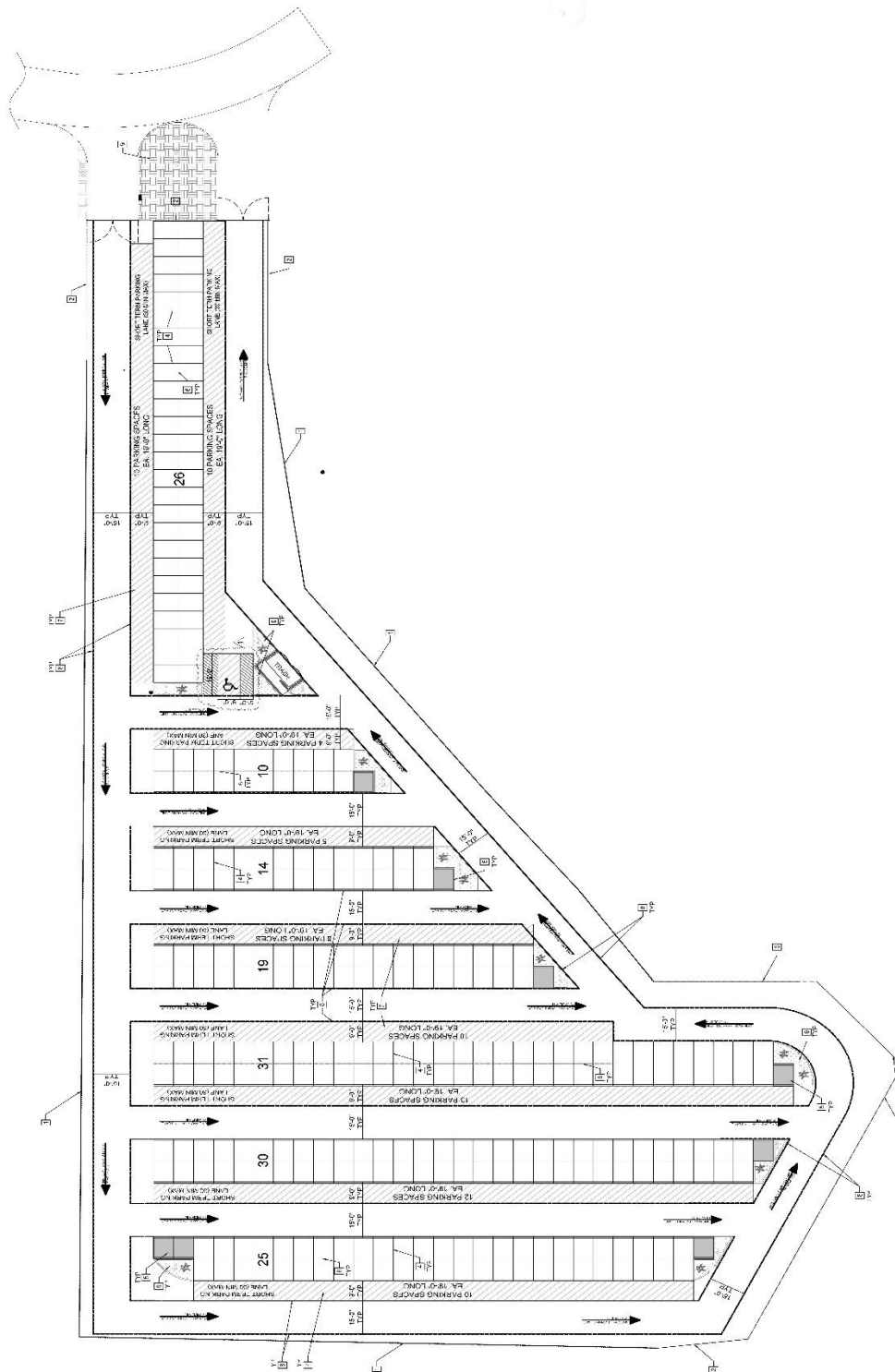
Photograph 7: From the middle of the southern boundary of the project site looking southwest.



Photograph 8: From the middle of the southern boundary of the project site looking northeast.

Photos by ELMT Consulting





Source:RAMBERG West Design & Engineering, 7/27/23

EXHIBIT 6 Container Layout & Parking Plan

ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Federal: None.

State of California: None.

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

Regional: None.

Local: None other than County approvals.

CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

On July 20, 2003, the County of San Bernardino mailed notifications pursuant to AB 52 to four tribes. Table 2 – AB 52 Consultation Results, shows a summary of comments and responses provided for the Project.

Table 1
AB 52 Tribal Consultation

Tribe	Comment Received	Summary of Response	Conclusion
Twenty-Nine Palms Band of Mission Indians	None	None	Concluded
Colorado River Indian Tribes	None	None	Concluded
Morongo Band of Mission Indians	None	None	Concluded
San Manuel Band of Mission Indians	None	None	Concluded

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code Section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code Section 21082.3(c) contains provisions specific to confidentiality.

EVALUATION FORMAT

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

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

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|--|---|--|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☐ Energy |
| ☐ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |

Initial Study PROJ-2022-00176
Ethan Ramberg, RAMBERG WEST
APN: 0585-273-04
November 17, 2023

- | | | |
|--|---|---|
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population/Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☐ Tribal Cultural Resources |
| ☐ Utilities/Service Systems | ☐ Wildfire | ☐ Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

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

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

Alex Lee

Signature: (prepared by Alexander Lee, Planner)

[Signature]

Signature: (Steven Valdez, Supervising Planner)

11/17/2023

Date

11/20/2023

Date

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

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

Sources: San Bernardino Countywide Plan and EIR, Site Exhibits and Photographs, Submitted Project Materials.

a) **Have a substantial adverse effect on a scenic vista?**

The project site is not located in proximity to any designated scenic vista, and is visually obscured from surrounding areas by either topography or intervening development. (See Site Photographs.) Consequently, the proposed project would have no impact on a scenic vista.

No Impact.

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

There are no scenic resources such as trees or rock outcroppings or permanent structures of any kind located on the project site. Yucca and Joshua Trees located on the hilly remainder portion of the project site will not be affected by proposed

construction. (See Section IV- Biological Resources). According to CalTrans, State Route 62, which provides the major circulation access to the region, and to the project site from Shafter Avenue, is eligible for Scenic Highway designation but is not presently an officially designated State Scenic Route. It is, however, a designated County Scenic Route in the San Bernadino County General Plan. The project site, in any case, is not located immediately adjacent to Route 62, but is obscured by an intervening existing auto collision repair business. (See Exhibit 3 – Project Site, for an aerial view of the area.) Consequently, the proposed project will not impact any scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway corridor.

No Impact.

- c) **In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

The project site is located in a non-urbanized area but is situated in such a way that it is not visible from State Route 62, which is located north of the project site. Adjacent parcels are designated for industrial use and are vacant, with the exception of the auto collision business previously noted on the north side of the project site. (Please refer to Site Photographs and Exhibit 3 which provides an aerial view of the Project Site and adjacent surrounding area.) Consequently, the proposed project will have no impact on the existing visual character or quality of public views of the site and its surroundings.

No Impact.

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

As has been previously described, there are no views either from or to the project site. The storage facility will, however, have limited security lighting at night, which must comply with County lighting and design requirements. The Proposed Project's lighting plan is required to be designed in accordance with the Night Sky Protection Ordinance (Ordinance No. 4419, Chapter 83.07 of Division 3 of Title 8 - San Bernardino County Development Code, Section 83.07.060) The Proposed Project would be subject to design review in the final stages of development to ensure the use of proper lighting at the Project Site which would reduce impacts from any additional light and glare in the area. No significant adverse impacts from light and glare are identified or anticipated, and no mitigation measures are required.

No Impact.

In consideration of the preceding information and analysis, no adverse aesthetic impacts are identified or anticipated, and no mitigation measures are required.

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

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

Sources: San Bernardino Countywide Plan and EIR; California Department of Conservation Farmland Mapping and Monitoring Program; Submitted Project Materials

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

The project site is not, and never has been, utilized for agricultural purposes and is not contained on any official California Farmland Maps. No impacts to prime or unique farmlands will occur. No mitigation measures are necessary.

No Impact.

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

As has been noted, the project site is zoned for industrial use, as are all immediately surrounding parcels. No conflicts with existing zoning for agricultural use, or a Williamson Act contract, will occur. No mitigation measures are necessary.

No Impact.

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

A 2.3-acre portion of the 9.46-acre site has been graded and the remainder of the site is natural desert habitat. As has been noted, the project site and all adjacent parcels are zoned for industrial purposes. No forest or timberland exists on-site or in surrounding areas. Consequently, no conflicts with zoning for forest or timberland will occur. No mitigation measures are necessary.

No Impact.

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

See Response II-c above. No loss of forest land or conversion of forest land to non-forest use will occur. No mitigation measures are necessary.

No Impact.

- e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

See preceding Responses II-a through d. No farmland or forest land will be affected by the proposed project in any way. No mitigation measures are necessary.

No Impact.

In consideration of the preceding information and analysis, no adverse impacts to either farmland or forest land are identified or anticipated, and no mitigation measures are required.

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☐	☒

SUBSTANTIATION: (Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials

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

The Project Site is in the Mojave Desert Air Basin (MDAB). The Mojave Desert Air Quality Management District (MDAQMD) has jurisdiction over air quality monitoring and regulations within the east desert area which includes the Project site. A project is deemed by the MDAQMD to not exceed "significant emissions thresholds" established by the district if it is consistent with the existing land use plan and does not increase vehicle trips and vehicle miles traveled beyond plan assumptions.

The proposed Project is a request for a Minor Use Permit (MUP) for a self-storage facility. The Project site occurs within the General Plan Land Use category "Industrial" and is zoned Community Industrial (IC). These adopted land use designations are assumed in the preparation of the *Mojave Desert Air Quality Management Plan* (AQMP). The proposed Project is conditionally permitted within the IC Zone and will be required to comply with all pertinent regulations of the MDAQMD as listed below during construction. It is also worth noting that land uses much more intense in terms of potential air quality impacts than the Proposed Project, such as light manufacturing and warehouse operations, are allowed within the existing Industrial General Plan land use designation.

MDAQMD Requirements

The Project would be required to comply with Rule 402 - Nuisance Dust and Rule 403 - Fugitive Dust, which require the implementation of Best Available Control Measures (BACMs) for each fugitive dust source, and the MDAQMP, which identifies Best Available Control Technologies (BACTs) for area sources and point sources. The BACMs and BACTs would include, but may not be limited to the following:

1. The Project Applicant shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.

(a) The Project Applicant shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly (2 x daily) to ensure that a crust is formed on the ground surface and shall be watered at the end of each workday.

(b) The Project Applicant shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon.

(c) The Project Applicant shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.

(d) The Project Applicant shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

2. To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.

3. The Project Applicant shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation during construction.

4. The Project Applicant shall ensure that construction personnel are informed of ride sharing and transit opportunities.

5. All buildings on the Project Site shall conform to energy use guidelines in Title 24 of the California Administrative Code.

6. The Project Applicant shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.

7. The Project Applicant shall comply with all existing and future CARB and MDAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment."

The San Bernardino County Traffic Study Guidelines require the preparation of a traffic study if a proposal generates 100 or more peak hour trips without consideration of pass-by trips during any peak hour. The Public Works Traffic Division of the Land Development Department has reviewed the project and has determined that the Proposed Project would generate no more than 50 peak hour trips, thus it does not meet the threshold specified by San Bernardino County Traffic Study Guidelines to require a traffic study. In

consideration of these facts, the Proposed Project will not obstruct or conflict with the implementation of the MDAQMP. No mitigation measures are necessary.

Less than Significant Impact.

- b) **Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?**

See Response III-(a) above.

The Proposed Project is limited in scope. Project-related construction air quality impacts are anticipated to be minimal because the site has already been graded and will require a limited amount of additional grading. The use of metal shipping containers for storage units will also minimize construction-related air quality impacts as no new structures other than trash enclosures are anticipated. The Proposed Project will be required to comply with all pertinent regulations of the MDAQMD listed in Item III-a) above during construction.

A project is deemed by the MDAQMD to not exceed “significant emissions thresholds” established by the District if it is consistent with the existing land use plan and does not increase vehicle trips and vehicle miles traveled beyond plan assumptions. As has been noted, the proposed Project is consistent with both the General Plan Industrial Land Use designation as well as zoning Community Industrial, (IC) which form the basis of regional air quality planning programs. It is also worth noting that land uses are much more intense in terms of potential air quality impacts than the Proposed Project such as light manufacturing and warehouse operations, are allowed within existing +designations.

The San Bernardino County Traffic Study Guidelines require the preparation of an assessment of Vehicle Miles Travelled (VMT) if a proposal generates 100 or more peak hour trips without consideration of pass-by trips during any peak hour. The Public Works Traffic Division of the Land Development Department has reviewed the project and has noted that it is “located in a low VMT generating area according to the San Bernardino County Traffic Analysis (SBCTA) VMT Screening Tool. Projects in this area are primarily local serving, not expected to increase VMT”. The Traffic Division also estimated that the Proposed Project would generate no more than 50 peak hour trips, thus it does not meet the threshold specified by SBCTA Study Guidelines to require a VMT assessment. In consideration of these factors, the Proposed Project is not anticipated to generate cumulatively considerable net increase of any criteria pollutant. Consequently, no significant air quality impacts either on a project specific or cumulative level have been identified or are anticipated, and no mitigation measures are required.

Less than Significant Impact.

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

As has been described, the project site is immediately surrounded on three sides by vacant land. The auto collision repair facility adjacent to the north of the project site is not considered a sensitive receptor. Sensitive receptors are defined as residences, schools, daycare centers, playgrounds and medical facilities. Industrial uses proposed within 1000 feet of such sensitive receptors are subject to more rigorous analysis by MDAQMD. The

closest sensitive receptor is a residence located approximately 1450 feet to the east, accessible to the Project Site only by a partially unpaved road, according to Google Earth. Exhibit 2 shows area topography and the approximate location of this residence. No project related traffic will utilize this road either during construction or long-term operations. As has been noted, the project must comply with all applicable pollution control measures of the MDAQMD, any construction related air quality impacts will be temporary and minimized by compliance with all applicable MDAQMD rules and regulations. No substantial pollutant concentrations of any type are anticipated. Consequently, no significant air quality impacts to sensitive receptors are anticipated and no mitigation measures are necessary.

Less than significant impact.

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

The proposed storage facility will not involve any industrial processes or activities that are anticipated to generate objectionable odors. As has been noted, the project site is bounded by vacant land on three sides and there is not a large concentration of people at the auto collision repair service adjacent on the north. No impacts from odors will occur. No mitigation measures are necessary.

No Impact.

In consideration of the preceding information and analysis, no significant adverse air quality impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not	☐	☐	☐	☒

limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| d) | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☒ |
| e) | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☒ | ☐ |
| f) | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ |

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

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials; Biological Resources Assessment, prepared by ELMT Consulting, June 2023 and "Joshua Tree Location Inspection" prepared by ARBORPRO, August 2023, as contained in Appendix A to this Initial Study.

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

The CNDDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special status natural plant communities in the Yucca Valley South USGS 7.5-minute quadrangle. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

- Special Status Plant Species

The literature search identified ten (10) special-status plant species and thirty-four (34) special-status wildlife species as having potential to occur within the Yucca Valley South USGS 7.5-minute quadrangle. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity of the project site are listed in

the Biological Resources Assessment contained in Appendix A to this Initial Study. No special-status plant species were, however, observed on-site during the field investigation.

While the portion of the site identified for development is disturbed land, the majority of the site supports an uninterrupted, undeveloped open space that supports a natural creosote bush scrub plant community. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, and proximity of the site to known occurrences, it was determined that the undeveloped portions of project site have a low potential to support Joshua Tree poppy (*Eschscholzia androuxii*) and Latimer's woodland-gilia (*Saltugilia latimeri*).

While no western Joshua tree (*Yucca brevifolia*) were observed within the proposed storage facility footprint itself, a total of thirteen specimens do, however, occur in the adjacent hilly area, a portion of which is to be graded for drainage improvements as shown on Exhibit 5 - Site Plan. Joshua trees within 40 feet of planned construction activity have been evaluated by a qualified arborist, as described in Appendix A. The arborist determined that no adverse impacts to four Joshua Trees located within 40 feet of planned construction activities will occur with the utilization of temporary fencing seven (7) feet in diameter around each tree. With implementation of the construction fencing contained in **Mitigation Measure BIO-1**, impacts to western Joshua Trees will be less than significant and no additional mitigation measures are considered necessary.

It was further determined that the project site does not have the potential to support the remainder of special-status plant species known to occur in the vicinity of the site and all are presumed to be absent. These special-status plant species are not state or federally listed as threatened or endangered.

- Special-Status Wildlife

According to the CNDDB, thirty-four (34) special-status wildlife species have been reported in the Yucca Valley South quadrangle (refer to Attachment C). The only special-status wildlife species observed during the field investigation was Cooper's hawk. Based on habitat requirements for specific species and the availability and quality of on-site habitats, and proximity to known occurrences, it was determined that the proposed project site has a high potential to support Cooper's hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), Costa's hummingbird (*Calypte costae*), and loggerhead shrike (*Lanius ludovicianus*); and a low potential to support red-diamond rattlesnake (*Crotalus ruber*), western mastiff bat (*Eumops perotis californicus*), prairie falcon (*Falco mexicanus*), coast horned lizard (*Phrynosoma blainvillii*), and black-tailed gnatcatcher (*Poliophtila melanura*). It was further determined that the project site does not have the potential to support the remainder of special-status wildlife species known to occur in the vicinity of the site and all are presumed to be absent.

None of the aforementioned special-status wildlife species are federally or state listed as endangered or threatened. Of the aforementioned avian species, only Costa's hummingbird and loggerhead shrike might be expected to nest on-site. None of the other avian species are expected to nest on-site due to the lack of suitable nesting habitat or geographic limitations regarding species' nesting range.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). In order to ensure impacts to special-status avian species do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey is required prior to ground disturbance. With implementation of the pre-construction survey contained in **Mitigation Measure BIO-2**, impacts to special-status avian species will be less than significant and no additional action is considered necessary.

Due to regional significance and/or listing status, the potential occurrence of burrowing owl and desert tortoise are discussed in further detail below.

- *Burrowing Owl*

The burrowing owl is currently listed as a California Species of Special Concern. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently-sloping areas characterized by sparse vegetation and bare ground. Burrowing owls are dependent upon the presence of burrowing mammals (such as ground squirrels) whose burrows are used for roosting and nesting. The presence or absence of suitable mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drain

pipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. They also require open vegetation allowing line-of-sight observation of the surrounding habitat to forage as well as watch for predators.

No burrowing owls or recent sign (i.e., pellets, feathers, castings, or whitewash) was observed during the field investigation. Portions of the project site are unvegetated and/or vegetated with a variety of low-growing plant species that allow for line-of-sight observation favored by burrowing owls. However, no suitable burrows (>4 inches) for roosting and nesting were observed within or near site boundaries. In addition, the site is bounded by structures and electrical poles that provide perching opportunities for large raptors (i.e., red-tailed hawk) that prey on burrowing owls. Therefore, the project site was determined not to have potential to support burrowing owl. No further surveys are recommended.

- *Desert Tortoise*

The Mojave population of the desert tortoise inhabits areas north and west of the Colorado River in the Mojave Desert of California, Nevada, Arizona, and southwestern Utah, and in the Sonoran Desert in California. Throughout the majority of the Mojave Desert, desert tortoises occur most commonly on gentle sloping soils characterized by an even mix of sand and gravel and sparsely vegetated low-growing vegetation where there is abundant inter-shrub space. Typical habitat for the Mojave desert tortoise has been characterized as Mojavean desert scrub below 5,500 feet in elevation with a high diversity of perennial and ephemeral plants. The dominant shrub commonly associated with desert tortoise habitat is creosote bush; however, other shrubs including burrobrush (*Ambrosia dumosa*), Mojave yucca, cheesebush (*Ambrosia salsola*), and Mojave prickly pear (*Opuntia mojavensis*) also provide suitable habitat. The desert tortoise spends 95 percent of its life underground and will opportunistically utilize burrows of various

lengths, deep caves, rock and caliche crevices, or overhangs for cover. Therefore, a moderately friable soil is required to allow for burrow construction and ensure that burrows do not collapse.

No live desert tortoises, suitable burrows, or other sign were observed during the field investigation. The Mojavean desert scrub plant community supported by the project site and adjacent open space provide suitable foraging habitat for desert tortoise; however, routine disturbance associated with on-site and adjacent development likely preclude this species from occurring. As such, the project site was determined not to have potential to support desert tortoise. No further surveys are recommended.

With **Mitigation Measure BIO-2**, no significant impacts to any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service will occur.

Mitigation Measure BIO-1:

To ensure no impacts to Western Joshua trees, any tree within 40 feet of active construction shall be encircled by temporary construction fencing. This will be of a height and color to be visible from a distance. With this mitigation incorporated, no western Joshua trees will be affected. Should impacts to this species become unavoidable in the future, an incidental take permit (ITP) will be required from the CDFW. The ITP will detail all impacts to the species and any necessary additional mitigation measures.

Mitigation Measure BIO-2:

If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer.

The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas.

A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and

left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Less than Significant Impact with Mitigation Incorporated.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?**

A 2.3-acre portion of the project site has been graded and the remainder of the site is hilly natural desert habitat. There is no riparian habitat or sensitive natural community located on the project site or in the vicinity. No impacts to riparian habitat will occur. No mitigation measures are necessary.

