



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: September 17, 2020

AGENDA ITEM #2

Project Description

- Applicant:** County of San Bernardino Land Use Services Department
- Community:** Countywide
- Locations:** Countywide
- Project No.:** P201400317
- Staff:** Jerry Blum, Countywide Plan Coordinator
- Proposal:** Countywide Plan project to include: an update of the County General Plan (Policy Plan) principles, goals, policies, and maps; creation of a Business Plan establishing County operational principles, goals, policies, and implementation strategies; repeal of 14 Community Plans; recognition of 35 Community Action Guides; and certification of the Program Environmental Impact Report.

Newspaper Publication Date: September 6, 2020

Report Prepared By: Jerry L. Blum

PROJECT DESCRIPTION:

The proposed Project is a comprehensive general plan update that is driven by the Countywide Vision, adopted in 2011. The Project meets the California Government Code requirements for a general plan. The Project includes the following items that the Planning Commission will make recommendations on to the Board of Supervisors:

- A. Adoption of the Countywide Plan, including:
 - 1) **County Policy Plan** – an amendment to the County’s General Plan (excluding the housing and renewable energy and conservation elements), including a new approach to county planning that includes social services, healthcare services, public safety, and other regional county services provided in both incorporated and unincorporated areas.
 - 2) **County Business Plan** – with governance policies, operational metrics, and implementation strategies that outline the County’s approach to providing municipal services in the unincorporated areas and regional services for both incorporated and unincorporated areas.¹
- B. Repeal of 14 Community Plans.
- C. Recognition of 35 new Community Action Guides.
- D. Certification of the Final Program Environmental Impact Report (EIR).

¹ Although certain aspects of the Business Plan do not relate directly to planning and zoning law, the review of and recommendation by the Planning Commission is sought inasmuch as the Business Plan and Policy Plan are an integrated policy document.

BACKGROUND:

The County's General Plan was last updated in 2007. In 2010, the County Board of Supervisors (Board) set out to establish a vision for the future of the County as a whole, and in 2011 adopted a Countywide Vision after two years of input from the community, including the 24 cities and towns located within the County. Following the adoption of the Countywide Vision, which calls for the creation of a "complete county," the Board adopted the County Paradigm and Job Statements in 2012.

In 2015, the County launched an effort to create an unprecedented General Plan—a web-based comprehensive "complete county" plan that complements and informs the Countywide Vision by taking into account all services—not just land-use planning—provided by County government, and the unique values and priorities of each unincorporated community. The Countywide Plan ("CWP" or "Project") will serve as a guide for County decision-making, financial planning, and communications. The CWP's web-based format will provide a wealth of easily accessible data on how the County operates and allow the public ongoing access to County data and information for independent use.

❖ Public Participation

There has been an extensive public outreach effort for this Project. A new CWP web site was developed which provides the public and agencies with up-to-date information on meetings and events, how the public can input their ideas into the process through surveys, emails, etc., posting of new draft documents for review and comment, posting of community meeting summaries, listing of frequently asked questions, posting of community photo galleries, and links to other agencies and relevant documents through the on-line library.

Between 2015 and 2019, the County engaged with members of the public, not-for-profit agencies, and civic organizations to better understand their issues and what they wanted to see preserved, maintained, and/or improved upon through the CWP. The communities also provided input resulting in key proposed changes on where growth should and should not occur in the unincorporated areas. The intent of the outreach efforts were to bring the meetings to the people in their communities as much as possible, and not require residents to travel long distances to meetings in the County Government Center. County staff and project consultants attended 75 meetings in over 50 communities in the Valley, Mountain, and Desert regions. Meetings were held at various locations and times of day in an attempt to reach as many people as possible. This effort resulted in having over 2,000 persons attend and participate in the community and regional meetings. Thousands of comments were received and replied to on social media platforms established specifically for the CWP. The information obtained through these processes was invaluable to the formulation of the policy documents and the engagement with people resulted in a greater understanding and appreciation of the individual communities involved. In 2019 and 2020, the County continued to engage with key stakeholders and members of the public through the release of the Draft Environmental Impact Report (EIR) and Final EIR, as well as the drafting of the Governance Element and Implementation Plan.

❖ Guiding Principles

The proposed CWP is guided by the following goals which serve to provide a linkage between the Countywide Vision and the CWP:

1. **Character & Heritage.** Recognition, preservation, and celebration of the distinct character, history, culture, and heritage of the County and its communities.

2. **Collaboration.** Greater coordination within the County government alongside expanded partnerships with other public and private entities to create a more complete County.
3. **Community Capacity.** A public equipped with tools to create positive changes in their communities, empowered by civic involvement and a network of relationships.
4. **Education.** A cradle-to-career education system and a culture of lifelong learning that gives residents the opportunity to obtain skills and education needed to achieve a rich and satisfying life.
5. **Fiscally Sustainable Growth.** A pattern of growth and development that facilitates logical, cost-effective, and fiscally sustainable provision of public services and infrastructure.
6. **Health & Wellness.** Active and engaged people and communities with access to infrastructure, programs, and services to support physical, social, and economic health and well-being.
7. **Prosperity.** Diverse opportunities for residents to pursue their desired standard and style of living and for businesses to work toward their economic success.
8. **Resiliency.** A County with a system of communities and services that can persevere in the face of emergencies, external forces, or unexpected circumstances, and continue to carry out core missions despite formidable challenges.
9. **Security.** A real and perceived sense of safety that allows and encourages people, businesses, and organizations to thrive, build community, and invest.
10. **Stewardship.** Communities that protect the viability of natural resources and open spaces as valuable environmental, aesthetic, and economic assets.

ANALYSIS:

Countywide Plan

❖ Purpose

The purpose of the CWP is expressed in five key objectives:

1. **Build a policy foundation for all that the County government does** or undertakes within a Countywide Policy Plan. The Policy Plan recognizes and differentiates the County's dual roles of serving as a "municipal" government for County unincorporated areas and as a "regional" government delivering programs, including those mandated or funded by the state and/or the federal government, to the County as a whole.
2. **Update and serve as the County's required general plan** in a much more comprehensive fashion, integrate the policies in the existing Community Plans into the new Policy Plan, and maintain the required land use and other policy maps on a web based mapping system.

3. Provide overarching and ongoing guidance for existing County governance actions (i.e., budget, goals and objectives, performance measures, etc.) within a **County Business Plan**. The Business Plan consists of a policy-based governance element and an action-oriented implementation plan, and two new implementation tools: a tracking and feedback system and fiscal analysis model. The governance element lays the foundation for County leadership, decision-making, and operational processes. The implementation plan identifies the key next steps (immediate, short-term, and mid-term) the County needs to take to implement the various elements of the Countywide Plan. The tracking and feedback tool charts the County's progress toward achieving the Policy Plan goals, providing data and analysis that enables decision makers to make strategic course corrections in response to changing circumstances and monitor ongoing operational effectiveness. The fiscal analysis model gives the County an ability to better evaluate the potential fiscal implications of proposed projects and changes in land use and policy, to ensure continued progress along a path of fiscal sustainability. The Business Plan will provide clarity and transparency to the public regarding County governance while ensuring the Countywide Plan remains meaningful and current.
4. Recognize the need to address certain issues on a regional or sub-regional level by **creating a web-based Regional Issues Forum** across various County and partner websites that allows the County to post information of interest to other stakeholders. The Forum will serve as a resource that can inform discussions and decision-making by the County and its partners, investors and constituents.
5. **Develop a highly customizable and interactive web-based environment** for all of the Plan's components. All components of the Plan will be linked, providing end-users with insight and the opportunity to "drill down" through increasingly detailed layers of information to research and cross-reference data sets.

❖ Organization

The CWP is organized around three principle documents: The Policy Plan (general plan), the Business Plan, and the Community Action Guides.

1. County Policy Plan – provides a comprehensive update of the County's General Plan and expands the scope of the General Plan to include goals and policies for all municipal as well as regional services the County provides. The Policy Plan is comprised of four major Components, 11 Elements and 52 Goals.

Built Environment

Land Use Element

- LU-1 Fiscally Sustainable Growth
- LU-2 Land Use Mix and Compatibility
- LU-3 Annexations and Sphere Development
- LU-4 Community Design
- LU-5 Military Mission
- LU-6 Amendments to the Policy Plan

Housing Element (adopted separately in 2014)

Infrastructure and Utilities Element

- IU-1 Water Supply
- IU-2 Wastewater Treatment and Disposal
- IU-3 Stormwater Drainage
- IU-4 Solid Waste
- IU-5 Power and Communications

Transportation and Mobility Element

- TM-1 Roadway Capacity
- TM-2 Road Design Standards
- TM-3 Vehicle Miles Traveled
- TM-4 Complete Streets, Transit, and Active Transportation
- TM-5 Goods Movement
- TM-6 Airports

Resources and Conservation

Natural Resources Element

- NR-1 Air Quality
- NR-2 Water Quality
- NR-3 Open Space, Parks, and Recreation
- NR-4 Scenic Resources
- NR-5 Biological Resources
- NR-6 Mineral Resources
- NR-7 Agriculture and Soils

Renewable Energy and Conservation Element (adopted separately in 2017 and amended in 2019)

Cultural Resources Element

- CR-1 Resources
- CR-2 Historic and Paleontological Prehistoric Resources

Safety and Security

Hazards Element

- HZ-1 Natural Environmental Hazards
- HZ-2 Human-Generated Hazards
- HZ-3 Environmental Justice

Personal and Property Protection Element

- PP-1 Law Enforcement
- PP-2 Law and Justice
- PP-3 Fire and Emergency Medical
- PP-4 Emergency Preparedness and Recovery

Economy and Wellness

Economic Development Element

- ED-1 Unincorporated Land and Facilities
- ED-2 Labor Force
- ED-3 Countywide Business and Employment Growth

Health and Wellness Element

- HW-1 Health and Social Wellness
- HW-2 Education
- HW-3 Community Development

2. County Business Plan - directs the integration of CWP goals, policies, and actions into the way the County operates and develops its budget. The Business Plan consists of the following components:

- Governance Element
- Implementation Plan
- Tracking and feedback system
- Fiscal analysis model

3. Community Action Guides - provide action-oriented direction for each community to remain and become the type of community that current and future residents desire. The Guides include Action Plans that place a focus on self-reliance, grass-roots action, and implementation, allowing the community to take the lead in moving actions forward. Furthermore, the Guides frame these potential actions in a set of community-driven values and aspirations generated through three years of outreach involving thousands of residents in over 70 communities. The Guides will also link to a Community Development Toolkit to help residents engage in self-help and/or partnership activities that will facilitate the changes they would like to see in their community. The 35 Community Action Guides representing over 70 communities replace the current 14 Community Plans and will be accessible in the CWP web site.

❖ Growth Forecast 2016 – 2040

The County used the Urban Footprint Scenario Model to analyze a range of countywide growth scenarios. This is the same model used by the Southern California Association of Governments (SCAG) to analyze their regional growth scenarios. This model allowed County staff to accurately compare and assess both positive and negative impacts to the natural environment, the infrastructure, and the economy from various alternatives to County buildout. The model also allowed the County to share data with SCAG to ensure accurate assumptions in the regional model for development of the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) program.

The County's analysis of the scenario modeling program came to the conclusion that the County can best serve its communities, businesses, institutions, and visitors by focusing new development in and around cities, towns, and communities with access to existing infrastructure and services, while preserving natural open spaces and rural areas that define the County and its residents' way of life.

The final growth projections for population and jobs reflects an emphasis on fiscally sustainable land use planning (including infrastructure) that considers and respects preferences of community members, positions the County for continued economic development, avoids development in high hazard areas, and protects the County's valuable natural and cultural resources. The Principles, Goals and Policies found in the Land Use Element and throughout the Policy Plan, support this emphasis.

Based on the 2016 RTP/SCS projections, the County, between 2016 and 2040, could grow by 630,456 people. Of that total, the incorporated municipalities will represent 92 percent of the growth (580,776 population) while the unincorporated County area could grow by some 49,680 persons and represent just eight percent of the countywide population. Most of the growth in the unincorporated area is forecasted to occur in the Valley and North Desert regions as shown by the following chart:

Region	Population Growth	Percent of Growth
Valley	24,893	50.1
Mountain	2,355	4.8
North Desert	21,073	42.4
East Desert	1,359	2.7
Total Unincorporated	49,680	100.0

❖ Policy Plan

The focus of the effort to comprehensively update the County’s 2007 General Plan was to:

1. Streamline the document by removing outdated, conflicting, and duplicative goals and policies. The 2007 General Plan has nine elements while the Policy Plan now has eleven. While the 2007 General Plan has 404 goals and 1,704 policies, the Policy Plan covers more topics and has only 52 goals and 360 policies.
2. Integrate new and amended laws into the Policy Plan. There were nine major legislative actions that needed to be addressed in the CWP. Six of these new laws were known at the beginning of the Project and included laws requiring analysis, reports, and general plan policies to address such things as flood and groundwater mapping, complete streets, wildfire assessment, tribal consultation, public water systems. Three new laws became effective during the course of the project and required additional work to comply with them: California Environmental Quality Act (CEQA) traffic thresholds (vehicle miles traveled (VMT) versus level of service (LOS)), climate adaptation and resiliency, and environmental justice.
3. Include regional service topics and related goals and policies. New, non-required, topics that the Policy Plan covers include Health and Welfare (physical and behavioral health and wellness, education, and community development) and Law and Justice (crime prevention, equity, capacity, support and care, rehabilitation and reentry).
4. Recognize important shifts in, or expansion of, polices from the 2007 General Plan in the topic areas of land use, military, water supply, transportation, natural resources, natural hazards, environmental justice, and economic development.

❖ Highlights of the Policy Plan

The following is a summary of the significant shifts in, or expansion of, topics, principles, goals and policies in the Policy Plan and its elements from the 2007 General Plan.

Land Use Element

The Land Use Element designates the highest and best land use for property in the unincorporated County and establishes policies on where, when, and how the County grows. Although there have been relatively few changes to the land use designation of private properties in the unincorporated County area, the proposed Land Use Element presents significant shifts in policy about where and how growth and development should occur.

One of the basic principles of land use in the Policy Plan is that the way land is used and developed will determine the revenue base and costs for services. That means that the County must review and analyze development proposals and changes to land use designations in light of fiscal benefits and liabilities to the County's finances. When considering fiscal impacts the County must consider initial capital investments, long-term operations and maintenance, desired level of service for public facilities and services, capital reserves for replacement, and the impacts on existing uses and services provided in the unincorporated and incorporated areas.

Other basic principles guide goals and policies that focus new development in areas where there is potable water, wastewater treatment, roadways, and public services and in areas with low risks from natural and man-made hazards, and with fewer impacts on the natural environment. These goals and policies implement the recommended growth pattern for the unincorporated area of the County. Growth in the Valley region, small portions of the North Desert region and sphere of influence areas will be fairly sub-urban in character, while land in the Mountains, East Desert and balance of the North Desert region will be rural in nature and respect the character and context of the surrounding community.

The Land Use Element continues the past policies calling for collaboration with local, state, tribal, and federal agencies which is essential to effectively manage land and land use in the County. An emphasis on the importance of the Military's mission to the County has been added throughout the Policy Plan addressing land use compatibility and encroachment, resource conservation, infrastructure, economic development, transportation, and national security. The County worked extensively with the combined Military authorities situated within the County to create an extensive Military Background Report and separate section within the Land Use Element, Goal LU-5 Military Mission.

Land Use Map

The Countywide Plan moves away from the existing one map system (coterminous land use and zoning) and re-introduces a two map system which includes a Land Use Designation map and a corresponding Zoning Map (to be adopted with the Development Code Update in 2021). The Land Use Map has been developed as a web map and is linked to the Policy Plan – Land Use Element web page. Currently, the one map system shows a total of 17 general land use zoning districts with an additional 11 designations expanding on the base zone districts, or a total of 28 zoning districts. The proposed land use designation map, with 11 land use designations, is much simpler to understand and offers the County greater flexibility.

The most significant change to the land use map is the re-designation of federal and state land that is used for parks and recreational open space, from Resource Conservation to Open Space. Currently, 93 percent of unincorporated County land is designated as Resource Conservation (RC) and less than 1/10 of one percent is designated for Open Space. Under the proposed land use plan, the amount of land devoted to Open Space is increased to 46 percent of the total land area and Resource Land Management (RC in 2007 Plan) is reduced to 47 percent. This change allows a more accurate representation of the actual land use of these areas as open space and recreational lands.

Infrastructure and Utilities Element

This element provides guidance on where, when, and how infrastructure and utilities are improved and establishes goals and policies to maintain an adequate supply of potable water, the safe disposal, treatment, and recycling of wastewater, and disposal of solid waste. Significant policies

in this element include the requirement of new development to connect to a public water system or a County approved well, encouraging local water systems to interconnect with regional and other local systems to allow the transfer of water during drought conditions, and the requirement that new development on lots smaller than one-half (1/2) acre be connected to a sewer system whenever possible.

Transportation and Mobility Element

This element establishes the location and operational conditions of the County's roadway network and addresses the access, connectivity, and mobility needs of the various people living, working, and traveling to the County's regions, communities, cities and towns. Significant items addressed in this element include the addition of context-based features and design for roadways to acknowledge the variations of roadway systems in the various regions of the County. The element also addresses new laws requiring the County to achieve reduction of VMT with new development and the establishment of complete streets concept within newly established Mobility Focus Areas. The Element's policies support better coordination of regional and local truck routes to reduce truck traffic impacts on local residents and the development of the High Desert Corridor to improve regional goods movement.

Natural Resources Element

The primary focus of the Natural Resources Element is to govern land uses and establish standards to ensure that new development and usage of land has minimal impact on the natural environment in the unincorporated areas of the County. The Element recognizes that protection of resources such as air, water, and biological diversity are primarily governed by state and federal agencies, with the County enforcing state and federal laws and coordinating with other local and countywide efforts to promote biodiversity and healthy ecosystems.

The County does play a more direct and active role in the conservation of protected species and the protection of mineral resources and farmland in the unincorporated areas through the development review, entitlement, CEQA, and mitigation monitoring processes. The Element also establishes the County's role in planning, developing, operating, and maintaining countywide regional parks and trails systems. The main focus of these policies is to prioritize future funding to support the maintenance and improvement of existing County parks and trails over their expansion or creation of new facilities. New facilities would be supported when locally approved funding and financing mechanisms are established to pay for acquisition, construction, maintenance, operations, and replacement costs.

Hazards Element

The purpose of the Hazards Element is to include safety considerations in the planning and decision-making process by establishing policies related to future development that will minimize the risk of personal injury, loss of life, property damage, and environmental damage associated with natural and man-made hazards. The Element addresses the natural hazards and human activities that may pose a threat to public safety within the following topic areas:

- Natural hazards including, fire, flood, geologic, and wind
- Man-made hazards including hazardous materials, noise, abandoned mines, and agricultural operations
- Environmental Justice including exposure to pollution, access to public facilities and services, access to healthy food, safe and sanitary housing, and meaningful civic engagement

The element contains goals, policies, and objectives that continue and strengthen existing efforts to prevent new development from being located within environmental hazard areas in order to reduce the risk of personal injury, loss of life and destruction of property. These policies are consistent with the overall direction of the Countywide Plan to support growth and development that is fiscally sustainable for the County and allowing new development in areas with low risks from natural and man-made hazards, and with fewer impacts on the natural environment. A new policy is included which requires new and reconstructed development to adhere to current development standards and evaluate and take into account increased flooding, debris flow, and mudslide risks associated with post-burn events.

A new and significant program required by Senate Bill (SB) 1000 “Planning for Healthy Communities Act”, is for local governments to incorporate policies into their general plan that address the “fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” Besides addressing the reduction of disproportionate burdens of pollution among certain populations, the content of the policies must address broader social equity topics such as distribution of municipal services, healthy food, affordable housing, parks, and other amenities—and finding opportunities to improve access to these amenities and the promotion of civil engagement in the public decision making process. Since the County is the largest and most diverse county in California, it has neighborhoods and communities that are disproportionately affected by environmental pollution and/or social inequity, as exhibited in the Environmental Justice and Legacy Communities Map (HZ-10). The County is committed to fostering complete communities with respect to their physical, environmental, social, and economic fabric. Ensuring a healthful environment and addressing environmental justice and social equity issues are fundamental to achieving the County’s long-term vision of a prosperous future for all.

The element is closely related to the Personal and Property Protection Element which is designed to promote strategic and effective emergency preparedness, response, and recovery programs and services. Additionally, the County addressed topics related to fire safety, prevention, and response in the Land Use, Housing, and Transportation & Mobility Elements. The Hazard Mitigation Plan is incorporated into the CWP by reference.

Personal and Property Protection Element

In California, general plans are focused on policies that guide the development and use of land and related topics. Therefore, in that context, public safety is discussed in terms of hazards defined in State law (wildfires, earthquakes, flooding) but rarely delves into fire suppression, law enforcement, law and justice, health, mental health, education, etc. In creating the CWP the County has taken an innovative and comprehensive approach to the topics covered in the Policy Plan. The County Board of Supervisors has adopted a vision of a “complete county” offering a full range of services and quality of life. Public safety is a prerequisite to achieving the vision of a complete county. All the benefits of a high quality of life (culture, civic life, strong vibrant neighborhoods, education and employment, economic prosperity) are difficult to achieve when health, safety, and justice are threatened or compromised. Public safety is also directly related to the County’s resilience—its ability to adapt to changing environmental conditions and prepare for, withstand, and rapidly recover from disruption or disasters.

The concept of a complete county and addressing these topics in a holistic fashion in the Policy Plan is unprecedented in the County, if not the State. The effort of this Element and that of the Health and Wellness Element is to integrate components of County governance that are characteristically disconnected or ignored in typical general plans. The Personal and Property Protection Element provides basic, foundational policies that provide context and direction for

everything the County does and supports coordinated and effective intra and inter agency response to emergencies and disasters. These goals and policies are meant to supplement, rather than replace, existing department goals, policies, master plans, work programs, and other documents that provide short and long term direction to those health and public safety programs (including federal and state mandated goals and policies). These foundational policies are meant to reinforce the relationship between these services and other elements of the Policy Plan.

Economic Development Element

The County's economic development efforts are intended to attract private investment, reduce commute times, increase household wealth, and improve overall quality of life. Although the majority of job growth and non-residential development will occur in incorporated jurisdictions, the County has a regional role in fostering economic and workforce development countywide and has a local role in bringing nonresidential development to targeted unincorporated communities. While economic issues are addressed throughout the Policy Plan, this Element focuses on the County's major economic development responsibilities. These responsibilities include the active marketing of industrial and commercial development in targeted focus areas of the unincorporated county and collaborating with school systems and civic organizations to support a skilled and educated labor force that helps businesses compete in the regional and global economy. These responsibilities also involve collaborating with agencies, incorporated cities and towns, and service providers to grow new businesses, improve profitability of existing businesses, and increase the number and quality of jobs in the County.

Health and Wellness Element

The County is responsible, within the bounds of annual state and federal funding, for implementing the human health and social assistance responsibilities of the state and federal governments. Establishing a more complete County and stronger communities is achieved through the County's provision of, or coordination with, others to provide places, facilities, and programs for physical health, behavioral health, and social well-being. This responsibility requires extensive coordination and collaboration within the County and with outside agencies and organizations. The goals and policies contained in this element reflect a holistic approach to the continuum of care the County is responsible for and describes the County's priorities and roles in collaborating with others in the educational and social needs of vulnerable populations.

An important and foundational policy for the development and delivery of County services in this arena is to recognize and continuously learn about the diverse values, cultures, languages, and behaviors found throughout the County, especially for those that are underserved or isolated. This foundational policy can be seen as an umbrella under which all the other policies in this element function, including those relative to veterans, homeless, vulnerable populations, lifelong learning, arts and culture, leisure and entertainment, and other social enrichment and social bonding.

Another key foundational policy is meant to address upstream issues related to the social determinants of health and social stability (e.g., income, education, housing, neighborhood conditions, and job skills), and to reduce the occurrence of and costs associated with responding to acute and chronic conditions. This policy direction recognizes that, while having to comply with federal, state, and local mandates to provide health and safety net programs, the County is in a position to collaborate with other agencies and organizations to reduce or eliminate related, but outside the direct responsibility of the County, issues that can cause or exacerbate the health, behavioral health, and stability of our residents. By addressing up-stream issues that help reduce the need to treat acute and chronic conditions, the County will achieve efficiency and cost reduction measures.

❖ Business Plan

Through the Business Plan the County is taking an innovative, systems approach to managing the County's resources. The Business Plan will provide a policy foundation as well as an integrated system of governance, including managing, prioritizing, and tracking the effectiveness of the County's economic resources. The Business Plan will steer the integration of Countywide Plan goals, policies, and actions into the way the County operates and budgets available resources. The Business Plan contains the following sections:

1. Policy Section
 - Governance Element
2. Systems Section
 - Implementation Plan
 - Tracking and Feedback System (to be completed after adoption of CWP)
 - Fiscal Analysis Model (to be completed after adoption of the CWP)

Governance Element

The Governance Element is intended to capture and preserve the way that the County provides consistent, transparent, effective, and accountable governance for future leaders and the public. This Element is consistent with the Countywide Vision Statement:

We envision a model community which is governed in an open and ethical manner, where great ideas are replicated and brought to scale, and all sectors work collaboratively to reach shared goals.

The purpose of the Element is to provide guidance on County decision-making processes for officials, staff, the public, and other stakeholders. It will allow the County to operate in a business-like manner, incorporate the concept of adding long-term value into the decision-making process, integrate the CWP into the County's ongoing operations, and link the budget process (the most tangible expression of the County's commitments) with the Countywide Vision, the long-term goals of the CWP and the Board of Supervisors' priorities.

Implementation Plan

Implementation consists of actions taken to carry out the CWP policies and continue progress toward achieving the CWP goals. The actions include initiatives by the County as well as decisions that involve public and private development projects, investments, and programs. The Implementation Plan excludes actions or activities that are already part of the County's current workflow unless there is to be a substantive change, such as an expansion, elimination, or development of new rules. To focus County resources, the Implementation Plan consists primarily of actions that are essential to begin over the next one to five years. The Implementation Plan is intended to be reviewed and updated on an annual basis to determine whether any current activities fall short or additional actions are needed to support the CWP goals and policies. The implementation Plan works alongside the Tracking & Feedback system, which outlines additional actions associated with the tracking of priority objectives and feedback on those objectives.

Tracking and Feedback System

The Business Plan establishes a process for tracking progress toward measurable indicators of success, enabling the County to refine implementation toward a more effective, efficient,

transparent, and accountable County government. This tracking and feedback mechanism is intended to measure progress toward the CWP's priority goals and objectives. The tracking and feedback system will be provided through a web-based platform which will enable the County to upload, illustrate, narrate, and share internal and external data and information related to the goals and objectives of the CWP. The platform is designed to streamline the sharing and maintenance of relevant data, and to present a consistent and easily updatable format. An important aspect of the system is that the indicators of success will be reviewed on at least an annual basis by executive management level staff to analyze the data and information and then report their conclusions and recommendations through the CEO to the Board and ultimately to the public. In this way the goals and policies of the Countywide Plan will be continuously reviewed and updated to keep the Plan relevant and allow for course corrections in policy or implementation actions to keep the CWP current.

Fiscal Analysis Model

The Fiscal Analysis Model is a tool that will improve the ability of the County to evaluate the fiscal impacts on County resources (both capital and operating) of proposed policy, budgetary, and land use decisions. The model will be used to provide a statistical analysis of fiscal impacts of a proposed action in order to inform staff, the public and the Board prior to the decision being made. The model will be sophisticated enough to identify the gap between revenues and expenditures of changes to the goals and policies of the Countywide Plan, changes to land use designations, and for specific development projects.

❖ Web-based Plan

The CWP is an interactive, web-based tool that is designed, formatted and continually updated online (www.countywideplan.com). In this way the Plan takes advantage of new technologies by creating a link between the user and the various components of the Plan. Internal and external links to source material, seamless movement between sections of the Plan, an easy to use navigation tool, a sophisticated search/filter tool, and interactive maps that enhance the usability, accessibility, and ongoing effectiveness of the Plan.

❖ Regional Issues Forum

The County will provide a Regional Issues Forum that will provide access to plans, reports, GIS data, and other information that apply to multiple jurisdictions, regions, or the entire County. While the primary home for the Regional Issues Forum will be the Countywide Vision website (<https://cms.sbcounty.gov/cao-vision/home.aspx>), the CWP website will link to the Vision website and host a portion of the Regional Issues Forum through its "Resources" section. The County will also look to coordinate and consolidate content related to regional issues on partner websites such as that of the San Bernardino County Transportation Authority/Council of Governments. Ultimately, the intent of the Regional Issues Forum is to facilitate and ensure that jurisdictions, stakeholders, and the general public throughout the County have access to information and analysis to make informed decisions with an understanding of potential factors and implications that go beyond the context of a single jurisdiction.

Community Action Guides

The Community Action Guides (CAGs) comprise a new system of community planning that articulates what is important to each community, with a greater focus on community self-reliance, grass-roots actions, and implementation. The CAGs were completed with significant levels of

community participation. This process has created the opportunity to expand the number of communities that are covered by the community planning process. With the repeal of the 14 existing Community Plans, the goals, policies, land use, and infrastructure decisions of the community plans have been moved to the Policy Plan. Most of the actions identified in the CAGs will be started, funded and completed by community residents with assistance from the County and other partners as needed. However, it is important that the County and partners be prepared to assist.

Land Use Services facilitated the CAG process and was involved with over 80 communities during public engagement and preparation of the CAGs. Public engagement included 68 community workshops and an additional 15 Countywide Plan public open houses. Staff became familiar with the values and aspirations of each community.

The most important goal of the CAG effort is to make it easy for the communities to implement their CAGs with seamless and easy to navigate web access for communities. Although County funding is not readily available, when community residents step forward with the willingness to take action in their communities to enhance their quality of living, the County will be ready to provide the appropriate assistance and guidance. The CAG is the first step to guide community action, but some steps may require assistance by the County as illustrated in the CAGs. The CAGs illustrate a structure in steps from a community's first contact, to getting a project started, to getting connected to the right department or partner to assist, and then sharing and celebrating accomplishments. With the CAGs, the unincorporated communities in the County can become more self-reliant in pursuing community aspirations through collaboration, cooperation, education, and continuing the "whole County" work started with the CWP.

The CAGs should be used:

- By community members wishing to make changes in their community and using the guides to provide step by step directions to accomplish their identified actions;
- By applicants to ensure consistency of proposed projects with and reinforcement of the physical and historic character and identity of unincorporated communities as described in Table LU-3 of the Policy Plan Land Use Tables and the values section of the CAGs; and
- By County staff during review of new development proposals where the aspirations section of the CAGs will be considered.

These three uses of the CAGs will be implemented through specific actions (e.g., procedures, code amendments, education, training, etc.) included in the Implementation Plan.

The following 35 CAGs were prepared consistent with the Countywide Vision, with direct community member input and will be used by communities to enhance development, recreational, educational and other identified needs in their communities:

Valley CAGs (communities included)

- Bloomington
- Devore Communities (Devore, Devore Heights)
- Mentone
- Muscoy
- San Antonio Heights

Mountain CAGs (communities included):

- Angelus Oaks
- Bear Valley Communities (Baldwin Lake, Big Bear City, Erwin Lake, Fawnskin/Northshore, Lake Williams, Moonridge, Sugarloaf)
- Crest Forest Communities (Cedarpines Park, Crestline, Lake Gregory, Valley of Enchantment)
- Hilltop Communities (Arrowbear, Green Valley Lake, Running Springs)
- Lake Arrowhead Communities (Agua Fria, Blue Jay, Cedar Glen, Crest Park, Deer Lodge Park, Lake Arrowhead, Rimforest, Skyforest, Twin Peaks)
- Lytle Creek
- Mt Baldy
- Mountain Communities (Forest Falls, Mountain Home Village)
- Oak Glen
- Wrightwood

Desert CAGs (communities included)

- Baker
- Daggett
- East Desert Communities (Nipton, Rice, Vidal, Vidal Junction)
- El Mirage
- Helendale
- High Desert Communities (Mountain View Acres, Spring Valley Lake)
- Homestead Valley Communities (Flamingo Heights, Johnson Valley, Landers, Yucca Mesa)
- Joshua Tree
- Lucerne Valley
- Morongo Valley
- Newberry Springs
- North Desert Communities (Barstow Heights, Hinkley, Hodge, Kramer Junction, Lenwood, Red Mountain)
- Oak Hills
- Oro Grande
- Phelan/Pinon Hills
- Pioneertown Communities (Gulch, Pioneertown, Pipes Canyon, Rimrock)
- Route 66 Communities (Amboy, Cadiz, Goffs, Ludlow, Siberia)
- Trona
- Wonder Valley
- Yermo

Environmental Impact Report

❖ Process Overview

A critical step in the CWP process was the preparation of the Program Environmental Impact Report (PEIR) in accordance with the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21000 et seq, and the CEQA Guidelines (14 California Code of Regulations, Section 15000 et seq.). In compliance with CEQA, the process included the following steps:

- A Notice of Preparation (NOP) – released October 13, 2017 for a 30-day review period ending November 20, 2017. The NOP served as part of the process to define the scope of issues and analysis to be included in the PEIR. Distributed to public agencies, interested parties/organizations, service providers, and posted on the County’s website, the purpose was to solicit input to help guide preparation of the PEIR. The NOP included a project description and a preliminary identification of impacts to be addressed in the Draft PEIR. The Project description included: Vision Summary and CWP Components/Organization, CWP Elements/Topics, Statistical Land Use and Buildout Summary for growth between 2016 and 2040, and preliminary identification of potential environmental impacts to be addressed in the PEIR.
 - Public Scoping Meeting – held on October 26, 2017, at the San Bernardino County Government Center with public access provided remotely via video conferencing at the High Desert Government Center and the Joshua Tree Government Center. The purpose of the public scoping meeting was to solicit input from the public, organizations, and agencies regarding any specific issues to be addressed in the PEIR.
 - Draft PEIR and Public Review – upon completion of the Draft PEIR, public Notice of Availability (NOA) was issued on June 17, 2019, and a Notice of Completion (NOC) was filed with the California Office of Planning and Research (OPR). The NOA/NOC initiated a 60-day public review period (June 17, 2019, through August 15, 2019) for the Draft PEIR (State Clearinghouse No. 2017101033).
 - Final PEIR – upon receipt of public, organization and individual comments on the Draft PEIR, the Final PEIR was completed including the following: a comprehensive response to comments received; supplemental analysis including a Health Risk Assessment, and revisions/corrections to the Draft PEIR. The Final PEIR was posted on the County’s CWP website and forwarded to commenting public agencies (per CEQA Guidelines Section 15088) on August 31.
 - Mitigation Monitoring and Reporting Program, Facts and Findings, and Statement of Overriding Considerations – completed and forwarded to decision makers for their review and consideration at the scheduled Public Hearings for the proposed CWP.
- ❖ Program EIR – CEQA Approach to CWP.

Program EIR. The EIR prepared for the CWP is a “Program” EIR as defined under CEQA. Although the legally required contents of a Program EIR are the same as for a Project EIR, Program EIRs are typically more conceptual than Project EIRs, with a more general discussion of impacts, alternatives, and mitigation measures. According to CEQA Guidelines Section 15168, a Program EIR may be prepared on a series of actions that can be characterized as one large project. Use of a Program EIR gives the lead agency an opportunity to consider broad policy alternatives and program-wide mitigation measures, as well as greater flexibility to address project-specific and cumulative environmental impacts on a comprehensive scale.

The CWP covers an approximate 20,000 square mile area and encompasses four distinct subregions as discussed and evaluated throughout the Draft PEIR. Clearly, analysis of such a large geographical area and a comprehensive planning program is necessarily conceptual relative to an individual development project and project-level EIR.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine whether an additional CEQA document is necessary. However, if the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities may be within the Program EIR's scope, and additional environmental documents may not be required (Guidelines § 15168[c]). If the lead agency finds that pursuant to Section 15162 of the CEQA Guidelines, no subsequent CEQA document is required, the agency may approve the subsequent activity as being within the scope of the Program EIR. When a lead agency relies on a Program EIR for a subsequent activity, it must incorporate feasible mitigation measures and alternatives from the Program EIR into the subsequent activities (Guidelines § 15168[c][3]).

CWP Components Evaluated. As described in the Draft PEIR Chapter 1, *Executive Summary*, the CWP has four major components:

- County Policy Plan
- Community Planning Continuum (Community Action Guides)
- County Business Plan
- Regional Issues Forum

The PEIR focuses on the proposed Policy Plan because it is this component that includes the proposed land use designations and policies that have the potential to result in physical environmental impacts (see Draft PEIR *Section 1.4.2, Countywide Plan Components*).

Excluded General Plan Elements. The Project description for the Draft PEIR does not include the previously adopted Housing Element or Renewable Energy and Conservation Element. The CEQA environmental review for these elements was prepared and approved at the time of their preparation.

Environmental Topics Evaluated. A CEQA Initial Study was not prepared prior to the Draft PEIR. The Initial Study is typically used to "scope out" individual environmental topics or specific sub-topics (pursuant to CEQA Appendix G checklist) to focus the scope of an EIR. It was clear from the outset, that a comprehensive Program EIR addressing all of the CEQA topical sections and questions was required to evaluate the potential impacts associated with implementation of the CWP. As noticed within the NOP, the Draft PEIR, therefore, includes individual sections to address all of the Appendix G CEQA checklist questions in each of the following 20 topical areas:

Aesthetics	Greenhouse Gas Emissions	Population/Housing
Agricultural/Forest Resources	Hazards/Hazardous Material*	Public Services
Air Quality	Hydrology/Water Quality	Recreation
Biological Resources	Land Use/Planning	Transportation/Traffic
Cultural Resources	Mineral Resources	Tribal Cultural Resources
Geology and Soils	Noise	Utilities and Service Systems*

* Energy and Wildfire sections added to the Appendix G checklist in December 2018 were evaluated in the Utilities/Services and Hazards/Hazardous Materials sections, respectively.

As included in the Draft PEIR Appendices, the analysis is supported by a myriad of detailed technical reports including:

- Air Quality/Greenhouse Gases
- Biological Resources
- Cultural Resources
- Paleontological Resources
- Safety Background Report
- Water, Wastewater, and Hydrology
- Noise
- Transportation Impact Analysis

Regional Analysis. As previously noted, the County is defined primarily by its four geographical subregions: Valley, Mountain, North Desert, and East Desert. For meaningful analysis, the Draft PEIR started out with a clear definition of these regions as well as providing a statistical analysis and geographic delineation of the County's administrative jurisdiction. Approximately 97% of the County is unincorporated area with less than 4% within incorporated cities and towns. In addition 87% of the unincorporated area is under state, federal, and tribal jurisdiction and outside the County's control. It was important that the Draft PEIR recognize and clearly disclose the areas for which it can provide land use authority and CEQA mitigation. The analysis for each topical area of the Draft PEIR was prepared under this context.

Draft PEIR Section 4.4, *Assumptions Regarding Cumulative Impacts* summarizes the approach for each respective environmental category for cumulative analyses. For the majority of impacts, the cumulative analysis is based on development within the entire County boundary for both unincorporated and incorporated boundaries. For public services, the cumulative analysis is prepared for the respective service providers' boundaries. Cumulative impacts are defined and analyzed for appropriate boundaries (e.g., hydrological impacts are analyzed by watershed, air quality impacts by air basins, etc.).

Where feasible and appropriate, impact significance findings were also made for each subregion, and mitigation measures focused for these areas. An understanding of the characteristics and CWP impacts by subregion was also critical in providing the context to define project alternatives to be analyzed in the Draft PEIR.

❖ Draft PEIR - Significant Impacts and Project Alternatives

CWP Implementation Impacts. Draft PEIR Table 1-2, *Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation*, provides the conclusions for each environmental impact analyzed in the Draft PEIR. A total of 76 discrete environmental impacts were analyzed in the PEIR. Of those, 61 were determined to be less than significant after mitigation measures (if necessary) were imposed, and 15 were determined to be significant and unavoidable, even after mitigation measures were imposed.

As described in Draft PEIR Chapter 6, *Significant Unavoidable Adverse Impacts*, the analysis concluded that the following impacts were determined to be significant, and unavoidable, even after feasible mitigation measures are implemented:

Air Quality:

- Growth under the CWP would exceed emission forecasts for the South Coast Air Quality Management District (SCAQMD) and Mojave Desert Air Quality Management District (MDAQMD) Air Quality Management Plans.
- Growth under the CWP would result in an increase in criteria air pollutant emissions from transportation, energy, and area sources that would contribute to nonattainment

designations for the South Coast Air Basin and Mojave Desert Air Basin.

- Short-term construction activities would exceed SCAQMD and MDAQMD significant thresholds.
- Sensitive receptors would be exposed to substantial pollutant concentrations.

Biological Resources:

- Implementation of the CWP would impact several special-status species.
- Implementation of the CWP would result in the loss of several special-status vegetation communities.

Greenhouse Gas Emissions:

- The County would experience a decrease in greenhouse gas (GHG) emissions in comparison to existing conditions but would not achieve the GHG reduction targets established under Senate Bill 32 or Executive Order B-03-05.

Hazards (Wildfire):

- Occupants in or near state responsibility areas or lands classified as very high fire hazard severity zones could be exposed to exacerbated risks from pollutant concentrations from wildfire.
- Growth within the unincorporated County may expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of post-fire slope instability.

Mineral Resources:

- CWP implementation would result in the loss of availability of a known mineral resource.

Noise:

- Construction activities would result in temporary noise increases.
- Buildout of the CWP would cause a substantial noise increase related to traffic on highways and local roadways and could locate sensitive receptors in areas that exceed established noise standards.

Transportation and Traffic:

- Trip generation related to land use development under the CWP would exceed the County's VMT reduction threshold (4 percent reduction in VMT/person (residential) and 4 percent reduction in VMT/employee in comparison to existing VMT/person (or employee).

Project Alternatives and Conclusions. CEQA requires that an environmental impact report include a discussion of reasonable project alternatives that would "feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any significant effects of the project." (CEQA Guidelines Section 15126.6[a]). The proposed CWP was developed by a comprehensive process based on defined goals for the plan as well as specific environmental protection criteria. It was anticipated at the outset of the Project that development scenarios evolving from the CWP process would likely serve as logical PEIR alternatives with the potential to reduce environmental impacts. The alternative CWP scenarios were developed with the goal to maintain consistency with regional projections and to allow an apples-to-apples comparison during development of the proposed CWP. Each alternative, as well as the proposed Project (CWP), was designed to identify suitable sites to accommodate the net unincorporated housing growth of approximately 18,000 units projected in SCAG's 2016 RTP/SCS.

Alternatives Considered and Rejected from Further Analysis. As detailed in Draft PEIR, Chapter 7, *Alternatives to the Proposed Project*, detailed information from the CWP scenario development, including the environmental constraints upon which they were based, provided the basis for three CEQA alternatives evaluated for the Draft PEIR. The following alternatives developed during the CWP scenario process, however, did not meet the requirements for PEIR alternatives and were rejected during the scoping/project planning process:

- No Growth/No Development. This alternative would prohibit all new development, restricting urban growth to its current extent.
- Dispersed Rural Growth. This alternative assumed low density, dispersed rural growth and incorporated very few environmental constraints.

Alternatives Selected for Analysis. The following alternatives, evaluated during the Policy Plan process, were selected for further analysis in the Draft PEIR:

- **No Project (existing General Plan)** – this alternative is required by CEQA.
- **Master Planned Development** – this scenario focuses unincorporated residential growth in new master-planned communities in the North and East Desert regions, where the master developer would be responsible for ensuring adequate water supply as well as the development and maintenance of all new infrastructures.
- **Concentrated Suburban Growth** – This scenario focuses on intensifying residential development in the already urbanized areas in the Valley region and preserving the relatively undeveloped Desert and Mountain regions.

The following alternative was developed as a new alternative for CEQA purposes:

- **Limited Suburban Growth** – Generally, this alternative mirrors the proposed CWP, with limited changes to land use designations in the Apple Valley SOI and Bloomington community. The land use changes reduce potential housing growth relative to the proposed project. Retail and public employment growth in the Apple Valley SOI were reduced to reflect lower levels of housing growth, but employment estimates elsewhere in the unincorporated County remain consistent with the proposed CWP.

The statistical analysis and comparison including net change to the proposed CWP for population, housing and employment, is included for each alternative in Draft PEIR Table 7-1, *Alternatives Description and Statistical Comparison*.

Conclusion and Environmentally Superior Alternative

CEQA requires a lead agency (County) to identify the “environmentally superior alternative” in the EIR. One alternative was identified as “environmentally superior” to the proposed Project:

- Concentrated Suburban Growth Alternative

The Concentrated Suburban Growth Alternative was been identified as the environmentally superior alternative because it would reduce eight of the 18 environmental topics in comparison to the proposed Project and would reduce three of the proposed Project’s significant, unavoidable

impacts to less than significant. The potential wildfire (hazards), mineral resources, and transportation/traffic impacts would be reduced to less than significant under this alternative. This alternative, however, would increase four impacts in comparison to the proposed Project— aesthetics, agricultural resources (impact to Mentone existing agricultural uses), geology/soils (related to the more seismically active Valley region), and land use and planning. These impacts, however, would be mitigated to less than significant under this alternative. Although this alternative could achieve the majority of the project objectives, due to the higher densities in the Valley region this alternative could jeopardize the existing character and heritage goal for this region.

❖ **Final PEIR**

Final PEIR Contents. In compliance with CEQA Guidelines Section 15132, *Contents of the Final Environmental Impacts Report*, the CWP Final PEIR includes:

- **Section 1. Introduction.** This section describes CEQA requirements and content of the FEIR.
- **Section 2. Response to Comments.** This section provides a list of agencies and interested persons commenting on the Draft PEIR, and copies of comment letters received during the public review period. To facilitate review of the responses, each comment letter has been reproduced and assigned a letter and number - A1 through A7 for letters received from public agencies, O1 through O8 for letters received from organizations, and I1 through I9 for letters received from individuals. Individual comments have been numbered for each letter, and the letter is followed by responses with references to the corresponding comment numbers.
- **Section 3. Revisions to the Draft PEIR.** This section documents revisions to the Draft PEIR text and figures as a result of the comments received from agencies and interested persons, as described in Section 2, and/or errors and omissions discovered subsequent to release of the Draft PEIR for public review. This section contains revisions to the Draft PEIR based on (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of Draft PEIR publication; and/or (3) typographical errors. This section also includes additional mitigation measures, if needed, to fully respond to commenter concerns and provide additional clarification to mitigation requirements included in the Draft PEIR. Changes made to the Draft PEIR are identified in strikeout text to indicate deletions and in underlined text to signify additions.
- **Appendices**

Comments on the Draft PEIR.

The County received 24 comment letters on the Draft PEIR. Of those, seven were federal / state / regional / and local agencies; eight were from organizations, and; nine were from individuals. A full listing of all commenters is provided below:

Agencies

- A1 Mojave Desert Air Quality Control Board
- A2 Soboba Band Luiseno Indians
- A3 State of California Attorney General
- A4 California Highway Patrol – Inland Division
- A5 South Coast Air Quality Management District
- A6 Ontario-Montclair School District
- A7 Ahamakav Cultural Society Fort Mojave Indian Tribe

Organizations

- O1 Coalition of Community Groups, Businesses, Organizations and Individuals in the High Desert of San Bernardino County
- O2 Lucerne Valley Economic Development Association (Part 1)
- O3 Lucerne Valley Economic Development Association (Part 2)
- O4 Defender of Wildlife and Sierra Club
- O5 Center for Biological Diversity
- O6 Morongo Basin Conservation Association
- O7 Wildlands
- O8 California Desert Coalition

Residents - Individuals

- I1 Betty Munson
- I2 Paula Deel
- I3 Jean McLaughlin
- I4 Colin Walcker on behalf of Dr. and Mrs. Brent Moelleken
- I5 Sarah Kennington
- I6 Sarah Kennington and Steve Bardwell
- I7 Bryan Baker
- I8 Susan V. Walker
- I9 Jane Hunt-Ruble

Within the 24 comment letters there were 187 separate comment points relating to the adequacy of the Draft PEIR or providing comments on various topics contained within. The comments received relating to Project impacts associated with implementation of the proposed CWP included issues relating to transportation, air quality, cultural tribal resources, water quality, biological resources and conservation, environmental justice, land use compatibility, impact of renewal energy projects, aesthetics and view shed impacts.

There were a number of agency, organization and individual comments that did not fall within the scope of CEQA and the Draft PEIR. Although not required under CEQA to do so, the FEIR includes responses to both the comments on the Draft PEIR as well as addressing the other non-EIR comments.

Supplemental Information and Technical Study

The Final PEIR includes revisions/corrections and supplemental information as needed to assure the PEIR meets CEQA requirements and is legally defensible. To fully respond to environmental justice issues and health risk concerns related to CWP implementation, a Health Risk Assessment (HRA) was prepared. The HRA focuses on the potential impacts to the most affected sensitive receptors, in particular environmental justice focus areas. The study, included as Final PEIR Appendix C, quantifies the potential health impacts associated with diesel particulates related to projected truck volumes along roadway segments within incorporated and unincorporated parts of the County. The Final PEIR is also supported by the inclusion of the Environmental Justice Background Report as an EIR Appendix as well as a technical paper assessing the feasibility of assessing health risks pursuant to the Friant Ranch court case referenced in the Attorney General's comment letter and amicus briefs regarding this case filed by South Coast Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District.

The Final PEIR appendices include the following supplemental information:

Appendix A: "Assessing Regional Criteria Pollutant Emissions Impacts Under CEQA In Light of the Friant Ranch Ruling," Association of Environmental Professionals Climate Change Committee.

Appendix B: Filed amicus briefs, Sierra Club, Revive and San Joaquin, and League of Women Voters of Fresno, v. County of Fresno and Friant Ranch, L.P. (Friant Ranch case)

- o Amicus brief, South Coast Air Quality Management District, April 2, 2015
- o Amicus brief, San Joaquin Valley Unified Air Pollution Control District, April 2, 2015

Appendix C: "Health Risk Assessment, San Bernardino Countywide Plan," PlaceWorks, June 2020

Appendix D: "County of San Bernardino Environmental Justice and Legacy Communities Background Report," PlaceWorks, November 26, 2018.

Effect of New Material in Final PEIR

The responses to comments contain material and revisions that have been added to the Final PEIR. County staff has reviewed this material and determined that none of the material constitutes the type of significant new information that requires recirculation of the Draft PEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the Project would result in a significant new environmental impact not previously disclosed in the Draft PEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impacts that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5. The provision of additional mitigation measures does not alter any impact significance conclusions as disclosed in the Draft PEIR.

❖ Facts and Findings, Statement of Overriding Considerations and MMRP

Facts and Findings and Statement of Overriding Considerations. Under CEQA, a public agency must eliminate or reduce a project's significant environmental impacts when it is feasible to do so. CEQA provides that when an agency approves a project that will have significant environmental effects that will not be avoided or substantially lessened, it must make an express written statement describing the project's benefits and explain how those project benefits justify approval of the action notwithstanding the significant and unavoidable impacts. PRC Section 21081(a)(3) and (b) describes the circumstances that allow a public agency to approve a project when it considers the economic, legal, social, technological or other benefits of a project that outweigh the adverse effects on the environment. The CEQA Guidelines require the Lead Agency (Legislative Body) to adopt Fact, Findings and a Statement of Findings and Overriding Considerations when the agency chooses to approve a project that may result in significant unavoidable impacts. This statement of Facts, Finding and Statement of Findings and Overriding Considerations has been prepared for the CWP Project.

Fifteen impacts were identified in the Draft PEIR as being unavoidable significant adverse impacts to air quality, biological resources, greenhouse gas emissions, wildfire hazards and resulting slope instability, mineral resources, noise, and traffic circulation / VMT. Overriding considerations for the Project include implementation of the objectives established for the Countywide Plan, increase

in housing to meet the County's regional housing needs, consistency with the regional goals in the RTP/SCS, preservation of community identity, promotion of the County's economic vision and other considerations.

Mitigation Monitoring and Reporting Program (MMRP). CEQA requires that when making findings as required under PRC Section 21081, the public agency shall adopt a reporting or monitoring program for changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. CEQA Guidelines Section 15097 provide clarification regarding requirements for the MMRP. An MMRP has been prepared in accordance with these requirements and will be presented to the Board of Supervisors for action.

Implementation and Monitoring of the General Plan

An Implementation Program and a Tracking and Feedback Program are incorporated as sections in the CWP, Business Plan (see Business Plan section of this staff report). The Implementation Program relies on two major work efforts to implement the goals and policies of the CWP.

First, is the updating of the Development Code to be consistent with the text and map of the CWP. This work effort will result in a new zoning map and the updating of much of the Development Code. There are 31 separate actions in the Implementation Program regarding the update of the Development Code to bring it into consistency with the CWP. In addition, staff will be reviewing all chapters of the Development Code to determine if they need updating and amendment to improve the clarity and streamlining of its provisions. The majority of these actions need to be initiated immediately after the adoption of the CWP.

Second, are the actions, programs, initiatives, and collaborations to be taken to achieve the goals established in the CWP. There are 56 separate actions to be taken over the next five years. These actions are divided into three timeframes to indicated the priority of the actions; immediate – meaning to be initiated within the first year after adoption of the CWP; short term – meaning actions to be initiated within three years of adoption of the plan, and; mid term – meaning actions to be initiated and/or concluded within five years of adoption of the plan.

As mentioned in the Business Plan section of this report, the Implementation Plan should be reviewed and updated on an annual basis to determine the status of the actions and whether any changes to the current actions, or additional new actions, are needed to support the CWP goals and policies. There are policies in the CWP that are already covered by on-going activities within the work program of various County departments. These are not addressed in the Implementation Program but should be reviewed periodically to ensure relevance and appropriateness, and determine the need for updating, expansion, or elimination.

RECOMMENDATION:

That the Planning Commission **RECOMMEND** that the Board of Supervisors:

Environmental Impact Report:

- 1) Certify the Final Program Environmental Impact Report;
- 2) Adopt the CEQA Findings of Facts and Statement of Overriding Considerations;
- 3) Adopt the Mitigation Monitoring and Reporting Program;
- 4) Direct the Clerk of the Board to file the Notice of Determination;

Countywide Plan (Policy Plan):

- 5) Adopt the Resolution amending the County General Plan by approving the Countywide Plan (Policy Plan) Text, Land Use Designation Map, and various Policy Maps;

Countywide Plan (Business Plan):

- 6) Adopt the Resolution approving the Business Plan; and

Community Action Guides:

- 7) Adopt the Resolution repealing existing 14 Community Plans and recognizing 35 Community Action Guides.

ATTACHMENTS:

Exhibit A: Countywide Plan, Policy Plan Text only, Maps can be found at the following links:

Land Use - http://countywideplan.com/wp-content/uploads/2020/08/LU-1-3_MERGED_2.pdf

Infrastructure and Utilities - http://countywideplan.com/wp-content/uploads/2020/07/IU-1-7_MERGED.pdf

Transportation and Mobility - http://countywideplan.com/wp-content/uploads/2020/07/TM-1-6_MERGED.pdf

Natural Resources - http://countywideplan.com/wp-content/uploads/2020/07/NR-1-5_MERGED.pdf

Hazards - http://countywideplan.com/wp-content/uploads/2020/08/HZ-1-11_MERGED_2_compressed_2.pdf

Personal and Property Protection - http://countywideplan.com/wp-content/uploads/2020/07/PP-1-3_MERGED.pdf

Economic Development - <http://countywideplan.com/wp-content/uploads/2020/07/ED-1-Comm-Employ-Indust-Redevelop-Focus-Areas-200701.pdf>

Health and Wellness - http://countywideplan.com/wp-content/uploads/2020/07/HW-1-2_MERGED.pdf

Exhibit B: Countywide Plan, Business Plan: Implementation Plan

Exhibit C: Countywide Plan, Business Plan: Governance Element

Exhibit D: Final EIR <http://countywideplan.com/home/library/> (2020 Environmental Documents Dropdown)

Exhibit E: Final EIR, Appendix A – FriantCaseDisc_AssessingRegionalEmmissions

Exhibit F: Final EIR, Appendix B – Amicus Briefs

Exhibit G: Final EIR, Appendix C – HRA

Exhibit H: Final EIR, Appendix D – EJ Report

<http://countywideplan.com/wp-content/uploads/2020/08/Appendix-D-EnvironmentalJustice-Report.pdf>

Exhibit I: Final EIR, Appendix E – Chuck Bell Coalition Letters http://countywideplan.com/wp-content/uploads/2020/08/Appendix-E-CoalitionOfCommunityGroups_Letter.pdf

Exhibit J: Final EIR, Appendix F – Moelleken Letter <http://countywideplan.com/wp-content/uploads/2020/08/Appendix-F-DrMrsMoelleken-Letter.pdf>

Exhibit K: CEQA Findings of Facts and Statement of Overriding Considerations

Exhibit L: Mitigation Monitoring and Reporting Program

Exhibit M: Additional Correspondence

Documents Available on the Countywide Plan Web-site

Additional documents relative to the development of the Countywide Plan, the Program Environmental Impact Report and the Community Action Guides can be found at the CWP web site (www.countywideplan.com), which include:

1. Draft Program EIR
2. Final EIR – including the Mitigation Monitoring Program and Statement of Overriding Considerations
3. Countywide Plan – Policy Plan and Business Plan
4. Web based policy and reference maps (including videos on how to use the web maps)
5. Community Action Guides
6. Glossary of terms
7. Background reports
8. Related County documents and reports
9. Other related documents, links, and reports from non-County sources
10. Background information (schedules, meetings, photo gallery, library, frequently asked questions, etc.)

EXHIBIT A

Exhibit A: Countywide Plan, Policy Plan Text only, Maps can be found at the following links:

Land Use - http://countywideplan.com/wp-content/uploads/2020/08/LU-1-3_MERGED_2.pdf

Infrastructure and Utilities - http://countywideplan.com/wp-content/uploads/2020/07/IU-1-7_MERGED.pdf

Transportation and Mobility - http://countywideplan.com/wp-content/uploads/2020/07/TM-1-6_MERGED.pdf

Natural Resources - http://countywideplan.com/wp-content/uploads/2020/07/NR-1-5_MERGED.pdf

Hazards - http://countywideplan.com/wp-content/uploads/2020/08/HZ-1-11_MERGED_2_compressed_2.pdf

Personal and Property Protection - http://countywideplan.com/wp-content/uploads/2020/07/PP-1-3_MERGED.pdf

Economic Development - <http://countywideplan.com/wp-content/uploads/2020/07/ED-1-Comm-Employ-Indust-Redevelop-Focus-Areas-200701.pdf>

Health and Wellness - http://countywideplan.com/wp-content/uploads/2020/07/HW-1-2_MERGED.pdf



COUNTYWIDE PLAN

COUNTY POLICY PLAN Public Hearing Draft

July 2020

HARD COPY VERSION. The following is a hard copy version suitable for use during public review and discussion at public hearings, and for eventual adoption by the Board of Supervisors, as recorded by the County Clerk of the Board. A web-based version of the Policy Plan, including maps, is provided at www.countwideplan.com for easier use, review, and navigation.

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Built Environment Section

Land Use Element

How we accommodate development and arrange land use is critical to achieving the Countywide Vision. While the county may appear to have a limitless supply of land, the County only has land use authority over approximately 12 percent of unincorporated lands (the balance is primarily under federal control). As the regional service provider and municipal government, the County must plan for uses and development that adds value to its communities and the overall county, in terms of function, design, and fiscal return.

The County can best serve our communities, businesses, institutions, and visitors by focusing new development in and around cities, towns, and communities with access to infrastructure and services, while preserving natural open spaces that define San Bernardino County and our way of life.

Purpose

The Land Use Element:

- Designates the distribution, location, intensity, and balance of land uses for the unincorporated areas of the county.
- Establishes goals for where, when, and how the county grows, which is also guided by policies in other elements.
- Provides direction for new development on community design, land use compatibility, and interagency coordination.
- Provides guidance for orderly expansion of incorporated areas.

Principles

We believe:

- The way land is used and developed will determine our revenue base and costs.
- Development that supports our Countywide Vision will strengthen the county's economy and quality of life.
- When growth occurs, it should do so in a manner that is fiscally sustainable and context-sensitive.
- New development should be focused in areas where there is potable water, wastewater treatment, roadways, and public services.

- New development should be focused in areas with low risks from natural and man-made hazards, and with fewer impacts on the natural environment.
- Rural and suburban patterns of development in unincorporated areas of the county complement the urban and suburban options found in incorporated cities and towns.
- Supporting our military institutions is critical to the mission of national defense and the military plays an integral role in the county's economic success.
- Collaboration with local, state, tribal, and federal agencies is essential to effectively manage land and land use in San Bernardino County.

Goals & Policies

Goal LU-1 **Fiscally Sustainable Growth**

Growth and development that builds thriving communities, contributes to our Complete County, and is fiscally sustainable.

- Policy LU-1.1 **Growth.** We support growth and development that is fiscally sustainable for the County. We accommodate growth in the unincorporated county when it benefits existing communities, provides a regional housing option for rural lifestyles, or supports the regional economy.
- 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.
- Policy LU-1.3 **Fiscal sustainability.** When determining fiscal impacts, we consider initial capital investments, long-term operations and maintenance, desired levels of service for public facilities and services, capital reserves for replacement, and impacts to existing uses in incorporated and unincorporated areas.
- Policy LU-1.4 **Funding and financing mechanisms.** We require the establishment of community facility districts, lighting and landscaping maintenance districts, and other types of funding and financing mechanisms for new development when the County determines that it may be necessary to maintain fiscal sustainability. We prefer the expansion of existing districts to the establishment of new districts.
- Policy LU-1.5 **Development impact fees.** We require payment of development impact fees to ensure that all new development pays its fair share of public infrastructure.
- Policy LU-1.6 **Tax sharing.** We may utilize tax sharing as a tool to extend public facilities and services from adjacent municipalities into unincorporated areas as an alternative to the County's direct provision of public facilities and services when it is fiscally sustainable for the County.

Goal LU-2 Land Use Mix and Compatibility

An arrangement of land uses that balances the lifestyle of existing residents, the needs of future generations, opportunities for commercial and industrial development, and the value of the natural environment.

- 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.
- 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.
- Policy LU-2.3 **Compatibility with natural environment.** We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.
- 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.
- Policy LU-2.5 **Hillside preservation.** We require that new development in sloping hillside areas preserve the natural character of the surrounding environment and does not further exacerbate natural hazards or erosion.
- Policy LU-2.6 **Coordination with adjacent entities.** We require that new and amended development projects notify and coordinate with adjacent local, state, and federal entities to maximize land use compatibility, inform future planning and implementation, and realize mutually beneficial outcomes.
- Policy LU-2.7 **Countywide jobs-housing balance.** We prioritize growth that furthers a countywide balance of jobs and housing to reduce vehicle miles traveled, increase job opportunities and household income, and improve quality of life. We also strive for growth that furthers a balance of jobs and housing in the North Desert region and the Valley region.
- Policy LU-2.8 **Rural lifestyle in the Mountain/Desert regions.** We intend that new residential development in the unincorporated Mountain and Desert regions offer a lower intensity lifestyle that complements the suburban and urban densities in incorporated cities and towns to provide a range of lifestyle options. Master planned communities in unincorporated Mountain/Desert regions may provide a broader range of lifestyles and densities.

- Policy LU-2.9 **Suburban lifestyles in the Valley region.** We intend that new residential development in the unincorporated Valley region offer a suburban lifestyle that is similar to that of adjacent cities.
- Policy LU-2.10 **Unincorporated commercial development.** We intend that new commercial development in the unincorporated areas serve unincorporated residential areas, tourists, and/or freeway travelers. We encourage new commercial development to be concentrated to enhance pedestrian circulation and reduce vehicular congestion and vehicle miles traveled, with new development directed into existing centralized areas when possible.
- Policy LU-2.11 **Office and industrial development in the Mountain/Desert regions.** We allow new office and industrial uses in unincorporated Mountain/Desert regions in order to meet the service, employment, and support needs of the unincorporated areas.
- Policy LU-2.12 **Office and industrial development in the Valley region.** We encourage office and industrial uses in the unincorporated Valley region in order to promote a countywide jobs-housing balance.
- Policy LU-2.13 **Short-term private home rentals.** We enforce appropriate operation standards, maintenance standards, and permitting procedures for the establishment and maintenance of short-term private home rentals in the unincorporated areas.
- 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.

Goal LU-3 Annexations and Sphere Development

Annexations and development in spheres of influence that improve the provision of public services to incorporated and unincorporated residents and businesses.

- Policy LU-3.1 **Annexation of unincorporated areas.** We support the annexation of unincorporated areas when it will result in a more effective and efficient provision of public services and a net fiscal benefit to the County.
- Policy LU-3.2 **Annexations with planned incompatible land uses.** We oppose annexations when future planned land uses for the proposed annexation area would be incompatible with the remaining adjacent unincorporated lands.
- Policy LU-3.3 **City/town standards in SOIs.** Upon negotiation with individual jurisdictions, we may require new development in unincorporated municipal sphere of influence areas to apply the improvement standards for roads and sidewalks of the incorporated jurisdiction.

Policy LU-3.4 **Development project annexations.** When a property owner proposes annexation to facilitate new development adjacent to an unincorporated residential area, we prefer that the annexation includes the adjacent residential area.

Goal LU-4 Community Design

Preservation and enhancement of unique community identities and their relationship with the natural environment.

Policy LU-4.1 **Context-sensitive design in the Mountain/Desert regions.** We require new development to employ site and building design techniques and use building materials that reflect the natural mountain or desert environment and preserve scenic resources.

Policy LU-4.2 **Fire-adapted communities.** We require new development in high or very high fire hazard severity zones to apply fire-resistant design techniques, including fuel modification areas, fire resistant landscaping, and fire-resistant building materials.

Policy LU-4.3 **Native or drought-tolerant landscaping.** We require new development, when outside of high and very high fire hazard severity zones, to install and maintain drought-tolerant landscaping and encourage the use of native species.

Policy LU-4.4 **Natural topography in the Mountain region.** We require new development in the Mountain region to retain natural topography and minimize grading unless it is necessary to reduce exposure to natural hazards.

Policy LU-4.5 **Community identity.** We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development.

Policy LU-4.6 **Adaptive reuse.** We encourage the rehabilitation, adaptive reuse, and revitalization of existing structures to preserve and celebrate the unique sense of place, identity, and history of our communities.

Policy LU-4.7 **Dark skies.** We minimize light pollution and glare to preserve views of the night sky, particularly in the Mountain and Desert regions where dark skies are fundamentally connected to community identities and local economies. We also promote the preservation of dark skies to assist the military in testing, training, and operations.

Policy LU-4.8 **Public gathering spaces.** We require the development of safe and attractive public gathering spaces that facilitate social interaction, community events, and physical activity in master planned communities, large residential developments, and large commercial developments.

Policy LU-4.9 **CPTED.** We require public gathering spaces to use CPTED (crime prevention through environmental design) principles and ensure sufficient access for public safety services.

Policy LU-4.10 **Entry monumentation, signage, and public art.** We encourage the installation of durable signage, entry monumentation, and/or works of public art in commercial areas of unincorporated Community Planning Areas as a means of reinforcing a community's character, culture, heritage, or other unique features.

Policy LU-4.11 **Businesses in Joshua Tree.** We prohibit the establishment of franchise businesses in the commercial focus area/franchise-restricted in Joshua Tree to preserve the unique community character and its value as a year-round, world renowned tourist destination.

Goal LU-5 Military Mission

The federal government maintains and invests in military facilities and operations in the county to further the mission of national defense, thereby generating employment opportunities for residents and commercial opportunities for businesses in the county.

Policy LU-5.1 **Military land use compatibility.** We coordinate with military stakeholders to ensure compatible land uses in areas where military operations on or off installations could affect public health and safety, or where civilian activities could have an impact on current or future military operations. We will coordinate with military stakeholders to resolve existing land use conflicts and protect public safety in the Military Influence Overlay.

Policy LU-5.2 **Military Influence Overlay.** We require conditional use permits for projects within the Military Influence Overlay that could penetrate the defined floor elevation of the military airspace, or that could encroach upon military operations. We consider how development of roads and infrastructure within the Military Influence Overlay will promote growth that might lead to incompatible land use.

Policy LU-5.3 **Open space for military activity and buffering.** We engage with military installations to preserve open space areas to facilitate military training and operations and to buffer civilian areas from military activity.

Policy LU-5.4 **Ranged activities and projects.** We require activities and projects that can exert impacts beyond project boundaries, such as renewable energy facilities, wireless communication systems, and unmanned aircraft systems, to coordinate with military installations in preliminary planning and throughout the project's construction stages and long-term operation.

Policy LU-5.5 **Transportation and infrastructure.** We consider military needs for operations and training when planning and improving local and regional transportation and infrastructure systems.

Policy LU-5.6 **Military partnerships.** We maintain effective partnerships among military and community stakeholders and pursue joint projects that provide long-term mutual benefits for the military, County, and general public.

Policy LU-5.7 **Economic development opportunities with the military.** We leverage our relationship and increased coordination with the military to expand employment and commercial opportunities with military agencies.

Goal LU-6 Amendments to the Policy Plan

Growth and development in the unincorporated county in a manner that requires few and infrequent amendments to the Policy Plan.

Policy LU-6.1 **Residential amendments that increase density in the Desert and Mountain regions.** We discourage policy plan amendments that would permit new development on lots smaller than 2.5 acres in the Desert regions and lots smaller than one-half acre in the Mountain region. We approve general plan amendments that would increase residential density only if:

- The proposed change is determined to be compatible in accordance with policies LU-2.1, 2.2, 2.3, and 4.5.
- Adequate infrastructure and services are available concurrently.
- The increase in density would not degrade existing levels of service for fire protection, sheriff, water, or wastewater service in the area.

Policy LU-6.2 **Large residential development in the Desert and Mountain regions.** We require a specific plan or Planned Development process for proposed residential development in the:

- North or East Desert regions: when the proposed development would include one or more lots that is 2.5 acres or smaller and the overall development would cover 40 or more acres.
- Mountain region: when the proposed development would include one or more lots that is 1 acre or smaller and the overall development would cover 40 or more acres.

Policy LU-6.3 **Commercial amendments.** We will only approve Land Use Plan amendments that would introduce new commercial areas in the context of a comprehensive Land Use Plan amendment. We may waive this requirement when the proposed amended area abuts an existing or designated commercial area and the amount of land available for new commercial uses falls below 15 percent of the total commercially-designated land in the area.

Policy LU-6.4 **Industrial amendments near schools and parks.** We approve Land Use Plan amendments for new industrial development only if they are at least one-half mile from an existing or planned public primary or secondary school or public park. We may waive this requirement for obsolete school or park sites or for industrial amendments submitted through a specific plan.

Tables

Land Use Categories and Zoning

The County plans and regulates land uses using a two-map system for the unincorporated land in San Bernardino County. In the Policy Plan, a set of broad Land Use Categories provide long-term guidance and direction for the overall distribution, intensity, and compatibility of development in the unincorporated county areas.

The Policy Plan provides the basis for and is implemented by the County's Development Code, which includes a set of Land Use Zoning Districts that establishes detailed land use districts, intensities, requirements, and standards. The Land Use Zoning Districts must be consistent with the Land Use Categories.

While unincorporated areas administered and/or controlled by federal, tribal, and state governments are generally outside of the County's land use authority, the two-map system is applied to these areas to convey the long-term land use plans of said entities and provide complete coverage of the unincorporated lands. The Land Use Categories and Zoning Districts would also directly govern land use if the federal, tribal, or state governments relinquished control over any of these lands in the future.

Table LU-1 summarizes the Policy Plan Land Use Categories, including the permitted density/intensity range, the primary purpose of each category, and a list of typical permitted uses. Table LU-2 depicts the implementing Land Use Zoning Districts for each Land Use Category.

Community Character

The county contains dozens of unincorporated communities, each presenting their own unique history, setting, and way of life. These places will continue to attract those seeking to live, work, or benefit from the amenities and/or quality of life found only in unincorporated community planning areas. In the evaluation of proposed development, the County will use standards and guidance in the Development Code and goals and policies from the Policy Plan to determine whether a proposed development would positively reinforce or negatively affect the desired community character and identity of an unincorporated community. Although the goals and policies throughout the entire Policy Plan may apply, those contained in the Land Use Element will commonly be the initial reference points.

In particular, Policy LU-4.5 directs the County to ensure that new development is consistent with the physical and historical character and identity of an unincorporated community planning area. This policy also directs the County to ensure consistency with the values and aspirations as defined by each community in their Community Action Guides. To further assist the County in determining the consistency of new development with a community's character, Table LU-3 identifies key characteristics and features that new development should reinforce and/or not detract from in order to maintain and protect the identity and character of the community planning areas.

Table LU-1. Land Use Categories

Land Use Category		Density / Intensity Range	Primary Purpose	Description of Typical Uses ^{2,3}
RESIDENTIAL LAND USES				
RL	Rural Living	1 unit per 2.5 acres max	<ul style="list-style-type: none"> Allow for rural residential development set in expansive areas of open space that reinforce the rural lifestyle while preserving the county’s natural areas Minimize development footprint and maximize undeveloped areas Allow for cluster-type development to provide and preserve open space 	<ul style="list-style-type: none"> Rural residential Small-scale, non-water-intensive, and incidental agricultural (commercial-scale agriculture permitted in Oak Glen and Mentone community planning areas) Public and quasi-public facilities such as parks, religious facilities, schools, sheriff’s stations, and fire stations
VLDR	Very Low Density Residential	2 units per acre max	<ul style="list-style-type: none"> Allow for very low density residential uses when developed as single family neighborhoods that can share common infrastructure, public facilities, and services 	<ul style="list-style-type: none"> Single-family residential uses Incidental agriculture Public and quasi-public facilities such as parks, religious facilities, schools, sheriff’s stations, and fire stations
LDR	Low Density Residential	2 to 5 units per acre ¹	<ul style="list-style-type: none"> Promote conventional suburban residential neighborhoods that support and are served by common infrastructure, public facilities, and services 	<ul style="list-style-type: none"> Single-family residential uses Public and quasi-public facilities such as parks, religious facilities, schools, sheriff’s stations, and fire stations
MDR	Medium Density Residential	5 to 20 units per acre ¹	<ul style="list-style-type: none"> Provide areas for a wide range of densities and housing types Promote efficient location of higher density residential development and neighborhoods in relation to infrastructure and transit systems, as well as employment opportunities, retail and service businesses, and community services and facilities 	<ul style="list-style-type: none"> Single-family and multiple residential uses (or any mix thereof) Public and quasi-public facilities such as parks, religious facilities, schools, sheriff’s stations, and fire stations
EMPLOYMENT GENERATING LAND USES				
C	Commercial	0.75 FAR max 5 units per acre max	<ul style="list-style-type: none"> Provide suitable locations for retail, office, and service commercial businesses that serve the needs of local residents, regional markets, and visitors/tourists Provide employment opportunities for residents in the surrounding area Allow for a mix of commercial and lower density residential uses in rural areas (when residential is permitted in the underlying zoning district) 	<ul style="list-style-type: none"> Retail stores and personal services Office and professional services Lodging, recreation, and entertainment Heavy commercial with adequate buffering for surrounding residential uses In rural areas: agriculture and lower density residential
LI	Limited Industrial	0.50 FAR max	<ul style="list-style-type: none"> Provide suitable locations for light or limited industrial activities where operations are totally enclosed in a structure and limited exterior storage is fully screened from public view Provide suitable locations for employee-intensive uses, such as research and development, technology centers, corporate offices, clean industry, and supporting retail uses Provide employment opportunities for residents in the surrounding area 	<ul style="list-style-type: none"> Light industrial and manufacturing Wholesale, warehouse, and distribution Transportation services Agricultural support services Neighborhood-scale and community-scale energy facilities (see note 3 on limitations)
GI	General Industrial	0.75 FAR max	<ul style="list-style-type: none"> Provide suitable locations for general or heavy industrial activities where all or part of operations take place outside of enclosed structures, exterior storage is not fully screened from public view, or involve large equipment Provide areas for industrial activity that generates substantial odors, noise, vibration, or truck traffic Provide employment opportunities for residents in the surrounding area 	<ul style="list-style-type: none"> General or heavy industrial, manufacturing, and processing Recycling and salvage operations Wholesale, warehouse, and distribution, including rail facilities Mineral extraction and associated processing Transportation services Agricultural support services Neighborhood-, community-, and utility-scale energy facilities (see note 3 on limitations)

Table LU-1. Land Use Categories

Land Use Category		Density / Intensity Range	Primary Purpose	Description of Typical Uses ^{2,3}
PUBLIC AND SPECIAL LAND USES				
PF	Public Facility	n/a	<ul style="list-style-type: none"> Provides areas for public and quasi-public uses and facilities to meet current/future needs Protect and ensure the continued operation of public facilities and systems during times of flooding, fire, or other hazardous events Prevent the loss of life or property caused by flooding by preserving areas and capacity to carry/discharge flood flow Protect floodways from encroachment by land uses that could be endangered during times of flooding; prohibit occupancy or encroachment of any improvement that would unduly affect the capacity of floodways 	<ul style="list-style-type: none"> Civic and educational buildings and facilities Utility systems, facilities, and corridors Neighborhood, community, and utility-scale energy facilities (see note 3 on limitations) Channels, drainage areas, and other floodways Transportation corridors and facilities Cemeteries and landfills Commercial agriculture/grazing
RLM	Resource/Land Management	1 unit per 40 acres max	<ul style="list-style-type: none"> Manage, preserve, and protect natural resources such as agricultural/grazing lands, watersheds, minerals, and wildlife habitat areas, as well as open space areas not otherwise protected or preserved Provide areas for military operations and training while minimizing impacts on and from surrounding civilian uses Allow for limited rural development while minimizing the expansion of development outside of existing communities 	<ul style="list-style-type: none"> Natural resource conservation, such as watersheds, habitat areas and corridors, wilderness study areas, areas of critical environmental concern, and national conservation lands Mineral resource extraction and processing, commercial agriculture and grazing Military facilities, operations, and training areas Recreation areas Renewable energy facilities consistent with the Renewable Energy and Conservation Element (see note 3 on limitations) Single family homes on very large parcels Limited and low density commercial development Lands under the control of the state or federal government or tribal entities
OS	Open Space	n/a	<ul style="list-style-type: none"> Provide and preserve publicly-owned land for parks and open space Manage, preserve, and protect natural areas, habitats, and wildlife corridors 	<ul style="list-style-type: none"> Local, regional, and state parks and recreation areas National forests, monuments, parks, preserves, and wilderness areas Locally conserved lands for the purposes of resource management, mitigation, land banking, or similar purpose Public facilities in an open space setting Privately-owned land treated as RLM designated lands, unless otherwise restricted by government regulations Mineral extraction, timbering, or similar activities as permitted by federal or state regulations Commercial-scale agriculture in the Oak Glen and Mentone community planning areas and in the Crafton Hills
SD	Special Development	With a Specific Plan: 30 units per acre max 2.0 FAR max Without a Specific Plan: 4 units per acre max 0.25 FAR max	<ul style="list-style-type: none"> Allow for a combination of residential, commercial, and/or manufacturing activities that maximizes the utilization of natural and human-generated resources Identify areas suitable for large-scale, master planned developments Promote cluster-type development to provide and preserve open space Allow for a mix of residential, commercial, and public/quasi-public uses in rural areas Facilitate joint planning efforts among adjacent land owners and jurisdictions 	<ul style="list-style-type: none"> Specific plans and master planned development Mixed use development in rural areas

Notes:

- For a parcel designated LDR or MDR, property owners can build one residential unit on an existing lot even if the resulting density would be below the minimum density. Additionally, if a parcel is adjacent to a lower density Land Use Category and is not required to connect to sewer, property owners can subdivide/develop below the minimum density.
- The list of typical uses is not exhaustive and is intended to further clarify the purpose of each land use category. The exact uses permitted in each land use category is subject to the regulations of the underlying Zoning District as described in the Development Code.

- The list of typical uses is also subject to and limited by policies in every element of the County Policy Plan. Policy 4.10 of the Renewable Energy and Conservation Element, for example, prohibits utility-oriented renewable energy projects in the Rural Living land use category and any land use category within the boundaries of multiple community planning areas.

Table LU-2. Land Use Category/Zoning Equivalency Matrix

Land Use Category		Implementing Zoning Districts	
Rural Living	RL	RL RL-5 RL-10 RL-20 RL-40	Rural Living
Very Low Density Residential	VLDR	RS-1 RS-20M	Single Residential
Low Density Residential	LDR	RS-14M RS-10M RS	Single Residential
Medium Density Residential	MDR	RM	Multiple Residential
Commercial	C	CG CH CN CO CR CS	General Commercial Highway Commercial Neighborhood Commercial Office Commercial Rural Commercial Service Commercial
Limited Industrial	LI	IC CS	Community Industrial Service Commercial
General Industrial	GI	IR	Regional Industrial
Special Development	SD	SD SP	Special Development ¹ Specific Plan ¹
Public Facility	PF	FW IN	Floodway Institutional
Resource/Land Management	RLM	AG RC	Agriculture Resource Conservation
Open Space	OS	OS RC	Open Space Resource Conservation

Note:

1. Although the Special Development (SD) and Specific Plan (SP) Land Use Zoning Districts are generally intended to implement the SD Land Use Category, the SD and SP Land Use Zoning Districts can act as an implementing district for any Land Use Category.

Table LU-3. Community Character

Community Category	Key Characteristics and Features
<p>Valley Communities Bloomington, Mentone, Muscoy, San Antonio Heights</p>	<ul style="list-style-type: none"> ▪ A suburban lifestyle characterized by a mix of lot sizes and/or land uses in proximity to urban services and facilities. ▪ Views of canyons and hills within the community planning area (Mentone and San Antonio Heights). ▪ Economic activity that benefits local residents and/or serves the local economy.
<p>Mountain Communities Angelus Oaks, Bear Valley ¹, Crest Forest ², Hilltop ³, Lake Arrowhead ⁴, Lytle Creek, Mt Baldy, Oak Glen, Wrightwood</p>	<ul style="list-style-type: none"> ▪ A rural lifestyle characterized by low density neighborhoods oriented around commercial or recreational nodes, and the prevalence of the forest and mountain landscapes and natural resources. ▪ Abundant views of open spaces, natural features, and dark skies. ▪ Scenic, natural, and recreational features that serve as the foundation of the community’s local economy and attract tourists. ▪ Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses.
<p>Rural Desert Communities Baker, El Mirage, Homestead Valley ⁵, Lucerne Valley, Morongo Valley, Newberry Springs, Oak Hills, Pioneertown ⁶, Phelan/Pinon Hills</p>	<ul style="list-style-type: none"> ▪ A rural lifestyle characterized by the predominance of large lots, limited commercial development, and the prevalence of the desert landscape and natural resources. ▪ Abundant views of open spaces, natural features, and dark skies. ▪ Scenic, natural, and/or recreational features that serve as the foundation of the community’s local economy and attract tourists. ▪ Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses. ▪ Mining of mineral resources with minimal negative impacts on local residents.
<p>Desert Village Communities Daggett, Helendale, Joshua Tree, Oro Grande, Yermo</p>	<ul style="list-style-type: none"> ▪ A rural context with clusters of housing in proximity to commercial development and public facilities, and larger lots farther from the commercial core. ▪ Abundant views of open spaces, natural features, and dark skies especially outside of clustered development. ▪ Scenic, natural, and/or recreational features that serve as the foundation of the community’s local economy and attract tourists. ▪ Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses. ▪ Mining of mineral resources with minimal negative impacts on local residents (Oro Grande and Yermo).

Notes:

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| <p>1. Bear Valley includes: Baldwin Lake, Big Bear City, Erwin Lake, Fawnskin/Northshore, Lake Williams, Moonridge, Sugarloaf.</p> <p>2. Crest Forest includes: Cedarpines Park, Crestline, Lake Gregory, Valley of Enchantment.</p> <p>3. Hilltop includes: Arrowbear, Green Valley Lake, Running Springs.</p> | <p>4. Lake Arrowhead includes: Agua Fria, Blue Jay, Cedar Glen, Crest Park, Deer Lodge Park, Lake Arrowhead, Rimforest, Skyforest, Twin Peaks.</p> <p>5. Homestead Valley includes: Flamingo Heights, Johnson Valley, Landers, Yucca Mesa.</p> <p>6. Pioneertown includes: Gamma Gulch, Pioneertown, Pipes Canyon, Rimrock.</p> |
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Housing Element (excerpts from 2013–2021 element, adopted in 2014)

An adequate supply of quality and affordable housing is fundamental to the economic and social well-being of the county. California cities and counties are required by state law to prepare a housing element to address existing local housing needs and an assigned share of the region’s housing growth in eight-year cycles. State law also requires that the cities and counties identify and analyze existing and projected housing needs and prepare a series of goals, policies, and quantified objectives, financial resources, and programs to further the development, improvement, and preservation of housing.

The County of San Bernardino’s 2013–2021 Housing Element contains goals, policies, and programs to address the state law requirements and the needs of our unincorporated communities. The County of San Bernardino also provides housing services to the entire county through the Housing Authority and Community Development & Housing Agency.

NOTE: No substantive changes are proposed to the Housing Element through the Countywide Plan. When adopted by the County Board of Supervisors in 2014, the Housing Element form the legal basis for housing goals, policies, and programs for the duration of the 2013–2021 housing element planning period. The next Housing Element update will cover the 2021–2029 planning period as required by state law.

The goals and policies below are taken directly from the 2014 Housing Element and have been modified to match the writing style of other Countywide Plan goals and policies. The regional breakout of goals and policies is only done in the 2014 Housing Element and this structure is not repeated elsewhere. Some additional changes (tracked) were identified through the Technical Advisory Team review process.

For consistency with other Countywide Plan Elements, the 2013–2021 Housing Element’s legally required goals have been adapted into purpose statements. Additionally, principles were added consistent with the Countywide Vision.

Purpose

The Housing Element:

- Identifies adequate sites to facilitate and encourage housing for households of all economic levels, including persons with disabilities.
- Removes governmental constraints to housing production, maintenance, and improvement as legally feasible and appropriate.
- Assists the development of adequate housing for low- and moderate-income households.
- Preserves publicly assisted multiple-family housing developments in each community.
- Conserves and improving conditions in existing housing and neighborhoods, including affordable housing.
- Promotes a range of housing opportunities for all individual and households consistent with fair and equal housing opportunity.

Principles

We believe:

- A range of housing for all income levels is essential to a complete county.
- The county's housing stock should match the type and price needed by current and future residents and workforce, including those with special needs.
- New housing development should be focused in areas where there is potable water, wastewater treatment, roadways, and public services.
- Affordable, moderately-priced, and higher density housing should be placed in areas served by public transportation.
- Preserving, maintaining, improving, and creating distinct neighborhoods and communities protects property values and provides a desirable place to live.
- Affordable, quality housing helps attract and retain a qualified workforce and supports a prosperous local economy.

Goals & Policies

Goal H-1 Housing Production and Supply

A broad range of housing types in sufficient quantity, location, and affordability levels that meet the lifestyle needs of current and future residents, including those with special needs.

- Policy H-1.1 **Appropriate range of housing.** We encourage the production and location of a range of housing types, densities, and affordability levels in a manner that recognizes the unique characteristics, issues, and opportunities for each community.
- Policy H-1.2 **Concurrent infrastructure.** We support the integrated planning and provision of appropriate infrastructure (including water, sewer, and roadways) concurrent with and as a condition of residential development to create more livable communities.
- Policy H-1.3 **Quality multiple-family standards.** We enforce multiple-family residential development standards, amenity requirements, and other regulations to ensure the development of quality rental and homeownership opportunities for residents.
- Policy H-1.4 **RHNA transfers with annexation.** We work with the Southern California Association of Governments, Local Agency Formation Commission, and cities to develop agreements for the transfer of the regional housing need allocation as a precondition for annexations.
- Policy H-1.5 **Life-cycle costs.** We encourage energy-conservation techniques and upgrades in both the construction and rehabilitation of residential units that will reduce the life-cycle costs of housing.

Goal H-2 Governmental Development Regulations

An efficient administrative process that recognizes the need for efficient and timely review of residential projects while also ensuring and valuing the need for quality design, environmental review, and planning.

- Policy H-2.1 **Development Code review.** We review the Development Code regularly for possible revisions that might unduly constrain the production or rehabilitation of residential development.
- Policy H-2.2 **Small lot sizes.** We continue to utilize Planned Development density bonus and density transfer provisions as described in the County Development Code to allow the development of lot sizes less than that normally required by residential land use districts.
- Policy H-2.3 **Flexible standards.** We allow flexibility in the application of residential and mixed-use development standards to gain benefits such as exceptional design quality, economic advantages, sustainability, or other benefits that would not otherwise be realized.
- Policy H-2.4 **Incentives.** We maintain incentives that can be offered when projects provide benefits to the community such as exceptional design quality, economic advantages, environmental sustainability, or other benefits that would not otherwise be realized.
- Policy H-2.5 **Certain and transparent process.** We maintain a residential development review process that provides certainty and transparency for project stakeholders and the public, yet allows for the appropriate review to facilitate quality housing development.
- Policy H-2.6 **Critical infrastructure.** We ensure that the efficient provision of critical infrastructure accompanies residential development and the building of complete communities, and ensure that the costs are fairly apportioned to the development community.

Goal H-3 Housing and Neighborhood Quality

Neighborhoods that protect the health, safety, and welfare of the community, and enhance public and private efforts in maintaining, reinvesting in, and upgrading the existing housing stock.

- Policy H-3.1 **Public services, amenities, and safety.** We support the provision of adequate and fiscally sustainable public services, infrastructure, open space, nonmotorized transportation routes, and public safety for neighborhoods in the unincorporated area.
- Policy H-3.2 **Code enforcement.** We support the timely removal of neighborhood blight through graffiti abatement, abandoned or inoperative automobile removal, trash and debris removal, housing repair, and other code enforcement efforts.
- Policy H-3.3 **Housing maintenance.** We enforce all applicable state and county health, safety, building, and zoning laws directed at housing and property maintenance to maintain healthful, sound, and attractive residential properties.
- Policy H-3.4 **Housing rehabilitation and improvement.** We encourage the rehabilitation, repair, and improvement of single-family, multiple family housing, and mobile homes and, if needed, the demolition of substandard housing through available loan and grant programs.

- Policy H-3.5 **Inspection of subsidized housing.** We inspect or facilitate the inspection of assisted multifamily rental housing, contract shelters, voucher hotels, and other housing projects on a regular basis to ensure that properties are regularly repaired and maintained in good condition.
- Policy H-3.6 **Neighborhood improvements.** We support comprehensive neighborhood efforts to address housing conditions, property maintenance, infrastructure repair, public safety, landscaping, and other issues affecting the livability of neighborhoods.

Goal H-4 Affordable Housing Assistance

The development, maintenance, modernization, and preservation of affordable housing; and the provision of assistance, where feasible, for residents to rent or purchase adequate housing in San Bernardino County.

- Policy H-4.1 **At-risk units.** We preserve publicly assisted and multiple-family housing units that are at risk of converting from lower income affordability to market rents due to the completion of affordability covenants or funding contracts.
- Policy H-4.2 **Rental assistance.** We support the provision of rental assistance to qualified extremely low, very low, and low income households and special needs households served by the County Housing Authority, Department of Behavioral Health, and other County entities.
- Policy H-4.3 **Homeowner assistance.** We support the expansion of homeownership opportunities and preservation by offering financial assistance when available, working in collaboration with partners to increase funding, and supporting foreclosure prevention programs.
- Policy H-4.4 **Modernize and replace multiple-family projects.** We support the Housing Authority’s efforts to modernize and replace, where needed, existing multiple-family projects to provide safe, sound, and affordable housing options for qualified low income individuals and families.
- Policy H-4.5 **Nonprofit partnerships.** We continue to form and strengthen partnerships with nonprofit organizations, public agencies, community-based organizations, and housing developers in order to increase housing opportunities for very low and low income and special needs households.
- Policy H-4.6 **Housing discrimination.** We further fair housing opportunities by prohibiting discrimination in the housing market; providing education, support, and enforcement services to address discriminatory practices; and removing potential impediments to equal housing opportunity.

Goal H-5 Implementation and Monitoring

A planning and monitoring system whereby housing, employment, environmental, and other program data are integrated in a cohesive manner to implement the County’s housing vision.

- Policy H-5.1 **Reporting activities.** We support the planning and reporting of housing activities throughout the County in a manner that can be readily integrated into the housing

element and useful for the development and refinement of policy and programs. This effort will contain:

- Annual housing element production totals
- Grantee performance reports for the consolidated plan
- Projects funded by the Department of Behavioral Health
- Progress in the Homeless Service Continuum of Care efforts

Policy H-5.2 **Local and regional infrastructure.** We support the integrated planning and provision of appropriate infrastructure (including water, sewer, stormwater, and roadways) to create more livable residential environments. This effort will contain:

- Cooperation with the San Bernardino Local Agency Formation Commission and service providers in service planning
- Coordination of capital improvement planning efforts with cities and through the San Bernardino County Transportation Authority
- Review minimum improvement standards for rural areas in the update of the County development code
- Coordination with the Southern California Association of Governments to include transportation improvements into the regional transportation plan

Goal V/H-1 Valley Region

A diversity of housing and neighborhood improvement and preservation strategies that address the needs of residents living in county islands and spheres of influence.

Policy V/H-1.1 **Housing compatibility.** We encourage housing types and designs that are compatible with established land use patterns and the environment of the region, including single-family dwellings, mobile home parks/manufactured home land-leased communities, and apartments.

Policy V/H-1.2 **Rehabilitation target areas.** We identify areas targeted for rehabilitation to enhance the housing inventory of the Valley Region. These areas may include but are not limited to: North Chino, West and South Fontana, South Montclair, Bloomington, Muscoy, and other, similar areas.

Policy V/H-1.3 **Preferred housing types.** Within the Valley Region, we favor the following types of development: urban infill, single family detached (specifically adjacent to the Foothill Freeway corridors), clustered development with single-family appearance, and single-family detached on large lots.

Policy V/H-1.4 **Pre-annexation coordination.** For unincorporated islands that are planned for eventual annexation, we work with cities to encourage and approve residential projects that are consistent with the general plans and design guidelines for annexing cities.

Goal M/H-1 Mountain Region

A diversity of housing products that respects and complements the topography, character, and lifestyle of the Mountain Region.

- Policy M/H-1.1 **Site design.** We regulate the density, mass, and height of residential development in hillside areas in order to reduce fire hazards, prevent erosion, preserve natural viewsheds, and maintain the forest character of the Mountain Region.
- Policy M/H-1.2 **Building design.** We require architecture and outside facades of residential development that are in keeping with the mountain character; use natural woods, wood composite materials, and masonry as much as practicable.
- Policy M/H-1.3 **Single family building size.** We ensure that development standards for single family homes result in building sizes that are limited to size and scale that are compatible with existing development and the character of the Mountain Region.
- Policy M/H-1.4 **Protection of scenic qualities.** We use the planned development permit or other discretionary reviews to regulate the density and configuration of residential development along the shores of all mountain lakes or on slopes to protect their scenic qualities.
- Policy M/H-1.5 **Grouping or clustering.** We encourage the grouping or clustering of residential buildings where this will maximize the opportunity to preserve significant natural resources, natural beauty, or open space within the density limits of the underlying zone.

Goal D/H-1 Desert Region

Residential land use patterns that enhance and preserve the rural character valued by the residents of the Desert Region.

- Policy D/H-1.1 **Rural living pattern.** We encourage lower density residential development in the Desert Region by retaining Rural Living (RL) zoning in Community Planning Areas that are outside of city spheres of influence and removed from more urbanized community core areas.
- Policy D/H-1.2 **Rural-scale infrastructure.** We discourage urban-scale infrastructure improvements (e.g., such as curbs, gutters, and street lighting) for different communities in the Desert Region in cases where public health, safety, and welfare are not endangered.
- Policy D/H-1.3 **Waterwise landscaping.** Where multiple-family apartment projects are required to have landscaping, we encourage water-conserving, drought-tolerant, or native landscaping that is capable of surviving a desert climate.
- Policy D/H-1.4 **Funding priorities.** As funding becomes available, we prioritize the use and application of grants and loans for housing rehabilitation, energy conservation retrofits, and water conservation retrofits for housing in the Desert Region.
- Policy D/H-1.5 **Desert housing repair and improvement needs.** We seek to secure loans, grants, and other financing means for addressing the unique housing needs in the Desert Region, such as mobile home rehabilitation, septic system repairs, water wells, and other similar expenses unique to the region.

Infrastructure & Utilities Element

The ability to live and prosper in the diverse physical setting of San Bernardino County is dependent on the effective provision and management of water, wastewater, stormwater, solid waste, power, and communication systems. The effective management of these systems helps fulfill the County's obligation to protect the lives and property of residents and businesses, while also protecting the natural environment from the impacts of human development.

The County maintains a regional flood control system for the entire county and coordinates local flood management for the unincorporated areas. The County has limited responsibilities for public water systems and public sewer systems in unincorporated areas, but the County is responsible for regulating small public water systems, permitting wells and septic systems countywide, and uses a significant amount of water at County facilities.

In collaboration with incorporated jurisdictions, the County operates regional landfills and maintains closed landfills to manage dispersion programs and solid waste disposal. Power and communication systems are predominantly provided and maintained by private companies and public utilities.

Purpose

The Infrastructure & Utilities Element:

- Provides guidance on where, when, and how infrastructure and utilities are improved and expanded.
- Establishes goals and policies to maintain an adequate supply of potable water and the safe disposal, treatment, and recycling of wastewater, and the recycling and safe disposal of solid waste.
- Provides direction on system integration, resource conservation, and the protection of the natural environment.

Principles

We believe:

- Reliable and cost-effective water, stormwater, wastewater, sanitary, power, and communications systems are critical for maintaining and improving our communities, institutions, and businesses.
- Groundwater recharge, water conservation, water reclamation, and supplemental water are key components of a resilient water supply strategy. The effective management of water resources can reduce carbon emissions, energy consumption, and utility costs.
- Reducing, treating, and safely disposing solid and liquid waste will protect public and environmental health and preserve our natural resources.
- Flood control facilities are important for reducing the risks of flooding, contributing to groundwater recharge, and providing open space and habitat area.
- Collaborative efforts between government agencies and other stakeholders are necessary in order to effectively plan and efficiently provide infrastructure.

Goals & Policies

Goal IU-1 Water Supply

Water supply and infrastructure are sufficient for the needs of residents and businesses and resilient to drought.

- Policy IU-1.1 **Water supply.** We require that new development be connected to a public water system or a County-approved well to ensure a clean and resilient supply of potable water, even during cases of prolonged drought.
- Policy IU-1.2 **Water for military installations.** We collaborate with military installations to avoid impacts on military training and operations from groundwater contamination and inadequate groundwater supply.
- Policy IU-1.3 **Recycled water.** We promote the use of recycled water for landscaping, groundwater recharge, direct potable reuse, and other applicable uses in order to supplement groundwater supplies.
- Policy IU-1.4 **Greywater.** We support the use of greywater systems for non-potable purposes.
- Policy IU-1.5 **Agricultural water use.** We encourage water-efficient irrigation and the use of non-potable and recycled water for agricultural uses.
- Policy IU-1.6 **User fees.** For water systems operated by County Special Districts, we establish user fees that cover operation and maintenance costs and set aside adequate reserves for capital upgrades and improvements.
- Policy IU-1.7 **Areas vital for groundwater recharge.** We allow new development on areas vital for groundwater recharge when stormwater management facilities are installed onsite and maintained to infiltrate predevelopment levels of stormwater into the ground.
- Policy IU-1.8 **Groundwater management coordination.** We collaborate with watermasters, groundwater sustainability agencies, water purveyors, and other government agencies to ensure groundwater basins are being sustainably managed. We discourage new development when it would create or aggravate groundwater overdraft conditions, land subsidence, or other “undesirable results” as defined in the California Water Code. We require safe yields for groundwater sources covered by the Desert Groundwater Management Ordinance.
- Policy IU-1.9 **Water conservation.** We encourage water conserving site design and the use of water conserving fixtures, and advocate for the adoption and implementation of water conservation strategies by water service agencies. For existing County-owned facilities, we incorporate design elements, building materials, fixtures, and landscaping that reduce water consumption, as funding is available.
- Policy IU-1.10 **Connected systems.** We encourage local water distribution systems to interconnect with regional and other local systems, where feasible, to assist in the transfer of water resources during droughts and emergencies.

Policy IU-1.11 **Water storage and conveyance.** We assist in development of additional water storage and conveyance facilities to create a resilient regional water supply system, when it is cost effective for County-owned water and stormwater systems.

Goal IU-2 Wastewater Treatment and Disposal

Residents and businesses in unincorporated areas have safe and sanitary systems for wastewater collection, treatment, and disposal.

Policy IU-2.1 **Minimum parcel size.** We require new lots smaller than one-half acre to be served by a sewer system. We may require sewer service for larger lot sizes depending on local soil and groundwater conditions, and the County's Local Area Management Program.

Policy IU-2.2 **User fees.** For wastewater systems operated by County Special Districts, we establish user fees that cover operation and maintenance costs and set aside adequate reserves for capital upgrades and improvements.

Policy IU-2.3 **Shared wastewater facilities for recycled water.** We encourage an expansion of recycled water agreements between wastewater entities to share and/or create connections between wastewater systems to expand the use of recycled water.

Goal IU-3 Stormwater Drainage

A regional stormwater drainage backbone and local stormwater facilities in unincorporated areas that reduce the risk of flooding.

Policy IU-3.1 **Regional flood control.** We maintain a regional flood control system and regularly evaluate the need for and implement upgrades based on changing land coverage and hydrologic conditions in order to manage and reduce flood risk. We require any public and private projects proposed anywhere in the county to address and mitigate any adverse impacts on the carrying capacity and stormwater velocity of regional stormwater drainage systems.

Policy IU-3.2 **Local flood control.** We require new development to install and maintain stormwater management facilities that maintain predevelopment hydrology and hydraulic conditions.

Policy IU-3.3 **Recreational use.** We prefer that stormwater facilities be designed and maintained to allow for regional open space and safe recreation use without compromising the ability to provide flood risk reduction.

Policy IU-3.4 **Natural floodways.** We retain existing natural floodways and watercourses on County-controlled floodways, including natural channel bottoms, unless hardening and channelization is the only feasible way to manage flood risk. On floodways not controlled by the County, we encourage the retention of natural floodways and watercourses. Our priority is to reduce flood risk, but we also strive to protect wildlife corridors, prevent loss of critical habitat, and improve the amount and quality of surface water and groundwater resources.

Policy IU-3.5 **Fair share requirements.** We require new development to pay its fair share of capital costs to maintain adequate capacity of the County's regional flood control systems.

Goal IU-4 Solid Waste

Adequate regional landfill capacity that provides for the safe disposal of solid waste, and efficient waste diversion and collection for unincorporated areas.

- Policy IU-4.1 **Landfill capacity.** We maintain a minimum ongoing landfill capacity of 15 years to serve unincorporated waste disposal needs.
- Policy IU-4.2 **Transfer stations.** We locate and operate transfer stations based on overall system efficiency.
- Policy IU-4.3 **Waste diversion.** We shall meet or exceed state waste diversion requirements, augment future landfill capacity, and reduce greenhouse gas emissions and use of natural resources through the reduction, reuse, or recycling of solid waste.
- Policy IU-4.4 **Landfill funding.** We require sufficient fees for use of County landfills to cover capital costs; ongoing operation, maintenance, and closure costs of existing landfills; and the costs and liabilities associated with closed landfills.

Goal IU-5 Power and Communications

Unincorporated area residents and businesses have access to reliable power and communication systems.

- Policy IU-5.1 **Electricity and natural gas service.** We partner with other public agencies and providers to improve the availability and stability of electricity and natural gas service in unincorporated communities.
- Policy IU-5.2 **Expanded high-speed internet and wireless communication.** We encourage the expansion of expand affordable, high-speed internet access in underserved and unserved unincorporated communities. We encourage the expansion of advanced mobile and fixed wireless communication technologies that improve service, coverage, and reliability throughout the county.
- Policy IU-5.3 **Underground facilities.** We encourage new and relocated power and communication facilities to be located underground when feasible, particularly in the Mountain and Desert regions.
- Policy IU-5.4 **Electric transmission lines.** We support the maintenance of existing and development of new electric transmission lines along existing rights-of-way and easements to maintain the stability and capacity of the electric distribution system in southern California.
- Policy IU-5.5 **Energy and fuel facilities.** We encourage the development and upgrade of energy and regional fuel facilities in areas that do not pose significant environmental or public health and safety hazards, and in a manner that is compatible with military operations and local community identity.
- Policy IU-5.6 **Dig once approach.** We encourage infrastructure, telecommunication, and utility planning and projects to coordinate so that improvements are made concurrently or in such a manner that minimizes disruption to rights-of-way and reduces costs.

Transportation & Mobility Element

A large and diverse multimodal transportation network serves residents, businesses, and visitors throughout San Bernardino County. The efficiency of this transportation network is a key asset to businesses operating in the county and influences the quality of life experienced by residents.

While cars and trucks are expected to be the dominant mode of transportation throughout the lifetime of this plan, we recognize the need to invest in robust alternatives for residents, including complete streets, public transit systems, and off-street networks that promote walking and bicycling. With dozens of communities spread across 20,000 square miles and four subregions, we must also design transportation and mobility systems to be sensitive to the local and environmental context.

Purpose

The Transportation & Mobility Element:

- Establishes the location and operational conditions of the roadway network.
- Coordinates the transportation and mobility system with future land use patterns and projected growth.
- Provides guidance for the County's responsibility to satisfy the local and subregional mobility needs of residents, visitors and businesses in unincorporated areas.
- Addresses access and connectivity among the various communities, cities, towns, and regions, as well as the range and suitability of mobility options: vehicular, trucking, freight and passenger rail, air, pedestrian, bicycle, and transit.

Principles

We believe:

- An effective transportation and mobility network involves a fair share, collaborative effort between multiple local and regional agencies.
- The ongoing operations, maintenance of, and reinvestment in the transportation network must be matched with new and on-going funding.
- The pattern of land use and transportation systems should be designed to reduce the length and duration of trips traveled by vehicles.
- Pedestrian, cyclist, and other active transportation infrastructure in mobility focus areas should safely connect neighborhoods and communities to key destinations.
- Local roadways should be designed to serve projected travel demand and reflect the surrounding environmental and community context.
- Road, freight, and airport design and maintenance are essential for efficient movement of goods and people.
- The expansion of passenger, freight, and general aviation services at airports throughout the county is vital to the regional economy.

Goals & Policies

Goal TM-1 Roadway Capacity

Unincorporated areas served by roads with capacity that is adequate for residents, businesses, tourists, and emergency services.

Policy TM-1.1 **Roadway level of service (LOS).** We require our roadways to be built to achieve the following minimum level of service standards during peak commute periods (typically 7:00-9:00 AM and 4:00-6:00 PM on a weekday):

- LOS D in the Valley Region
- LOS D in the Mountain Region
- LOS C in the North and East Desert Regions

Policy TM-1.2 **Interjurisdictional roadway consistency.** We promote consistent cross-sections along roads traversing incorporated and unincorporated areas.

Policy TM-1.3 **Freeways and highways.** We coordinate with Caltrans and regional transportation agencies and support the use of state, federal, and other agency funds to improve freeways and highways.

Policy TM-1.4 **Unpaved roadways.** The County does not accept new unpaved roads into the County Maintained Road System, and we require all-weather treatment for all new unpaved roads.

Policy TM-1.5 **Upgrading unpaved roads.** We support the paving of unpaved roads when funding is contributed through a local area funding and financing mechanism.

Policy TM-1.6 **Paved roads.** For any new development for which paved roads are required, we require the developer to construct the roads and we require the establishment of a special funding and financing mechanism to pay for roadway operation, maintenance, and set-aside reserves.

Policy TM-1.7 **Fair share contributions.** We require new development to pay its fair share contribution toward off-site transportation improvements.

Policy TM-1.8 **Emergency access.** When considering new roadway improvement proposals for the CIP or RTP, we consider the provision of adequate emergency access routes along with capacity expansion in unincorporated areas. Among access route improvements, we prioritize those that contribute some funding through a local area funding and financing mechanism.

Policy TM-1.9 **New transportation options.** We support the use of transportation network companies, autonomous vehicles, micro transit, and other emerging transportation options that reduce congestion, minimize land area needed for roadways, create more pedestrian- and bicycle-friendly streets, reduce VMT, or reduce dependence on privately-owned vehicles.

Goal TM-2 Road Design Standards

Roads designed and built to standards in the unincorporated areas that reflect the rural, suburban, and urban context as well as the regional (valley, mountain, and desert) context.

Policy TM-2.1 **Context sensitive approach.** We maintain and periodically update required roadway cross sections that prioritize multi-modal systems inside mobility focus areas (based on community context), and vehicular capacity on roadways outside of mobility focus areas (based on regional context).

Policy TM-2.2 **Roadway improvements.** We require roadway improvements that reinforce the character of the area, such as curbs and gutters, sidewalks, landscaping, street lighting, and pedestrian and bicycle facilities. We require fewer improvements in rural areas and more improvements in urbanized areas, consistent with the Development Code. Additional standards may be required in municipal spheres of influence.

Policy TM-2.3 **Concurrent improvements.** We require new development to mitigate project transportation impacts no later than prior to occupancy of the development to ensure transportation improvements are delivered concurrent with future development.

Policy TM-2.4 **Atypical intersection controls.** We allow the use of atypical intersection concepts such as roundabouts when they improve traffic flow and safety compared to conventional intersection controls.

Policy TM-2.5 **Context-based features.** When making road improvements, we provide feasible, context-based transportation features such as:

- Chain installation and inspection areas in the Mountain Region
- Slow-vehicle turnouts on roadways with steep grades
- Limited on-street parking areas to serve snow-plow or emergency services
- Passing lanes in rural areas
- Vista areas along scenic routes

Policy TM-2.6 **Access control.** We promote shared/central access points for direct access to roads in unincorporated areas to minimize vehicle conflict points and improve safety, especially access points for commercial uses on adjacent properties.

Goal TM-3 Vehicle Miles Traveled

A pattern of development and transportation system that minimizes vehicle miles traveled.

Policy TM-3.1 **VMT Reduction.** We promote new development that will reduce household and employment VMT relative to existing conditions.

Policy TM-3.2 **Trip reduction strategies.** We support the implementation of transportation demand management techniques, mixed use strategies, and the placement of development in proximity to job and activity centers to reduce the number and length of vehicular trips.

Policy TM-3.3 **First mile/last mile connectivity.** We support strategies that strengthen first/last mile connectivity to enhance the viability and expand the utility of public transit in unincorporated areas and countywide.

Goal TM-4 Complete Streets, Transit, and Active Transportation

On- and off-street improvements that provide functional alternatives to private car usage and promote active transportation in mobility focus areas.

Policy TM-4.1 **Complete streets network.** We maintain a network of complete streets within mobility focus areas that provide for the mobility of all users of all ages and all abilities, while reflecting the local context.

Policy TM-4.2 **Complete streets improvements.** We evaluate the feasibility of installing elements of complete street improvements when planning roadway improvements in mobility focus areas, and we require new development to contribute to complete street improvements in mobility focus areas. In evaluating complete street improvements, we prioritize those in mobility focus areas that are within unincorporated environmental justice focus areas.

Policy TM-4.3 **Funding.** We partner with SBCTA, Caltrans, and local agencies to fund active transportation systems in the county. We encourage unincorporated communities to apply for funding and cooperate with them in their funding applications for active transportation improvements that are identified in a non-motorized transportation plan that is accepted or adopted by the County.

Policy TM-4.4 **Transit access for residents in unincorporated areas.** We support and work with local transit agencies to generate a public transportation system, with fixed routes and on-demand service, that provide residents of unincorporated areas with access to jobs, public services, shopping, and entertainment throughout the county.

Policy TM-4.5 **Transit access to job centers and tourist destinations.** We support and work with local transit agencies to generate public transportation systems that provide access to job centers and reduce congestion in tourist destinations in unincorporated areas.

Policy TM-4.6 **Transit access to public service, health, and wellness.** In unincorporated areas where public transit is available, we prefer new public and behavioral health facilities, other public facilities and services, education facilities, grocery stores, and pharmacies to be located within one-half mile of a public transit stop. We prefer to locate new County health and wellness facilities within one-half mile of a public transit stop in incorporated jurisdictions. We encourage public K-12 education and court facilities to be located within one-half mile of public transit.

Policy TM-4.7 **Regional bicycle network.** We work with SBCTA and other local agencies to develop and maintain a regional backbone bicycle network.

Policy TM-4.8 **Local bicycle and pedestrian networks.** We support local bike and pedestrian facilities that serve unincorporated areas, connect to facilities in adjacent incorporated areas, and connect to regional trails. We prioritize bicycle and pedestrian network improvements

that provide safe and continuous pedestrian and bicycle access to mobility focus areas, schools, parks, and major transit stops.

Policy TM-4.9 **Bike and pedestrian safety.** We promote pedestrian and bicyclist safety by providing separated pedestrian and bike crossings when we construct or improve bridges over highways, freeways, rail facilities, and flood control areas. We monitor pedestrian and bicycle traffic accidents and promote safety improvements in unincorporated high-accident areas.

Policy TM-4.10 **Shared parking.** We support the use of shared parking facilities that provide safe and convenient pedestrian connectivity between adjacent uses.

Policy TM-4.11 **Parking areas.** We require publicly accessible parking areas to ensure that pedestrians and bicyclists can safely access the site and onsite businesses from the public right-of-way.

Goal TM-5 Goods Movement

A road, rail, and air transportation system that supports the logistics industry and minimizes congestion in unincorporated areas.

Policy TM-5.1 **Efficient goods movement network.** We advocate for the maintenance of an efficient goods movement network in southern California.

Policy TM-5.2 **Intermodal facility.** We support the development of an intermodal facility in connection with the Southern California Logistics Airport.

Policy TM-5.3 **High Desert Corridor.** We support the development of the High Desert Corridor to improve the regional goods movement network and foster economic development in the North Desert region.

Policy TM-5.4 **Grade separations.** We support grade separations to reduce conflicts between rail facilities and roadways, subject to available funding.

Policy TM-5.5 **Countywide truck routes.** We support SBCTA's establishment of regional truck routes that efficiently distribute regional truck traffic while minimizing impacts on residents. We support funding through the RTP to build adequate truck route infrastructure.

Policy TM-5.6 **Unincorporated truck routes.** We may establish local truck routes in unincorporated areas to efficiently funnel truck traffic to freeways while minimizing impacts on residents. We establish routes where trucks are prohibited in unincorporated environmental justice focus areas and to avoid overlaps or conflicts with safe routes to schools.

Policy TM-5.7 **Trucking-intensive businesses.** We require trucking-intensive businesses to pay their fair share of costs to build and maintain adequate roads.

Goal TM-6 Airports**A network of local and regional airports that meet regional and local aviation needs.**

- Policy TM-6.1 **Local airports.** We maintain County airports and coordinate with other local airports to provide general aviation services to residents and businesses throughout the county.
- Policy TM-6.2 **Economic potential.** We seek to maximize the economic development potential of County airports.
- Policy TM-6.3 **Regional airports.** We advocate for expanded passenger and cargo service at regional airports.
- Policy TM-6.4 **Airport land use compatibility.** We require proposed development in unincorporated areas to be consistent with applicable airport master plans, airport safety review areas, and military air installation compatible use zones. We may support proposed development in the influence area of County airports only when they are consistent with applicable airport master plans.
- Policy TM-6.5 **Coordination on airport planning.** We collaborate with FAA, military installations, Caltrans Division of Aeronautics, airport owners, neighboring jurisdictions, and other stakeholders in the preparation, update, and maintenance of airport-related plans.

Table

The County applies designations to roadways throughout the county to depict and evaluate how the roadway system and individual roads accommodates two characteristics: the movement of vehicular traffic and the level of access provided to adjacent properties. Based on these generalized characteristics, roadways often vary in terms of right-of-way, roadway width, number of lanes, intersection and traffic signal spacing, speed, and other factors. Table TM-1 identifies the roadway designations for the County of San Bernardino and provides the general geometric mid-block cross sectional characteristics of each.

The County also maps these roadway designations onto adjacent incorporated roads to depict a more comprehensive diagram of the overall roadway system. While the County’s roadway designations are generally consistent with the designations of incorporated cities and towns, the County’s roadway designations do not officially apply within incorporated boundaries. The designation, design, construction, maintenance, and improvement of roadways in incorporated areas are the responsibility of the incorporated city or town.

Additionally, the County may apply roadway designations to freeways and state highways, but the design, construction, maintenance, and improvement of freeways and state highways is under the jurisdiction and responsibility of Caltrans, unless the roadway has been relinquished to a local jurisdiction.

Table TM-1. County Roadway Designations

Roadway Designation	Typical Street Cross Section Characteristics			
	Divided	Right-of-Way	Curb-to-Curb	Lanes
Major Divided Highway	Yes	120'	94'	4 to 6
Major Arterial Highway	No	120'	94'	4 to 6
Major Highway	At times	104'	80'	2 to 4
Secondary Highway	At times	88'	64'	2 to 4
Controlled/Limited Access Collector	Usually	66'	44'	2
Mountain Major Highway	No	80'	64'	2 to 4
Mountain Secondary Highway	No	60'	44'	2
State Highway/Special Conditions or Special Standards	Determined by Caltrans			
Freeway				
Notes:				
1. Characteristics listed in this table are provided for general guidance on a typical mid-block street cross section. Intersection configurations will vary by location as necessary. The County may approve or construct mid-block street sections that vary from these figures based on physical or environmental constraints.				

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Resources & Conservation Section

Natural Resources Element

The county's abundant natural resources are integral to our quality of life, community identities, and economic success. Natural resources include agricultural/grazing lands, watersheds, minerals, native plants and wildlife, and plant and wildlife habitat areas. Appropriately managed, they provide safe air and water for our people and the environment, improve the health of our residents and workers, attract visitors from around the world, and sustain the productivity of our local and national economies.

The County maintains a regional system of parks and trails for the entire county. In the unincorporated areas, the County maintains some local park facilities with special district funding, and self-governing community service districts maintain other local park facilities. The County also sets standards and applies designations to preserve the varied scenic resources across the unincorporated lands.

While air and water quality are largely regulated by regional, state, and federal agencies, the County applies standards set by and coordinates with such agencies, manages small public water systems, and provides permits for wells and septic systems. Similarly, the protection and conservation of biological resources is primarily regulated and controlled by state and federal agencies, with the County enforcing state and federal laws and participating in local and countywide efforts to promote biodiversity and healthy ecosystems.

The County is the lead agency for mining activity on all private and public lands in unincorporated areas and facilitates the extraction of mineral resources while minimizing adverse effects on the environment and communities. Although the rich agricultural lands of the Valley region were long ago urbanized, the County promotes the preservation and continued viability of remaining agricultural resources and farming operations.

Purpose

The Natural Resources Element:

- Establishes policies that preserve and enhance the beauty and resiliency of our natural resources.
- Provides guidance on coordinating with others to manage, conserve, and protect natural resources such as watersheds, wildlife habitat areas and corridors, and other natural and open space areas.
- Promotes clean air and a supply of water for human consumption and the natural environment.
- Supports the maintenance and enhancement of a countywide system of open space, parks, and recreation assets.
- Provides guidance and support for mining operations and the preservation of viable agricultural and grazing lands.
- Provides guidance on the location and distribution of new development to protect natural resources.

Principles

We believe:

- Effective preservation, management, and enhancement of natural resources will ensure their environmental and economical sustainability and resiliency.
- Access to open space and vibrant natural resources improves public health and contributes significantly to the county's overall economic vitality.
- Improving air quality and ensuring access to clean and affordable drinking water will enhance the quality of life for our residents and attract continuing investment in residences and businesses.
- The County's primary role is to govern land use and establish development standards to ensure that new development has minimal impact on the natural environment in the unincorporated areas of the county.
- The County has a responsibility to maintain and make available information on natural resources to enable property owners to be better stewards of the land and natural resources.

Goals & Policies

Goal NR-1 Air Quality

Air quality that promotes health and wellness of residents in San Bernardino County through improvements in locally-generated emissions.

Policy NR-1.1 **Land use.** We promote compact and transit-oriented development countywide and regulate the types and locations of development in unincorporated areas to minimize vehicle miles traveled and greenhouse gas emissions.

Policy NR-1.2 **Indoor air quality.** We promote the improvement of indoor air quality through the California Building and Energy Codes and through the provision of public health programs and services.

Policy NR-1.3 **Coordination on air pollution.** We collaborate with air quality management districts and other local agencies to monitor and reduce major pollutants affecting the county at the emission source.

Policy NR-1.4 **Military coordination on air quality.** We collaborate with the military to avoid or minimize impacts on military training and operations from air pollution and haze.

Policy NR-1.5 **Sensitive land uses.** We consider recommendations from the California Air Resources Board on the siting of new sensitive land uses and exposure to specific source categories.

Policy NR-1.6 **Fugitive dust emissions.** We coordinate with air quality management districts on requirements for dust control plans, revegetation, and soil compaction to prevent fugitive dust emissions.

Policy NR-1.7 **Greenhouse gas reduction targets.** We strive to meet the 2040 and 2050 greenhouse gas emission reduction targets in accordance with state law.

Policy NR-1.8 **Construction and operations.** We invest in County facilities and fleet vehicles to improve energy efficiency and reduce emissions. We encourage County contractors and other builders and developers to use low-emission construction vehicles and equipment to improve air quality and reduce emissions.

Policy NR-1.9 **Building design and upgrades.** We use the CALGreen Code to meet energy efficiency standards for new buildings and encourage the upgrading of existing buildings to incorporate design elements, building materials, and fixtures that improve environmental sustainability and reduce emissions.

Goal NR-2 Water Quality

Clean and safe water for human consumption and the natural environment.

Policy NR-2.1 **Coordination on water quality.** We collaborate with the state, regional water quality control boards, watermasters, water purveyors, and government agencies at all levels to ensure a safe supply of drinking water and a healthy environment.

Policy NR-2.2 **Water management plans.** We support the development, update, and implementation of ground and surface water quality management plans emphasizing the protection of water quality from point and non-point source pollution.

Policy NR-2.3 **Military coordination on water quality.** We collaborate with the military to avoid or minimize impacts on military training and operations from groundwater contamination and inadequate groundwater supply.

Policy NR-2.4 **Wastewater discharge.** We apply federal and state water quality standards for wastewater discharge requirements in the review of development proposals that relate to type, location, and size of the proposed project in order to safeguard public health and shared water resources.

Policy NR-2.5 **Stormwater discharge.** We ensure compliance with the County's Municipal Stormwater NPDES (National Pollutant Discharge Elimination System) Permit by requiring new development and significant redevelopment to protect the quality of water and drainage systems through site design, source controls, stormwater treatment, runoff reduction measures, best management practices, low impact development strategies, and technological advances. For existing development, we monitor businesses and coordinate with municipalities.

Policy NR-2.6 **Agricultural waste and biosolids.** We coordinate with regional water quality control boards and other responsible agencies to regulate and control animal waste and biosolids in order to protect groundwater and the natural environment.

Goal NR-3 Open Space, Parks, and Recreation

A system of well-planned and maintained parks, trails, and open space that provides recreation opportunities for residents, attracts visitors from across the region and around the country, and preserves the natural environment.

- Policy NR-3.1 **Open space preservation.** We regulate land use and coordinate with public and nongovernmental agencies to preserve open space areas that protect natural resources, function as a buffer against natural hazards or between land uses, serve as a recreation or tourist destination, or are central to the identity of an unincorporated community.
- Policy NR-3.2 **Residential clustering.** We allow residential development to cluster housing units in order to reduce the consumption of undeveloped land, maximize the amount of open space, preserve natural resources, conform to natural topography/grade, and/or reduce exposure of structures to natural hazards.
- Policy NR-3.3 **Management of designated areas.** We coordinate with public and nongovernmental agencies to sustainably manage and conserve land within or adjacent to locally-, state-, or federally-designated open space or resource conservation areas.
- Policy NR-3.4 **Land exchange.** We coordinate with state and federal agencies to exchange publicly owned lands in order to provide additional areas for open space, recreation, and resource protection. We also request the right of first refusal on publicly owned lands made available for purchase to the public.
- Policy NR-3.5 **Private conservation efforts.** We support nongovernmental organizations and private entities who purchase, own, maintain, and expand areas for conservation and preservation. We also support the voluntary transition of privately held lands within a larger boundary designated by the state or federal government for open space and resource conservation to public ownership.
- Policy NR-3.6 **Regional park land.** We coordinate with other jurisdictions and agencies to provide regional park land. We prioritize the maintenance and improvement of existing County parks and trails over their expansion or creation of new facilities.
- Policy NR-3.7 **Regional park revenue.** We generate revenues from County-owned parks and facilities to offset the costs of operation and maintenance. We may also coordinate with local jurisdictions and leverage other resources to support the maintenance and improvement of park and trail facilities.
- Policy NR-3.8 **Regional trail system.** We coordinate with incorporated jurisdictions, state and federal agencies, and other regional and not-for-profit entities to maintain and improve a regional trail system. We prioritize the maintenance and improvement of the Santa Ana River Trail, followed by the creation of trails in unincorporated areas that connect to existing trails in incorporated areas and to state- and federally-maintained trails.

- Policy NR-3.9 **Local parks, trails, and recreation.** We support the provision of local and community parks, trails, and recreational programs and facilities in unincorporated areas when a locally-approved funding and financing mechanism is established to pay for acquisition, construction, maintenance, and operations. We encourage unincorporated communities to apply for funding and cooperate with them in their funding applications for local trails that are identified in a non-motorized transportation plan that is accepted or adopted by the County. We also encourage, where feasible, local trails to be separated from vehicular traffic to improve the safety of trail users.
- Policy NR-3.10 **Joint use facilities.** We promote the creation of joint use facilities for local parks and recreation programs through coordination with the County Flood Control District, local school districts, utilities, and other public agencies.
- Policy NR-3.11 **Off-highway vehicle areas.** In areas under the County's land use authority, we require new or expansion of existing commercial off-highway vehicle (OHV) areas to be situated and buffered to minimize effects on nearby residential uses, military activity, and environmentally sensitive areas.
- Policy NR-3.12 **Rights-of-way and easements.** We consider reserving portions of rights-of-way and easements found to be unnecessary for the ultimate buildout of roadways or flood control facilities for use as local pedestrian, bicycle, and/or equestrian trails.

Goal NR-4 Scenic Resources

Scenic resources that highlight the natural environment and reinforce the identity of local communities and the county.

- Policy NR-4.1 **Preservation of scenic resources.** We consider the location and scale of development to preserve regionally significant scenic vistas and natural features, including prominent hillsides, ridgelines, dominant landforms, and reservoirs.
- Policy NR-4.2 **Coordination with agencies.** We coordinate with adjacent federal, state, local, and tribal agencies to protect scenic resources that extend beyond the County's land use authority and are important to countywide residents, businesses, and tourists.
- Policy NR-4.3 **Off-site signage.** We prohibit new off-site signage and encourage the removal of existing off-site signage along or within view of County Scenic Routes and State Scenic Highways.

Goal NR-5 Biological Resources

An interconnected landscape of open spaces and habitat areas that promotes biodiversity and healthy ecosystems, both for their intrinsic value and for the value placed on them by residents and visitors.

- Policy NR-5.1 **Coordinated habitat planning.** We participate in landscape-scale habitat conservation planning and coordinate with existing or proposed habitat conservation and natural resource management plans for private and public lands to increase certainty for both the conservation of species, habitats, wildlife corridors, and other important biological resources and functions; and for land development and infrastructure permitting.

- Policy NR-5.2 **Capacity for resource protection and management.** We coordinate with public and nongovernmental agencies to seek funding and other resources to protect, restore, and maintain open space, habitat, and wildlife corridors for threatened, endangered, and other sensitive species.
- Policy NR-5.3 **Multiple-resource benefits.** We prioritize conservation actions that demonstrate multiple resource preservation benefits, such as biology, climate change adaptation and resiliency, hydrology, cultural, scenic, and community character.
- Policy NR-5.4 **Off-base recovery efforts.** We coordinate with military installations to facilitate off-base recovery of threatened and endangered species and landscape-scale conservation.
- Policy NR-5.5 **Mitigation and future responsibilities.** We require that new development satisfy habitat conservation responsibilities without shifting conservation responsibilities onto military property.
- Policy NR-5.6 **Mitigation banking.** We support the proactive assemblage of lands to protect biological resources and facilitate development through private or public mitigation banking. We require public and private conservation lands or mitigation banks to ensure that easement and fee title agreements provide funding methods sufficient to manage the land in perpetuity.
- Policy NR-5.7 **Development review, entitlement, and mitigation.** We comply with state and federal regulations regarding protected species of animals and vegetation through the development review, entitlement, and environmental clearance processes.
- Policy NR-5.8 **Invasive species.** We require the use of non-invasive plant species with new development and encourage the management of existing invasive plant species that degrade ecological function.

Goal NR-6 Mineral Resources

Mineral resource zones that allow extraction industries to continue supporting the regional and national economy while minimizing negative impacts on the public and natural environment.

- Policy NR-6.1 **Mineral resource areas.** We prioritize the conservation of land area with mineral resources by prohibiting or discouraging development of land that would substantially preclude the future development of mining facilities in areas classified as Mineral Resource Zone (MRZ) 2a, 2b, or 3a.
- Policy NR-6.2 **Mining operations and reclamation.** We require and monitor mineral extraction activities to ensure that the operation and reclamation of mined lands is consistent with the State Surface Mining and Reclamation Act of 1975 (SMARA).
- Policy NR-6.3 **Conservation of construction aggregate.** We encourage the continued operation of existing mining facilities and streamline the permitting of new mining facilities (consistent with the Policy Plan and other local, state, and federal regulations) to establish aggregate resources that are sufficient to satisfy 50 years of county demand.

Goal NR-7 Agriculture and Soils

The ability of property owners, farmers, and ranchers to conduct sustainable and economically viable agricultural operations.

- Policy NR-7.1 **Protection of agricultural land.** We protect economically viable and productive agricultural lands from the adverse effects of urban encroachment, particularly increased erosion and sedimentation, trespass, and non-agricultural land development.
- Policy NR-7.2 **Preservation of important farmlands.** We require project applicants seeking to develop 20 or more acres of farmland (classified as prime, of statewide importance, or unique farmland) to non-agricultural uses to prepare an agricultural resource evaluation prior to project approval. The evaluation shall use generally accepted methodologies to identify the potentially significant impact of the loss of agricultural land as well as the economic viability and sustainability of future agricultural use of the property, including long-term sustainability and economic viability of water resources. If the conversion is deemed significant, the County shall require mitigation at a 1:1 ratio of converted to preserved acreage through conservation easements, payment of its valuation equivalent if a fee mitigation program is established, or inclusion in a regional agricultural preservation program.
- Policy NR-7.3 **Conservation and preservation incentives.** We support programs and policies that provide tax and economic incentives to conserve existing productive agricultural lands or preserve farmland classified as prime, of statewide importance, unique, or of local importance. We support land owners in establishing new and maintaining existing California Land Conservation (Williamson Act) contracts.
- Policy NR-7.4 **Economic diversity of farm operations.** We encourage farm operations to strengthen their economic viability through diversifying potential sources of farm income and activity, including value added products, agricultural tourism, roadside stands, organic farming, and farmers markets.
- Policy NR-7.5 **Agriculture on Rural Living and Open Space properties.** We permit small-scale, non-water-intensive, and incidental agricultural on properties designated for Rural Living. In the Oak Glen and Mentone community planning areas, we also permit commercial-scale agriculture on properties designated for Rural Living. In the Oak Glen and Mentone community planning areas and in the Crafton Hills, we also permit commercial-scale agriculture on privately-owned properties designated for Open Space.
- Policy NR-7.6 **Sustainable grazing practices.** We require all grazing on open rangelands to be compatible with the conservation of threatened and endangered species.