No Impact.

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

A 2.3-acre portion of the project site has been graded and the remainder of the site is hilly natural desert habitat. No wetlands or vernal pools of any kind are located on-site or in any adjacent areas. No adverse effect on state or federally protected wetlands will occur. No mitigation measures are necessary.

No Impact.

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

The project site is not located within the federally designated Critical Habitat. Further, the nearest Critical Habitat designations are located approximately 8.9 miles to the south for Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*). The proposed project will have no effect on designated Critical Habitat, or regional wildlife corridors/linkage because none exist within the area. No mitigation measures are necessary.

No Impact.

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

Section 88.01.060 of the County of San Bernardino Development Code provides regulations for the removal or harvesting of specified desert native plants in order to preserve and protect the plants and to provide for the conservation and wise use of desert resources. The provisions are intended to coincide with the Desert Native Plants Act (Food and Agricultural Code Section 8001 et seq.) and the State Department of Food and Agriculture to implement and enforce the Act. Pursuant to Section 88.01.060 of the

Development Code, the following desert native plants or any part of them, except the fruit, shall not be removed except under a Tree or Plant Removal Permit:

1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:

(a) Dalea spinosa (smoke tree);

(b) All species of the genus Prosopis (mesquites);

2) All species of the family Agavaceae (century plants, nolinias, yuccas);

3) Creosote Rings, 10 feet or greater in diameter;

4) All Joshua trees (Yucca brevifolia);

5) Any part of any of the following species, whether living or dead: (A) Olneya tesota (desert ironwood); (B) All species of the genus Prosopis (mesquites); (C) All species of the genus Cercidium (palos verdes).

Based on the results of the field investigation, Mohave yucca is present on-site. If any of these Mojave Yucca are expected to be impacted by project implementation, respective Tree or Plant Removal Permits will be required for each individual prior to ground disturbance in association with Section 88.01.060 of the San Bernardino County Development Code. Consequently, no conflicts with local policies or ordinances protecting biological resources will occur. No mitigation measures are necessary.

Less than Significant Impact.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?**

The project site is not located within any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan, and none are located in proximity to the project site. Consequently, no conflicts with such plans will occur. No mitigation measures are necessary.

No Impact.

In consideration of the preceding information and analysis, with Mitigation Measure BIO-1, no significant adverse impacts to biological resources will occur.

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
V. CULTURAL RESOURCES - Would the project:					
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c)	Disturb any human remains, including those outside of formal cemeteries?	☐	☒	☐	☐

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

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials; Cultural Resources Assessment, conducted by BCR Consulting, LLC, May 24, 2023. This report is attached in Appendix B to this Initial Study.

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

There are no structures located on the project site, and no known historical resources located in proximity to the project site. Parcels adjacent to the project site are vacant on three sides and developed as an auto collision repair business on the north side. Consequently, no impacts to historical resources are anticipated. No mitigation measures are necessary.

No Impact.

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

In May 2023, BCR Consulting LLC. completed a Phase I Cultural Resources Investigation for the Project Site. The purpose of a Phase I Cultural Resources Assessment is to identify and document any cultural resources that may potentially occur within a Project Site and to evaluate resources pursuant to National Historic Preservation Act (NHPA) Section 106, CEQA, and the County's General Plan. The Cultural Resources Investigation searched for historic or archaeological properties by means of a record search, field survey, and the initiation of Native American consultation. Findings of the Cultural Resource Investigation are summarized herein.

A standard archaeological records search was completed through the California State University, Fullerton, California-South Central Coastal Information Center (CSUF-SCCIC). The records search revealed that 14 cultural resource studies have taken place within one half-mile of the project site, none of which assessed any portion of the project site. No cultural resources have been identified within a one half-mile radius of the project site, and no cultural resources have been previously identified within its boundaries.

The geologic units underlying the project area are mapped primarily as alluvial fan deposits of “fanglomerate”, in arkosic matrix, from the early Quarternary, possibly Tertiary, along with Precambrian gneiss (Dibblee and Minch 2008). These units, while partially alluvial, are considered to be of low paleontological value, and the Western Science Center does not have localities within the project area or within a 1-mile radius. Should excavation activity associated with the development of the project area extend beyond the identified development footprint into surrounding alluvial units, paleontological resources would be possible. However, under current project parameters, and with the geologic units described, it would be unlikely for fossil material to be preserved.

During the field survey, BCR Consulting archaeologists did not identify any surface cultural resources within the project site boundaries. Based on these factors, no significant impacts related to archaeological, historical resources are anticipated and no further investigations or monitoring are recommended for any proposed project activities.

Although no on-site cultural resources were identified during the records search and field survey, ground-disturbing activities have the potential to reveal buried deposits not observed on the surface. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include:

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

The following mitigation measure is recommended to insure adequate and compliant management of any resources that may be identified within the project area during

project development. With Mitigation Measure CR-1, no substantial adverse change in the significance of an archaeological resource will occur.

Mitigation Measure CR-1:

Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried prehistoric or historic cultural deposits. In the event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find should cease and a qualified archaeologist should be retained to assess the significance of the find. The qualified archaeologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist finds that any cultural resources present meet eligibility requirements for listing on the California Register or the National Register of Historic Places (National Register), plans for the treatment, evaluation, and mitigation of impacts shall be developed.

Less than significant impact with Mitigation Incorporated.

c) Disturb any human remains, including those outside of formal cemeteries?

Findings are pending for the Sacred Lands File search with the NAHC. The Legislature added requirements regarding tribal cultural resources for CEQA in Assembly Bill 52 (AB 52) that took effect in 2015. AB 52 requires consultation with California Native American tribes and consideration of tribal cultural resources in the CEQA process. The Lead Agency is responsible to carry out the required AB52 Native American Consultation.

Construction activities, particularly grading, could potentially disturb human remains interred outside of a formal cemetery. Field surveys conducted as part of the Cultural Resource Assessment did not encounter any evidence of human remains. The Project Site is not located on or near a known cemetery, and no human remains are anticipated to be disturbed during the construction stage. However, to insure adequate and compliant management of any buried remains that may be identified during project development, the following mitigation measure is required as a condition of project approval to reduce any impact to a level below significant.

Mitigation Measure CR-2:

If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project Mitigation Measure CR-2.

Less than significant with Mitigation Incorporated.

In consideration of the preceding information and analysis, no significant impacts to cultural resources are anticipated with mitigation measures identified.

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

SUBSTANTIATION:

Sources: San Bernardino County General Plan and EIR; Submitted Project Materials.

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

The proposed project involves limited grading on a 2.3-acre portion of the site which has been previously graded, paving of access and drive aisles and the construction of concrete footings to support the proposed re-use of shipping containers. Construction is estimated to require approximately 4 months. Construction activities would be relatively limited in scope and will comply with all pertinent County of San Bernardino ordinances and regulations. Energy use during long term operations will be limited to nighttime security lighting. No wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation are anticipated. In consideration of these factors, no Mitigation Measures are necessary.

Less than Significant Impact.

- b) **Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

See **Response VI-a** above. The proposed project will not conflict with or obstruct any state or local energy related plans or policies.

No Impact.

In consideration of the preceding information and analysis, no impacts pertaining to energy use are identified or anticipated and no mitigation measures are required.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
VII. GEOLOGY AND SOILS - Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

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

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

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials - Boundary and Topographic Survey; "Geotechnical Engineering Investigation for 7886 Shafter Avenue", prepared by NorCal Engineering, June 8, 2023. This report is contained in Appendix C to the Initial Study; Cultural Resources Assessment, conducted by BCR Consulting, LLC, May 24, 2023. This report is attached in Appendix B to the Initial Study.

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

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

Based on the State of California Special Studies Zone Regulatory Map - Yucca Valley South Quadrangle dated July 1, 1993, the Pinto Mountain Fault is situated parallel to the south side of Highway 62. The subject site is situated approximately 450 feet south of the fault and is just within the state designated Alquist-Priolo Special Studies Zone. According to the California Division of Mines and Geology, the Pinto Mountain Fault is an active fault capable of generating a maximum magnitude earthquake of 7.0 - 7.5 on the Richter Scale. Ground shaking originating from earthquakes along other active faults in the region is expected to induce lower horizontal accelerations due to smaller anticipated earthquakes and/or greater distances to other faults.

New development within an Alquist- Priolo Fault Zone must comply with General Plan Policy HZ-1.2 - "New Development in Earthquake Hazard Zones, which states that "any lot or parcel that does not have sufficient buildable area outside of such hazard areas requires adequate mitigation, including designs that allow occupants to shelter in place and to have sufficient time to evacuate during times of extreme weather and natural disasters."

The proposed project does not involve habitable space and has been designed in compliance with the San Bernardino County Building Code. Concrete footings upon which storage units will be placed are to be reinforced with steel rebar. The storage containers themselves would be generally considered more earthquake resistant than conventional structures. As has been described, the storage containers are one story (10 feet) in height, which would minimize hazards from potential structural failure. In addition, users of the proposed storage facility are not anticipated to be present on the site for extended periods of time. Evacuation from the site after a major earthquake event would be available on Shafter Avenue to Highway 62, a distance of approximately 450 feet.

With compliance to County seismic building standards and the recommendation of the project geotechnical investigation, all feasible measures to minimize potential impacts from fault rupture have been incorporated in the project and remaining impacts are considered less than significant. No additional measures are necessary.

Less than Significant Impact.

ii. Strong seismic ground shaking?

Like much of Southern California, the project site is subject to potentially strong ground shaking. The Pinto Mountain fault is estimated by The California Division of Mines and Geology to be capable of generating a maximum magnitude earthquake of 7.0-7.5 on the Richter Scale. As has been described in the preceding Response i) above, the proposed project incorporates features in compliance with seismic standards contained in the San Bernardino County Building Code. No other measures are feasible without excluding development of the site altogether, which the County General Plan does not stipulate.

With compliance to County seismic building standards and the recommendations of the project geotechnical investigation, all feasible measures to minimize potential impacts from strong ground shaking have been incorporated in the project and remaining impacts are considered less than significant. No additional mitigation measures are necessary.

Less than Significant Impact.

iii. Seismic-related ground failure, including liquefaction?

See preceding **Responses VII, a-i) and a-ii)**. The project site is not located in an area subject to liquefaction. Groundwater was not encountered during site borings conducted as part of the project geotechnical investigation. Groundwater in the project vicinity has been recorded at a depth 102 feet below the ground surface.

With compliance to County seismic building standards and the recommendations of the project geotechnical investigation, all feasible measures to minimize potential impacts from seismic related ground failure have been incorporated in the project and remaining impacts are considered less than significant. No additional mitigation measures are necessary.

Less than Significant Impact.

iv. Landslides?

As has been described, the portion of the site proposed to be developed is essentially level and has been previously graded. The remainder of the property, which will remain vacant, is hilly topography. No known landslide areas are located within this remainder area. No landslide related mitigation measures are necessary.

No Impact.

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

The Project Site has been previously graded and cleared of most vegetation. Limited grading and site preparation is anticipated. The total disturbed area is estimated at one hundred twenty-four thousand (124,000) square feet of area. Four thousand six hundred (4,600) cubic yards of cut and two thousand nine hundred (2,900) cubic yards of fill are anticipated. Proposed cut/fill is nearly balanced when considering compaction. Any extra soil will remain on site.

The Project is subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements. Construction activities covered under the State's General Construction Permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one acre or more. The General Construction Permit requires development of a Stormwater Pollution Prevention Plan (SWPPP) prior to issuance of building permits. The SWPPP must list Best Management Practices (BMPs) to avoid and minimize soil erosion. Adherence to BMPs is anticipated to ensure that the Proposed Project does not result in substantial soil erosion or the loss of topsoil. Consequently, no significant impacts from soil erosion or loss of topsoil are identified or anticipated. No mitigation measures are necessary.

Less than Significant Impact.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?

See preceding **Responses VII, a-iii) and a-iv).**

Exploratory drilling conducted during the project geotechnical investigation revealed that a portion of the site is underlain by a layer of fill soils containing deleterious material such as gravel, plastic, wood, glass and pieces of concrete. This material will be removed from the site and will not be mixed or blended with fill soils placed in areas of planned development.

There are no landslides on-site or in proximity and it is not subject to liquefaction. The geotechnical investigation conducted for the proposed project determined that the potential for lateral spreading, subsidence and soil collapse were minimal.

With compliance to County seismic building standards and the recommendations of the project geotechnical investigation, all feasible measures to minimize potential impacts from lateral spreading, subsidence, liquefaction and soil collapse have been incorporated in the project and remaining impacts are considered less than significant. No additional mitigation measures are necessary.

Less than Significant Impact.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

The project geotechnical investigation determined that the upper on-site soils are low in expansion potential (EI 21-50). Expansive Soil Guidelines are outlined in the project geotechnical study and have been considered during the design of the project. With compliance to County seismic building standards and the recommendations of the project geotechnical investigation, all feasible measures to minimize potential impacts from expansive soils have been incorporated in the project and remaining impacts are considered less than significant. No additional mitigation measures are necessary.

Less than Significant Impact.

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

The proposed project does not involve use of septic tanks or sewer connections. No mitigation measures are necessary.

No Impact.

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

The geologic units underlying the project area are mapped primarily as alluvial fan deposits of “fanglomerate”, in arkosic matrix, from the early Quarternary, possibly Tertiary, along with Precambrian gneiss (Dibblee and Minch 2008). These units, while partially alluvial, are considered to be of low paleontological value, and no resource localities within the project area or within a 1-mile radius have been identified. Should excavation activity associated with the development of the project area extend beyond the current project site into surrounding alluvial units, paleontological resources would be possible. However, under current project parameters, and with the geologic units described, it would be unlikely for fossil material to be preserved.

There are no unique geologic features located on the Project Site. As has been noted, the site has been previously graded. Limited additional grading is anticipated. As such, minimal impacts to underlying soils conditions would occur and no mitigation measures are necessary.

Less than Significant Impact.

In consideration of the preceding information and analysis, no significant adverse impacts pertaining to geology and soils are identified or anticipated and no mitigation measures are required.

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

SUBSTANTIATION:

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials, "Greenhouse Gas Consistency Evaluation", prepared by MD Acoustics, August 21, 2023. This report is attached in Appendix D to the Initial Study.

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

Table 2 outlines the estimated construction and operational GHG emissions for the project. The project's emissions are below (127.79 MTCO₂e) the County of San Bernardino's screening threshold of 3,000 MTCO₂e for all land uses and; therefore, the impact is less than significant. No mitigation measures related to GHG emissions are necessary.

Less than Significant Impact.

Table 2: Opening Year Project-Related Greenhouse Gas Emissions

Category	Greenhouse Gas Emissions (Metric Tons/Year) ¹						
	Bio-CO2	NonBio-CO2	CO2	CH4	N2O	R	CO2e
Area Sources ²	0.00	0.37	0.37	0.00	0.00	0.00	0.37
Energy Usage ³	0.00	67.84	67.84	0.00	0.00	0.00	68.07
Mobile Sources ⁴	0.00	32.56	32.56	0.00	0.00	0.06	33.14
Solid Waste ⁵	2.13	0.00	2.13	0.21	0.00	0.00	7.47
Water ⁷	1.87	8.65	10.51	0.19	0.00	0.00	16.68
Construction ⁸	0.00	2.05	2.05	0.00	0.00	0.00	2.06
Total Emissions	4.00	111.46	115.46	0.41	0.01	0.06	127.7
County of San Bernardino Screening Threshold							3,00
Exceeds Threshold?							No
Notes: ¹ Source: CalEEMod Version 2022.1.1.17 ² Area sources consist of GHG emissions from consumer products, architectural coatings, and landscape equipment. ³ Energy usage consist of GHG emissions from electricity and natural gas usage. ⁴ Mobile sources consist of GHG emissions from vehicles. ⁵ Solid waste includes the CO2 and CH4 emissions created from the solid waste placed in landfills. ⁶ Water includes GHG emissions from electricity used for transport of water and processing of wastewater. ⁷ Construction GHG emissions based on a 30-year amortization rate.							

Source: MD Acoustics, August 2023

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

According to the *County of San Bernardino Greenhouse Gas Emissions Reduction Plan*, "all development projects, including those otherwise determined to be exempt from CEQA will be subject to applicable Development Code provisions, including the GHG performance standards, and state requirements, such as the California Building Code requirements for energy efficiency. With the application of the GHG performance standards, projects that are exempt from CEQA and small projects that do not exceed 3,000 MTCO2e per year are considered to be consistent with the Plan and determined to have a less than significant individual and cumulative impact for GHG emissions."

As presented in Table 1, the Project's operational GHG emissions do not exceed the County's screening threshold of 3,000 MTCO2e per year. The Project is required to comply with applicable provisions of the County Development Code and California Building Code for energy efficiency. Therefore, the proposed Project is consistent with the GHG Plan pursuant to Section 15183.5 of the State CEQA Guidelines. The Project will not conflict with the County of San Bernardino Climate Action Plan (CAP). No mitigation measures are necessary.

No Impact.

In consideration of the preceding information and analysis, no significant adverse impacts pertaining to greenhouse gas emissions are identified or anticipated and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

SUBSTANTIATION:

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials

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

The proposed project will not involve the routine transport, use, or disposal of hazardous materials. Storage units are anticipated to contain only typical household goods. No mitigation measures are necessary.

No Impact.

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

The proposed project will not involve the transport, use, or disposal of hazardous materials. Storage units are anticipated to contain only typical household goods. Consequently, no reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment are anticipated. No mitigation measures are necessary.

No Impact.

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

There are no existing or proposed schools located within one-quarter mile of the Project Site. The proposed project will not involve the transport, use, or disposal of hazardous materials. Storage units are anticipated to contain only typical household goods. Consequently, no hazardous emissions or risk to schools from use of hazardous or acutely hazardous materials, substances, or waste are anticipated. No mitigation measures are necessary.

No Impact.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would not create a hazard to the public or the environment. No mitigation measures are necessary.

No Impact.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

The project site is not located within an airport land use plan or within two miles of a public airport or public use airport. Only very minimal noise would occasionally be generated by operation of the proposed storage facility and no employees would be permanently located on-site. The height of the storage units (10 feet) would be less than the height of structures of the adjacent auto collision repair business. The proposed development area is also at a lower elevation than the remainder of the project site, as shown on the Project Site Plan. Thus, the project would not result in any airport related safety hazard. No mitigation measures are necessary.

No Impact.

- f) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

The project site is located immediately adjacent to Shafter Avenue which would provide circulation access to Highway 62. Shafter Avenue is not a designated emergency evacuation route, and only very minimal other development exists in the vicinity. The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No mitigation measures are necessary.

No Impact.

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

The proposed project is not located in a designated Wildland Fire Hazard area. In addition, quick access is available to Highway 62 and the nature of the proposed storage facility (using steel shipping containers) would make it resistant to fire hazards. No mitigation measures are necessary.

No Impact.

In consideration of the preceding information and analysis, no significant adverse impacts pertaining to the use or transport of hazardous materials are identified or anticipated and no mitigation measures are required.

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
X. HYDROLOGY AND WATER QUALITY - Would the project:					
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
	i. result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
	ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	☐	☐	☒	☐
	iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or	☐	☐	☒	☐
	iv. impede or redirect flood flows?	☐	☐	☒	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

SUBSTANTIATION:

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials; "Preliminary Drainage Study" prepared by SITETECH, Inc, Highland, CA. July 2023. This study is incorporated in Appendix E to this Initial Study. See additional sources in the Bibliography at the end of this Initial Study.

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

The proposed Project is located outside of the MS 4 (Municipal Storm Water Program) Map boundaries that define regulated storm water and discharge of storm water. Any incremental increase in storm water discharge due to impervious surfaces must be retained on-site.

The proposed project is not located in proximity to any stream or river and incorporates a system of surface drainage ditches and a retention basin at the base of the hilly portion of the site in order to collect and direct any stormwater flow from exterior sources away from the storage facility. Within the storage facility, a catch basin inlet will collect runoff into adjacent gutters and to the retention basin. (Refer to Exhibit 5 – Site Plan).

The amount of driveway paving and parking area, combined with the amount of land disturbed by pads for storage facilities, is more than one acre. Thus the Project is subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements. Construction activities covered under the State's General Construction Permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one acre or more. The General Construction Permit requires recipients to reduce or eliminate non-storm water discharges into storm water systems, and to develop a Stormwater Pollution Prevention Plan (SWPPP) prior to issuance of building permits. This is a standard requirement and would address potential impacts to surface and groundwater quality.

The Proposed Project's design incorporates measures to diminish impacts to water quality to an acceptable level as required by state and federal regulations and is not expected to violate any water quality standards or waste discharge requirements. Consequently, no significant adverse impacts to surface or groundwater quality are identified or anticipated, and no mitigation measures are necessary.

Less than Significant Impact.

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

The proposed project will be served by the Hi-Desert Water District (HDWD), 55439 29 Palms Highway, Yucca Valley, CA. The HDWD 2020 Urban Water Quality Management Plan (UWMP), which was developed in partnership with Mojave Water Agency (MWA), is a long-term plan to ensure an adequate water supply is available to meet the future needs of the District. Water supply for the District service area is sourced almost entirely from pumped groundwater from the Warren Valley and Ames Groundwater Basins. Groundwater is recharged by natural storm water flows, irrigation and wastewater return flow, and State Water Project imports to recharge the Warren Valley Basin via water deliveries from the Morongo Basin Pipeline to percolation ponds in Yucca Valley.

According to the 2020 UWMP, "The HDWD, in collaboration with Mojave Water Agency and other local agencies, has established opportunities to optimally manage water supplies in the Warren Valley Basin and Ames Valley Basin through innovative actions.