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Renewable Energy and Conservation Element (placeholder for element adopted in 2017 and amended in February 2019)

This page is a placeholder for the Renewable Energy and Conservation Element (RECE), which was adopted in 2017 and amended in February 2019 and is not being updated through the Countywide Plan. The RECE will be incorporated in its entirety into the Countywide Plan upon its adoption.

On February 28, 2019, the Board of Supervisors voted to prohibit utility-oriented renewable energy development in the Rural Living land use district, currently adopted Community Plan areas, and other areas as determined in the Development Code update.

Additional policy amendments were adopted regarding a focus on using existing energy generation sites and greater collaboration to encourage development of utility-oriented renewable energy generation facilities on public lands, apart from unincorporated communities.

The adopted changes (see below) will be reflected in the Countywide Plan. This webpage will be updated with the updated element in the near future.

The amendments became effective immediately upon adoption of the resolution. Any application for development of a renewable energy generation project that had been accepted as complete in compliance with California Government Code Section 65943 before the effective date of the resolution is to be processed in compliance with the policies and regulations in effect at the time the application was accepted as complete. These applications may be relocated to other sites under the same policies and regulations.

AMENDMENTS: The text of the Renewable Energy and Conservation Element was amended to add RE Policy 4.10, replace RE Policy 5.2, and add RE Policy 5.9 to read as follows:

RE Policy 4.10: Prohibit utility-oriented RE project development on sites that would create adverse impacts on the quality of life or economic development opportunities in existing unincorporated communities. Any exceptions or revisions to the following policy direction would require approval by the Board of Supervisors.

RE 4.10.1: Prohibit development of utility-oriented RE projects in the Rural Living land use districts throughout the County.

RE 4.10.2: Prohibit development of utility-oriented RE projects within the boundaries of existing community plans, which at the time of adoption of this Element are the Bloomington, Muscoy, Bear Valley, Crest Forest, Hilltop, Lake Arrowhead, Lytle Creek, Oak Glen, Homestead Valley, Joshua Tree, Lucerne Valley, Morongo Valley, Oak Hills and Phelan/Pinon Hills Community Plans.

RE 4.10.3: Establish exclusion areas in the Development Code regulations for renewable energy development, beginning with the prohibitions in Policies 4.10.1 and 4.10.2 and provide for additional exclusion areas, such as new community plan areas, to be designated by amendment to the Development Code.

RE Policy 5.2: Utility-oriented RE generation projects on private land in the unincorporated County will be limited to the site-types below, in addition to meeting criteria established herein and in the Development Code:

- i. Private lands adjacent to the federal Development Focus Areas supported by the Board of Supervisors that meet siting criteria and development standards

- ii. Waste disposal sites
- iii. Mining sites (operating and reclaimed)
- iv. Fallow, degraded and unviable agricultural lands
- v. Airports (existing and abandoned or adaptively re-used)
- vi. Brownfields
- vii. California Department of Toxic Substance Control Cleanup Program sites
- viii. Resource Conservation and Recovery Act sites
- ix. Sites within or adjacent to electric transmission and utility distribution corridors
- x. Existing energy generation sites
- xi. Industrial zones proven to not conflict with economic development needs
- xii. Other sites proven by a detailed suitability analysis to reflect the significantly disturbed nature or conditions of those listed above

RE Policy 5.9: Collaborate with utilities, the California Energy Commission (CEC) and the Bureau of Land Management (BLM) to plan for RE generation facilities to be located on public lands, apart from existing unincorporated communities.

Cultural Resources Element

Cultural resources provide both tangible and intangible links to the past. Such resources may include archaeological sites, sacred landscapes, historic buildings, and even culturally important plants and animals. These resources are valuable in that they can serve to recognize the diversity of our county's many previous, current, and future inhabitants. Not only can a resource be a memorial to historical events and individuals, but it can also be an important object/place of modern cultural significance, as well as be something that will contribute to the continuance of a community's cultural identity. Additionally, paleontological resources, which most commonly manifest as fossils related to animals, plants, and the ecosystem, provide great insight into our county's past prior to human habitation. As such, it is vital that we find and implement culturally appropriate ways to preserve and conserve these resources, while also continuing to grow and develop in the unincorporated parts of our county.

Purpose

The Cultural Resources Element:

- Establishes direction on notification, coordination, and partnerships to preserve and conserve cultural resources.
- Provides guidance on how new development can avoid or minimize impacts on cultural resources.
- Provides direction on increasing public awareness and education efforts about cultural resources.

Principles

We believe:

- Today's generations are stewards of the county's cultural history and are responsible for conserving it for future generations.
- Preserving and celebrating cultural resources enhances our understanding of the world in which we live.
- Cultural resources are valuable assets that attract visitors and support local businesses.

Goals & Policies

Goal CR-1 Tribal Cultural Resources

Tribal cultural resources that are preserved and celebrated out of respect for Native American beliefs and traditions.

Policy CR-1.1 **Tribal notification and coordination.** We notify and coordinate with tribal representatives in accordance with state and federal laws to strengthen our working relationship with area tribes, avoid inadvertent discoveries of Native American archaeological sites and burials, assist with the treatment and disposition of inadvertent discoveries, and explore options of avoidance of cultural resources early in the planning process.

Policy CR-1.2 **Tribal planning.** We will collaborate with local tribes on countywide planning efforts and, as permitted or required, planning efforts initiated by local tribes.

Policy CR-1.3 **Mitigation and avoidance.** We consult with local tribes to establish appropriate project-specific mitigation measures and resource-specific treatment of potential cultural resources. We require project applicants to design projects to avoid known tribal cultural resources, whenever possible. If avoidance is not possible, we require appropriate mitigation to minimize project impacts on tribal cultural resources.

Policy CR-1.4 **Resource monitoring.** We encourage coordination with and active participation by local tribes as monitors in surveys, testing, excavation, and grading phases of development projects with potential impacts on tribal resources.

Goal CR-2 Historic and Paleontological Resources

Historic resources (buildings, structures, or archaeological resources) and paleontological resources that are protected and preserved for their cultural importance to local communities as well as their research and educational potential.

Policy CR-2.1 **National and state historic resources.** We encourage the preservation of archaeological sites and structures of state or national significance in accordance with the Secretary of Interior's standards.

Policy CR-2.2 **Local historic resources.** We encourage property owners to maintain the historic integrity of resources on their property by (listed in order of preference): preservation, adaptive reuse, or memorialization.

Policy CR-2.3 **Paleontological and archaeological resources.** We strive to protect paleontological and archaeological resources from loss or destruction by requiring that new development include appropriate mitigation to preserve the quality and integrity of these resources. We require new development to avoid paleontological and archeological resources whenever possible. If avoidance is not possible, we require the salvage and preservation of paleontological and archeological resources.

Policy CR-2.4 **Partnerships.** We encourage partnerships to champion and financially support the preservation and restoration of historic sites, structures, and districts.

Policy CR-2.5 **Public awareness and education.** We increase public awareness and conduct education efforts about the unique historic, natural, tribal, and cultural resources in San Bernardino County through the County Museum and in collaboration with other entities.

Safety & Security Section

Hazards Element

The massive scale of the county's geography and the complexity of its economy and socioeconomics exposes people, buildings, and facilities to a wide range of natural (wildfires, flooding, geologic activity, and wind) and human-generated hazards (hazardous materials, airports, and noise). Reducing the risks associated with such hazards improves real and perceived senses of safety, providing the county with a higher quality of life and spurring continuous investment and improvement of the county's communities, businesses, and natural areas.

The County is committed to protecting life, property, and commerce from impacts associated with natural hazards, human-generated hazards, and increased risk due to climate change. The County also works to ensure that residents in unincorporated disadvantaged communities have a reduced risk of exposure to pollution and have equitable access to public facilities and services. Effectively reducing these risks requires the County and its partners to evaluate public safety threats, proactively plan and protect against potential hazards, and establish systems that will make the county and its people safer and more self-reliant.

Purpose

The Hazards Element:

- Identifies potential natural and human-generated hazards, including increased risk due to climate change.
- Provides direction to address risks to residents, businesses, workers, and visitors.
- Prioritizes resources and reduce pollution exposure in unincorporated disadvantaged communities.

Principles

We believe:

- A safe environment is necessary to build and maintain a sustainable and prosperous county.
- The County is proactive in lessening risks from natural and human-generated hazards.
- Reduction in the loss of life, injury, private property damage, infrastructure damage, economic losses, and social dislocation can be achieved through planning and preparedness.
- Emergency response and recovery efforts contribute to a resilient county, given unavoidable emergencies and natural disasters.
- Those who live in unincorporated disadvantaged communities should not be burdened with elevated exposure to pollution risks and reduced access to public facilities and services.

Goals & Policies

Goal HZ-1 Natural Environmental Hazards

Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by natural environmental hazards and adaptation to potential changes in climate.

Policy HZ-1.1 **New subdivisions in environmental hazard areas.** We require all lots and parcels created through new subdivisions to have sufficient buildable area outside of the following environmental hazard areas:

- Flood: 100-year flood zone, dam/basin inundation area
- Geologic: Alquist Priolo earthquake fault zone; County-identified fault zone; rockfall/debris-flow hazard area, existing and County-identified landslide area

Policy HZ-1.2 **New development in environmental hazard areas.** We require all new development to be located outside of the environmental hazard areas listed below. For any lot or parcel that does not have sufficient buildable area outside of such hazard areas, we require 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.

- Flood: 100-year flood zone, dam/basin inundation area
- Geologic: Alquist Priolo earthquake fault zone; County-identified fault zone; rockfall/debris-flow hazard area, medium or high liquefaction area (low to high and localized), existing and County-identified landslide area, moderate to high landslide susceptibility area)
- Fire: high or very high fire hazard severity zone

Policy HZ-1.3 **Floodplain mapping.** We require any new lots or subdivisions partially in, and any new development partially or entirely in 100-year flood zones or 100-year flood awareness areas to provide detail floodplain mapping for 100- and 200-year storm events as part of the development approval process.

Policy HZ-1.4 **500-year flood zone.** We may collaborate with property owners in the Valley region to establish funding and financing mechanisms to mitigate flood hazards in identified 500-year flood zones.

Policy HZ-1.5 **Existing properties in environmental hazard areas.** We encourage owners of existing properties in hazard areas to add design features that allow occupants to shelter in place and to have sufficient time to evacuate during times of extreme weather and natural disasters.

Policy HZ-1.6 **Critical and essential facility location.** We require new critical and essential facilities to be located outside of hazard areas, whenever feasible.

Policy HZ-1.7 **Underground utilities.** We require that underground utilities be designed to withstand seismic forces, accommodate ground settlement, and hardened to fire risk.

- Policy HZ-1.8 **Wind erosion hazards.** We require new development in medium-high or high wind erosion hazard areas to minimize the effects of wind-blown soil through building and site design features such as fencing, surface treatment or pavement, attenuation or wind barriers, architectural features, building materials, and drought resistant landscaping.
- Policy HZ-1.9 **Hazard areas maintained as open space.** We minimize risk associated with flood, geologic, and fire hazard zones or areas by encouraging such areas to be preserved and maintained as open space.
- Policy HZ-1.10 **Energy independence.** We encourage new residential development to include rooftop solar energy systems and battery storage systems that can provide backup electrical service during temporary power outages.
- Policy HZ-1.11 **Energy efficiency retrofits.** We encourage owners of existing residential and commercial properties to retrofit the walls, doors, windows, ceilings, roofs, ductwork, and other elements of their building envelopes, in order to improve energy efficiency and better protect occupants from extreme temperatures.
- Policy HZ-1.12 **Local hazard mitigation plan implementation.** We require adherence to the goals, objectives and actions in the Multi-jurisdictional Hazard Mitigation Plan and subsequent amendments to reduce and mitigate damages from hazards in the county.
- Policy HZ-1.13 **Fire protection planning.** We require that all new development in County-designated Fire Safety Overlay and/or CAL FIRE-designated Very High Fire Hazard Severity Zones meet the requirements of the California Fire Code and the California Building Code as amended by the County Fire Protection District, including Title 14 of the California Code of Regulations fire safety requirements for any new development within State Responsibility Areas, as well as provide and maintain a Fire Protection Plan or Defensible Space/Fuel Modification Plan and other pre-planning measures in accordance with the County Code of Ordinances.
- Policy HZ-1.14 **Long-term fire hazard reduction and abatement.** We require proactive vegetation management/hazard abatement to reduce fire hazards on existing private properties, along roadsides of evacuation routes out of wildfire prone areas, and other private/public land where applicable, and we require new development to enter into a long-term maintenance agreement for vegetation management in defensible space, fuel modification, and roadside fuel reduction in the Fire Safety Overlay and/or Very High Fire Hazard Severity Zones.
- Policy HZ-1.15 **Evacuation route adequacy.** We coordinate with CAL FIRE, California's Office of Emergency Services, and other local fire districts to identify strategies that ensure the maintenance and reliability of evacuation routes potentially compromised by wildfire, including emergency evacuation and supply transportation routes.

Goal HZ-2 Human-generated Hazards

People and the natural environment protected from exposure to hazardous materials, excessive noise, and other human-generated hazards.

- Policy HZ-2.1 **Hazardous waste facilities.** We regulate and buffer hazardous waste facilities to protect public health and avoid impacts on the natural environment.
- Policy HZ-2.2 **Database of hazardous materials.** We maintain up-to-date databases of the storage, use, and production of hazardous materials, based on federally- and state-required disclosure and notification, to appropriately respond to potential emergencies.
- Policy HZ-2.3 **Safer alternatives.** We minimize the use of hazardous materials by choosing and by encouraging others to use non-toxic alternatives that do not pose a threat to the environment.
- Policy HZ-2.4 **Truck routes for hazardous materials.** We designate truck routes for the transportation of hazardous materials through unincorporated areas and prohibit routes that pass through residential neighborhoods to the maximum extent feasible.
- Policy HZ-2.5 **Community education.** We engage with residents and businesses to promote safe practices related to the use, storage, transportation, and disposal of hazardous materials.
- Policy HZ-2.6 **Coordination with transportation authorities.** We collaborate with airport owners, FAA, Caltrans, SBCTA, SCAG, neighboring jurisdictions, and other transportation providers in the preparation and maintenance of, and updates to transportation-related plans and projects to minimize noise impacts and provide appropriate mitigation measures.
- Policy HZ-2.7 **Truck delivery areas.** We encourage truck delivery areas to be located away from residential properties and require associated noise impacts to be mitigated.
- Policy HZ-2.8 **Proximity to noise generating uses.** We limit or restrict new noise sensitive land uses in proximity to existing conforming noise generating uses and planned industrial areas.
- Policy HZ-2.9 **Control sound at the source.** We prioritize noise mitigation measures that control sound at the source before buffers, soundwalls, and other perimeter measures.
- Policy HZ-2.10 **Agricultural operations.** We require new development adjacent to existing conforming agricultural operations to provide adequate buffers to reduce the exposure of new development to operational noise, odor, and the storage or application of pesticides or other hazardous materials.
- Policy HZ-2.11 **Legacy abandoned mine lands.** We inventory legacy abandoned mines and require private property owners to eliminate hazardous conditions that could threaten human life and environmental contamination. We obtain funding to address legacy abandoned mines on County-owned property.

Goal HZ-3 Environmental Justice

For unincorporated environmental justice focus areas, equitable levels of protection from environmental and health hazards; expanded opportunities for physical activity and meaningful civic engagement; and access to healthy food, public facilities, safe and sanitary housing.

- Policy HZ-3.1 **Health risk assessment.** We require projects processed by the County to provide a health risk assessment when a project could potentially increase the incremental cancer risk by 10 in 1 million or more in unincorporated environmental justice focus areas, and we require such assessments to evaluate impacts of truck traffic from the project to freeways. We establish appropriate mitigation prior to the approval of new construction, rehabilitation, or expansion permits.
- Policy HZ-3.2 **Studying and monitoring.** We coordinate with state and regional regulatory entities to monitor pollution exposure, publicize pollution data, and identify solutions in unincorporated environmental justice focus areas. We work with state and regional regulatory entities to obtain grant funding to study cumulative health risks affecting such areas.
- Policy HZ-3.3 **Community emissions reduction plans.** We assist the air quality management districts in establishing community emissions reduction plans for unincorporated environmental justice focus areas and implement, as feasible, those parts of the plans, that are within the jurisdiction and authority of the County, with particular emphasis in addressing the types of pollution identified in the Hazard Element tables.
- Policy HZ-3.4 **Residential improvements.** In directing discretionary housing improvements investments in unincorporated communities, we prioritize investments that also address environmental conditions identified in the Hazard Element tables. We utilize code enforcement activities to enhance structural safety and property maintenance in environmental justice focus areas.
- Policy HZ-3.5 **Hazardous waste facilities.** We do not permit new hazardous waste facilities to be developed in unincorporated environmental justice focus areas.
- Policy HZ-3.6 **Contaminated water and soils.** We advocate for and coordinate with local and regional agencies in efforts to remediate or treat contaminated surface water, groundwater, or soils in or affecting unincorporated environmental justice focus areas. We obtain grant funding and establish partnerships to implement the County's Site Remediation Program in unincorporated environmental justice focus areas, with particular emphasis in addressing the types of contamination identified in the Hazard Element tables.
- Policy HZ-3.7 **Well water testing.** In unincorporated environmental justice focus areas that are not served by public water systems, we periodically test well water for contamination, identify potential funding sources, and, where feasible, provide technical assistance to implement necessary improvements, with particular emphasis in addressing the types of contamination identified in the Hazard Element tables.

- Policy HZ-3.8 **Indoor air quality.** We educate and raise awareness in unincorporated environmental justice focus areas about indoor air quality, and we pursue grant funding to address asthma and other respiratory illnesses.
- Policy HZ-3.9 **Public improvements and services.** In directing discretionary investments in County-provided public facilities, infrastructure, and services in unincorporated communities, we prioritize investments that also address environmental conditions identified in the Hazard Element tables.
- Policy HZ-3.10 **Multi-use facilities.** We emphasize coordination efforts for joint use of public and private recreation facilities serving unincorporated environmental justice focus areas. We encourage that newly constructed or substantially remodeled public facilities serving unincorporated environmental justice focus areas be assessed and designed for features and spaces that improve the community's access to physical activity and/or healthy food options, as feasible and appropriate to the needs of the community.
- Policy HZ-3.11 **Public Health.** We utilize County Department of Public Health experience, expertise, and staffing resources to expand outreach, analysis, and implementation efforts in unincorporated environmental justice focus areas, with particular emphasis in addressing the types of health concerns identified in the Hazard Element tables.
- Policy HZ-3.12 **Barriers to physical activity.** We identify and include appropriate remedies to improve or remove, where feasible, barriers to outdoor physical activity, such as inadequate infrastructure, when doing County projects in environmental justice focus areas, with particular emphasis in addressing the types of health and mobility issues identified in the Hazard Element tables.
- Policy HZ-3.13 **Safe routes to school.** We work with our regional transportation authority, school districts and local law enforcement to ensure that schools have safe walking and bicycling routes to school. In applying for Safe Routes to School grants, we will prioritize schools that are either located in the environmental justice focus areas, or serve children residing in environmental justice focus areas.
- Policy HZ-3.14 **Community-desired improvements.** We assist unincorporated environmental justice focus areas to identify ways in which they might establish special funding and financing mechanisms to provide community-desired public facilities and services, recreational facilities, sidewalks and bike trails, and access to fresh and healthy food.
- Policy HZ-3.15 **Food access.** We increase access to healthy food in underserved areas by promoting local food production, community gardens, and urban farms in agricultural zoning districts or on vacant or underutilized lands. We also encourage existing and new small grocery or convenience stores to sell fresh foods in underserved areas. We require the County Healthy Communities Program to prioritize environmental justice communities for technical assistance and grant making, and ensure that residents of environmental justice communities are provided educational materials related to food assistance programs, healthy eating habits and food choices.
- Policy HZ-3.16 **Notification.** We notify the public through the County website when applications are accepted for conditional use permits, changes in zoning, and Policy Plan amendments in

or adjacent to environmental justice focus areas. We prepare public notices in the predominant language(s) spoken in the communities containing environmental justice focus areas.

Policy HZ-3.17 **Community stakeholders.** We identify and coordinate with key community stakeholders through advisory committees or other methods to increase public awareness and obtain timely community input concerning potential funding opportunities, conditional use permits, changes in zoning, and amendments to the Policy Plan in or adjacent to environmental justice focus areas.

Policy HZ-3.18 **Application requirements.** In order for a Planning Project Application (excluding Minor Use Permits) to be deemed complete, we require applicants to indicate whether the project is within or adjacent to an unincorporated environmental justice focus area and, if so, to:

- document to the County's satisfaction how an applicant will address environmental justice concerns potentially created by the project; and
- present a plan to conduct at least one public meeting for nearby residents, businesses, and property owners to obtain public input for applications involving a change in zoning or the Policy Plan. The County will require additional public outreach if the proposed project changes substantively in use, scale, or intensity from the proposed project presented at previous public outreach meeting(s).

Policy HZ-3.19 **Community education.** We make educational materials available to the public in unincorporated environmental justice focus areas so that they clearly understand the potential for adverse pollution, noise, odor, vibration, and lighting and glare, and the effects of toxic materials to promote civil engagement. We require that such educational materials be developed in accordance with Plain Language Guidelines.

Policy HZ-3.20 **Updating EJFAs.** We update the assessment of boundaries, issues, policies, objectives, and implementation strategies regarding environmental justice focus areas subsequent to updates in CalEnviroScreen, equivalent state tools, or as the County deems necessary.

Policy HZ-3.21 **Emerging pollutants.** For pollutants that do not yet have established regulatory thresholds, we coordinate with regulatory agencies to assist their efforts to monitor pollutant levels, establish thresholds, and identify funding and mitigation options, particularly for pollutants that are found in environmental justice focus areas.

Tables

The following tables provide more detailed information on the census tracts and community areas considered to be environmental justice focus areas (EJFAs). Table HZ-1 lists the percentile scores and major contributing factors for each EJFA. Tables HZ-2 through HZ-6 provide an expanded discussion of the contributing issues present in each EJFA by topical area, while Table HZ-7 lists high-level objectives for each topic.

Table HZ-1. CalEnviroScreen Scores for Environmental Justice Focus Areas

CES Rankings		Quartile 1 = Good	Quartile 2 = Moderate	Quartile 3 = Poor	Quartile 4 = Challenged	
Variables/Factors in the CES model:						
POLLUTION EXPOSURE		ENVIRONMENTAL EFFECTS		SENSITIVE POPULATION		SOCIOECONOMIC FACTORS
AQ = Air Quality		CS = Toxic Cleanup Sites		AS = Asthma		LI = Linguistic Isolation
PEST = Pesticides		GW: Groundwater Threats		LB = Low Birth Weight		POV = Poverty
DW = Drinking Water		HZ = Hazardous Waste		CVD = Heart Disease		UE = Unemployment
TR = Toxic Releases		IW = Impaired Waters				HB = Housing Burden
TD = Traffic Density		SW = Solid Waste Sites/Facilities				ED = Educational Attainment
Census Tract	Low Income	Percentile and Quartile Rank			Scores in the Upper Quartile	
		Composite Score	Pollution Score	Population Score	Pollution Factors	Population Factors
El Mirage Valley						
6071009117	Yes	92	63	99	AQ, DW, CS, HW	AS, LB, CVD, ED, POV, UE, HB
North High Desert						
6071009300 Barstow	Yes	88	62	95	AQ, DW	AS, LB, CVD, POV, ED, UE
6071010300 Daggett/ Newberry Springs/Baker	Yes	77	67	75	AQ, DW, CS GW, HW, SW	LB, UE
Mountain Communities						
6071010802 Crest Forest	No	78	60	81	AQ, DW, SW	AS, CVD, UE
Bloomington-Colton						
6071003606	Yes	83	81	74	AQ, DW, TD, HZ	ED, POV, UE, HB
6071004001	Yes	86	91	68	AQ, TD, HZ	ED, UE
6071004003	Yes	98	97	86	AQ, DW, GW, HZ, SW	LB, ED, POV, UE, LI
6071004004	Yes	98	100	78	AQ, DW, TD, CS, GW, HZ, SW	LB, ED, POV, UE
6071003302	Yes	85	88	70	AQ, DW, TR, TD	LB, ED, LI, POV, UE
6071006601	Yes	95	80	97	AQ, DW, TD	AS, LB, CVD, ED, LI, POV, UE

Table HZ-1. CalEnviroScreen Scores for Environmental Justice Focus Areas

CES Rankings		Quartile 1 = Good		Quartile 2 = Moderate		Quartile 3 = Poor		Quartile 4 = Challenged			
Variables/Factors in the CES model:											
POLLUTION EXPOSURE			ENVIRONMENTAL EFFECTS			SENSITIVE POPULATION			SOCIOECONOMIC FACTORS		
AQ = Air Quality			CS = Toxic Cleanup Sites			AS = Asthma			LI = Linguistic Isolation		
PEST = Pesticides			GW: Groundwater Threats			LB = Low Birth Weight			POV = Poverty		
DW = Drinking Water			HZ = Hazardous Waste			CVD = Heart Disease			UE = Unemployment		
TR = Toxic Releases			IW = Impaired Waters						HB = Housing Burden		
TD = Traffic Density			SW = Solid Waste Sites/Facilities						ED = Educational Attainment		
Census Tract	Low Income	Percentile and Quartile Rank			Scores in the Upper Quartile						
		Composite Score	Pollution Score	Population Score	Pollution Factors	Population Factors					
Muscoy-San Bernardino											
6071004104	Yes	98	91	96	AQ, DW, CS	AS, CVD, ED, POV, UE					
6071004101	Yes	93	85	89	AQ, DW, CS, TR						
6071004103	Yes	95	84	95	AQ, DW, CS						
Valley Unincorporated Islands: Chino-Montclair											
6071000303	Yes	94	97	74	AQ, DW, TR, CS HZ, SW	ED, LI, POV					
6071000403	No	78	95	52	AQ, DW, TR, HZ, SW	LB, CVD					
Valley Unincorporated Islands: Western Fontana											
6071002402	Yes	92	77	93	AQ, TR, SW	AS, CVD, ED, POV, UE, HB, LI					
6071002204	Yes	98	98	87	AQ, TR, CS, HZ, SW						
6071002501	No	99	99	90	AQ, TR, TD, HZ, SW	AS, CVD, ED, LB					
6071002401	Yes	94	91	85	AQ, TR, CS, HZ, SW	CVD, ED, LI					
Valley Unincorporated Islands: San Bernardino											
6071006302	Yes	87	61	94	AQ, DW	AS, CVD, ED, POV, UE, HB					
6071006500	Yes	95	81	96	AQ, DW, CS						
6071006100	Yes	76	43	93	AQ, DW	AS, CVD, LB, POV, UE					

Source: OEHHA, CalEnviroScreen, version 3, 2016; latest data available as of July 2020.

Table HZ-2. EJ Assessment in the El Mirage Valley

Topic	Environmental Conditions
Reduction of pollution exposure and improving air quality	<p>Pollution Exposure El Mirage has hazardous waste cleanup sites from past military and aerospace uses, groundwater threats, and a remediated/closed hazardous waste storage facility.</p>
	<p>Air Quality El Mirage is in the Mojave Air Quality Management District. Like much of southern California, the region has air quality issues. The region does not meet federal standards for ozone and respirable particulate matter (PM10) or state standards for ozone and respirable and fine PM2.5.</p>
Promoting public facilities (including infrastructure and community services)	<p>Water and Sewer El Mirage has limited water infrastructure and relies on private wells that tap into the aquifer. El Mirage is also reliant on septic tanks and leach fields, with no ability to support the installation of a regional wastewater treatment plant due to the extremely low levels of population and density. Groundwater has been known to be vulnerable to contaminants.</p>
	<p>Fire and Sheriff County Fire Station 311 serves El Mirage and responds in an average of 19 minutes, due primarily to the extremely low levels of population and density. Police service is provided by the County Sheriff in Victorville and response time is not known.</p>
Promoting health care Infrastructure	<p>Health Needs Health needs for El Mirage are significant—including a 39% adult obesity (13 points above the state average), 30% of working age adults in fair or poor health (50% higher than state averages), 14% diabetes rate (50% above the state average), and higher asthma rates among adults. Heart disease is also a significant concern in the area.</p>
	<p>Health Care Infrastructure El Mirage is designated a HPSA for mental health and primary care services and is a medically underserved area. Both areas have limited medical infrastructure, and residents must travel some distance to access facilities in other communities.</p>
Promoting food access	<p>Food Security The poverty rate in El Mirage and Oro Grande is 30%, which is twice the state average. As a result, food insecurity is similarly high, affecting 16% of low income households, twice the state average. In El Mirage schools, over 70% of children are eligible for free or reduced-price meals.</p>
	<p>Food Access El Mirage has limited grocery outlets, limited to a cluster near SR-395 in Adelanto. There are no WIC (Women, Infants, and Children) vendors and only 1 Cal-Fresh-certified vendor in El Mirage. Due to the general lack of access to nearby stores, El Mirage is designated a food desert.</p>

Table HZ-2. EJ Assessment in the El Mirage Valley

Topic	Environmental Conditions
Promoting safe and sanitary housing	<p>Housing</p> <p>As part of the consolidated plan process, residents indicated a need to promote safe and sanitary housing. Although housing is relatively affordable in El Mirage compared to other areas, concerns remain. Residents mentioned that abandoned homes should be demolished or rehabbed; code enforcement is understaffed; more is needed.</p>
Promoting physical activity	<p>Level of Physical Activity</p> <p>Among youth ages 5 to 17, 26% participated in at least of one hour of physical exercise regularly versus 24% in the county and 21% in the state. For adults, the percentages of adults who walked more than 150 minutes per week was lower in the area versus the county and state averages.</p>
	<p>Opportunities for Physical Activity</p> <p>Recreational outlets include trails and outdoor sports, including opportunities in state and federal parks. The unincorporated areas in the community plan areas have few developed parks. Road have limited pedestrian and bicycling facilities. This is not uncommon for desert roads.</p>
Civil Engagement	<p>Community Participation</p> <p>With daytime Planning Commission and Board of Supervisors meetings and a conventional notification process, it can be difficult for residents in this area to learn about and provide input on proposed development in a timely manner that substantively and effectively impacts the decision making process. Additionally, this area is far from public meeting sites, most households do not have good internet access, and approximately 11 percent of households do not speak English well.</p>

Table HZ-3. EJ Assessment in the North High Desert

Topic	Environmental Conditions
Reduction of pollution exposure and improving air quality	<p>Pollution Exposure</p> <p>The area’s primary exposure to pollution is groundwater threats, hazardous wastes, and solid wastes. It should be noted, however, that this area extends 200 square miles to the Nevada border. Many of these pollutant sources are in unpopulated areas, far from Daggett, Newberry Springs, and Yermo.</p>
	<p>Air Quality</p> <p>This area is in the Mojave Air Quality Management District. Although the area has very high levels of ozone, there are few other appreciable air pollutants, except for a small area around the Barstow BNSF railyard, which has high levels of diesel particulate matter.</p>

Table HZ-3. EJ Assessment in the North High Desert

Topic	Environmental Conditions
Promoting public facilities (including infrastructure and community services)	<p>Water and Sewer LAFCO identified Daggett as a hotspot for insufficient water supply, water quality concerns, deficient infrastructure, and financial concerns. Unincorporated areas rely on individual septic systems. Drinking water is known to be at risk of contamination from nitrate, lead, and radioactive elements.</p>
	<p>Fire and Sheriff County Sheriff’s Barstow Station serves this area; response times are not available. County Fire provides fire protection services from stations #52, #53, #56, and #4. Response times vary—from 20 to 50 minutes depending staffing for the paid-call firefighter station.</p>
Promoting health care Infrastructure	<p>Health Needs Health issues include a 28% obesity rate and 10% diabetes rate—all close to state averages. Despite more modest income levels compared to other parts of the county, the health conditions of residents are better than many other areas of the county.</p>
	<p>Health Care Infrastructure Currently, the area is designated an HPSA for primary care, mental health, and dental services and a medically underserved area/population. There is a significant need for all the major medical services; residents must now travel to Barstow for service.</p>
Promoting food access	<p>Food Security The poverty rate in the area for adults is high (21%), far above the state average, and 11% of low income households are food insecure. Food insecurity affects children in the area as well. Approximately 78% of children in Barstow Unified School District were eligible for free/reduced-price meals in 2016.</p>
	<p>Food Access Except for small markets, these areas lack a full-service grocery store, and residents must drive to Barstow. There are no WIC vendors or Cal-Fresh–certified vendor closer than Barstow. Due to limited access to grocery stores, the entire area is designated a food desert by the USDA.</p>
Promoting safe and sanitary housing	<p>Housing Limited information is available about safe and sanitary housing in the area. Generally, the housing stock has a high proportion of mobile home units on septic service. Given the construction type and age of structures, there is a significant need to rehabilitate aging housing and demolish abandoned or dilapidated homes. Code enforcement issues may be concentrated in certain areas as well.</p>
Promoting physical activity	<p>Level of Physical Activity State physical fitness tests show one-third of students need improvement in aerobic capacity. However, the percentage of youth (age 5–17) getting regular physical activity is greater (31%) than in California (21%). The level of physical activity (measured by walking) among adults is lower than state averages.</p>

Table HZ-3. EJ Assessment in the North High Desert

Topic	Environmental Conditions
	<p>Opportunities for Physical Activity Recreational outlets include trails, hiking, and outdoor sports. Outside of Barstow and schools, formal park facilities are limited to Newberry Springs Park. Roadways have no pedestrian and bicycling facilities or other amenities. However, residents can walk and bicycle on public streets because traffic is very light.</p>
Civil Engagement	<p>Community Participation With daytime Planning Commission and Board of Supervisors meetings and a conventional notification process, it can be difficult for residents in this area to learn about and provide input on proposed development in a timely manner that substantively and effectively impacts the decision making process. Many parts of this area are far from public meeting sites. Additionally, the Daggett, Newberry Springs, and Baker communities do not have good internet access and approximately 10 percent of households do not speak English well.</p>

Table HZ-4. EJ Assessment in Mountain Communities

Topic	Environmental Conditions
Reduction of pollution exposure and improving air quality	<p>Pollution Exposure While the area is affected by solid waste facilities and some impaired waterways, the greatest concern is drinking water. Drinking water tests have shown elevated levels of arsenic, nitrate, lead, uranium, and other contaminants in certain areas. Maximum contaminant level violations may have also occurred.</p>
	<p>Air Quality This area is in the South Coast Air Quality Management District. Although the area has very high levels of ozone, air pollutant concentrations are low, except for a small area affected by PM_{2.5} around Crestline. Due to the lack of heavy industry and trucking, air quality is good in the mountain communities.</p>
Promoting public facilities (including infrastructure and community services)	<p>Water and Sewer The Mountain area has 8 public and 16 private water systems. According to LAFCO, there are no areas with significant water issues.</p>
	<p>Fire and Sheriff In the Crest Forest area, San Bernardino County Fire response times vary between 6 and 13 minutes. Hilltop communities have a similar fire response time, less than 15 minutes. The entire area is served by the County Sheriff.</p>
Promoting health care Infrastructure	<p>Health Needs While there are some variations among different communities, the overall health needs for the Mountain areas generally mirror the county and state. There are few differences in rates of asthma, diabetes, obesity, mental health</p>

Table HZ-4. EJ Assessment in Mountain Communities

Topic	Environmental Conditions
	<p>problems, or other chronic diseases, according to statewide surveys. Obesity rates for the mountain communities (33%) are lower than the County (35%), but higher than in California (26%).</p> <p>Health Care Infrastructure The Crest Forest area is served by Mountain Community Hospital. All the communities are designated HPSAs for primary care and mental health.</p>
Promoting food access	<p>Food Security The poverty rate in the area for adults is like the county and California as a whole, but only 5% of low income households are food insecure, which is half the state and county average. Percentages of children eligible for free and reduced-price meals is 50% in Rim of the World.</p> <p>Food Access parts of the area south to Rim of the World Highway and parts of Crestline are considered food deserts.</p>
Promoting safe and sanitary housing	<p>Housing Limited information is available about safe and sanitary housing in the area. However, residents reported issues with junk and trash, excessive outside storage, inoperative vehicles, group homes, construction without permits, and vacant or seasonal housing.</p>
Promoting physical activity	<p>Level of Physical Activity Limited data is available. Based on California Health Interview Survey, youth appear to get more regular exercise than youth in the county and state, but the reverse is true for adults. The size of this area and its unpopulated nature make it difficult to create accurate comparisons.</p> <p>Opportunities for Physical Activity Recreational outlets include trails, hiking, and outdoor sports. In addition to access to the surrounding National Forest, Bear Valley, Crest Forest, Lake Arrowhead, and Hilltop have public parks. Outside of the downtown areas, roadways generally have limited pedestrian and bicycling facilities. This is not uncommon for areas with mountain roads and periodic inclement weather.</p>
Civil Engagement	<p>Community Participation With County Government Centers located outside of the Mountain region, daytime Planning Commission and Board of Supervisors meetings, and a conventional notification process, it can be difficult for residents in this area to provide input on proposed development in a timely manner that substantively and effectively impacts the decision making process.</p>

Table HZ-5. EJ Assessment in Bloomington and Muscoy

Topic	Environmental Conditions
Reduction of pollution exposure and improving air quality	<p>Pollution Exposure Nearly all census tracts (11 of 13) has high levels of air pollution and drinking water contamination concerns. Other pollution exposure issues include traffic density, toxic releases from industry, hazardous waste and cleanup sites from military and industrial land uses.</p>
	<p>Air Quality This area is in the South Coast Air Quality Management District and as a nonattainment status for ozone and particulate matter. Pollutant concentrations are high for particulate matter, including diesel particulate matter due to trucking routes in and around both communities.</p>
Promoting public facilities (including infrastructure and community services)	<p>Water and Sewer Water and sewer challenges are significant. For Muscoy, water service is provided by the Muscoy Mutual Water Company, and septic tanks and leach fields are used for its wastewater needs. For Bloomington, several water districts provide potable water for the community. For sewer, Bloomington was also developed with reliance on septic tanks and leach field systems.</p>
	<p>Fire and Sheriff San Bernardino County Fire Station #75 serves Muscoy and response times are 4 to 6 minutes, which is generally with NFPA standards. Bloomington Fire Station #76 serves the community and response times are unknown but are assumed to be also within NFPA standards due to the size of the community. Both areas are served by County Sheriff and response times were not available.</p>
Promoting health care Infrastructure	<p>Health Needs Within this area, Muscoy has elevated levels of asthma and high levels of obesity (35%) versus statewide average of 26%, and emergency room admits for cardiovascular disease. For Bloomington, key health needs include diabetes, a 43% obesity rate, and high rate of emergency room admits for heart disease.</p>
	<p>Health Care Infrastructure Access to health-supporting land uses is mixed. While Bloomington is not defined as a HPSA, all areas south of I-10 are designated a medically underserved population/area. Muscoy is also not a HPSA, although utilization of existing clinics in the area is mixed.</p>
Promoting food access	<p>Food Security The poverty rate in both Bloomington and Muscoy is high. Low income household food insecurity is high in Bloomington (13%) and Muscoy (10%) versus state averages (8%). County has designated both areas as an HPLA—high poverty low access food desert.</p>
	<p>Food Access Food access is generally poor. In Bloomington, the area south of I-10 is designated by the USDA as a food desert, but other areas north of the I-10 have</p>

Table HZ-5. EJ Assessment in Bloomington and Muscoy

Topic	Environmental Conditions
	adequate access. Muscoy is also considered a food desert. There is a high preponderance of fast food outlets, liquor markets, and convenience stores.
Promoting safe and sanitary housing	<p>Housing Limited information is available about safe and sanitary housing in the area. No code enforcement data are available. However, residents reported issues with the need for demolition and/or rehabilitation of homes, illegal dumping, junk and trash, and vacant homes in certain locations.</p>
Promoting physical activity	<p>Level of Physical Activity Among youth ages 5 to 17, 20% in Bloomington and 24% in Muscoy participated in at least of one hour of physical exercise regularly versus 24% in the county and 21% in the state. The percentage of adults who walked more than 150 minutes per week was lower in the area versus the county and state averages.</p> <p>Opportunities for Physical Activity Recreational outlets include bicycling, walking, and active recreation at parks. Roadways generally have limited pedestrian and bicycling facilities. Safety concerns (traffic and trucking) along streets makes active transportation uses generally not optimal.</p>
Civil Engagement	<p>Community Participation Despite the area’s proximity to the primary County Government Center, daytime Planning Commission and Board of Supervisors meetings and a conventional notification process can make it difficult for residents in such areas to learn about and provide input on proposed development in a timely manner that substantively and effectively impacts the decision making process. Additionally, approximately 13 to 23 percent of households in Bloomington, 15 percent of households in the Colton SOI, and 5 to 13 percent of households in selected portions of Muscoy do not speak English well.</p>

Table HZ-6. EJ Assessment in Valley Unincorporated Islands

Topic	Environmental Conditions
Reduction of pollution exposure and improving air quality	<p>Pollution Exposure Pollution exposure is significant for valley unincorporated islands, particularly those located within or near to industrial land uses or transportation infrastructure. Locations and issues where the CES scores exceeds the 75th percentile are as follows: Chino-Montclair: drinking water, cleanup sites, and hazardous/solid waste facilities Western Fontana: cleanup sites, and hazardous/solid waste facilities San Bernardino: drinking water, cleanup sites, and hazardous/waste facilities</p>

Table HZ-6. EJ Assessment in Valley Unincorporated Islands

Topic	Environmental Conditions
	<p>Air Quality The San Bernardino Valley is in the South Coast Air Quality Management District and is designated as a nonattainment status for ozone and particulate matter. Pollutant concentrations are high for particulate matter, including diesel particulate matter due to trucking routes in these communities. Of concern, west Fontana and Chino-Montclair areas are near industrial centers. Toxic releases from industrial uses exceed the 75th percentile in every census tract within these two communities. None of the other census tracts in unincorporated San Bernardino or the Mentone area score high in toxic releases from industries.</p>
Promoting public facilities (including infrastructure and community services)	<p>Water and Sewer None of the four valley unincorporated islands were noted by the San Bernardino LAFCO as a hotspot for providing water. Wastewater service capacity is being studied by LAFCO. Based on technical reports for the countywide plan, infrastructure in all the unincorporated islands is able to provide water and sanitation services to support projected residential and nonresidential growth over the foreseeable future. However, it should be noted that drinking water contamination levels exceeded the 75th percentile in the Chino-Montclair and San Bernardino, unincorporated islands.</p> <p>Fire and Sheriff Chino-Montclair: Montclair FD and Chino Valley FD provides service; response times are unknown Western Fontana: County Station #72 serves west Fontana; response times are unknown San Bernardino: County Fire provides services to these areas; response times are unknown County Sheriff provides law enforcement services for all areas; response times are unknown</p>
Promoting health care Infrastructure	<p>Health Needs Chino-Montclair: high levels of diabetes (13%), obesity (37%), and emergency room visits for heart disease Western Fontana: high levels of diabetes (13%), obesity (41%), and emergency room visits for heart disease San Bernardino: high levels of diabetes (12%), obesity (40%), and emergency room visits for heart disease</p> <p>Health Infrastructure While the desert regions are known for a lack of health care infrastructure, most areas in the valley are fairly well-served with health care professionals, with a few exceptions by area. Chino-Montclair: not designated as a HPSA Western Fontana: not designated as a HPSA San Bernardino: designated as a HPSA for medically underserved area</p>

Table HZ-6. EJ Assessment in Valley Unincorporated Islands

Topic	Environmental Conditions
	/population only
Promoting food access	<p>Food Security A significant portion of children in these areas are eligible for free or reduced meals at local schools. With respect to household food insecurity, rates vary by community. Chino-Montclair: food insecurity similar to state (8%) and county averages (9%) Western Fontana: a-high levels of food insecurity among low income households (15%) San Bernardino: moderate levels of food insecurity among low income households (11%)</p> <p>Food Access Food access according to the USDA is generally good, with a few exceptions. Chino-Montclair: small portion along Mission Boulevard is a food desert Western Fontana: southeast quadrant is a food desert San Bernardino: selected unincorporated census tracts are food deserts</p>
Promoting safe and sanitary housing	<p>Housing There is no source of data documenting the condition of safe and sanitary housing in unincorporated islands. Most cities and the County do not track the data nor is this information included in consolidated plans or other mandated reports for individual areas. However, visual inspection indicates a need for housing rehabilitation, demolition of dilapidated structures, code enforcement concerns, property maintenance, and debris and vehicle clearance. While not all unincorporated islands display these issues, many of the lower income census tract areas have one or more of the above conditions affecting neighborhood quality.</p>
Promoting physical activity	<p>Level of Physical Activity Levels of physical activity are similar for most valley communities as follows. Chino-Montclair: 22% of youth exercised regularly and 30% of adults walked at least 150 minutes per week Western Fontana: 21% of youth exercised regularly and 31% of adults walked at least 150 minutes per week San Bernardino: 24% of youth exercised regularly and 30% of adults walked at least 150 minutes per week</p> <p>Opportunities for Physical Activity As the Valley is urbanized, there are ample opportunities for bicycling, walking, and active recreation at parks. Roadways generally have limited pedestrian and bicycling facilities. However, safety concerns (traffic and trucking) along streets makes active transportation uses generally not optimal. Certain neighborhoods may also have elevated levels of crime and vagrancy that may discourage use of physical activity opportunities.</p>

Table HZ-6. EJ Assessment in Valley Unincorporated Islands

Topic	Environmental Conditions
Civil Engagement	<p>Community Participation</p> <p>Despite the area’s proximity to the primary County Government Center, daytime Planning Commission and Board of Supervisors meetings and a conventional notification process can make it difficult for residents in such areas to learn about and provide input on proposed development in a timely manner that substantively and effectively impacts the decision making process. Additionally, approximately 17 percent of households in the Montclair SOI, 14 to 17 percent of households in the western Fontana SOI, and 7 to 20 percent of households in the City of San Bernardino SOI do not speak English well.</p>

Table HZ-7. Objectives for Unincorporated Environmental Justice Focus Areas

Topic	Objective
Reduction of pollution exposure and improving air quality	<ul style="list-style-type: none"> ▪ Contaminated soils. Remediation of hazardous waste sites and other contaminated sites. ▪ Water quality. Improved water quality and elimination of groundwater threats. ▪ Air quality. Reduction of ozone emissions and particulate matter to levels that meet federal and state standards.
Promoting public facilities (including infrastructure and community services)	<ul style="list-style-type: none"> ▪ Fire and Sheriff. Improved response times for public safety services. ▪ Public facilities. Improved access to existing and new public facilities that serve community needs for safety, health, and physical activity. ▪ Water and wastewater infrastructure. Adequate leach fields for onsite wastewater treatment systems and safe drinking water.
Promoting health care Infrastructure	<ul style="list-style-type: none"> ▪ Health needs and infrastructure. Reduction in the number of residents that lack access to health care professionals.
Promoting food access	<ul style="list-style-type: none"> ▪ Food access. Improved food security and access to fresh food.
Promoting safe and sanitary housing	<ul style="list-style-type: none"> ▪ Housing. Improved housing conditions for homeowners and renters.
Promoting physical activity	<ul style="list-style-type: none"> ▪ Joint use facilities. New joint use facilities that reduce barriers to exercise opportunities and increase access to physical fitness facilities. ▪ Opportunities for physical activity. New alternative transportation improvements in mobility focus areas.
Civil Engagement	<ul style="list-style-type: none"> ▪ Community participation. Increased awareness and understanding of potential projects and more opportunities for meaningful public participation that can affect the decision making process.

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Personal & Property Protection Element

The benefits, public goods, and investments associated with a high quality of life in San Bernardino County—strong neighborhoods, economic prosperity, cradle-to-career education, a vibrant culture, and civic engagement—can only be achieved when people experience a real and perceived sense of safety. Public safety is also directly related to the County’s resilience—its ability to adapt to changing conditions and prepare for, withstand, and rapidly recover from disruption or disasters.

The County provides law enforcement, including crime prevention, in unincorporated areas and under contract to some incorporated jurisdictions. It also provides some countywide law enforcement services, including the coroner, and when requested, special investigation assistance to incorporated jurisdictions. The County is also responsible for: the administration of justice, both prosecutions and public defenders, for crimes committed in the county; operation of County jails, including rehabilitation of inmates in its custody; holistically rehabilitate and assist the reentry and transition of parolees, probationers, and others living in the county engaged by the criminal justice system, and assistance to victims of and witnesses to crimes committed in the county.

The County Fire District provides fire prevention services, fire protection for wildfires and urban fires, and emergency medical response in unincorporated areas, portions of incorporated jurisdictions included in the district, and, under contract, in some incorporated jurisdictions. The County plans for and responds to emergencies and natural disasters countywide, and County Fire also provides regional urban search and rescue services.

The Sheriff is responsible for law enforcement and is elected by voters countywide. The Board of Supervisors appropriates funds to supplement state and federal funding for law enforcement. Achieving the Policy Plan’s goals for law enforcement is, thus, a collaborative effort between the Board of Supervisors and the Sheriff. The Sheriff also provides countywide wilderness rescue services.

The County makes a maintenance of effort payment for courts, but the state is primarily responsible for funding courts and fully responsible for any expansion. However, the County funds the elected District Attorney’s office, the Public Defender’s office, and the Sheriff’s department’s court services. Thus, state decisions on court funding will influence the ability of the County to achieve this element’s law and justice goal.

Purpose

The Personal and Property Protection Element:

- Promotes continuous improvement in the provision of public safety and administration of justice.
- Supports coordinated and effective interagency response to emergencies and natural disasters.
- Provides policy direction to engage communities and respond to identified needs.
- Fosters collaboration among the Board of Supervisors-directed agencies and departments and the elected Sheriff and District Attorney.
- Augments, rather than replaces, state- and federally-mandated goals and objectives.

Principles

We believe:

- Public safety and administration of justice is a fundamental responsibility of county government, and a key determinant of quality of life.
- Maintaining and improving a real and perceived sense of public safety is necessary to attract private investment in residences and businesses.
- A collaborative effort among County agencies and other organizations is required to prevent crime, assist victims of and witnesses to crime, and holistically rehabilitate and aid the reentry and transition of parolees, probationers, and others engaged in the criminal justice system.
- A regional approach to fire suppression and emergency response is effective and cost-efficient.
- Minimizing the loss of life and property during emergencies and natural disasters requires collaborative planning, preparation, and execution.

Goal PP-1 Law Enforcement

Effective crime prevention and law enforcement that leads to a real and perceived sense of public safety for residents, visitors, and businesses.

- Policy PP-1.1 **Law enforcement services.** The Sheriff's Department provides law enforcement services for unincorporated areas and distributes resources geographically while balancing levels of service and financial resources with continuously changing needs for personal and property protection.
- Policy PP-1.2 **Contract law enforcement.** When requested, the Sheriff's Department provide law enforcement services to incorporated jurisdictions by contract at the full cost of services as determined by the County, without direct subsidy by the County.
- Policy PP-1.3 **Holistic approach to crime prevention.** We recognize that the roots of crime are found throughout a spectrum of psychological, social, economic, and environmental issues, and we coordinate proactive planning and activities among the Sheriff's Department and county and non-county agencies and organizations to intervene and effectively prevent crime.
- Policy PP-1.4 **Crime prevention resource allocation.** The Sheriff's Department uses crime data analysis, professional expertise, and community input to allocate patrols and other crime prevention resources.
- Policy PP-1.5 **Community-based crime prevention.** The Sheriff's Department provides a range of outreach, education, and training programs for community-based and school-based crime prevention.
- Policy PP-1.6 **Agency partnerships.** The Sheriff's Department partners with other local, state, and federal law enforcement agencies and private security providers to enhance law enforcement service.

- Policy PP-1.7 **Community partnerships.** The Sheriff's Department establishes and maintains partnerships to help identify public safety needs, strengthen community confidence, and improve service to our communities.
- Policy PP-1.8 **Public awareness.** The Sheriff's Department engages the media and our communities to improve the public's perception and awareness of personal and property protection and safety.
- Policy PP-1.9 **Periodic needs assessment.** The Sheriff's Department periodically assesses their facility, equipment, and staffing needs and use the assessment to allocate funding resources in the annual budget and capital improvement program.
- Policy PP-1.10 **Qualified workforce.** The Sheriff's Department attracts and retains a qualified workforce of law enforcement and support personnel, reflective of the people they serve, and invest in training and ongoing education.

Goal PP-2 Law & Justice

An equitable justice system for violations of law in the county, adequate care and effective rehabilitation for inmates in the County's custody, and the holistic rehabilitation and aided reentry and transition of parolees, probationers, and others living in the county engaged by the criminal justice system.

- Policy PP-2.1 **Equity.** We, in conjunction with the Sheriff's Department, monitor and improve our law and justice functions, including for those accused of violating state and local law, victims, and witnesses, to ensure that individuals and corporations are treated equitably.
- Policy PP-2.2 **Capacity.** We advocate for and support sufficient capacity in the justice system, including the criminal and civil courts, District Attorney's office, and Public Defender's office, to effectively and efficiently adjudicate violations of law committed in the county.
- Policy PP-2.3 **Information sharing.** We continually improve the sharing of non-privileged information from the time of arrest through trial, among the Sheriff's Department and city police departments, courts, District Attorney's office, Public Defender's office, and Probation Department.
- Policy PP-2.4 **Housing and care of inmates.** We provide adequate care and effective rehabilitation for those incarcerated in County jails or housed in County juvenile detention facilities, consistent with state and federal law, and we advocate for adequate state funding.
- Policy PP-2.5 **Support for victims and witnesses.** In conjunction with the District Attorney's office, we provide supportive services for victims of and witnesses to crime through a holistic approach considering physical, psychological, and basic needs.
- Policy PP-2.6 **Recidivism.** To prevent recidivism, we provide holistic rehabilitation to those incarcerated and engaged in the reentry process, and provide coordinated services through the departments and agencies associated with law and justice, human services, economic development, and housing, as well as other agencies and nongovernmental organizations.

Goal PP-3 Fire and Emergency Medical

Reduced risk of death, injury, property damage, and economic loss due to fires and other natural disasters, accidents, and medical incidents through prompt and capable emergency response.

- Policy PP-3.1 **Fire and emergency medical services.** We maintain a sufficient number and distribution of fire stations, up-to-date equipment, and fully-trained staff to respond effectively to emergencies.
- Policy PP-3.2 **Fire District.** We support the expansion of the Fire District to serve additional incorporated jurisdictions, and the use of special funding and financing mechanisms to augment Fire District revenues to improve service and coverage.
- Policy PP-3.3 **Search and rescue.** We maintain up-to-date equipment and fully-trained staff to provide urban search and rescue and swift water rescue emergency response.
- Policy PP-3.4 **Fire prevention services.** We proactively mitigate or reduce the negative effects of fire, hazardous materials release, and structural collapse by implementing the California Fire Code, adopted with County amendments.
- Policy PP-3.5 **Firefighting water supply and facilities.** We coordinate with water providers to maintain adequate water supply, pressure, and facilities to protect people and property from urban fires and wildfires.
- Policy PP-3.6 **Concurrent protection services.** We require that fire department facilities, equipment, and staffing required to serve new development are operating prior to, or in conjunction with new development.
- Policy PP-3.7 **Fire safe design.** We require new development in the Fire Safety Overlay to comply with additional site design, building, and access standards to provide enhanced resistance to fire hazards.
- Policy PP-3.8 **Fire-adapted communities.** We inform and prepare our residents and businesses to collaboratively plan and take action to more safely coexist with the risk of wildfires.
- Policy PP-3.9 **Street and premise signage.** We require adequate street signage and premise identification be provided and maintained to ensure emergency services can quickly and efficiently respond.
- Policy PP-3.10 **Community outreach.** We engage with local schools, community groups, and businesses to increase awareness of fire risk, prevention, and evacuation.
- Policy PP-3.11 **Post-burn risks.** In areas burned by wildfire, we require new and reconstructed development to adhere to current development standards, and may require additional study to evaluate increased flooding, debris flow, and mudslide risks.
- Policy PP-3.12 **Fire protection and emergency medical resource allocation.** We use fire and emergency services data analysis and professional expertise to allocate resources, reduce fire risks, and improve emergency response.

Policy PP-3.13 **Periodic needs assessment.** We periodically assess our facility, equipment, and staffing needs and use the assessment to allocate funding resources in the annual budget and capital improvement program.

Policy PP-3.14 **Qualified workforce.** We attract and retain a qualified workforce of fire fighters, emergency medical technicians, and support personnel, and invest in training and ongoing education.

Goal PP-4 Emergency Preparedness and Recovery

A reduced risk of and impact from injury, loss of life, property damage, and economic and social disruption resulting from emergencies, natural disasters, and potential changes in climate.

Policy PP-4.1 **Emergency management plans.** We maintain, update, and adopt the Emergency Operations Plan, Continuity of Operations Plan, and the Multi-Jurisdictional Hazard Mitigation Plan. Plan updates are coordinated with wildfire hazard planning efforts of outside agencies, such as CALFIRE Strategic Fire Plan, Community Wildfire Protection Plans, U.S. Forest Service, military institutions, California Fire Safe Council and other non-profit stakeholder groups, and other applicable local, state, and federal agencies.

Policy PP-4.2 **Critical and essential facility operation.** We ensure that critical and essential County facilities remain operational during emergencies.

Policy PP-4.3 **Automatic and mutual aid.** We participate in agreements for automatic and mutual aid with other local, state, federal, and nongovernmental emergency service providers to improve protection services and emergency response throughout the county.

Policy PP-4.4 **Emergency shelters and routes.** We identify and publicize emergency shelters and sign and control evacuation routes for use during emergencies.

Policy PP-4.5 **Vulnerable populations.** We coordinate with and encourage the use of community-based networks to aid vulnerable populations prepare for emergencies and provide assistance with evacuation and recovery.

Policy PP-4.6 **Recovery.** We reestablish and expedite County services to assist affected residents and businesses in the short- and long-term recovery from emergencies and natural disasters.

Policy PP-4.7 **Public outreach and education.** We engage with the community to increase awareness of and preparedness for emergencies and natural disasters.

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Economy & Wellness Section

Economic Development Element

The economy of San Bernardino County is an integrated part of Southern California's regional economy. The skills and level of education of county residents, the provision of infrastructure, and the availability of sites and facilities influence which of the regional economy's businesses operate and are successful in the county. At the same time, the types of businesses that operate in the county determine the types of jobs and wages available to county residents. By increasing the number and quality of jobs, the County's economic development efforts are intended to attract private investment, reduce commute times, increase household wealth, and improve overall quality of life.

The County has a regional role in fostering economic and workforce development countywide and has a local role in bringing nonresidential development to targeted unincorporated communities. While economic development issues are addressed throughout the Policy Plan, this Element focuses on the County's major economic development responsibilities.

Purpose

The Economic Development Element:

- Provides direction for County efforts to attract private investment in nonresidential development in unincorporated areas of the county.
- Focuses countywide investments in workforce development on growing occupations and industries.
- Establishes the County's intent to invest in economic development in order to improve the countywide jobs-housing ratio.
- Identifies the means through which the County promotes countywide economic development.

Principles

We believe:

- Economic security is a necessary component of public safety and quality of life.
- Effective economic development requires collaboration among public agencies, not-for-profit organizations, and the private sector.
- Comprehensive and excellent labor force training and business assistance services are assets that help existing businesses grow and help attract new businesses.
- Tourism is important for its direct local economic impact, enhancing community identity, and improving the regional image of San Bernardino County.

Goals & Policies

Goal ED-1 Unincorporated Land and Facilities

Increased business investment in land and facilities and job growth in key unincorporated areas.

Policy ED-1.1 **Marketing focus areas.** In unincorporated areas, we actively market sites for business park and industrial development in employment focus areas, and we actively market sites for retail and commercial businesses in commercial focus areas.

Policy ED-1.2 **Infrastructure improvements.** We support and facilitate the establishment of special funding and financing mechanisms for road, water, sewer, and drainage infrastructure improvements in order to generate private investment in employment and commercial focus areas.

Policy ED-1.3 **Site aggregation.** We may assist in aggregating smaller lots and parcels to create more marketable and developable sites in employment focus areas.

Policy ED-1.4 **Planned business park and industrial areas.** We prefer master planned approaches through specific and area plans for business park and industrial development and redevelopment. We facilitate master planned approaches in order to discourage incremental general plan amendments that introduce or expand business park or industrial development.

Policy ED-1.5 **Mineral resources.** We support the extraction of mineral resources in unincorporated areas and the establishment and operation of supporting businesses throughout the county.

Policy ED-1.6 **Industrial redevelopment.** We facilitate and promote redevelopment in the industrial redevelopment focus areas to provide land and facilities for non-mining industrial development.

Goal ED-2 Labor Force

A skilled and educated labor force that helps businesses compete in the regional and global economy.

Policy ED-2.1 **Education pathways.** We collaborate with school systems and civic organizations to support countywide education pathways (P-14) to prepare students for jobs in high-skill, high-wage careers and/or to prepare for college.

Policy ED-2.2 **English proficiency.** We support local and countywide programs that improve adult proficiency in the English language.

Policy ED-2.3 **Industry-driven workforce training.** We support countywide education and workforce training programs with a demonstrated ability to expand skills and improve employment opportunities, and we also promote innovative approaches that address the diversity of education, job skills, geography, and socioeconomics of the countywide labor force.

Policy ED-2.4 **Business engagement.** We engage with businesses throughout the county to identify current and future skill and education needs. We assist businesses with recruitment, hiring, on-the-job training, and short-term training needs.

Policy ED-2.5 **Individual assistance.** We provide job search and application assistance to residents countywide, and we provide training and education assistance to eligible individuals.

Goal ED-3 Countywide Business and Employment Growth

Growth of new businesses, improved profitability of existing businesses, and an increased number and quality of jobs in the county.

Policy ED-3.1 **Countywide jobs-housing ratio.** We strive to achieve countywide job growth in excess of household growth to improve the jobs-housing ratio, reduce out-commuting, and enhance quality of life.

Policy ED-3.2 **Business assistance.** We collaborate with economic development service providers to offer training and other assistance to existing businesses and business startups countywide.

Policy ED-3.3 **Site selection assistance.** We coordinate with agencies, incorporated cities and towns, and service providers to assist existing and prospective businesses in identifying and selecting sites and facilities countywide. We also assist businesses with permitting, licensing, incentives, and other regulatory requirements.

Policy ED-3.4 **Site and facilities inventory.** We collaborate with real estate brokers, developers, municipalities, and building owners to maintain a countywide inventory of available sites and facilities for businesses.

Policy ED-3.5 **Countywide marketing.** We regularly analyze economic and market conditions and trends to identify target economic sectors and actively market sites and facilities countywide to prospective businesses.

Policy ED-3.6 **Countywide tourism.** We coordinate with a variety of partners to promote San Bernardino County as a regional, national, and international tourist destination and collaborate with tourism industry businesses to improve visitor experience.

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Health & Wellness Element

Maintaining and improving the health and wellness of individuals, families, and communities is one of society's most fundamental goals, similar in importance to public safety and providing adequate shelter. Creating healthier places and improving the health and education of people contribute to lower governmental costs for health care, enhances the capacity of the individual and collective workforce, and leads to a stronger economy and overall prosperity. Positive outcomes are not only the result of health-care treatment and the provision of a social safety net; they must also be achieved through preventive or upstream efforts that help avoid or reduce the occurrence of physiological, financial, and social instability.

The County is committed to improving the health and wellness of individuals, families, and communities through collaboration with public, private, and not-for-profit organizations. The County is also responsible, within the bounds of annual state and federal funding, for implementing the human health and social assistance responsibilities of the state and federal governments. Establishing a more complete county and stronger communities is achieved through the County's provision of or coordination with others to provide places, facilities, and programs for learning, arts and culture, entertainment, and social bonding.

In the context of this Element, the terms "health" or "health and wellness" are used broadly to reference physical health, behavioral health, and social well-being.

Purpose

The Health and Wellness Element:

- Provides guidance on addressing issues that by their nature require extensive coordination and collaboration within the County and with outside agencies and organizations.
- Establishes a holistic approach to the continuum of care.
- Identifies the County's policy focus regarding its use of state and federal funds to improve the physical and behavioral health of residents.
- Describes the County's priorities and roles in serving the health and social needs of vulnerable populations.

Principles

We believe:

- Human health and wellness are intrinsically valuable.
- Facets of health and wellness are often interrelated and should be addressed together, with a focus on preventative and proactive care.
- The health, well-being, education, and enrichment of residents are key components to the prosperity and quality of life in San Bernardino County.
- A diverse range of community and cultural resources, programs, and facilities help make the entire county and individual communities more complete and prosperous.

- Society has chosen to maintain a safety net that protects the most vulnerable and assists individuals and households in transitioning to self-sufficiency.
- Human health and social assistance services are state and federal responsibilities implemented, subject to available state and federal funding, by the County in partnership with service providers and not-for-profit organizations.

Goals & Policies

Goal HW-1 Health and Social Wellness

Supportive public facilities and services that assist and guide individuals to achieve and sustain self-sufficiency, social stability, and excellent physical and behavioral health and wellness.

Policy HW-1.1 **Coordinated holistic approach.** We invest in a holistic approach to individual health and wellness to improve the continuum of care, providing coordinated services through departments and agencies associated with human services, economic development, law and justice, and housing, as well as other agencies and nongovernmental organizations.