These actions have created a robust water supply for the District that demonstrates there is sufficient water supply to meet the District's growing demands through 2045."

Water demand in the proposed project will be limited to irrigation of landscape area and to meet fire protection needs. Although this demand has not been quantitatively estimated, it would clearly be negligible, and would not decrease groundwater supplies or interfere with groundwater recharge. Consequently, no significant adverse impacts to groundwater recharge or supplies are identified or anticipated, and no mitigation measures are necessary.

Less than Significant Impact.

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

- i. **result in substantial erosion or siltation on- or off-site;**

See **Response X-a)** above. The proposed project incorporates a system of surface drainage ditches and a retention basin at the base of the hilly portion of the site in order to collect and direct any storm runoff from exterior sources away from the storage facility. Within the storage facility, a catch basin inlet will collect runoff into adjacent gutters and to the retention basin. (Refer to Exhibit 5 – Site Plan). The Project is subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements. Consequently, no significant adverse impacts from erosion or siltation are identified or anticipated, and no mitigation measures are necessary.

Less than Significant Impact.

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

See **Responses X- a)** and **c)-ii** above. Runoff from the storage facility will be conveyed to a series of concrete gutters which will convey the runoff in a westerly direction, then southerly to a retention basin. (See Exhibit 5- Site Plan.) The proposed basin will mitigate the difference in runoff before it outlets in the same location as the existing condition. Calculations of pre- and post- construction surface run-off conditions for a 100-year storm prepared by SITETECH, Inc. estimate a negligible increase in runoff that will be controlled by drainage improvements incorporated in the project. (Please refer to Appendix E for further detail.) Consequently, no significant adverse impacts from the amount or rate of surface runoff are identified or anticipated, and no mitigation measures are necessary.

Less Than Significant Impact.

iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff;

See **Responses X- c) i** and **ii** above. The estimated increase in stormwater generated under a 100-year storm scenario is negligible. Consequently, no

significant change in surface runoff has been identified. The capacity of existing and planned storm water drainage systems off-site will not be significantly impacted. No mitigation measures are necessary.

Less than Significant Impact.

iv. impede or redirect flood flows?

See **Responses X- c)i** and **ii** above. The proposed Project is limited in scale and no significant run-off during a 100-year storm condition has been identified. No impediments or changes in flood flows have been identified or are anticipated. No mitigation measures are necessary.

No impact.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

The project site is not located in proximity to any stream, river or water body. No mitigation measures are necessary.

No Impact.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

See **Responses X-a)** and **b)** above. The proposed project will not obstruct implementation of a water quality control plan or sustainable groundwater management plan. No mitigation measures are necessary.

No Impact.

In consideration of the preceding information and analysis, no significant adverse impacts pertaining to hydrology and water quality are identified or anticipated and no mitigation measures are required.

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

SUBSTANTIATION:

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials

a) Physically divide an established community?

The project site is located on the fringe of the Town of Yucca Valley and is zoned for Industrial Use, as are all immediately surrounding parcels. (See Project Description). Only very sparse residential uses exist in the vicinity. Implementation of the project would not impact or physically divide an established community. No mitigation measures are necessary.

No Impact.

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

The proposed project is consistent with both the Countywide Plan and existing zoning. There are no other land use plans, policies, or regulations pertinent to the proposed project. No mitigation measures are necessary.

No Impact.

In consideration of the preceding information and analysis, no adverse land use related impacts are identified or anticipated and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XII. MINERAL RESOURCES - Would the project:					
a)	Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

SUBSTANTIATION: (Check ☐ if project is located within the Mineral Resource Zone Overlay):

Sources: San Bernardino Countywide Plan and EIR ; Submitted Project Materials

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

The project site is not located within a designated mineral resource conservation area. No loss of availability of a known mineral resource of value to the region and the residents of the state would occur. No mitigation measures are necessary.

No Impact.

- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

The project site is not located within a designated mineral resource area on the County General Plan or other land use plan. Consequently, no loss of availability of a designated locally important mineral resource recovery site would occur. No mitigation measures are necessary.

No Impact.

In consideration of the preceding information and analysis, no adverse impacts related to mineral resources are identified or anticipated and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XIII. NOISE - Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

SUBSTANTIATION: (Check if the project is located in the Noise Hazard Overlay District ☐ or is subject to severe noise levels according to the General Plan Noise Element ☐):

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

There are no sensitive receptors located in proximity to the project site, and adjacent parcels are planned for similar industrial land uses. Construction activities would be limited in duration and would occur within the daytime hours permitted by Chapter 83.01 of the Development Code. Permitted construction hours in the County are identified in Subsection 83.01.080 of the Development Code and are between the hours of 7:00 a.m. and 7:00 p.m. (except for Sunday and Federal Holidays).

Operating hours for the Proposed Project will be from 9:00 a.m. to 4:00 p.m. with no nighttime operations. The noise generated by long-term operations, including traffic generation, would be minimal due to the nature and limited scale of the proposed project and would not exceed the daytime acceptable noise levels of 65 DBA LDN. With compliance to established standards and regulations, noise impacts are anticipated to be less than significant. No mitigation measures are necessary.

Less than Significant Impact.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Ground borne vibration and ground borne noise could originate from grading and site preparation activities during construction. The project would not, however, involve any pile driving or other heavy construction techniques which typically generate ground borne vibration impacts. Any ground-borne vibration resulting from construction activities would be very low level and temporary in nature.

As has been noted, the project site is surrounded on three sides by vacant land. The auto collision repair business adjacent to the north is housed primarily in metal structures that would not be susceptible to damage or other adverse impacts from the limited ground borne vibration that might occur. In consideration of these factors, the ground borne vibration impacts that could be generated by project construction are anticipated to result in less than significant and would not expose people to or generate excessive ground borne vibration or ground borne noise levels. No mitigation measures are required.

Less than significant impact.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?

The Project Site is not located within the vicinity of a private or public airstrip. The nearest airport is Yucca Valley Airport, a private aviation facility located approximately 4 miles from the Project Site. Consequently, no impacts are anticipated and no mitigation measures are required.

No Impact.

In consideration of the preceding information and analysis, no adverse noise impacts are identified or anticipated and no mitigation measures are required.

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

SUBSTANTIATION:

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials.

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Minimal employment (one or possibly two employees) is expected to be generated by the Proposed Project and would be easily filled within the local area. No population growth not already anticipated by the County's General Plan is anticipated. The Project Site is served by an existing public street and available utility infrastructure. Implementation of the proposed Self-Storage Facility would not result in significant direct or indirect growth in the area. Furthermore, the Proposed Project would not result in the construction of new homes nor would any residents be displaced. Consequently, no adverse population and housing impacts are anticipated, and no mitigation measures are required.

No Impact.

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

See response XIV (a) above. The project is vacant. No homes exist on-site or in proximity. No mitigation measures are necessary.

No Impact.

In consideration of the preceding information and analysis, no adverse population and housing impacts are anticipated and no mitigation measures are required.

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

SUBSTANTIATION:

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials

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

Fire Protection?

The San Bernardino County Fire Department (SBCFD) provides services to the unincorporated Morongo Valley/Yucca Valley area. The Project site is served by Station No. 4, located approximately 4 miles away at 57201 29 Palms Highway, near the intersection with Highway 274.

Any development, along with associated human activity, in previously undeveloped areas increases the potential of the occurrence of fires. The Project Site is located within a Fire Safety Overlay Zone, which requires additional site design, building, and access standards to provide enhanced resistance to fire hazards. The nature of the Proposed Project, utilizing metal storage containers would, however, minimize structural fire risk. Safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be implemented to minimize the potential for fires to occur during construction and long-term operations. The Proposed Project would be required to comply with County fire suppression standards, to provide adequate fire access and pay required development fees. In consideration of these requirements, proximity of Station 41, and easy access from Highway 62, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less than Significant Impact.

Police Protection?

Personnel organization, distance, grade and road conditions as well as other physical factors influence response times by law enforcement. The unincorporated portions of San Bernardino County near the Project site are served by the Twentynine Palms Patrol Station, located at 63665 Twentynine Palms Highway (State Highway 62), in Joshua Tree. The Sheriff's Department reviews staffing needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection. Due to the limited activity level typical of similar storage facilities and ease of accessing the property from Highway 62, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less than Significant Impact.

Schools?

The nature of the proposed project is not one that is anticipated to generate any additional demand on schools. The proposed storage facility would serve existing residents and businesses, rather than attract new residents and businesses. Only one full-time long-term employee (Security Personnel) is anticipated associated with the proposed project. Therefore, the proposed Project is not expected to draw any new residents to the region that would require expansion of existing schools or additional schools. Development impact fees payable to the School District may be required but have not been determined at this time. Impacts related to school facilities are expected to be less than significant and no mitigation measures are required.

No Impact.

Parks?

As previously noted, the proposed storage facility is intended to serve the existing population. Operation of the Proposed Project would place no demands on parks because it would not involve the construction of housing and would not involve the introduction of a temporary or permanent human population into the area. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact.

Other Public Facilities?

The Proposed Project would not result in an increased residential population or a significant increase in the work force. Therefore, no impact to other public facilities is identified or anticipated, and no mitigation measures are required.

No Impact.

*Initial Study PROJ-2022-00176
Ethan Ramberg, RAMBERG WEST
APN: 0585-273-04
November 17, 2023*

In consideration of the preceding information and analysis, no significant adverse public service-related impacts are identified or anticipated and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XVI. RECREATION					
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

SUBSTANTIATION:

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials

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

No population growth is anticipated in association with the Proposed Project; thus the Proposed Project would not increase the use of existing neighborhood or regional parks, or other recreational facilities. No new recreational facilities would be constructed as part of the Proposed Project. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

See Response XVI-a) above.

No Impact.

In consideration of the preceding information and analysis no adverse recreation related impacts are identified or anticipated and no mitigation measures are required.

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

SUBSTANTIATION:

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The proposed Project will obtain access from Shafter Avenue and 29 Palms Highway (Highway). Shafter Avenue, which is presently unimproved but treated with an oil substance, will be improved to a paved thirty-six (36) foot wide street with project implementation. By its nature, the Project is not anticipated to generate a substantial amount of traffic. Typical usage of storage facilities is sporadic in nature and unlikely to involve more than a small number of units at any one time. No bicycle, pedestrian or transit facilities exist in proximity to the Project site. A public transit route does exist along Highway 62, but there are no stops in the project vicinity and the Proposed Project would not be expected to generate any demand for transit services, nor would it conflict with any transit plan or program.

The San Bernardino County Traffic Study Guidelines require the preparation of a traffic study if a proposal generates 100 or more peak hour trips without consideration of pass-by trips during any peak hour. The proposed project consists of only 155 storage units, thus generation of 100 or more peak hour trips will not occur. The Public Works Traffic Division evaluated the proposed Project would generate no more than 50 peak hour trips and found such an analysis would not be required based upon Project characteristics and a limited number of anticipated daily vehicle trips. Therefore, the proposed Project does not conflict with an applicable plan, ordinance, or policy establishing measure of effectiveness for the performance of the circulation system. No impacts are identified or are anticipated, and no mitigation measures are necessary.

No Impact.

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

See Response XVII- a) above. CEQA Guidelines Section 15064.3 deals with determining the significance of transportation impacts. Sub-section (b) addresses criteria for analyzing transportation impacts. The County of San Bernardino has adopted traffic study guidelines that establish a threshold for the requirement of a full traffic study. As noted in Response XVII-a) the proposed project does not meet the minimum trip generation to trigger a full traffic study. Therefore, no conflict or inconsistency with CEQA Guidelines Section 15064.3 subdivision (b) are identified or anticipated, and no mitigation measures are required.

No Impact.

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

Access from Shafter Avenue will be improved with project implementation. This will benefit the adjacent auto collision repair business as well as any future development which may occur in the vicinity as well as scattered residences that exist nearby. Project-related traffic generation is anticipated to be minimal, and no unusual equipment or vehicles are expected. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact.

- d) **Result in inadequate emergency access?**

Highway 62 is a designated emergency evacuation route. The Proposed Project is located within approximately 450 feet of Highway 62 and Shafter Avenue will be improved with project implementation. As has been previously noted, typical usage of storage facilities is sporadic in nature and unlikely to involve more than a small number of units at any one time, thus demand on emergency access would be minimal. The Project would be subject to any conditions required by the San Bernardino County Fire Department to maintain adequate emergency access. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less than Significant Impact.

In consideration of the preceding information and analysis no significant adverse transportation-related impacts are identified or anticipated and no mitigation measures are required.

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

SUBSTANTIATION:

Sources: San Bernardino Countywide Plan; Cultural Historical Resources Information System (CHRIS), South Coast Information Center, California State University, Fullerton; Submitted Project Materials

- a) **Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

- i. **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**

There are no permanent structures located on the Project site. Therefore, no impacts pertaining to resources eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) are identified or anticipated, and no mitigation measures are required.

No Impact.

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

In accordance with Public Resources Code Section 5024.1, on July 20, 2003, the County of San Bernardino mailed notifications to four area tribes, including the Twenty-Nine Palms Band of Mission Indians, the Colorado River Indian Tribes, the Morongo Band of Mission Indians, and the San Manuel Band of Mission Indians. As described in the Project Description, page 13 of this Initial Study, no responses were received. No cultural resources (including architectural historical resources, prehistoric archaeological resources, or historic-period archaeological resources) were identified during research or fieldwork conducted by BCR Consulting for the Proposed Project. (See Appendix B- Cultural Resources Assessment) Due to a lack of historical resources located within or near the project site combined with a high level of disturbance, BCR Consulting recommends that no additional cultural resources work for monitoring is necessary for any proposed project activities. The current study attempted to determine whether significant archaeological deposits were present on the proposed project site. Although none were yielded during the records search and field survey, ground-disturbing activities have the potential to reveal buried deposits not observed on the surface. Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried prehistoric or historic cultural deposits.

Mitigation Measures CR-1 and CR-2 outlined in Section V - Cultural Resources, page 32, will require evaluation by a qualified archaeologist of any cultural resources discovered during site preparation to assess the significance of any finds; and notification of the County Coroner if human remains or funerary objects are discovered during the course of project development. These measures will ensure adequate and compliant management of any resources that may be identified within the project area during project development. With **Mitigation Measure CR-1 and 2**, no substantial adverse change in the significance of an archaeological or tribal resource will occur.

Less than significant Impact with Mitigation.

In consideration of the preceding information and analysis no significant adverse impacts to tribal resources are identified or anticipated and no mitigation measures are required at this time.

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

SUBSTANTIATION:

Sources: San Bernardino Countywide Plan and EIR; Submitted Project Materials

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

The proposed Project will result in a very negligible change in demand for water. The only component of the Project that will utilize water is landscape irrigation, and the landscaping proposed will feature drought tolerant plant materials. No wastewater will be generated on-site as the Project does involve an on-site manager residence or office.

The project is designed to collect all storm water runoff into a drain system and then to a retention basin. The estimated increase in storm water run-off in the post development condition is minimal. (See Section X - Hydrology and Water Quality and Exhibit 5 – Site Plan, for additional detail.)

The Project Site is serviced by Southern California Edison (SCE), which provides electrical service to the project vicinity. The Proposed Project will receive electrical power by connecting to SCE's existing power lines. The increased demand for electric power is expected to be very minimal and will be sufficiently served by existing SCE electrical facilities. Total electricity demand in SCE's service area is estimated to increase by approximately 12,000 Gigawatt hours between the years 2015 and 2026. The increase in electricity demand from the project would represent an insignificant portion of overall demand in SCE's service area.

The Proposed Project would not require the expansion or construction of any new infrastructure to provide water, wastewater treatment, storm water drainage, electric power, natural gas or telecommunications other than on-site improvements and/or typical service connections to the site. Therefore, no significant adverse impacts to any of the foregoing services and utilities are identified or anticipated, and no mitigation measures are required.

Less than Significant Impact.

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

The proposed project will be served by the Hi-Desert Water District (HDWD), 55439 29 Palms Highway, Yucca Valley, CA. The HDWD 2020 Urban Water Quality Management Plan (UWMP), which was developed in partnership with Mojave Water Agency (MWA), is a long-term plan to ensure an adequate water supply is available to meet the future needs of the District. Water supply for the District service area is sourced almost entirely from pumped groundwater from the Warren Valley and Ames Groundwater Basins

According to the 2020 UWMP, "The HDWD, in collaboration with Mojave Water Agency and other local agencies, has established opportunities to optimally manage water supplies in the Warren Valley Basin and Ames Valley Basin through innovative actions. These actions have created a robust water supply for the District that demonstrates there is sufficient water supply to meet the District's growing demands through 2045." It should be noted that the proposed use is consistent with the General Plan Industrial Land Use designation, thus future development of the project site would be assumed in long-term projections of water demand.

Water demand in the proposed project will be limited to irrigation of landscape area and to meet fire protection needs. Although this demand has not been quantitatively estimated, it would clearly be negligible, and would not impact the ability of the Hi-Desert Water District or the Mojave Water Agency to meet projected demands. Consequently, no significant adverse impacts to water supply to serve the Project are identified or anticipated, and no mitigation measures are necessary.

Less than Significant Impact.

- c) **Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?**

The proposed project will not be connected to the public sewer system. Consequently, no adverse impacts to the capacity of the wastewater treatment infrastructure to serve the Project are identified or anticipated, and no mitigation measures are necessary.

No Impact.

- d) **Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

The Project site is currently within the refuse collection area of Burrtec Waste Industries. Solid waste generated at the Project Site would be disposed of at either the San Bernardino County Landers Sanitary Landfill (36-AA-0057), or other active landfills as necessary. According to the CalRecycle web site, the Landers Sanitary Landfill has a maximum throughput of 1,200 tons per day, an expected operational life through 2072, and a remaining capacity of 11,148,100 cubic yards, as of 7/5/16. Due to the nature of the proposed Project, solid waste generation is anticipated to be very limited. An on-site waste collection receptacle is provided in design plans. (See Exhibit 6 – Container Layout and Parking Plan) The Project would be served by a landfill with sufficient permitted capacity to accommodate its solid waste disposal needs. No hazardous wastes are anticipated to be generated by the project, which is intended to accommodate only storage of typical household items. No significant adverse impacts pertaining to solid waste from long-term operations are identified or are anticipated, and no mitigation measures are required.

Preparation and approval of a Construction and Demolition Solid Waste Management Plan is required by the County of San Bernardino. The California Green Building Standards Code (CALGreen) requires all newly constructed buildings, including low-rise residential and most nonresidential commercial projects, develop a waste management plan and divert a minimum of 65 percent of construction waste. Projects are required to estimate the amount of solid waste tonnage to be disposed and diverted during construction. The mandatory requirement to prepare a Construction and Demolition Solid Waste Management Plan would ensure that impacts related to construction waste would be less than significant and no mitigation measures are required.

Less than Significant Impact.

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

Please refer to Response XIX- (d) above. The proposed Project would comply with all federal, state, and local statutes and regulations related to solid waste. Solid waste produced during the construction phase and operational phase of the proposed Project would be disposed of in accordance with all applicable statutes and regulations.

Therefore, no significant adverse impacts pertaining to solid waste disposal are identified or anticipated, and no mitigation measures are required.

Less than Significant Impact.

In consideration of the preceding information and analysis, no significant adverse impacts related to utilities and service systems are identified or anticipated and no mitigation measures are required.

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

SUBSTANTIATION:

Sources: San Bernardino Countywide Plan; Submitted Project Materials

a) **Substantially impair an adopted emergency response plan or emergency evacuation plan?**

The Project site is located within approximately 450 feet of 29 Palms Highway (Highway 62) which is a designated Countywide Plan evacuation route. Operations and construction of the proposed Project would not interfere with the use of this route during an evacuation. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County Fire Department. Furthermore, the Project site does not contain any emergency facilities. Long-term operations at the proposed Project would not interfere with an adopted emergency response or evacuation plan. Proposed project driveways would be maintained for ingress/egress. As has been previously noted, site occupancy at any one time can be expected to be very low due to the nature of the facility. The auto collision repair facility is the only other substantial use taking access from Shafter Avenue, and it has separate driveway access. The area to the east of the project site which also takes access from Shafter Avenue is very sparsely populated. No significant

impacts pertaining to emergency response or evacuation are identified or anticipated, and no mitigation measures are necessary.

Less than Significant Impact.

- b) **Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?**

The portion of the project site to be developed is essentially flat, but the remainder of the site on the south edge of the property is characterized by a steep slope bank that will remain in its natural state. As has been previously noted, the proposed use of metal shipping containers for storage would minimize the level of fire risk. No habitable structures are involved in the proposed Project. No significant impacts pertaining to emergency response or evacuation are identified or anticipated, and no mitigation measures are necessary.

Less than Significant Impact.

- c) **Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

The Project site would provide moderate improvements to the property, including improved access to the site from Shafter Avenue. The utilization of recycled metal storage containers would be more fire resistant than typical storage facilities. The proposed Project does not include the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Therefore, no impacts are identified, and no mitigation measures are required.

No Impact.

- d) **Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

None of the cited conditions exist on the Project site. Please refer to Section VII - Geology and Soils, and Section X- Hydrology and Water Quality, for additional information. No impacts have been identified or are anticipated and no mitigation measures are necessary.

No Impact.