Policy HW-1.2 **Cultural humility and inclusion.** We guide the development and delivery of appropriate health care, health services, and social assistance by recognizing and continuously learning about the diverse values, cultures, languages, and behaviors found throughout the county, especially for those that are underserved or isolated.

Policy HW-1.3 **Monitoring health and social conditions.** We prioritize our resources to address the most pressing needs by continually engaging residents and monitoring health and social conditions, trends, and emerging needs across the county, while complying with federal and state mandates.

Policy HW-1.4 **Funding application coordination.** We coordinate the application for funding resources to maximize the long-term benefit of addressing multiple health and social issues, both within the County organization and between the County and other agencies and organizations.

Policy HW-1.5 **Partnerships and capacity building.** We leverage partnerships with other agencies and organizations to address health and wellness issues, and, as funding allows, assist in building the capacity of service providers and partner organizations to expand their service and effectiveness.

Policy HW-1.6 **Healthy behaviors.** We collaborate with other public agencies, not-for-profit organizations, and private service providers to offer education and training that enable individuals to make better health and wellness choices. We work to remove environmental and social barriers to healthy habits.

Policy HW-1.7 **Upstream issues.** We collaborate with partners to address upstream issues related to the social determinants of health and social stability (e.g., income, education, housing, neighborhood conditions, and job skills), and to reduce the occurrence of and costs associated with responding to acute and chronic conditions, while complying with federal, state, and local mandates.

- Policy HW-1.8 **Assistance for veterans.** We invest in services to assist veterans and their families countywide connect with service providers and apply for benefits from federal, state, and local governmental agencies.
- Policy HW-1.9 **Homelessness.** We address homelessness by coordinating a comprehensive countywide network of service delivery and by focusing on transitional and permanent supportive housing for the homeless, including the chronically homeless and near-homeless families and individuals.
- Policy HW-1.10 **Safety net.** We use state and federal funding to provide a safety net of services that provides temporary, transitional, and ongoing assistance to protect those most vulnerable.
- Policy HW-1.11 **Insurance and medical services.** We collaborate with other public agencies, non-profit organizations, and private health and wellness service providers to facilitate residents obtaining medical insurance, vaccines and preventative care, behavioral health, and treatments, through private service providers, County health and wellness facilities, and public programs.
- Policy HW-1.12 **Equity.** We monitor and seek to achieve equitable access to County health and social services, with an emphasis on environmental justice focus areas countywide.
- Policy HW-1.13 **Health care professional capacity.** We collaborate with other public agencies, non-profit organizations, and private health and wellness service providers to ensure that an adequate number of medical, behavioral, and dental health professionals serve residents countywide, with an emphasis on health care professional shortage areas.
- Policy HW-1.14 **Arrowhead Regional Medical Center.** We provide quality general and specialty health care services, operate medical residency programs, conduct community outreach and wellness programs, and act as a safety-net hospital for the countywide under-insured and uninsured. We also leverage ARMC as an economic asset to stimulate the local economy and attract investment and professionals from outside the county.

Goal HW-2 Education

A common culture that values education and lifelong learning and a populace with the education to participate and compete in the global economy.

- Policy HW-2.1 **Lifelong learning.** We collaborate with educators, the business community, students and families, recreation departments and other public agencies, and civic and not-for-profit organizations to foster lifelong learning including early childhood literacy, cradle to career education, English as a second language, career development, and adult enrichment. We encourage approaches to learning that embrace diverse modes of learning for all.
- Policy HW-2.2 **Land use compatibility for schools.** We prioritize the safety and security of public schools in unincorporated areas by minimizing incompatible land uses near instructional facilities. We encourage school districts to place new schools where existing and planned land uses are compatible.

Policy HW-2.3 **Superintendent support.** We support the Superintendent of Schools in fulfilling the obligations for school district support, advocacy, and student services

Policy HW-2.4 **Health and enrichment programs.** We provide additional support for school districts for nutrition, physical activity, arts, and other enrichment programs, commensurate with the availability of grants and other funding resources.

Goal HW-3 Community Development

Assets that contribute to a complete county and healthy neighborhoods and communities.

Policy HW-3.1 **Healthy environments.** We collaborate with other public agencies, not-for-profit organizations, community groups, and private developers to improve the physical and built environment in which people live. We do so by improving such things as walkability, bicycle infrastructure, transit facilities, universal design, safe routes to school, indoor and outdoor air quality, gardens, green space and open space, and access to parks and recreation amenities.

Policy HW-3.2 **Building social capital.** In unincorporated communities, we support the provision of neighborhood and community gathering places for social activities, and the provision of meeting spaces and facilities for community organizations in order to build social capital, establish a sense of community, increase volunteerism, and expand civic engagement.

Policy HW-3.3 **Public libraries.** We operate public libraries in unincorporated areas and contract cities/towns to provide programs and facilities that ensure equitable access to information and digital technology, provide places and activities for people to connect with other people, promote literacy and reading for pleasure for children and adults, and foster a culture of creativity, innovation, and collaboration. We invest in the modernization and expansion of public library facilities as adequate funding is available.

Policy HW-3.4 **Public museums.** We operate County museums to preserve and depict the history, culture, and natural science of San Bernardino County. We invest in facilities and technology and collaborate with other institutions, organizations, and businesses in order to increase public exposure to museum holdings.

Policy HW-3.5 **Arts and culture.** We increase awareness of the benefits of the arts throughout the county by recognizing and promoting the arts, artists, performing arts, and cultural organizations as valuable resources for community identity, economic vitality, and tourism. We encourage private and not-for-profit support of artistic and cultural activities through mutual programs and public-private partnerships.

Policy HW-3.6 **Multi-use facilities and integrated development.** We encourage those who build and/or operate community assets to accommodate multiple functions and programs. We encourage the development of new residential, commercial, and institutional uses and public facilities that incorporate one or more community assets.

- Policy HW-3.7 **Attracting local-serving businesses.** We actively work across County departments and agencies to attract businesses that provide desired goods and services in unincorporated communities, especially in environmental justice focus areas, including but not limited to food stores with fresh produce, health care, child care, pharmacies, and other retailers. We balance community desires with comprehensive assessments of market demand to guide our business attraction efforts.
- Policy HW-3.8 **Attracting leisure and entertainment.** We advocate for the establishment and retention of leisure and entertainment businesses and venues, countywide, that contribute to the complete county concept.
- Policy HW-3.9 **Community-driven improvements.** We provide resources and information to assist unincorporated communities with the implementation of Community Action Guides.

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Glossary of Terms

The following is a glossary of terms to help users read and understand the Policy Plan and the meaning and intent of its goals and policies. Please note that this glossary is not intended to be comprehensive or define terms, acronyms, or abbreviations that are generally well understood or easily looked up using other resources. The focus is on terms that have multiple potential meanings (either in or out of the Policy Plan context), and to define the intended meaning of such terms to ensure the correct interpretation and implementation of the Policy Plan.

Some terms are used in multiple parts of the Policy Plan or other parts of the Countywide Plan. For these terms, additional words or document references are presented in italics and in parentheses (*e.g., Community Action Guide*), to indicate the specific context.

A

Accommodate. To make room for or provisions for something that is specifically intended to occur.

Action (*Community Action Guide*). Suggested, measurable step to be taken to implement an Action Statement. Actions are found in the Action Plan of a Community Action Guide, along with potential leaders for each step and a timeline of when it should occur in the process. In the context of the Community Action Guide, the activity is typically to be undertaken by a member(s) of the community, although some activity by a broader public entity (such as the County) may also be involved.

Action (*Implementation Plan*). A specific, measurable step that needs to be taken to meet stated objectives. An action is not mere compliance with the law or a commonly adopted or accepted practice or protocol. An action is short in duration and is meant to be updated and replaced once action has been taken. In the context of the County Implementation Plan, the activity is typically to be undertaken by the County or another public entity.

Action Plan (*Community Action Guide*). A set of focus statements, action statements, and actions (detailed or suggested outline), intended for community members and stakeholders to use in improving their community.

Action Statement (*Community Action Guide*). Measurable statements providing critical information on a program, initiative or project to complete.

Advocate. To openly support and promote an action, objective, or goal; also to speak on behalf of an individual or group.

Adaptive reuse. A method by which a building is adapted/modified to a different use from its original use, while its general physical form is retained. See also *historic rehabilitation* for historical buildings.

Agency. A governmental entity, department, office, or administrative unit responsible for carrying out regulations.

Agriculture. Use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on natural prime or improved pasture land.

Agricultural preserve. An agricultural preserve defines the boundary of an area within which a local government will enter into contracts with land owners. Only land located within an agricultural preserve is eligible for a Williamson Act contract. Preserves are regulated by rules and restrictions designated in the resolution to ensure that the land within the preserve is maintained for agricultural or open space use. See also *Williamson Act*.

Allow. To be open to something occurring but without any particular effort to make it happen.

Always. The action will apply to future decisions without exception.

Annexation. The means by which an incorporated city or town extends its corporate boundaries. Annexation of unincorporated land into an incorporated city or town is initiated by a petition of affected land owners or registered voters, or by resolution from the incorporated city or town. The process of annexation is overseen by the Local Agency Formation Commission (LAFCO).

Analyze. To methodically examine the desirability or feasibility of something, with a view toward letting the evidence determine the appropriate level of commitment.

Aspirations statement (*Community Action Guide*). A written narrative illustrating the community's desired look and function once the Community Focus Statements and Action Statements are fully implemented. This is a long term view of 10 to 20 years. The Aspirations Statement serves as a foundation for developing Community Focus Statements and Action Statements.

Aspire. To direct one's ambitions toward achieving something.

Augment. To add to something that is already in place to make it more desirable, functional, or beneficial.

Automatic aid. Automatic aid is assistance that is dispatched automatically by a contractual agreement between two emergency service departments, communities, or districts when an emergency occurs. It differs from mutual aid, which is arranged on an as-needed and requested basis.

Avoid. To not enable something that will lead to an undesirable outcome.

B

Bicycle facilities. On- and off-street spaces delineated for safe use by bicycles, designated in one of four classes:

- **Class I (shared use or bike path).** A bikeway physically separated from any street or highway. Shared Use Paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.
- **Class II (bike lane).** A portion of roadway that has been designated by striping, signaling, and pavement markings for the preferential or exclusive use of bicyclists.
- **Class III (bike route).** A generic term for any road, street, path, or way that in some manner is specifically designated for bicycle travel regardless of whether such facilities

are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

- **Class IV (separated bikeway).** A bikeway for the exclusive use of bicycles and includes a required separation between the bikeway and the through vehicular traffic. The separation may include, but is not limited to, grade separation, flexible posts, inflexible posts, inflexible barriers, or on-street parking.

Buffer / buffer zone. An area of land, structure, feature, or design treatment separating two uses that acts to soften or mitigate the effects of one use on the other.

C

California Environmental Quality Act (CEQA). A state law (California Public Resources Code Section 21000 et seq.), requiring state and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, an environmental impact report (EIR) must be prepared and certified as to its adequacy before taking action on the proposed project.

California Native American Heritage Commission (NAHC). The governor-appointed nine-member commission charged with identifying and cataloging places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands. The NAHC also performs other duties regarding the preservation and accessibility of sacred sites and burials and the disposition of Native American human remains and burial items.

Capital Improvements Program (CIP). A program, administered by a city or county government that schedules permanent improvements, usually for a minimum of five years in the future, to fit the projected fiscal capability of the local jurisdiction. The CIP is generally reviewed annually for conformance to and consistency with the Policy Plan.

Capacity. The ability to provide a service or fulfill an obligation in the desired manner or at a desired level of service.

Cluster. Residential development in which a number of dwelling units are placed in closer proximity than usual or are attached.

Collaborate. To intentionally, willingly work together toward a common objective or goal.

Community action guide. A set of potential actions community members (within a specific community planning area or CPA) can take to remain and become the type of community that current and future residents desire. The guides include action plans that place a focus on self-reliance, grass-roots action, and implementation, allowing the community to take the lead in moving actions forward.

Furthermore, the guides frame these potential actions in a set of community-driven values and aspirations generated based on public input from community members and stakeholders. While some actions will require coordination with, approval from, or assistance by the County, many others can be undertaken without County involvement. The guides may also be augmented by a set of generalized actions presented in a Community Development Toolkit.

Community assets. Public libraries, public museums, arts and cultural facilities, community/senior centers, and similar facilities open to and for the benefit of the public.

Community character / community identity. The history, culture(s), natural features, and human-built features that a community's residents value and wish to celebrate and maintain. Community character can also be defined as the sum of attributes and assets that make a community unique and establish a sense of place for its residents. Some attributes and assets are tangible, like a unique main street area, while others are intangible, like a general sense of tranquility associated with the natural environment.

Community facilities district (CFD). A special funding and financing mechanism that is formed when the property owners in a geographic area agree to impose a special property tax on the land to fund public improvements and services. Based on future tax revenue, CFDs (aka Mello-Roos) seek public financing through bonds. A Mello-Roos tax must be approved by 2/3 of the voters in a proposed district.

Community planning area (CPA). A planning area identified by the County of San Bernardino as an area where policies, standards, and guidelines may vary, based on local context and community character. A CPA is also used to define the boundaries for community action guides. See also *Community Planning Continuum* and the types of CPAs.

Community Planning Continuum (CPC). The CPC is a system of community planning activities and documents intended to guide local expectations for County services and set a clear direction for the future of unincorporated communities. The CPC is implemented by both County government (Policy Plan and Implementation Plan) and community residents and stakeholders (Community Action Guide and Community Development Toolkit). The resulting plans, guides, maps, and tools are web-based, living documents that will be updated periodically to reflect progress and change. The CPC includes a hierarchy of community planning areas (CPAs) that will ensure that planning details, tools, and resources match the conditions and needs of each community:

- **Detailed CPAs.** Includes communities that contain, or have the potential for, a variety of housing opportunities and supporting uses, such as commercial and industrial businesses, schools, a library, parks and recreation facilities, and religious and civic organizations.
- **Framework CPAs.** Includes communities that are primarily characterized by single-family residential properties and a limited number of supporting uses, such as a school, post office, and commercial businesses.
- **Foundation CPAs.** Includes communities that are primarily characterized by single-family residential properties. Residents of these communities typically drive to nearby towns or cities for employment, shopping, entertainment, education, and recreation opportunities.
- **Fundamental CPAs.** Includes communities that are primarily characterized by open space or agriculture with a scattering of residential homes and/or highway commercial uses, or an area where growth is constrained by adjacent land ownership, such as federal lands and state lands.

Community services district (CSD). A special funding and financing mechanism that is formed as an independent, self-governed entity that can provide locally adequate levels of public facilities

and services, an effective form of governance for combining two or more special districts that serve overlapping or adjacent territory into a multifunction special district, a form of governance that can serve as an alternative to the incorporation of a new city, and a transitional form of governance as the community approaches cityhood.

Community Wildfire Protection Plan (CWPP). A plan developed in the collaborative framework established by the Wildland Fire Leadership Council and agreed to by state, tribal, and local government, local fire department, other stakeholders, and federal land management agencies managing land in the vicinity of the planning area. A CWPP identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment on Federal and non-Federal land that will protect one or more at-risk communities and essential infrastructure and recommends measures to reduce structural ignitability throughout the at-risk community. A CWPP may address issues such as wildfire response, hazard mitigation, community preparedness, or structure protection.

Compatible. In relation to use, the ability for two or more uses to coexist without conflict, with minimal conflict that can be mitigated, or in a beneficial manner. When used in relation to a structure, indicates that the structure is built so that its appearance is similar to that of the principal unit to which the structure is accessory or to the general character of the neighborhood or community with regards to color, materials, construction, lighting, signs, or the emission of sounds, noises and vibrations. See also *incompatible*.

Complete streets network. A system of on- and off-street facilities (e.g., sidewalks, bike lanes, and trails), that enable all users of all ages and abilities to navigate within or through a community area, with an emphasis on mobility focus areas. The system can consist of one or more facility type based on the intended users and access requirements. Individual facilities may overlap or not, serve all or just some users, and be contiguous or disconnected. Complete streets facilities and improvements are subject to physical constraints presented by the local context and financial feasibility limitations.

Comply with. To follow specified existing ordinances, regulations or procedures.

Complement / complementary. Combining or coexisting (e.g., two buildings or land uses) in such a way as to enhance or emphasize the qualities of each other.

Concurrent. Services, facilities, activities or other things that are provided or are occurring at the same time as something else.

Consider. To remain open to and evaluate a range of possible actions or outcomes as part of a decision.

Consistent. To be or act in harmony or aligned with something; see also *inconsistent*.

Consolidate. To bring together aspects, features, or components of a system or locale that can serve better in a consolidated form, compared to existing or provided separately.

Construct. To build something: buildings, roads, channels, etc.

Context. Local or regional environmental, social, and economic conditions.

Context-sensitive. An approach, design, standard, or practice that is sensitive to and varies according to the local or regional environmental, social, and economic conditions.

Contiguous land administration. Parcels that share a border and are under the ownership or administrative authority of a single entity, enabling more effective and efficient use, preservation, and/or management of the land and its resources and relationship to surrounding lands and resources.

Continue. To maintain and/or resume an action.

Cooperate. To work in a positive effort with another entity toward a mutually beneficial end. Such work may take the form of direct action, passive support, or even inaction.

Coordinate. To work in a positive effort with another entity in the process of conducting individual actions or initiatives that relate to each other and that can benefit from concurrent or cooperative activity.

County service area (CSA). Separate legal entities authorized by California laws and formed by the County Board of Supervisors to fund the County's provision of services, capital improvements and financial flexibility. They are formed and tailored to meet the specific needs of an area so that the property owners only pay for the services they that they want. Some of the unincorporated areas within San Bernardino County are exclusively serviced by these CSAs. CSA's in the County are generalized characterized by small and remote service areas with primary customers being single family residential parcels.

Critical and essential facilities. Public safety and services sites, structures and institutions that, if negatively impacted by an emergency, could exacerbate the problem, reduce a (generally public) entity's ability to respond, or present a significant secondary problem or a problem greater than the original emergency.

Cultural humility. An approach to public service (particularly medical and social services), where the professional service provider embraces a lifelong commitment to self-evaluation and lifelong learning about the cultures of their clients, working to learn with and from their clients to better serve individuals and defined populations.

D

Dedicate. To offer or set aside for a specific program, action, or use; when in the context of land dedication, the land is generally set aside for public ownership, use, and/or operation or maintenance.

Density (dwelling units per acre or du/ac). The number of residential units allowed per acre for a given area of the unincorporated county based on the Policy Plan land use category. The permitted Policy Plan density guides the maximum density for corresponding zoning designations as described in the Development Code and applied to a specific property.

Design. To conceive in advance the size, shape, qualities, appearance, open space and other attributes of a proposed development, building and related improvements, generally rendered in graphic forms that communicate the anticipated outcome.

Determine. To calculate in advance the nature or outcome of an anticipated action, situation, or proposal.

Development Code. Title 8 of the San Bernardino County Code, intended to implement the County Policy Plan by classifying and regulating the uses of land and structures within unincorporated San Bernardino County; by preserving and protecting the County's important agricultural, cultural, natural, open space and scenic resources; and by protecting and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the County.

Discourage. To openly deter (or attempt to deter) an individual, group, or organization from doing something.

Discretionary. An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project.

Dwelling Unit. A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long term basis.

E

Earthquake fault zone / Alquist Priolo (AP) earthquake fault zone. Earthquake fault zones are regulatory zones around active faults. On the Earthquake Fault Zone Maps, the zones are shown as polygons that encompass mapped fault traces. The zones vary in width, but average about one-quarter mile wide.

Economic development service providers. State, federal, utility, education, and not-for-profit organization partners that help fund economic development activities; and public, private, and not-for-profit organizations that provide assistance to businesses such as small business development centers.

Economic value (mining). A mineral resource has economic value if it is financially feasible to extract and sell the mineral resource in the current market.

Encourage. To promote, support, or champion a concept or action; such support may be in terms of political support and coordination, staff resources, and/or financial resources.

Enhance. To improve existing conditions in quality, value, or characteristic.

Environmental Justice Focus Area. See focus area.

Equitable. A condition or treatment that is fair and impartial.

Establish. To bring something into being that does not currently exist.

Explore. To search for or examine the nature of a possibility before a commitment is made. Similar to *analyze*.

Expand. To increase in detail, extent, number, volume, or scope.

F

Facilitate. To make an action or process easier or to help bring about.

Fair share. An allocation of resources, costs, or fees considered equitable and proportional to the needs, impacts, or activity of an existing or proposed project.

Farmland, Important. Refers to four of the eight classifications of land mapped by the California Department of Conservation.

- **Prime farmland.** Land other has the best good combination of physical and chemical characteristics for the production of crops. It must have been used for the production of irrigated crops within the four years prior to the Important Farmland Map date produced by the State Farmland Mapping and Monitoring Program.
- **Farmland of statewide importance.** Land other than prime farmland that has a good combination of physical and chemical characteristics for the production of crops. It must have been used for the production of irrigated crops within the four years prior to the Important Farmland Map date produced by the State Farmland Mapping and Monitoring Program.
- **Unique farmland.** Land that does not meet the criteria for prime farmland or farmland of statewide Importance, that has been used for the production of specific high economic value crops at some time during the two update cycles prior to the Important Farmland Map date produced by the State Farmland Mapping and Monitoring Program. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to current farming methods.
- **Farmland of local importance.** Farmlands that include areas of soils that meet all the characteristics of prime, statewide, or unique and which are not irrigated. It also includes farmlands not covered by above categories but of high economic importance to the community.

Fault / active fault. A fracture in the crust of the earth along which rocks on one side have moved relative to those on the other side. Most faults are the result of repeated displacements over a long period of time. A fault trace is the line on the earth's surface defining the fault. For the purposes of the Alquist Priolo Earthquake Fault Zoning Act, an active fault is one that has ruptured in the last 11,000 years. See *earthquake fault zone*.

Feasible. Capable of being done, executed, or managed successfully taking into consideration social, physical, environmental, and/or economic factors.

Feasible, technically. Capable of being implemented because the industrial, mechanical, or application technology exists.

Feature. A noticeable or important characteristic, attribute, or aspect of something.

Fire hazard severity zone. A designated area in which the type and condition of vegetation, topography, fire history, and other relevant factors demonstrate an increased possibility of uncontrollable wildland fire. As part of CAL FIRE’s responsibilities, it assigns fire severity—moderate, high, and very high—to areas in California for fire planning and suppression purposes.

Fire responsibility areas. California’s wildlands have been divided into three zones or responsibility areas, depending on the agency with primary financial responsibility for addressing the prevention, suppression, and postfire recovery of fire. These include local responsibility area (LRA), state responsibility area (SRA), and federal responsibility area (FRA).

- **Local responsibility areas (LRAs).** The areas of California where local jurisdictions (e.g., county or city/town fire departments, fire protection districts, and by CAL FIRE under contract to local government) are responsible for the prevention and suppression of wildfires.
- **State Responsibility Areas (SRAs).** The areas of California where the State of California is financially responsible for the prevention and suppression of wildfires. SRA does not include lands within incorporated city/town boundaries or in federal ownership.
- **Federal Responsibility Areas (FRAs).** The areas of California where the federal government has the primary financial responsibility for preventing and suppressing fires. These lands are generally protected by a variety of federal agencies.

Finding(s). The result(s) of an investigation and the basis upon which decisions are made. Findings are used by government agents and bodies to justify action taken or a decision made by the entity.

Fiscal sustainability. The County’s capacity to operate and maintain public facilities and to provide public services with a reasonable level of service using the revenue generated for the service or facility or revenue generated by the users or beneficiaries of the service or facility. Fiscal sustainability exists when the County has the financial capacity to operate and maintain public facilities and to provide public services in the short term and over the long term.

Determination of the fiscal impacts of a project, program, policy, or other decision must account for:

- Initial capital investments and startup costs;
- Ongoing operations and maintenance over the long term;
- Reasonable levels of service and expected or desired levels of service over the long-term;
- Set-aside capital reserves for replacement, maintenance, and upgrades; and
- Impacts to existing uses in incorporated and unincorporated areas, which may have secondary fiscal impacts.

Fiscal or financial resiliency is related to fiscal sustainability and refers to the County’s capacity to continue providing reasonable levels of service for the operations and maintenance of public facilities and for the provision of public services during periods of economic and financial stress and during emergencies. Fiscal resiliency is typically achieved by minimizing the use of debt, maintaining adequate dedicated reserves, maintaining an appropriate level of unrestricted fund balance, long-term financial planning, disaster planning, and comprehensive risk management.

Flood. Refers to the rising and overflowing of a body of water onto normally dry land that is often caused by storm events or breaches of flood control infrastructure. While there are many different types of flooding that are recognized for communities, the three common types of flooding in the county are alluvial fan, riverine, and urban flood:

- **Alluvial flood.** Alluvial flooding occurs on the surface of an alluvial fan or similar landform that originates at the apex, and is characterized by high-velocity flows, active erosion, sediment transport, and deposition; and unpredictable flow paths. Alluvial fan flooding is depicted on a Flood Insurance Rate Map as Zone AO, with a flood depth and velocity.
- **Riverine flood.** Riverine flooding occurs when excessive rainfall or heavy snow melt causes water to rise and overflow the edges of a river, bank, or channel. Flash flooding, a type of riverine flood, is characterized by an intense, high velocity torrent of water, often accompanied by debris, which occurs in a river channel with little to no warning.
- **Urban flooding.** Urban flooding is caused when heavy rainfall creates a flood independent of an overflowing water body, such as when intense rain overwhelms the capacity of an urban drainage system. An urban flood is more common in areas that lack or have undersized drainage systems.

Flood zone / flood hazard area. The Policy Plan displays and/or refers to the following simplified categories on flood hazard maps and in policies:

- **FEMA 100-year flood zone.** An area mapped on a flood insurance rate map (FIRM) where a storm with a 1 percent chance of being equaled or exceeded in any given year can cause flood conditions. FIRMs are mapped under the Federal Agency Management Agency's (FEMA) National Flood Insurance Program (NFIP).
- **DWR 100-year flood zone.** An area mapped by the California Department of Water Resources (DWR) that identify 100-year flood hazard areas using approximate assessment procedures. These floodplains are identified simply as flood prone areas without specific depths and other flood hazard data; they are not FEMA regulatory floodplain maps. The state conducts an Awareness Floodplain Mapping project to identify all pertinent flood hazard areas for areas that are not mapped under FEMA's NFIP, and to provide the community and residents an additional tool in understanding potential flood hazards currently not mapped as a regulated floodplain.
- **FEMA 200-year flood zone.** An area mapped (currently in limited areas) by DWR where a storm with a 0.5 percent chance of being equaled or exceeded in any given year can cause flood conditions
- **FEMA 500-year flood zone.** An area mapped on a FIRM where a storm with a 0.2 percent chance of being equaled or exceeded in any given year can cause flood conditions. FIRMs are mapped under FEMA's NFIP.

Flood insurance rate map (FIRM). The official map on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. Flood hazard areas identified on the FIRM are identified as a special flood hazard area (SFHA). SFHAs are defined

as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30.

Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

While the FIRM displays the above detailed flood hazard zones, the Policy Plan displays and refers to the following simplified categories from the FIRM on Policy Plan flood hazard maps and in policies: 100-year flood hazard and 500-year flood hazard.

Floodplain. The area, adjacent to a watercourse or other body of water, subject to recurring floods. Floodplains may change over time as a result of natural processes, the characteristics of a watershed, or the construction of bridges or channels. Floodplain can also serve as a reference to areas subject to flooding and mapped under FEMA's NFIP.

Floor-area-ratio (FAR). The ratio of floor area to total net parcel area. FAR restrictions are used to limit the maximum floor area allowed on a site (including all structures on the site, except as excluded by the Development Code). The maximum floor area of all structures (measured from exterior wall to exterior wall) permitted on a site (excluding carports) shall be determined by multiplying the FAR by the total net parcel area of the site: $FAR \times \text{total net parcel area} = \text{maximum allowable floor area}$.

Focus area. A location where the County seeks to encourage and facilitate public improvements and private investment that lead to one of the following: increased mobility, community- and/or tourist-serving shops and services, employment opportunities, or the reuse and/or intensification of industrial development. The boundary of a focus area (excluding commercial focus area/franchise-restricted and environmental justice focus areas), is intended to convey the general location, but the actual boundary may be somewhat larger or smaller as determined during implementation efforts.

- **Commercial focus area.** An area where the County seeks to encourage and facilitate public improvements and private investment that lead to increased community- and/or tourist-serving shops and services.
- **Commercial focus area/franchise-restricted.** A defined commercial focus area where franchise businesses are not permitted. See *franchise business*.
- **Employment focus area.** An area where the County seeks to encourage and facilitate public improvements and private investment that lead to increased commercial, office, or industrial employment opportunities (consistent with the Policy Plan and as permitted by the adopted Land Use Categories).

- **Environmental justice focus area.** An area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation. Such areas are determined by CalEnviroScreen composite scores in the upper quartile (census tracts with composite scores ranking above the 75th percentile). The term “environmental justice focus area” or “EJFA” is to be interpreted the same as the term “disadvantaged community” and is understood in the context of Senate Bill 1000 (2016).

Consistent with CalEPA’s criteria for SB 535, the County uses the following criteria to define an EJFA as any portion of a census tract:

- Within the County’s land use authority; and
- Within a community planning area or unincorporated sphere of influence; and
- A CES composite score in the 75th percentile (upper quartile)

The County excludes areas outside of a community planning area or unincorporated sphere of influence from EJFAs as such lands are typically unpopulated, surrounded by state or federally owned land, and planned for open space, and resource and land management.

- **Industrial redevelopment focus area.** An area where the County seeks to encourage and facilitate public improvements and private investment that increase reuse, redevelopment, and/or intensification of industrial development (consistent with the Policy Plan and as permitted by the adopted Land Use Categories).
- **Mobility focus area.** An area where the County seeks to encourage and facilitate public improvements and private investment that lead to increased non-motorized accessibility and public safety. Mobility focus areas have a core with a high concentration (typically along corridors and/or at nodes), of two or more of the following: pedestrians; bicyclists; transit; retail, service, and office businesses; or medium density residential or higher.

Focus statement (*Community Action Guide*). General direction towards realizing a community’s aspirations; a focus statement also helps to organize the Action Plan.

Food insecurity. The state of being without reliable access to sufficient quantity of affordable, nutritious food.

Franchise business. All businesses in the retail trade, accommodation and food services, and other services as defined in the North American Industrial Classification System (NAICS), that have 11 or more establishments worldwide under the same trademark, service mark, or company brand name, regardless of ownership. Such establishments maintain two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a service mark. See *commercial focus area/franchise-restricted*.

Fugitive dust. Small solid particles or liquid droplets (particulate matter with an aerodynamic diameter of 10 micrometers or less or PM₁₀), that come primarily from the earth’s soil and are suspended in the air by wind action and human activities.

Fund. To make money available for a prescribed purpose; may be a one-time, periodic, or ongoing commitment.

Funding and financing mechanism. A legislatively authorized public revenue tool covering a distinct geographical area in which revenues may be generated by properties to fund various public facilities and services. Many of these mechanisms also allow for the issuance of debt. Examples of funding and financing mechanisms can include: assessment district, contractual assessment district, business improvement district, community facility district, community services district, multifamily housing district, lighting and landscaping maintenance district, parking district, community revitalization and investment authority, and enhanced infrastructure finance district.

The use of funding and financing mechanisms must be complemented with the establishment, collection, and use of development impact fees.

The term funding and financing mechanism does not include the use of county service areas as these divert property tax revenues that would otherwise go to the County General Fund. The term also does not include the use of home/property owners' associations.

G

Grazing land. Land on which the existing vegetation, whether grown naturally or through management, is suitable for grazing or browsing of livestock. This classification does not include land otherwise designated as prime farmland, farmland of statewide importance, unique farmland, or farmland of local importance; or heavily brushed, timbered, excessively steep, or rocky lands that restrict the access and movement of livestock.

Greenhouse gas (GHG). Any gas that absorbs infrared radiation in the atmosphere. State law identifies seven greenhouse gases for which the California Air Resources Board is responsible to monitor and regulate in order to reduce GHG emissions: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and nitrogen trifluoride (NF₃).

Goal. A statement of desired future conditions regarding a particular topic; a goal paints a picture of how something will be in the future. A goal in and of itself is not sufficient to understand its intent, extent, or context. A goal itself is kept simple, with policies, objectives, and implementation actions providing further definition.

Greywater / graywater. Wastewater that is generated in residential buildings, excluding sewage, such as gently used water from bathroom sinks, showers, tubs, and washing machines. The wastewater generated by toilets, kitchen sinks, and dishwashers is called blackwater due to its larger organic load (fecal or organic matter).

Groundwater. Water under the earth's surface, often mapped as basins and confined to aquifers capable of supplying wells and springs.

Groundwater recharge. The natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into water-holding rocks that provide underground storage in aquifers. This process can also be conducted artificially by capturing and injecting surface water or recycled water into aquifers.

H

Habitat linkages. Landscape-scale open space areas that provide a natural habitat connection between at least two larger adjacent open spaces or habitat areas. Habitat linkages provide a large enough area to support, at a minimum, a natural habitat mosaic and viable populations of smaller terrestrial species and allow for gene flow through diffusion of populations over a period of generations. Habitat linkages also allow for jump dispersal for some species between neighboring habitats. Habitat linkages may be large tracts of natural open space that serve as resident species habitat or habitat linkages may serve primarily as landscape connections (i.e., for dispersal movements or travel). See also *wildlife corridors*.

Harden. The use of site design and materials to make a building or site able to withstand the onset or severity of damage from an event such as a fire, earthquake, flood, or other similar event.

Hazardous materials. Materials or wastes that either cause or contribute to an increase in mortality, serious illness, or otherwise pose a substantial threat to human or environmental health when improperly managed; see Division 10 (Definitions) of the County Development Code.

Hazardous waste facilities. Carefully designed off-site facilities accepting hazardous wastes for storage or treatment; see Division 10 (Definitions) of the County Development Code.

Health professional shortage area (HSPA). A geographic area, population, or facility with a shortage of primary care, dental, or mental health providers and services. The US Health Resources and Services Administration and California Office of Statewide Health Planning and Development work together using public, private, and state-provided data to determine when such a shortage qualifies for designation as a HPSA.

Historic resources. Buildings, structures, sites, or districts that are considered of particular historical and/or cultural significance. Generally, such resources are listed on a local, state, or federal register.

Historic treatment. The memorialization, preservation, reconstruction, rehabilitation, or restoration of a historic resource.

- **Historic memorialization.** Permanent recognition of an important historical resource through such means as a physical plaque or official designation.
- **Historic preservation.** A treatment for a historic building or landscape that focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- **Historic reconstruction.** A treatment for a historic building or landscape that re-creates vanished or non-surviving portions of a property for interpretive purposes.
- **Historic rehabilitation.** A treatment for a historic building or landscape that acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- **Historic restoration.** A treatment for a historic building or landscape that depicts a property at a particular period of time in its history, while removing evidence of other periods.

Holistic approach. An approach that addresses the factors that lead to a condition or behavior as well as the treatment of symptoms or enforcement of laws, in order to prevent a condition or behavior.

I

Impact. Generally, the result of an action or inaction; when the term is used in the context of an environmental analysis under the California Environmental Quality Act (CEQA), the term “impact” refers to how a proposed project may directly or indirectly effect specific environmental, infrastructure, and public service factors; a negative impact damages those environmental factors or increases burdens on selected facilities and services).

Identify. To determine characteristics or facts without any predetermination regarding future commitments; gather information only.

Include. To make a part of a consideration or issue under public scrutiny.

Incompatible. To be so opposed in character as to be incapable of existing together without causing conflicts or harm upon one or all parts; conflicting; see also *compatible*.

Incorporate. The same as *include*.

Inconsistent. Varying to the point of conflict or contradiction; see also *consistent*.

Infill development. Development that is constructed on land that has direct access to existing public services and infrastructure.

Innovative. Methods or approaches that are new and original, often (but not always) more advanced.

Install. To put in place at a specified time or place or in a particular sequence.

Integrate. To blend new and existing projects or activities together in a compatible fashion.

Intensity. For non-residential land uses (such as commercial or retail development) the amount of square footage built on a given site. Expressed typically as floor-to-area ratio (see FAR). The maximum intensity permitted in an area of the unincorporated county is determined by the Policy Plan land use category and corresponding zoning designation.

Inundation area. A defined area downstream from any dam, basin, or impounded body or source of water (including reservoirs, large above ground water tanks, lakes, etc.) that could be flooded in the event of a sudden or complete failure of the structure. The inundation area or zone can also include levees that are breached or compromised, causing water to flood adjacent areas.

Investigate. To examine the accuracy of information provided in support of a proposed project, process, or program.

J

[placeholder]

K

[placeholder]

L

Land use category. Reference term for the classification of generally permitted land use type and intensity as directed by the County Policy Plan; also commonly referred to in other jurisdictions as general plan land use designations. The land use categories are implemented by land use zoning districts, which contain more specific regulations on land use and building standards.

Land use zoning district. Reference for the classification and regulation of land use type and intensity in the County Development Code. The land use zoning districts implement the land use categories of the Policy Plan. See also *zoning*.

Land Use Map. Reference term for the Policy Plan Land Use Map showing the distribution of land use categories across the unincorporated county.

Land Use Plan. Reference term that consists of the Policy Plan Land Use Map and tables describing the nature and intensity of development allowed in each Policy Plan land use category.

Land Use Plan amendment. A proposed change by an applicant or the County in the land use category(ies) of a parcel or set of parcels. Such change requires approval by the County Board of Supervisors.

Land Use Plan amendment, comprehensive. An evaluation by the County of the appropriate quantity and distribution of that land use category in the entire area (community planning area, unincorporated sphere of influence, or, when outside of such boundaries, the local context defined by the County).

Landscape-scale conservation. A holistic approach to conservation, concerned with biodiversity and local economies, cultural heritage, agriculture, eco-tourism, geodiversity and the health and social benefits of the environment. Landscape-scale conservation contrasts with site-based conservation and is not merely large-scale conservation.

Legacy community. In accordance with state law and guidance provided by the Governor's Office of Planning and Research and San Bernardino County Local Area Formation Commission, the County used the following criteria to identify disadvantaged unincorporated legacy communities (consistent with Senate Bill 244, 2011):

- Located outside of city/town limits and spheres of influence of any city/town;
- Inhabited and has been for at least 50 years (also referred to as a legacy community);
- Consists of at least 10 dwelling units in close proximity (approximately 1-mile radius); and
- Median household income for the census tract less than 80% of the statewide median.

The County must conduct a high level evaluation of the potable water, wastewater treatment, stormwater drainage, and structural fire protection service needs and resources for legacy communities.

Level of service (LOS) (*standard*). A qualitative measure describing the delivery of service based on the needs and/or desires of customers or users. A LOS standard also generally factors in financial constraints (e.g., amount of user fees or taxes), as well as physical constraints (e.g., topography or distance). In measuring traffic conditions, it is the measurement and categorization of traffic flow based on vehicle speed, density, congestion, and other elements.

Limit. To confine a project or activity within prescribed specifications or performance criteria.

Link. To connect a project, area, function, or activity to another feature or features that would be mutually beneficial and reinforce desired functions.

Local park. Publicly-owned land designed and maintained to serve the recreation needs of people living or working in close proximity to the park. Neighborhood parks are small (~1 to 15 acres) and offer developed and programmed space and facilities such as playgrounds, picnic areas, fields, community centers, and sports fields for those within approximately one-half mile radius of the park. Community parks are larger (~16 to 99 acres) and are intended to provide recreation opportunities beyond those supplied by neighborhood parks, serving residents from throughout a community or jurisdiction.

Local trail. A trail typically built, operated, and maintained by a single jurisdiction, district, or agency for access by residents and visitors within a single community or jurisdiction.

Locate. To place an improvement, function, or use in a particular locale, on property with certain characteristics, or in proximity to specified features to bring about benefits and/or efficiency.

M

Master planned communities. A residential development that also includes recreational and commercial amenities, and can also include local retail stores, businesses, and other employment opportunities. Master planned communities are typically built in phases with coordinated transportation and infrastructure improvements, a variety of housing types, and long-term public and private funding mechanisms.

Maintain. To keep a system, facility, area, or activity in continuously sound condition, as defined by approved standards.

May. To offer the possibility but not the probability or promise of a certain commitment of resources or support; associated with action or activity that is often desirable and allowed, but implementation of such action or activity is often conditional.

Military activity / operations. Testing, training, or other activities conducted by the military (personnel or equipment) within or outside of a military installation.

Military installation. The land and facilities within a specific boundary identified by the US Department of Defense. The five military installations in (wholly or partially) San Bernardino County are: Marine Corps Air Ground Combat Center/Marine Corps Air Ground Task Force Training Command (MCAGCC/MAGTFTC), Edwards Air Force Base (AFB), Fort Irwin National Training Center (NTC), Naval Air Weapons Station (NAWS) China Lake, and Marine Corps Logistics Base (MCLB) Barstow.

Mines, legacy abandoned. Mines that ceased operation before state and federal laws required reclamation of mined land.

Minimize. To reduce something to the smallest amount or degree feasible.

Ministerial. An action taken by a governmental agency that follows established procedures and rules and does not call for the exercise of judgment in deciding whether to approve a project.

Mitigation bank. A wetland, stream, or other aquatic resource area that has been restored, established, enhanced, or (in certain circumstances) preserved for the purpose of providing compensation for unavoidable impacts to aquatic resources permitted under Section 404 of the Clean Water Act or a similar state or local wetland regulation. A mitigation bank may be created when a government agency, corporation, nonprofit organization, or other entity undertakes these activities under a formal agreement with a regulatory agency.

Monitor. To track the performance of a particular physical condition, activity accomplishment or aspect of change, with a view toward using the results to inform County determination of its appropriate commitments.

Mutual aid. Mutual aid is assistance that, based on a contractual agreement, is dispatched on an as-needed and requested basis between two emergency service departments, communities, or districts when an emergency occurs. It differs from automatic aid, which is dispatched automatically.

N

Never. Something (e.g., action or land use) will not take place or occur under any circumstance.

New development. On land in the unincorporated area, any construction of new buildings or construction of new structures that are the primary use, and any subdivision or change in zoning classification.

New lot. On land in the unincorporated area, any lot that is created (recorded) after the adoption date of the Policy Plan. The term applies to lots created through a parcel map or subdivision map.

Notify. To advise a specified party or parties regarding an event or change for which there is an obligation to inform or need to know.

O

Objective (*Business Plan*). Something that an individual's, group's, or organization's efforts are intended to attain; something designed to achieve specific results.

Overdraft. The condition of a groundwater supply in which the average annual amount of water withdrawn by pumping exceeds the average annual amount of water replenishing the aquifer in any ten year period, considering all sources of recharge and withdrawal.

Overdraft, critical. A groundwater basin is subject to critical conditions of overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts. Groundwater basins "subject to

critical conditions of overdraft that are assigned a high or medium priority by the State Department of Water Resources must be managed under a groundwater sustainability plan by January 31, 2020. Groundwater sustainability plans, or their equivalent, must be established for all other high and medium-priority basins by January 31, 2022.

P

Partner. To join with another entity in conducting an activity or building a facility that would be mutually beneficial and add value more efficiently than if pursued independently; does not necessarily require financial commitments. Similar to “cooperate”.

Periodically. The action will take place or apply to future decisions at specified intervals or times.

Policy. A statement that guides decision-making and specifies public commitment. A policy defines and directs how the County intends to achieve goals.

Policy Plan. A compendium of long-term goals and policies intended to guide decision making regarding the improvement and planning of the county unincorporated areas, as well as the provision of regional and local services and facilities. The Policy Plan also provides the high-level direction for implementing programs and ordinances, such as the County Development Code.

The Policy Plan legally functions as the County’s general plan. A general plan is a legal document required of each local agency by the State of California (see Government Code Section 65300 et seq.). In California, a general plan must address at least eight mandatory topics (land use, circulation, housing, conservation, noise, open space, safety, and environmental justice), and may include any number of optional topics (such as air quality, economic development, and health and wellness).

There is no requirement that the County refer to the document as a general plan, and other jurisdictions may refer to their general plan as a comprehensive plan. The County opted to refer to its general plan as the County Policy Plan to reflect its expanded topical and geographic coverage.

Prevent. To keep a particular use, condition, activity, or circumstance from occurring; it does not imply complete (100 percent) avoidance or elimination.

Preserve. To maintain something in its original or existing state (*verb*). An area dedicated to the protection and conservation of biological resources and/or landscapes (*noun*).

Prioritize. To intentionally direct discretionary investments or actions to one area ahead of other areas. The act of prioritizing is an ad-hoc process that considers a variety of relevant factors. State and federal law and agency requirements, court orders, and County-declared emergencies take precedent over the prioritization direction in the Policy Plan

Principle. An assumption, fundamental rule, or doctrine that guides Policy Plan policies, proposals, standards, and implementation measures.

Prohibit. To absolutely disallow something from happening or being built.

Promote. To actively stimulate the likelihood and desirability of something happening; does not require investing public resources in its direct development.

Protect. To shield from damage to people or property.

Provide. To make something available, typically to a community, organization, or business; it does not imply that the thing is being made available at no cost.

Public infrastructure. Capital facilities that are owned and maintained by public entities, including but not limited to: flood control, water, sewer, transportation, parks, law and justice, fire prevention and protection, public health, and facilities for parks, recreation, and other community services.

Public water system. A system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year, or as otherwise defined in the California Health and Safety Code. The three main types of public water systems are: community, transient-noncommunity, and nontransient, noncommunity.

Q

[placeholder]

R

Ranged activities or projects. Civilian activities or projects that can exert impacts beyond a project's boundaries and create compatibility issues with military activity.

Recidivism. A person's relapse into criminal behavior; a subsequent criminal adjudication or conviction while on probation supervision.

Recycled water. Water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource. A form of water reuse that includes primary, secondary and tertiary treatment of wastewater to produce water suitable for a variety of non-potable applications, most notably for landscaping irrigation and industrial uses. Recycled water is synonymous with "reclaimed water," "Title 22 Water" (water that conforms to the Uniform Statewide Recycling Criteria), and "treated wastewater."

Redevelopment, significant. The addition or replacement of 5,000 or more square feet of impervious surface on an already developed site, including, but not limited to: expansion of a building footprint; addition of a building or structure; addition of an impervious surface, such as construction of a new parking lot that is not part of a routine maintenance activity; and replacement of impervious surfaces, buildings or structures when 5,000 or more square feet of soil is exposed during replacement construction. It does not include routine maintenance activities conducted to maintain original line and grade, hydraulic capacity, or the original purpose of a facility.

Reflect. To embody or represent (something) in a faithful or appropriate way.

Region / regional. A geographic area; or pertaining to activities or economies at a scale greater than that of a single jurisdiction and affecting a broad geographic area. In the Countywide Plan,

the term may refer to the Inland Empire (generally considered San Bernardino and Riverside counties), Southern California, or to San Bernardino County subareas with similar features or characteristics (e.g. Valley, Mountain, North Desert, and East Desert regions).

Regional park. A park typically 100 acres or larger focusing on activities and natural features not included in most other types of parks and often based on a specific scenic or recreational opportunity. A regional park may have any combination of developed, undeveloped, programmed, and unprogrammed space. A regional park is primarily intended to serve residents within an hour's drive, although it may also serve the entire county in some capacity.

Regional trail. A trail typically extending for very long distances across multiple jurisdictions, with operation and maintenance often coordinated and funded by multiple jurisdictions and/or agencies.

Report. To provide public information on a subject or condition.

Require. To absolutely impose an obligation or standard.

Resiliency. The ability to adapt to changing conditions and prepare for, withstand, and rapidly recover from disruption or disasters.

Respect. To give due regard for something or to hold something in high regard.

Rural. Development patterns characterized predominantly by very low density housing development and limited amounts of low intensity commercial buildings in proximity to large natural areas or open space. Rural development often has limited infrastructure (e.g., onsite septic, onsite wells, unpaved roads, etc.).

S

Safe yield. The maximum quantity of water that can be annually withdrawn from a groundwater aquifer without resulting in overdraft, without adversely affecting aquifer health, and without adversely affecting the health of associated lakes, streams, springs and seeps or their biological resources. The safe yield of an aquifer can be increased by management actions such as artificial recharge, including infiltration and other similar actions.

Sensitive land uses. Types of facilities that the California Air Resources Board recommends being protected from sources of air pollution. Sensitive land uses include residences, childcare centers, educational institutions, medical facilities, senior care facilities, and parks and recreation facilities.

Shall. Will always be carried out or required; no exceptions.

Shared parking. A land use strategy that optimizes parking capacity, reduces the amount of land developed, and promotes connectivity by allowing complementary land uses to share parking spaces, rather than producing or requiring separate spaces for separate uses.

Should. Will be carried out or required most of the time, unless a very good reason is identified why an exception is acceptable.

Social capital. An intangible resource that community members can draw upon to solve collective problems. It consists of social trusts, norms, and networks that can alleviate societal problems.

Civic engagement encourages feelings of reciprocity between community members and facilitates coordination, communication, and collaboration. Social capital can also be understood by examining community events, organizations, facilities, and participants.

Sometimes. Will apply to future decisions under specified conditions or circumstances.

Specify. To establish distinct requirements.

Sphere of influence (SOI). The probable physical boundary and service area of a local agency, such as an incorporated city or town or a special district, as determined by the local agency formation commission (LAFCO). SOIs are planning tools used to provide guidance for individual proposals involving jurisdictional changes, and are intended to encourage the efficient provision of organized community services and prevent duplication of service delivery. A territory must also be within a city or district's sphere in order to be annexed.

While a city/town SOI can include both incorporated and unincorporated lands, the unincorporated lands remain within the jurisdictional control of the county until such time that the land is annexed into the city/town. A city/town is obligated to consider its unincorporated SOI in its general plan, although the county's planning authority remains in place.

Strive. To make great efforts or devote serious effort to achieve or obtain something.

Sufficient buildable area. Able to conform to current development standards and requirements from local, state, and federal agencies.

Suburban. Development patterns characterized predominantly by a mix of very low to medium density single family housing and multifamily housing development, interspersed with retail, office, industrial, and public or quasi-public facilities. Suburban development is often supported by investments in water, sewer, and roadway infrastructure.

Support. To provide assistance or promotion; see *encourage*.

Sustainable. Able to use a resource or conduct activity at a desired rate or level without depleting resources (e.g., financial or natural) to a point where others cannot rely upon or use them in the future; in some context the term can refer to the long-range viability of the environment, economy, and social equity (referred to as "the three E's of sustainability").

T

Truck traffic, truck trips, or trucking-intensive business. In the context of defining truck traffic or a trucking-intensive business, a truck is a vehicle identified by the Federal Highway Administration vehicle as Class 5 or higher, with the exception of dually trucks and recreational vehicles. A trucking-intensive business is a permitted use that includes the frequent use of trucks as part of its primary activities. Examples include truck yards, logistics facilities, hazardous materials or waste facilities, container storage, and container parking. Excluded from this definition is commercial vehicle storage in residential areas as permitted in the County Development Code.

U

Upstream issues. Conditions, such as food insecurity, that exist prior to and contribute to a person's undesirable medical, social, financial, or legal circumstance.

Urban. Development patterns characterized by higher density residential and/or nonresidential development served by frequent transit service and public infrastructure.

V

Value (*Community Action Guide*). A shared asset, principle, standard, social more, and in the judgement of the community, what is important in the lives of its residents and businesses.

Vulnerable population or community. Populations or communities that experience heightened risk and increased sensitivity to natural disasters, emergencies, or severe weather events or conditions; and have less capacity and fewer resources to cope with, adapt to, or recover from such events or conditions.

W

Watermaster. A board or committee appointed by a court to oversee an adjudicated water basin, fulfilling the obligations set forth in a stipulated judgement containing a declaration of rights of the water users and other entities for a specific groundwater basin.

We (*Community Action Guide*). The collective of community residents, business owners, property owners, service providers, and other stakeholders; distinct from the usage of "we" in the Policy Plan.

We (*Policy Plan*). The County of San Bernardino government body; distinct from the usage of "we" in the Community Action Guides.

Wildlife corridor. A wildlife corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Wildlife corridors are similar to linkages, but provide specific opportunities for animals to disperse or migrate between areas. 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, inadequate for others. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

Williamson Act (WA). Also known as the California Land Conservation Act of 1965, the WA creates an arrangement whereby private land owners contract with local governments to voluntarily restrict land to agricultural and open-space uses. The vehicle for these agreements is a rolling term 10-year contract (i.e., unless either party files a "notice of nonrenewal" the contract is automatically renewed annually for an additional year). In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use (which is typically very low based on agricultural or open space usage), rather than potential market value.

Contracts may be exited at the option of the land owner or local government by initiating the process of term nonrenewal. Contract cancellation involves a comprehensive review and approval process, as well as a fee equal to 12.5 percent of the full market value of the subject property. Other circumstances and processes may also apply.

See also agricultural preserve.

Wind erosion hazard area. Wind erosion is the process of detachment, transport, and deposition of soil by wind. Wind erosion potential is determined based on the type of soil present in an area and the area’s average wind speed. A wind erosion hazard area is an area where the potential for wind erosion is categorized as medium-high or high, and is therefore an area where wind-blown soil could be a hazard for buildings and other structures.

X

[placeholder]

Y

[placeholder]

Z

Zoning. The division of a jurisdiction by legislative regulations into areas (aka land use zoning districts), which specify allowable uses for real property and size restrictions for buildings within these areas; a program that implements policies and the land use categories of the Policy Plan.

EXHIBIT B

Countywide Plan, Business Plan: Implementation Plan



COUNTYWIDE PLAN

COUNTY BUSINESS PLAN Implementation Plan Public Hearing Draft

August 2020

HARD COPY VERSION. The following is a hard copy version suitable for use during public review and discussion at public hearings, and for eventual adoption by the Board of Supervisors, as recorded by the County Clerk of the Board. A web-based version of the Implementation Plan is provided at www.countwideplan.com for easier use, review, and navigation. The Governance Element is the second part of the County Business Plan and is provided under separate cover. Tools associated with implementation of the Countywide Plan include a tracking & feedback system and a fiscal analysis model. Additional information on these tools can be found at www.countwideplan.com.

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Introduction

Purpose

Implementation consists of actions taken to carry out the Countywide Plan policies and continue progress toward achieving the Countywide Plan goals. The actions include initiatives by the County as well as decisions that involve public and private development projects, investments, and programs. This Plan excludes actions or activities that are already part of the County's current workflow unless there is to be a substantive change, such as an expansion, elimination, or development of new rules.

To focus County resources, this Implementation Plan consists primarily of actions that are essential over the next 1 to 5 years. This Implementation Plan should be reviewed and updated on an annual basis to determine whether any current activities fall short or additional actions are needed to support the Countywide Plan goals and policies. Note that this Implementation Plan works alongside the Tracking & Feedback system, which includes additional actions associated with the tracking and feedback on priority objectives.

Structure and Components

Timeframe

The amount of time during which the action should be initiated and completed. The reference year for the timeframe field of this Implementation Plan is 2021.

Immediate: the highest priority; should be initiated within the first year of the action being listed in the Implementation plan and completed as soon as possible (which may take multiple years).

Short-term: a high priority; should be initiated within the next 3 years and completed as soon as possible.

Mid-term: a priority; to be initiated when appropriate resources and opportunities are available; should become a higher priority after 3 years and be initiated and completed within the next 5 years.

Reference Code

The short code assigned to the implementation action for reference purposes and to distinguish it from a goal, policy, or other component of the Countywide Plan. For example, in IMP-2021-DC-1:

- The first part stands for the part of the Policy Plan - the Implementation Plan or IMP.
- The next part references the year in which the implementation action was first published in the Implementation Plan—in the example "2021".
- The next two letters reference the category - in the example "DC" for Development Code Update.
- The number at the end helps further identify the action and distinguish it from others (note that the number does not indicate priority) - in the example ""1"".

Action

The statement of activity to take place. The statement begins with a brief descriptor to help the user quickly understand the specific focus of the action. The longer narrative that follows starts with a verb to indicate the nature of the activity. The balance of the narrative may take the form of a sentence fragment or a full sentence.

Lead

The primary agency/department/division responsible for initiating and spearheading the execution of the implementation action. Unless otherwise noted, the default reference is to a County entity.

Support

An agency/department/division that will assist the lead entity or should be included in the execution of the implementation action. Unless otherwise noted, the default reference is to a County entity.

Related Countywide Plan Content

A list of the most relevant content from the Countywide Plan (CWP). The list generally includes policies, tables, and maps from the Policy Plan, but it may also include references to content from other parts of the Countywide Plan.

Related Development Code Content

A list of the most relevant parts of the Development Code (as of August 2020) that should be reviewed and updated per the implementation action.

Additional Notes

References to other parts of the Implementation Plan or other County documents. Policies from the 2007/2013 Community Plans that were replaced by the Policy Plan and Community Action Guides (CAGs) are listed to illustrate additional detail for specific unincorporated communities. The policies from the 2007/13 Community Plans are listed using the County's previous reference code, with the prefix indicating the community, followed by the element, followed by the policy number. For example, LV/LU 2.1 is the reference for Policy 2.1 from the Land Use Element of the 2007 Community Plan for Lucerne Valley.

Development Code Update

Development Code

Immediate Actions

IMP-2021-DC-1 **Land use compatibility.** Update development standards and guidelines regarding scale, buffering, and other site design criteria to ensure greater land use compatibility of new development with existing uses, planned uses, and the natural environment. Special attention should be given to the interface with industrial uses. Do not permit new hazardous waste facilities to be developed in unincorporated EJFAs (EJFAs). Evaluate other limitations or restrictions that may need to be applied to uses or facilities that manage and/or transport hazardous materials but are not designated as hazardous waste facilities.

Lead: Land Use Services - Planning

Support: Public Works, Airports, and US Department of Defense

Related Development Code Content:

Division 2 Land Use Zoning Districts and Allowed Land Uses

Chapter 84.11 Hazardous Waste Facilities

Related CWP Content:

Policy LU-2.1 Compatibility with existing uses
 Policy LU-2.2 Compatibility with planned uses
 Policy LU-3.2 Annexations with planned incompatible land uses
 Policy LU-4.1 Context-sensitive design in the Mountain/Desert regions
 Policy LU-4.5 Community identity
 Policy LU-5.1 Military land use compatibility
 Policy LU-5.3 Open space for military activity and buffering

Policy TM-6.4 Airport land use compatibility
 Policy HZ-2.1 Hazardous waste facilities
 Policy HZ-2.10 Agricultural operations
 Policy HZ-3.6 Hazardous waste facilities
 Policy NR-7.6 Sustainable grazing practices
 Policy HW-2.2 Land use compatibility for schools
 Policy Table LU-3. Community Character

IMP-2021-DC-2 **Context-based standards and design.** Update building/site design and improvement standards for future development, varied as necessary by region/community so that it reflects the physical and historical character of the local area. Incorporate direction from Table LU-3. Address screening and location criteria in the context of scenic vistas and rural/suburban and valley/mountain/desert settings, particularly for infrastructure, utilities, mechanical installations and outdoor storage. Address the use of semi-trailers as storage containers.

Lead: Land Use Services - Planning

Support: Public Works

Related Development Code Content:

Division 2 Land Use Zoning Districts and Allowed Land Uses	Chapter 83.10 Landscaping Standards
Chapter 83.02 General Development Standards	Chapter 83.12 Road System Design Standards
Chapter 83.05 Dedications and Installations of Street and Trail Improvements	Section 84.01.050(f) Residential Accessory Structures and Uses
Chapter 83.09 Infrastructure Improvement Standards	Chapter 85.06 Conditional Use Permit/Minor Use Permit"

Related CWP Content:

Policy LU-4.1 Context-sensitive design in the Mountain/Desert regions	Policy LU-4.6 Adaptive reuse
Policy LU-4.5 Community identity	Policy Table LU-3. Community Character

Additional Notes:

See also IMP-2021-TM-4. Roadway design;

See also for reference from 2007/2013 Community Plans:

- BV/LU 1.6, BV/LU 2.2, BV/LU 2.6, BV/LU 3.1, BV/CI 1.3, BV/CI 1.17, BV/CI 1.19, BV/CO 2.4, BV/CO 4.3, BV/CO 4.4
- CF/LU 1.4, CF/LU 1.6, CF/LU 2.2, CF/LU 2.3, CF/LU 2.6, CF/CI 1.3, CF/CI 3.2, CF/CO 2.4
- HC/LU 1.4, HC/LU 2.2, HC/LU 2.3, HC/CI 3.2, HC/CO 2.4
- HV/LU 1.4
- JT/LU 1.4, JT/LU 1.6, JT/LU 1.7, JT/LU 1.8, JT/LU 1.10, JT/CI 7.1, JT/CO 5.4
- LA/LU 1.4, LA/LU 1.5, LA/LU 2.2, LA/LU 2.3, LA/LU 2.6, LA/CI 1.3, LA/CO 2.4, LA/ED 1.4
- LV/LU 2.1
- OG/LU 2.1
- OH/LU 1.7, OH/LU 1.8

IMP-2021-DC-3 **Military coordination.** Augment and formalize the County's communication and review process with the military regarding future and/or potential activities, applications, and investments by the County, military, other agencies, or third parties. Identify corresponding staff positions; thresholds for notification, review, and/or approval; and periodic coordination meetings. Consider establishing semi-annual meetings of a broader ad-hoc working group consisting of County, federal, and other relevant governmental or service agencies.

Lead: Land Use Services - Planning

Support: US Department of Defense

Related Development Code Content:

Division 5 Permit Application and Review Procedures	Chapter 86.02 Development Review Committee
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Related CWP Content:

Policy LU-4.7 Dark skies	Policy LU-5.6 Military partnerships
Policy LU-5.1 Military land use compatibility	Policy LU-5.7 Economic development opportunities with the military
Policy LU-5.2 Military Influence Overlay	Policy NR-1.4 Military coordination on air quality
Policy LU-5.3 Open space for military activity and buffering	Policy NR-2.3 Military coordination on water quality
Policy LU-5.4 Ranged activities and projects	Policy IU-1.2 Water for military installations
Policy LU-5.5 Transportation and infrastructure	

IMP-2021-DC-4 **Dark skies.** Update outdoor lighting standards and guidelines for the Mountain and Desert regions, incorporating input from local committee and needs of the military.

Lead: Land Use Services - Planning

Support: US Department of Defense

Related Development Code Content:

Section 83.07.040 Glare and Outdoor Lighting - Mountain and Desert Regions

Related CWP Content:

Policy LU-4.7 Dark skies

Additional Notes:

See CAGs for additional local activity and priorities.

IMP-2021-DC-5 **Public gathering spaces.** Update requirements and standards regarding active public open space improvements. Review and revise community prevention through environmental design (CPTED) guidelines and requirements as they apply to multifamily and other residential projects. Expand requirements for the provision of shaded areas that can offer refuge from extreme heat.

Lead: Land Use Services - Planning

Support: Public Health

Related Development Code Content:

Chapter 83.02 General Development and Use Standards

Chapter 83.10 Landscaping Standards

Section 84.16.080 Design Guidelines for Multi-Family Projects

Chapter 89.02 Recreational Facilities Financing

Related CWP Content:

Policy LU-4.8 Public gathering spaces

Policy LU-4.9 CPTED

IMP-2021-DC-6 **Franchise businesses.** Update permitted land uses within the boundaries of the commercial focus area/franchise-restricted.

Lead: Land Use Services - Planning

Support: Economic Development

Related Development Code Content:

Division 2 Land Use Zoning Districts and Allowed Land Uses

Related CWP Content:

Policy LU-4.11 Businesses in Joshua Tree

IMP-2021-DC-7 **Commercial amendment.** Create an application form and process that determines varying levels of evaluation required as part of a comprehensive Land Use Plan amendment for new commercial uses.

Lead: Land Use Services - Planning

Support: N/A

Related Development Code Content:

Chapter 86.12 Amendments

Related CWP Content:

Policy LU-6.3 Commercial amendments

IMP-2021-DC-8 **Application requirements.** Amend the entitlement process for a Planning Project Application to incorporate required documentation and public outreach activities for projects that are within or adjacent to unincorporated EJFAs. Identify how the community's input will be communicated and factored into the County's evaluation and determination.

Lead: Land Use Services - Planning

Support: N/A

Related Development Code Content:

Division 5 Permit Application and Review Procedures

Related CWP Content:

Policy HZ-3.20 Application requirements

IMP-2021-DC-9 **Short term rentals.** Assess the need for changes to Short Term Rentals Ordinance No. 4371.

Lead: Land Use Services - Code Enforcement

Support: Land Use Services – Planning, Sheriff

Related Development Code Content:

Chapter 84.28 Short-Term Residential Rentals

Related CWP Content:

Policy LU-2.13 Short-term private home rentals

IMP-2021-DC-10 **Residential clustering.** Update provisions to expand and better evaluate intended purpose, desired benefits, and acceptable tradeoffs regarding residential clustering. For example, evaluate a requirement that open space areas set aside within development be contiguous to natural areas adjacent to the site.

Lead: Land Use Services - Planning

Support: N/A

Related Development Code Content:

Chapter 84.02 Residential Land Use Zoning Districts

Related CWP Content:

Policy NR-3.2 Residential clustering

IMP-2021-DC-11 **Concurrent transportation improvements.** Update development processes to require concurrent transportation improvements.

Lead: Public Works - Transportation

Support: N/A

Related Development Code Content:

Chapter 86.06 Time Limitations

Related CWP Content:

Policy TM-2.3 Concurrent improvements

Additional Notes:

County Standard Plats / Transportation Design Standards

IMP-2021-DC-12 **OHV compatibility.** Update design standards and guidelines for the development of new or expanded off-highway vehicle areas.

Lead: Land Use Services - Planning

Support: Land Use Services - Code Enforcement, Sheriff’s Department

Related Development Code Content:

Division 2 Land Use Zoning Districts and Allowed Land Uses

Division 3 Countywide Development Standards

Related CWP Content:

Policy NR-3.11 Off-highway vehicle areas

IMP-2021-DC-13 **Scenic resources.** Update the scenic overlay provisions and reassess designation criteria for County Scenic Routes.

Lead: Land Use Services - Planning

Support: N/A

Related Development Code Content:

Chapter 82.19 Open Space Overlay

Chapter 82.20 Scenic Resources Overlay

Related CWP Content:

Policy NR-4.1 Preservation of scenic resources

Policy Map NR-3 Scenic Routes and Highways

IMP-2021-DC-14 **Trail Easement.** Address requirements for trail easement dedication when adjacent to an approved trail system that is supported by a locally-approved funding and financing mechanism that pays for acquisition, construction, maintenance, and operations.

Lead: Land Use Services - Planning

Support: Public Works - Special Districts, Regional Parks

Related Development Code Content:

Section 82.19.050 Development Standards for Trails

Related CWP Content:

Policy NR-3.9 Local parks, trails, and recreation

Additional Notes:

See also for reference from 2007/2013 Community Plans:

- BL/OS 2.2, BL/OS 2.4
- BV/OS 3.3
- CF/OS 3.3
- HT/OS 3.3
- HV/OS 3.3
- JT/OS 1.5
- LA/OS 3.3
- LV/OS 3.3
- MS/CI 2.2
- MV/OS 3.3
- PH/OS 3.3

IMP-2021-DC-15 **Off-site signage.** Update regulations and permitted locations of off-site signage.

Lead: Land Use Services - Planning

Support: N/A

Related Development Code Content:

Chapter 83.13.060 Off-Site Signs

Related CWP Content:

Policy NR-4.3 Off-site signage

IMP-2021-DC-16 **Sand transport areas.** Identify development standards regarding “maintaining sand transport function” as the criteria, with avoidance required for the actual mapped dune areas.

Lead: Land Use Services - Code Enforcement/Environmental Compliance -

Support: Land Use Services - Planning-

Related Development Code Content:

Chapter 82.19 Open Space Overlay	Section 88.02.050 Wind-Borne Soil Erosion
Chapter 82.20 Scenic Resources Overlay	

Related CWP Content:

Policy NR-5.1 Coordinated habitat planning

IMP-2021-DC-17 **Native plant protection.** Address appropriate development standards regarding the disturbance and clearance of native soils and vegetation, with a focus to control/minimize fugitive dust, windblown sand, and soil erosion. Encourage the use of native plants that will continue to be viable in the area under a prolonged and severe drought when outside of high/very high fire hazard severity zones.

Lead: Land Use Services - Planning

Support: Land Use Services - Code Enforcement/Environmental Compliance

Related Development Code Content:

Section 85.11.030 Erosion Control Plan and Inspection Required	Section 88.01.060 Desert Native Plant Protection
Section 88.01.050 Tree or Plant Removal Permits	

Related CWP Content:

Policy LU-4.3 Native or drought-tolerant landscaping

Additional Notes:

See also for reference from 2007/2013 Community Plans:

- JT/CO 1.4, JT/CO 1.5
- LV/CO 1.3

IMP-2021-DC-18 **Important farmlands.** Expand the application of the agricultural preserve overlay to address farmland classified as prime, of statewide importance, or unique farmland. Require projects affecting 20 or more acres of farmland to prepare an agricultural resource evaluation prior to project approval.

Lead: Land Use Services - Planning

Support: Agriculture/Weights & Measures, Inland Empire Resource Conservation District

Related Development Code Content:

Chapter 82.08 Agricultural Preserve (AP) Overlay

Related CWP Content:

Policy NR-7.2 Preservation of important farmlands Policy Map NR-5 Agricultural Resources

Policy NR-7.5 Agriculture on Rural Living and Open Space properties

IMP-2021-DC-19 **Agricultural uses.** Address the distinction between and appropriate location of heavy, industrial-type agricultural uses and lower intensity agricultural uses to avoid and/or minimize adverse impacts on residential uses, groundwater, and downwind air quality. Identify enforcement entities, potential restrictions, and available incentives for avoidance and mitigation.

Lead: Land Use Services - Planning

Support: Agriculture/Weights & Measures, Inland Empire Resource Conservation District

Related Development Code Content:

Chapter 82.03 Agricultural and Resource Management Land Use Zoning Districts Section 83.02.060 Screening and Buffering
Chapter 82.07 Additional Agricultural Overlay

Related CWP Content:

Policy NR-7.2 Preservation of important farmlands Policy Map NR-5 Agricultural Resources

Policy NR-7.5 Agriculture on Rural Living and Open Space properties

Additional Notes:

See also for reference from 2007/2013 Community Plans

- B/LU 2.1
- LV/LU 1.6
- M/LU 1.3

IMP-2021-DC-20 **Hazard areas.** Update subdivision and development standards for parcels in environmental hazard areas. Evaluate adding requirements for mapped 200-year floodplains. Require large developments (10+ acres) proposed in hazard areas to prepare an Emergency Preparedness Plan.

Lead: Land Use Services - Planning

Support: County Fire, Public Works, Code Enforcement/Environmental Compliance

Related Development Code Content:

Chapter 82.13 Fire Safety (FS) Overlay
Chapter 82.14 Floodplain Safety (FP) Overlay

Chapter 82.15 Geologic Hazard (GH) Overlay
Division 7 Subdivisions

Related CWP Content:

Policy HZ-1.1 New subdivisions in environmental hazard areas
Policy HZ-1.2 New development in environmental hazard areas

Policy HZ-1.6 Critical and essential facility location
Policy Map HZ-10 Environmental Justice and Legacy Communities"

IMP-2021-DC-21 **Design for disasters.** Create a list of recommended site and building design features that allow occupants to shelter in place and to have sufficient time to evacuate during times of extreme weather and natural disasters.

Lead: County Fire - Office of Emergency Services

Support: Public Works, Land Use Services - Planning and Fire Hazard Abatement, Land Use Services - Building and Safety, County Fire - Office of the Fire Marshal

Related Development Code Content:

Chapter 82.13 Fire Safety (FS) Overlay
Chapter 82.14 Floodplain Safety (FP) Overlay
Chapter 82.15 Geologic Hazard (GH) Overlay

Division 3 Countywide Development Standards
Section 84.33.030 Development Standards for Emergency Shelters

Related CWP Content:

Policy HZ-1.5 Existing properties in environmental hazard areas

IMP-2021-DC-22 **Fire resistant design.** Update requirements and standards for fire resistant building and site design.

Lead: County Fire - Office of the Fire Marshal

Support: Land Use Services - Building and Safety, Land Use Services - Planning, and Land Use Services - Fire Hazard Abatement

Related Development Code Content:
Chapter 82.13 Fire Safety (FS) Overlay

Related CWP Content:
Policy LU-4.2 Fire-adapted communities Policy PP-3.7 Fire safe design

IMP-2021-DC-23 **Provision of fire protection services.** Update timing of building permits to be issued concurrent with the provision of adequate firefighting facilities and staffing necessary to serve the proposed project.

Lead: Land Use Services - Building and Safety

Support: Land Use Services - Planning, County Fire

Related Development Code Content:
Chapter 86.06 Time Limitations

Related CWP Content:
Policy PP-3.6 Concurrent protection Policy Map HZ-6 Fire Responsibility Areas services

IMP-2021-DC-24 **Post-burn risks.** Update requirements for new development or reconstructed development in areas burned by wildfire.

Lead: Land Use Services - Planning and Fire Hazard Abatement

Support: Land Use Services - Building and Safety, County Fire - Office of the Fire Marshal

Related Development Code Content:
Chapter 82.13 Fire Safety (FS) Overlay Chapter 84.17 Nonconforming Uses and Structures

Related CWP Content:
Policy PP-3.11 Post-burn risks

IMP-2021-DC-25 **Floodplain mapping.** Update requirements for the creation of new lots or subdivisions in flood zones to provide detail floodplain mapping for 100- and 200-year storm events.

Lead: Land Use Services – Land Development

Support: Public Works - Flood Control, Land Use Services - Building and Safety

Related Development Code Content:

Chapter 82.14 Floodplain Safety (FP) Overlay	Chapter 85.07 Flood Hazard Development Review
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Related CWP Content:

Policy HZ-1.3 Floodplain mapping	Policy Map HZ-4 Flood Hazards
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IMP-2021-DC-26 **Protection from wind hazards.** Create site and building design requirements to minimize the effects of wind-blow soil in medium-high or high wind erosion hazard areas.

Lead: Land Use Services - Building and Safety

Support: Land Use Services - Planning and Code Enforcement/Environmental Compliance

Related Development Code Content:

Section 88.02.040 Dust Control - Desert Region	Section 88.02.050 Wind-Borne Soil Erosion
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Related CWP Content:

Policy HZ-1.8 Wind erosion hazards	Policy Map HZ-11 Wind Erosion Hazards
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IMP-2021-DC-27 **Noise standards.** Update requirements, standards, and provisions to limit/restrict new noise sensitive land uses and sound control at the source.

Lead: Land Use Services - Planning

Support: Land Use Services - Code Enforcement

Related Development Code Content:

Chapter 82.18 Noise Hazard (NH) Overlay

Related CWP Content:

Policy HZ-2.8 Proximity to noise generating uses	Policy HZ-2.9 Control sound at the source Policy Map HZ-7 & HZ-8 Existing and Future Noise Contours
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IMP-2021-DC-28 **Underground utilities.** Update design standards for underground utilities.

Lead: Land Use Services - Planning

Support: Public Works - Transportation

Related Development Code Content:

Section 87.06.030 Subdivision Design Standards

Section 87.06.050 Subdivision Improvement Requirements

Related CWP Content:

Policy HZ-1.7 Underground utilities

IMP-2021-DC-29 **Policy references.** Update all policy references to reflect adopted Policy Plan.

Lead: Land Use Services - Planning

Support: N/A

Related Development Code Content:

Entire Development Code, including definitions

Related CWP Content:

Policy LU-2.1 Compatibility with existing uses

Policy LU-2.2 Compatibility with planned uses

IMP-2021-DC-30 **Zoning changes.** Incorporate input provided during the Community workshops on zoning changes and overlays.

Lead: Land Use Services-Planning

Support: N/A

Related Development Code Content:

Division 2 Land Use Zoning Districts and Allowed Land Uses

Related CWP Content:

Policy LU-4.5 Community identity

Additional Notes:

See also for reference from 2007/2013 Community Plans:

- BV/ED 1.3
- CF/LU 2.7, CF/LU 2.8, CF/ED 1.3
- HV/LU 2.2
- JT/LU 1.11
- LV/LU 1.4, LV/LU 3.6
- MV/LU 1.3
- OG/LU 2.2
- PPH/LU 1.3
- M/LU 2.2, M/LU 2.5, M/LU 2.6

IMP-2021-DC-31 **Renewable Energy Element.** Update development code to reflect and implement the goal and policy direction in the Renewable Energy & Conservation Element (RECE).

Lead: Land Use Services-Planning

Support: Public Works

Related Development Code Content:

Various

Related CWP Content:

Renewable Energy & Conservation Element

Policy Plan

Land Use Element

Short Term Actions

IMP-2021-LU-1 **Fiscal sustainability.** Establish thresholds for requirement of a fiscal analysis. Develop a framework of what type of funding and financing mechanisms to apply and when to apply them. Augment the fiscal model to enable the County to evaluate scenarios where project would be annexed and therefore generate a different net revenue and cost stream. Add a discussion of fiscal findings for approved development in quarterly fiscal reporting to Board of Supervisors.

Lead: County Administrative Office - Finance and Administration

Support: Land Use Services - Planning

Related Development Code Content:

Division 6 Development Code Administration	Chapter 86.02 Development Review Committee
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Related CWP Content:

Policy LU-1.1 Growth	Policy LU-3.1 Annexation of unincorporated areas
Policy LU-1.3 Fiscal sustainability	
Policy LU-1.4 Funding and financing mechanisms	

IMP-2021-LU-2 **DIF program.** Establish a development impact fee (DIF) program to address fiscal sustainability and new development's fair share payment to build and/or improve public infrastructure.

Lead: County Administrative Office - Finance and Administration

Support: Land Use Services – Planning, Public Works

Related CWP Content:

Policy LU-1.5 Development impact fees	Policy TM-5.7 Trucking-intensive businesses
Policy IU-3.5 Fair share requirements	
Policy LU-1.4 Funding and financing mechanisms	

IMP-2021-LU-3 **Agreement template.** Develop an annexation agreement template and initiate negotiations on the application of development standards and city/town commitments.

Lead: Land Use Services - Planning

Support: County Counsel, Public Works

Related CWP Content:

Policy LU-3.1 Annexation of unincorporated areas

Policy LU-3.3 City/town standards in SOIs

Infrastructure & Utilities Element

Short Term Actions

IMP-2021-IU-1 **Agricultural water use.** Coordinate with water agencies to resolve jurisdictional authority over farm water use and how it affects current residential water access.

Lead: County Administrative Office

Support: County Counsel, Public Works, Land Use Services - Planning

Related CWP Content:

Policy IU-1.5 Agricultural water use

IMP-2021-IU-2 **Expanded sewer treatment capacity.** Resolve design options and expansion pricing for unincorporated areas identified for future sewer expansion.

Lead: Community Development & Housing

Support: County Administrative Office - Finance and Administration, Public Works, Public Works - Special Districts Water and Sanitation

Related CWP Content:

Policy IU-1.2 Infill development

Policy LU-2.6 Coordination with adjacent entities

IMP-2021-IU-3 **Local flood control.** Establish local stormwater management program for unincorporated areas.

Lead: Public Works and Flood Control

Support: N/A

Related CWP Content:

Policy IU-3.2 Local flood control

Policy Map IU-4 Regional Flood Control Facilities

IMP-2021-IU-4 **Broadband internet.** Coordinate with the Inland Empire Regional Broadband Consortium to identify and prioritize underserved EJFAs for CPUC CASF broadband infrastructure grants.

Lead: County Administrative Office

Support: County Counsel, Land Use Service - Planning Public Works, Community & Housing Development

Related CWP Content:
Policy IU-5.2 Expanded high-speed internet and wireless communication

Transportation & Mobility Element

Immediate Actions

IMP-2021-TM-1 **Transportation Improvements.** Update the Transportation Master Plan and County Maintained Road System (CMRS) to address CWP Environmental Impact Report (EIR) mitigation.

Lead: Public Works - Transportation

Support: N/A

Related CWP Content:
Policy TM-2.1 Context sensitive approach.

IMP-2021-TM-3 **Roadway design.** Update roadway design standards and improvement thresholds, varied as necessary by region/community so that it reflects the physical and historical character of the local area, as well as the designation as a mobility focus area.

Lead: Public Works - Transportation

Support: N/A

Related Development Code Content:

Policy IU-1.5 Agricultural water use

Related CWP Content:

Policy TM-2.1 Context sensitive approach Policy TM-2.2 Roadway Improvements

Policy TM-2.5 Context-based features

Policy TM-3 Mobility Focus Areas

Additional Notes:

County Standard Plats / Transportation Design Standards

See also IMP-2021-DC-2. Community-based standards and design

IMP-2021-TM-7 **Single-access areas.** Map development within any hazard areas that has only one evacuation route to comply with state law (SB 99) concurrent with the next housing element update. Identify if roads are private, public, and/or part of the CMRS. Increase the resiliency of single-access roads and trails through improved drainage systems, increased roadbed height, retaining walls, slope stabilization techniques, and other protective steps as feasible and appropriate. Prioritize those that have a history of being blocked during hazardous conditions.

Lead: Public Works - Transportation

Support: Land Use Services - Planning, County Fire - Office of Emergency Services

Related Development Code Content:

Chapter 83.12 Road System Design Standards

Related CWP Content:

Policy PP-4.4 Emergency shelters and routes

Policy Map PP-2 Evacuation Routes

Short Term Actions

IMP-2021-TM-5 **Mountain Area Transit Study.** Review recommended improvements and identify opportunities to collaborate with local communities and the City of Big Bear Lake.

Lead: Public Works - Transportation

Support: Land Use Services - Planning

Related CWP Content:

Policy TM-2.5 Context-based features

Policy TM-4.1 Complete streets network

Policy TM-4.2 Complete streets improvements

Policy TM-4.3 Funding

IMP-2021-TM-6 **VMT Thresholds.** Update traffic impact analysis guidelines and vehicle miles travelled (VMT) thresholds for CEQA analysis based on updated guidance from OPR and changes in law. File an addendum to EIR if changed standards results in lesser impacts.

Lead: Public Works - Transportation

Support: Land Use Services - Planning

Related CWP Content:

Policy TM-3.1 VMT reduction

IMP-2021-TM-9 **Complete Streets.** Update budgeting and planning processes to prioritize complete streets improvements in mobility focus areas, and mobility focus areas in unincorporated EJFAs. (TM-4.2)

Lead: Public Works - Transportation

Support: County Administrative Office - Finance and Administration; Land Use Services - Planning

Related CWP Content:

Policy TM-4.2 Complete streets improvements Policy Map TM-3 Mobility Focus Areas

IMP-2021-TM-10 **Truck Routes.** Coordinate with the San Bernardino County Transportation Authority (SBCTA) and incorporated jurisdictions to establish a subcommittee to develop a countywide system of regional truck routes. Adopt an ordinance to establish local truck routes and expand non-truck routes (where trucks are prohibited) in unincorporated areas. *Ensure truck routes avoid to the maximum extent possible, safe routes to schools.*

Lead: Public Works - Transportation

Support: Land Use Services - Planning

Related Development Code Content:

Chapter 83.12 Road System Design Standards Section 83.01.040 Air Quality

Related CWP Content:

Policy TM-5.5 Countywide truck routes Policy HZ-2.4 Truck routes for hazardous materials
Policy TM-5.6 Unincorporated truck routes Policy Map TM-5 Goods movement

Mid Term Actions

IMP-2021-TM-2 **Monitoring.** Develop and implement a safety and capacity monitoring system for County maintained roads to assist in prioritizing mobility improvements and provide consistency with the regional congestion management program.

Lead: Public Works - Transportation

Support: N/A

Related CWP Content:

Policy TM-1.1 Roadway level of service Policy Map TM-3 Mobility Focus Areas

IMP-2021-TM-4 **Aviation planning.** Update long-range general aviation plans for County airports in cooperation with the airports’ jurisdictions and affected cities to maintain sufficient capacity for use and support appropriate land use around the airports.

Lead: Airports

Support: Land Use Services - Planning

Related CWP Content:

Policy TM-6.1 Local airports
Policy TM-6.2 Economic potential
Policy TM-6.3 Regional airports

Policy TM-6.4 Airport land use compatibility
Policy TM-6.5 Coordination on airport planning
Policy Map HZ-9 Airport Safety & Planning Areas

IMP-2021-TM-8 **Atypical intersection controls.** Create or update design standards for atypical intersection controls.

Lead: Public Works - Transportation

Support: N/A

Related Development Code Content:

Chapter 83.12 Road System Design Standards

Related CWP Content:

Policy TM-2.4 Atypical intersection controls

Additional Notes:

County Standard Plats / Transportation Design Standards

Natural Resources Element

None as of yet

Renewable Energy and Conservation Element

IMP-2021-RE-1 **Renewable Energy process handout.** Prepare and distribute a public handout that clearly communicates the process, desired objectives, and restrictions for various scales of renewable energy projects.

Lead: Land Use Services - Planning

Support: N/A

Related Development Code Content:

Various

Related CWP Content:

Renewable Energy & Conservation Element

Cultural Resources Element

None as of yet

Hazards Element

Short Term Actions

IMP-2021-HZ-3 **Legacy abandoned mines.** Establish a program and funding to inventory legacy abandoned mines and require private property owners to eliminate hazardous conditions that could threaten human life and environmental contamination. The program should address legacy abandoned mines on County-owned property.

Lead: Land Use Services - Code Enforcement/Environmental Compliance

Support: Land Use Services - Planning

Related Development Code Content:

Chapter 88.03 Surface Mining and Land Reclamation

Related CWP Content:

Policy HZ-2.11 Legacy abandoned mine lands

IMP-2021-HZ-4 **Cooling centers.** Coordinate with private and public entities to expand the number and geographic distribution of publicly accessible cooling centers. As feasible, ensure that County facilities used as cooling facilities are equipped with backup power supplies, including onsite renewable energy generation and energy storage system.

Lead: County Fire - Office of Emergency Services

Support: Health & Human Services

Related CWP Content:

Policy HZ-3.9 Public improvements and services.

IMP-2021-HZ-5 **Dams and bridges.** Coordinate with state and federal agencies to prioritize and obtain funding to improve dams and bridges that pose the greatest risk of failure (combination of how soon failure may occur and potential damage/injury that may happen in the event of a failure).

Lead: Public Works - Flood Control and Transportation

Support: US Army Corps of Engineers, US Department of Defense, and Caltrans

Related CWP Content:

Policy Map HZ-3 Dam & Basin Hazards

IMP-2021-HZ-6 **Health risk assessment truck trip thresholds.** Modify development procedures to require a cumulative health risk assessment for projects that could potentially increase the incremental cancer risk by 10 in 1 million or more in unincorporated EJFAs. Additional requirements include the evaluation of impacts from the project to freeways and the establishment of mitigation prior to the approval of new construction, rehabilitation, or expansion permits. Consider funding for and identify partners to conduct a study using the latest Office of Environmental Health Hazard Assessment guidelines to determine the number of truck trips equivalent to increasing the incremental cancer risk by 10 in 1 million. The study should also evaluate the implications and feasibility of establishing a cap or threshold for the cumulative cancer risk (existing plus a proposed project) of 10 in 1 million in an unincorporated EJFA, when evaluating proposed projects for trucking-intensive businesses.

Lead: Land Use Services - Planning

Support: Public Works - Transportation, Public Health

Related CWP Content:

Policy HZ-3.1 Health risk assessment

IMP-2021-HZ-7 **Public outreach.** Partner with local, regional, and state entities to conduct public outreach (in-person and electronic) to foster capacity to bring about positive change and build awareness of outdoor/indoor air quality pollution and solutions in unincorporated EJFAs and areas hosting sensitive populations. Provide educational materials to individuals, neighborhoods, and businesses so that they clearly understand the potential for adverse pollution, noise, odor, vibration, and lighting and glare, and the effects of toxic materials or emissions when generating uses are proposed nearby. Require County outreach materials to be prepared in accordance with Plain Language Guidelines.

Lead: South Coast Air Quality Management District (South Coast AQMD)

Support: Land Use Services - Planning, Public Health, Arrowhead Regional Medical Center, Loma Linda University School of Public Health, Superintendent of School, all school districts, and Community-based organizations

Related CWP Content:

Policy HZ-3.2 Studying and monitoring	Policy Map HZ-10 Environmental Justice and Legacy Communities
Policy HZ-3.8 Indoor air quality	Policy GV-6.5 Broad and diverse participation
Policy HZ-3.11 Public Health	Policy GV-6.6 Social capital
Policy HZ-3.19 Community education	

Additional Notes:

See also IMP-2021-HZ-26

IMP-2021-HZ-8 **Web-based information.** Provide access through County websites to information such as the results of monitoring/studies, funding options, ideas for solutions, and County resources and activities. Likely websites/webpages include:

- Countywide Plan: Implementation Plan, Tracking & Feedback, Policy Plan Hazard Element, Community Planning (for those communities including unincorporated EJFAs)
- Public Health: Community Vital Signs, HealthStat, Environmental Health Services

Lead: Land Use Services – Planning, Public Health

Support: Public Health - Environmental Health Services, Information Services, South Coast AQMD, and California Air Resources Board

Related CWP Content:

Policy HZ-3.2 Studying and monitoring	Policy HZ-3.8 Indoor air quality
Policy HZ-3.7 Well water testing	

IMP-2021-HZ-9 **Air quality monitoring.** Partner with South Coast AQMD to monitor air quality in the vicinity of schools and unincorporated EJFAs. Publicize the results through County websites, with a focus on building awareness to affected areas.

Lead: South Coast AQMD

Support: Land Use Services - Planning, Public Health, Arrowhead Regional Medical Center, Superintendent of Schools, and all school districts

Related CWP Content:
Policy HZ-3.2 Studying and monitoring

IMP-2021-HZ-10 **CERPs.** Partner with South Coast AQMD to establish community emissions reduction plans (CERPs) for unincorporated EJFAs. Identify and implement, as feasible, actions in CERPs that are within the jurisdiction and authority of the County.

Lead: South Coast AQMD

Support: Public Health, Land Use Services - Planning, and Public Works - Transportation

Related CWP Content:
Policy HZ-3.3 Community emissions
reduction plans

IMP-2021-HZ-11 **Air quality enforcement.** Support California Highway Patrol in enforcing violations of local or regional truck routes and truck idling, with a focus on truck traffic that passes through unincorporated EJFAs, residential neighborhoods, and schools or other uses that host sensitive populations.

Lead: California Highway Patrol

Support: Sheriff's Department, Public Works - Transportation, Land Use Services - Planning, South Coast AQMD, and California Air Resources Board

Related CWP Content:
Policy HZ-3.3 Community emissions reduction plans

IMP-2021-HZ-12 **Illegal truck storage.** Identify funding sources to expand current efforts that identify, notice, enforce, and successfully litigate illegal truck storage, with a focus on properties in unincorporated EJFAs.

Lead: Land Use Services - Code Enforcement, County Counsel

Support: Public Works – Transportation, Land Use Services - Planning

Related CWP Content:
Policy HZ-3.3 Community emissions reduction plans

IMP-2021-HZ-13 **Green goods movement.** Partner with local and regional agencies along key freight corridors, as well as with private freight movers, to implement 'green goods movement' technologies, such as medium- and heavy-duty zero emission vehicle infrastructure or use of County properties for refueling. Coordinate with others to prioritize opportunities in unincorporated EJFAs.

Lead: South Coast AQMD, Southern California Edison, and Bear Valley Electric Service

Support: Public Health, Land Use Services - Planning, Public Works - Transportation and Real Estate Services

Related CWP Content:

Policy HZ-3.3 Community emissions reduction plans

IMP-2021-HZ-14 **Emissions rules.** Participate in South Coast AQMD's development of Indirect Source Rules, Drayage Truck Rule, Advanced Clean Truck Rule, and Heavy Duty Low Nox Rule. Rules would apply to warehouses, trucking, and rail activities. A primary focus should be on reducing the exposure of sensitive populations and EJFAs to emissions.

Lead: South Coast AQMD and California Air Resources Board

Support: Public Health, Land Use Services - Planning, and Public Works - Transportation

Related CWP Content:

Policy HZ-3.3 Community emissions reduction plans

IMP-2021-HZ-15 **Bus service.** Support OmniTrans' transition to zero emissions buses through actions such as partnering on funding applications or identifying potential County properties for refueling or recharging. Coordinate with others to prioritize opportunities in unincorporated EJFAs.

Lead: OmniTrans

Support: South Coast AQMD, Southern California Edison, Southern California Gas, Land Use Services - Planning, Public Works - Transportation, and Real Estate Services

Related CWP Content:

Policy HZ-3.3 Community emissions reduction plans

IMP-2021-HZ-16 **Funding resources.** Identify potential funding sources to augment current and/or establish new programs that pay for physical improvements to buildings or vehicles that lead to better indoor or outdoor air quality or drinking water. Examples of such improvements include systems for air filtration, water filtration, and renewable energy generation and storage, as well as weatherization, zero emissions vehicles and equipment, and fugitive dust control. Coordinate with others to prioritize opportunities in and resources for unincorporated EJFAs.

Lead: Land Use Services - Planning and Public Health

Support: Public Health - Environmental Health Services, Information Services, South Coast AQMD, California Air Resources Board, and Community-based organizations

Related CWP Content:

Policy HZ-3.3 Community emissions reduction plans	Policy HZ-3.7 Well water testing
Policy HZ-3.4 Residential improvements	Policy HZ-3.8 Indoor air quality
Policy HZ-3.6 Contaminated water and soils	Policy HZ-3.9 Public improvements and services

IMP-2021-HZ-17 **Nonconforming residential units.** Identify grant funding and other resources to relocate residents living in residential units that are (as of 2019) nonconforming uses in unincorporated EJFAs. Focus relocation efforts so that rental occupants are relocated to nearby compatible and legally conforming residential areas.

Lead: Community Development and Housing

Support: Land Use Services - Planning, Health & Human Services

Related CWP Content:

Policy HZ-3.4 Residential improvements

IMP-2021-HZ-18 **Prioritization process.** Amend the County's budgeting process to prioritize investments that also address environmental conditions and issues in the Policy Plan Hazard Element tables.

Lead: County Administrative Office - Finance and Admin

Support: Land Use Services - Planning, Community Development and Housing, Public Works, Public Health, and Public Health - Environmental Health Services.

Related CWP Content:

Policy HZ-3.4 Residential improvements
Policy HZ-3.9 Public improvements and services

IMP-2021-HZ-19 **Contaminated water and soils.** Support efforts to clean up contaminated groundwater, surface water, and soils, particularly those that affect unincorporated EJFAs. Evaluate the potential to expand the use of the County's Site Remediation Program.

Lead: Santa Ana Regional Water Quality Control Board, Lahontan Regional Water Quality Control Board, Colorado River Regional Water Quality Control Board, California Department of Toxic Substances Control, and California Environmental Protection Agency

Support: Public Health - Environmental Health Services, Fire, California Water Resources Control Board, California Department of Water Resources, US Environmental Protection Agency, and US Department of Defense

Related CWP Content:

Policy HZ-3.6 Contaminated water and soils Policy HZ-3.7 Well water testing

IMP-2021-HZ-20 **Water system improvements.** Support strategies that help small drinking water systems access state financing mechanisms such as the Small Community Drinking Water Funding Program. Advocate for the development of new financing mechanisms to repair water infrastructure and/or incentives for consolidation and/or affordable rates. Advocate for the development of a low interest financing mechanism for property owners to repair or replace wells and/or leaky, corroded, or unsafe pipes and fixtures.

Lead: Public Health - Environmental Health Services

Support: Land Use Services - Planning, Local water agencies, Santa Ana Regional Water Quality Control Board, Lahontan Regional Water Quality Control Board, Colorado River Regional Water Quality Control Board, California Water Resources Control Board, and California Department of Water Resources

Related CWP Content:

Policy HZ-3.6 Contaminated water and soils Policy HZ-3.7 Well water testing

IMP-2021-HZ-21 **Well water testing.** Evaluate programmatic options to test private wells in unincorporated EJFAs that are not served by public water systems. Identify funds to expand well water testing and make necessary resources.

Lead: Public Health - Environmental Health Services

Support: Land Use Services - Planning, Local water agencies, Santa Ana Regional Water Quality Control Board, Lahontan Regional Water Quality Control Board, Colorado River Regional Water Quality Control Board, California Water Resources Control Board, and California Department of Water Resources

Related CWP Content:

Policy HZ-3.6 Contaminated water and soils Policy HZ-3.7 Well water testing

IMP-2021-HZ-22 **Design guidelines to increase access to healthy food and physical activity.** Develop design guidelines for new or substantially renovated public and private facilities to incorporate features and amenities that improve the public's access to healthy food and/or physical activity options. The guidelines should also identify options to remove physical barriers such as adequate infrastructure and safety concerns. Incorporate guidance that addresses the health and food access issues identified in the Policy Plan Hazard Element tables.

Lead: Public Health and Real Estate Services

Support: Land Use Services - Planning and Public Works - Special Districts, Regional Parks

Related CWP Content:

Policy HZ-3.10 Multi-use facilities

Policy HZ-3.12 Barriers to physical activity

Policy HZ-3.11 Public Health

IMP-2021-HZ-23 **Safe routes to school.** Coordinate with SBCTA and school districts to identify schools serving unincorporated residents that lack safe walking and biking routes to school. Collaborate with SBCTA and school districts to obtain funding to plan and implement improvements. Develop a process to prioritize the application of grant funding to schools that are in or serve children in unincorporated EJFAs. (Subject to delayed initiation due to COVID-19 impacts on school attendance.)

Lead: Public Works

Support: Public Health, SBCTA

Related CWP Content:

Policy HZ-3.13 Safe routes to school

IMP-2021-HZ-24 **Food access.** Explore policy mechanisms for incentivizing food retail business practices that create living wage jobs and expand access to high quality, healthy, sustainable food, particularly in unincorporated environmental justice communities.

Lead: Public Health

Support: Land Use Services - Planning

Related CWP Content:

Policy HZ-3.15 Food access

IMP-2021-HZ-25 **Healthy Communities Program.** Adjust the County's Healthy Communities Program to prioritize unincorporated environmental justice communities for technical assistance, equity issues, and grant making.

Lead: Public Health

Support: Land Use Services - Planning

Related CWP Content:
Policy HZ-3.15 Food access

IMP-2021-HZ-26 **Inclusive governance.** Research options for supporting structured and inclusive participation of residents in all unincorporated areas, such as community-based organizations. Develop inclusive community engagement guidelines and activities for County planning activities, such as recommended timelines and set-aside funding for childcare, translation services, transportation, cultural engagement activities, and reimbursement costs for community-based organizations to participate. Expand and maintain a list of key community stakeholders to notify and communicate with regarding potential grant and funding opportunities, conditional use permits, changes in zoning, and amendments to the Policy Plan in or adjacent to unincorporated EJFAs.

Lead: Land Use Services - Planning

Support: County Administrative Office - Finance and Administration

Related CWP Content:
Policy HZ-3.16 Notification
Policy HZ-3.17 Community stakeholders
Policy HZ-3.18 Application requirements
Policy GV-6.5 Broad and diverse participation
Policy GV-6.6 Social capital

Additional Notes:
See also IMP-2021-HZ-7

IMP-2021-HZ-27 **Notification.** Augment the County's current notification process to include website notices that post when applications are accepted for conditional use permits, changes in zoning, and Policy Plan amendments in or adjacent to unincorporated EJFAs. Establish a threshold for which notices would be published in a language other than English based on the percentage of residents in the communities containing unincorporated environmental justice focus area residents who are linguistically isolated or speak a language other than English.

Lead: Land Use Services - Planning

Support: County Administrative Office - Finance and Administration and Information Services

Related CWP Content:
Policy HZ-3.16 Notification

IMP-2021-HZ-28 **Updating EJFAs.** Monitor subsequent updates to CalEnviroScreen and identify changes needed, if any, to the Policy Plan and Implementation Plan regarding unincorporated EJFAs.

Lead: Land Use Services - Planning

Support: Public Health

Related CWP Content:
Policy HZ-3.20 Updating EJFAs

IMP-2021-HZ-29 **Emerging pollutants.** Coordinate with regulatory agencies to identify pollutants of concern that do not yet have established regulatory thresholds. Obtain data from regulatory agencies and other reliable sources on the potential and confirmed location and degree of pollutant levels, particularly for pollutants that are found in unincorporated EJFAs.

Lead: Santa Ana Regional Water Quality Control Board, Lahontan Regional Water Quality Control Board, Colorado River Regional Water Quality Control Board, California Department of Toxic Substances Control, California Environmental Protection Agency

Support: Land Use Services - Planning, Public Health - Environmental Health Services, County Fire – Hazardous Materials, Public Health, California Water Resources Control Board, California Department of Water Resources, US Environmental Protection Agency, and US Department of Defense.

Related CWP Content:
Policy HZ-3.21 Emerging pollutants

Mid Term Actions

IMP-2021-HZ-1 **Assessment.** Conduct a preliminary assessment of floodway improvements needed in industrial redevelopment focus areas to determine the need for and potential cost.

Lead: Public Works - Flood Control

Support: N/A

Related Development Code Content:

Chapter 85.11 Pre-construction Flood Hazard Mitigation and Erosion Control Inspection

Related CWP Content:

Policy HZ-1.4 500-year flood zone

Policy Map HZ-4 Flood Hazards

IMP-2021-HZ-2 **Safer and sustainable alternatives.** Develop a list of materials that are non-toxic and sustainable alternatives to minimize the use of hazardous and unsustainable materials in County and non-County construction and operations.

Lead: Public Health - Environmental Health Services

Support: Public Works, Land Use Services - Building and Safety

Related Development Code Content:

Chapter 85.11 Pre-construction Flood Hazard Mitigation and Erosion Control Inspection

Related CWP Content:

Policy HZ-2.3 Safer alternatives

Personal & Property Protection Element

Short Term Actions

IMP-2021-PP-2 **CWPPs**. Coordinate through the Mountain Area Safety Taskforce to update community wildfire protection plans (CWPPs). Incorporate the most recent science on climate adaptation and resiliency and wildfire risks.

Lead: County Fire

Support: N/A

Related CWP Content:

Policy PP-3.4 Fire prevention services

Policy PP-3.8 Fire-adapted communities

Additional Notes:

See also for reference from 2007/2013 Community Plans:

- BV/CO 2.2, BV/S 1.3, BV/S 2.2
- CF/S 1.3, CF/S 2.2
- HC/CO 2.2, HC/S 1.3, HC/S 2.2
- LA/CO 2.2, LA/S 1.3
- LC/CO 2.2, LC/S 1.4,
- OG/CO 2.2

Mid Term Actions

IMP-2021-PP-1 **Street Signage**. Update street signage standards and requirements, including funding tools for maintenance.

Lead: Public Works - Transportation

Support: N/A

Related CWP Content:

Policy PP-3.9 Street signage

IMP-2021-PP-3 **HMP updates**. Upon the next update of the County Multi-Jurisdictional Hazard Mitigation Plan, incorporate analysis of potential vulnerabilities to climate-related hazards and update point data to ensure greater accuracy and mapping.

Lead: County Fire - Office of Emergency Services

Support: Public Works, Public Works - Special Districts Land Use Services - Planning, and Sheriff

Related CWP Content:

Policy PP-4.1 Emergency management plans

IMP-2021-PP-4 **Community networks.** Update and maintain a list of community-based networks to aid vulnerable populations in preparation for emergencies and provide assistance with evacuation and recovery. Promote the creation of community support networks to check on socially vulnerable or isolated persons during dangerous conditions.

Lead: County Fire - Office of Emergency Services

Support: Health & Human Services

Related CWP Content:
Policy PP-4.5 Vulnerable populations

Economic Development Element

Mid Term Actions

IMP-2021-ED-1 **Market plan.** Develop a marketing plan regarding business park and industrial development in employment focus areas, and retail and commercial businesses in commercial focus areas.

Lead: Economic Development

Support: Land Use Services - Planning

Related CWP Content:
Policy ED-1.1 Marketing focus areas

IMP-2021-TM-2 **Site and facilities inventory.** Maintain a countywide inventory of available sites and facilities for businesses by leveraging Costar and other third party vendors in collaboration with real estate brokers, developers, municipalities, and building owners.

Lead: Economic Development

Support: N/A

Related CWP Content:
Policy ED-3.4 Site and facilities inventory

Health & Wellness Element

Immediate Actions

IMP-2021-HW-3 **CAG administration and support.** Establish and maintain a structure to communicate with local members of the community on the implementation, amendment, and updating of the CAGs. Identify overlap between community-desired improvements in CAGs and County priorities and planned/budget improvement activities. Identify opportunities to assist unincorporated EJFAs to establish special funding and financing mechanisms.

Lead: Board of Supervisors and Finance and Administration

Support: Land Use Services - Planning and Community Development and Housing

Related CWP Content:

Policy HW-3.9 Community-driven improvements

Policy HZ-3.14 Community-desired improvements

Policy GV-6.6 Social capital

Mid Term Actions

IMP-2021-HW-1 **Funding coordination.** Establish or augment quarterly cross-departmental/agency meetings to review funding opportunities.

Lead: Health & Human Services

Support: Land Use Services - Planning, Public Works, Public Works - Special Districts, Fire, and Sheriff

Related CWP Content:

Policy HW-1.4 Funding application coordination

IMP-2021-HW-2 **Partnerships and capacity building.** Convene or augment existing annual meeting(s) of County department heads and other agencies/entities to identify strategies and opportunities to build the capacity of service providers/organizations and arrive at mutually beneficial outcomes given County goals and state/federal mandates.

Lead: Health & Human Services

Support: Land Use Services - Planning, Public Works, Public Works - Special Districts, Fire, and Sheriff

Related CWP Content:

Policy HW-1.5 Partnerships and capacity building

Policy HW-1.7 Upstream issues

Policy HW-1.6 Healthy behaviors

Policy HW-1.13 Health care professional capacity

EXHIBIT C

Countywide Plan, Business Plan: Governance Element



COUNTYWIDE PLAN

COUNTY BUSINESS PLAN Governance Element Public Hearing Draft

August 2020

HARD COPY VERSION. The following is a hard copy version suitable for use during public review and discussion at public hearings, and for eventual adoption by the Board of Supervisors, as recorded by the County Clerk of the Board. A web-based version of the Governance Element is provided at www.countwideplan.com for easier use, review, and navigation. The Implementation Plan is the second part of the County Business Plan and is provided under separate cover. Tools associated with implementation of the Countywide Plan include a tracking & feedback system and a fiscal analysis model. Additional information on these tools can be found at www.countywideplan.com.

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Governance Element

The Governance Element promotes effective decision making, transparency, long-term value, accountability, and inclusivity. The Element includes a set of high-level goals and broad policies that support consistent County leadership sustained through time and succession.

Purpose

The Governance Element:

- Provides guidance on County decision-making processes for officials, staff, the public, and other stakeholders.
- Commits the County to operating in a business-like manner.
- Incorporates the concept of adding long-term value into the decision-making process.
- Integrates the Countywide Plan into the County's ongoing operations.
- Links the budget process (the most tangible expression of the County's commitments) with the long-term goals of the Countywide Plan and the Board of Supervisors' priorities.
- Provides for effective administration and implementation of the Countywide Plan.

Principles

We believe:

- Stable, consistent, and timely governance is essential to achieving the Countywide Vision.
- Effective governance attracts investment, which can generate more revenue for reinvestment, creating a self-sustaining cycle of prosperity.
- Informed decision making requires a Countywide Plan that is clearly communicated from County leaders and staff to the public, transparent and easy access to information, and processes through which an informed public can participate and provide feedback.
- We create, maintain, and grow economic value by providing efficient and effective public services and facilities necessary to support them.
- Achievement of our long term goals facilitates a system of continuous improvement through routine, iterative tracking of progress and a feedback loop to adjust policies and activities.
- Implementing the Countywide Plan requires the County to leverage the federal and state programs it administers and to partner with public agencies, non-governmental organizations, and the private sector.
- Fostering a system of continuous improvement within the County organization, including continuing education, improved technology, and innovative approaches, is essential to a proactive approach and high quality public facilities and services.

Goals & Policies

Goal GV-1 Decision Processes

Decision making that implements the Countywide Plan in a clear and consistent manner.

Policy GV-1.1 **Consistency with policies and priorities.** We require that staff recommendations to the Board of Supervisors be consistent with: the Countywide Plan; the Board's priorities; other County strategic plans, master plans, and other long term planning documents; and the parts of the Countywide Vision that are within the authority and responsibility of the County.

Policy GV-1.2 **Long-term benefit.** When considering and evaluating short term opportunities, we prioritize those that best move the County towards its long-term Countywide Plan goals and adds long-term value.

Policy GV-1.3 **Policy Plan amendments.** We will consider approving amendments to the Policy Plan only when the following conditions are met:

A. The proposed change is and will be fiscally neutral or positive.

B. The proposed change can be adequately served by public facilities and will not negatively impact existing level of service or the ability to provide future development with County services.

C. Amendments that do not meet the conditions in A or B above may still be considered for approval if the amendment is needed to satisfy state or federal mandates (for example: state housing laws), or to enact new policy decisions consistent with the Countywide Vision.

Policy GV-1.4 **Data use for decisions and regulations.** We make decisions and adopt regulations based on the best data available. In order to determine the quality of data, we evaluate the legitimacy of the data source, accuracy, timeliness, resolution, and completeness.

Goal GV-2 Staff Resources

County staff that have the education and skills necessary to provide responsive and effective service to the County's residents, businesses, and visitors.

Policy GV-2.1 **Staff development.** We invest in the training and development of County staff to ensure the provision of quality services and support their career development, consistent with the availability of resources.

Policy GV-2.2 **Recruiting.** We seek to strike a balance between promoting from within, in order to maintain institutional knowledge and employee morale, and the need to seek external sources, who may bring in new perspectives and skills.

Goal GV-3 Implementation and Partnerships

Continuous progress toward achievement of the Policy Plan Goals and Countywide Vision through sustained initiatives and leadership by the County, in partnership with other agencies and organizations.

- Policy GV-3.1 **Board of Supervisors priorities.** We set priorities and direct timely actions for implementing the Countywide Plan through periodic adoption of Board of Supervisors priorities.
- Policy GV-3.2 **Related planning.** We implement the Countywide Plan through strategic plans, master plans, and/or other long-term plans adopted and maintained by County agencies, departments, and divisions, consistent with the Policy Plan.
- Policy GV-3.3 **Tools.** We create and maintain systems, procedures and technology that leverage County resources and state and federal funding to implement the Countywide Plan.
- Policy GV-3.4 **Private sector.** We recognize the importance of private sector and nongovernmental organizations in helping implement the Countywide Plan, and we structure regulations and procedures to facilitate their role in implementation.
- Policy GV-3.5 **Interagency cooperation.** We collaborate with initiatives and programs of other agencies such as local, county, regional, state and federal governments and non-profit agencies to implement the Countywide Plan.
- Policy GV-3.6 **Data maintenance.** We regularly update County-maintained datasets as resources permit, and we encourage other agencies and organizations to regularly update their data that the County uses for decision making.

Goal GV-4 Budgeting and Fiscal Sustainability

An easily understood, transparent, and accountable finance system that implements the Countywide Plan, safeguards the County's assets, and maintains the public's trust and confidence.

- Policy GV-4.1 **Balanced budget.** We adopt an annual budget that is balanced inclusive of carry-over fund balances and reserves. We only use one-time funds for ongoing operational cost as part of a larger plan to balance ongoing revenues and expenses over a multi-year period.
- Policy GV-4.2 **Fiscal impact disclosure.** We require requests for Board of Supervisors action to disclose the full fiscal impacts, including direct and indirect costs, to ensure that all decisions are fiscally sustainable. Proposals for projects or programs requesting County support or funding must also disclose whether County support or funding is required to maintain the project or continue the program in the future.
- Policy GV-4.3 **Assessment of risk.** We require a thorough exploration and analysis of the short and long term risks associated with recommendations for Board actions on County commitments.
- Policy GV-4.4 **Resource allocation.** We consider the complete comparative context of all County needs and responsibilities when making resource allocation decisions.

- Policy GV-4.5 **District considerations.** We allocate resources, while acting as a body of the whole, for their highest and best use within the County. Each Supervisor is responsible for communicating the needs and opportunities within their District to the body, so that they can be given appropriate consideration by the entire Board in this process.
- Policy GV-4.6 **Budget forecasts.** We forecast revenues for the annual budget based on historical trends analysis of federal, state, and local economic projections, and an assessment of economic, demographic, business cycle, and other factors. We conservatively estimate and budget revenue sources that tend to be volatile and most sensitive to changes in the economy. We specify the assumptions underlying our forecast and adjust such assumptions based on actual performance.
- Policy GV-4.7 **Property tax revenue stabilization.** We appropriate anticipated property tax revenue growth, in excess of the lesser of eight percent or the average annualized rate of growth of actual revenues, to an ongoing revenue stabilization set-aside contingency.
- Policy GV-4.8 **Prop 172 revenue stabilization.** We set aside any Prop 172 revenue in excess of the lesser of eight percent or the average annualized rate of growth of actual revenues, to an ongoing Prop 172 revenue stabilization set-aside contingency.
- Policy GV-4.9 **Program efficiency.** We prioritize efficiency and economy in the provision of County services, and we measure and evaluate performance to encourage productivity improvements.
- Policy GV-4.10 **Grant funding.** We proactively pursue grant funding from federal, state, and local agencies and private foundations, but in deciding which opportunities to pursue, we consider the current and future implications of accepting or declining grants, including the amount of local matching funds required, the extent and nature of in-kind services required, duration, the obligation of the County to continue the service after the grant ends, and related operating expenditures.
- Policy GV-4.11 **Cost recovery.** We annually review and update the full direct- and indirect-costs of providing County services, and we establish and annually update fees or charges to recover the full cost of County services.
- Policy GV-4.12 **Maintenance and replacement costs.** We shall incorporate maintenance and replacement costs in the pricing of new programs and facilities as well as recording such deferred costs as debits against revenues.
- Policy GV-4.13 **Retirement system funding reserve.** For savings resulting from negative Unfunded Accrued Actuarial Liability contribution rates, we prioritize setting aside these savings in reserve for reduction of any existing pension obligation bonds or in reserve against future rate increases.
- Policy GV-4.14 **Risk management.** We maintain an 80 percent confidence level in all risk management self-insurance funds as determined by a yearly actuarial study.
- Policy GV-4.15 **Funding municipal services.** We seek to reduce and ultimately eliminate the ongoing subsidization of municipal services in unincorporated areas.

Goal GV-5 Tracking and Feedback

A system and process that facilitates updates to the Countywide Plan and the Board’s priorities, by tracking progress toward Policy Plan Goals and measuring the effectiveness of implementation objectives.

- Policy GV-5.1 **Data-influenced decisions.** We maintain a tracking and feedback system to provide meaningful data and useful information to influence public decisions.
- Policy GV-5.2 **Awareness.** We monitor external forces impacting San Bernardino County to build on their positive impacts and to ameliorate their negative impacts.
- Policy GV-5.3 **Proactive approach.** We shall seek to influence external factors impacting San Bernardino County sooner rather than later.

Goal GV-6 Communication and Participation

Informed and connected leaders, staff, and public through transparent, frequent, and effective communication.

- Policy GV-6.1 **Quality and accessibility.** We require a professional standard of quality and accessibility, across mediums, to communicate information with the accuracy, validity, and honesty that befits this County.
- Policy GV-6.2 **Internal coordination.** We require coordination of communication activities and products across the County organization so that coherent and consistent information is delivered.
- Policy GV-6.3 **Regular communication.** We foster an organizational culture that communicates regularly and proactively with customers, employees, and stakeholders.
- Policy GV-6.4 **Public access.** We provide public access to non-confidential data that the County maintains. We also seek to provide public access to non-confidential data from outside sources which the County has access to and uses regularly.
- Policy GV-6.5 **Broad and diverse participation.** We engage all segments of the community in County planning efforts and local decision making and facilitate robust participation by:
 - A. Providing materials and information to enable those interested in public processes to have informed and effective participation;
 - B. Using convenient and accessible locations and facilities for public meetings;
 - C. Providing other means of participation, such as written comments or online surveys, as an alternative to attending public meetings; and
 - D. Encouraging broad and diverse membership on County committees and commissions, seeking to provide voice to the underrepresented.

Policy GV-6.6 **Social capital.** We cultivate broad support for public decisions by encouraging voting and civic engagement, promoting the development and use of gathering places, and facilitating volunteerism in the public sphere. In unincorporated areas, we also coordinate such actions through Community Action Guides.

EXHIBIT D

Final EIR

<http://countywideplan.com/home/library/>

(2020 Environmental Documents Dropdown)

EXHIBIT E

Final EIR, Appendix A –
FriantCaseDisc_AssessingRegionalEmmissions

**Appendix A Assessing Regional Criteria Pollutant
Emissions Impacts Under CEQA In Light of
the Friant Ranch Ruling**

Appendices

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ASSESSING REGIONAL CRITERIA POLLUTANT EMISSIONS IMPACTS UNDER CEQA

IN LIGHT OF THE *FRIANT RANCH* RULING

Contributing Authors are the following members of the Association of Environmental Professionals Climate Change Committee: Dave Mitchell (First Carbon Solutions), Nicole Vermilion (PlaceWorks), Michael Hendrix (Atkins), and Rich Walter (ICF International, Inc.)¹

California Environmental Quality Act (CEQA) practitioners continually adapt and expand how environmental assessments address impacts. Over the years impact analyses and how lead agencies determine what a ‘significant’ impact is has been clarified through case law and updates to the CEQA Guidelines. However, sometimes court rulings create uncertainty for CEQA practitioners to address them based on the information and tools at hand. Such is the case for requests made on regional air quality impacts in the recent *Sierra Club et al. v County of Fresno et al. and Friant Ranch, L.P.* (2014 266 Cal. App. 5th Dist, Case No. F066798), referred to as *Friant Ranch*.

Background

The Friant Ranch project is a proposed master planned retirement community for active adults (55 and older) on approximately 942 acres in central Fresno County. The regional air quality analysis was prepared in accordance with the adopted San Joaquin Valley Air Pollution Control District’s (SJVAPCD) Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI). While the SJVAPCD is in the process of updating the GAMAQI, in general, the regional air quality significance thresholds and methodology between the adopted 2002 GAMAQI and the draft GAMAQI are similar. The EIR used a threshold for ozone precursors from the SJVAPCD GAMAQI which was based on the New Source Review offset thresholds for stationary sources 10 tons per year for (ROG and NO_x). This threshold approach was adopted by most air pollution control districts in California who have adopted CEQA air quality guidelines.

Based on the SJVAPCD significance thresholds for criteria air pollutants, air quality impacts of the Friant Ranch project were identified as a significant unavoidable impact of the project in the Environmental Impact Report (EIR). Due to the size of the project, emissions of reactive organic gases (ROGs) and oxides of nitrogen (NO_x) exceed the SJVAPCD’s significance thresholds by 10 times in a region that is designated as non-attainment under the California and National ambient air quality standards (AAQS) for these pollutants. At build-out, the proposed Friant Community Plan would emit approximately 117.38 tons per year of PM₁₀, 109.52 tons per year of ROGs, and 102.19 tons per year of NO_x.

¹ This paper represents the personal opinions of the contributing authors and not an opinion of the consulting firms for which they work. This paper does not represent legal advice. CEQA lead agencies are advised to consult with their legal counsel in matters of CEQA legal adequacy.

The central issue in the court case was not the methodology applied to quantifying regional air quality impacts or the determination that the magnitude of emissions was substantial and therefore ‘significant’ but, that the EIR did not adequately relate the magnitude of emissions over the threshold to the health-based effects of the criteria air pollutants emissions. The court found that simply reporting that the emissions exceed the threshold was not sufficient. Per the *Friant Ranch* ruling:

“The discussion of the adverse health effects, however, was not connected to the levels of the pollutant that would be emitted by the completed project. Instead, the discussion of adverse health effects was general in nature.”

The court agreed with the plaintiffs that the EIR was inadequate because it did not explain what it meant to exceed the significance threshold by 10 times and because it didn’t provide a meaningful analysis of the adverse health effects that would be associated with the project’s estimated emissions. Per the ruling, the

“EIR, however, provided no information about the composition of the particulate matter that was expected to be produced by the project.”

Drawing from *Bakersfield Citizens* (supra, 124 Cal. App. 4th 1184), health impacts resulting from adverse air quality impacts must be identified and analyzed. Despite the fact that the Friant Ranch EIR included a general discussion of adverse health effects, the court found it was ‘short’ on analysis as it did not correlate the additional tons per year of regional emission that would be generated by the project (i.e., the adverse air quality impacts) to adverse human health impacts that could be expected to result from those regional emissions. The *Friant Ranch* ruling indicated that the EIR should have provided an analysis of the correlation between the project’s regional emissions and human health impacts.

Specific examples cited include:

- *“The information provided doesn’t enable a reader to determine whether the 100-plus tons per year of PM₁₀, ROG, and NO_x will require people with respiratory difficulties to wear filtering devices when they go outdoors in the project area or nonattainment basis or, in contrast, will be no more than a drop in the bucket to those people breathing the air containing the additional pollutants.”*
- *“If an estimate of the project’s impact on the “days exceeding standards” had been provided, the public and decision makers might have some idea of the magnitude of the air pollutant impact on human health. As presently written, the final EIR does not inform the reader what impact, if any, the project is likely to have on the days of nonattainment per year—it might double those days or it might not even add a single day per year. Similarly, no connection or correlation is made between (1) the EIR’s statement that exposure to ambient levels of ozone ranging from 0.10 to 0.40 parts per million for one to two hours has been found to significantly alter lung functions and (2) the emissions that the project is expected to produce.”*

These examples, highlight the difficulty that air quality practitioner have with the *Friant Ranch* ruling, as discussed further below. The current practice in addressing air quality impacts in CEQA documents is to relate health impacts to the regional significance thresholds, which are related to the AAQS. However, as cited in the *Friant Ranch* ruling, the court found this disclosure too general and not specific enough. However, on the other end of the spectrum, there are not adequate tools available to characterize health impacts of a single project to the degree requested. The court did not provide guidance in this. Rather, the court cited that the “County has discretion in choosing what type of analysis to provide and we will not direct County on how to exercise that discretion. (§ 21168.5.) Nonetheless, there must be some analysis of the correlation between the project’s [regional] emissions and human health impacts.” So CEQA air quality practitioners are now left scratching their heads on how to comply with the ruling and are seeking guidance from the regional air districts.

The court in the *Friant Ranch* ruling is clearly viewing the EIR analysis of regional criteria pollutants through a project-level paradigm, when this is clearly a cumulative impact issue. As such, the court’s suggestions as to a remedy are based on the wrong paradigm, which creates further substantial challenge for the CEQA practitioner.

Origin of Criteria Air Pollutant Significance Thresholds

Before we get into addressing the specific components of the ruling, it is important to discuss how the regional significance thresholds (lbs per day and/or tons per year) were developed for CEQA significance findings and how they related to human health and welfare.

Regional significance thresholds are derived from the United States Environmental Protection Agency (USEPA) health-based standards. Regional significance thresholds have been used by air districts in California for the last 25 years. Air quality practitioners prior to the development of bright-line significance threshold struggled with the need to define the level at which a project’s emissions are deemed significant. It is important to note that regional criteria air pollutant emissions are by definition a cumulative impact.

Regional air quality impacts, similar to greenhouse gas (GHG) emissions impacts are inherently cumulative in nature. Land use projects on their own would not single-handedly cause emissions that exceed the ambient air quality standards. In fact, localized emissions modeling requires air quality modelers to consider the background concentrations when calculating localized impacts. An analysis of regional emissions impacts addresses whether the additional amount of emissions generated by a project should be considered significant in the context of the existing cumulative effect, which is based on criteria air pollutant emissions for which the air basin is designated as nonattainment for. Therefore, the regional criteria air pollutant analysis in a CEQA document is not a project-level analysis, but a cumulative impact analysis.

Therefore, the “one molecule rule”, as defined in the *Communities for a Better Environment v. California Resources Agency and California Building Industry Association* (2002 126 Cal. Rptr. 2d. 441, Cal.App.3 Dist., 2002) (CBE Case), applies. As defined in the CBE case, just because criteria air pollutant emissions

adds to the effect in the nonattainment area does not necessarily create a significant cumulative effect, and the “one [additional] molecule rule” is not the law. Consequently, air districts have developed these bright-line thresholds to define what constitutes a significant impact.

For example, in the South Coast Air Basin, these bright-line significance thresholds were originally developed based on the annual emissions permitting thresholds in the USEPA Prevention of Significant Deterioration (PSD) of Air Quality regulation. The USEPA thresholds are the increment of air pollution an area is allowed to increase. PSD increments prevent the air quality in clean areas from deteriorating to the level set by the National AAQS. Similar to CEQA thresholds, the USEPA thresholds require projects that generate regulated sources of emissions to demonstrate that new emissions emitted from a proposed major stationary source or major modification, in conjunction with other applicable emissions increases and decreases from existing sources, will not cause or contribute to a violation of any applicable National AAQS or PSD increment. Consequently, the thresholds used by air districts in California to determine significant impacts are derived from the health based AAQS. Table 1 shows the primary health and welfare effects from the criteria air pollutant emissions of concern for land use projects.

Table 1 Primary Sources and Effects of Criteria Air Pollutants

Pollutants	Primary Health and Welfare Effects
Carbon Monoxide	Aggravation of some heart diseases (angina); Reduced tolerance for exercise; Impairment of mental function; Impairment of fetal development; Death at high levels of exposure
Nitrogen Dioxide	Aggravation of respiratory illness
Ozone (O ₃) ¹	Aggravation of respiratory and cardiovascular diseases; Reduced lung function, Increased cough and chest discomfort
Particulate Matter (PM ₁₀ and PM _{2.5})	Reduced lung function; Aggravation of respiratory & cardio-respiratory diseases; Increases in mortality rate; Reduced lung function growth in children

Source: South Coast Air Quality Management District (SCAQMD). 2005, May 6. Guidance Document for Addressing Air Quality, Issues in General Plans and Local Planning, <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf?sfvrsn=4>

¹ Ozone is a secondary criteria air pollutant and not emitted directly by a project.

One way to think about the existing thresholds is to think about the regional inventory of criteria pollutants. While a project that exceeds the thresholds by itself cannot “bounce the needle” on the ambient concentrations of criteria pollutants, when you amalgamate all the land use and other sources that exceed the thresholds, then you are dealing with a meaningful majority of the regional criteria

pollutant emissions. The existing thresholds are a tool by which to ensure that CEQA evaluations are conducted for projects that meaningfully contribute to the regional inventory. But this does not mean that a single project would substantially change ambient conditions in a specifically measurable way in terms of health effect. Rather it means that without control, the cumulative projects above this threshold would contribute to meaningful changes in ambient concentrations which would have measurable changes in health effects. Using CEQA terminology, the thresholds do not identify the level at which a project results in a significant impact, instead the thresholds identify when the project's emissions are a considerable contribution to a cumulatively significant impact.

Limits of Air Quality Dispersion Modeling for Regional Criteria Pollutants

As a measure of cumulative contribution, the regional significance thresholds for criteria pollutants only indirectly tie emissions generated by a project to the health-based standards of the AAQS. The health-based standards of the AAQS are based on the concentration of air pollutant emissions in the air and not the quantity of emissions (mass emissions) generated within an air basin. If the ruling requires something more than a general discussion of the health implications of exceeding the regional significance thresholds of the air district, how can lead agencies comply with the ruling?

Ozone and Secondary Particulate Matter

Ozone and secondary PM cannot be modeled with one of the dispersion models used for localized pollutants (such as diesel particulate matter) because they are formed with complex chemical reactions in the atmosphere sometimes many miles from the source of emissions. The models need to simulate dispersion, deposition, atmospheric chemistry, and meteorology, in a three dimensional scale. The models need to include all precursor emission sources in a gridded inventory that accounts for the time of day and location of the emission sources throughout a modeling domain. Some simplified models referred to as mesoscale models have been developed to model the impact on a smaller scale for large point sources such as power plants, but according to USEPA they are not considered a reliable predictor of actual concentrations of ozone. In addition, emissions from development projects are primarily generated by mobile sources. Cars and trucks travel an average of 7-10 miles for each trip resulting in emissions being spread throughout the road network, not from a single project site. Therefore, ozone, and to lesser extent PM₁₀ must be modeled using a regional atmospheric model.

Ozone air quality attainment plans use regional atmospheric models to determine the emission carrying capacity of the air basin. If the carrying capacity is exceeded, locations within the modeling domain will exceed the ambient air quality standard. The more that the carrying capacity is exceeded, the higher the concentration experienced in the areas exceeding the standard. When air basins are close to attainment, the areas that exceed the standard become more isolated. Attainment modeling is used to determine the amount of reductions needed to reach attainment at the last location within the basin. This means that most locations in a basin, including those with very large projects, may have no exceedances of the standard and areas with less favorable meteorology with no projects and limited local sources can exceed the standard.

Nitrogen Dioxide/Oxides of Nitrogen

Theoretically, it would be possible to add the emissions from a large project such as Friant Ranch into the regional attainment model and look for increases in concentration throughout the air basin. This would be considered a sensitivity analysis. The analysis could hold the emissions in the rest of the grid constant and see what happens when emissions are added to the appropriate grid squares. The SJVAB inventory for the ozone precursor NO_x is about 545 tons per day or 198,925 tons per year. Friant Ranch would produce approximately 102 tons per year of NO_x or a 0.051 percent increase. A small increase in emissions of less than a tenth of a percent spread over several grid cells is not likely to move the concentration by an amount beyond the uncertainty in the model.

The regional models account for phenomenon like low level jet streams that can quickly transport emissions from where they are generated to distant locations and wind eddies that recirculate polluted air on a sub-regional basis. In addition, photochemical modeling, in the case of ozone, is dependent of the amount of the individual precursors at all locations in the domain. This is because in the absence of sunlight, NO_x destroys ozone, and areas deficient in NO_x such as rural and mountain areas will experience high ozone concentrations well into the evening while urban areas with many NO_x sources will see rapid decreases in ozone in the evening. Therefore, modeling that adds emissions from a development project in one part of the modeling domain may have a beneficial effect in one area and a negative effect in another. For Friant Ranch, the regional model would be the only way to accurately measure the increase in concentration, if any that would occur by adding the emissions at the project site on the road network receiving traffic from the project. However, the scale of the additional emissions is so small compared to the basin scale variables, that the effect on ambient concentrations would be lost in the “noise” of the model and would be highly unlikely to be directly attributable (or “correlated” in court’s language) to the project itself

The San Joaquin Valley Air Basin (SJVAB) is considered NO_x limited, meaning reductions in NO_x have the most effect on ozone formation while the other ozone precursor, ROG, would have little effect because of its abundance in the atmosphere. Most ROG compounds are not considered to have health impacts except for those classified as toxic air contaminants that are regulated separately. ROG is generated by plants. Eliminating all ROG from manmade sources will still leave sufficient biogenic ROG to participate in the photochemical reaction to form ozone.