In consideration of the preceding information and analysis, no significant adverse impacts related to wildfire risks are identified or anticipated and no mitigation measures are required

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XXI. MANDATORY FINDINGS OF SIGNIFICANCE:				

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☒ | ☐ | ☐ |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☒ | ☐ | ☐ |
| c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☒ | ☐ | ☐ |

- a) **Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

The Biological Resource Assessment (RA) prepared for the proposed Project concluded that all direct, indirect, and cumulative impacts would be reduced to a less than significant impact with implementation of Mitigation Measures BIO-1 and BIO-2. Therefore, the proposed Project is not anticipated to have the potential to significantly degrade the overall quality of the region's environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population or drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal.

Potential impacts to cultural resources were identified in the Phase I Cultural Resources Assessment (CRA) prepared for the Proposed Project. As discussed in this Initial Study, all direct, indirect, and cumulative can be reduced to a less than significant level with implementation of Mitigation Measures CR-1 and CR-2. Adherence to mitigation measures as presented in this Initial Study would ensure that any important examples of the major periods of California history or prehistory that may be discovered during construction are not eliminated as a result of the proposed Project.

Less than Significant Impact with Mitigation Incorporated.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

The project has 3 potential impact categories that are individually limited but may potentially be cumulatively considerable. These are: Biological Resources, Cultural Resources, and Tribal Cultural Resources. The project is not considered growth-inducing, as defined by *State CEQA Guidelines*. These referenced issues require the implementation of mitigation measures to reduce impacts to a less than significant level and ensure that cumulative effects are not cumulatively considerable. All other environmental issues were found to have no potential significant impacts without implementation of mitigation. The potential cumulative environmental effects of implementing the proposed project have been determined to be less than considerable and therefore, less than significant.

Less than Significant Impact with Mitigation Incorporated.

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

All potential impacts have been fully evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of adverse effects upon the region, the local community, or its inhabitants, with mitigation as incorporated in this Initial Study. It is anticipated that conditions of approval will incorporate all mitigation measures set forth in this analysis in addition to other requirements that will further ensure that no potential for substantial adverse impacts will be introduced by construction activities or long-term operations authorized by the project approval.

Less than Significant Impact with Mitigation Incorporated.

MITIGATION MEASURES / CONDITIONS OF APPROVAL

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

Mitigation Measure BIO-1:

To ensure no impacts to Western Joshua trees, any tree within 40 feet of active construction shall be encircled by temporary construction fencing. This will be of a height and color to be visible from a distance. With this mitigation incorporated, no western Joshua trees will be affected. Should impacts to this species become unavoidable in the future, an incidental take permit (ITP) will be required from the CDFW. The ITP will detail all impacts to the species and any necessary additional mitigation measures.

Mitigation Measure BIO-2:

If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer.

The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas.

A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Mitigation Measure CR-1:

Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried prehistoric or historic cultural deposits. In the event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find should cease and a qualified archaeologist should be retained to assess the significance

of the find. The qualified archaeologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist finds that any cultural resources present meet eligibility requirements for listing on the California Register or the National Register of Historic Places (National Register), plans for the treatment, evaluation, and mitigation of impacts shall be developed.

Mitigation Measure CR-2:

If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project Mitigation Measure CR-2.

BIBLIOGRAPHY

GENERAL REFERENCES

- Basin Transit website. <https://basin-transit.com/>
- California Department of Conservation, Farmland Mapping and Monitoring Program
- California Department of Resources Recycling and Recovery (CalRecycle), Solid Waste Facilities.
- California Department of Transportation, Scenic Highways Program.
- California Energy Commission, California Energy Consumption Database.
- San Bernardino County. Development Code.
- San Bernardino County, Countywide Plan and EIR. 2020. All pertinent Elements of the General Plan and EIR chapters in addition to the following supporting documents:
 - San Bernardino County. Greenhouse Gas Emissions Reduction Plan. September 2011.
 - San Bernardino County, Multi-Jurisdictional Hazard Mitigation Plan, July 2017
 - Cultural Resources Technical Report
 - Land Use Background Report
 - Morongo Valley Community Action Guide.
 - Paleontological Resources Technical Report
 - San Bernardino County Community and Municipal Greenhouse Gas Inventory, October 2017
 - Safety Background Report
 - Water, Wastewater, and Hydrology Existing Conditions
- San Bernardino County, Transportation Impact Study Guidelines. July 2019
- High Desert Water District Urban Water Quality Management Plan (UWMP), 2020.
- Mojave Air District CEQA Guidelines, 2020

PROJECT SPECIFIC REFERENCES

- “Biological Resources Assessment for the Proposed Project”, 7888 Shafter Avenue, Yucca Valley, San Bernardino County, California, Prepared by ELMT Consulting, June 6, 2023.

- “Cultural Resources Assessment”, 7886 Shafter Avenue Self Storage Project, Yucca Valley, San Bernardino County, California. Prepared by BCR Consulting, May 24, 2023.
- “Geotechnical Engineering Investigation”, Proposed ISO Shipping Container Self-Storage Facility 7886 Shafter Avenue, Yucca Valley, California. Prepared by Nor Cal Engineering, June 8, 2023
- “Preliminary Drainage Study”, 7886 Shafter Avenue, Yucca Valley, Prepared by SITETECH, Inc. July 27, 2023.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3276

HEARING DATE: JULY 16, 2025

RESOLUTION NO. 3423

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3276 AND APPROVING THE SPHERE OF INFLUENCE AMENDMENT (EXPANSION) FOR HI-DESERT WATER DISTRICT

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

WHEREAS, an application for the proposed sphere of influence amendment (expansion) in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as “the Commission”) in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

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

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

WHEREAS, the public hearing by this Commission was called for July 16, 2025 at the time and place specified in the notice of public hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written support and opposition; the Commission considered all objections and evidence which were made, presented, or filed; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing; and,

WHEREAS, this Commission reviewed and considered the Mitigated Negative Declaration prepared by the San Bernardino County Land Use Services Department—as a function of its review of a Minor Use Permit to establish a personal self-storage facility (mini storage) to include (155) 8’x20’ and (8) 8’x10’ standard height shipping containers totaling

RESOLUTION NO. 3423

25,440 square feet of structures on approximately 9.46 acres—prior to reaching a decision on the sphere of influence amendment, finding that the information substantiating the Mitigated Negative Declaration as adequate for its use in making a decision as a CEQA responsible agency and that it does not intend to adopt alternatives or mitigation measures for this project as all changes, alterations and mitigation measures are within the responsibility and jurisdiction of the County and/or other agencies and not the Commission, and directed 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; and,

WHEREAS, the Commission determined that the proposed sphere of influence amendment, submitted under the provisions of Government Code Section 56428, does not require a service review; and,

WHEREAS, the following determinations are made in conformance with Government Code Section 56425 and local Commission policy:

1. The present and planned land uses in the area, including agricultural and open space lands

The project area has a land use designation of MV/IC (Morongo Valley/Community Industrial). Community Industrial provides sites for light industrial uses such as light manufacturing uses, wholesale/warehouse services, contract/construction services, transportation services, agriculture support services, incidental commercial and accessory residential uses, and similar and compatible uses. The proposed development of a mini-storage facility is a permitted use within the project area.

2. The present and probable need for public facilities and services in the area

There will be a change to the public facilities and utility services as a result of annexation of the project area, which is dependent upon the sphere of influence amendment. The sphere of influence amendment and the concurrent annexation will place the project area within the Hi-Desert Water District. The development of a mini-storage facility requires potable water, irrigation water, and/or fire suppression water service.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide

The Hi-Desert Water District provides water and sewer service within the Town of Yucca Valley and its surrounding unincorporated communities, including the community of Yucca Mesa. The District currently owns and operates an 8-inch potable water line in Shafter Avenue, which is adjacent to the project area. The District can feasibly extend and adequately supply potable water, irrigation water, and/or fire suppression water service to the proposed mini-storage facility being developed within the project area.

RESOLUTION NO. 3423

4. *The existence of any social or economic communities of interest*

The project area is located within the Morongo Valley community. However, a local agency associated with the community, the Morongo Valley Community Services District, does not provide water service within said Morongo Valley community nor are there any water service providers anywhere near the project area.

5. *The Present and Probable Need for Public Facilities and Services of any Disadvantaged Unincorporated Communities Within the Existing Sphere of Influence for a City/Special District that Provides Public Facilities or Services Related to Sewers, Water, or Fire Protection*

The Town of Yucca Valley has a coterminous boundary and sphere of influence; therefore, the Town itself does not have any disadvantaged unincorporated communities; however, surrounding areas are considered disadvantaged, including areas within the Hi-Desert Water District's boundaries.

The District provides water service within the Town and its surrounding communities, including the community of Yucca Mesa. The District began providing sewer service within the Town's core along SR 62. The District is now getting ready to begin Phase 2 of implementing and expanding its sewer collection system to provide sewer service to additional customers within the District's boundaries.

The San Bernardino County Fire Protection District provides fire protection and emergency medical services within the Town and its surrounding communities.

Additional Determinations

- As required by State Law, notice of the Commission's consideration of this issue has been advertised through publication the *Hi-Desert Star*, a newspaper of general circulation in the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
- LAFCO staff has also provided individual notices in conjunction with noticing the proposed annexation proposal, LAFCO 3277, to landowners surrounding the sphere amendment and annexation area in accordance with state law and adopted Commission policies.
- The map and legal description for the sphere of influence amendment, as revised, are in substantial compliance with LAFCO and State standards.

WHEREAS, pursuant to the provisions of Government Code Section 56425(i), the range of services provided by the West Valley Water District shall be limited to the following:

RESOLUTION NO. 3423

FUNCTION

SERVICES

Water

Retail, agricultural, domestic, replenishment, fire flow, fire hydrants

Sewer

Collection, transportation, treatment, reclamation, disposal, planning and engineering

WHEREAS, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it determines to amend the sphere of influence for the Hi-Desert Water District (expansion).

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall consider the territory described in Exhibits "A" and "A-1" as being within the sphere of influence for the Hi-Desert Water District, it being fully understood that the amendment of said sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

BE IT FURTHER RESOLVED that the Local Agency Formation Commission for San Bernardino County, State of California, does hereby determine that the Hi-Desert Water District, as the applicant, shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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

I, Samuel Martinez, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission

RESOLUTION NO. 3423

at its regular meeting of July 16, 2025.

DATED:

SAMUEL MARTINEZ
Executive Officer

DRAFT

LAFCO 3276
 SPHERE OF INFLUENCE AMENDMENT (EXPANSION) FOR
 THE HI-DESERT WATER DISTRICT
 LEGAL DESCRIPTION

PARCEL 1 (APN 0585-273-04)

All that portion of Section 5, Township 1 South, Range 5 East, San Bernardino Base and Meridian, in the County of San Bernardino, State of California, according to the official plat thereof, described as follows:

Beginning on the Northwest corner of Parcel No. 4, per Parcel Map No. 7849 recorded in Book 85, Pages 26 and 27, records of said County, said corner being a point on the existing Hi-Desert Water District boundary established by "Annexation No. 91-12 (LAFCO 2656)", said corner also being a point on the Town of Yucca Valley incorporation boundary per LAFCO No. 2661;

Course 1, thence, leaving said LAFCO 2656 boundary, and also leaving said Town boundary, South $31^{\circ}03'30''$ East, along the southwesterly line of said Parcel No. 4, a distance of 447.33 feet;

Course 2, thence, leaving said southwesterly line, South $58^{\circ}56'30''$ West, a distance of 660.00 feet;

Course 3, thence, North $31^{\circ}03'30''$ West, a distance of 660.00 feet to a point on said LAFCO 2656 boundary, said point also being on said Town boundary;

Course 4, thence, North $58^{\circ}56'30''$ East, along said LAFCO 2656 boundary, and also said Town boundary, a distance of 623.57 feet to the beginning of a non-tangent curve, concave northeasterly, having a radius of 65.16 feet, to which beginning of curve a radial bears North $67^{\circ}51'00''$ East;

Course 5, thence, southeasterly along said curve, through a central angle of $73^{\circ}31'02''$, an arc distance of 83.61 feet;

Course 6, thence, South $31^{\circ}03'30''$ East, a distance of 143.72 feet to the **Point of Beginning**.

The above described parcel contains 433,656 square feet (9.955 acres), more or less.

Map is attached hereto and by this reference made a part hereof.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.


 Joseph A. Figueroa, PLS 9288

6/17/25
 Date



LAFCO 3276 SPHERE OF INFLUENCE AMENDMENT (EXPANSION) FOR THE HI-DESERT WATER DISTRICT

0 100 200 400
SCALE: 1" = 200'

5 4

EAST 1/4 COR.
SECTION 5

SAN BERNARDINO COUNTY
SECTION 5, T.1S. R.5E. S.B.M.

29 PALMS HIGHWAY (RT 62)

HI-DESERT
WATER DISTRICT
LAFCO NO. 2656
ANNEXATION NO. 91-12

HI-DESERT
WATER DISTRICT
LAFCO NO. 2656
ANNEXATION NO. 91-12

PARCEL 2

PARCEL 3

COURSE 5
R= 65.16'
Δ= 73°31'02"
L= 83.61'

TOWN OF
YUCCA VALLEY
SAN BERNARDINO
COUNTY

PARCEL 1

COURSE 4
N58°56'30"E 623.57'

N67°51'00"E RAD.

COURSE 6
S31°03'30"E
143.72'

P.O.B.

PARCEL MAP NO. 7849
P.M.B. 85/26-27
PARCEL 4

APN 0585-273-13

EAST LINE
SECTION 5

PARCEL 1
APN 0585-273-04
433,656 S.F.
(9.955 AC.)

SHAFTER AVENUE
DOC# 2024-0255014 O.R.
10/24/2024

N31°03'30"W 660.00'
COURSE 3

S58°56'30"W 660.00'
COURSE 2

AFFECTED AGENCIES

HI-DESERT WATER DISTRICT

LEGEND

P.O.B. POINT OF BEGINNING

SECTION LINE

EXISTING HI-DESERT WATER
DISTRICT SPHERE OF INFLUENCE

SPHERE EXPANSION

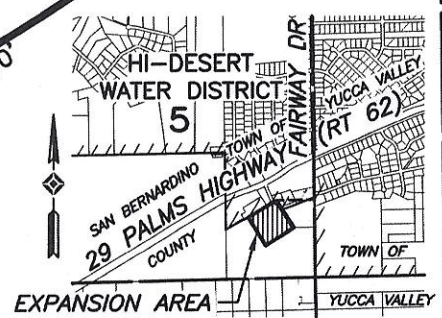
SURVEYOR:

PREPARED UNDER THE DIRECTION OF:

FIGUEROA
SURVEYING, INC.

1265 N La Cadena Dr | #9A | Colton | CA 92324
909 264 3007 | josephf@figsurv.com

Joseph A. Figueroa 6/17/25
JOSEPH A. FIGUEROA DATE
L.S. 9288



VICINITY MAP
N.T.S.



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sbclafco.org

PROPOSAL NO.: LAFCO 3277

HEARING DATE: JULY 16, 2025

RESOLUTION NO. 3424

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3277 AND APPROVING THE ANNEXATION TO HI-DESERT WATER DISTRICT (APN 0585-273-04)

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

WHEREAS, an application for the proposed annexation in San Bernardino County was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and executed his certificate in accordance with law, determining and certifying that the filings are sufficient; and,

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

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

WHEREAS, the public hearing by this Commission was called for July 16, 2025 at the time and place specified in the notice of public hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written support and/or opposition; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby determine, find, resolve, and order as follows:

RESOLUTION NO. 3424

SECTION 1. The proposal is approved subject to the terms and conditions hereinafter specified:

CONDITIONS:

Condition No. 1. The boundaries are approved as set forth in Exhibits “A” and “A-1” attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3277.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Hi-Desert Water District (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

Condition No. 4. The Hi-Desert Water District shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission’s approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

Condition No. 5. The date of issuance of the Certificate of Completion shall be the effective date of this annexation.

SECTION 2. The Commission determines that:

- a) this proposal is certified to be legally uninhabited;
- b) it has 100 % landowner consent; and,
- c) no written opposition to a waiver of protest proceedings has been submitted by the subject agency.

Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56662(d).

SECTION 3. DETERMINATIONS. The following determinations are required to be provided by Commission policy and Government Code Section 56668:

- 1. The County Registrar of Voters Office has determined that the annexation area is legally uninhabited, containing zero registered voters as of March 24, 2025.
- 2. The County Assessor’s Office has determined that the total estimated assessed value of land and improvements within the annexation area is \$390,150.
- 3. Through approval of the companion sphere of influence amendment, LAFCO 3276, the annexation will be within the sphere of influence assigned the Hi-Desert Water District.
- 4. Legal notice of the Commission’s consideration of the proposal has been provided through publication in the *Hi-Desert Star*, a newspaper of general circulation within

RESOLUTION NO. 3424

the annexation area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.

5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to landowners and registered voters surrounding the annexation area (25 total). Comments from registered voters, landowners, and other individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.
6. The Southern California Associated Governments (SCAG) has adopted its 2024-2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS), referred to as Connect SoCal 2024, pursuant to Government Code Section 65080. LAFCO 3277 has no direct impact on SCAG's Connect SoCal 2024.
7. Acting as the CEQA Lead Agency, the San Bernardino County Land Use Services Department—as a function of its review of a Minor Use Permit to establish a personal self-storage facility (mini storage) to include (155) 8'x20' and (8) 8'x10' standard height shipping containers totaling 25,440 square feet of structures on approximately 9.46 acres—prepared an environmental assessment and adopted a Mitigated Negative Declaration, which indicates that approval of the project will not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County's Initial Study and Mitigated Negative Declaration have been reviewed by the Commission and its staff who find them to be adequate for the annexation decision.

The Commission certified that it has reviewed and considered the County's Mitigated Negative Declaration and its environmental effects as outlined in the Initial Study prior to reaching a decision on the annexation and finds the information substantiating the Mitigated Negative Declaration adequate for its use as CEQA Responsible Agency. The Commission further found that it does not intend to adopt alternatives or additional mitigation measures for the project and that all changes, alterations and mitigation measures are the responsibility and jurisdiction of the County and/or others, not the Commission, and are considered self-mitigating through implementation of the Conditions of Approval.

The Commission directed 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.

8. The annexation area is currently served by the following local agencies: County of San Bernardino, Hi-Desert Memorial Healthcare District (dba Morongo Basin Healthcare District), Mojave Desert Resource Conservation District, Mojave Water Agency, San Bernardino County Fire Protection District and its Valley Service Zone and its Zone FP-5, County Service Area 70 (unincorporated County-wide multi-function agency).

None of these agencies are affected by this annexation proposal as they are either regional in nature or identified for other services for the annexation area.

RESOLUTION NO. 3424

9. The Hi-Desert Water District submitted a plan for the provision of water service to the annexation area as required by Government Code Section 56653. The Plan is to provide potable water, irrigation water, and/or fire suppression water service to the mini-storage facility. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements.
10. The annexation area can benefit from the availability and extension of water service from the Hi-Desert Water District.
11. This proposal will not affect the fair share allocation of the regional housing needs assigned the County through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) since the annexation area is proposed for a mini-storage facility.
12. With respect to environmental justice, the annexation proposal—which is to provide water service to the parcel—will not result in the unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino, acting on behalf of the Hi-Desert Water District, adopted a resolution indicating there will be no transfer of property tax revenues as a result of the annexation. This resolution fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards.

SECTION 4. The primary reason for this annexation is to provide potable water, irrigation water, and/or fire suppression water service to the proposed mini-storage facility. The parcel is currently not within the Hi-Desert Water District's boundary; therefore, annexation to the District is required in order to receive water service.

SECTION 5. The affected territory will not be taxed for existing bonded indebtedness or contractual obligations by the Hi-Desert Water District through the annexation. The Hi-Desert Water District utilizes the regular County assessment rolls.

SECTION 6. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

SECTION 7. The Commission hereby orders the territory described in Exhibits "A" and "A-1" annexed. The Commission hereby directs, following completion of the reconsideration period specified by Government Code Section 56895(b), that the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

SECTION 8. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

AYES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

* * * * *

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 July 16, 2025.

SAMUEL MARTINEZ
Executive Officer

LAFCO 3277
ANNEXATION TO THE HI-DESERT WATER DISTRICT
(ASSESSOR PARCEL NUMBER 0585-273-04)
LEGAL DESCRIPTION

PARCEL 1 (APN 0585-273-04)

All that portion of Section 5, Township 1 South, Range 5 East, San Bernardino Base and Meridian, in the County of San Bernardino, State of California, according to the official plat thereof, described as follows:

Beginning on the Northwest corner of Parcel No. 4, per Parcel Map No. 7849 recorded in Book 85, Pages 26 and 27, records of said County, said corner being a point on the existing Hi-Desert Water District boundary established by "Annexation No. 91-12 (LAFCO 2656)", said corner also being a point on the Town of Yucca Valley incorporation boundary per LAFCO No. 2661;

Course 1, thence, leaving said LAFCO 2656 boundary, and also leaving said Town boundary, South $31^{\circ}03'30''$ East, along the southwesterly line of said Parcel No. 4, a distance of 447.33 feet;

Course 2, thence, leaving said southwesterly line, South $58^{\circ}56'30''$ West, a distance of 660.00 feet;

Course 3, thence, North $31^{\circ}03'30''$ West, a distance of 660.00 feet to a point on said LAFCO 2656 boundary, said point also being on said Town boundary;

Course 4, thence, North $58^{\circ}56'30''$ East, along said LAFCO 2656 boundary, and also said Town boundary, a distance of 623.57 feet to the beginning of a non-tangent curve, concave northeasterly, having a radius of 65.16 feet, to which beginning of curve a radial bears North $67^{\circ}51'00''$ East;

Course 5, thence, southeasterly along said curve, through a central angle of $73^{\circ}31'02''$, an arc distance of 83.61 feet;

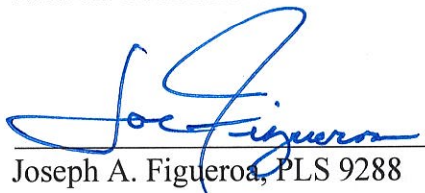
Course 6, thence, South $31^{\circ}03'30''$ East, a distance of 143.72 feet to the **Point of Beginning**.