Inhalable Particulate Matter

PM₁₀ is formed by chemical reactions in the atmosphere with precursor emissions and directly from combustion and from fugitive dust. For example, the particulate ammonium nitrate is formed when NO_x and ammonia react in a series of complex chemical reactions. PM₁₀ is an amalgamation of numerous particles, and aerosols. The mix of chemicals varies day to day and season to season. In winter, wood smoke and ammonium nitrate are larger portions the mix with occasional days heavily influenced by fugitive dust. In the summer, fugitive dust provides a larger fraction and nitrate is reduced. This variation somewhat complicates the modeling process. Regional PM₁₀ emissions in the SJVAB were modeled using a procedure called chemical mass balance. The individual PM₁₀ species are allocated into

a grid and reductions from the control measures designed to reduce each constituent are applied to the inventory in each grid square to demonstrate attainment. This process could be done in reverse by adding pollutants generated by the project into the appropriate grid square to see if it would substantially increase concentrations to unhealthful levels. However, again, the regional scale effects and dispersion dwarf nearly all project level emission contributions such that meaningful attribution of ambient concentrations to the project itself will be difficult. More sophisticated atmospheric models for PM₁₀ and PM_{2.5} exist, but to our knowledge have not been used in the SJVAB.

Number of Days Air Basins Exceed AAQS

In addition to effects on peak concentration, it is also important to know how many days people are exposed to the unhealthful levels and whether a project would increase the number of days each year in which the air quality standard is exceeded. The modeling only tells what conditions will be during days with the worst conditions (most favorable for forming ozone) called an episode. Poor air quality builds up over a number of days when stagnant conditions occur. Eventually, more favorable conditions return and the air quality is improved. In Fresno the number of days exceeding the federal 8-hour ozone standard of 0.075 ppm was between 50 and 70 days per year between 2009 and 2012. This is down from over 100 days per year in the past. The peak 8-hour readings were as high as 0.116 ppm in 2013. This indicates that the existing conditions are well over the standard on many days. A sufficient regional cumulative increase in emissions could cause the concentration to go up on the worst days and to increase the number of days exceeding the standard. However, as described above, the Friant Ranch emissions are so small relevant to the regional inventory (NO_x emission are only 0.051 percent of regional emissions) that any project-attributable change in conditions is likely to be within the model uncertainty and thus would not be a valid result that could be used as the basis for a significant determination under CEQA.

Criteria Air Pollutant Burden: Number of People Exposed to Unhealthful Concentrations

Another factor that is considered in assessing air quality health impacts is the number of people exposed to unhealthful air quality from regional criteria pollutants. Areas with large populations with high pollutant concentrations would expose more people to bad air than areas with small populations and equally poor air quality. It is not acceptable to expose anyone to poor air quality, but it may help prioritize actions to reduce the impacts by where the most people would be helped.

The health impacts of ozone can be presented in a number of ways. The clearest in comparison is to the state and federal ambient ozone standards. If ambient concentrations are below the standard, it is safe to say that no health impact would occur to anyone. When concentrations exceed the standard, impacts will vary based on how much the standard is exceeded. The USEPA developed the Air Quality Index (AQI) as an easy to understand measure of health impact.

75 ppb: AQI 100 – Moderate:

Sensitive Groups: Children and people with asthma are the groups most at risk.

Health Effects Statements: Unusually sensitive individuals may experience respiratory symptoms.

Cautionary Statements: Unusually sensitive people should consider limiting prolonged outdoor exertion.

95 ppb: AQI 150 – Unhealthful for Sensitive Groups:

Sensitive Groups: Children and people with asthma are the groups most at risk.

Health Effects Statements: Increasing likelihood of respiratory symptoms and breathing discomfort in active children and adults and people with respiratory disease, such as asthma.

Cautionary Statements: Active children and adults, and people with respiratory disease, such as asthma, should limit prolonged outdoor exertion.

115 ppb: AQI 200 – Unhealthy:

Sensitive Groups: Children and people with asthma are the groups most at risk.

Health Effects Statements: Greater likelihood of respiratory symptoms and breathing difficulty in active children and adults and people with respiratory disease, such as asthma; possible respiratory effects in general population.

Cautionary Statements: Active children and adults, and people with respiratory disease, such as asthma, should avoid prolonged outdoor exertion; everyone else, especially children, should limit prolonged outdoor exertion.

139 ppb: AQI 210 – Very Unhealthful:

Sensitive Groups: Children and people with asthma are the groups most at risk.

Health Effects Statements: Increasingly severe symptoms and impaired breathing likely in active children and adults and people with respiratory disease, such as asthma; increasing likelihood of respiratory effects in general population.

Cautionary Statements: Active children and adults, and people with respiratory disease, such as asthma, should avoid all outdoor exertion; everyone else, especially children, should limit outdoor exertion.

Based on the AQI scale, Fresno experienced one day in the last three years that would be categorized as unhealthful, and as many as 56 days that was unhealthful for sensitive groups or moderate at the worst monitoring station. This raises the question of what would be considered a significant project impact. Would a project need to be solely responsible for increasing the days over the standard by one day, five days, or ten days? Would a project need to increase the AQI to the next higher level – moderate to unhealthful for sensitive groups? This line of reasoning leads back to the basis of the 10 ton per year ozone precursor threshold that is based on a policy determination that this amount is a cumulative contribution deserving mitigation in consideration to the existing impact. Although this approach might in concept be thought useful, since nearly all projects would have such a small contribution in isolation², it is unlikely that any one project would change the modeled population exposed to concentrations above ambient thresholds.

² In the Friant Ranch case, using ozone precursors as an example, if regional cumulative emissions result in an AQI of 210 and the AQI is linearly related to the amount of emissions, then the project-only contribution would be an increase in the AQI of 0.1. Given the photochemistry issues described above for ozone formation, such a direct linear relationship is not a valid presumption and this points out that ultimately this is a cumulative impact, not a project-only impact.

The Air District's Shoes

The discussion above highlights the difficulties with doing macro-level dispersion modeling and relating mass emissions to the number of people requiring “filtering devices when they go outdoors” or the number of additional days a region may be in nonattainment for. However, do CEQA practitioners really need to go that far? As identified above, regional significance thresholds (lbs per day, and/or tons per year thresholds) are derived from the AAQS. Air basins are identified as either attainment or nonattainment of the California and National AAQS for criteria pollutants. If an air basin is designated as nonattainment, the regional air districts are required to prepare air quality management plans detailing strategies to meet the AAQS in the timeline specified. If air districts already need to forecast future emission levels based on growth, does the decision made by the court overstep into the shoes of the air district?

Projects that exceed the regional significance threshold contribute cumulatively to the nonattainment designation, but do not cause nonattainment in isolation. As the attainment designation is based on the AAQS, which are set at levels of exposure that are determined to not result in adverse health, a project in a nonattainment area with criteria pollutant emissions would cumulatively contribute to health impacts within the air basin. Therefore, in the absence of tools for equating regional emissions to more specific health-based effects, the appropriate place for evaluating how growth within the air basins affects the ability to meet the AAQS and attain the health based standards established by the State and EPA is the regional air quality management plans. Regional air quality management planning specifically accounts for new development in the region based on development patterns set forth in General Plan. The air district runs regional model simulations to determine whether or not an air basin can meet the AAQS. As addressed above, it would be exceedingly difficult to impossible for an individual project to accurately identify how it affects basin-wide concentrations within the uncertainty levels of available regional modeling tools. The air districts are the primary agencies responsible for ensuring the health and welfare of sensitive individuals to elevated concentrations of air quality. Therefore, the most appropriate discussion may be to relate when the air district anticipates the region attaining the health-based standards of the AAQS.

So....what is the CEQA practitioner to do?

As discussed above, regional scale modeling of project-level criteria pollutant emissions will be unrevealing and in nearly all cases will not result in any meaningful identification of changes in ambient levels and human health effects with any certainty. The court ruling is logically flawed in applying a project-level paradigm to a cumulative-level contribution and is asking for an unrealistic and unscientific level of disclosure. As the California Supreme Court has taken up the case, it may resolve the issues in its determination.

In the meantime, lead agencies would be wise to provide the following disclosure when analyzing regional criteria pollutant emissions to better “correlate” project-level criteria pollutant emissions to human health impacts:

1. Describe the cumulative context of regional criteria pollutant emissions and that regional health

effects occur due to the cumulative emissions of existing and future criteria pollutant sources.

2. Characterize the level of project criteria pollutant emissions in comparison to the regional inventory both in terms of tons and percentages.
3. Describe that regional criteria pollutant modeling cannot accurately capture the project-level effect on ambient pollutant concentrations beyond the uncertainty level of the modeling.
4. Disclose that cumulative contributions of regional criteria pollutant emissions collectively can and do have a real-world effect on human health and describe those in the impact analysis (not just in the setting section).
5. Disclose that in general, more criteria pollutant emissions will contribute to more health effects regionally, but that specifically attributing the project's emissions to a specifically defined quantitative or geographic health effect is beyond the resolution of current tools.
6. Differentiate between regional criteria pollutants that are a concern for regional air pollution and localized pollutants (like toxic air contaminants) that are a project-scale concern for the immediate surrounding area of a project. If localized pollutants are studied for their impacts on ambient air quality near the project, explain why this is not appropriate for regional-scale pollutants like ozone precursors.

The situation with the *Friant Ranch* ruling is not unlike the recent court rulings concerning CEQA baselines. In the first Sunnyvale baseline case (*Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council*, 2010), the appellate court described in rather bold terms that sole reliance on a future year baseline is never appropriate and that only an existing year baseline is appropriate under CEQA. In a second Sunnyvale baseline case (*Pfeiffer v. City of Sunnyvale City Council* 2011), the same appellate court found that a future year baseline could be appropriate in a CEQA document provided that the analysis also compares project effects to existing conditions. A California Supreme Court ruling (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority*, 4th Appellate District, 2013) then resolved the issue by finding that use of a future-year baseline only without comparison to existing conditions could actually be appropriate when comparing project conditions to existing conditions would be misleading to the public and decision-makers. The Supreme Court ultimately overturned the original court's key finding, while adding requirements of substantiation that did not exist previously.

Depending on the actions of the Supreme Court, the *Friant Ranch* ruling may or may not be legal precedent on this issue. Given the pragmatic problems with trying to quantitatively correlate project-level criteria pollutant emissions to regional human health effects, it is hoped that future rulings are better informed by the science underlying regional criteria air pollution and associated health effects.

EXHIBIT F

Final EIR, Appendix B – Amicus Briefs

Appendix B Amicus Briefs

Appendices

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SUPREME COURT COPY

CASE NO. S219783

IN THE SUPREME COURT OF CALIFORNIA

SIERRA CLUB, REVIVE THE SAN JOAQUIN, and
LEAGUE OF WOMEN VOTERS OF FRESNO,
Plaintiffs and Appellants

v.

COUNTY OF FRESNO,
Defendant and Respondent

FRIANT RANCH, L.P.,
Real Party in Interest and Respondent

SUPREME COURT
FILED

APR 13 2015

Franz A. McGuire Clerk
Deputy

After a Decision by the Court of Appeal, filed May 27, 2014
Fifth Appellate District Case No. F066798

Appeal from the Superior Court of California, County of Fresno
Case No. 11CECG00726

**APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF
SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT IN
SUPPORT OF DEFENDANT AND RESPONDENT, COUNTY OF FRESNO AND
REAL PARTY IN INTEREST AND RESPONDENT, FRIANT RANCH, L.P.**

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APPLICATION

Pursuant to California Rules of Court 8.520(f)(1), proposed Amicus Curiae San Joaquin Valley Unified Air Pollution Control District hereby requests permission from the Chief Justice to file an amicus brief in support of Defendant and Respondent, County of Fresno, and Defendant and Real Parties in Interest Friant Ranch, L.P. Pursuant to Rule 8.520(f)(5) of the California Rules of Court, the proposed amicus curiae brief is combined with this Application. The brief addresses the following issue certified by this Court for review:

Is an EIR adequate when it identifies the health impacts of air pollution and quantifies a project's expected emissions, or does CEQA further require the EIR to *correlate* a project's air quality emissions to specific health impacts?

As of the date of this filing, the deadline for the final reply brief on the merits was March 5, 2015. Accordingly, under Rule 8.520(f)(2), this application and brief are timely.

1. Background and Interest of San Joaquin Valley Unified Air Pollution Control District

The San Joaquin Valley Unified Air Pollution Control District ("Air District") regulates air quality in the eight counties comprising the San Joaquin Valley ("Central Valley"): Kern, Tulare, Madera, Fresno, Merced, San Joaquin, Stanislaus, and Kings, and is primarily responsible for attaining air quality standards within its jurisdiction. After billions of dollars of investment by Central Valley businesses, pioneering air quality regulations, and consistent efforts by residents, the Central Valley air basin has made historic improvements in air quality.

The Central Valley's geographical, topographical and meteorological features create exceptionally challenging air quality

conditions. For example, it receives air pollution transported from the San Francisco Bay Area and northern Central Valley communities, and the southern portion of the Central Valley includes three mountain ranges (Sierra, Tehachapi, and Coastal) that, under some meteorological conditions, effectively trap air pollution. Central Valley air pollution is only a fraction of what the Bay Area and Los Angeles produce, but these natural conditions result in air quality conditions that are only marginally better than Los Angeles, even though about ten times more pollution is emitted in the Los Angeles region. Bay Area air quality is much better than the Central Valley's, even though the Bay Area produces about six times more pollution. The Central Valley also receives air pollution transported from the Bay Area and northern counties in the Central Valley, including Sacramento, and transboundary anthropogenic ozone from as far away as China.

Notwithstanding these challenges, the Central Valley has reduced emissions at the same or better rate than other areas in California and has achieved unparalleled milestones in protecting public health and the environment:

- In the last decade, the Central Valley became the first air basin classified by the federal government under the Clean Air Act as a “serious nonattainment” area to come into attainment of health-based National Ambient Air Quality Standard (“NAAQS”) for coarse particulate matter (PM10), an achievement made even more notable given the Valley’s extensive agricultural sector. Unhealthy levels of particulate matter can cause and exacerbate a range of chronic and acute illnesses.
- In 2013, the Central Valley became the first air basin in the country to improve from a federal designation of “extreme” nonattainment to

actually attain (and quality for an attainment designation) of the 1-hour ozone NAAQS; ozone creates “smog” and, like PM10, causes adverse health impacts.

- The Central Valley also is in full attainment of federal standards for lead, nitrogen dioxide, sulfur dioxide, and carbon monoxide.
- The Central Valley continues to make progress toward compliance with its last two attainment standards, with the number of exceedences for the 8-hour ozone NAAQS reduced by 74% (for the 1997 standard) and 38% (for the 2008 standard) since 1991, and for the small particulate matter (PM2.5) NAAQS reduced by 85% (for the 1997 standard) and 61% (for the 2006 standard).

Sustained improvement in Central Valley air quality requires a rigorous and comprehensive regulatory framework that includes prohibitions (e.g., on wood-burning fireplaces in new residences), mandates (e.g., requiring the installation of best available pollution reduction technologies on new and modified equipment and industrial operations), innovations (e.g., fees assessed against residential development to fund pollution reduction actions to “offset” vehicular emissions associated with new residences), incentive programs (e.g., funding replacements of older, more polluting heavy duty trucks and school buses)¹, ongoing planning for continued air quality improvements, and enforcement of Air District permits and regulations.

The Air District is also an expert air quality agency for the eight counties and cities in the San Joaquin Valley. In that capacity, the Air District has developed air quality emission guidelines for use by the Central

¹ San Joaquin’s incentive program has been so successful that through 2012, it has awarded over \$ 432 million in incentive funds and has achieved 93,349 tons of lifetime emissions reductions. See SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT, 2012 PM2.5 PLAN, 6-6 (2012) available at <http://www.valleyair.org/Workshops/postings/2012/12-20-12PM25/FinalVersion/06%20Chapter%206%20Incentives.pdf>.

Valley counties and cities that implement the California Environment Quality Act (CEQA).² In its guidance, the Air District has distinguished between toxic air contaminants and criteria air pollutants.³ Recognizing this distinction, the Air District’s CEQA Guidance has adopted distinct thresholds of significance for *criteria* pollutants (i.e., ozone, PM2.5 and their respective precursor pollutants) based upon scientific and factual data which demonstrates the level that can be accommodated on a cumulative basis in the San Joaquin Valley without affecting the attainment of the applicable NAAQS.⁴ For *toxic air* pollutants, the District has adopted different thresholds of significance which scientific and factual data demonstrates has the potential to expose sensitive receptors (i.e., children, the elderly) to levels which may result in localized health impacts.⁵

The Air District’s CEQA Guidance was followed by the County of Fresno in its environment review of the Friant Ranch project, for which the Air District also served as a commenting agency. The Court of Appeal’s holding, however, requiring correlation between the project’s criteria

² See, e.g., SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT, PLANNING DIVISION, GUIDE FOR ASSESSING AND MITIGATING AIR QUALITY IMPACTS (2015), available at http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf (“CEQA Guidance”).

³ Toxic air contaminants, also known as hazardous air pollutants, are those pollutants that are known or suspected to cause cancer or other serious health effects, such as birth defects. There are currently 189 toxic air contaminants regulated by the United States Environmental Protection Agency (“EPA”) and the states pursuant to the Clean Air Act. 42 U.S.C. § 7412. Common TACs include benzene, perchloroethylene and asbestos. *Id.* at 7412(b).

In contrast, there are only six (6) criteria air pollutants: ozone, particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide and lead. Although criteria air pollutants can also be harmful to human health, they are distinguishable from toxic air contaminants and are regulated separately. For instance, while criteria pollutants are regulated by numerous sections throughout Title I of the Clean Air Act, the regulation of toxic air contaminants occurs solely under section 112 of the Act. Compare 42 U.S.C. §§ 7407 – 7411 & 7501 – 7515 with 42 U.S.C. § 7411.

⁴ See, e.g., CEQA Guidance at http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf, pp. 64-66, 80.

⁵ See, e.g., CEQA Guidance at http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf, pp. 66, 99-101.

pollutants and local health impacts, departs from the Air District's Guidance and approved methodology for assessing criteria pollutants. A close reading of the administrative record that gave rise to this issue demonstrates that the Court's holding is based on a misunderstanding of the distinction between toxic air contaminants (for which a local health risk assessment is feasible and routinely performed) and criteria air pollutants (for which a local health risk assessment is not feasible and would result in speculative results).⁶ The Air District has a direct interest in ensuring the lawfulness and consistent application of its CEQA Guidance, and will explain how the Court of Appeal departed from the Air District's long-standing CEQA Guidance in addressing criteria pollutants and toxic air contaminants in this amicus brief.

2. How the Proposed Amicus Curiae Brief Will Assist the Court

As counsel for the proposed amicus curiae, we have reviewed the briefs filed in this action. In addition to serving as a "commentary agency" for CEQA purposes over the Friant Ranch project, the Air District has a strong interest in assuring that CEQA is used for its intended purpose, and believes that this Court would benefit from additional briefing explaining the distinction between criteria pollutants and toxic air contaminants and the different methodologies employed by local air pollution control agencies such as the Air District to analyze these two categories of air pollutants under CEQA. The Air District will also explain how the Court of Appeal's opinion is based upon a fundamental misunderstanding of these two different approaches by requiring the County of Fresno to correlate the project's *criteria* pollution emissions with *local* health impacts. In doing

⁶ CEQA does not require speculation. *See, e.g., Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 6 Cal. 4th 1112, 1137 (1993) (upholding EIR that failed to evaluate cumulative toxic air emission increases given absence of any acceptable means for doing so).

so, the Air District will provide helpful analysis to support its position that at least insofar as criteria pollutants are concerned, CEQA does not require an EIR to correlate a project's air quality emissions to specific health impacts, because such an analysis is not reasonably feasible.

Rule 8.520 Disclosure

Pursuant to Cal. R. 8.520(f)(4), neither the Plaintiffs nor the Defendant or Real Party In Interest or their respective counsel authored this brief in whole or in part. Neither the Plaintiffs nor the Defendant or Real Party in Interest or their respective counsel made any monetary contribution towards or in support of the preparation of this brief.

CONCLUSION

On behalf of the San Joaquin Valley Unified Air Pollution Control District, we respectfully request that this Court accept the filing of the attached brief.

Dated: April 2, 2015



Annette A. Ballatore-Williamson
District Counsel
Attorney for Proposed Amicus Curiae

SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL
DISTRICT

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I. INTRODUCTION.

The San Joaquin Valley Unified Air Pollution Control District (“Air District”) respectfully submits that the Court of Appeal erred when it held that the air quality analysis contained in the Environmental Impact Report (“EIR”) for the Friant Ranch development project was inadequate under the California Environmental Quality Act (“CEQA”) because it did not include an analysis of the correlation between the project’s criteria air pollutants and the potential adverse human health impacts. A close reading of the portion of the administrative record that gave rise to this issue demonstrates that the Court’s holding is based on a misunderstanding of the distinction between toxic air contaminants and criteria air pollutants.

Toxic air contaminants, also known as hazardous air pollutants, are those pollutants that are known or suspected to cause cancer or other serious health effects, such as birth defects. There are currently 189 toxic air contaminants (hereinafter referred to as “TACs”) regulated by the United States Environmental Protection Agency (“EPA”) and the states pursuant to the Clean Air Act. 42 U.S.C. § 7412. Common TACs include benzene, perchloroethylene and asbestos. *Id.* at 7412(b).

In contrast, there are only six (6) criteria air pollutants: ozone, particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide and lead. Although criteria air pollutants can also be harmful to human health,

they are distinguishable from TACs and are regulated separately. For instance, while criteria pollutants are regulated by numerous sections throughout Title I of the Clean Air Act, the regulation of TACs occurs solely under section 112 of the Act. *Compare* 42 U.S.C. §§ 7407 – 7411 & 7501 – 7515 *with* 42 U.S.C. § 7411.

The most relevant difference between criteria pollutants and TACs for purposes of this case is the manner in which human health impacts are accounted for. While it is common practice to analyze the correlation between an individual facility's TAC emissions and the expected localized human health impacts, such is not the case for criteria pollutants. Instead, the human health impacts associated with criteria air pollutants are analyzed and taken into consideration when EPA sets the national ambient air quality standard ("NAAQS") for each criteria pollutant. 42 U.S.C. § 7409(b)(1). The health impact of a particular criteria pollutant is analyzed on a regional and not a facility level based on how close the area is to complying with (attaining) the NAAQS. Accordingly, while the type of individual facility / health impact analysis that the Court of Appeal has required is a customary practice for TACs, it is not feasible to conduct a similar analysis for criteria air pollutants because currently available computer modeling tools are not equipped for this task.

It is clear from a reading of both the administrative record and the Court of Appeal's decision that the Court did not have the expertise to fully

appreciate the difference between TACs and criteria air pollutants. As a result, the Court has ordered the County of Fresno to conduct an analysis that is not practicable and not likely yield valid information. The Air District respectfully requests that this portion of the Court of Appeal's decision be reversed.

II. THE COURT OF APPEAL ERRED IN FINDING THE FRIANT RANCH EIR INADEQUATE FOR FAILING TO ANALYZE THE SPECIFIC HUMAN HEALTH IMPACTS ASSOCIATED CRITERIA AIR POLLUTANTS.

Although the Air District does not take lightly the amount of air emissions at issue in this case, it submits that the Court of Appeal got it wrong when it required Fresno County to revise the Friant Ranch EIR to include an analysis correlating the criteria air pollutant emissions associated with the project with specific, localized health-impacts. The type of analysis the Court of Appeal has required will not yield reliable information because currently available modeling tools are not well suited for this task. Further, in reviewing this issue de novo, the Court of Appeal failed to appreciate that it lacked the scientific expertise to appreciate the significant differences between a health risk assessment commonly performed for toxic air contaminants and a similar type of analysis it felt should have been conducted for criteria air pollutants.

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A. Currently Available Modeling Tools are not Equipped to Provide a Meaningful Analysis of the Correlation between an Individual Development Project's Air Emissions and Specific Human Health Impacts.

In order to appreciate the problematic nature of the Court of Appeals' decision requiring a health risk type analysis for criteria air pollutants, it is important to understand how the relevant criteria pollutants (ozone and particulate matter) are formed, dispersed and regulated.

Ground level ozone (smog) is not directly emitted into the air, but is formed when precursor pollutants such as oxides of nitrogen (NO_x) and volatile organic compounds (VOCs) are emitted into the atmosphere and undergo complex chemical reactions in the process of sunlight.¹ Once formed, ozone can be transported long distances by wind.² Because of the complexity of ozone formation, a specific tonnage amount of NO_x or VOCs emitted in a particular area does not equate to a particular concentration of ozone in that area. In fact, even rural areas that have relatively low tonnages of emissions of NO_x or VOCs can have high levels of ozone concentration simply due to wind transport.³ Conversely, the San Francisco Bay Area has six times more NO_x and VOC emissions per square mile than the San Joaquin Valley, but experiences lower

¹ See United States Environmental Protection Agency, *Ground-level Ozone: Basic Information*, available at: <http://www.epa.gov/airquality/ozonepollution/basic.html> (visited March 10, 2015).

² *Id.*

³ *Id.*

concentrations of ozone (and better air quality) simply because sea breezes disperse the emissions.⁴

Particulate matter (“PM”) can be divided into two categories: directly emitted PM and secondary PM.⁵ While directly emitted PM can have a localized impact, the tonnage emitted does not always equate to the local PM concentration because it can be transported long distances by wind.⁶ Secondary PM, like ozone, is formed via complex chemical reactions in the atmosphere between precursor chemicals such as sulfur dioxides (SO_x) and NO_x.⁷ Because of the complexity of secondary PM formation, the tonnage of PM-forming precursor emissions in an area does not necessarily result in an equivalent concentration of secondary PM in that area.

The disconnect between the *tonnage* of precursor pollutants (NO_x, SO_x and VOCs) and the *concentration* of ozone or PM formed is important because it is not necessarily the tonnage of precursor pollutants that causes human health effects, but the concentration of resulting ozone or PM. Indeed, the national ambient air quality standards (“NAAQS”), which are statutorily required to be set by the United States Environmental Protection

⁴ *San Joaquin Valley Air Pollution Control District 2007 Ozone Plan*, Executive Summary p. ES-6, available at: http://www.valleyair.org/Air_Quality_Plans/docs/AQ_Ozone_2007_Adopted/03%20Executive%20Summary.pdf (visited March 10, 2015).

⁵ United States Environmental Protection Agency, *Particulate Matter: Basic Information*, available at: <http://www.epa.gov/airquality/particlepollution/basic.html> (visited March 10, 2015).

⁶ *Id.*

⁷ *Id.*

Agency (“EPA”) at levels that are “requisite to protect the public health,” 42 U.S.C. § 7409(b)(1), are established as concentrations of ozone or particulate matter and not as tonnages of their precursor pollutants.⁸

Attainment of a particular NAAQS occurs when the concentration of the relevant pollutant remains below a set threshold on a consistent basis throughout a particular region. For example, the San Joaquin Valley attained the 1-hour ozone NAAQS when ozone concentrations remained at or below 0.124 parts per million Valley-wide on 3 or fewer days over a 3-year period.⁹ Because the NAAQS are focused on achieving a particular concentration of pollution region-wide, the Air District’s tools and plans for attaining the NAAQS are regional in nature.

For instance, the computer models used to simulate and predict an attainment date for the ozone or particulate matter NAAQS in the San Joaquin Valley are based on regional inputs, such as regional inventories of precursor pollutants (NO_x, SO_x and VOCs) and the atmospheric chemistry and meteorology of the Valley.¹⁰ At a very basic level, the models simulate future ozone or PM levels based on predicted changes in precursor

⁸ See, e.g., United States Environmental Protection Agency, *Table of National Ambient Air Quality Standards*, available at: <http://www.epa.gov/air/criteria.html#3> (visited March 10, 2015).

⁹ *San Joaquin Valley Unified Air Pollution Control District 2013 Plan for the Revoked 1-Hour Ozone Standard*, Ch. 2 p. 2-16, available at: http://www.valleyair.org/Air_Quality_Plans/OzoneOneHourPlan2013/02Chapter2ScienceTrendsModeling.pdf (visited March 10, 2015).

¹⁰ *Id.* at Ch. 2 p. 2-19 (visited March 12, 2015); *San Joaquin Valley Unified Air Pollution Control District 2008 PM_{2.5} Plan*, Appendix F, pp. F-2 – F-5, available at: http://www.valleyair.org/Air_Quality_Plans/docs/AQ_Final_Adopted_PM2.5/20%20Appendix%20F.pdf (visited March 19, 2015).

emissions Valley wide.¹¹ Because the NAAQS are set levels necessary to protect human health, the closer a region is to attaining a particular NAAQS, the lower the human health impact is from that pollutant.

The goal of these modeling exercises is not to determine whether the emissions generated by a particular factory or development project will affect the date that the Valley attains the NAAQS. Rather, the Air District's modeling and planning strategy is regional in nature and based on the extent to which *all* of the emission-generating sources in the Valley (current and future) must be controlled in order to reach attainment.¹²

Accordingly, the Air District has based its thresholds of significance for CEQA purposes on the levels that scientific and factual data demonstrate that the Valley can accommodate without affecting the attainment date for the NAAQS.¹³ The Air District has tied its CEQA significance thresholds to the level at which stationary pollution sources permitted by the Air District must "offset" their emissions.¹⁴ This "offset"

¹¹ *Id.*

¹² Although the Air District does have a dispersion modeling tool used during its air permitting process that is used to predict whether a particular project's directly emitted PM will either cause an exceedance of the PM NAAQS or contribute to an existing exceedance, this model bases the prediction on a worst case scenario of emissions and meteorology and has no provision for predicting any associated human health impacts. Further, this analysis is only performed for stationary sources (factories, oil refineries, etc.) that are required to obtain a New Source Review permit from the Air District and not for development projects such as Friant Ranch over which the Air District has no preconstruction permitting authority. See San Joaquin Valley Unified Air Pollution Control District Rule 2201 §§ 2.0; 3.3.9; 4.14.1, available at: <http://www.valleyair.org/rules/currntrules/Rule22010411.pdf> (visited March 19, 2015).

¹³ *San Joaquin Valley Unified Air Pollution Control District Guide to Assessing and Mitigating Air Quality Impacts*, (March 19, 2015) p. 22, available at: <http://www.valleyair.org/transportation/CEQA%20Rules/GAMAQI%20Jan%202002%20Rev.pdf> (visited March 30, 2015).

¹⁴ *Id.* at pp. 22, 25.

level allows for growth while keeping the cumulative effects of all new sources at a level that will not impede attainment of the NAAQS.¹⁵ In the Valley, these thresholds are 15 tons per year of PM, and 10 tons of NOx or VOC per year. *Sierra Club, supra*, 172 Cal.Rptr.3d at 303; AR 4554. Thus, the CEQA air quality analysis for criteria pollutants is not really a localized, project-level impact analysis but one of regional, “cumulative impacts.”

Accordingly, the significance thresholds applied in the Friant Ranch EIR (15 tons per year of PM and 10 tons of NOx or VOCs) are not intended to be indicative of any localized human health impact that the project may have. While the health effects of air pollution are of primary concern to the Air District (indeed, the NAAQS are established to protect human health), the Air District is simply not equipped to analyze whether and to what extent the criteria pollutant emissions of an individual CEQA project directly impact human health in a particular area. This is true even for projects with relatively high levels of emissions of criteria pollutant precursor emissions.

For instance, according to the EIR, the Friant Ranch project is estimated to emit 109.52 tons per year of ROG (VOC), 102.19 tons per year of NOx, and 117.38 tons per year of PM. Although these levels well

¹⁵ ¹⁵ *San Joaquin Valley Unified Air Pollution Control District Environmental Review Guidelines* (Aug. 2000) p. 4-11, available at: http://www.valleyair.org/transportation/CEQA%20Rules/ERG%20Adopted%20_August%202000_.pdf (visited March 12, 2015).

exceed the Air District's CEQA significance thresholds, this does not mean that one can easily determine the concentration of ozone or PM that will be created at or near the Friant Ranch site on a particular day or month of the year, or what specific health impacts will occur. Meteorology, the presence of sunlight, and other complex chemical factors all combine to determine the ultimate concentration and location of ozone or PM. This is especially true for a project like Friant Ranch where most of the criteria pollutant emissions derive not from a single "point source," but from area wide sources (consumer products, paint, etc.) or mobile sources (cars and trucks) driving to, from and around the site.

In addition, it would be extremely difficult to model the impact on NAAQS attainment that the emissions from the Friant Ranch project may have. As discussed above, the currently available modeling tools are equipped to model the impact of *all* emission sources in the Valley on attainment. According to the most recent EPA-approved emission inventory, the NO_x inventory for the Valley is for the year 2014 is 458.2 tons per day, or 167,243 tons per year and the VOC (or ROG) inventory is 361.7 tons per day, or 132,020.5 tons per year.¹⁶ Running the photochemical grid model used for predicting ozone attainment with the

¹⁶ *San Joaquin Valley Unified Air Pollution Control District 2007 Ozone Plan*, Appendix B pp. B-6, B-9, available at: http://www.valleyair.org/Air_Quality_Plans/docs/AO_Ozone_2007_Adopted/19%20Appendix%20B%20April%202007.pdf (visited March 12, 2015).

emissions solely from the Friant Ranch project (which equate to less than one-tenth of one percent of the total NOx and VOC in the Valley) is not likely to yield valid information given the relative scale involved.

Finally, even once a model is developed to accurately ascertain local increases in concentrations of photochemical pollutants like ozone and some particulates, it remains impossible, using today's models, to correlate that increase in concentration to a specific health impact. The reason is the same: such models are designed to determine regional, population-wide health impacts, and simply are not accurate when applied at the local level.

For these reasons, it is not the norm for CEQA practitioners, including the Air District, to conduct an analysis of the localized health impacts associated with a project's criteria air pollutant emissions as part of the EIR process. When the accepted scientific method precludes a certain type of analysis, "the court cannot impose a legal standard to the contrary." *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 717 n. 8. However, that is exactly what the Court of Appeal has done in this case. Its decision upends the way CEQA air quality analysis of criteria pollutants occurs and should be reversed.

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B. The Court of Appeal Improperly Extrapolated a Request for a Health Risk Assessment for Toxic Air Contaminants into a Requirement that the EIR contain an Analysis of Localized Health Impacts Associated with Criteria Air Pollutants.

The Court of Appeal's error in requiring the new health impact analysis for criteria air pollutants clearly stems from a misunderstanding of terms of art commonly used in the air pollution field. More specifically, the Court of Appeal (and Appellants Sierra Club et al.) appear to have confused the health risk analysis ("HRA") performed to determine the health impacts associated with a project's toxic air contaminants ("TACs"), with an analysis correlating a project's criteria air pollutants (ozone, PM and the like) with specific localized health impacts.

The first type of analysis, the HRA, is commonly performed during the Air District's stationary source permitting process for projects that emit TACs and is, thus, incorporated into the CEQA review process. An HRA is a comprehensive analysis to evaluate and predict the dispersion of TACs emitted by a project and the potential for exposure of human populations. It also assesses and quantifies both the individual and population-wide health risks associated with those levels of exposure. There is no similar analysis conducted for criteria air pollutants. Thus, the second type of analysis (required by the Court of Appeal), is not currently part of the Air District's process because, as outlined above, the health risks associated

with exposure to criteria pollutants are evaluated on a regional level based on the region's attainment of the NAAQS.

The root of this confusion between the types of analyses conducted for TACs versus criteria air pollutants appears to stem from a comment that was presented to Fresno County by the City of Fresno during the administrative process.

In its comments on the draft EIR, the City of Fresno (the only party to raise this issue) stated:

[t]he EIR must disclose the human health related effects of the Project's air pollution impacts. (CEQA Guidelines section 15126.2(a).) The EIR fails completely in this area. The EIR should be revised to disclose and determine the significance of TAC impacts, and of human health risks due to exposure to Project-related air emissions.

(AR 4602.)

In determining that the issue regarding the correlation between the Friant Ranch project's criteria air pollutants and adverse health impacts was adequately exhausted at the administrative level, the Court of Appeal improperly read the first two sentences of the City of Fresno's comment in isolation rather than in the context of the entire comment. *See Sierra Club v. County of Fresno* (2014) 172 Cal.Rptr.3d 271, 306. Although the comment first speaks generally in terms of "human health related effects" and "air pollution," it requests only that the EIR be revised to disclose "the significance of TACs" and the "human health risks due to exposure."

The language of this request in the third sentence of the comment is significant because, to an air pollution practitioner, the language would only have indicated only that a HRA for TACs was requested, and not a separate analysis of the health impacts associated with the project's criteria air pollutants. Fresno County clearly read the comment as a request to perform an HRA for TACs and limited its response accordingly. (AR 4602.)¹⁷ The Air District submits that it would have read the City's comment in the same manner as the County because the City's use of the terms "human health risks" and "TACs" signal that an HRA for TACs is being requested. Indeed, the Air District was also concerned that an HRA be conducted, but understood that it was not possible to conduct such an analysis until the project entered the phase where detailed site specific information, such as the types of emission sources and the proximity of the sources to sensitive receptors became available. (AR 4553.)¹⁸ The City of Fresno was apparently satisfied with the County's discussion of human health risks, as it did not raise the issue again when it commented on the final EIR. (AR 8944 – 8960.)

¹⁷ Appellants do not challenge the manner in which the County addressed TACs in the EIR. (Appellants' Answer Brief p. 28 fn. 7.)

¹⁸ Appellants rely on the testimony of Air District employee, Dan Barber, as support for their position that the County should have conducted an analysis correlating the project's criteria air pollutant emissions with localized health impacts. (Appellants Answer Brief pp. 10-11; 28.) However, Mr. Barber's testimony simply reinforces the Air District's concern that a risk assessment (HRA) be conducted once the actual details of the project become available. (AR 8863.) As to criteria air pollutants, Mr. Barber's comments are aimed at the Air District's concern about the amount of emissions and the fact that the emissions will make it "more difficult for Fresno County and the Valley to reach attainment which means that the health of Valley residents maybe [sic] adversely impacted." Mr. Barber says nothing about conducting a separate analysis of the localized health impacts the project's emissions may have.

The Court of Appeal's holding, which incorrectly extrapolates a request for an HRA for TACs into a new analysis of the localized health impacts of the project's criteria air pollutants, highlights two additional errors in the Court's decision.

First, the Court of Appeal's holding illustrates why the Court should have applied the deferential substantial evidence standard of review to the issue of whether the EIR's air quality analysis was sufficient. The regulation of air pollution is a technical and complex field and the Court of Appeal lacked the expertise to fully appreciate the difference between TACs and criteria air pollutants and tools available for analyzing each type of pollutant.

Second, it illustrates that the Court likely got it wrong when it held that the issue regarding the criteria pollutant / localized health impact analysis was properly exhausted during the administrative process. In order to preserve an issue for the court, '[t]he "exact issue" must have been presented to the administrative agency....' [Citation.] *Citizens for Responsible Equitable Environmental Development v. City of San Diego*, (2011) 196 Cal.App.4th 515, 527 129 Cal.Rptr.3d 512, 521; *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 535, 78 Cal.Rptr.3d 1, 13. "[T]he objections must be sufficiently specific so that the agency has the

opportunity to evaluate and respond to them.’ [Citation.]” *Sierra Club v. City of Orange*, 163 Cal.App.4th at 536.¹⁹

As discussed above, the City’s comment, while specific enough to request a commonly performed HRA for TACs, provided the County with no notice that it should perform a new type of analysis correlating criteria pollutant tonnages to specific human health effects. Although the parties have not directly addressed the issue of failure to exhaust administrative remedies in their briefs, the Air District submits that the Court should consider how it affects the issues briefed by the parties since “[e]xhaustion of administrative remedies is a jurisdictional prerequisite to maintenance of a CEQA action.” *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1199, 22 Cal.Rptr.3d 203.

III. CONCLUSION

For all of the foregoing reasons, the Air District respectfully requests that the portion of the Court of Appeal’s decision requiring an analysis correlating the localized human health impacts associated with an individual project’s criteria air pollutant emissions be reversed.

¹⁹ *Sierra Club v. City of Orange*, is illustrative here. In that case, the plaintiffs challenged an EIR approved for a large planned community on the basis that the EIR improperly broke up the various environmental impacts by separate project components or “piecemealed” the analysis in violation of CEQA. In evaluating the defense that the plaintiffs had failed to adequately raise the issue at the administrative level, the Court held that comments such as “*the use of a single document for both a project-level and a program-level EIR [is] ‘confusing’*,” and “[t]he lead agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project,” were too vague to fairly raise the argument of piecemealing before the agency. *Sierra Club v. City of Orange*, 163 Cal.App.4th at 537.

correlating the localized human health impacts associated with an individual project's criteria air pollutant emissions be reversed.

Respectfully submitted,

Dated: April 2, 2015



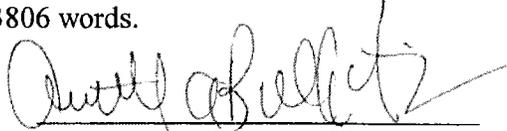
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SAN JOAQUIN VALLEY
UNIFIED
AIR POLLUTION CONTROL
DISTRICT

CERTIFICATE OF WORD COUNT

Pursuant to Rule 8.204 of the California Rules of Court, I hereby certify that this document, based on the Word County feature of the Microsoft Word software program used to compose and print this document, contains, exclusive of caption, tables, certificate of word count, signature block and certificate of service, 3806 words.

Dated: April 2, 2015



Annette A. Ballatore-Williamson
District Counsel (SBN 192176)

Sierra Club et al, v. County of Fresno, et al
Supreme Court of California Case No.: S219783
Fifth District Court of Appeal Case No.: F066798
Fresno County Superior Court Case No.: 11CECG00726

PROOF OF SERVICE

I am over the age of 18 years and not a party to the above-captioned action; that my business address is San Joaquin Valley Unified Air Pollution Control District located at 1990 E. Gettysburg Avenue, Fresno, California 93726.

On April 2, 2015, I served the document described below:

**APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF
SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT IN
SUPPORT OF DEFENDANT AND RESPONDENT, COUNTY OF FRESNO**

On all parties to this action at the following addresses and in the following manner:

PLEASE SEE ATTACHED SERVICE LIST

- (XX) **(BY MAIL)** I caused a true copy of each document(s) to be laced in a sealed envelope with first-class postage affixed and placed the envelope for collection. Mail is collected daily at my office and placed in a United State Postal Service collection box for pick-up and delivery that same day.
- () **(BY ELECTRONIC MAIL)** I caused a true and correct scanned image (.PDF file) copy to be transmitted via electronic mail transfer system in place at the San Joaquin Valley Unified Air Pollution Control District ("District"), originating from the undersigned at 1990 E. Gettysburg Avenue, Fresno, CA, to the address(es) indicated below.
- () **(BY OVERNIGHT MAIL)** I caused a true and correct copy to be delivered via Federal Express to the following person(s) or their representative at the address(es) listed below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I executed this document on April 2, 2015, at Fresno, California.



Esthela Soto

SERVICE LIST

Sierra Club et al, v. County of Fresno, et al

Supreme Court of California Case No.: S219783

Fifth District Court of Appeal Case No.: F066798

Fresno County Superior Court Case No.: 11CECG00726

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IN THE SUPREME COURT OF CALIFORNIA

SIERRA CLUB, REVIVE THE SAN JOAQUIN, and
LEAGUE OF WOMEN VOTERS OF FRESNO,

Plaintiffs and Appellants,

v.

COUNTY OF FRESNO,

Defendant and Respondent,

and,

FRIANT RANCH, L.P.,

Real Party in Interest and Respondent.

SUPREME COURT
FILED

APR 13 2015

Frank A. McGuire Clerk
Deputy

After a Published Decision by the Court of Appeal, filed May 27, 2014
Fifth Appellate District Case No. F066798

Appeal from the Superior Court of California, County of Fresno
Case No. 11CECG00726
Honorable Rosendo A. Pena, Jr.

**APPLICATION OF THE SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT FOR LEAVE TO FILE
BRIEF OF *AMICUS CURIAE* IN SUPPORT OF NEITHER PARTY
AND [*PROPOSED*] BRIEF OF *AMICUS CURIAE***

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**TO THE HONORABLE CHIEF JUSTICE AND JUSTICES OF THE
SUPREME COURT:**

APPLICATION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

Pursuant to Rule 8.520(f) of the California Rules of Court, the South Coast Air Quality Management District (SCAQMD) respectfully requests leave to file the attached *amicus curiae* brief. Because SCAQMD's position differs from that of either party, we request leave to submit this *amicus* brief in support of neither party.

HOW THIS BRIEF WILL ASSIST THE COURT

SCAQMD's proposed *amicus* brief takes a position on two of the issues in this case. In both instances, its position differs from that of either party. The issues are:

- 1) Does the California Environmental Quality Act (CEQA) require an environmental impact report (EIR) to correlate a project's air pollution emissions with specific levels of health impacts?
- 2) What is the proper standard of review for determining whether an EIR provides sufficient information on the health impacts caused by a project's emission of air pollutants?

This brief will assist the Court by discussing the practical realities of correlating identified air quality impacts with specific health outcomes. In short, CEQA requires agencies to provide detailed information about a project's air quality impacts that is sufficient for the public and decisionmakers to adequately evaluate the project and meaningfully understand its impacts. However, the level of analysis is governed by a rule of reason; CEQA only requires agencies to conduct analysis if it is reasonably feasible to do so.

With regard to health-related air quality impacts, an analysis that correlates a project's air pollution emissions with specific levels of health impacts will be feasible in some cases but not others. Whether it is feasible depends on a variety of factors, including the nature of the project and the nature of the analysis under consideration. The feasibility of analysis may also change over time as air districts and others develop new tools for measuring projects' air quality related health impacts. Because SCAQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any of the air districts in the State, it is uniquely situated to express an opinion on the extent to which the Court should hold that CEQA requires lead agencies to correlate air quality impacts with specific health outcomes.

SCAQMD can also offer a unique perspective on the question of the appropriate standard of review. SCAQMD submits that the proper standard of review for determining whether an EIR is sufficient as an informational document is more nuanced than argued by either party. In our view, this is a mixed question of fact and law. It includes determining whether additional analysis is feasible, which is primarily a factual question that should be reviewed under the substantial evidence standard. However, it also involves determining whether the omission of a particular analysis renders an EIR insufficient to serve CEQA's purpose as a meaningful, informational document. If a lead agency has not determined that a requested analysis is infeasible, it is the court's role to determine whether the EIR nevertheless meets CEQA's purposes, and courts should not defer to the lead agency's conclusions regarding the legal sufficiency of an EIR's analysis. The ultimate question of whether an EIR's analysis is "sufficient" to serve CEQA's informational purposes is predominately a question of law that courts should review *de novo*.

This brief will explain the rationale for these arguments and may assist the Court in reaching a conclusion that accords proper respect to a lead agency's factual conclusions while maintaining judicial authority over the ultimate question of what level of analysis CEQA requires.

STATEMENT OF INTEREST OF *AMICUS CURIAE*

The SCAQMD is the regional agency primarily responsible for air pollution control in the South Coast Air Basin, which consists of all of Orange County and the non-desert portions of the Los Angeles, Riverside, and San Bernardino Counties. (Health & Saf. Code § 40410; Cal. Code Regs., tit. 17, § 60104.) The SCAQMD participates in the CEQA process in several ways. Sometimes it acts as a lead agency that prepares CEQA documents for projects. Other times it acts as a responsible agency when it has permit authority over some part of a project that is undergoing CEQA review by a different lead agency. Finally, SCAQMD also acts as a commenting agency for CEQA documents that it receives because it is a public agency with jurisdiction by law over natural resources affected by the project.

In all of these capacities, SCAQMD will be affected by the decision in this case. SCAQMD sometimes submits comments requesting that a lead agency perform an additional type of air quality or health impacts analysis. On the other hand, SCAQMD sometimes determines that a particular type of health impact analysis is not feasible or would not produce reliable and informative results. Thus, SCAQMD will be affected by the Court's resolution of the extent to which CEQA requires EIRs to correlate emissions and health impacts, and its resolution of the proper standard of review.

CERTIFICATION REGARDING AUTHORSHIP AND FUNDING

No party or counsel in the pending case authored the proposed amicus curiae brief in whole or in part, or made any monetary contribution intended to fund the preparation or submission of the brief. No person or entity other than the proposed *Amicus Curiae* made any monetary contribution intended to fund the preparation or submission of the brief.

Respectfully submitted,

DATED: April 3, 2015

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT
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MANAGEMENT DISTRICT

BRIEF OF AMICUS CURIAE

SUMMARY OF ARGUMENT

The South Coast Air Quality Management District (SCAQMD) submits that this Court should not try to establish a hard-and-fast rule concerning whether lead agencies are required to correlate emissions of air pollutants with specific health consequences in their environmental impact reports (EIR). The level of detail required in EIRs is governed by a few, core CEQA (California Environmental Quality Act) principles. As this Court has stated, “[a]n EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” (*Laurel Heights Improvement Assn. v. Regents of the Univ of Cal.* (1988) 47 Cal.3d 376, 405 [“*Laurel Heights I*”]) Accordingly, “an agency must use its best efforts to find out and disclose all that it reasonably can.” (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 428 (quoting CEQA Guidelines § 15144)¹). However, “[a]nalysis of environmental effects need not be exhaustive, but will be judged in light of what is reasonably feasible.” (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390; CEQA Guidelines §§ 15151, 15204(a).)

With regard to analysis of air quality related health impacts, EIRs must generally quantify a project’s pollutant emissions, but in some cases it is not feasible to correlate these emissions to specific, quantifiable health impacts (e.g., premature mortality; hospital admissions). In such cases, a general description of the adverse health impacts resulting from the pollutants at issue may be sufficient. In other cases, due to the magnitude

¹ The CEQA Guidelines are found at Cal. Code Regs., tit. 14 §§ 15000, *et seq.*

or nature of the pollution emissions, as well as the specificity of the project involved, it may be feasible to quantify health impacts. Or there may be a less exacting, but still meaningful analysis of health impacts that can feasibly be performed. In these instances, agencies should disclose those impacts.

SCAQMD also submits that whether or not an EIR complies with CEQA's informational mandates by providing sufficient, feasible analysis is a mixed question of fact and law. Pertinent here, the question of whether an EIR's discussion of health impacts from air pollution is sufficient to allow the public to understand and consider meaningfully the issues involves two inquiries: (1) Is it feasible to provide the information or analysis that a commenter is requesting or a petitioner is arguing should be required?; and (2) Even if it is feasible, is the agency relying on other policy or legal considerations to justify not preparing the requested analysis? The first question of whether an analysis is feasible is primarily a question of fact that should be judged by the substantial evidence standard. The second inquiry involves evaluating CEQA's information disclosure purposes against the asserted reasons to not perform the requested analysis. For example, an agency might believe that its EIR meets CEQA's informational disclosure standards even without a particular analysis, and therefore choose not to conduct that analysis. SCAQMD submits that this is more of a legal question, which should be reviewed de novo as a question of law.

ARGUMENT

I. RELEVANT FACTUAL AND LEGAL FRAMEWORK.

A. Air Quality Regulatory Background

The South Coast Air Quality Management District (SCAQMD) is one of the local and regional air pollution control districts and air quality

management districts in California. The SCAQMD is the regional air pollution agency for the South Coast Air Basin, which consists of all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties. (Health & Saf. Code § 40410, 17 Cal. Code Reg. § 60104.) The SCAQMD also includes the Coachella Valley in Riverside County (Palm Springs area to the Salton Sea). (SCAQMD, *Final 2012 AQMP (Feb. 2013)*, <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan>; then follow “chapter 7” hyperlink; pp 7-1, 7-3 (last visited Apr. 1, 2015).) The SCAQMD's jurisdiction includes over 16 million residents and has the worst or nearly the worst air pollution levels in the country for ozone and fine particulate matter. (SCAQMD, *Final 2012 AQMP (Feb. 2013)*, <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan>; then follow “Executive Summary” hyperlink p. ES-1 (last visited Apr. 1, 2015).)

Under California law, the local and regional districts are primarily responsible for controlling air pollution from all sources except motor vehicles. (Health & Saf. Code § 40000.) The California Air Resources Board (CARB), part of the California Environmental Protection Agency, is primarily responsible for controlling pollution from motor vehicles. (*Id.*) The air districts must adopt rules to achieve and maintain the state and federal ambient air quality standards within their jurisdictions. (Health & Saf. Code § 40001.)

The federal Clean Air Act (CAA) requires the United States Environmental Protection Agency (EPA) to identify pollutants that are widely distributed and pose a threat to human health, developing a so-called “criteria” document. (42 U.S.C. § 7408; CAA § 108.) These pollutants are frequently called “criteria pollutants.” EPA must then establish “national ambient air quality standards” at levels “requisite to protect public health”,

allowing “an adequate margin of safety.” (42 U.S.C. § 7409; CAA § 109.) EPA has set standards for six identified pollutants: ozone, nitrogen dioxide, sulfur dioxide, carbon monoxide, particulate matter (PM), and lead. (U.S. EPA, National Ambient Air Quality Standards (NAAQS), <http://www.epa.gov/air/criteria.html> (last updated Oct. 21, 2014).)²

Under the Clean Air Act, EPA sets emission standards for motor vehicles and “nonroad engines” (mobile farm and construction equipment, marine vessels, locomotives, aircraft, etc.). (42 U.S.C. §§ 7521, 7547; CAA §§ 202, 213.) California is the only state allowed to establish emission standards for motor vehicles and most nonroad sources; however, it may only do so with EPA's approval. (42 U.S.C. §§ 7543(b), 7543(e); CAA §§ 209(b), 209(c).) Sources such as manufacturing facilities, power plants and refineries that are not mobile are often referred to as “stationary sources.” The Clean Air Act charges state and local agencies with the primary responsibility to attain the national ambient air quality standards. (42 U.S.C. § 7401(a)(3); CAA § 101(a)(3).) Each state must adopt and implement a plan including enforceable measures to achieve and maintain the national ambient air quality standards. (42 U.S.C. § 7410; CAA § 110.) The SCAQMD and CARB jointly prepare portion of the plan for the South Coast Air Basin and submit it for approval by EPA. (Health & Saf. Code §§ 40460, et seq.)

The Clean Air Act also requires state and local agencies to adopt a permit program requiring, among other things, that new or modified “major” stationary sources use technology to achieve the “lowest achievable emission rate,” and to control minor stationary sources as

² Particulate matter (PM) is further divided into two categories: fine particulate or PM_{2.5} (particles with a diameter of less than or equal to 2.5 microns) and coarse particulate (PM₁₀) (particles with a diameter of 10 microns or less). (U.S. EPA, Particulate Matter (PM), <http://www.epa.gov/airquality/particulatepollution/> (last visited Apr. 1, 2015).)

needed to help attain the standards. (42 U.S.C. §§ 7502(c)(5), 7503(a)(2), 7410(a)(2)(C); CAA §§ 172(c)(5), 173(a)(2), 110(a)(2)(C).) The air districts implement these permit programs in California. (Health & Saf. Code §§ 42300, et seq.)

The Clean Air Act also sets out a regulatory structure for over 100 so-called “hazardous air pollutants” calling for EPA to establish “maximum achievable control technology” (MACT) for sources of these pollutants. (42 U.S.C. § 7412(d)(2); CAA § 112(d)(2).) California refers to these pollutants as “toxic air contaminants” (TACs) which are subject to two state-required programs. The first program requires “air toxics control measures” for specific categories of sources. (Health & Saf. Code § 39666.) The other program requires larger stationary sources and sources identified by air districts to prepare “health risk assessments” for impacts of toxic air contaminants. (Health & Saf. Code §§ 44320(b), 44322, 44360.) If the health risk exceeds levels identified by the district as “significant,” the facility must implement a “risk reduction plan” to bring its risk levels below “significant” levels. Air districts may adopt additional more stringent requirements than those required by state law, including requirements for toxic air contaminants. (Health & Saf. Code § 41508; *Western Oil & Gas Assn. v. Monterey Bay Unified APCD* (1989) 49 Cal.3d 408, 414.) For example, SCAQMD has adopted a rule requiring new or modified sources to keep their risks below specified levels and use best available control technology (BACT) for toxics. (SCAQMD, *Rule 1401-New Source Review of Toxic Air Contaminants*, <http://www.aqmd.gov/home/regulations/rules/scaqmd-rule-book/regulation-xiv>; then follow “Rule 1401” hyperlink (last visited Apr. 1, 2015).)

B. The SCAQMD's Role Under CEQA

The California Environmental Quality Act (CEQA) requires public agencies to perform an environmental review and appropriate analysis for projects that they implement or approve. (Pub. Resources Code § 21080(a).) The agency with primary approval authority for a particular project is generally the “lead agency” that prepares the appropriate CEQA document. (CEQA Guidelines §§ 15050, 15051.) Other agencies having a subsequent approval authority over all or part of a project are called “responsible” agencies that must determine whether the CEQA document is adequate for their use. (CEQA Guidelines §§ 15096(c), 15381.) Lead agencies must also consult with and circulate their environmental impact reports to “trustee agencies” and agencies “with jurisdiction by law” including “authority over resources which may be affected by the project.” (Pub. Resources Code §§ 21104(a), 21153; CEQA Guidelines §§ 15086(a)(3), 15073(c).) The SCAQMD has a role in all these aspects of CEQA.

Fulfilling its responsibilities to implement its air quality plan and adopt rules to attain the national ambient air quality standards, SCAQMD adopts a dozen or more rules each year to require pollution reductions from a wide variety of sources. The SCAQMD staff evaluates each rule for any adverse environmental impact and prepares the appropriate CEQA document. Although most rules reduce air emissions, they may have secondary environmental impacts such as use of water or energy or disposal of waste—e.g., spent catalyst from control equipment.³

³ The SCAQMD's CEQA program for its rules is a “Certified Regulatory Program” under which it prepares a “functionally equivalent” document in lieu of a negative declaration or EIR. (Pub. Resources Code § 21080.5, CEQA Guidelines § 15251(l).)

The SCAQMD also approves a large number of permits every year to construct new, modified, or replacement facilities that emit regulated air pollutants. The majority of these air pollutant sources have already been included in an earlier CEQA evaluation for a larger project, are currently being evaluated by a local government as lead agency, or qualify for an exemption. However, the SCAQMD sometimes acts as lead agency for major projects where the local government does not have a discretionary approval. In such cases, SCAQMD prepares and certifies a negative declaration or environmental impact report (EIR) as appropriate.⁴ SCAQMD evaluates perhaps a dozen such permit projects under CEQA each year. SCAQMD is often also a “responsible agency” for many projects since it must issue a permit for part of the projects (e.g., a boiler used to provide heat in a commercial building). For permit projects evaluated by another lead agency under CEQA, SCAQMD has the right to determine that the CEQA document is inadequate for its purposes as a responsible agency, but it may not do so because its permit program already requires all permitted sources to use the best available air pollution control technology. (SCAQMD, *Rule 1303(a)(1) – Requirements*, <http://www.aqmd.gov/home/regulations/rules/scaqmd-rule-book/regulation-xiii>; then follow “Rule 1303” hyperlink (last visited Apr. 1, 2015).)

Finally, SCAQMD receives as many as 60 or more CEQA documents each month (around 500 per year) in its role as commenting agency or an agency with “jurisdiction by law” over air quality—a natural resource affected by the project. (Pub. Resources Code §§ 21104(a), 21153; CEQA Guidelines § 15366(a)(3).) The SCAQMD staff provides comments on as many as 25 or 30 such documents each month.

⁴ The SCAQMD's permit projects are not included in its Certified Regulatory Program, and are evaluated under the traditional local government CEQA analysis. (Pub. Resources Code §§ 21150-21154.)

(SCAQMD Governing Board Agenda, Apr. 3, 2015, Agenda Item 16, Attachment A, <http://www.aqmd.gov/home/library/meeting-agendas-minutes/agenda?title=governing-board-meeting-agenda-april-3-2015>; then follow “16. Lead Agency Projects and Environmental Documents Received by SCAQMD” hyperlink (last visited Apr. 1, 2015).) Of course, SCAQMD focuses its commenting efforts on the more significant projects.

Typically, SCAQMD comments on the adequacy of air quality analysis, appropriateness of assumptions and methodology, and completeness of the recommended air quality mitigation measures. Staff may comment on the need to prepare a health risk assessment detailing the projected cancer and noncancer risks from toxic air contaminants resulting from the project, particularly the impacts of diesel particulate matter, which CARB has identified as a toxic air contaminant based on its carcinogenic effects. (California Air Resources Board, Resolution 98-35, Aug. 27, 1998, <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>; then follow Resolution 98-35 hyperlink (last visited Apr. 1, 2015).) Because SCAQMD already requires new or modified stationary sources of toxic air contaminants to use the best available control technology for toxics and to keep their risks below specified levels, (SCAQMD Rule 1401, *supra*, note 15), the greatest opportunity to further mitigate toxic impacts through the CEQA process is by reducing emissions—particularly diesel emissions—from vehicles.

II. THIS COURT SHOULD NOT SET A HARD-AND-FAST RULE CONCERNING THE EXTENT TO WHICH AN EIR MUST CORRELATE A PROJECT’S EMISSION OF POLLUTANTS WITH RESULTING HEALTH IMPACTS.

Numerous cases hold that courts do not review the correctness of an EIR's conclusions but rather its sufficiency as an informative document. (*Laurel Heights 1*, *supra*, 47 Cal.3d at p. 392; *Citizens of Goleta Valley v.*

Bd. of Supervisors (1990) 52 Cal.3d 553, 569; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1197.)

As stated by the Court of Appeal in this case, where an EIR has addressed a topic, but the petitioner claims that the information provided about that topic is insufficient, courts must “draw[] a line that divides *sufficient* discussions from those that are *insufficient*.” (*Sierra Club v. County of Fresno* (2014) 226 Cal.App.4th 704 (superseded by grant of review) 172 Cal.Rptr.3d 271, 290.) The Court of Appeal readily admitted that “[t]he terms themselves – sufficient and insufficient – provide little, if any, guidance as to where the line should be drawn. They are simply labels applied once the court has completed its analysis.” (*Id.*)

The CEQA Guidelines, however, provide guidance regarding what constitutes a sufficient discussion of impacts. Section 15151 states that “the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible.” Case law reflects this: “Analysis of environmental effects need not be exhaustive, but will be judged in light of what was reasonably feasible.” (*Association of Irrigated Residents v. County of Madera, supra*, 107 Cal.App.4th at p. 1390; see also CEQA Guidelines § 15204(a).)

Applying this test, this Court cannot realistically establish a hard-and-fast rule that an analysis correlating air pollution impacts of a project to quantified resulting health impacts is always required, or indeed that it is never required. Simply put, in some cases such an analysis will be “feasible”; in some cases it will not.

For example, air pollution control districts often require a proposed new source of toxic air contaminants to prepare a “health risk assessment” before issuing a permit to construct. District rules often limit the allowable cancer risk the new source may cause to the “maximally exposed individual” (worker and residence exposures). (*See, e.g.*, SCAQMD Rule 1401(c)(8); 1401(d)(1), *supra* note 15.) In order to perform this analysis, it

is necessary to have data regarding the sources and types of air toxic contaminants, location of emission points, velocity of emissions, the meteorology and topography of the area, and the location of receptors (worker and residence). (SCAQMD, *Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act (AB2588)*, pp. 11-16; (last visited Apr. 1, 2015) <http://www.aqmd.gov/home/library/documents-support-material>; "Guidelines" hyperlink; AB2588; then follow AB2588 Risk Assessment Guidelines hyperlink.)

Thus, it is feasible to determine the health risk posed by a new gas station locating at an intersection in a mixed use area, where receptor locations are known. On the other hand, it may not be feasible to perform a health risk assessment for airborne toxics that will be emitted by a generic industrial building that was built on "speculation" (i.e., without knowing the future tenant(s)). Even where a health risk assessment can be prepared, however, the resulting maximum health risk value is only a calculation of risk—it does not necessarily mean anyone will contract cancer as a result of the project.

In order to find the "cancer burden" or expected additional cases of cancer resulting from the project, it is also necessary to know the numbers and location of individuals living within the "zone of impact" of the project: i.e., those living in areas where the projected cancer risk from the project exceeds one in a million. (SCAQMD, Health Risk Assessment Summary form, <http://www.aqmd.gov/home/forms>; filter by "AB2588" category; then "Health Risk Assessment" hyperlink (last visited Apr. 1, 2015).) The affected population is divided into bands of those exposed to at least 1 in a million risk, those exposed to at least 10 in a million risk, etc. up to those exposed at the highest levels. (*Id.*) This data allows agencies to calculate an approximate number of additional cancer cases expected from

the project. However, it is not possible to predict which particular individuals will be affected.

For the so-called criteria pollutants⁵, such as ozone, it may be more difficult to quantify health impacts. Ozone is formed in the atmosphere from the chemical reaction of the nitrogen oxides (NO_x) and volatile organic compounds (VOC) in the presence of sunlight. (U.S. EPA, Ground Level Ozone, <http://www.epa.gov/airquality/ozonepollution/> (last updated Mar. 25, 2015).) It takes time and the influence of meteorological conditions for these reactions to occur, so ozone may be formed at a distance downwind from the sources. (U.S. EPA, *Guideline on Ozone Monitoring Site Selection* (Aug. 1998) EPA-454/R-98-002 § 5.1.2, <http://www.epa.gov/ttnamti1/archive/cpreldoc.html> (last visited Apr. 1, 2015).) NO_x and VOC are known as “precursors” of ozone.

Scientifically, health effects from ozone are correlated with increases in the ambient level of ozone in the air a person breathes. (U.S. EPA, *Health Effects of Ozone in the General Population*, Figure 9, <http://www.epa.gov/apti/ozonehealth/population.html#levels> (last visited Apr. 1, 2015).) However, it takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels over an entire region. For example, the SCAQMD's 2012 AQMP showed that reducing NO_x by 432 tons per day (157,680 tons/year) and reducing VOC by 187 tons per day (68,255 tons/year) would reduce ozone levels at the SCAQMD's monitor site with the highest levels by only 9 parts per billion. (South Coast Air Quality Management District, *Final 2012 AQMP (February 2013)*, <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan>; then follow “Appendix V: Modeling & Attainment Demonstrations” hyperlink,

⁵ See discussion of types of pollutants, *supra*, Part I.A.

pp. v-4-2, v-7-4, v-7-24.) SCAQMD staff does not currently know of a way to accurately quantify ozone-related health impacts caused by NO_x or VOC emissions from relatively small projects.