The above described parcel contains 433,656 square feet (9.955 acres), more or less.

Map is attached hereto and by this reference made a part hereof.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.


Joseph A. Figueroa, PLS 9288

6/17/25
Date



LAFCO 3277
ANNEXATION TO THE HI-DESERT WATER DISTRICT
(ASSESSOR PARCEL NUMBER 0585-273-04)

0 100 200 400
 SCALE: 1" = 200'

5 4

EAST 1/4 COR.
 SECTION 5

SAN BERNARDINO COUNTY
SECTION 5, T.1S. R.5E. S.B.M.

HI-DESERT
 WATER DISTRICT
 LAFCO NO. 2656
 ANNEXATION NO. 91-12

HI-DESERT
 WATER DISTRICT
 LAFCO NO. 2656
 ANNEXATION NO. 91-12

29 PALMS HIGHWAY (RT 62)

SHAFTER AVENUE

PARCEL 2

PARCEL 3

COURSE 5
 R= 65.16'
 Δ= 73°31'02"
 L= 83.61'

TOWN OF
 YUCCA VALLEY
 SAN BERNARDINO
 COUNTY

P.O.B.

PARCEL MAP NO. 7849
 P.M.B. 85/26-27
 PARCEL 4

APN 0585-273-13

EAST LINE
 SECTION 5

PARCEL 1
 APN 0585-273-04
 433,656 S.F.
 (9.955 AC.)

SHAFTER AVENUE
 DOC# 2024-0255014 O.R.
 10/24/2024

TOWN OF
 YUCCA VALLEY
 SAN BERNARDINO
 COUNTY

PARCEL 1

COURSE 4
 N58°56'30"E 623.57'

COURSE 6
 S31°03'30"E 143.72'

COURSE 5
 N05°40'02"W RAD.

COURSE 1
 S31°03'30"E 447.33'

COURSE 3
 N31°03'30"W 660.00'

COURSE 2
 S58°56'30"W 660.00'

AFFECTED AGENCIES
 HI-DESERT WATER DISTRICT

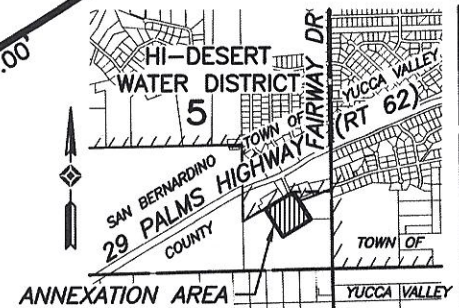
LEGEND

P.O.B. POINT OF BEGINNING

SECTION LINE

EXISTING HI-DESERT WATER
 DISTRICT BOUNDARY

ANNEXATION BOUNDARY



VICINITY MAP
 N.T.S.

SURVEYOR:

PREPARED UNDER THE DIRECTION OF:



1265 N La Cadena Dr | #9A | Colton | CA 92324
 909 264 3007 | josephf@figsurv.com

Joseph A. Figueroa 6/17/25
 JOSEPH A. FIGUEROA
 L.S. 9288

DATE



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: JULY 9, 2025 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #12: Unaudited Year-End Financial Report for FY 2024/25

RECOMMENDATION:

Staff recommends that the Commission:

- 1) Note receipt of this report and file.
- 2) To accommodate the increase in expenditures due to the retirement of the Clerk, transfer appropriation of \$56,000 as follows:
 - a. From Expenditure Accounts (Services and Supplies) and Reserve Account:
 1. 2400 (Legal Counsel) by \$14,000 from \$37,500 to \$23,500
 2. 2449 (Outside Legal Services) by \$10,000 from \$10,000 to \$0
 3. 2905 (Office/Hearing Rental) by \$14,000 from \$64,142 to \$50,142
 4. 6030 (Compensated Absences Reserve) by \$18,000 from \$182,652 to \$164,562
 - b. To Expenditure Accounts (Salaries and Benefits):
 1. 1010 (Earnable Compensation) by \$44,000 from \$529,170 to \$573,170
 2. 1045 (Termination Payment) by \$12,000 from \$0 to \$12,000
- 3) To accommodate additional cash carryover, increase two Reserve accounts as follows:
 - a. 6010 (Application Reserve) by \$40,000 from \$110,000 to \$150,000
 - b. 6025 (General Reserve) by \$25,000 from \$235,000 to \$260,000

SUMMARY:

1. Budget Markers

Fiscal Year 2024/25 has concluded, and staff presents the Commission with its final financial report. This report includes a review of the financial activities and the presentation of a spreadsheet (see Attachment) showing the line-item expenditures and receipts during the year. The summary table below shows that Total Expenditures did not exceed appropriations; however, Salaries and Benefits exceeded appropriations by roughly 7% due the Clerk's retirement (mandatory leave cashouts and overlap of position for training). For Revenues, the Applications category earned 96% of expected revenue, with Total Revenues of 98% slightly below expectations. The table below is a snapshot through the year-end.

Expenditures		Revenues	
Salaries and Benefits	107%	Apportionment	101%
<i>(above appropriations, before budget adjustment)</i>		<i>(met goal)</i>	
Services and Supplies	81%	Applications	96%
<i>(below appropriations, before budget adjustment)</i>		<i>(slightly below goal)</i>	
TOTAL	98%	TOTAL	98%

2. Applications

The table below identifies the number of proposals and service contracts budgeted and received. The items in grey are the items that require a public hearing by the Commission. When combined, the budget anticipated 10 applications and 10 were received.

Activity	Budget	THRU	JUNE
		No.	% of Budget
Commission: Proposals	6	5	83%
Commission: Service Contracts	4	5	125%
Administrative: Service Contracts	4	10	250%

3. Cash in Treasury

As of June 30, the Commission's cash in the County Treasury was \$783,185. A breakdown of this amount is shown below.

JUNE 30, 2025 Balance		\$783,185
Cash Balance is composed of the following:		
Reserves: Committed (constrained to specific purposes)		
Compensated Absences (Account 6030)		164,562
Salary for Extra Pay Period: Year 4 of 10 (Account 6035)		12,000
Reserves: Assigned (intended for specific purposes)		
Contingency (Account 6000)		40,000
Application (Account 6010)		150,000
General (Account 6025)		260,000
Carryover:		
Open Proposals, Deposits on File		28,021
Additional Cash Carryover		128,602
	Staff Recommends increasing Application reserve by \$40,000 from \$110,000 to \$150,000	
	Staff Recommends increasing General reserve by \$25,000 from \$235,000 to \$260,000	

DETAIL:

The following provides a discussion of (1) expenditures, (2) reserves, (3) projects and programs, and (4) revenues.

1. Expenditures

Expenditures are composed of two categories of accounts: 1) Salaries and Benefits, and 2) Services and Supplies. At year's end, expenditures were at 98% of budget authority. A more detailed analysis of the categories is as follows:

A. Salaries and Benefits (1000 series)

The Salaries and Benefits series of accounts (1000 series) had expenditures of \$880,451, representing 107% of budget authority. The overage is due to two reasons, both related to the retirement of the Clerk.

- First, the retirement resulted in a mandatory cashout of roughly \$18,000. The budget anticipated that at the end of the fiscal year staff would recommend a transfer of the known amount from Compensated Absences Reserve. The payment breakdown is as follows:
 - Roughly \$7,000 from Account 1010 (Earnable Compensation) for vacation cashouts paid to the employee
 - Roughly \$11,000 from Account 1045 (Termination Payment) for sick leave cashouts paid to her retirement medical trust fund

- Second, the Executive Officer decided to have the retiring clerk stay an additional two months for additional support and training necessary through the transition, which increased salaries and benefits by roughly \$38,000. Fortunately, there is adequate budget authority that remains in the Services and Supplies category to cover the increase.

This report recommends a \$56,000 transfer of appropriations to Salaries and Benefits from Compensated Absences Reserve and Services and Supplies. The breakdown of the transfers is on page 1 under Recommendations. After the recommended transfers, Salaries and Benefits would end the year at 99.9% of budget authority.

B. Services and Supplies (2000 and 5000 series)

Through year's end, the Services and Supplies series of accounts (2000 and 5000 series) had expenditures of \$365,154, or 81% of budget authority. Unrecoverable legal costs decreased significantly and the lower costs for the current office lease are the primary reasons for Services and Supplies being lower than the budget.

As discussed above, there is adequate budget authority in Services and Supplies to transfer to Salaries and Benefits. After the recommended transfers, Services and Supplies would end the year at 89% of budget authority.

2. Reserves

As discussed above, the retirement of the clerk resulted in mandatory cashouts of roughly \$18,000. This amount is recommended for transfer from Account 6030 (Termination Payment).

This fiscal year ends with additional cash carryover, and staff recommends increases to the following reserve accounts:

- Application Reserve by \$40,000 from \$110,000 to \$150,000
- General Reserve by \$15,000 from \$235,000 to \$250,000

3. Projects and Programs

The following provides an update on expenditures and progress on projects approved by the Commission.

A. Service Reviews and Special Studies

The focused service review for the Big River Community Services District was completed in November. In January the Commission reordered the service review schedule as follows:

- Park and Recreation (estimated completion Winter 2025/26)

- Healthcare Districts
- Streetlighting

B. Governance Training Program

LAFCO and CSDA partnered on this year's Governance Training sessions. The first session, *Finance 201 for Special Districts*, was scheduled for April 29. The second session, *Effective Meeting Management Through Parliamentary Procedure*, was scheduled for May 29. Both sessions took place at the Mojave Water Agency in Apple Valley.

4. Revenues

Year-end revenues received were 98% of the anticipated budget. The items below outline the revenue activity:

- Interest (Account 8500) – The gain from investment returns was more than 50% that of the budget. The County Treasury allocated LAFCO \$46,748 for the year.
- Apportionment (Account 8842) - 100% of the mandatory apportionment payments from the County, cities, and independent special districts billed by the County Auditor have been received.
- Applications (Accounts 9545 – 9800) – Application revenues have received 96% of its budget (\$105,971). This amount is made up of a combination of proposal and service contract filing fees.

CONCLUSION:

On a cash basis, the year ended with total expenditures within appropriations and revenues slightly below budget. However, the Salaries and Benefits series of accounts ended above budget authority due to the retirement of the Clerk. Fortunately, there is adequate budget authority that remains in the Services and Supplies category to cover the increase.

Staff will be happy to answer any questions from the Commission prior to or at the hearing regarding the items presented in this report.

SM/MT

Attachment: Spreadsheet of Expenditures, Reserves, and Revenues

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	FY 24/25 AMENDED JAN 2025	FY 24/25 FINAL JULY 2025	AMOUNT THRU Q3	APRIL	MAY	JUNE	AMOUNT THRU JUNE	% FINAL JULY 2025
	Salaries and Benefits:								
1010	Earnable Compensation	529,170	573,170	393,769	76,724.89	44,935.58	48,824.07	564,253	98%
1030	Auto and Cell Phone Allowances	9,275	9,275	6,650	1,081.50	700.00	700.00	9,132	98%
1045	Termination Payment	-	12,000	-			11,085.58	11,086	92%
1110	General Member Retirement	146,892	146,892	108,975	20,329.94	12,279.32	12,252.87	153,837	105%
1130	Survivors Benefits	101	101	75	14.95	9.00	8.10	107	106%
1200	Medical Premium Subsidy	60,784	60,784	43,752	9,214.35	5,354.90	5,026.06	63,348	104%
1205	Long-Term Disability	1,515	1,515	1,108	219.26	130.92	122.03	1,580	104%
1207	Vision Care Insurance	674	674	497	100.15	59.90	53.91	711	106%
1215	Dental Insurance Subsidy	1,112	1,112	793	159.47	95.44	85.98	1,134	102%
1222	Short-Term Disability	5,817	5,817	4,118	815.87	486.84	453.33	5,874	101%
1225	Medicare	6,683	6,683	4,751	958.96	546.47	546.41	6,802	102%
1240	Life Insurance & Medical Trust Fund	16,483	16,483	11,909	2,228.45	1,356.02	1,242.73	16,736	102%
1305	Medical Reimbursement Plan	3,962	3,962	2,279	475.14	279.62	260.39	3,294	83%
1314	457/401a Contribution	3,551	3,551	2,493	467.99	287.00	272.13	3,520	99%
1315	401k Contribution	38,991	38,991	27,865	5,103.73	3,152.96	2,915.00	39,037	100%
Total Salaries and Benefits		\$ 825,010	\$ 881,010	\$ 609,034	\$ 117,894.65	\$ 69,673.97	\$ 83,848.59	\$ 880,451	99.9%
	Services and Supplies:								
2031	Payroll System Services (County IT)	756	756	560	72.70	109.05	109.05	851	113%
2032	Virtual Private Network (County IT)	129	129	86	10.72	10.72	21.44	129	100%
2033	Network Labor Services (County IT)	-	-	-				-	
2037	Dial Tone (County IT)	2,955	2,955	1,970	246.24	246.24	492.48	2,955	100%
2041	Data Line	8,400	8,400	7,824		1,514.74		9,339	111%
2043	Telecommunications Labor (County IT)	15,000	15,000	14,977				14,977	100%
2075	Membership Dues	14,224	14,224	14,318				14,318	101%
2076	Tuition Reimbursement	2,000	2,000	-				-	0%
2080	Publications	4,064	4,064	3,978	345.18	345.18		4,668	115%
2085	Legal Notices	23,500	23,500	12,141	1,270.21	1,023.73	1,356.83	15,792	67%
2090	Building Expense	8,923	8,923	2,761	90.00	90.00	90.00	3,031	34%
2115	Software	3,591	3,591	1,085		1,053.36		2,138	60%
2180	Electricity	7,800	7,800	2,431				2,431	31%
2245	Other Insurance	19,265	19,265	12,666				12,666	66%
2305	General Office Expense	2,260	2,260	4,299	295.75	1,156.20	98.97	5,850	259%
2308	Credit Card Clearing Account	-	-	(760)	-	-	4,209.05	3,449	
2310	Mail (County Mail)	8,344	8,344	6,116	1,839.60	713.46	761.02	9,430	113%
2315	Records Storage	1,680	1,680	3,565		141.14		3,707	221%
2316	Surplus Handling Fee (County IT)						172.32	172	
2322	Enterprise Printing (County IT)	72	72	-				-	0%

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	FY 24/25 AMENDED JAN 2025	FY 24/25 FINAL JULY 2025	AMOUNT THRU Q3	APRIL	MAY	JUNE	AMOUNT THRU JUNE	% FINAL JULY 2025
2323	Reproduction Services	500	500	2,053		18.74	688.86	2,760	552%
2335	Temporary Services	-	-	-				-	
2400	Legal Counsel	37,500	23,500	11,236	2,950.66	6,373.92		20,561	87%
2405	Auditing	11,708	11,708	11,227				11,227	96%
2410	IT Infrastructure (County IT)	9,010	9,010	6,757	751.00	751.00	751.00	9,010	100%
2414	Application Dev. & Maint. (County IT)	-	-	-				-	
2415	Countywide Cost Allocation Program	5,981	5,981	2,721	907.00			3,628	61%
2416	Enterprise Printing (County IT)	-	-	-				-	
2417	Inactive Account (County IT)	-	-	-				-	
2418	Data Storage Services (County IT)	-	-	-				-	
2420	Enterprise Content Management (County IT)	2,024	2,024	2,023	252.89	252.89	505.78	3,035	150%
2421	Desktop Support Services (County IT)	7,642	7,642	5,341	727.84	727.84	1,531.49	8,329	109%
2424	Environmental Consultant	10,950	10,950	4,975	100.00	680.00	772.50	6,528	60%
2444	Security Services	492	492	583				583	118%
2445	Other Professional Services	118,981	118,981	73,008	4,209.42	14,423.74	12,495.06	104,137	88%
2449	Outside Legal (Litigation & Special Counsel)	10,000	-	-				-	
2450	Systems Development Charges (County IT)	1,294	1,294	-				-	0%
2460	Aerial Imagery (County IT)	3,000	3,000	3,000				3,000	100%
2895	Rent/Lease Equipment (copier)	5,400	5,400	2,291	375.94		508.36	3,175	59%
2905	Office/Hearing Chamber Rental	64,142	50,142	41,799	2,914.00	2,509.00	2,580.66	49,802	99%
2940	Private Mileage	7,428	7,428	5,398	589.40	563.92	220.78	6,772	91%
2941	Conference/Training	8,680	8,680	6,870		1,620.00		8,490	98%
2942	Hotel	11,297	11,297	8,881				8,881	79%
2943	Meals	1,050	1,050	371		66.70		438	42%
2944	Car Rental	-	-	60	122.28			182	
2945	Air Travel	800	800	1,439	116.01			1,555	194%
2946	Other Travel	300	300	404	60.00			464	155%
5012	Transfer to County (Staples & Microsoft)	8,697	8,697	6,322	224.70	93.41	57.52	6,698	77%
Total Services and Supplies		\$ 449,839	\$ 411,839	\$ 284,774	\$ 18,471.54	\$ 34,484.98	\$ 27,423.17	\$ 365,154	89%
TOTAL EXPENDITURES		\$ 1,274,849	\$ 1,292,849	\$ 893,808	\$ 136,366.19	\$ 104,158.95	\$ 111,271.76	\$ 1,245,605	96%
Trust Transfers:									
9990	SBCERA Additional Payment	54,968	54,968			54,968.00		54,968	100%
TOTAL APPROPRIATION		\$ 1,329,817	\$ 1,347,817	\$ 893,808	\$ 136,366.19	\$ 159,126.95	\$ 111,271.76	\$ 1,300,573	96%

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 23/24	APPROVED BUDGET FY 24/25	Q1	Q2	Q3	Q4	RESERVE BALANCES FY 24/25
	RESERVES							
6000	Contingency (Assigned)	35,000	40,000	-	-	-	-	40,000
6010	Application (Assigned)	-	110,000	-	-	-	40,000	150,000
6025	General (Assigned)	225,000	235,000	-	-	-	25,000	260,000
6030	Compensated Absences (Committed)	167,095	182,562	-	-	-	(18,000)	164,562
6035	Salary for Extra Pay Period (Committed)	9,000	12,000	-	-	-	-	12,000
TOTAL RESERVES (Increases)		\$ 436,095	\$ 579,562	\$ -	\$ -	\$ -	\$ 47,000	\$ 626,562

Attachment #1

Budget Spreadsheets

ACCT #	ACCOUNT NAME	FY 24/25 AMENDED JAN 2025	AMOUNT THRU Q3	APRIL	MAY	JUNE	AMOUNT THRU JUNE	PERCENT THRU JUNE
	County Treasury:							
8500	Interest and Investments	15,000	24,633	12,938.69			37,572	250%
9984	Interest Adjustment	15,000	9,176				9,176	61%
8842	Apportionment	1,172,283	1,172,283				1,172,283	100%
Total County Treasury		1,202,283	1,206,092	12,938.69	-	-	1,219,031	101%
	Applications:							
6010	Application Reserve (Assigned Reserve)	110,000						
9545	Individual Notice Deposit		7,000	2,186.22	2,000.00	101.26	11,287	
9555	Legal Services Deposit		10,400		1,400.00	1,500.00	13,300	
9595	Protest Hearing Deposit		4,500				4,500	
9655	Digital Mapping Fee (no longer used)		-				-	
9660	Environmental Deposit		15,110	2,186.22	2,623.00		19,920	
9800	LAFCO Fee		49,582	634.00	6,114.00	634.00	56,964	
Total Applications		110,000	86,592	5,006.44	12,137.00	2,235.26	105,971	96%
	Other:							
9910	Prior Year (accounts pay/due, carryover)	51,000	(2,306)				(2,306)	
9930	Miscellaneous		-				-	
9955	Returned Deposits: Non-Sufficient Funds		(606)				(606)	
9970	Accrued Payroll Liability		10,774				10,774	
9973	Returned Checks: Stale-dated		-				-	
Total Other		51,000	7,862	-	-	-	7,862	15%
TOTAL REVENUES		\$ 1,363,283	\$ 1,300,546	\$ 17,945.13	\$ 12,137.00	\$ 2,235.26	\$ 1,332,863	98%

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : JULY 9, 2025 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #13: Consideration of Candidate Election for Board of Directors to the Special District Risk Management Authority

RECOMMENDATION:

Staff recommends that the Commission:

1. Consider selecting up to four candidates for seats on the Special District Risk Management Authority Board of Directors; and,
2. Authorize the Executive Officer to submit the Commission's selection(s), if any, via the SDRMA Voting Page.

BACKGROUND:

As a member of the Special District Risk Management Authority (SDRMA), the Commission participates in SDRMA's elections for its Board members. Included as attachments to this report are the Election Ballot Instructions and the Candidate's Statements of Qualifications.

This LAFCO did not receive a nomination package; therefore, the Commission did not submit any nominations for consideration.

The SDRMA Board of Directors is currently composed of seven directors. Of the seven, four of the directors are up for election this year, with three incumbents seeking another term. For this election, the Commission may select up to four candidates from a field of five. Below are the five candidates.

- Virginia Chang Kiraly, San Mateo Harbor District, Commissioner
- Robert Housley (Incumbent), Midway City Sanitary District (Westminster), General Manager
- Steven Ruetters, Kern Mosquito & Vector Control District, Director
- Mike Schaefer (Incumbent), Costa Mesa Sanitary District, Board President
- Tom Wright (Incumbent), Clovis Veterans Memorial District, Board Chair

Staff does not have any recommendations for selection by the Commission. Staff will be happy to answer any questions prior to or at the hearing.

Attachment: 2025 SDRMA's Board of Directors Election - Election Ballot Instructions, Official Election Ballot, and Candidates' Statements of Qualifications



SDRMA'S BOARD OF DIRECTORS ELECTION BALLOT INSTRUCTIONS

Notification of nominations for four (4) seats on the Special District Risk Management Authority's (SDRMA's) Board of Directors was announced to the membership in March 2025.

On May 22, 2025, SDRMA's Election Committee reviewed the nomination documents submitted by the candidates in accordance with SDRMA's Policy No. 2024-08 Establishing Guidelines for Director Elections. The Election Committee confirmed that (5) candidates met the qualification requirements, and those names are included on the Official Election Ballot.

The Official Election Ballot along with a Statement of Qualifications as submitted by each candidate are posted to the SDRMA MemberPlus portal along with these instructions. The election instructions are as follows:

1. Cast your vote in MemberPlus by clicking on the "Board Election" dropdown on the left hand side, and selecting the "Submit Ballot" link. You may choose up to four (4) candidates.
2. **The Primary Contact assigned to each agency will have the authority to vote online.** If you would like to assign an alternate to vote, the Primary Contact or General Manager assigned to your agency must email crichardson@sdrma.org and choose a Designated Voting Representative.
3. Please contact Candice Richardson at crichardson@sdrma.org if you wish to submit a paper ballot.
4. Votes must be submitted on or before 4:30 p.m. on Monday September 22, 2025.
5. The four-year terms for newly elected Directors will begin on January 1, 2026, and terminate on December 31, 2029.
6. Important balloting and election dates are:
 - **September 22, 2025:** Deadline for members to submit your vote.
 - **September 23-26, 2025:** Ballots are tabulated.
 - **September 29, 2025:** Election results are announced, and candidates notified.
 - **November 5-6, 2025:** Newly elected Directors are invited to attend SDRMA board meeting (Sacramento).
 - **January 2026:** Newly elected Directors are seated, and Board officer elections are held.

Please do not hesitate to contact SDRMA's Management Analyst Candice Richardson at crichardson@sdrma.org or 800-537-7790 if you have any questions regarding the election and balloting process.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates
– no attachments will be accepted. No statements are endorsed by SDRMA.

Candidate* **Virginia Chang Kiraly**
District/Agency San Mateo County Harbor District
Work Address P.O. Box 1449, El Granada Ca, 94018
Work Phone 650-583-4400 Cell Phone 650-868-8515

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

I believe in SDRMA's mission to provide financially-sound pool resources for risk management, and risk financing for public agencies. Special districts throughout California provide services to tens of millions of Californians, and risk management becomes more crucial every year to safeguard against significant risk exposure.

I have personally seen the value that SDRMA has added for the San Mateo County Harbor District during the ten years I have been an elected Commissioner. Special districts like the Harbor District's commonly face challenges caused by specious claims or lawsuits, captious board governance, or providing affordable medical coverage for employees. SDRMA has been there for the Harbor District and the 780,000 San Mateo County residents to mitigate risk exposure and curb financial liability. I've seen firsthand the value SDRMA provided to the Harbor District, and want to ensure their services remain available.

**What Board or committee experience do you have that would help you to be an effective Board Member?
(SDRMA or any other organization) (Response Required)**

My extensive board experience on elected and appointed boards/committees and on nonprofit boards/committees have given me knowledge about board governance, parliamentary procedure, the public process, organizational integrity and ethical standards, transparency, and accountability.

Public Service & Elected Office

For more than two decades, I have served on various nonprofit boards and currently serve on two independent special district elected boards: the Menlo Park Fire Protection District Board of Directors (Fire Board) and the San Mateo County Harbor District Board of Commissioners (Harbor Board).

I also served for seven years as a Commissioner on the California Commission for Economic Development, appointed by Governor Schwarzenegger. On the California Commission for Economic Development, I was appointed by then-Lt. Governor Garamendi to chair the Biotech Advisory Committee and serve on the Goods Movement Committee and the Agriculture Committee. In 2014, the Commission for Economic Development became Go Biz, which is the California Governor's Office of Business and Economic Development created by Governor Brown.

I have served as President, Vice President, Treasurer, and Secretary on both the Harbor and Fire Boards, as well as chairing and serving on various Brown Act committees, such as finance and human resources. Overseeing tens of millions of tax dollars, my experience in finance and budgeting have greatly contributed to the fact that both the Harbor Board and Fire Board are debt-free, have consistently paid down unfunded pension liabilities, hired an investment advisor for cash management, capitalized on macroeconomic factors to earn interest income, and

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

improved the readability of both budgets so that the public can understand how their tax dollars are spent.

For the Harbor Board, I have also served, and currently serve, on the Oyster Point Marina Liaison Committee, which works with two South San Francisco councilmembers and meets at least once a year, to ensure that the terms of the Memorandum of Understanding are being honored as the manager of the marina, and that any updates are discussed for the benefit of the public, Oyster Point Marina tenants, and the Water Emergency Transportation Authority (WETA) that is San Mateo County's only public ferry transportation provider.

In San Mateo County, I have served on the San Mateo County Civil Grand Jury as a juror and foreperson. I currently serve on the San Mateo County LAFCO Board as one of two special district representatives, and on the San Mateo County Treasury Oversight Committee, which was established after the county pool lost \$155 million from the Lehman Brothers bankruptcy. These two committees are important for good government, transparency, and accountability.

Serving as a public servant on elected and appointed boards carries a responsibility to ensure the public's work is done on policymaking, fiscal oversight, making recommendations for the benefit of all Californians, and ensuring that public services and revenue generation continue so that essential services are provided and local economies thrive.

Nonprofit Board Service

While I have served on various nonprofit boards locally, some of my more notable board service statewide and regionally include:

- Silicon Valley Chapter of the American Red Cross
- California State Parks Foundation
- The Tech Museum of Innovation in San Jose
- Cultural Initiatives Silicon Valley

For traditional nonprofits, I have primarily served on fundraising committees, finance committees, and nominating committees. From my community service, I have had the honor of being recognized by the Silicon Valley Business Journal as a "Woman of Influence" in 2015.

Currently, I serve on the board of the California Association of Local Agency Formation Commissions (CALAFCO). For CALAFCO's board, I was elected to represent special districts for the Coastal Region, which is comprised of 15 counties from Ventura County to Sonoma County and going as far east as Alameda County and Contra Costa County. As part of CALAFCO's Legislative Committee, I research state legislation and bills and discuss how they affect LAFCOs in California's 58 counties.

What special skills, talents, or experience (including volunteer experience) do you have? (Response Required)

I have an extensive background in financial research, planning, investments, and the capital markets. I have been involved with stock compensation plans, cash management, and retirement planning, as well as selling insurance products when I had a Series 6 license to do so. Further, I traded options for hedging purposes and also traded stocks and bonds for middle-markets institutional investors and high-net worth retail investors. My experience with risk management and mitigation has afforded me critical skills to help my agencies plan for future capital projects, pay down unfunded pension liabilities, and invest tax dollars to capitalize on the current economic

Special District Risk Management Authority

Board of Directors

Candidate's Statement of Qualifications

conditions and fluctuations in the capital markets.

I have a BA in Government and a minor Economics from the University of Texas at Austin and a Masters of Public Administration from the University of Southern California's Sol Price School of Public Policy. With my educational background and experience in elected offices, I understand how government and public agencies work from the elected officials' and public administrators' perspectives.

I have been able to use my professional experience by developing investment policies for both the Harbor District and Fire District and followed these policies to ensure principle preservation and meeting cash-flow needs. Further, since being elected to both the Harbor Board and Fire Board, I am proud that both agencies are debt-free, have consistently paid down unfunded pension liabilities, hired an investment advisor for cash management, capitalized on macroeconomic factors to earn interest income, and improved the readability of both budgets so that the public can understand how their tax dollars are spent. I have also served on the Audit Committee of both districts, which have consistently had clean audits.

As a member of the San Mateo County Treasury Oversight Committee, overseeing approximately \$4 billion, my financial expertise and background have been put to use to navigate market uncertainties and an inverted-yield curve environment that required more short-term investments to capture higher yields over the last couple of years. Also, having served on San Mateo County's Measure G Parcel Tax Committee for the San Mateo County Community College District, I understand the importance of the role of oversight of tax dollars. Financial transparency and accountability are crucial for public agencies to keep the public's trust as fiduciaries of tax dollars, and I will bring this experience to the SDRMA Board.

Working on nonprofit boards has given me an opportunity to advocate for organizations whose work I believe in. I have primarily been an advocate for disaster preparedness, state parks, mental health, senior services, and education. I have served on various boards and committees that have allowed me to plan an author's salon to raise money for senior services and San Mateo County's Meals on Wheels program, to lobby the state legislators to protect California state parks during Park Advocacy Day, to provide mental-health services for first responders and the Asian community after the farmworker shooting in Half Moon Bay, and to raise money for my local public schools, among many other causes. Because of my background in business development, advocacy, and sales, I have generally been involved with fundraising committees for the nonprofits, which has allowed me to build partnerships with corporate sponsors and donors and work well with board colleagues and staff.

What is your overall vision for SDRMA? (Response Required)

My overall vision for SDRMA is to increase its membership and educate prospective members about how SDRMA's pool is important for special districts' risk management and why being an SDRMA member is a great investment for special districts. California has approximately 3,400 special districts, so there is a tremendous opportunity to increase membership. There is also an opportunity to provide members with more education about SDRG and the benefits of reinsurance for customized coverage and long-term stability for risk management. In the end, a special district's bottom line could benefit with more members, and these benefits should be part of the communication narrative to the public as an excellent way of protecting public services and public assets.

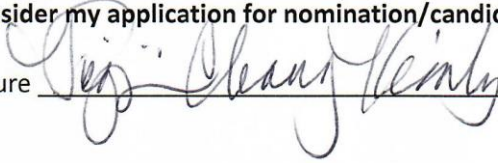
My professional background in finance and the capital markets and my role in elected office and oversight committees give me a great understanding of risk management for special districts, which provide essential

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

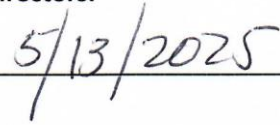
services funded by tax dollars. I would be honored to have your vote to serve on the SDRMA Board of Directors. Thank you for your consideration.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature



Date



**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.

Candidate* Robert Housley, CSDM

District/Agency Midway City Sanitary District

Work Address 14451 Cedarwood Street, Westminster, CA 92683

Work Phone 714-893-3553

Cell Phone 562-239-7557

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

I am seeking to continue my service on the SDRMA Board of Directors, to share my experience and insights, stay actively engaged, and continue learning from others in the industry. With 25 years of experience working in a variety of special districts, including those with very limited financial resources, I understand the challenges many agencies face in balancing fiscal responsibility with providing essential services.

Serving in this capacity would allow me to give back to other agencies by sharing my perspective, helping to shape policies, and supporting collaborative solutions that benefit members. I see this as an opportunity to strengthen risk management practices, advocate for special districts, and ensure that all agencies, regardless of size or resources, have access to the support they need to succeed and serve their communities.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

I currently serve on the SDRMA Board of Directors and have additional board and committee experience as a member of the Alliance Executive Council (AEC), the CSDA Professional Development Committee, and, as a staff member at Midway City Sanitary District, I actively participate in the Legislative & Public Affairs Outreach Committee and the Franchise Committee.

With 26 years of experience in special districts, as a General Manager and previously as a Director of Finance & Human Resources, I have regularly collaborated with many governing bodies at many different levels and statewide associations, gaining practical experience in policy development, risk management, and member services, all of which directly support the responsibilities of an effective SDRMA Board Member.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?
(Response Required)**

I have an MBA from the University of La Verne with an emphasis in accounting and I am also a Certified Special District Manager (CSDM).

My other special skills and experience include being a forward-thinking, community-focused leader and a problem solver with more than 26 years of experience working in various special districts. I value collaboration, active listening, and service to others.

I have volunteered as an assistant coach for both Up & Running Again at the Orange County Rescue Mission and as a coach for Back on My Feet at the Long Beach Rescue Mission, both are programs that support individuals experiencing homelessness through community and goal setting. I have also volunteered with the food pantry at church, and I have coached and refereed for many years in AYSO soccer. These experiences reflect my long-standing commitment to public service and community involvement.

What is your overall vision for SDRMA? (Response Required)

I am eager to help advance the outstanding work currently being done by SDRMA. As a General Manager, I understand the critical importance of effective risk management for all Special Districts, as well as the fiscal constraints and limited access to resources that many districts face, particularly those with smaller operations or minimal staffing.

It is my vision to continue building on SDRMA's solid foundation by broadening awareness of its services and ensuring that all Special Districts recognize and benefit from the valuable support it provides. I believe SDRMA should serve as both a partner and an extension of every member district, delivering not only services but also the dependable support districts need to operate safely, efficiently, and confidently in service to their communities.

I am also committed to identifying and pursuing value-added services and new opportunities that enhance the benefits of membership while keeping costs manageable for all members. By expanding outreach and engagement, we can grow SDRMA's reach and deepen its impact across the state.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature



Date

5/1/2025

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.

Candidate* Steven Ruetters

District/Agency Kern Mosquito & Vector Control District

Work Address 4705 Allen Road, Bakersfield, CA 93314

Work Phone (661) 589-2744

Cell Phone (661) 332-8287

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

To serve the needs of the SDRMA members consistent with SDRMA's mission statement: to provide excellent risk financing and risk management services through a financially sound pool to California public agencies, delivered in a timely and responsive cost-efficient manner.

I recently retired from the Kern County Water Agency, and desire to continue to contribute to the needs of special districts as I have in the past. This opportunity matches well with my experience, education, and dedication.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

Served 22 years on the Audit-Finance Committee of the ACWA JPIA* (see below), which provided financial oversight to the organization and its programs (Liability, Property, Workers Compensation, Health Insurance, and pass through insurance).

Served 1 year on the Property Committee of the ACWA JPIA* (see below) before I was asked to serve on the Audit-Finance Committee.

Kern Mosquito & Vector Control District (current Board Member)

North of the River Sanitary District (current Board Member with 17 years experience)

North of the River Recreation & Park District (past Board Member with 22 years experience)

* ACWA JPIA (Association of California Water Agencies Joint Powers Insurance Authority) is a collection of risk pools similar to SDRMA serving nearly 400 California water districts, which has similar member services available and a captive insurance entity.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?
(Response Required)**

Oregon State University, BS Finance, Minor Economics
California State University, Bakersfield, MBA
Business Manager, Kern County Water Agency, 33 years

What is your overall vision for SDRMA? (Response Required)

To remain consistent with the vision of the SDRMA as outlined in its mission statement. The goals of cost-effectiveness, stability, and reliability in the current insurance/risk market is difficult, though worth pursuing in earnest for all SDRMA members.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature Shannon Ferguson Date May 14, 2025

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

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Candidate* MIKE SCHEAFER

District/Agency COSTA MESA SANITARY DISTRICT

Work Address 290 PAULARINO AVE, COSTA MESA, CA92626

Work Phone 949-645-8400

Cell Phone 714-552-9858

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

As an incumbent of the SDRMA Board I wish to continue providing my expertise, decision making and ability to help Special Districts manage their insurance and risk management challenges and programs. I have dedicated many hours towards those efforts and feel I continue being a valuable asset to the member agencies.

I am uniquely qualified to continue serving on the SDRMA Board as I have over 50 years of experience in the private insurance field.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

I have served on the the SDRMA Board since 2014, with 3+ years as Board President. I have continued to work for policies that provide exceptional protection at rates that are reasonable. I am always mindful that public agencies need to protect their constituents at the most affordable rates.

I have been an insurance professional in my private career for over 50 years. I have been awarded numerous insurance industry awards and recognitions for service and dedication to my customers.

I currently hold a Community College teaching credential in insurance education. Additionally I have provided training course instruction for new insurance professionals.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?
(Response Required)**

I am the current Board President for the Costa Mesa Sanitary District, serving on that Board for 16 years. I am a former City Councilmember for the City of Costa Mesa, a former Parks and Recreation Commissioner and past President of the Costa Mesa Senior Center.

I have been a dedicated member of the Lions Club, serving as District Governor in 1997-1998.

I founded the Costa Mesa Little League, served as President and coached. I served as a Little League Assistant District Administrator. Served as President of the local Boys and Girls Club Board of Directors.

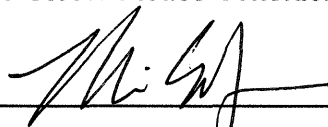
What is your overall vision for SDRMA? (Response Required)

My vision is to continue helping Special Districts have the very best, most comprehensive risk protection at the most affordable rates. To continue helping Districts and agencies with outstanding, innovative, and comprehensive programs that give them peace of mind knowing that unforeseen contingencies will not disrupt or destroy the services they provide.

Insurance can be very difficult, especially now with the state of issues in California. Districts need the experienced hand that I will continue to provide. I will work to make it less difficult and more affordable.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature _____



Date _____

5/12/25

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – **no attachments will be accepted.** No statements are endorsed by SDRMA.

Candidate* *Thomas B. Wright*
District/Agency *Clovis Veterans Memorial District*
Work Address *808 4th St. Clovis, CA 93612*
Work Phone *559-299-0473* Cell Phone *559-341-2857*

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

I was honored to be elected to the SDRMA Board for the first time four years ago. During my time on the Board I have come to appreciate the role of this organization and its extreme importance to Special Districts throughout the state. I believe SDRMA to be the finest example of "government" doing its job in the best possible manner. I would be honored to continue serving with this organization.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

I have been active in California Special Districts for decades. I am currently serving as Chairman of the Clovis Veterans Memorial District. Four years ago I was elected to the SDRMA Board of Directors, and subsequently appointed to the Special Districts Leadership Foundation board.

I have been involved in community and regional leadership activities all of my adult life; ranging from service clubs like Rotary and Lions Clubs, Chambers of Commerce, city and school district bond and tax elections, and local service organizations like the Clovis Rodeo Association. During my term with the SDRMA Board I have come to understand and appreciate the professionalism, extremely high standards, and effectiveness of the SDRMA in serving Special Districts.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?
(Response Required)**

I have served in leadership positions for many community organizations, local governments, educational boards and committees at all levels, and grassroots movements to assist with emergencies and special needs. Beyond local and state matters, I've been privileged to work with national and even international services in which people working together for the betterment of communities in need and make amazing things happen.

What is your overall vision for SDRMA? (Response Required)

My vision for the SDRMA is to continue to build upon the services it offers its members, always with an eye upon the quality of what we offer and to keep its costs at fair and minimal levels. We have endured some excruciating challenges at SDRMA over the past four years, from wildfires to the abandonment of California by many of its traditional insurance companies. The sound financial condition of SDRMA and its determination to maintain its high standards has served our membership well.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature Thomas B. Wylet Date MARCH 24, 2025

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: JULY 9, 2025 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #14: LEGISLATIVE UPDATE REPORT

RECOMMENDATION:

Staff recommends that the Commission:

1. Receive and file the Legislative Report;
2. Provide direction to staff on legislation of interest or future actions, if any.

BACKGROUND:

In May 2025, LAFCO staff provided updates on bills previously reviewed by the Commission. During that meeting, the Commission unanimously took an "Oppose Unless Amended" position on SB 777 (Richardson) related to abandoned endowment care cemeteries. Below is an update on SB 777:

SB 777 (Richardson) -- Abandoned endowment care cemeteries: local agency possession and responsibility.

This bill has been gutted and amended into a study bill. As of today, it requires the Cemetery and Funeral Bureau (Bureau) to convene a working group that involves representatives from all impacted stakeholders by July 1, 2027, and for that working group to provide a report to the Legislature with its recommendations on how to deal with abandoned cemeteries. The bill has now been re-referred to the Assembly Local Government Committee.

Below is the history of this bill.

February 21, 2025

When SB 777 was first introduced, the proposed bill placed the responsibility for the care and maintenance of an abandoned endowment care cemetery on the county.

March 26, 2025

Although endowment care cemeteries are not under LAFCO purview, the author revised the language to require LAFCOs to determine (force) a successor local agency to take over an the abandoned private cemetery without any direction or guidance.

June 16, 2025

After the March version was released, CALAFCO staff coordinated with Senator Richardson's office and provided input and comments related to the amended version of the bill. Based on the input provided by CALAFCO and other stakeholders, Senator Richardson amended SB 777 which attempted to align the proposed procedures more closely with the LAFCO process.

In addition, the June version of the bill requires the Bureau to pay for all costs associated with the LAFCO application process and prepare all LAFCO application materials. It also created a grant program for the annexing local agency to offset the cost of rehabilitating the abandoned cemetery.

However, the June version of the bill still compels a LAFCO to select a local agency—whether a county, a city, or a special district—to take over an abandoned cemetery. As revised, the bill would burden the successor agency with maintenance and operation, for which many of these local agencies have zero knowledge on how to maintain or operate a cemetery.