On the other hand, this type of analysis may be feasible for projects on a regional scale with very high emissions of NO_x and VOCs, where impacts are regional. For example, in 2011 the SCAQMD performed a health impact analysis in its CEQA document for proposed Rule 1315, which authorized various newly-permitted sources to use offsets from the districts “internal bank” of emission reductions. This CEQA analysis accounted for essentially *all* the increases in emissions due to new or modified sources in the District between 2010 and 2030.⁶ The SCAQMD was able to correlate this very large emissions increase (e.g., 6,620 pounds per day NO_x (1,208 tons per year), 89,180 pounds per day VOC (16,275 tons per year)) to expected health outcomes from ozone and particulate matter (e.g., 20 premature deaths per year and 89,947 school absences in the year 2030 due to ozone).⁷ (SCAQMD Governing Board Agenda, February 4, 2011, Agenda Item 26, *Assessment for: Re-adoption of Proposed Rule 1315 – Federal New Source Review Tracking System* (see hyperlink in fn 6) at p. 4.1-35, Table 4.1-29.)

⁶ (SCAQMD Governing Board Agenda, February 4, 2011, Agenda Item 26, Attachment G, *Assessment for: Re-adoption of Proposed Rule 1315 – Federal New Source Review Tracking System, Vol. 1, p.4.0-6*, <http://www.aqmd.gov/home/library/meeting-agendas-minutes/agenda?title=governing-board-meeting-agenda-february-4-2011>; the follow “26. Adopt Proposed Rule 1315 – Federal New Source Review Tracking System” (last visited April 1, 2015).)

⁷ The SCAQMD was able to establish the location of future NO_x and VOC emissions by assuming that new projects would be built in the same locations and proportions as existing stationary sources. This CEQA document was upheld by the Los Angeles County Superior Court in *Natural Res. Def. Council v SCAQMD*, Los Angeles Superior Court No. BS110792).

However, a project emitting only 10 tons per year of NO_x or VOC is small enough that its regional impact on ambient ozone levels may not be detected in the regional air quality models that are currently used to determine ozone levels. Thus, in this case it would not be feasible to directly correlate project emissions of VOC or NO_x with specific health impacts from ozone. This is in part because ozone formation is not linearly related to emissions. Ozone impacts vary depending on the location of the emissions, the location of other precursor emissions, meteorology and seasonal impacts, and because ozone is formed some time later and downwind from the actual emission. (EPA Guideline on Ozone Monitoring Site Selection (Aug. 1998) EPA-454/R-98-002, § 5.1.2; <https://www.epa.gov/ttnamti1/archive/cpreldoc.html>; then search “Guideline on Ozone Monitoring Site Selection” click on pdf) (last viewed Apr. 1, 2015).)

SCAQMD has set its CEQA “significance” threshold for NO_x and VOC at 10 tons per year (expressed as 55 lb/day). (SCAQMD, *Air Quality Analysis Handbook*, <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>; then follow “SCAQMD Air Quality Significance Thresholds” hyperlink (last visited Apr. 1, 2015).) This is because the federal Clean Air Act defines a “major” stationary source for “extreme” ozone nonattainment areas such as SCAQMD as one emitting 10 tons/year. (42 U.S.C. §§ 7511a(e), 7511a(f); CAA §§ 182(e), 182(f).) Under the Clean Air Act, such sources are subject to enhanced control requirements (42 U.S.C. §§ 7502(c)(5), 7503; CAA §§ 172(c)(5), 173), so SCAQMD decided this was an appropriate threshold for making a CEQA “significance” finding and requiring feasible mitigation. Essentially, SCAQMD takes the position that a source that emits 10 tons/year of NO_x or VOC would contribute cumulatively to ozone formation. Therefore, lead agencies that use SCAQMD’s thresholds of significance may determine

that many projects have “significant” air quality impacts and must apply all feasible mitigation measures, yet will not be able to precisely correlate the project to quantifiable health impacts, unless the emissions are sufficiently high to use a regional modeling program.

In the case of particulate matter (PM_{2.5})⁸, another “criteria” pollutant, SCAQMD staff is aware of two possible methods of analysis. SCAQMD used regional modeling to predict expected health impacts from its proposed Rule 1315, as mentioned above. Also, the California Air Resources Board (CARB) has developed a methodology that can predict expected mortality (premature deaths) from large amounts of PM_{2.5}. (California Air Resources Board, *Health Impacts Analysis: PM Premature Death Relationship*, http://www.arb.ca.gov/research/health/pm-mort/pm-mort_arch.htm (last reviewed Jan. 19, 2012).) SCAQMD used the CARB methodology to predict impacts from three very large power plants (e.g., 731-1837 lbs/day). (Final Environmental Assessment for Rule 1315, *supra*, pp 4.0-12, 4.1-13, 4.1-37 (e.g., 125 premature deaths in the entire SCAQMD in 2030), 4.1-39 (0.05 to 1.77 annual premature deaths from power plants.) Again, this project involved large amounts of additional PM_{2.5} in the District, up to 2.82 tons/day (5,650 lbs/day of PM_{2.5}, or, or 1029 tons/year. (*Id.* at table 4.1-4, p. 4.1-10.)

However, the primary author of the CARB methodology has reported that this PM_{2.5} health impact methodology is not suited for small projects and may yield unreliable results due to various uncertainties.⁹ (SCAQMD, *Final Subsequent Mitigated Negative Declaration for: Warren*

⁸ SCAQMD has not attained the latest annual or 24-hour national ambient air quality standards for “PM_{2.5}” or particulate matter less than 2.5 microns in diameter.

⁹ Among these uncertainties are the representativeness of the population used in the methodology, and the specific source of PM and the corresponding health impacts. (*Id.* at p. 2-24.)

E&P, Inc. WTU Central Facility, New Equipment Project (certified July 19, 2011), <http://www.aqmd.gov/home/library/documents-support-material/lead-agency-permit-projects/permit-project-documents---year-2011>; then follow “Final Subsequent Mitigated Negative Declaration for Warren E&P Inc. WTU Central Facility, New Equipment Project” hyperlink, pp. 2-22, 2-23 (last visited Apr. 1, 2015).) Therefore, when SCAQMD prepared a CEQA document for the expansion of an existing oil production facility, with very small PM_{2.5} increases (3.8 lb/day) and a very small affected population, staff elected not to use the CARB methodology for using estimated PM_{2.5} emissions to derive a projected premature mortality number and explained why it would be inappropriate to do so. (*Id.* at pp 2-22 to 2-24.) SCAQMD staff concluded that use of this methodology for such a small source could result in unreliable findings and would not provide meaningful information. (*Id.* at pp. 2-23, 2-25.) This CEQA document was not challenged in court.

In the above case, while it may have been technically possible to plug the data into the methodology, the results would not have been reliable or meaningful. SCAQMD believes that an agency should not be required to perform analyses that do not produce reliable or meaningful results. This Court has already held that an agency may decline to use even the “normal” “existing conditions” CEQA baseline where to do so would be misleading or without informational value. (*Neighbors for Smart Rail v. Exposition Metro Line* (2013) 57 Cal.4th 439, 448, 457.) The same should be true for a decision that a particular study or analysis would not provide reliable or meaningful results.¹⁰

¹⁰ Whether a particular study would result in “informational value” is a part of deciding whether it is “feasible.” CEQA defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and

Therefore, it is not possible to set a hard-and-fast rule on whether a correlation of air quality impacts with specific quantifiable health impacts is required in all cases. Instead, the result turns on whether such an analysis is reasonably feasible in the particular case.¹¹ Moreover, what is reasonably feasible may change over time as scientists and regulatory agencies continually seek to improve their ability to predict health impacts. For example, CARB staff has been directed by its Governing Board to reassess and improve the methodology for estimating premature deaths. (California Air Resources Board, *Health Impacts Analysis: PM Mortality Relationship*, <http://www.arb.ca.gov/research/health/pm-mort/pm-mort.htm> (last reviewed Dec. 29, 2010).) This factor also counsels against setting any hard-and-fast rule in this case.

III. THE QUESTION OF WHETHER AN EIR CONTAINS SUFFICIENT ANALYSIS TO MEET CEQA'S REQUIREMENTS IS A MIXED QUESTION OF FACT AND LAW GOVERNED BY TWO DIFFERENT STANDARDS OF REVIEW.

A. Standard of Review for Feasibility Determination and Sufficiency as an Informative Document

A second issue in this case is whether courts should review an EIR's informational sufficiency under the "substantial evidence" test as argued by Friant Ranch or the "independent judgment" test as argued by Sierra Club.

technological factors." (Pub. Resources Code § 21061.1.) A study cannot be "accomplished in a *successful* manner" if it produces unreliable or misleading results.

¹¹ In this case, the lead agency did not have an opportunity to determine whether the requested analysis was feasible because the comment was non-specific. Therefore, SCAQMD suggests that this Court, after resolving the legal issues in the case, direct the Court of Appeal to remand the case to the lead agency for a determination of whether the requested analysis is feasible. Because Fresno County, the lead agency, did not seek review in this Court, it seems likely that the County has concluded that at least some level of correlation of air pollution with health impacts is feasible.

SCAQMD submits that the issue is more nuanced than either party contends. We submit that, whether a CEQA document includes sufficient analysis to satisfy CEQA's informational mandates is a mixed question of fact and law,¹³ containing two levels of inquiry that should be judged by different standards.¹⁴

The state CEQA Guidelines set forth standards for the adequacy of environmental analysis. Guidelines Section 15151 states:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good-faith effort at full disclosure.

In this case, the basic question is whether the underlying analysis of air quality impacts made the EIR "sufficient" as an informative document. However, whether the EIR's analysis was sufficient is judged in light of what was reasonably feasible. This represents a mixed question of fact and law that is governed by two different standards of review.

¹³ Friant Ranch actually states that the claim that an EIR lacks sufficient relevant information is, "most properly thought of as raising mixed questions of fact and law." (Opening Brief, p. 27.) However, the remainder of its argument claims that the court should apply the substantial evidence standard of review to all aspects of the issue.

¹⁴ Mixed questions of fact and law issues may implicate predominantly factual subordinate questions that are reviewed under the substantial evidence test even though the ultimate question may be reviewed by the independent judgment test. *Crocker National Bank v. City and County of San Francisco* (1989) 49 Cal.3d 881, 888-889.

SCAQMD submits that an EIR's sufficiency as an informational document is ultimately a legal question that courts should determine using their independent judgment. This Court's language in *Laurel Heights I* supports this position. As this Court explained: "The court does not pass upon the correctness of the EIR's environmental conclusions, but only upon its *sufficiency as an informative document.*" (*Laurel Heights I, supra*, 47 Cal.3d at 392-393) (emphasis added.) As described above, the Court in *Vineyard Area Citizens v. City of Rancho Cordova, supra*, 40 Cal.4th at 431, also used its independent judgment to determine what level of analysis CEQA requires for water supply impacts. The Court did not defer to the lead agency's opinion regarding the law's requirements; rather, it determined for itself what level of analysis was necessary to meet "[t]he law's informational demands." (*Id.* at p. 432.) Further, existing case law also holds that where an agency fails to comply with CEQA's information disclosure requirements, the agency has "failed to proceed in the manner required by law." (*Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 118.)

However, whether an EIR satisfies CEQA's requirements depends in part on whether it was reasonably feasible for an agency to conduct additional or more thorough analysis. EIRs must contain "a detailed statement" of a project's impacts (Pub. Res. Code § 21061), and an agency must "use its best efforts to find out and disclose all that it reasonably can." (CEQA Guidelines § 15144.) Nevertheless, "the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible." (CEQA Guidelines § 15151.)

SCAQMD submits that the question of whether additional analysis or a particular study suggested by a commenter is "feasible" is generally a question of fact. Courts have already held that whether a particular alternative is "feasible" is reviewed by the substantial evidence test.

(*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 598-99; *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 883.) Thus, if a lead agency determines that a particular study or analysis is infeasible, that decision should generally be judged by the substantial evidence standard. However, SCAQMD urges this Court to hold that lead agencies must explain the basis of any determination that a particular analysis is infeasible in the EIR itself. An EIR must discuss information, including issues related to the feasibility of particular analyses “in sufficient detail to enable meaningful participation and criticism by the public. ‘[W]hatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.’” (*Laurel Heights I, supra*, 47 Cal.3d at p. 405 (quoting *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 831) (discussing analysis of alternatives).) The evidence on which the determination is based should also be summarized in the EIR itself, with appropriate citations to reference materials if necessary. Otherwise commenting agencies such as SCAQMD would be forced to guess where the lead agency's evidence might be located, thus thwarting effective public participation.

Moreover, if a lead agency determines that a particular study or analysis would not result in reliable or useful information and for that reason is not feasible, that determination should be judged by the substantial evidence test. (See *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority, supra*, 57 Cal.4th 439, 448, 457:

whether “existing conditions” baseline would be misleading or uninformative judged by substantial evidence standard.¹⁵)

If the lead agency’s determination that a particular analysis or study is not feasible is supported by substantial evidence, then the agency has not violated CEQA’s information disclosure provisions, since it would be infeasible to provide additional information. This Court’s decisions provide precedent for such a result. For example, this Court determined that the issue of whether the EIR should have included a more detailed discussion of future herbicide use was resolved because substantial evidence supported the agency’s finding that “the precise parameters of future herbicide use could not be predicted.” *Ebbetts Pass Forest Watch v. California Dept. of Forestry & Fire Protection* (2008) 43 Cal.4th 936, 955.

Of course, SCAQMD expects that courts will continue to hold lead agencies to their obligations to consult with, and not to ignore or misrepresent, the views of sister agencies having special expertise in the area of air quality. (*Berkeley Keep Jets Over the Bay v. Board of Port Commissioners* (2007) 91 Cal.App.4th 1344, 1364 n.11.) In some cases, information provided by such expert agencies may establish that the purported evidence relied on by the lead agency is not in fact “substantial”. (*Id.* at pp. 1369-1371.)

In sum, courts retain ultimate responsibility to determine what CEQA requires. However, the law does not require exhaustive analysis, but only what is reasonably feasible. Agencies deserve deference for their factual determinations regarding what type of analysis is reasonably feasible. On the other hand, if a commenter requests more information, and the lead agency declines to provide it but does *not* determine that the

¹⁵ The substantial evidence standard recognizes that the courts "have neither the resources nor the scientific expertise" to weigh conflicting evidence on technical issues. (*Laurel Heights I, supra*, 47 Cal.3d 376, 393.)

requested study or analysis would be infeasible, misleading or uninformative, the question becomes whether the omission of that analysis renders the EIR inadequate to satisfy CEQA's informational purposes. (*Id.* at pp. 1370-71.) Again, this is predominantly a question of law and should be judged by the de novo or independent judgment standard of review. Of course, this Court has recognized that a "project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information. It is not for them to design the EIR. That further study...might be helpful does not make it necessary." (*Laurel Heights I, supra*, 47 Cal.3d 376, 415 – see also CEQA Guidelines § 15204(a) [CEQA "does not require a lead agency to conduct every test. . . recommended or demanded by commenters."].) Courts, then, must adjudicate whether an omission of particular information renders an EIR inadequate to serve CEQA's informational purposes.¹⁶

¹⁶ We recognize that there is case law stating that the substantial evidence standard applies to "challenges to the scope of an EIR's analysis of a topic" as well as the methodology used and the accuracy of the data relied on in the document "because these types of challenges involve factual questions." (*Bakersfield Citizens for Local Control v. City of Bakersfield, supra*, 124 Cal.App.4th 1184, 1198, and cases relied on therein.) However, we interpret this language to refer to situations where the question of the scope of the analysis really is factual—that is, where it involves whether further analysis is feasible, as discussed above. This interpretation is supported by the fact that the *Bakersfield* court expressly rejected an argument that a claimed "omission of information from the EIR should be treated as inquiries whether there is substantial evidence supporting the decision approving the project." *Bakersfield, supra*, 124 Cal.App.4th at p. 1208. And the *Bakersfield* court ultimately decided that the lead agency must analyze the connection between the identified air pollution impacts and resulting health impacts, even though the EIR already included some discussion of air-pollution-related respiratory illnesses. *Bakersfield, supra*, 124 Cal.App.4th at p. 1220. Therefore, the court must not have interpreted this question as one of the "scope of the analysis" to be judged by the substantial evidence standard.

B. Friant Ranch's Rationale for Rejecting the Independent Judgment Standard of Review is Unsupported by Case Law.

In its brief, Friant Ranch makes a distinction between cases where a required CEQA topic is not discussed at all (to be reviewed by independent judgment as a failure to proceed in the manner required by law) and cases where a topic is discussed, but the commenter claims the information provided is insufficient (to be judged by the substantial evidence test). (Opening Brief, pp. 13-17.) The Court of Appeal recognized these two types of cases, but concluded that both raised questions of law. (*Sierra Club v. County of Fresno* (2014) 226 Cal.App.4th 704 (superseded by grant of review) 172 Cal.Rptr.3d 271, 290.) We believe the distinction drawn by Friant Ranch is unduly narrow, and inconsistent with cases which have concluded that CEQA documents are insufficient. In many instances, CEQA's requirements are stated broadly, and the courts must interpret the law to determine what level of analysis satisfies CEQA's mandate for providing meaningful information, even though the EIR discusses the issue to some extent.

For example, the CEQA Guidelines require discussion of the existing environmental baseline. In *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 954-955, the lead agency had discussed the environmental baseline by describing historic month-end water levels in the affected lakes. However, the court held that this was not an adequate baseline discussion because it failed to discuss the timing and amounts of past actual water releases, to allow comparison with the proposed project. The court evidently applied the independent judgment test to its decision, even though the agency discussed the issue to some extent.

Likewise, in *Vineyard Area Citizens* (2007) 40 Cal.4th 412, this Court addressed the question of whether an EIR's analysis of water supply impacts complied with CEQA. The parties agreed that the EIR was required to analyze the effects of providing water to the development project, "and that in order to do so the EIR had, in some manner, to identify the planned sources of that water." (*Vineyard Area Citizens, supra*, at p. 428.) However, the parties disagreed as to the level of detail required for this analysis and "what level of uncertainty regarding the availability of water supplies can be tolerated in an EIR" (*Id.*) In other words, the EIR had analyzed water supply impacts for the project, but the petitioner claimed that the analysis was insufficient.

This Court noted that neither CEQA's statutory language or the CEQA Guidelines specifically addressed the question of how precisely an EIR must discuss water supply impacts. (*Id.*) However, it explained that CEQA "states that '[w]hile foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.'" (*Id.*, [Guidelines § 15144].) The Court used this general principle, along with prior precedent, to elucidate four "principles for analytical adequacy" that are necessary in order to satisfy "CEQA's informational purposes." (*Vineyard Area Citizens, supra*, at p. 430.) The Court did not defer to the agency's determination that the EIR's analysis of water supply impacts was sufficient. Rather, this Court used its independent judgment to determine for itself the level of analysis required to satisfy CEQA's fundamental purposes. (*Vineyard Area Citizens, supra*, at p. 441: an EIR does not serve its purposes where it neglects to explain likely sources of water and "... leaves long term water supply considerations to later stages of the project.")

Similarly, the CEQA Guidelines require an analysis of noise impacts of the project. (Appendix G, “Environmental Checklist Form.”¹⁷) In *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1123, the court held that the lead agency’s noise impact analysis was inadequate even though it had addressed the issue and concluded that the increase would not be noticeable. If the court had been using the substantial evidence standard, it likely would have upheld this discussion.

Therefore, we do not agree that the issue can be resolved on the basis suggested by Friant Ranch, which would apply the substantial evidence standard to *every* challenge to an analysis that addresses a required CEQA topic. This interpretation would subvert the courts’ proper role in interpreting CEQA and determining what the law requires.

Nor do we agree that the Court of Appeal in this case violated CEQA’s prohibition on courts interpreting its provisions “in a manner which imposes procedural or substantive requirements beyond those explicitly stated in this division or in the state guidelines.” (Pub. Resources Code § 21083.1.) CEQA requires an EIR to describe *all* significant impacts of the project on the environment. (Pub. Resources Code § 21100(b)(2); *Vineyard Area Citizens, supra*, at p. 428.) Human beings are part of the environment, so CEQA requires EIRs to discuss a project’s significant impacts on human health. However, except in certain particular circumstances,¹⁸ neither the CEQA statute nor Guidelines specify the precise level of analysis that agencies must undertake to satisfy the law’s requirements. (see, e.g., CEQA Guidelines § 15126.2(a) [EIRs must describe “health and safety problems caused by {a project’s} physical changes”].) Accordingly, courts must interpret CEQA as a whole to

¹⁷ Association of Environmental Professionals, 2015 CEQA Statute and Guidelines (2015) p.287.

¹⁸ E.g., Pub. Resources Code § 21151.8(C)(3)(B)(iii) (requiring specific type of health risk analysis for siting schools).

determine whether a particular EIR is sufficient as an informational document. A court determining whether an EIR's discussion of human health impacts is legally sufficient does not constitute imposing a new substantive requirement.¹⁹ Under Friant Ranch's theory, the above-referenced cases holding a CEQA analysis inadequate would have violated the law. This is not a reasonable interpretation.

IV. COURTS MUST SCRUPULOUSLY ENFORCE THE REQUIREMENTS THAT LEAD AGENCIES CONSULT WITH AND OBTAIN COMMENTS FROM AIR DISTRICTS

Courts must "scrupulously enforce" CEQA's legislatively mandated requirements. (*Vineyard Area Citizens, supra*, 40 Cal.4th 412, 435.) Case law has firmly established that lead agencies must consult with the relevant air pollution control district before conducting an initial study, and must provide the districts with notice of the intention to adopt a negative declaration (or EIR). (*Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 958.) As *Schenck* held, neither publishing the notice nor providing it to the State Clearinghouse was a sufficient substitute for sending notice directly to the air district. (*Id.*) Rather, courts "must be satisfied that [administrative] agencies have fully complied with the procedural requirements of CEQA, since only in this way can the important public purposes of CEQA be protected from subversion." *Schenck*, 198 Cal.App.4th at p. 959 (citations omitted).²⁰

¹⁹ We submit that Public Resources Code Section 21083.1 was intended to prevent courts from, for example, holding that an agency must analyze economic impacts of a project where there are no resulting environmental impacts (see CEQA Guidelines § 15131), or imposing new procedural requirements, such as imposing additional public notice requirements not set forth in CEQA or the Guidelines.

²⁰ Lead agencies must consult air districts, as public agencies with jurisdiction by law over resources affected by the project, *before* releasing an EIR. (Pub. Resources Code §§ 21104(a); 21153.) Moreover, air

Lead agencies should be aware, therefore, that failure to properly seek and consider input from the relevant air district constitutes legal error which may jeopardize their project approvals. For example, the court in *Fall River Wild Trout Foundation v. County of Shasta*, (1999) 70 Cal.App.4th 482, 492 held that the failure to give notice to a trustee agency (Department of Fish and Game) was prejudicial error requiring reversal. The court explained that the lack of notice prevented the Department from providing any response to the CEQA document. (*Id.* at p. 492.) It therefore prevented relevant information from being presented to the lead agency, which was prejudicial error because it precluded informed decision-making. (*Id.*)²¹

districts should be considered “state agencies” for purposes of the requirement to consult with “trustee agencies” as set forth in Public Resources Code § 20180.3(a). This Court has long ago held that the districts are not mere “local agencies” whose regulations are superseded by those of a state agency regarding matters of statewide concern, but rather have concurrent jurisdiction over such issues. (*Orange County Air Pollution Control District v. Public Util. Com.* (1971) 4 Cal.3d 945, 951, 954.) Since air pollution is a matter of statewide concern, *Id.* at 952, air districts should be entitled to trustee agency status in order to ensure that this vital concern is adequately protected during the CEQA process.

²¹ In *Schenck*, the court concluded that failure to give notice to the air district was not prejudicial, but this was partly because the trial court had already corrected the error before the case arrived at the Court of Appeal. The trial court issued a writ of mandate requiring the lead agency to give notice to the air district. The air district responded by concurring with the lead agency that air impacts were not significant. (*Schenck*, 198 Cal.App.4th 949, 960.) We disagree with the *Schenck* court that the failure to give notice to the air district would not have been prejudicial (even in the absence of the trial court writ) merely because the lead agency purported to follow the air district’s published CEQA guidelines for significance. (*Id.*, 198 Cal.App.4th at p. 960.) In the first place, absent notice to the air district, it is uncertain whether the lead agency properly followed those guidelines. Moreover, it is not realistic to expect that an air district’s published guidelines would necessarily fully address all possible air-quality related issues that can arise with a CEQA project, or that those

Similarly, lead agencies must obtain additional information requested by expert agencies, including those with jurisdiction by law, if that information is necessary to determine a project's impacts. (*Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236-37.) Approving a project without obtaining that information constitutes a failure to proceed in the manner prescribed by CEQA. (*Id.* at p. 1236.)

Moreover, a lead agency can save significant time and money by consulting with the air district early in the process. For example, the lead agency can learn what the air district recommends as an appropriate analysis on the facts of its case, including what kinds of health impacts analysis may be available, and what models are appropriate for use. This saves the lead agency from the need to do its analysis all over again and possibly needing to recirculate the document after errors are corrected, if new significant impacts are identified. (CEQA Guidelines § 15088.5(a).) At the same time, the air district's expert input can help the lead agency properly determine whether another commenter's request for additional analysis or studies is reasonable or feasible. Finally, the air district can provide input on what mitigation measures would be feasible and effective.

Therefore, we suggest that this Court provide guidance to lead agencies reminding them of the importance of consulting with the relevant air districts regarding these issues. Otherwise, their feasibility decisions may be vulnerable to air district evidence that establishes that there is no substantial evidence to support the lead agency decision not to provide specific analysis. (*See Berkeley Keep Jets Over the Bay, supra*, 91 Cal.App.4th 1344, 1369-1371.)

guidelines would necessarily be continually modified to reflect new developments. Therefore we believe that, had the trial court not already ordered the lead agency to obtain the air district's views, the failure to give notice would have been prejudicial, as in *Fall River, supra*, 70 Cal.App.4th 482, 492.

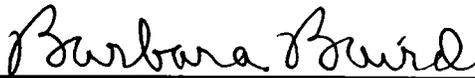
CONCLUSION

The SCAQMD respectfully requests this Court *not* to establish a hard-and-fast rule concerning whether CEQA requires a lead agency to correlate identified air quality impacts of a project with resulting health outcomes. Moreover, the question of whether an EIR is “sufficient as an informational document” is a mixed question of fact and law containing two levels of inquiry. Whether a particular proposed analysis is feasible is predominantly a question of fact to be judged by the substantial evidence standard of review. Where the requested analysis is feasible, but the lead agency relies on legal or policy reasons not to provide it, the question of whether the EIR is nevertheless sufficient as an informational document is predominantly a question of law to be judged by the independent judgment standard of review.

DATED: April 3, 2015

Respectfully submitted,

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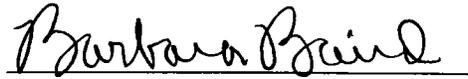
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CERTIFICATE OF WORD COUNT

Pursuant to Rule 8.520(c)(1) of the California Rules of Court, I hereby certify that this brief contains 8,476 words, including footnotes, but excluding the Application, Table of Contents, Table of Authorities, Certificate of Service, this Certificate of Word Count, and signature blocks. I have relied on the word count of the Microsoft Word Vista program used to prepare this Certificate.

DATED: April 3, 2015

Respectfully submitted,


Barbara Baird

PROOF OF SERVICE

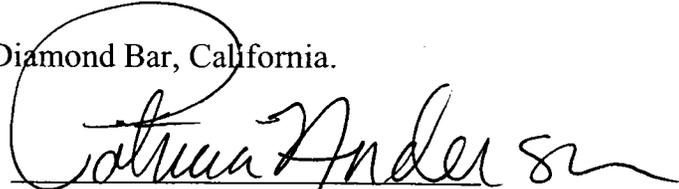
I am employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within action. My business address is 21865 Copley Drive, Diamond Bar, California 91765.

On April 3, 2015 I served true copies of the following document(s) described as **APPLICATION OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE* IN SUPPORT OF NEITHER PARTY AND [PROPOSED] BRIEF OF *AMICUS CURIAE*** by placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth on the attached service list as follows:

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this District's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service, with postage thereon fully prepaid at Diamond Bar, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 3, 2015 at Diamond Bar, California.


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EXHIBIT G

Final EIR, Appendix C – HRA

Appendix C Risk Assessment

Appendices

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June 2020 | Health Risk Assessment

SAN BERNARDINO COUNTYWIDE PLAN

for County of San Bernardino

Prepared for:

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1. Health Risk Assessment

1.1 REPORT OBJECTIVES AND CONCLUSIONS

Implementation of the Countywide Plan (CWP) would result in added diesel-fueled trucking to roadways within the incorporated and unincorporated county areas compared to the existing conditions. In support of the County of San Bernardino (County) Policy Plan Hazards Element, PlaceWorks conducted a health risk assessment (HRA) to evaluate potential health risk impacts from diesel particulate matter (DPM) exposure within disadvantaged communities already affected by poor air quality (i.e., Muscoy and Bloomington).

For residential receptors in Bloomington and Muscoy, the incremental cancer risks and chronic hazard indices were calculated at the maximum exposed receptor (MER) due to CWP implementation. The results of the HRA are shown in the HRA Summary table, *Health Risk Assessment Results for Maximum Exposed Receptors*.

HRA Summary Health Risk Assessment Results for Maximum Exposed Receptors

Scenario	Incremental Cancer Risk ¹ (per million)	Chronic Hazard Index
Bloomington – Existing No Project ²	261	0.0765
Bloomington – Existing with Project ²	263	0.0772
Bloomington – Net Change Due to CWP Implementation ²	2.4	0.0007
South Coast AQMD Threshold	10	1.0
Exceeds Threshold Due to CWP Implementation?	No	No
Muscoy – Existing No Project ³	49.1	0.0144
Muscoy – Existing with Project ³	50.4	0.0148
Muscoy – Net Change Due to CWP Implementation ³	1.3	0.0004
South Coast AQMD Threshold	10	1.0
Exceeds Threshold Due to CWP Implementation?	No	No

¹ OEHHA (2015) recommends that a 30-year (high-end residency time) exposure duration be used to estimate individual cancer risk for the residential MER. 2040 DPM emission rates used for cancer risk calculations (EMFAC2017).
² The Bloomington residential maximum exposed receptor (MER) is on Church Street, east of Cedar Avenue and north of I-10.
³ The Muscoy residential maximum exposed receptor (MER) is on W Highland Avenue, east of N State Street and north of SR-210.

As shown in the HRA Summary table, the incremental cancer risk for the residential MER in Bloomington and Muscoy due to CWP implementation are 2.4 and 1.3 per million, respectively. Therefore, the incremental cancer risks are below the significance threshold of 10 in a million with CWP implementation. For non-carcinogenic health risks, the chronic hazard indices were well below the significance threshold of 1.0 for the residential MERs for both Bloomington and Muscoy. The existing cancer risks from the existing truck traffic volumes, prior to CWP implementation, are 261 in a million in Bloomington and 49 in a million in Muscoy. For Bloomington, increased truck traffic due to CWP implementation is projected to potentially increase total

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cancer risk by 0.9 percent. For Muscoy, CWP implementation is projected to potentially increase the total cancer risk by 2.6 percent.

1.2 EXISTING SETTING

The existing environmental setting is described in the air quality section of the draft environmental impact report (DEIR) for the Countywide Plan. Relevant portions pertaining to the HRA evaluation are included below.

In response to Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017), the California Air Resources Board (CARB) has established the Community Air Protection Program. AB 617 requires local air districts to monitor and implement air pollution control strategies that reduce localized air pollution in communities that bear the greatest burdens. In the county, the Muscoy community has been identified as a “year 1” disadvantaged community for its air pollution burden. Communities under consideration for subsequent years (i.e., years 2 through 5), include Bloomington/Fontana/Rialto; Colton/Grand Terrace/San Bernardino (southwest); and Rancho Cucamonga/Ontario (east). The South Coast Air Quality Management District (South Coast AQMD) adopted the Community Emissions Reduction Plan (CERP) for Muscoy under AB 617 on September 6, 2019. The AB 617 “year 1” communities identified by South Coast AQMD share common air quality priorities that are driven by the movement of goods throughout the region (e.g., trucks, equipment used at railyards, off-road diesel equipment, and trains). Mobile sources are the overwhelming source of DPM and cancer risk in these communities. Air quality priorities for the Muscoy community include:

- Reducing emissions from heavy-duty trucks transiting the community by working with local land use agencies to establish designated truck routes.
- Promoting the installation of infrastructure needed to support zero emission vehicles and equipment at warehouses.
- Supporting a transition to zero emission transit buses.
- Replacing older diesel-fueled equipment with cleaner technologies at railyards.
- Reducing children’s exposure to harmful air pollutants by working with local schools to install high efficiency filtrations systems (South Coast AQMD 2019).

The Multiple Air Toxics Exposure Study (MATES) is a monitoring and evaluation study on ambient concentrations of toxic air contaminants (TACs) and the potential health risks from air toxics in the South Coast Air Basin (SoCAB). In 2015, South Coast AQMD released the fourth update of MATES, MATES IV, which was based on the Office of Environmental Health Hazard Assessment’s (OEHHA) 2003 HRA Guidance Manual. The results showed that the overall monitored risk for excess cancer from a lifetime exposure to ambient levels of air toxics is 418 in one million for San Bernardino County. The estimated excess cancer risk ranges from 727 to 840 in one million in Bloomington and 636 to 764 in one million in Muscoy (South Coast AQMD 2018). It should be noted that the MATES results are based on all emission sources within the air basin (ports, railyards, mobile sources, permitted stationary sources, etc.) and are not specific to any single localized

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source. The largest contributor to this risk was diesel exhaust, which accounted for approximately 68 percent of the air toxics risk. Compared to MATES III (2008 study), MATES IV found substantial improvement in air quality and associated decrease in air toxics exposure. As a result, the estimated basinwide, population-weighted risk decreased by approximately 57 percent since MATES III (South Coast AQMD 2015).

1.3 METHODOLOGY AND SIGNIFICANCE THRESHOLDS

The HRA analysis focuses on how increases in truck volumes generated by implementation of the CWP (project) would impact health risks in the AB 617–disadvantaged communities of Bloomington and Muscoy for the 2040 horizon year. Traffic modeling was conducted by Fehr & Peers (F&P) to identify existing and projected truck volumes along roadway segments within incorporated and unincorporated parts of the county, including the fleet mix or percentage breakdown of light, medium, and heavy duty trucks for each segment.

The results of the traffic modeling indicate that overall truck traffic throughout the county would increase as a result of the project, future growth in incorporated areas, and planned roadway network improvements through the horizon year of 2040. The amount and significance of the increase in truck traffic due to CWP implementation, and its associated generation of diesel particulate emissions, is the primary concern of this HRA. Study area roadway segments with an increase of 100 or more trucks per day due to implementation of the CWP were selected for analysis. The 100 trucks per day cutoff was selected consistent with CARB’s recommendation of this threshold for use in the health risk evaluation of truck distribution centers within 1,000 feet of sensitive land uses (CARB 2005). Although a higher threshold (more than 100 trucks per day) is being considered by agencies in recognition of improvements in technology and emissions reductions strategies, this HRA opts to retain the threshold of 100 trucks per day to be conservative and evaluate more roadways and sensitive receptors. Roadway segments with increased truck traffic over 100 trucks per day due to CWP implementation were mapped for the Bloomington and Muscoy communities, and existing routes that prohibit trucks were accounted for in the traffic modeling results provided by F&P.

The following South Coast AQMD significance thresholds for health risks were deemed appropriate and were used for this HRA:

- Excess cancer risk of more than 10 in a million
- Noncancer hazard index (chronic or acute) greater than 1.0

These thresholds are typically applied to new industrial projects. However, for purposes of this analysis, these thresholds are used to determine whether CWP implementation would result in significant health risk impacts from DPM emissions. Traffic modeling was conducted for all areas of the unincorporated county, but Bloomington and Muscoy were the only unincorporated communities that have sensitive receptors and exhibited more than 10 roadway segments with truck trips expected to exceed 100 compared to existing conditions. Projected truck traffic increases in all other unincorporated communities were either less than 100 per segment or less than the levels modeled in Bloomington and Muscoy. Accordingly, analysis was first conducted on Bloomington and Muscoy. Once it was determined that the incremental increase in cancer risk due to CWP implementation was below the South Coast AQMD significance thresholds for the MER in those

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communities, it can be concluded that the incremental increase in cancer risk for other communities is also below the threshold—in almost all cases, substantially below.

The methodology used in this HRA is consistent with South Coast AQMD and the Office of Environmental Health Hazard Assessment (OEHHA) guidance documents:

- OEHHA. *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments*. February 2015.
- South Coast AQMD. *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*. August 2003.

Cumulative Thresholds

The South Coast AQMD has published a report on how to address cumulative impacts from air pollution: “White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution” (Goss and Kroeger 2003). Page D-3 of the South Coast AQMD report states:

...the South Coast AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is $HI > 1.0$ while the cumulative (facility-wide) is $HI > 3.0$. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts.

Projects that exceed the project-specific significance thresholds are considered by the South Coast AQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.

Therefore, if the project’s projected impacts are below the project-specific significance thresholds, the project would not result in significant cumulative impacts.

1.4 ROADWAY EMISSIONS

To estimate the increase in truck trips associated with buildout of the CWP, F&P used data outputs from travel demand forecasting runs of the San Bernardino County Transportation Analysis Model (SBTAM). F&P used the most current land use data available for within the study area (the unincorporated areas of San Bernardino County) and outside the study area. For purposes of this analysis, these traffic scenarios were evaluated:

- Existing No Project. Includes the Southern California Association of Governments (SCAG) 2016 land data use set for unincorporated areas; SCAG 2012 land use for incorporated areas; SCAG 2012 roadway

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network data; and 2020 vehicle emission factors from EMFAC2017 for light-heavy, medium-heavy, and heavy-heavy duty trucks in San Bernardino County (CARB 2017).

- Existing with Project. Includes County 2040 land data use set for unincorporated areas with CWP implementation; SCAG 2012 land use for incorporated areas; SCAG 2012 roadway network data; and 2040 vehicle emission factors from EMFAC2017 for light-heavy, medium-heavy, and heavy-heavy duty trucks in San Bernardino County (CARB 2017).
- Cumulative No Project (qualitative analysis). Includes SCAG 2040 land data use set for unincorporated areas, SCAG 2040 land use for incorporated areas, and SCAG 2040 roadway network data.
- Cumulative with Project (qualitative analysis). Includes County 2040 land data use set for unincorporated areas with CWP implementation, SCAG 2040 land use for incorporated areas, and SCAG 2040 roadway network data.

The Existing with Project condition is compared to the Existing No Project condition to determine the potential impacts of CWP implementation. This approach represents the worst-case scenario because it compares the added trucks from CWP implementation (horizon year 2040) to the existing roadway network (SCAG 2012). Future development in the surrounding incorporated county areas and roadway network improvements would result in potentially changing vehicle travel patterns within the traffic study areas (SCAG 2016). Thus, comparison of these two scenarios better gauges the potential impacts from the change in truck traffic from CWP implementation and eliminates the impact of nonproject-related ambient traffic growth.

F&P provided truck volumes for three types of heavy duty trucks—light-heavy (8,501 to 14,000 lbs, 2-axle), medium-heavy (14,001 to 33,000 lbs, 2–3-axle) and heavy-heavy (>33,001 lbs, 3–5-axle)—in the incorporated and unincorporated county areas. Changes in traffic distribution within the traffic study area due to CWP implementation were modeled for:

- Change in heavy vehicle trips on roadways and Interstate 10 (I-10) within 1,000 feet of Bloomington’s AB 617 boundary (see Figure 1).
- Change in heavy vehicle trips on roadways and State Route 210 (SR-210) within 1,000 feet of Muscoy’s AB 617 boundary (see Figure 2).

This HRA involved the following:

- Evaluation of emissions associated with light-heavy, medium-heavy, and heavy-heavy duty trucks on roadway segments experiencing a net change of 100 trucks per day or more due to CWP implementation and truck rerouting in the larger study area.
- Air dispersion modeling using the AERMOD computer model to quantify maximum ground-level concentrations for residential receptors in the AB 617 communities that are within 1,000 feet of the impacted roadways. Meteorological data from the nearest South Coast AQMD monitoring station with

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similar meteorological conditions (Fontana, 2011–2013, 2015–2016) were used to represent local weather conditions and prevailing winds (South Coast AQMD 2016).

- Determination of cancer and noncancer risks to residents in the Bloomington and Muscoy AB 617 communities based on the results of the air dispersion model. The assessment considered exposure through the inhalation pathway. Unit risk factors and cancer potency factors were used to determine carcinogenic risk, and recommended exposure limits were used to determine noncarcinogenic risk.
- Preparation of a health risk assessment report that compares the calculated risks with thresholds established by the South Coast AQMD and OEHHA (OEHHA 2015).

1.4.1 Bloomington

For the Bloomington evaluation, the selected roadways are shown in Table 1, *Bloomington: Evaluated Roadway Segments*, and Figure 1, *Bloomington: Increase in Trucks per Day Due to CWP Implementation*.

Table 1 Bloomington: Evaluated Roadway Segments, Segments with Truck Increases of 100 per Day Due to CWP Implementation

Roadway	Segment
Valley Boulevard	East of Cedar Avenue
I-10 Westbound	East of Alder Avenue
I-10 Westbound	Cedar Avenue underpass
I-10 Westbound	West of Cactus Avenue
I-10 Eastbound	East of Alder Avenue
I-10 Eastbound	Cedar Avenue underpass
Slover Avenue	East of Alder Avenue
Slover Avenue	West of Locust Avenue
Slover Avenue	East of Locust Avenue
Slover Avenue	West of Spruce Avenue
Slover Avenue	West of Cactus Avenue
Cactus Avenue	North of Santa Ana Avenue
Cactus Avenue	North of Jurupa Avenue
Cactus Avenue	South of Jurupa Avenue

Source: Fehr & Peers 2020.

Note: Table only lists roadways with an increase in traffic volume of 100 trucks per day or more due to CWP implementation (Existing with Project compared to Existing No Project scenarios).

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Figure 1 **Bloomington: Increase in Trucks per Day Due to CWP Implementation**

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Figure 2 **Muscoy: Increase in Trucks per Day Due to CWP Implementation**

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Table 2, *Increase in Average Daily Truck Traffic, Bloomington*, lists the average truck volumes with CWP implementation for the selected roadway segments. Figure 1 shows the roadway segments that were studied and the change in daily truck traffic due to the implementation of the project.

The emission factor (gram per mile) used for the analysis is derived from EMFAC2017 for light-heavy (LHD'T1), medium-heavy (MHD'T), and heavy-heavy duty (HHDT) vehicle classes (CARB 2017). The PM₁₀ emission factor for diesel-fueled vehicles was used as the surrogate for DPM for the horizon year of 2040 (CARB 2017).

Table 2 Increase in Average Truck Daily Traffic, Bloomington

#	Roadway	Segment	Existing No Project Average Daily Traffic (trucks/day)	Existing with Project Average Daily Traffic (trucks/day)	Increase in Average Daily Traffic (trucks/day)
1	Valley Boulevard	EO Cedar Ave	59	206	147
2	I-10 Westbound	EO Alder Ave	9,927	10,274	347
3	I-10 Westbound	Cedar Ave underpass	9,307	9,699	392
4	I-10 Westbound	WO Cactus Ave	9,560	9,930	370
5	I-10 Eastbound	EO Alder Ave	11,253	11,612	359
6	I-10 Eastbound	Cedar Ave underpass	10,463	10,850	387
7	Slover Avenue	EO Alder Ave	521	646	125
8	Slover Avenue	WO Locust Ave	511	622	111
10	Slover Avenue	EO Locust Ave	729	990	261
9	Slover Avenue	WO Spruce Ave	433	540	107
11	Slover Avenue	WO Cactus Ave	346	533	187
12	Cactus Avenue	NO Santa Ana Ave	149	315	166
13	Cactus Avenue	NO Jurupa Ave	203	427	224
14	Cactus Avenue	SO Jurupa Ave	71	367	296

Source: F&P 2020.

Notes: EO = east of; WO = west of; NO = north of; SO = south of

1.4.2 Muscoy

For the Muscoy evaluation, the selected roadways are shown in Table 3, *Muscoy: Evaluated Roadway Segments*, and Figure 2, *Muscoy: Increase in Trucks per Day Due to CWP Implementation*.

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Table 3 Muscoy: Evaluated Roadway Segments, Segments with Truck Increases of 100 per Day Due to CWP Implementation

Roadway	Segment
W 1st Street	West of Cajon Boulevard
University Parkway	North of Interchange Drive
University Parkway	South of Interchange Drive
N State Street	North of Blake Street
N State Street	South of Blake Street
SR-210 Westbound	East of California Street
SR-210 Westbound	West of California Street
SR-210 Westbound	West of Macy Street
SR-210 Eastbound	West of State Street Offramp
SR-210 Eastbound	East of State Street Offramp
SR-210 Eastbound	East of State Street Onramp
Hallway Parkway	West of University Parkway
SR-210 State Street Eastbound Offramp	West of State Street
State Street	North of Eastbound Offramp

Source: Fehr & Peers 2020.

Note: Table only lists roadways with an increase in traffic volume of 100 trucks per day or more due to CWP implementation (Existing with Project compared to Existing No Project scenarios).

Table 4, *Increase in Average Daily Traffic, Muscoy*, lists the average truck volumes with CWP implementation for the selected roadway segments. Figure 2 shows the roadway segments that were studied and the change in daily truck traffic due to the implementation of the project.

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Table 4 Increase in Average Truck Daily Traffic, Muscoy

#	Roadway	Segment	Existing No Project Average Daily Traffic (trucks/day)	Existing with Project Average Daily Traffic (trucks/day)	Increase in Average Daily Traffic (trucks/day)
1	W 1st Street	WO Cajon Boulevard	54	203	149
2	University Parkway	NO Interchange Dr	348	613	265
3	University Parkway	SO Interchange Dr	294	520	226
4	N State Street	NO Blake St	371	546	175
5	N State Street	SO Blake St	371	546	175
6	SR-210 Westbound	EO California St	3,988	4,514	526
7	SR-210 Westbound	WO California St	3,908	4,457	549
8	SR-210 Westbound	WO Macy St	4,465	5,012	547
10	SR-210 Eastbound	WO State St Offramp	5,217	5,770	553
9	SR-210 Eastbound	EO State St Offramp	4,745	5,160	415
11	SR-210 Eastbound	EO State St Onramp	4,794	5,197	403
12	Hallway Parkway	WO University Pkwy	111	884	773
13	SR-210 State Street Eastbound Offramp	WO State St	471	608	137
14	State Street	NO SR-210 Eastbound Offramp	620	735	115

Source: F&P 2020.

Notes: EO = east of; WO = west of; NO = north of; SO = south of

1.5 AIR DISPERSION MODELING

Air quality modeling was performed using the AERMOD atmospheric dispersion model. The model is a steady-state Gaussian plume model and is approved by South Coast AQMD for estimating ground-level impacts from point and fugitive sources in simple and complex terrain. The model requires additional input parameters, including chemical emission data and local meteorology. Meteorological data was provided by South Coast AQMD from the Fontana meteorological station for the years 2011 to 2013 and 2015 to 2016 to represent local weather conditions and prevailing winds. According to the wind rose for the Fontana meteorological station, presented in Appendix B, the prevailing wind direction in the area of the study areas is toward the east-northeast (ENE).

The modeling also considered the spatial distribution and elevation of each emitting source in relation to the sensitive receptors. To accommodate the model's Cartesian grid format, direction-dependent calculations were obtained by identifying the Universal Transverse Mercator (UTM) coordinates for each source location. In addition, digital elevation model (DEM) data for the area were obtained and included in the model runs to account for complex terrain.

Adjacent volume sources were used to model the roadways in AERMOD. A release height of 3.5 meters (m) was used to represent truck traffic, based on a vehicle height of 4.12 m and plume height of 7 m. The roadway emissions were applied to all hours of the day in the model because residents are conservatively assumed to be

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present 24 hours a day. The graphical representation of the model sources and receptors is in Appendix B, and the AERMOD model outputs are in Appendix C.

1.6 RISK CHARACTERIZATION

1.6.1 Carcinogenic Chemical Risk

A threshold risk of ten in a million ($10E^{-06}$) has been established as posing no significant risk for exposures to carcinogens. Health risks associated with exposure to carcinogenic compounds can be defined in terms of the probability of developing cancer as a result of exposure to a chemical at a given concentration. The cancer risk probability is determined by multiplying the chemical's annual concentration by its cancer potency factor (CPF), a measure of the carcinogenic potential of a chemical when a dose is received through the inhalation pathway. It is an upper-limit estimate of the probability of contracting cancer as a result of continuous exposure to an ambient concentration of one microgram per cubic meter ($\mu\text{g}/\text{m}^3$) over a lifetime of 70 years.

Recent guidance from OEHHA recommends a refinement of the standard point-estimate approach to use age-specific breathing rates and age sensitivity factors (ASF) to assess risk for susceptible subpopulations, such as children. For the inhalation pathway, the procedure requires the incorporation of several discrete variates to effectively quantify dose for each age group. Once determined, contaminant dose is multiplied by the CPF in units of inverse dose expressed in milligrams per kilogram per day ($\text{mg}/\text{kg}/\text{day}$)⁻¹ to derive the cancer risk estimate. Therefore, to accommodate the unique exposures associated with the residential receptors, the following dose algorithm was used.

$$\text{Dose}_{\text{AIR,per age group}} = (C_{\text{air}} \times \text{EF} \times \left[\frac{\text{BR}}{\text{BW}}\right] \times A \times \text{CF})$$

Where:

Dose_{AIR}	=	dose by inhalation ($\text{mg}/\text{kg}/\text{day}$), per age group
C_{air}	=	concentration of contaminant in air ($\mu\text{g}/\text{m}^3$)
EF	=	exposure frequency (number of days/365 days)
BR/BW	=	daily breathing rate normalized to body weight ($\text{L}/\text{kg}/\text{day}$)
A	=	inhalation absorption factor (default = 1)
CF	=	conversion factor (1×10^{-6} , μg to mg , L to m^3)

The inhalation absorption factor (A) is a unitless factor that is only used if the CPF included a correction for absorption across the lung. For this assessment, the default value of 1 was used. For residential receptors, the exposure frequency (EF) of 0.96 is used to represent 350 days per year to allow for two weeks away from home each year (OEHHA 2015). The 95th percentile daily breathing rates (BR/BW), exposure duration (ED), age sensitivity factors (ASF), and fraction of time at home (FAH) for the various age groups are provided below.

1. Health Risk Assessment

<u>Age Groups</u>	<u>BR/BW (L/kg-day)</u>	<u>ED</u>	<u>ASF</u>	<u>FAH</u>
Third trimester	361	0.25	10	0.85
0–2 age group	1,090	2	10	0.85
2–9 age group	861	7	3	0.72
2–16 age group	745	14	3	0.72
16–30 age group	335	14	1	0.73
16–70 age group	290	54	1	0.73

To calculate the overall cancer risk, the risk for each appropriate age group is calculated per the following equation:

$$\text{Cancer Risk}_{\text{AIR}} = \text{Dose}_{\text{AIR}} \times \text{CPF} \times \text{ASF} \times \text{FAH} \times \frac{\text{ED}}{\text{AT}}$$

Where:

Dose _{AIR}	=	dose by inhalation (mg/kg-day), per age group
CPF	=	cancer potency factor, chemical-specific (mg/kg-day) ⁻¹
ASF	=	age sensitivity factor, per age group
FAH	=	fraction of time at home, per age group (for residential receptors only)
ED	=	exposure duration (years)
AT	=	averaging time period over which exposure duration is averaged (70 years)

The CPFs used in the assessment were obtained from OEHHA guidance. The excess lifetime cancer risks during the construction period to the maximally exposed resident were calculated based on the factors provided above. The cancer risks for each age group are summed to estimate the total cancer risk for each toxic chemical species. The final step converts the cancer risk in scientific notation to a whole number that expresses the cancer risk in “chances per million” by multiplying the cancer risk by a factor of 1x10⁶ (i.e., 1 million).

The assessment was based on reasonable maximum exposure, defined as the “highest exposure that is reasonably expected to occur” for a given receptor population. Lifetime risk values for the adult residents were calculated for an exposure of 350 days per year for 30 years (high-end estimate) in accordance with OEHHA’s guidance. It was assumed that the residential MER spent 24 hours/day, 7 days/week, 350 days/year outside near the residence, per default exposure parameters.

The calculated results are provided in Section 2.0 and HRA Appendix D.

1.6.2 Noncarcinogenic Hazards

An evaluation of the potential noncancer effects of chronic and acute chemical exposures was also conducted. Adverse health effects are evaluated by comparing the annual receptor level (ground) concentration of each chemical compound with the appropriate reference exposure limit (REL). Available RELs promulgated by OEHHA were considered in the assessment.

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The hazard index approach was used to quantify noncarcinogenic impacts. The hazard index assumes that chronic and acute subthreshold exposures adversely affect a specific organ or organ system (toxicological endpoint). Target organs identified in regulatory guidance were used for each discrete chemical exposure. Each chemical concentration or dose is divided by the appropriate toxicity value to calculate the hazard index. This ratio is summed for compounds affecting the same toxicological endpoint. A health hazard is presumed to exist where the total equals or exceeds one.

The chronic hazard analysis from DPM exposure is provided Section 2.0 and in HRA Appendix D.

2. Results and Discussion

2.1 CWP IMPLEMENTATION HEALTH RISK RESULTS

For residential receptors in Bloomington and Muscoy, the incremental cancer risks and chronic hazard indices were calculated at the maximum exposed receptor (MER). The MER locations are depicted in Figures 3 and 4. The residential MER location in Bloomington is a receptor on Church Street, east of Cedar Avenue and north of I-10 (Figure 3). The residential MER location in Muscoy is a receptor on W Highland Avenue, east of N State Street and north of SR-210 (Figure 4). The results of the HRA are shown in Table 5, *Health Risk Assessment Results for Maximum Exposed Receptors*.

Table 5 Health Risk Assessment Results for Maximum Exposed Receptors

Scenario	Incremental Cancer Risk ¹ (per million)	Chronic Hazard Index
Bloomington – Existing No Project ²	261	0.0765
Bloomington – Existing with Project ²	263	0.0772
Bloomington – Net Change Due to With CWP Implementation ²	2.4	0.0007
South Coast AQMD Threshold	10	1.0
Exceeds Threshold Due to CWP Implementation?	No	No
Muscoy – Existing No Project ³	49.1	0.0144
Muscoy – Existing with Project ³	50.4	0.0148
Muscoy – Net Change Due to CWP Implementation ³	1.3	0.0004
South Coast AQMD Threshold	10	1.0
Exceeds Threshold Due to CWP Implementation?	No	No

¹ OEHHA (2015) recommends that a 30-year (high-end residency time) exposure duration be used to estimate individual cancer risk for the residential MER. 2040 DPM emission rates used for cancer risk calculations (EMFAC2017).

² The Bloomington residential maximum exposed receptor (MER) is on Church Street, east of Cedar Avenue and north of I-10 (Figure 3).

³ The Muscoy residential maximum exposed receptor (MER) is on W Highland Avenue, east of N State Street and north of SR-210 (Figure 4).

As shown in Table 5, the incremental cancer risk due to CWP implementation for the residential MER in Bloomington and Muscoy are 2.4 and 1.3 per million, respectively. Therefore, the incremental cancer risks with CWP implementation are below the significance threshold of 10 in a million. For noncarcinogenic health risks, the chronic hazard indices were well below the significance threshold of 1.0 for the residential MERs for both Bloomington and Muscoy. The overwhelming majority of sensitive receptors in both Bloomington and Muscoy are projected to experience much lower increases in cancer risk due to CWP implementation, compared to their respective MER locations. The existing cancer risks from the existing truck traffic volumes, prior to CWP implementation, are 261 in a million in Bloomington and 49 in a million in Muscoy. For Bloomington, CWP

2. Results and Discussion

implementation is projected to potentially increase total cancer risk by less than 1 percent (0.9 percent). For Muscoy, CWP implementation is projected to potentially increase the total cancer risk by 2.6 percent.

In addition to the cancer risk calculations in Table 5, risks were also calculated using 2020 vehicle emission factors from EMFAC2017. The use of 2020 emission factors for trucks creates an upper-bound incremental cancer risk for the hypothetical scenario wherein the addition truck traffic from CWP implementation would occur immediately in the current year (2020). Even in this hypothetical and nearly impossible scenario, the incremental cancer risks were projected to increase by 8.1 in a million for Bloomington and 4.7 in a million for Muscoy. Similar to the results in Table 5, the incremental cancer risks with CWP implementation remain below the significance threshold of 10 in a million.

It should be noted that these health impacts were based on conservative (i.e., health protective) assumptions. The USEPA (2005) and OEHHA (2015) note that conservative assumptions used in a risk assessment are intended to ensure that the estimates do not underestimate the actual risks. Therefore, the estimated risks do not necessarily represent actual risks experienced by populations at or near a site.

For this HRA, the following conservative assumptions were used:

- For the residential exposure scenario, it was assumed that the children and adults at the MER reside at their current location for 30 years. Most residents do not live at the same location for 30 years. Approximately 11 percent of the residents of San Bernardino County have lived in their homes since 1989 (US Census, 2020).
- The cancer risks were determined for residential receptors, which produce higher calculated cancer risks compared to other receptor types. For instances, the cancer risk calculation for worker receptors includes an exposure duration of 25 years and an exposure frequency of 8 hours/day, 5 days/week, 250 days/year at their workplace. Additionally, the worker scenario uses the 16- to 70-year age bin with no added age sensitivity factors (OEHHA 2015). Therefore, the 30-year residential cancer risk calculation produces much higher risks compared to the worker scenario. Similarly, the cancer risk calculations for day cares and schools produce lower risks compared to residential receptors due to shorter exposure durations (5 to 13 years for day cares and schools) and lower exposure frequencies (typically 180 to 250 days per year, 8 hours per day, Monday through Friday) compared to residential receptors (350 days per year, 24 hours per day).
- The calculated risk for third-trimester pregnancies and children from 0 to 2 years is multiplied by a factor of 10 (age sensitivity factor), and the calculated risk for children from 2 to 16 years is multiplied by a factor of 3 to account for early life exposure and uncertainty in child vs. adult exposure impacts. Thus, the estimated risks are conservative.

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Figure 3 **Bloomington: Increase in Diesel Particulate Matter Concentrations Due to CWP Implementation**

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2. Results and Discussion

Figure 4 **Muscoy: Increase in Diesel Particulate Matter Concentrations Due to CWP Implementation**

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2. Results and Discussion

2.2 CUMULATIVE GROWTH EVALUATION

This HRA also presents an evaluation of the cumulative growth in the county, comparing the change in truck traffic due to CWP implementation to truck traffic changes from planned growth in the incorporated county areas and using a roadway network with planned improvements (SCAG 2016).

For the evaluated roadway segments in Bloomington, the average daily truck traffic is compared between the Cumulative No Project and Existing No Project scenarios in Table 6, *Cumulative Increase in Average Daily Traffic, Bloomington*. As shown in Table 6, six of the evaluated roadway segments showed a net decrease in truck traffic along I-10 Eastbound and Slover Avenue, east of Cedar Avenue. For the evaluated roadway segments in Bloomington, the overall increase in traffic due to cumulative growth in the incorporated county areas and roadway network improvements is 2,723 trucks per day (not counting segments where traffic decreased). This increase in truck traffic is less than the increase due to CWP implementation in comparison to the Existing No Project scenario (3,479 trucks per day, Table 2). Therefore, in Bloomington the contribution of truck traffic from CWP implementation is higher than the contribution of truck traffic from cumulative growth in the surrounding areas.

Table 6 Cumulative Increase in Average Daily Traffic, Bloomington

#	Roadway	Segment	Existing No Project 2020 Average Daily Traffic (trucks/day)	Cumulative No Project 2040 Average Daily Traffic (trucks/day)	Change in Average Daily Traffic (trucks/day) ¹	CWP Implementation 2040 Average Daily Traffic (trucks/day)	Cumulative with Project 2040 Average Daily Traffic (trucks/day) ²
1	Valley Boulevard	EO Cedar Ave	59	245	186	23	268
2	I-10 Westbound	EO Alder Ave	9,927	10,383	456	118	10,501
3	I-10 Westbound	Cedar Ave underpass	9,307	9,889	582	118	10,007
4	I-10 Westbound	WO Cactus Ave	9,560	10,126	566	128	10,254
5	I-10 Eastbound	EO Alder Ave	11,253	8,886	-2,367	155	9,041
6	I-10 Eastbound	Cedar Ave underpass	10,463	8,274	-2,189	141	8,415
7	Slover Avenue	EO Alder Ave	521	751	230	29	780
8	Slover Avenue	WO Locust Ave	511	711	200	5	716
10	Slover Avenue	EO Locust Ave	729	1,039	310	-25	1,014
9	Slover Avenue	WO Spruce Ave	433	274	-159	50	324
11	Slover Avenue	WO Cactus Ave	346	272	-74	55	327
12	Cactus Avenue	NO Santa Ana Ave	149	85	-64	62	147
13	Cactus Avenue	NO Jurupa Ave	203	134	-39	32	166
14	Cactus Avenue	SO Jurupa Ave	71	264	193	23	287

Source: F&P 2020.

Notes: Negative values mean a predicted decrease in the amount of truck traffic in the cumulative growth scenario.

EO = east of; WO = west of; NO = north of; SO = south of

¹ Represents net change in truck traffic due to cumulative growth in incorporated areas (Cumulative No Project trucks/day minus Existing No Project trucks/day).

² Represents trucks/day from CWP implementation added to Cumulative No Projects truck/day (Cumulative with Project scenario).

2. Results and Discussion

For the evaluated roadway segments in Muscoy, the average daily truck traffic is compared between the Cumulative No Project and Existing No Project scenarios in Table 7, *Cumulative Increase in Average Daily Traffic, Muscoy*. Three of the evaluated roadway segments showed a decrease in truck traffic along W 1st Street, SR-210 State Street eastbound offramp, and State Street north of the SR-210 eastbound offramp. For the evaluated roadway segments in Muscoy, the overall increase in traffic due to cumulative growth in the incorporated county areas and roadway network improvements is 10,307 trucks per day (9,918 trucks per day including segments where traffic decreased). This increase in truck traffic is higher than the increase due to CWP implementation in comparison to the Existing No Project scenario (5,008 trucks per day, Table 4). Therefore, in Muscoy the contribution of truck traffic from CWP implementation is less than the contribution of truck traffic from cumulative growth in the surrounding areas.

Table 7 Cumulative Increase in Average Daily Traffic, Muscoy

#	Roadway	Segment	Existing No Project 2020 Average Daily Traffic (trucks/day)	Cumulative No Project 2040 Average Daily Traffic (trucks/day)	Change in Average Daily Traffic (trucks/day) ¹	CWP Implementation 2040 Average Daily Traffic (trucks/day)	Cumulative with Project 2040 Average Daily Traffic (trucks/day) ²
1	W 1st Street	WO Cajon Blvd	54	23	-31	63	86
2	University Pkwy	NO Interchange Dr	348	602	254	6	608
3	University Pkwy	SO Interchange Dr	294	602	308	6	608
4	N State Street	NO Blake St	371	546	175	3	549
5	N State Street	SO Blake St	371	534	163	2	536
6	SR-210 Westbound	EO California St	3,988	5,363	1,375	154	5,517
7	SR-210 Westbound	WO California St	3,908	5,304	1,396	149	5,453
8	SR-210 Westbound	WO Macy St	4,465	5,777	1,312	152	5,929
10	SR-210 Eastbound	WO State St Offramp	5,217	6,637	1,420	142	6,779
9	SR-210 Eastbound	EO State St Offramp	4,745	6,329	1,584	127	6,456
11	SR-210 Eastbound	EO State St Onramp	4,794	6,367	1,573	129	6,496
12	Hallway Parkway	WO University Pkwy	111	858	747	0	858
13	SR-210 State Street Eastbound Offramp	WO State St	471	308	-163	14	322
14	State Street	NO SR-210 Eastbound Offramp	620	425	-195	23	448

Source: F&P 2020.

Notes: Negative values mean a predicted decrease in the amount of truck traffic in the cumulative growth scenario.

EO = east of; WO = west of; NO = north of; SO = south of

¹ Represents net change in truck traffic due to cumulative growth in incorporated areas (Cumulative No Project trucks/day minus Existing No Project trucks/day).

² Represents trucks/day from CWP implementation added to Cumulative No Projects truck/day (Cumulative with Project scenario).

2. Results and Discussion

The cancer risks in Table 5 are based on the existing year roadway network and 2012 land use data set for the incorporated portions of the county (SCAG 2012). As shown in Tables 6 and 7, the number of roadway segments whose truck traffic increases by over 100 trucks per day is much lower compared to cumulative growth in the incorporated areas with roadway network improvements (consistent with the 2016 SCAG Regional Transportation Plan / Sustainable Communities Strategy growth through 2040). When comparing the Cumulative with Project to the Cumulative No Project scenarios, only 5 roadway segments in Bloomington (all freeway-related segments) result in an increase of 100 trucks per day due to CWP implementation, compared to 14 segments for the Existing with Project/Existing No Project comparison.

No surface streets would result in an increase in daily trucks over 100 in Bloomington in the Cumulative with Project/Cumulative No Project comparison. A similar reduction in roadway segments with an increase in 100 trucks per day is noted for Muscoy (6 freeway related segments, no surface streets) for the Cumulative with Project/Cumulative No Project comparison. Additionally, the roadway segment net increase in trucks from CWP implementation does not exceed 154 trucks per day for the Cumulative with Project/Cumulative No Project comparison, which is a lesser increase in trucks than for the Existing with Project/Existing No Project comparison (see Tables 2 and 4). Therefore, the incremental cancer risks due to CWP implementation for residents in Bloomington and Muscoy would be reduced for the Cumulative with Project/Cumulative No Project scenario because the number of segments and overall increase in trucks due to CWP implementation are projected to be less for the cumulative growth scenario than the existing setting scenario.