July 8, 2025

At the State Assembly Business and Professions Committee hearing, Senator Richardson outlined and accepted the Committee's latest changes to the bill, which gutted and amended the bill into a study bill. The July version of the bill now resembles AB 3254 (Berman) signed in 2024, which requires the Bureau to convene a working group that involves representatives from all impacted stakeholders by July 1, 2027, and for that working group to provide a report to the Legislature with its recommendations on how to deal with abandoned cemeteries. The amendment strikes the current contents of the bill and adds language that:

- Moves the convening date of the abandoned cemetery working group up to March 1, 2026;
- Requires the abandoned cemetery working group to submit findings and recommendations to the Legislature by June 1, 2026; and,
- At the Senator's request, the proposed bill identifies groups as part of the working group including, but not limited to, CALAFCO, the League of Cities, California State Association of Counties, Urban Counties of California, and Rural County Representatives of California.

The amendment language for SB 777 is attached.

CONCLUSION:

If there are other legislative bills that Commissioners are aware of that maybe of importance to the Commission or would like staff to review in detail, please provide the bill number and staff will be happy to bring it back to the Commission for review.

Attachment: Senate Bill 777 (Richardson), as amended

AMENDED IN ASSEMBLY JULY 9, 2025

AMENDED IN ASSEMBLY JUNE 16, 2025

AMENDED IN SENATE MARCH 26, 2025

SENATE BILL

No. 777

Introduced by Senator Richardson

February 21, 2025

An act to amend ~~Sections 7612.6, 7653, 7712.5, 7729, 7729.11, 7730.3, 7730.8, 7730.10, 7730.11, and 7731.4 of the Business and Professions Code, and to amend the heading of Chapter 7 (commencing with Section 8825) of Part 3 of Division 8 of, and to add Chapter 6 (commencing with Section 8800) to Part 3 of Division 8 of, the Health and Safety Code, relating to cemeteries, and making an appropriation therefor. Section 7612.12 of the Business and Professions Code, relating to cemeteries.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 777, as amended, Richardson. ~~Cemeteries.~~ *Abandoned cemeteries: report.*

~~(1) Existing~~

Existing law, the Cemetery and Funeral Act, establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of, among others, cemeteries and cemetery authorities, which includes cemetery associations, corporations, limited liability companies, and other persons owning or controlling cemetery lands or property. A violation of the act is a crime. of cemeteries, crematories, funeral establishments, and their personnel. Existing law requires the bureau, on or before July 1, 2027, to convene a workgroup composed of

representatives from the cemetery, county government, and other interested stakeholders to discuss options for ensuring continued care, maintenance, and embellishment of abandoned cemeteries, including the possibility of requiring counties to assume responsibility for abandoned cemeteries. Existing law requires the bureau to submit a report to the Legislature summarizing the workgroup's discussions and its recommendations by January 1, 2028. Existing law repeals those provisions on January 1, 2029.

This bill would instead require the bureau to convene the workgroup on or before March 1, 2026, would revise the list of representatives required to be included in the workgroup, and would instead require the workgroup to discuss the possibility of requiring counties to assume responsibility for maintenance, irrigation, public works, and burial services for abandoned cemeteries. The bill would require the board to submit the report on June 1, 2026, and would repeal those provisions on January 1, 2027.

~~Existing law requires a cemetery authority to file with the bureau an annual written report that includes, among other things, the amount collected and deposited in endowment care funds segregated as to the amounts for crypts, niches, and grave space, as specified. Existing law requires that information to be accompanied by an annual audit report, prepared in accordance with generally accepted accounting principles, of the endowment care fund and special care fund signed by a certified public accountant or public accountant. Existing law requires the scope of the audit to include the inspection, review, and audit of the general purpose financial statements of the endowment care fund and special care fund, including the balance sheet, statement of revenues, expenditures, and changes in fund balance.~~

~~This bill would require the annual audit report to include a cemetery's 4th quarter bank statement. The bill would require the cemetery authority's financial institution to provide the bank statement electronically, and directly, to the bureau. The bill would require the above-described annual written report to include a map of the deceased and their location by parcel. The bill would require the bureau to submit the map to the applicable county recorder.~~

~~By expanding the crime of violating the Cemetery and Funeral Act, and to the extent the bill would impose a higher level of service on counties, the bill would impose a state-mandated local program.~~

~~(2) Existing law authorizes a cemetery authority that maintains a cemetery to place its cemetery under endowment care and to establish,~~

~~maintain, and operate an endowment care fund. Ninety days following the cancellation, surrender, or revocation of a certificate of authority, existing law gives the bureau title to any endowment care funds of a cemetery authority and possession of all necessary books, records, property, real and personal, and assets, and requires the bureau to act as conservator over the management of the endowment care funds.~~

~~Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides for the formation and change of organization of cities and special districts and establishes a local agency formation commission (LAFCO) in each county. Existing law, the Public Cemetery District Law, provides for the formation of public cemetery districts, and authorizes those districts to own, operate, improve, and maintain cemeteries and provide interment services within their boundaries.~~

~~This bill would require the bureau to notify the applicable city, county, or city and county with jurisdiction over Lincoln Memorial Park Cemetery, Dambacher Mountain Memorial Cemetery, Verdugo Hills Cemetery, Chapel of the Light, Evergreen Cemetery, and Mount Tamalpais Cemetery, or cemeteries that become abandoned endowment care cemeteries, as defined, after January 1, 2026. Upon receipt of notice, the bill would require the city, county, or city and county, within 120 days, to adopt and submit a resolution of application to the LAFCO in the applicable county for a change of organization to form a new public cemetery district or reorganize an existing public cemetery district for the purpose of maintaining the abandoned endowment care cemetery. The bill would require the bureau to cover the costs for creating a new public cemetery district or reorganizing an existing public cemetery district pursuant to these provisions, and would require the bureau to provide the necessary resources to the city, county, or city and county to facilitate the LAFCO process, as specified. The bill would require the LAFCO to determine whether to form a new public cemetery district or reorganize an existing public cemetery district within one year of receiving an application for a change of organization pursuant to these provisions. Upon that determination being made, the bill would require the bureau to work with the vacated owner or the county assessor to secure the title of the abandoned cemetery to ensure that fee title of the abandoned endowment care cemetery ultimately vests in the public cemetery district.~~

~~By imposing new duties on cities and counties, the bill would impose a state-mandated local program.~~

~~Existing law imposes various fees under the Cemetery and Funeral Act, including, among others, the application and renewal fees for a funeral director's, embalmer's, or cemetery manager's license; regulatory charges for cemetery authorities; timely filing fees for specified annual reports; and fees to obtain or renew a hydrolysis facility license. Existing law creates the Cemetery and Funeral Fund, a continuously appropriated fund, in the State Treasury for the deposit of those fees. Existing law requires moneys in the fund to be expended on actual and necessary expenses incurred in implementing the act.~~

~~This bill would increase those fees by 150%. The bill would require the bureau to establish and administer the Abandonment Grant Funding Program (program) to provide long-term viability to ensure services are maintained for abandoned endowment care cemeteries. The bill would require the program to be funded by 50% of moneys assessed from the increased fees, and would expand the purposes of the Cemetery and Funeral Fund to include the program. Because additional moneys would be deposited into a continuously appropriated fund, and by expanding the purposes of a continuously appropriated fund, the bill would make an appropriation.~~

~~This bill would authorize a private entity, as specified, to acquire title to an abandoned endowment care cemetery. The bill would require a public cemetery district or a private entity that takes over an abandoned endowment care cemetery to have access to the endowment fund, including principal and interest, of the applicable abandoned endowment care cemetery, and program funding to manage cemetery maintenance, burial services, and security items, and to address issues, including, but not limited to, prior repairs, deferred maintenance, or vandalism of property or gravesites, as necessary.~~

~~By imposing new duties on public cemetery districts, this bill would impose a state-mandated local program.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~This bill would make legislative findings and declarations as to the necessity of a special statute for Lincoln Memorial Park Cemetery, Dambacher Mountain Memorial Cemetery, Verdugo Hills Cemetery, Chapel of the Light, Evergreen Cemetery, and Mount Tamalpais Cemetery.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 7612.12 of the Business and Professions*
2 *Code is amended to read:*
3 7612.12. (a) ~~On or before July 1, 2027, March 1, 2026, the~~
4 bureau shall convene a workgroup ~~comprised of representatives~~
5 ~~from the cemetery industry, county government, and other~~
6 ~~composed of~~ interested stakeholders including, but not limited to,
7 representatives from the cemetery industry, the California
8 Association of Local Agency Formation Commissions, the League
9 of California Cities, the California State Association of Counties,
10 the Urban Counties of California, the Rural County
11 Representatives of California, public cemeteries, and legislative
12 staff for the appropriate committees of the Legislature, to discuss
13 options for ensuring continued care, maintenance, and
14 embellishment of abandoned cemeteries, including the possibility
15 of requiring counties to assume responsibility for *maintenance,*
16 *irrigation, public works, and burial services* for cemeteries located
17 within their boundaries that become abandoned.
18 (b) In accordance with Section 9795 of the Government Code,
19 the bureau shall submit a report to the Legislature summarizing
20 the discussions of the ~~workgroup, along with any recommendations,~~
21 *workgroup and its recommendations* no later than ~~January 1, 2028.~~
22 *June 1, 2026.*
23 (c) This section shall remain in effect only until January 1, ~~2029,~~
24 2027, and as of that date is repealed.
25 SECTION 1. ~~Section 7612.6 of the Business and Professions~~
26 *Code is amended to read:*
27 7612.6. ~~(a) Each cemetery authority shall file with the bureau~~
28 annually, on or before June 1, ~~or within five months after close of~~
29 their fiscal year provided approval has been granted by the bureau

1 as provided for in Section 7612.7, a written report in a form
2 prescribed by the bureau setting forth the following:

3 (1) The number of square feet of grave space and the number
4 of crypts and niches sold or disposed of under endowment care by
5 specific periods as set forth in the form prescribed.

6 (2) The amount collected and deposited in both the general and
7 special endowment care funds segregated as to the amounts for
8 crypts, niches, and grave space by specific periods as set forth
9 either on the accrual or cash basis at the option of the cemetery
10 authority.

11 (3) A statement showing separately the total amount of the
12 general and special endowment care funds invested in each of the
13 investments authorized by law and the amount of cash on hand
14 not invested, which statement shall actually show the financial
15 condition of the funds.

16 (4) A statement showing separately the location, description,
17 and character of the investments in which the special endowment
18 care funds are invested. The statement shall show the valuations
19 of any securities held in the endowment care fund as valued
20 pursuant to Section 7614.7.

21 (5) A statement showing the transactions entered into between
22 the corporation or any officer, employee, or stockholder thereof
23 and the trustees of the endowment care funds with respect to those
24 endowment care funds. The statement shall show the dates,
25 amounts of the transactions, and shall contain a statement of the
26 reasons for those transactions.

27 (6) (A) A map of the deceased and their location by parcel.

28 (B) The bureau shall submit the map described in subparagraph
29 (A) to the applicable county recorder.

30 (b) (1) The report shall be verified by the president or vice
31 president and one other officer of the cemetery corporation. The
32 information submitted pursuant to paragraphs (2), (3), (4), (5), and
33 (6) of subdivision (a) shall be accompanied by an annual audit
34 report, prepared in accordance with generally accepted accounting
35 principles, of the endowment care fund and special care fund signed
36 by a certified public accountant or public accountant. The scope
37 of the audit shall include the inspection, review, and audit of the
38 general purpose financial statements of the endowment care fund
39 and special care fund, which shall include the balance sheet, the
40 statement of revenues, expenditures, and changes in fund balance.

1 ~~(2) The annual audit report described in paragraph (1) shall~~
2 ~~include a cemetery's fourth quarter bank statement. The cemetery~~
3 ~~authority's financial institution shall provide the bank statement~~
4 ~~electronically, and directly, to the bureau.~~

5 ~~(c) If a cemetery authority files a written request prior to the~~
6 ~~date the report is due, the bureau may, in its discretion, grant an~~
7 ~~extension for no more than an additional nine months within which~~
8 ~~to file the report.~~

9 ~~SEC. 2. Section 7653 of the Business and Professions Code is~~
10 ~~amended to read:~~

11 ~~7653. (a) The bureau shall adopt, and may from time to time~~
12 ~~amend, rules and regulations prescribing standards of knowledge~~
13 ~~and experience and financial responsibility for applicants for~~
14 ~~certificates of authority. In reviewing an application for a certificate~~
15 ~~of authority, the bureau may consider acts of incorporators, officers,~~
16 ~~directors, and stockholders of the applicant, which shall constitute~~
17 ~~grounds for the denial of a certificate of authority under Division~~
18 ~~1.5 (commencing with Section 475).~~

19 ~~(b) Upon receipt of an application for a certificate of authority,~~
20 ~~the bureau may cause an investigation to be made of the physical~~
21 ~~status, plans, specifications, and financing of the proposed~~
22 ~~cemetery, and any other qualifications required of the applicant~~
23 ~~under this act, and for this purpose may subpoena witnesses,~~
24 ~~administer oaths, and take testimony.~~

25 ~~(c) At the time of the filing of the application required by this~~
26 ~~section, the applicant shall pay to the Cemetery and Funeral Fund~~
27 ~~the sum of one thousand eight hundred seventy-five dollars~~
28 ~~(\$1,875) to defray the expenses of investigation. In the event the~~
29 ~~sum shall be insufficient to defray all of the expenses, the applicant~~
30 ~~shall, within five days after request, deposit an additional sum~~
31 ~~sufficient to defray those expenses, provided that the total sum~~
32 ~~shall not exceed two thousand two hundred fifty dollars (\$2,250).~~

33 ~~SEC. 3. Section 7712.5 of the Business and Professions Code~~
34 ~~is amended to read:~~

35 ~~7712.5. (a) The bureau shall adopt, and may from time to time~~
36 ~~amend, rules and regulations prescribing standards of knowledge~~
37 ~~and experience and financial responsibility for applicants for a~~
38 ~~crematory license. In reviewing an application for a crematory~~
39 ~~license, the bureau may consider acts of the applicant, including~~
40 ~~acts of incorporators, officers, directors, and stockholders of the~~

1 applicant, which shall constitute grounds for the denial of a
2 crematory license under Division 1.5 (commencing with Section
3 475).

4 (b) Upon receipt of an application for a crematory license, the
5 bureau may cause an investigation to be made of the physical
6 status, plans, specifications, and financing of the proposed
7 crematory, the character of the applicant, including, if applicable,
8 its officers, directors, shareholders, or members, and any other
9 qualifications required of the applicant under this article, and for
10 this purpose may subpoena witnesses, administer oaths, and take
11 testimony.

12 (c) At the time of the filing of the application required by this
13 article, the applicant shall pay to the Cemetery and Funeral Fund
14 the sum of one thousand eight hundred seventy-five dollars
15 (\$1,875) to defray the expenses of investigation. In the event the
16 sum shall be insufficient to defray all of the expenses, the applicant
17 shall, within five days after request therefor, deposit an additional
18 sum sufficient to defray such expenses, provided that the total sum
19 shall not exceed two thousand two hundred fifty dollars (\$2,250).

20 SEC. 4. Section 7729 of the Business and Professions Code is
21 amended to read:

22 7729. The amount of the fees prescribed by this chapter shall
23 be fixed according to the following schedule:

24 (a) The application fee for a funeral director's license shall be
25 nine hundred fifty dollars (\$950).

26 (b) The application fee for change of location of a funeral
27 establishment's license shall be one thousand one hundred
28 seventy-five dollars (\$1,175).

29 (c) The application fee for permission to assign a funeral
30 establishment's license shall be one thousand four hundred dollars
31 (\$1,400).

32 (d) The license renewal fee payable by a licensed funeral director
33 shall be nine hundred fifty dollars (\$950). The fee for a delinquent
34 renewal of a funeral director's license shall be 150 percent of the
35 timely renewal fee.

36 (e) The application fee for an embalmer's license and the
37 examination on the state's laws required under paragraph (2) of
38 subdivision (a) of Section 7646 for the license shall be seven
39 hundred dollars (\$700).

~~(f) The renewal fee payable by a licensed embalmer shall be four hundred seventy-five dollars (\$475). The fee for a delinquent renewal of an embalmer's license shall be 150 percent of the timely renewal fee.~~

~~(g) The application fee for a certificate of registration as an apprentice embalmer shall be three hundred dollars (\$300).~~

~~(h) The fee for an application by a funeral establishment for approval to train apprentice embalmers and for renewal of that approval shall be four hundred seventy-five dollars (\$475).~~

~~(i) The application fee for a funeral director's examination shall be four hundred seventy-five dollars (\$475).~~

~~(j) The fee for a timely filing of an individual report or a combined report on preneed trust funds shall be one thousand two hundred fifty dollars (\$1,250). The fee for a late filing of any report on preneed trust funds shall be 150 percent of the applicable timely fee.~~

~~(k) The application fee for permission to change the name appearing on a funeral establishment's license shall be seven hundred fifty dollars (\$750), and for permission to change the name on any other license or certificate, shall be sixty-two dollars and fifty cents (\$62.50).~~

~~(l) The application fee for a duplicate funeral director's license, a duplicate funeral establishment's license, a duplicate embalmer's license, or a duplicate certificate of registration as an apprentice embalmer, shall be one hundred twenty-five dollars (\$125).~~

~~(m) The fee for filing a report of a change of corporate officers, managers, or preneed trust fund trustees shall be one hundred twenty-five dollars (\$125).~~

~~(n) The application fee for a funeral establishment license shall be one thousand eight hundred seventy-five dollars (\$1,875).~~

~~(o) The license renewal fee for a licensed funeral establishment shall be one thousand eight hundred seventy-five dollars (\$1,875). The fee for a delinquent renewal of a funeral establishment license shall be 150 percent of the timely renewal fee.~~

~~SEC. 5. Section 7729.11 of the Business and Professions Code is amended to read:~~

~~7729.11. The fee for a timely filing of an annual report on the endowment care fund and special care fund by a certificate of authority shall be one thousand two hundred fifty dollars (\$1,250). The fee for a late filing of an annual report on the endowment care~~

1 ~~fund and special care fund shall be 150 percent of the applicable~~
2 ~~timely fee.~~

3 ~~SEC. 6. Section 7730.3 of the Business and Professions Code~~
4 ~~is amended to read:~~

5 ~~7730.3. For change of name or of address of licensee on the~~
6 ~~records of the bureau, the fee shall be sixty-two dollars and fifty~~
7 ~~cents (\$62.50).~~

8 ~~SEC. 7. Section 7730.8 of the Business and Professions Code~~
9 ~~is amended to read:~~

10 ~~7730.8. (a) The fee for a cemetery manager examination shall~~
11 ~~be two thousand dollars (\$2,000).~~

12 ~~(b) The license fee to obtain a cemetery manager license shall~~
13 ~~be three hundred twenty-five dollars (\$325).~~

14 ~~(c) The renewal fee for a cemetery manager license shall be~~
15 ~~three hundred seventy-five dollars (\$375).~~

16 ~~SEC. 8. Section 7730.10 of the Business and Professions Code~~
17 ~~is amended to read:~~

18 ~~7730.10. Every cemetery authority operating a cemetery shall~~
19 ~~pay an annual regulatory charge for each cemetery of one thousand~~
20 ~~eight hundred seventy-five dollars (\$1,875). In addition to an~~
21 ~~annual regulatory charge for each cemetery, an additional quarterly~~
22 ~~charge of twenty-eight dollars and seventy-five cents (\$28.75) for~~
23 ~~each burial, entombment, or inurnment made during the preceding~~
24 ~~quarter shall be paid to the bureau and these charges shall be~~
25 ~~deposited in the Cemetery and Funeral Fund. If the cemetery~~
26 ~~authority performs a burial, entombment, or inurnment, and the~~
27 ~~cremation was performed at a crematory located on the grounds~~
28 ~~of the cemetery and under common ownership with the cemetery~~
29 ~~authority, the total of all additional charges shall be not more than~~
30 ~~twenty-eight dollars and seventy-five cents (\$28.75).~~

31 ~~SEC. 9. Section 7730.11 of the Business and Professions Code~~
32 ~~is amended to read:~~

33 ~~7730.11. (a) The bureau shall establish the fee to obtain or~~
34 ~~renew a hydrolysis facility license, which shall not exceed the~~
35 ~~reasonable cost of license administration.~~

36 ~~(b) Every licensee operating a hydrolysis facility pursuant to a~~
37 ~~license issued pursuant to this article shall pay an additional charge~~
38 ~~of twenty-eight dollars and seventy-five cents (\$28.75) per~~
39 ~~hydrolysis made during the preceding quarter, which charges shall~~
40 ~~be deposited into the Cemetery and Funeral Fund.~~

1 ~~SEC. 10. Section 7731.4 of the Business and Professions Code~~
2 ~~is amended to read:~~

3 ~~7731.4. (a) All moneys paid into the State Treasury and~~
4 ~~credited to the Cemetery and Funeral Fund shall be expended in~~
5 ~~accordance with law for both of the following:~~

6 ~~(1) The payment of all actual and necessary expenses incurred~~
7 ~~in carrying out the provisions of this act.~~

8 ~~(2) The Abandonment Grant Funding Program, as described in~~
9 ~~Section 8803 of the Health and Safety Code.~~

10 ~~(b) This section shall become operative on July 1, 2016.~~

11 ~~SEC. 11. Chapter 6 (commencing with Section 8800) is added~~
12 ~~to Part 3 of Division 8 of the Health and Safety Code, to read:~~

13
14 ~~CHAPTER 6. ABANDONMENT OF ENDOWMENT CARE CEMETERIES~~

15
16 ~~8800. For purposes of this chapter, the following definitions~~
17 ~~apply:~~

18 ~~(a) "Abandoned endowment care cemetery" means a cemetery~~
19 ~~for which an endowment care fund was maintained, that was~~
20 ~~formerly licensed by the bureau, and for which the certificate of~~
21 ~~authority has been canceled, surrendered, or revoked and ownership~~
22 ~~has not been transferred pursuant to Section 8585 within one year~~
23 ~~of the cancellation, surrender, or revocation.~~

24 ~~(b) "Private entity" means a non-public entity that acquires title~~
25 ~~to an abandoned endowment care cemetery pursuant to this chapter.~~
26 ~~"Private entity" includes, but is not limited to, a corporation, LLC~~
27 ~~, or individual.~~

28 ~~(c) "Public cemetery district" means a public cemetery district,~~
29 ~~as described in Part 4 (commencing with Section 9000), that is~~
30 ~~formed or reorganized and acquires title to an abandoned~~
31 ~~endowment care cemetery pursuant to this chapter.~~

32 ~~8801. (a) Upon the expiration of the one-year period described~~
33 ~~in Section 8800, the bureau shall notify the applicable city, county,~~
34 ~~or city and county with jurisdiction over each of the following~~
35 ~~abandoned endowment care cemeteries:~~

36 ~~(1) Lincoln Memorial Park Cemetery.~~

37 ~~(2) Dambacher Mountain Memorial Cemetery.~~

38 ~~(3) Verdugo Hills Cemetery.~~

39 ~~(4) Chapel of the Light.~~

40 ~~(5) Evergreen Cemetery.~~

1 ~~(6) Mount Tamalpais Cemetery.~~

2 ~~(b) Upon the expiration of the one-year period described in~~
3 ~~Section 8800, the bureau shall review, and shall subsequently~~
4 ~~notify the applicable city, county, or city and county of, other~~
5 ~~cemeteries that are not listed in subdivision (a) and that become~~
6 ~~an abandoned endowment care cemetery after January 1, 2026.~~

7 ~~(c) (1) Upon receipt of notice pursuant to subdivision (a) or~~
8 ~~(b), a city, county, or city and county shall, within 120 days, adopt~~
9 ~~and submit a resolution of application to the local agency formation~~
10 ~~commission (LAFCO) in the applicable county for a change of~~
11 ~~organization to form a new public cemetery district or reorganize~~
12 ~~an existing public cemetery district pursuant to Part 3 (commencing~~
13 ~~with Section 56650) of Division 3 of Title 5 of the Government~~
14 ~~Code and Chapter 2 (commencing with Section 9010) of Part 4 of~~
15 ~~this division for the purpose of maintaining the abandoned~~
16 ~~endowment care cemetery.~~

17 ~~(2) (A) For an application for a change of organization required~~
18 ~~by this subdivision, the bureau shall provide the information~~
19 ~~required by Section 56652 of the Government Code.~~

20 ~~(B) The bureau shall ensure that a resolution of application~~
21 ~~prepared pursuant to this section establishes long-term viability~~
22 ~~for the public cemetery district.~~

23 ~~8802. (a) (1) When a LAFCO receives an application for a~~
24 ~~change of organization pursuant to Section 8801, the bureau shall~~
25 ~~provide the necessary resources to the city, county, or city and~~
26 ~~county to facilitate the LAFCO process, including resources for~~
27 ~~preparing documents required by the California Environmental~~
28 ~~Quality Act (CEQA).~~

29 ~~(2) The bureau shall cover the costs for creating a new public~~
30 ~~cemetery district or reorganizing an existing public cemetery~~
31 ~~district pursuant to this chapter, including costs associated with~~
32 ~~all of the following:~~

33 ~~(A) The LAFCO process.~~

34 ~~(B) The Department of Fish and Wildlife.~~

35 ~~(C) The county clerk and recorder.~~

36 ~~(D) The State Board of Equalization.~~

37 ~~(b) Within one year of receiving an application for a change of~~
38 ~~organization pursuant to Section 8810, the LAFCO shall determine~~
39 ~~whether to form a new public cemetery district or reorganize an~~

1 ~~existing public cemetery district to maintain the abandoned~~
2 ~~endowment care cemetery.~~

3 ~~(c) After a determination is made pursuant to subdivision (b),~~
4 ~~the bureau shall work with the vacated owner or the county assessor~~
5 ~~to secure the title of the abandoned cemetery to ensure that fee~~
6 ~~title of the abandoned endowment care cemetery ultimately vests~~
7 ~~in the public cemetery district.~~

8 ~~8803. (a) The bureau shall establish and administer the~~
9 ~~Abandonment Grant Funding Program to provide long-term~~
10 ~~viability to ensure services are maintained for abandoned~~
11 ~~endowment care cemeteries.~~

12 ~~(b) Commencing January 1, 2026, the program shall be funded~~
13 ~~by 50 percent of moneys from the assessed fees described in~~
14 ~~Sections 7653, 7712.5, 7729, 7729.11, 7730.3, 7730.8, 7730.10,~~
15 ~~and 7730.11 of the Business and Professions Code.~~

16 ~~(c) The bureau shall have discretion over the disbursement of~~
17 ~~program funds and shall disburse those funds in accordance with~~
18 ~~the purpose described in subdivision (a).~~

19 ~~(d) The bureau may use program funds to cover the reasonable~~
20 ~~costs of administering the program.~~

21 ~~8804. (a) The public cemetery district formed or reorganized~~
22 ~~pursuant to Section 8802 shall have access to the endowment fund,~~
23 ~~including principal and interest, of the applicable abandoned~~
24 ~~endowment care cemetery, and Abandonment Grant Funding~~
25 ~~Program funding to manage cemetery maintenance, burial services,~~
26 ~~and security items, and to address issues, including, but not limited~~
27 ~~to, prior repairs, deferred maintenance, or vandalism of property~~
28 ~~or gravesites, as necessary.~~

29 ~~(b) The public cemetery district shall determine the hours of~~
30 ~~operation, maintenance schedules, embellishment, and modicum~~
31 ~~of security, including gate locks, cameras, or alarms.~~

32 ~~8805. (a) A private entity that is licensed and regulated~~
33 ~~pursuant to the Cemetery and Funeral Act may acquire title to an~~
34 ~~abandoned endowment care cemetery.~~

35 ~~(b) If eligible, a private entity that acquires title to an abandoned~~
36 ~~endowment care cemetery shall manage the cemetery's endowment~~
37 ~~care trust fund, including principal and interest, in accordance with~~
38 ~~Chapter 5 (commencing with Section 8700).~~

39 ~~(c) The bureau may provide funds from the Abandonment Grant~~
40 ~~Funding Program to a private entity that acquires title to an~~

1 abandoned endowment care cemetery. Use of program funds shall
2 be limited to the purposes described in Section 8804.

3 ~~8806. (a) A public cemetery district or private entity that~~
4 ~~acquires title to an abandoned endowment care cemetery shall~~
5 ~~keep a record of, and honor, all remaining contracts for burial~~
6 ~~executed by the prior cemetery authority.~~

7 ~~(b) (1) A public cemetery district or a private entity that acquires~~
8 ~~title to an abandoned endowment care cemetery shall not be~~
9 ~~responsible for any actions of the vacated owner, including, but~~
10 ~~not limited to, mismanagement of the endowment fund or cemetery.~~

11 ~~(2) This subdivision shall not be applied to impair the obligation~~
12 ~~of any contract that is in effect as of January 1, 2026, in a manner~~
13 ~~that would violate either Section 9 of Article I of the California~~
14 ~~Constitution or Section 10 of Article I of the United States~~
15 ~~Constitution.~~

16 ~~SEC. 12. The heading of Chapter 7 (commencing with Section~~
17 ~~8825) of Part 3 of Division 8 of the Health and Safety Code is~~
18 ~~amended to read:~~

19
20 ~~CHAPTER 7. ABANDONED NONENDOWMENT CARE CEMETERIES~~
21

22 ~~SEC. 13. The Legislature finds and declares that a special~~
23 ~~statute is necessary and that a general statute cannot be made~~
24 ~~applicable within the meaning of Section 16 of Article IV of the~~
25 ~~California Constitution because, due to unique circumstances,~~
26 ~~Lincoln Memorial Park Cemetery, Dambacher Mountain Memorial~~
27 ~~Cemetery, Verdugo Hills Cemetery, Chapel of the Light, Evergreen~~
28 ~~Cemetery, and Mount Tamalpais Cemetery are abandoned and not~~
29 ~~being maintained.~~

30 ~~SEC. 14. No reimbursement is required by this act pursuant to~~
31 ~~Section 6 of Article XIII B of the California Constitution for certain~~
32 ~~costs that may be incurred by a local agency or school district~~
33 ~~because, in that regard, this act creates a new crime or infraction,~~
34 ~~eliminates a crime or infraction, or changes the penalty for a crime~~
35 ~~or infraction, within the meaning of Section 17556 of the~~
36 ~~Government Code, or changes the definition of a crime within the~~
37 ~~meaning of Section 6 of Article XIII B of the California~~
38 ~~Constitution.~~

39 ~~However, if the Commission on State Mandates determines that~~
40 ~~this act contains other costs mandated by the state, reimbursement~~

1 to local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

O

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JULY 9, 2025 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #15: EXECUTIVE OFFICER'S REPORT

The Commission will be dark in August. Please note that the next Commission meeting will be on September 17, 2025.

CALAFCO MEMBERSHIP UPDATE

In November 2024, the Commission voted unanimously to not renew its membership to CALAFCO starting July 1, 2025. As of July 1, 2025, San Bernardino LAFCO's membership to CALAFCO has officially ended. Five other LAFCOs also informed CALAFCO of their intent not to renew their membership to CALAFCO – El Dorado, Los Angeles, Orange, Napa, and San Diego LAFCOs.

Meanwhile, CALAFCO has been focused on strengthening its internal operations and rebuilding trust among its membership. In May, CALAFCO issued a survey that touched on issues such as services of value, organizational culture, education, legislative advocacy, communication and transparency, etc., which was designed to receive input from its members on opportunities to improve organizational leadership, and identify short and long-term goals for the Association.

Attached is a progress update on CALAFCO's six-to-nine-month Action Plan.

Alliance of California LAFCOs

Staff has been coordinating with the other southern California LAFCOs that have ended their membership to CALAFCO on collaboration efforts to provide continued education opportunities and training for staff and commissioners, networking, and possibly engaging the assistance of a consultant for legislative advocacy.

In April 2025, the Commission approved the MOU among the four LAFCOs that outlines this proposed collaboration and partnership.

Last month, the executive officers (EOs) of the four southern California LAFCOs—Los Angeles, Orange, San Bernardino, and San Diego—met to discuss plans for this new partnership, which has been unofficially named the “Alliance of California LAFCOs” (“Alliance” or “ACL”). Note that Riverside and Imperial LAFCOs have chosen to remain in CALAFCO and are not a part of the Alliance.

The EOs have created a Legislative Committee of staff members to review and provide input on Legislative issues impacting LAFCOs. The EOs also created a group email list of all the staff members of the four LAFCOs. Staff of the four LAFCOs have also been tasked to develop some logo options for the Alliance and establishing a website.

The team is working on putting together the first meeting of the Alliance in August 2025.

COMMISSIONER APPOINTMENTS:

- **LAFCO Ad Hoc Administrative and Finance Committee**

LAFCO staff has reached out to the Commission Chair to form the three-member Ad Hoc Administrative and Finance Committee for this fiscal year.

As you may be aware, the Commission’s practice on the Ad Hoc Administrative and Finance Committee composition is: the Chair, the Vice Chair, and a member from the regular membership to be selected by the Chair. Based on LAFCO staff’s consultation with the Commission Chair, he has chosen Commissioner Phill Dupper to be the third member of the Committee. Therefore, the Ad Hoc Administrative and Finance Committee for Fiscal Year 2025-26 is comprised of the following members:

- Chair Farrell
- Vice Chair Bagley
- Commissioner Dupper

- **Representatives to the Alliance of California LAFCOs**

The Commission Chair also appoints the two San Bernardino LAFCO representatives to the regional organization of LAFCOs. The Chair has appointed himself and Commissioner Cox to represent San Bernardino LAFCO on the Alliance.

UPDATES ON PROPOSALS INCLUDING SERVICE REVIEWS/SPECIAL STUDIES, AND SPHERE OF INFLUENCE AMENDMENTS/UPDATES:

- LAFCO 3271 – Annexation to the Barstow Fire Protection District (Wastewater Treatment Facility Area)

LAFCO staff conducted the Protest Hearing for LAFCO 3271 on June 11, 2025; LAFCO staff subsequently issued the Certificate of Completion for LAFCO 3271 on June 18, 2025.

- LAFCO 3273 – Annexation to the Twentynine Palms Water District (Assessor Parcel Numbers 0634-121-15)

Reconsideration period for LAFCO 3273 ended June 20, 2025. The Certificate of Completion for LAFCO 3273 was issued on June 24, 2025.

- LAFCO 3274 – Reorganization to Include Annexation to the City of San Bernardino and Detachment from County Service Area 70 (Specific Trails Specific Plan Project)

LAFCO 3274 is currently undergoing the required property tax exchange/transfer process. The 60-day negotiation period ended July 7, 2025; however, prior to the expiration of the 60-day negotiation period, the County requested a 30-day extension, which is allowed. The new negotiation period now ends August 6, 2025.

- LAFCOs 3276 & 3277:
 - LAFCO 3276 – Sphere of Influence Amendment (Expansion) for the Hi-Desert Water District
 - LAFCO 3277 – Annexation to the Hi-Desert Water District (Assessor Parcel Number 0585-273-04)

Both LAFCO 3276 and LAFCO 3277 are scheduled for consideration at the July 16, 2025, LAFCO meeting.

CALAFCO U Webinars:

As part of CALAFCO's efforts to be responsive to its membership, it has re-established its CALAFCO University and has three webinars scheduled throughout the summer (see attached CALAFCO U Schedule and Best Practices Flyer). If any of the Commissioners are interested in attending any of the three webinars, please inform staff as soon as possible.

ATTACHMENTS:

1. [CALAFCO's 6- to 9-Month Action Plan](#)
2. [CALAFCO U Schedule](#)
3. [CALAFCO U Best Practices Flyer](#)

CALAFCO Six- to Nine-Month Action Plan

Monthly updates on progress of the action plan will be included as part of this plan.

IMMEDIATE	Q2 – 2025	Q3 – 2025	Q4 – 2025	2026	
☒ Hire Interim Executive Director <i>Lead:</i> CALAFCO <i>Note:</i> Approved at 4/4/25 Board meeting ☒ Re-establish CALAFCO U <i>Lead:</i> CALAFCO <i>Progress:</i> Completed ☒ Conduct LAFCO Staff Focus Group <i>Lead:</i> Miller MCG & CALAFCO <i>Progress:</i> Completed ☒ Support Legislative Committee <i>Lead:</i> CALAFCO <i>Progress:</i> Completed ☒ Conduct Focus Groups <i>Lead:</i> Miller MCG & CALAFCO <i>Deadline:</i> 6/30/25 <i>Note:</i> Include All 4 Regions for LAFCO Commissioners & Staff <i>Progress:</i> Completed all regions + Assoc. Members	☒ Conduct Comprehensive Review of Structures <i>Lead:</i> Miller MCG <i>Deadline:</i> 7/31/25 <i>Note:</i> Includes Regional, Board, Regional Officers, Dues & Committees ☒ Conduct Review of Bylaws & Policies <i>Lead:</i> Miller MCG <i>Deadline:</i> 7/31/25 ☒ Conduct Cultural Assessment <i>Lead:</i> Miller MCG & CALAFCO <i>Progress:</i> Completed	☐ Activate Membership Advisory Committee <i>Lead:</i> CALAFCO <i>Note:</i> To be activated after 7/1/25 ☒ Develop Reform Recommendations <i>Lead:</i> Miller MCG <i>Deadline:</i> 7/31/25 <i>Note:</i> Following completion of all feedback, analysis & research ☒ Adopt Board Meeting Rules of Order <i>Lead:</i> Miller MCG & CALAFCO <i>Deadline:</i> 7/31/25 ☐ Solicit Legislative Proposals from Member LAFCOs <i>Lead:</i> CALAFCO <i>Deadline:</i> 8/31/25 <i>Note:</i> For 2026 Legislative Year ☐ Solicit LAFCO Staff Volunteers For Legislative Committee <i>Lead:</i> CALAFCO <i>Deadline:</i> 8/31/25 <i>Note:</i> For the 2025-26 Legislative Committee ☒ Conduct Two CALAFCO U Sessions <i>Lead:</i> CALAFCO <i>Progress:</i> Three sessions booked (Jul-Sep); flier sent; Jul registration open	☐ Develop Communication Plan For Distribution of Report and Recommendations <i>Lead:</i> Miller MCG, CV Strat, CALAFCO <i>Note:</i> To disseminate information Association-wide ☐ Distribute Report & Recommendations For Change <i>Lead:</i> Miller MCG & CALAFCO <i>Note:</i> Of comprehensive review, feedback and recommendations to Board & membership ☐ Board Meeting <i>Lead:</i> Miller MCG & CALAFCO <i>Note:</i> To adopt recommended reforms & approve support of recommended bylaws changes on 7/25/25 ☐ Membership Engagement/ Input on Recommended Reforms <i>Lead:</i> Miller MCG & CALAFCO <i>Note:</i> For potential adoption of bylaws changes at annual meeting	☐ Adopt CALAFCO & Board Code of Conduct <i>Lead:</i> Miller MCG & CALAFCO ☐ Adopt Communications Code of Conduct <i>Lead:</i> CV Strategies & CALAFCO ☐ Develop Communications Framework <i>Lead:</i> CV Strategies ☐ Schedule 2026 CALAFCO U Sessions <i>Lead:</i> CALAFCO <i>Note:</i> Should launch with the 2026 annual calendar ☐ Continue Membership Engagement/ Input on Recommended Reforms <i>Lead:</i> Miller MCG & CALAFCO <i>Note:</i> For potential adoption of bylaws changes at annual meeting ☐ Conduct Annual Business Meeting <i>Lead:</i> CALAFCO <i>Note:</i> 10/23/25	☐ Conduct 2026 CALAFCO U Sessions <i>Lead:</i> CALAFCO ☐ Recruit & Hire Permanent Executive Director <i>Lead:</i> CALAFCO & Miller MCG



Pamela Miller
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An outcome of the Board retreat, March 20-21, 2025

Update as of:
June 25, 2025

☐ Pending Start ☒ In Progress ☒ Completed

SAVE THE DATES

CALAFCO U SUMMER 2025

For Commissioners & Staff | Free Registration

Elevate your expertise and confidence as a LAFCO decision-maker. These three interactive webinars are tailored specifically for LAFCO commissioners & staff members to strengthen core skills, understand key legal frameworks, and adopt essential tech tools for smarter governance.



Webinar 1: Commissioner Best Practices

Thursday, July 17 | 10:00 a.m. - Noon

Overview:

Discover the roles, responsibilities, and best practices of being a successful commissioner. Learn how to lead with integrity, build trust, and make informed decisions that support your LAFCO. Whether you are brand new to LAFCO or a seasoned pro - you'll learn a thing or two in this webinar.



Webinar 2: Brown Act - LAFCO Edition

Thursday, August 7 | 1:00 p.m. - 3:00 p.m.

Overview:

This in-depth session will help you confidently navigate California's open meeting law and its recent changes. Understand what's allowed, what's not, and how to avoid common pitfalls in compliance. *This session is also worth 2.0 CM credits.*



Webinar 3: Mapping 101 - Crash Course

Friday, September 19 | 9:00 a.m. - 11:00 a.m.

Overview:

Get hands-on with ArcGIS, the leading mapping and spatial analysis tool. Learn how to visualize jurisdictional boundaries, analyze land use, and support your LAFCO decisions with data-driven maps. *This session is also worth 2.0 CM credits.*

WHO SHOULD ATTEND?

All Commissioners and staff members are welcomed



Registration Cost:

- ➡ **CALAFCO Members:** Free!!!
- ➡ **Non-CALAFCO Members:** \$125.00

*Individual registration for each session will be required.
Registrations will be online only.*



Questions? Contact: Joe Serrano, Santa Cruz LAFCO EO
Phone: 831-254-0178 Email: joe@santacruzlafco.org

WANT MORE INFO ON EACH SESSION?

INDIVIDUAL SESSION FLYERS & REGISTRATION LINKS
COMING SOON



California Association of
Local Agency Formation Commissions

CALAFCO

SUPPORTING SUSTAINABLE
COMMUNITY GROWTH



Register Now: [Click Here to Register](#)

Deadline to Register: July 16 at 5pm

No late registrations will be accepted.

Registration Cost:

CALAFCO Members: Free

Non-CALAFCO Members: \$125.00

COMMISSIONER BEST PRACTICES

THURSDAY, JULY 17

10:00AM - 12:00PM

ZOOM REGISTRATION LINK WILL BE SENT AFTER
REGISTRATION CLOSING ON JULY 16.



GUEST SPEAKER
SCOTT CARROLL

Costa Mesa Sanitary District,
General Manager

*Moderator: Joe Serrano,
Santa Cruz LAFCO*

CALAFCO.ORG

SHARPEN YOUR SKILLS AS A LAFCO COMMISSIONER & STAFF MEMBER

Join us for a fast-paced, highly informative session designed for LAFCO commissioners and staff. This webinar will guide you through essential best practices and provide the tools you need for effective, ethical, and confident governance. Whether you are new to LAFCO or a seasoned pro, this session offers valuable insights you won't want to miss!

WHAT YOU WILL LEARN:

- Key responsibilities of commissioners and staff
- Policies and procedures for effective governance
- Ethics principles for public service
- How to balance your local agency role with LAFCO duties