Overall, residents and other sensitive receptors in Bloomington and Muscoy would not be subject to excess cancer risk and noncancer hazards due to implementation of the project, and impacts of the project would be less than significant.

2. Results and Discussion

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Appendix A. Emissions Calculations

Appendices

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Appendix B. Model Setup

Appendices

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Appendix C. Air Dispersion Model Output

Appendices

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Appendix D. Risk Calculations

Appendices

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EXHIBIT H

Final EIR, Appendix D – EJ Report

<http://countywideplan.com/wp-content/uploads/2020/08/Appendix-D-EnvironmentalJustice-Report.pdf>

EXHIBIT I

Final EIR, Appendix E – Chuck Bell
Coalition Letters

http://countywideplan.com/wp-content/uploads/2020/08/Appendix-E-CoalitionOfCommunityGroups_Letter.pdf

EXHIBIT J

Final EIR, Appendix F – Moelleken Letter

<http://countywideplan.com/wp-content/uploads/2020/08/Appendix-F-DrMrsMoelleken-Letter.pdf>

EXHIBIT K

CEQA Findings of Facts and Statement of Overriding Considerations

**CEQA FINDINGS OF FACT
AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE
FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT
FOR THE
SAN BERNARDINO COUNTYWIDE PLAN
STATE CLEARINGHOUSE NO. 2017101033**

Exhibit A

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA. The potential environmental effects of the proposed Countywide Plan (CWP or proposed project) have been analyzed in a Draft Program Environmental Impact Report (PEIR) (State Clearinghouse [SCH] 2017101033) dated June 2019. A Final PEIR has also been prepared that incorporates the Draft PEIR and contains comments received on the Draft PEIR; responses to the individual comments; and revisions to the Draft PEIR, including any clarifications based on the comments and the responses to the comments. A Mitigation Monitoring and Reporting Program (MMRP) for the proposed project was also prepared, in conformance with Section 15097 of the CEQA Guidelines and Section 21081.6 of the Public Resources Code. This document provides the findings required by CEQA for approval of the proposed project.

A. STATUTORY REQUIREMENTS FOR FINDINGS

CEQA (Pub. Res. Code §§ 21000 et seq.) and the State CEQA Guidelines (14 Ca. Code Regs §§ 15000 et seq.) require the environmental impacts of a project to be examined before a project is approved. Specifically, regarding findings, Guidelines Section 15091 states:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
 - (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
 - (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
 - (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
 - (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) that are required in or incorporated into the project and which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions, according to Guidelines Section 15370:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Regarding a Statement of Overriding Considerations, Guidelines Section 15093 states:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal [sic] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

B. CERTIFICATION

Having received, reviewed, and considered the PEIR for the San Bernardino Countywide Plan, State Clearinghouse No. 2017101033, as well as other information in the record of proceedings on this matter, the San Bernardino County Board of Supervisors adopts the following Findings and Statement of Overriding Considerations in its capacity as the legislative body for San Bernardino County, which is the CEQA Lead Agency. The Findings and Statement of Overriding Considerations set forth the environmental and other bases for current and subsequent discretionary actions to be undertaken by the County and responsible agencies for the implementation of the proposed project.

In addition, the San Bernardino County Board of Supervisors hereby make findings pursuant to and in accordance with Section 21081 of the California Public Resources Code and the State CEQA Guidelines Sections 15090 and 15091 and hereby certifies one of three findings for each potentially significant impact:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

C. PROJECT ENVIRONMENTAL REPORT AND DISCRETIONARY ACTIONS

The Final PEIR addresses the direct, indirect, and cumulative environmental effects of future construction and operation activities associated with the proposed project. The Final PEIR provides the environmental information necessary for the County to make a final decision on the requested discretionary actions for all phases of this project. The Final PEIR was also intended to support discretionary reviews and decisions by other responsible agencies. Discretionary actions to be considered by the County may include, but are not limited to:

- Certify that the Final PEIR for the proposed project has been completed in compliance with CEQA and reflects the independent judgement and analysis of the County; find that the Board of Supervisors has reviewed and considered the information in the Final PEIR prior to approving the project; adopt the Mitigation Monitoring and Reporting Program, finding that it is adequately designed to ensure compliance with the mitigation measures during project implementation; and determine that the significant adverse effects of the project either have been reduced to an acceptable level or are outweighed by the specific overriding considerations of the project, as described in this Findings of Fact and Statement of Overriding Considerations.
- Approve the proposed project and related discretionary actions needed for future construction and operation as a result of the proposed project.

II. PROCEDURAL COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County published a Draft PEIR on June 17, 2019. A Final PEIR was prepared in August 2020 in compliance with CEQA requirements. The Final PEIR was prepared in accordance with CEQA and the CEQA Guidelines, as amended. As authorized in the State CEQA Guidelines Section 15084(d)(2), the County retained a consultant to assist with the preparation of the environmental documents. County staff from multiple departments, representing the lead agency, have directed, reviewed, and modified where appropriate all material prepared by the consultant. The Final PEIR reflects the County's independent analysis and judgement. The key milestones associated with the preparation of the PEIR are summarized in this section. Extensive public involvement and agency notification was conducted to solicit input on the scope and content of the PEIR and to solicit comments on the results of the environmental analysis presented in the Draft PEIR.

A. PUBLIC NOTIFICATION AND OUTREACH

In conformance with CEQA and the State CEQA Guidelines, San Bernardino County conducted an extensive environmental review of the proposed project.

- Completion of a Notice of Preparation (NOP) on October 13, 2017. The public review period extended from October 13, 2017, to November 20, 2017. The NOP was published in the *Big Bear Life* and the *Grizzly* (publishing date October 18, 2017), the *Daily Press* (publishing date October 19, 2017), the *Hi-Desert Star* (publishing date October 19, 2017), the *Mountain News* (publishing date October 26, 2017), and the *San Bernardino County Sun* (publishing date October 17, 2017). The NOP was posted at the San Bernardino County Clerk's office on October 13, 2017. Copies of the NOP were made available for public review at the County's Land Use Services Department main office, the Jerry Lewis High Desert Government Center, and the Bob Burke Joshua Tree Government Center. The NOP was also available on the County's website.
- Completion of the scoping process. The public was invited by the County to participate in a scoping meeting held October 26, 2017, from 9:30 to 11:30 am at the San Bernardino County Government Center, 385 N Arrowhead Avenue, San Bernardino. The notice of a public scoping meeting was included in the NOP.
- Preparation of a Draft PEIR, which was made available for a 60-day public review period beginning June 17, 2019, and ending August 15, 2019. The scope of the Draft PEIR was determined based on the CEQA Guidelines Appendix G Checklist, comments received in response to the NOP, and comments received at the scoping meeting conducted by the County. Section 2.2 of the Draft PEIR describes the issues identified for analysis in the Draft PEIR. The Notice of Availability (NOA) for the DEIR was sent to interested persons and organizations, sent to the State Clearinghouse in Sacramento for distribution to public agencies, and posted at the County of San Bernardino. The NOA was posted at the San Bernardino County Clerk's office on June 17, 2019.
- Preparation of a Final PEIR, including the responses to comments to the Draft PEIR. The Final PEIR was distributed to commenting public agencies in accordance with CEQA Guidelines Section 15088 (at least 10 days prior to lead agency certification of the Final PEIR).
- Public hearings on the proposed project, including a Planning Commission hearing and a Board of Supervisors hearing.

In summary, the County conducted all required noticing and scoping for the proposed project in accordance with Section 15083 of the CEQA Guidelines, and the public review period for the PEIR exceeded the requirements of Section 15087 of the CEQA Guidelines.

B. FINAL ENVIRONMENTAL IMPACT REPORT AND BOARD of SUPERVISORS PROCEEDINGS

The County prepared a Final PEIR, including Responses to Comments to the Draft PEIR. The Final PEIR/Response to Comments contains comments on the Draft PEIR, responses to those comments, revisions to the Draft PEIR, and appended documents. Twenty-four comment letters were received: seven from agencies, eight from organization, and nine from individuals.

The Final PEIR found that prior to mitigation, implementation of the proposed project will result in potentially significant impacts to Air Quality, Biological Resources, Cultural Resources, Greenhouse

Gas Emission, Hazards and Hazardous Materials, Mineral Resources, Noise, and Transportation and Traffic. However, mitigation measures (MMs) were developed to avoid or reduce impacts to levels considered less than significant for Cultural Resources. The County prepared a Statement of Overriding Considerations for the impacts found to be significant and unavoidable in Air Quality, Biological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Mineral Resources, Noise, and Transportation and Traffic.

Members of the public can view searchable agendas for scheduled County Board of Supervisors meetings and access agenda-related County information and services directly on the following website: <http://www.sbcounty.gov/main/pages/bos.aspx>.

The Final PEIR has been posted for viewing and downloading on the County's website with the previously posted Draft PEIR prior to the County's consideration of the Final PEIR and project recommendations.

A date for consideration of the Final PEIR and project recommendations at the Board of Supervisors was set for the proposed project and notice of the meeting was provided consistent with the Brown Act (Government Code Sections 54950 et seq.). The Board of Supervisors will take testimony on the proposed project and may continue on its calendar to a subsequent meeting date in its discretion.

C. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The NOP, NOA, and all other public notices issued by the County in conjunction with the proposed project.
- The Draft PEIR and Final PEIR for the proposed project.
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR.
- All responses to those written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR.
- All written and verbal public testimony presented during a noticed public hearing for the proposed project.
- The Mitigation Monitoring and Reporting Program.
- The reports and technical memoranda included or referenced in the Final PEIR.
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft PEIR and Final PEIR.

- The Resolutions adopted by the County in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto.
- Matters of common knowledge to the County, including but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings.
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

D. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the County's actions related to the project are at the County's Land Use Services Department at 385 North Arrowhead Avenue, San Bernardino. The County's Land Use Services Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Land Use Services Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

E. PROJECT LOCATION

At just over 20,000 square miles, San Bernardino County is the largest county in the nation. It is bordered by Los Angeles County, Orange County, and Kern County on the west; Inyo County and the southwest corner of Clark County, Nevada, on the north; the Colorado River and the states of Arizona and Nevada on the east; and Riverside County on the south. Regional connectivity to San Bernardino County is provided by Interstate 15 (I-15), I-40, I-10, US Route 395, and State Route 58.

The county is defined primarily by its four geographical subregions—the Valley, Mountain, North Desert, and East Desert. Only 4 percent of the land in the county is in incorporated jurisdictions; 96 percent of the land area is unincorporated. However, of the unincorporated area, nearly all (87 percent) is outside of the County's administrative control (primarily under federal control).

F. PROJECT OBJECTIVES

The proposed Countywide Plan is guided by the following goals:

1. **Character and Heritage.** Recognition, preservation, and celebration of the distinct character, history, culture, and heritage of the county and its communities.
2. **Collaboration.** Greater coordination within the County government alongside expanded partnerships with other public and private entities to create a more complete county.
3. **Community Capacity.** A public equipped with tools to create positive changes in their communities, empowered by civic involvement and a network of relationships.

4. **Education.** A cradle-to-career education system and a culture of lifelong learning that gives residents the opportunity to obtain skills and education needed to achieve a rich and satisfying life.
5. **Fiscally Sustainable Growth.** A pattern of growth and development that facilitates logical, cost-effective, and fiscally sustainable provision of public services and infrastructure.
6. **Health and Wellness.** Active and engaged people and communities with access to infrastructure, programs, and services to support physical, social, and economic health and well-being.
7. **Prosperity.** Diverse opportunities for residents to pursue their desired standard and style of living and for businesses to work toward their economic success.
8. **Resiliency.** A County with a system of communities and services that can persevere in the face of emergencies, external forces, or unexpected circumstances and continue to carry out core missions despite formidable challenges.
9. **Security.** A real and perceived sense of safety that allows and encourages people, businesses, and organizations to thrive, build community, and invest.
10. **Stewardship.** Communities that protect the viability of natural resources and open spaces as valuable environmental, aesthetic, and economic assets.

G. PROJECT DESCRIPTION

Countywide Plan

The proposed project is a comprehensive plan that is driven by the Countywide Vision (2011) and meets California Code requirements for a general plan. The Countywide Plan includes four major components:

1. A County Policy Plan, an update and expansion of the County's General Plan, including a new approach to county planning that includes social services, healthcare services, public safety, and other regional county services provided in both incorporated and unincorporated areas.
2. A Community Action Guide to replace existing Community Plans with a greater focus on community self-reliance, grass-roots action, and implementation. Goals, policies, land use, and infrastructure decisions for the community planning areas will be addressed in the County Policy Plan.
3. A County Business Plan, with governance policies, operational metrics, and implementation strategies that outline the County's approach to providing municipal services in the unincorporated areas and regional services for both incorporated and unincorporated areas.
4. A Regional Issues Forum, an online resource for sharing information and resources related to issues confronting the county as a whole, including the work of the Countywide Vision element groups.

The PEIR focuses on the potential County Policy Plan because it is this component that includes the proposed land use designations and policies that have the potential to result in physical environmental impacts.

Buildout Scenario

The county is defined primarily by its four geographical regions—the Valley, Mountain, North Desert, and East Desert.

Valley Region

The Valley Region is in the southwesternmost part of the county. Although the smallest region in land area, it is the most populated and the most urbanized—nearly half of the incorporated land is in the Valley region. The region is generally defined as all land that is south and west of the San Bernardino National Forest boundaries. The San Bernardino Mountains and Yucaipa and Crafton Hills form the eastern limits of the Valley Region, and the Santa Ana River and Jurupa Mountains form the southern limits.

Mountain Region

The Mountain Region is north of the Valley Region and encompasses the San Bernardino Mountains and the eastern end of the San Gabriel Mountains. Most of the Mountain Region is public land managed by state and federal agencies, primarily the US Forest Service.

North Desert Region

The North Desert Region is the largest of the four regions and is north of the Mountain Region to the northern county limits and east of the East Desert Region to the eastern county limits (Nevada and Arizona state lines). A significant portion of the region encompasses the Mojave Desert.

East Desert Region

The East Desert Region is east of the Mountain region and encompasses approximately two million acres. Most of the East Desert land is federally owned.

Table 1 identifies projected growth between 2016 and 2040 for incorporated and unincorporated areas of the county. The Countywide Plan only addresses changes in land use for unincorporated areas of the county. Unincorporated growth is also shown by region and then further divided into three areas: 1) community planning area (CPA), i.e., unincorporated areas within a CPA; 2) sphere of influence (SOI), i.e., unincorporated areas in an incorporated city/town SOI but not in a CPA; and 3) unincorporated areas that are not in a CPA or SOI.

Table 1 Projected Growth in San Bernardino County, 2016 to 2040

Geography		Population	Housing Units	Employment	Building SF ¹
COUNTYWIDE					
San Bernardino County	12,766,951 Ac.	630,456	232,978	316,572	682,609,354
Incorporated only	503,679 Ac.	580,776	217,622	304,026	663,211,453
Unincorporated only	12,263,271 Ac.	49,680	15,365	12,546	19,397,900
UNINCORPORATED^{2,3,4}					
Valley⁵	42,095 Ac.	24,893	7,978	11,541	18,387,448
Bloomington CPA		19,270	6,169	2,727	3,756,069
Mentone CPA		323	108	501	271,603
Muscoy CPA		449	154	715	384,787
San Antonio Heights CPA		49	15	1	793
East Valley Area Plan		3,243	977	2,138	4,129,593
Chino SOI		141	51	109	300,031
Colton SOI		194	65	-	-
Fontana SOI		482	225	4,397	8,724,613
Loma Linda SOI		548	155	10	6,347
Montclair SOI		58	21	-	-
San Bernardino SOI		137	38	944	813,614
Other Unincorporated Areas		-	-	-	-
Mountain⁶	528,027 Ac.	2,355	702	202	162,356
Bear Valley CPA		650	199	62	49,052
Crest Forest CPA		342	103	37	28,414
Hilltop CPA		343	103	16	18,310
Lake Arrowhead CPA		602	180	45	32,840
Lytle Creek CPA		87	25	20	16,523
Mount Baldy CPA		53	10	-	-
Oak Glen CPA		191	56	4	2,451
Wrightwood CPA		88	26	18	14,766
North Desert⁷	9,642,978 Ac.	21,073	6,281	725	783,047
Baker CPA		83	25	3	1,836
Daggett CPA		83	25	9	7,025
El Mirage CPA		84	26	3	1,605
Helendale CPA		1,397	413	47	34,797
Lucerne Valley CPA		531	158	28	20,314
Newberry Springs CPA		205	62	29	22,894
Oak Hills CPA		693	212	26	15,726
Oro Grande CPA		83	26	20	16,100
Phelan/Pinon Hills CPA		1,241	364	45	27,103

Table 1 Projected Growth in San Bernardino County, 2016 to 2040

Geography	Population	Housing Units	Employment	Building SF ¹
Yermo CPA	88	26	20	16,614
Apple Valley SOI	16,280	4,841	483	613,380
Victorville SOI	107	42	5	1,884
Other Unincorporated Areas	198	60	6	3,769
East Desert⁸ 2,050,172 Ac.	1,359	394	78	65,050
Homestead Valley CPA	355	105	12	7,220
Joshua Tree CPA	827	238	53	39,970
Morongo Valley CPA	177	52	14	17,859

Sources: County of San Bernardino 2018 for unincorporated areas; SCAG 2016 RTP/SCS Growth Forecast for incorporated jurisdictions, adjusted for growth in housing and population from 2012 to 2016 based on ACS population/housing estimates; U.S. Census Bureau, 2015 LEHD Employment Statistics for growth in employment from 2012 to 2015.

- ¹ Building SF refers to projected square footage of nonresidential structures.
- ² For the purposes of this table, the unincorporated geography is divided into three areas: 1) community planning area (CPA): unincorporated areas in a CPA boundary, 2) spheres of influence (SOI): unincorporated areas in an incorporated city/town SOI, but not in a CPA, and 3) other unincorporated areas that are not in a CPA or incorporated SOI.
- ³ Overlap of CPA and SOI boundaries. **Bear Valley:** The Bear Valley CPA includes the entire Big Bear Lake SOI; SOI growth is included in Bear Valley CPA. **Bloomington:** Bloomington CPA is primarily in Rialto SOI as well as a small portion in Fontana SOI and CPA growth not included in either SOI. **Muscoy:** The Muscoy CPA is in the San Bernardino SOI. **Oak Hills:** The Oak Hills CPA is in the Hesperia SOI. **Oro Grande:** A very small section of the Oro Grande CPA is in the Victorville SOI. **San Antonio Heights:** The San Antonio Heights CPA occupies the entire unincorporated Upland SOI.
- ⁴ Jurisdictions with limited or no unincorporated SOIs: Chino Hills, Grand Terrace, Highlands, Ontario, and Yucca Valley SOIs.
- ⁵ No growth is projected (outside of the CPA boundaries) in the Valley region SOIs of Chino Hills, Grand Terrace, Highland, Ontario, Rancho Cucamonga, Redlands, Rialto, Upland, and Yucaipa. No growth is projected in unincorporated areas of the Valley outside of a CPA, SOI, or Area Plan.
- ⁶ No growth is projected in the Mountain region areas of Angeles Oaks CPA, Big Bear Lake SOI, and unincorporated areas outside of a CPA or incorporated SOI.
- ⁷ No growth is projected in the North and East Desert region areas of Pioneertown CPA, Adelanto SOI, Barstow SOI, Hesperia SOI, and Needles SOI unincorporated areas outside of a CPA or SOI. No growth is projected outside of the CPA boundaries in Twentynine Palms SOI and Yucca Valley SOI.
- ⁸ No growth is projected in the East Desert region areas of Pioneertown CPA, areas outside CPA boundaries in the Twentynine Palms SOI, or unincorporated areas outside a CPA or SOI.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

A. FORMAT

Section 15091 of the CEQA Guidelines requires that a lead agency make a finding for each significant effect for the project. This section summarizes the significant environmental impacts of the project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project, which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This remainder of this section is divided into the following subsections:

Section B, Findings on “No Impact” and “Less Than Significant Impacts,” presents environmental issues, as identified in Chapter 5 of the Draft PEIR, that would result in no impact or less than significant impacts.

Section C, Findings on Impacts Mitigated to Less Than Significant, presents significant impacts of the proposed project that were identified in the Final PEIR, the mitigation measures identified in the Mitigation Monitoring Program, and the rationales for the findings.

Section D, Significant and Unavoidable Impacts That Cannot be Mitigated to Below the Level of Significance, presents significant impacts of the proposed project that were identified in the Final PEIR, the mitigation measures identified in the Mitigation Monitoring Program, the findings for significant impacts, and the rationales for the findings.

Section IV, Alternatives to the Proposed Project, presents alternatives to the project and evaluates them in relation to the findings set forth in Section 15091(a)(3) of the State CEQA Guidelines, which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, social, or other considerations.

Section V, Statement of Overriding Considerations, presents a description of the proposed project's significant and unavoidable adverse impacts and the justification for adopting a statement of overriding considerations.

Section VI, Findings on Responses to Comments on the Draft PEIR and Revisions to the Final PEIR, presents the County's findings on the response to comments and revisions to the Final PEIR, and decision on whether a recirculated Draft PEIR is necessary or not.

B. FINDINGS OF “NO IMPACT” AND “LESS THAN SIGNIFICANT IMPACTS”

Based on the environmental issue area assessment in the Final PEIR, the County determined that the proposed project would have no impact or less than significant impacts, including direct, indirect, and cumulative impacts, for the environmental issues summarized below. The rationale for the conclusion that no significant impact would occur in each of the issue areas is based on the environmental evaluation in the listed topical PEIR sections in Section 5 of the Draft PEIR, which include Environmental Setting, Environmental Impacts, Cumulative Impacts, and Mitigation Measures.

Relevant Countywide Plan policies are listed and numbered in the Draft PEIR; additionally, applicable local, state, and federal regulations that are required independently of CEQA review and also serve to prevent the occurrence of, or reduce the significance of, potential environmental effects are included in the Draft PEIR.

The PEIR concluded that all or some of the impacts of the proposed project with respect to the following topical sections either will not be significant or will be reduced to below a level of significance by implementing policies from the Countywide Plan or existing regulatory requirements as detailed in Chapter 5 of the Draft PEIR. The topics are: Aesthetics, Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, Tribal Cultural Resources, and Utilities and Service Systems. CEQA Guidelines Section 15901 states that an EIR may not be certified for a project which has one or more significant environmental effects unless one of three possible findings is made for each significant effect. Since the following environmental issues were determined to have no impact or a less than significant impact, no findings for these issues are required.

- (a) Aesthetics: The CWP would not result in a substantial adverse effect on a scenic vista or alter scenic resources within a state scenic highway. The CWP would alter the visual appearance and character of some communities but would not substantially degrade the existing visual character or quality. The CWP would also create new sources of light or glare in portions of the county, but none of these would adversely affect day or nighttime views in the area.
- (b) Agriculture and Forestry Resources: Countywide Plan buildout would convert some Prime Farmland, Farmland of Statewide Importance, and Unique Farmland to nonagricultural land use; however, compliance with existing regulatory requirements and Countywide Plan policies would minimize adverse impacts on agriculture and forestry resources to less than significant levels. Furthermore, the Countywide Plan would not conflict with existing Williamson Act contracts and would not convert substantial areas of forest land to nonforest areas.
- (c) Biological Resources: The proposed CWP includes policies that would minimize or avoid impacts to jurisdictional waters by requiring the protection and preservation of such resources.
- (d) Cultural Resources: Human remains may be discovered during clearing and grading activities. In the event human remains are uncovered, impacts would be less than significant upon compliance with California and Safety Code Section 7050.5.
- (e) Geology and Soils: The proposed CWP would expose people to potential seismic-related hazards. However, seismic hazard impacts of CWP buildout would be less than significant after compliance with regulatory requirements for geotechnical investigations and seismic safety. Furthermore, development of projects under the Countywide Plan could cause substantial soil erosion, but both state and local regulations would effectively mitigate erosion impacts to less than significant. State and local regulations can also mitigate impacts from landslides, ground disturbance, expansive and collapsible soils, and the use of septic tanks to less than significant.
- (f) Greenhouse Gas Emissions: Implementation of the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs.
- (g) Hazards and Hazardous Materials: Substantial hazards to the public or the environment arising from the routine use, storage, transport, and disposal of hazardous materials during construction and long-term operation of development pursuant to the CWP would be mitigated to less than significant after compliance with state and local laws and regulations. Furthermore, compliance with the existing laws and regulations would mitigate impacts associated with areas that are on a list of hazardous sites. The CWP would not create an obstruction to air navigation or cause safety hazards to people working or residing in the proximity of airports and would not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Additionally, unincorporated growth per the Countywide Plan would not expose people or structures

to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to the urbanized areas or where residences are intermixed with wildlands. CWP policies focus growth into (or near) existing urbanized areas, and numerous policies address provision of fire protection and emergency services. The Countywide Plan would limit growth in fire-prone areas and areas far from emergency services.

- (h) Hydrology and Water Quality: Development pursuant to the Countywide Plan would not increase surface water flows into drainage systems within the watershed and would not provide substantial additional sources of polluted runoff. Development would also not substantially reduce groundwater recharge. Portions of development pursuant to the Countywide Plan are in a 100-year flood hazard area; however, impacts would be less than significant after compliance with existing regulations for development in flood hazard zones. Additionally, Countywide Plan buildout would not exacerbate flood hazards arising from dam failure or risks of inundation by seiche, tsunami, or mudflow.
- (i) Land Use Planning: Implementation of the proposed Countywide Plan would not divide an established community or conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect. The proposed Countywide Plan would not conflict with an adopted habitat conservation plan.
- (j) Noise: The proximity of the project area to an airport or airstrip would not result in exposure of future residents and/or workers to new airport-related noise.
- (k) Population and Housing: The proposed Countywide Plan includes policies to promote the development of housing appropriate for rural and suburban areas served by adequate infrastructure and services, and development would result in population increases that are consistent with regional growth projections. Furthermore, implementation of the Countywide Plan would not result in the displacement of people and/or housing.
- (l) Public Services: The proposed CWP would not create significant impacts related to fire services, police protection, school services, or library services.
- (m) Recreation: The proposed project would generate additional residents that would increase the use of existing park and recreational facilities such that substantial physical deterioration may occur or be accelerated. However, the increased use and growth will be accompanied by increased revenue to serve the increase in demand and prevent accelerated deterioration. Additionally, the proposed CWP would not result in environmental impacts to provide new and/or expanded recreational facilities.
- (n) Transportation and Traffic: The CWP is consistent with adopted programs, plans, and policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Furthermore, project-related trip generation in combination with existing and proposed cumulative development would not result in designated road and/or highways exceeding County Congestion Management Agency service standards. Circulation improvements associated with future development that would be

accommodated by the Countywide Plan would be designed to adequately address potentially hazardous conditions (sharp curves, etc.), potential conflicting uses, and emergency access.

- (o) Tribal Cultural Resources: The proposed Countywide Plan would not cause a substantial adverse change in the significance of a tribal cultural resource.
- (p) Utilities and Service Systems: Project-generated wastewater would not result in a determination by the wastewater treatment that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Project-generated wastewater would also not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Water demands would be adequately served by existing and proposed water supply and delivery systems, and stormwater flow would be adequately served by existing and proposed drainage systems. The development pursuant to the CWP would not exceed the capacity of the existing storm drain system. Additionally, existing and/or proposed facilities could accommodate project-generated solid waste and comply with related solid waste regulations, and implementation of the Countywide Plan would not result in wasteful, inefficient or unnecessary consumption of energy. Existing and/or proposed facilities would be able to accommodate project-generated utility demands.

C. FINDINGS ON SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE REDUCED TO A LESS THAN SIGNIFICANT LEVEL

The following summary describes impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the PEIR, these impacts would be considered less than significant.

1. Air Quality

Impact 5.3-5: Some land uses associated with buildout of the Countywide Plan have the potential to create objectionable odors. [Threshold AQ-5]

Operation-Related Odors

Development allowed under the Countywide Plan could generate new sources of odors. Odors from the types of land uses that could generate objectionable odors are regulated under SCAQMD Rule 402 and MDAQMD Rule 402.

Industrial land uses, including indoor agricultural uses, are the primary types of land uses that have the potential to generate objectionable odors. Future environmental review would be required for industrial projects to ensure that sensitive land uses are not exposed to nuisance odors. SCAQMD Rule 402 and MDAQMD Rule 402 require abatement of any nuisance generating an odor complaint. Typical abatement includes passing air through a drying agent followed by two successive beds of activated carbon to generate odor-free air. Facilities would need to consider measures to reduce odors as part of their CEQA review.

Consequently, review of projects proximate to sensitive land uses is necessary to ensure that odor impacts are minimized. Odor impacts could be significant for new projects that have the potential to generate odors within the odor screening distances.

Construction-Related Odors

During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent in nature. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Furthermore, short-term construction-related odors are expected to cease upon the drying or hardening of the odor-producing materials. Therefore, impacts associated with construction-generated odors are considered less than significant.

Mitigation Measure

The following mitigation measure was included in the Draft PEIR and the Final PEIR and is applicable to the proposed project. The measure as provided includes any revisions incorporated in the Final PEIR.

AQ-4 If it is determined during project-level environmental review that a discretionary project has the potential to emit nuisance odors beyond the property line, an odor management plan shall be prepared and submitted by the project applicant prior to project approval to ensure compliance with the South Coast Air Quality Management District (SCAQMD) Rule 402 for projects in the South Coast Air Basin (SoCAB) or Mojave Desert Air Quality Management District (MDAQMD) Rule 402 for projects in the Mojave Desert Air Basin (MDAB). The following facilities that are within the specified buffer distances from sensitive receptors (in parentheses) have the potential to generate substantial odors:

- Wastewater Treatment Plan (2 miles)
- Sanitary Landfill (1 mile)
- Transfer Station (1 mile)
- Composting Facility (1 mile)
- Petroleum Refinery (2 miles)
- Asphalt Batch Plant (1 mile)
- Chemical Manufacturing (1 mile)
- Fiberglass Manufacturing (1 mile)
- Painting/Coating Operations (1 mile)
- Food Processing Facility (1 mile)
- Feed Lot/ Dairy (1 mile)

- Rendering Plant (1 mile)

The Odor Management Plan prepared for these facilities shall identify control technologies that will be utilized to reduce potential odors to acceptable levels, including appropriate enforcement mechanisms. Control technologies may include but are not limited to scrubbers (e.g., air pollution control devices) at an industrial facility. Control technologies identified in the odor management plan shall be identified as mitigation measures in the environmental document and/or incorporated into the site plan.

Finding

Finding 1: Changes or alterations have been required in or incorporated into the Countywide Plan as Mitigation Measure AQ-4, which avoids or substantially lessens the significant environmental effect identified in the Draft PEIR. San Bernardino County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

2. Biological Resources

Impact 5.4-4: The proposed project would affect wildlife movement corridors. [Threshold B-4]

Substantial interference with the movement of any native resident or migratory wildlife species or with resident or migratory wildlife corridors would occur if changes in land use within the proposed CWP would prevent or hinder wildlife movement through established native resident or migratory wildlife corridors or habitat linkages.

The proposed Countywide Plan includes policies that would avoid or minimize impacts to wildlife movement. Policy NR-3.1, Open space preservation, would benefit wildlife corridors by preserving such resources. Policy NR-5.1, Coordinated habitat planning, would conserve wildlife corridors through coordination with landscape-scale habitat conservation planning. Policy NR-5.2, Capacity for resource protection and management, would benefit wildlife corridors by increasing funding and other resources to protect, restore, and maintain wildlife corridors.

The Countywide Plan includes policies that may result in indirect impacts to wildlife movement corridors. The County maintains and improves a regional trail system, as described in Policy NR-3.8, and supports local and community parks, trails, and recreation facilities, as described in Policy NR-3.9. Policy NR-3.10, Joint use facilities, promotes the creation of joint use facilities for local parks and recreation programs. Regional trails, such as the Santa Ana River trail in the Valley Region, are often situated along existing wildlife movement corridors, such as the Santa Ana River. Maintenance and improvement of these facilities, described in Policies NR-3.8 and NR-3.9, would result in indirect impacts to adjacent wildlife movement corridors through construction and operation noise and emissions, light pollution from nighttime activities, and increased pedestrian traffic from users. Similarly, multiuse facilities would facilitate construction and operation of recreation facilities alongside existing wildlife movement corridors such as flood control facilities. Although maintenance and improvement of recreation facilities typically results in less than significant impacts to wildlife

movement corridors, impacts would be significant if a facility resulted in an obstruction to wildlife movement or significant increased noise or light pollution.

In addition to potential impacts from CWP policies, future development in undeveloped areas allowed under the proposed CWP could result in direct or indirect impacts to the movement of wildlife through impacts to habitat or fragmentation of open space. Discussions of these potential impacts are provided below by bioregion.

Valley Region

The foothill areas of the San Gabriel and San Bernardino Mountains and associated washes are considered habitat linkage and wildlife corridors in the Valley Region. Proposed development areas occur within the San-Gabriel-San Bernardino Connection and could result in significant impacts to wildlife movement corridors.

Mountain Region

The California Essential Habitat Connectivity Project identifies habitat connections between the San Gabriel Mountains, San Bernardino Mountains, and the Little San Bernardino Mountains, including the San Gabriel–San Bernardino Connection, San Bernardino–Granite Connection, San Bernardino–Little San Bernardino Connection, and the San Bernardino–San Jacinto Connection. In addition, there are a multitude of corridors that link existing blocks of habitat, including the San Bernardino Mountains, to habitat blocks in the Desert Regions. Both proposed development and proposed conservation areas occur within the San Gabriel–San Bernardino Connection in the western portion of the Mountain Region. Proposed development areas could result in significant impacts to wildlife movement corridors.

Desert Regions

The Desert Regions include the following wildlife corridors and wildlife linkages: San Gabriel–San Bernardino Connection, San Bernardino–Little San Bernardino Connection, San Bernardino–San Jacinto Connection, and Joshua Tree–Twentynine Palms Connection. Several other corridors in the Desert Region link together existing blocks of habitat, including the China Lake North and South Ranges, Edwards Air Force Base, Kingston Mesquite Mountains, Mojave National Preserve, Stepladder and Turtle Mountains, Whipple Mountains, Twentynine Palms and Newberry-Rodman, and Joshua Tree National Park. Desert tortoise linkages also exist between the following tortoise conservation areas: Chemehuevi, Joshua Tree National Park, Pinto Mountains, Ord-Rodman, Fremont Kramer, Mojave National Preserve, Superior Cronese, Death Valley, Ivanpah, and Greenwater Valley (outside the county).

Buildout of the proposed CWP land uses would result in development in the southwestern part of the North Desert Region within the South Coast Wildlands Desert Linkage Network, the San Gabriel–San Bernardino Connection, and the San Bernardino–Granite Connection. In the central part of the North Desert Region, development would occur within the Desert Tortoise Conservation Areas/Least Cost Corridor as well as South Coast Wildlands Desert Linkage Network. In the East Desert, buildout of the proposed CWP land uses would result in development within the South Coast Wildlands Joshua

Tree-Twenty-nine Palms Wildlife Corridor. Proposed development areas could result in significant impacts to wildlife movement corridors.

Mitigation Measure

The following mitigation measure was included in the Draft PEIR and the Final PEIR and is applicable to the Countywide Plan. The measure as provided includes any revisions incorporated in the Final PEIR.

BIO-1 For each development project that would disturb special status vegetation on vacant land, or that might impact a wildlife movement corridor or jurisdictional waters pursuant to the Countywide Plan and subject to CEQA, a qualified biologist shall determine the potential for a significant biological resource impact and determine whether a field survey of the project site is warranted. If warranted, a qualified biologist shall prepare a biological resources technical report meeting current requirements of CEQA, and addressing applicable County goals and policies, applicable Habitat Conservation Plans and Natural Community Conservation Plans, and applicable federal, state, and local regulatory requirements. The report shall include documentation of biological resources present or potentially present (including special-status species, special-status vegetation communities, jurisdictional waters, and wildlife movement corridors), an impacts analysis, avoidance measures, and mitigation measures to reduce significant impacts to less than significant if applicable and feasible.

Finding

Finding 1: Changes or alterations have been required in or incorporated into the Countywide Plan as Mitigation Measure BIO-1, which avoids or substantially lessens the significant environmental effect identified in the Draft PEIR. San Bernardino County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Impact 5.4-5: Implementation of the Countywide Plan would require compliance with local conservation plans. [Thresholds B-5 and B-6]

The Countywide Plan includes Policy NR-5.1, Coordinated habitat planning, which states that the County participates in landscape-scale habitat conservation planning and coordinates with existing or proposed habitat conservation and natural resource management plans. This policy would result in positive impacts to local HCPs.

There are no Countywide Plan policies that would result in a negative impact to HCPs, natural community conservation plans (NCCPs), or local ordinances.

Several HCPs have been completed or are being planned in the County. Some of these are limited to municipal limits or federal lands and do not overlap County jurisdiction. HCPs that overlap County jurisdiction may limit development or pose additional requirements or analysis when proposing a project in the county that overlaps an HCP area.

Valley Region

Within the Valley Region, the only conservation plan overlapping proposed development areas is the Upper Santa Ana River HCP. This HCP is currently being prepared and has not been approved; therefore, the CWP is not in conflict with any HCPs or NCCPs. Furthermore, any development projects implemented in accordance with the CWP would have to be in compliance with approved HCPs at the time of their entitlement. As described under CWP Policy NR-5.7, Development review, entitlement, and mitigation, projects would comply with state and federal regulations regarding protected species of animals and vegetation through the development review, entitlement, and environmental clearance processes. Implementation of Policy NR-5.7 would include compliance with HCPs and/or NCCPs. With implementation of this CWP policy, impacts would be less than significant.

Mountain Region

Within the Mountain Region, the only conservation plan overlapping proposed development areas is the Upper Santa Ana River HCP. This HCP is currently being prepared and has not been approved; therefore, the CWP is not in conflict with any HCPs or NCCPs. Furthermore, any development projects implemented in accordance with the CWP would have to be in compliance with approved HCPs at the time of their entitlement. As described under CWP Policy NR-5.7, Development review, entitlement, and mitigation, projects would comply with state and federal regulations regarding protected species of animals and vegetation through the development review, entitlement, and environmental clearance processes. Implementation of Policy NR-5.7 would include compliance with HCPs and/or NCCPs. With implementation of this CWP policy, impacts would be less than significant.

Desert Region

Within the Desert Region, buildout of the proposed CWP land uses would result in development within the Lower Colorado River HCP plan area as well as the following site-specific, single-species HCPs: Copper Mountain Community College Expansion Site, Cushenbury Sand & Gravel Quarry, AgCon Oro Grande North Mine Pit Expansion, and Joshua Tree Campground. Additionally, the CWP land uses would result in development in the proposed Town of Apple Valley Multi-Species Habitat Conservation Plan/ Natural Community Conservation Plan, although this plan is not yet approved.

Any development projects implemented in accordance with the CWP would have to be in compliance with approved HCPs at the time of their entitlement. As described under CWP Policy NR-5.7, Development review, entitlement, and mitigation, projects would comply with state and federal regulations regarding protected species of animals and vegetation through the development review, entitlement, and environmental clearance processes. Implementation of Policy NR-5.7 would include compliance with HCPs and/or NCCPs. With implementation of this CWP policy, impacts would be less than significant.

Mitigation Measure

The following mitigation measure was included in the Draft PEIR and the Final PEIR and is applicable to the Countywide Plan. The measure includes any revisions incorporated in the Final PEIR.

BIO-1 For each development project that would disturb special status vegetation on vacant land, or that might impact a wildlife movement corridor or jurisdictional waters pursuant to the Countywide Plan and subject to CEQA, a qualified biologist shall determine the potential for a significant biological resource impact and determine whether a field survey of the project site is warranted. If warranted, a qualified biologist shall prepare a biological resources technical report meeting current requirements of CEQA, and addressing applicable County goals and policies, applicable Habitat Conservation Plans and Natural Community Conservation Plans, and applicable federal, state, and local regulatory requirements. The report shall include documentation of biological resources present or potentially present (including special-status species, special-status vegetation communities, jurisdictional waters, and wildlife movement corridors), an impacts analysis, avoidance measures, and mitigation measures to reduce significant impacts to less than significant if applicable and feasible.

Finding

Finding 1: Changes or alterations have been required in or incorporated into the Countywide Plan as Mitigation Measure BIO-1, which avoids or substantially lessens the significant environmental effect identified in the Draft PEIR. San Bernardino County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

3. Cultural Resources

Impact 5.5-1: Development of the project could impact an identified historic resource. [Threshold C-1]

Many buildings and structures in areas under the County's jurisdiction are more than 50 years old. Table 5.5-3 on page 5.5-14 of the Draft PEIR lists the number of historical resources in San Bernardino County with one or more of four statuses: listed on the National Register of Historic Places (44); National Historic Landmark (1); listed on the California Register of Historic Resources (2); or California Historical Landmarks (42).

Historic built environment resources are present in all geographic regions in the county but are most common in the Valley Region. Main areas of the county that are anticipated for growth in the Countywide Plan include: the Bloomington CPA and the Apple Valley SOI. The Bloomington CPA is in the Valley Region, which has more historic built environment resources than surrounding regions due to historic development of the county's population centers. Growth in the Bloomington CPA has the potential to affect historic built environment resources directly through demolition of historic buildings and structures to make way for redevelopment. It could also have indirect impacts—temporary effects associated with construction-related noise, dust, and vibration, and permanent effects such as changes to the integrity of historical resources (e.g., setting and feeling). Apple Valley is

in the North Desert Region, where historic resources are less common but still present. New residential and commercial development in Apple Valley and the North Desert Region could directly and/or indirectly affect historic built environment resources through redevelopment and new construction. Little growth is anticipated for the Mountain and East Desert Regions.

The Cultural Resources Element of the proposed Countywide Plan is designed to address potential impacts to historical resources. Specifically, Policies CR-2.1 through 2.5 call for preservation of resources significant at the national, state, and local levels; avoidance and mitigation of impacts; the building of partnerships; and the promotion of public awareness and education. These policies will guide the County's overall approach to historical resources as the County implements the Countywide Plan.

Nevertheless, it is possible that future development or improvements related to changes in land use could potentially affect historic buildings and structures and cause significant adverse impacts to historical resources.

Mitigation Measure

The following mitigation measure was included in the Draft PEIR and the Final PEIR and is applicable to the Countywide Plan. The measure includes any revisions incorporated in the Final PEIR.

CUL-1 In areas of documented or inferred historic resource presence, prior to construction or demolition activities that may impact historic resources, a historical resources assessment shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's PQS in architectural history or history. Potential historic resources include buildings, structures, objects, sites, historic districts, and landscape/site plan features falling within the project area and its immediate vicinity that are at least 45 years of age and are not substantially altered. The qualified architectural historian or historian shall conduct an evaluation of the potential historic resources in accordance with the guidelines and best practices promulgated by the State OHP and shall document the evaluation in a report meeting the State OHP guidelines, on Department of Parks and Recreation Series 523 forms. The report will be submitted to the County for review and concurrence, to ensure that any project requiring rehabilitation or alteration of a historical resource will not impair its significance.

Finding

Finding 1: Changes or alterations have been required in or incorporated into the Countywide Plan as Mitigation Measure CUL-1, which avoids or substantially lessens the significant environmental effect identified in the Draft PEIR. San Bernardino County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

**Impact 5.5-2: Development of the project could impact archaeological resources.
[Threshold C-2]**

There are 438 historical resources in San Bernardino County that are listed on the California Register and/or the National Register or have been determined to be eligible for listing on one or both of those registers. Coordination with tribal organizations also indicates that the area under County jurisdiction is culturally sensitive. The area under County jurisdiction contains archaeological resources. Although portions of this area have been previously studied, future development or improvements related to changes in land use could potentially cause significant adverse impacts to archaeological resources.

Archaeological resources are present in all geographic regions of the county. Of the four main areas anticipated for growth under the Countywide Plan, the Bloomington CPA, Fontana SOI, and East Valley Area Plan area are in the Valley Region, and the Apple Valley SOI is in the North Desert Region. The Valley Region has fewer archaeological resources than surrounding regions due to disturbance and development. However, archaeological resources can be found below ground, and intact deposits could be present below the level of historical and modern disturbance. Therefore, growth in the Bloomington CPA and the Valley Region in general has the potential to affect buried archaeological resources through ground-disturbing construction activities associated with residential and commercial construction. The North Desert Region is home to numerous archaeological resources. New residential and commercial development in the Apple Valley SOI and the North Desert Region has the potential to affect surface level and subsurface archaeological resources through ground-disturbing construction activities. Little growth is anticipated for the Mountain Region and East Desert Region.

The Cultural Resources Element of the proposed Countywide Plan addresses potential impacts to archaeological resources. Specifically, Policies CR-2.1 through 2.5 call for preservation of resources significant at the national, state, and local levels; avoidance and mitigation of impacts; the building of partnerships; and the promotion of public awareness and education. These policies will guide the County's overall approach to archaeological resources as it implements the Countywide Plan. However, additional mitigation measures are recommended to ensure the avoidance and mitigation of potential impacts to archaeological resources from future projects in the County's jurisdiction.

Mitigation Measure

The following mitigation measures were included in the Draft PEIR and the Final PEIR and are applicable to the Countywide Plan. The measures include any revisions incorporated in the Final PEIR.

CUL-2 In areas of documented or inferred archaeological resource presence, archaeological resource assessments shall be required prior to ground disturbance related to a development project. To determine the archaeological sensitivity of a proposed project area, the County may rely on an expert opinion from the County Museum staff, or on the results of a CHRIS records search at the SCCIC [South Central Coastal Information Center] or the Sacred Lands File maintained by the NAHC. Archaeological resources assessments shall be performed under the supervision of an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in either prehistoric or historic archaeology. The archaeological resources assessment shall include

a Phase I pedestrian survey, undertaken to locate any surface cultural materials that may be present.

CUL-3 If potentially significant archaeological resources are identified through an archaeological resources assessment, and impacts to these resources cannot be avoided, a Phase II Testing and Evaluation investigation shall be performed by an archaeologist who meets the PQS prior to any construction-related ground-disturbing activities to determine significance. If resources determined significant or unique through Phase II testing, and site avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. These might include a Phase III data recovery program implemented by a qualified archaeologist and performed in accordance with the OHP's Archaeological Resource Management Reports (ARMR): Recommended Contents and Format (OHP 1990) and Guidelines for Archaeological Research Designs (OHP 1991).

CUL-4 If the archaeological assessment did not identify potentially significant archaeological resources within the proposed project area but indicated the area to be highly sensitive for archaeological resources, a qualified archaeologist shall prepare a monitoring plan for all ground-disturbing construction and pre-construction activities in areas with previously undisturbed soil. The archaeologist shall inform all construction personnel prior to construction activities of the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the project's initial on-site safety meeting, and shall explain the importance and legal basis for the protection of significant archaeological resources. In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities in the immediate vicinity of the discovery shall be halted while the resources are evaluated for significance by an archaeologist who meets the PQS. If the discovery proves to be significant, it shall be curated with a recognized scientific or educational repository.

Finding

Finding 1: Changes or alterations have been required in or incorporated into the Countywide Plan as Mitigation Measures CUL-2, -3, and -4, which avoid or substantially lessen the significant environmental effect identified in the Draft PEIR. San Bernardino County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Impact 5.5-3: The proposed project could destroy paleontological resources or a unique geologic feature. [Threshold C-3]

Paleontological Resources

The Countywide Plan area contains paleontological resources. The younger alluvium across the valley floor is too young to preserve fossil resources in the upper layers, but the deeper layers and underlying sediments have high paleontological sensitivity. All three of the Valley growth areas lie in areas of low to high sensitivity. The broad alluvial plains between the mountains in the North Desert Region generally have low to high sensitivity where younger alluvium is mapped at the surface and likely

overlies older, high-sensitivity sediments. These older sediments are often exposed along the margins of the alluvial plains as they approach the intervening mountain ranges.

Policy CR 2.3 of the Countywide Plan protects paleontological and archaeological resources from loss or destruction and requires that new development include appropriate mitigation to preserve the quality and integrity of these resources, avoid them when possible, and salvage and preserve them if avoidance is not possible. However, future development or improvements related to changes in land use could potentially cause significant adverse impacts to paleontological resources.

Unique Geological Features

There are numerous unique geological features in San Bernardino County. One of these features—the San Andreas Fault—is in the Valley and Mountain Regions; another is in the Mountain Region; a third is in the East Desert Region; and 10 are in the North Desert Region.

Some projects developed under the Countywide Plan could damage unique geological features. Most of the features are on land under federal or state control rather than County jurisdiction; thus, Countywide Plan buildout would not damage those features. Only portions of the San Andreas Fault in the Valley and Mountain Regions and Pisgah Crater in the North Desert Region are within County jurisdiction, and Pisgah Crater is surrounded by federal land.

None of the four growth areas has any unique geological features. The three growth areas in the Valley Region are nearly flat, and the portion of the Jurupa Mountains in the Bloomington CPA is not a unique geological feature. In the Apple Valley SOI in the North Desert Region, portions of the Hacienda Fairview Valley Specific Plan are on the feet of slopes of the Granite Mountains. However, the specific plan designates Granite Mountain slopes and Fairview Creek as Open Space; thus, implementation of the Countywide Plan would not impact mountain slopes or Fairview Creek in the specific plan area. Impacts would be less than significant for unique geological features.

Mitigation Measure

The following mitigation measures were included in the Draft PEIR and the Final PEIR and are applicable to the Countywide Plan. The measures include any revisions incorporated in the Final PEIR.

CUL-5 In areas of documented or inferred paleontological resource presence, development projects proposed on previously undisturbed soils shall require consultation with a qualified paleontologist meeting the standards of the Society for Vertebrate Paleontology (2010). The initial consultation may be provided by a qualified paleontologist on staff at the County Museum. The qualified paleontologist will determine the degree of paleontological resource sensitivity, as outlined below, and will recommend a project-specific paleontological resources monitoring and mitigation plan (PRMMP). This plan will address specifics of monitoring and mitigation for the development project, and will take into account updated geologic mapping, geotechnical data, updated paleontological records searches, and any changes to the regulatory framework. This PRMMP should usually meet the standards of the SVP (2010), unless the project is on BLM land or subject to federal jurisdiction, in which case the BLM standards (2009) should be used. The

following provisions would be typical for units mapped with the different levels of paleontological sensitivity:

- High (SVP)/Class 4–5 (BLM)—All projects involving ground disturbances in previously undisturbed areas sediments mapped as having high paleontological sensitivity will be monitored by a qualified paleontological monitor on a full-time basis under the supervision of the Qualified Paleontologist. Undisturbed sediments may be present at the surface, or present in the subsurface, beneath earlier developments. This monitoring will include inspection of exposed sedimentary units during active excavations within sensitive geologic sediments. The monitor will have authority to temporarily divert activity away from exposed fossils to evaluate the significance of the find and, should the fossils be determined to be significant, professionally and efficiently recover the fossil specimens and collect associated data. Paleontological monitors will use field data forms to record pertinent location and geologic data, will measure stratigraphic sections (if applicable), and collect appropriate sediment samples from any fossil localities.
- Low to High (SVP)/Class 2 to Class 4–5 (BLM)—All projects involving ground disturbance in previously undisturbed areas mapped with low-to-high paleontological sensitivity will only require monitoring if construction activity will exceed the depth of the low sensitivity surficial sediments. The underlying sediments may have high paleontological sensitivity, and therefore work in those units might require paleontological monitoring, as designated by the Qualified Paleontologist in the PRMMP. When determining the depth at which the transition to high sensitivity occurs and monitoring becomes necessary, the Qualified Paleontologist should take into account: a) the most recent local geologic mapping, b) depths at which fossils have been found in the vicinity of the project area, as revealed by the museum records search, and c) geotechnical studies of the project area, if available.
- Low (SVP)/Class 2–3 (BLM)—All projects involving ground disturbance in previously undisturbed areas mapped as having low paleontological sensitivity should incorporate worker training to make construction workers aware that while paleontological sensitivity is low, fossils might still be encountered. The Qualified Paleontologist should oversee this training as well as remain on-call in the event fossils are found. Paleontological monitoring is usually not required for sediments with low (Low / Class 2–3) paleontological sensitivity.
- None (SVP)/Class 1 (BLM)—Projects determined by the Qualified Paleontologist to involve ground-disturbing activities in areas mapped as having no paleontological sensitivity (i.e., plutonic igneous or high-grade metamorphic rocks) will not require further paleontological mitigation measures.

CUL-6 In the event of any fossil discovery, regardless of depth or geologic formation, construction work will halt within a 50-ft. radius of the find until its significance can be determined by a Qualified Paleontologist. Significant fossils will be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate

analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the SVP (2010) and BLM (2009). A repository will be identified and a curatorial arrangement will be signed prior to collection of the fossils. Although the San Bernardino County Museum is specified as the repository for fossils found in the county in the current General Plan (San Bernardino County, 2007), the museum may not always be available as a repository. Therefore, any accredited institution may serve as a repository.

Finding

Finding 1: Changes or alterations have been required in or incorporated into the Countywide Plan as Mitigation Measures CUL-5 and -6, which avoid or substantially lessen the significant environmental effect identified in the Draft PEIR. San Bernardino County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

4. Noise

Impact 5.12-3: Buildout of the individual land uses and projects for implementation of the Countywide Plan may expose sensitive uses to strong levels of groundborne vibration. [Threshold N-2]

Construction Vibration Impacts

Construction activity would generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. The effect on buildings in the vicinity of the construction site varies depending on soil type, ground strata, and receptor-building construction. The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Vibration from construction activities rarely reaches levels that can damage structures, but can achieve the audible and perceptible ranges in buildings close to the construction site. Table 5.12-13 on page 5.12-40 of the Draft PEIR lists reference vibration levels for construction equipment.

As shown in Table 5.12-13, vibration generated by construction equipment has the potential to be substantial, since it has the potential to exceed the FTA criteria for human annoyance of 78 VdB and architectural damage of 0.2 in/sec. However, groundborne vibration is almost never annoying to people who are outdoors, so it is usually evaluated in terms of indoor receivers.

Construction details and equipment for future project-level developments under the Countywide Plan are not known at this time, but may cause vibration impacts. Therefore, this would be a potentially significant impact.

Operational Vibration Impacts

Commercial and industrial operations would generate varying degrees of ground vibration, depending on the operational procedures and equipment. The effect on buildings in the vicinity of the vibration source varies depending on soil type, ground strata, and receptor-building construction. In addition,

future sensitive receptors could be placed within close proximity to existing railroad lines through buildout of the Countywide Plan.

County Development Code Section 83.01.090 prohibits vibration that can be felt without the aid of instruments or produces a particle velocity greater than or equal to two-tenths of an inch per second (i.e., 0.20 in/sec PPV) at or beyond the lot line of the source. Because specific project-level information is not available at this time, it is not possible to quantify future vibration levels at vibration-sensitive receptors that may be in close proximity to existing and future vibration sources. Therefore, with the potential for sensitive uses to be exposed to annoying and/or interfering levels of vibration from commercial or industrial operations and existing railroad lines, operations-related vibration impacts associated with implementation of the Countywide Plan are considered potentially significant.

Mitigation Measure

The following mitigation measures were included in the Draft PEIR and the Final PEIR and are applicable to the Countywide Plan. The measures include any revisions incorporated in the Final PEIR.

- N-2 Individual projects that use vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, near sensitive receptors shall be evaluated for potential vibration impacts. If construction-related vibration is determined to exceed the maximum level of 0.2 in/sec PPV at residential structures per Development Code Section 83.01.090 additional requirements, such as use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction (e.g., drilled piles to eliminate use of vibration-intensive pile driver).

- N-3 During the project-level CEQA process for individual discretionary development projects likely to generate noise or vibration exceeding limits established under the Countywide Plan or County Development Code at the site of a nearby sensitive receptor, a noise and vibration analysis shall be conducted to assess and mitigate potential noise and vibration impacts related to the operations of that development. This analysis shall be conducted by a qualified, experienced acoustical consultant or engineer and shall follow the latest CEQA guidelines, practices, and precedents.

- N-4 Require that new discretionary residential projects (or other sensitive uses) within 200 feet of existing railroad lines conduct a groundborne vibration and noise evaluation consistent with FTA-approved methodologies.

Finding

Finding 1: Changes or alterations have been required in or incorporated into the Countywide Plan as Mitigation Measures N-2, -3, and -4, which avoid or substantially lessen the significant environmental effect identified in the Draft PEIR. San Bernardino County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

D. SIGNIFICANT AND UNAVOIDABLE SIGNIFICANT IMPACTS THAT CANNOT BE MITIGATED TO BELOW THE LEVEL OF SIGNIFICANCE

The following summary describes the unavoidable adverse impacts of the Countywide Plan, where mitigation measures were found to be infeasible or under the control of another agency. The following impacts would remain significant and unavoidable:

1. Air Quality

Impact 5.3-1: Growth associated with the Countywide Plan would not exceed the SCAG forecast for the unincorporated county; however, emissions generated by growth have the potential to affect the emissions forecasts in the SCAQMD and MDAQMD Air Quality Management Plans. [Threshold AQ-1]

Although the Countywide Plan would result in a substantial increase in long-term criteria pollutant emissions compared to existing conditions, it would support a more sustainable development pattern for the unincorporated areas. The goals and policies of the Countywide Plan would accommodate future growth in the unincorporated county while minimizing long-term emissions of criteria air pollutants by promoting infill mixed-use development, complete streets, and increased capacity for alternative transportation modes and active transit, which would help reduce mobile-source air pollutant emissions.

The County has identified several goals and policies in the Countywide Plan to reduce vehicle miles traveled (VMT) and other sources of criteria air pollutant emissions. The land use plan for the county minimizes VMT by promoting compact and transit-oriented development (Policies NR-1.1, TM-3.1, LU-1.2). The Policy Plan provides transportation strategies that reduce VMT and trips by providing trip reduction strategies, first/last mile connectivity, and new transportation options (Policies TM-3.2, TM-3.3, TM-1.10, TM-3.1, TM-4.2, TM-4.7, TM 4-8, TM-4.9). The Countywide Plan directs the County to actively work with transit agencies to provide transit access for residents in unincorporated areas (Policies TM-4.3, TM-4.4, TM-4.5, TM-4.6). The Policy Plan and policies in the adopted Renewable Energy and Conservation Element include several measures that reduce energy use in the built environment through energy conservation and greater access to and reliance on renewable energy systems (Policies NR-1.9, RE-1.2, RE-1.4, RE-2.1, RE-2.2, RE-2.3, RE-2.4, RE-2.6, RE-3.1 through RE-3.7, RE 6.1 through RE-6.7).

However, despite furthering the regional transportation and planning objectives, as stated, development allowed under the Countywide Plan would represent a substantial increase in emissions compared to existing conditions and would exceed SCAQMD and MDAQMD's regional operational significance thresholds. As a result, the Countywide Plan could slightly (0.5 percent) exceed the growth assumptions in the SCAG region and would not be considered consistent with the emissions forecast in the AQMPs. Therefore, impacts are considered significant.

Mitigation Measures

AQ-1 Prior to discretionary approval by the County for development projects subject to California Environmental Quality Act (CEQA) review (i.e., nonexempt projects), project

applicants shall prepare a technical assessment evaluating potential air quality impacts related to the project operation phase and submit it to the County Land Use Services Department for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology, for projects in the South Coast Air Basin (SoCAB), and conformance with the Mojave Desert Air Quality Management District (MDAQMD) for projects in the Mojave Desert Air Basin (MDAB). If operation-related air pollutants are determined to have the potential to exceed the SCAQMD/MDAQMD-adopted thresholds of significance, the County Land Use Services Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the conditions of approval. Possible mitigation measures to reduce long-term emissions can include, but are not limited to:

- For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions.
- Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power in appropriate applications to optimize renewable energy generation systems and avoid peak energy use.
- Site-specific developments with truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with Section 2485 of 13 CCR Chapter 10.
- Provide changing/shower facilities as specified, at minimum, or greater than in the guidelines in Section A5.106.4.3 of the CALGreen Code (Nonresidential Voluntary Measures).
- Provide bicycle parking facilities equivalent to or greater than as specified in Section A4.106.9 (Residential Voluntary Measures) of the CALGreen Code.
- Provide preferential parking spaces for low-emitting, fuel-efficient, and carpool/van vehicles equivalent to or greater than Section A5.106.5.1 of the CALGreen Code (Nonresidential Voluntary Measures).
- Provide facilities to support electric charging stations per Section A5.106.5.3 (Nonresidential Voluntary Measures) and Section A5.106.8.2 (Residential Voluntary Measures) of the CALGreen Code.
- Applicant-provided appliances shall be Energy Star-certified appliances or appliances of equivalent energy efficiency (e.g., dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star-certified or equivalent appliances shall be verified by Building & Safety during plan check.

- Applicants for future development projects along existing and planned transit routes shall coordinate with the County of San Bernardino and the applicable transit agency to ensure that bus pad and shelter improvements are incorporated, as appropriate.

AQ-2

Prior to issuance of any construction permits for development projects subject to California Environmental Quality Act review (i.e., non-exempt projects), development project applicants shall prepare and submit to the County Land Use Services Department a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology for projects within the South Coast Air Basin (SoCAB), and conformance with the Mojave Desert Air Quality Management District (MDAQMD) for projects in the Mojave Desert Air Basin (MDAB). If construction-related criteria air pollutants are determined to have the potential to exceed the adopted thresholds of significance of the applicable air district, the County Land Use Development Services Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds. These identified measures shall be incorporated into appropriate construction documents (e.g., construction management plans) submitted to the County and shall be verified by the County's Public Works Department. Mitigation measures to reduce construction-related emissions could include, but are not limited to:

- Use of construction equipment rated by the United States Environmental Protection Agency as having Tier 3 (model year 2006 or newer) or Tier 4 (model year 2008 or newer) emission limits, applicable for engines between 50 and 750 horsepower. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site and available for County review upon request.
- Ensure construction equipment is properly serviced and maintained to the manufacturer's standards.
- Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible.
- Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g., five minute maximum).
- Preparation and implementation of a fugitive dust control plan that may include the following measures:
 - Disturbed areas (including storage piles) that are not being actively utilized for construction purposes shall be effectively stabilized using water or chemical stabilizer/suppressant, or covered with a tarp or other suitable cover (e.g., revegetated).
 - On-site unpaved roads and offsite unpaved access roads shall be effectively stabilized using water or chemical stabilizer/suppressant.

- Land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled utilizing application of water or by presoaking.
- Material shall be covered or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained when materials are transported off-site.
- Operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
- Following the addition of materials to or the removal of materials from the surface of outdoor storage piles, said piles shall be effectively stabilized to prevent fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
- Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the project area.

Finding

Finding 3: Changes or alterations have been required in or incorporated into the Countywide Plan that lessen the significant environmental effect identified in the Draft PEIR. These changes take the form of Mitigation Measures AQ-1 and -2. The County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

However, the County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in Section IV of these Findings (Public Resources Code §§ 21081(a)(1) and (3); CEQA Guidelines §§ 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Countywide Plan outweigh its significant effects on the environment.

Impact 5.3-2: Buildout of the Countywide Plan would generate a net increase of 49,680 people and 12,546 jobs, resulting in an increase in criteria air pollutant emissions from transportation, energy, and area sources that would exceed the SCAQMD and MDAQMD significance thresholds and would contribute to the nonattainment designations of the SoCAB and MDAB. [Thresholds AQ-2 and AQ-3]

2040 Unincorporated San Bernardino County Community Criteria Air Pollutant Emissions Forecast

Although implementation of the Countywide Plan is not linked to a specific development time frame, by the horizon year of 2040, the Countywide Plan would result in a net increase of 49,680 people and 12,546 jobs in the unincorporated communities of San Bernardino County, resulting in a net increase of approximately 1.31 million vehicle miles per day. The majority of the growth would occur in the Valley and North Desert Regions. Approximately 50 percent of the population growth and 92 percent of the employment growth would occur in the Valley Region, and the North Desert Region would experience a 42 percent increase in population growth and 6 percent increase in employment growth. Very little growth is anticipated in the Mountain and East Desert Regions. Table 5.3-8, *Unincorporated San Bernardino County Communitywide Criteria Air Pollutant Emissions Forecast*, on page 5.3-35 of the Draft PEIR, provides an estimate of the criteria air pollutant emissions at the plan horizon year of 2040.

As shown in Table 5.3-8, development allowed under the Countywide Plan would generate long-term air pollutant emissions that exceed SCAQMD's and MDAQMD's regional significance thresholds. Emissions of VOC and NO_x that exceed the regional threshold would cumulatively contribute to the O₃ nonattainment designation of the SoCAB and MDAB. Emissions of NO_x that exceed regional significance thresholds would cumulatively contribute to the O₃ and particulate matter (PM₁₀ and PM_{2.5}) nonattainment designations of the SoCAB and MDAB. Emissions of PM₁₀ and PM_{2.5} would contribute to the PM₁₀ and PM_{2.5} nonattainment designations.

Several goals and policies in the Countywide Plan would reduce emissions, to the extent feasible. Policy NR-1.3 directs the County to collaborate with air quality management districts and other local agencies to monitor and reduce at the emission source major pollutants affecting the county. The land use plan minimizes VMT and associated GHG emissions by promoting compact and transit-oriented development (Policies NR-1.1, TM-3.1, LU-1.2). The Policy Plan provides transportation strategies that reduce VMT and trips by providing trip reduction strategies, first/last mile connectivity, and new transportation options (Policies TM-3.2, TM-3.3, TM-1.10, TM-3.1, TM-4.2, TM-4.7, TM 4-8, TM-4.9). The Countywide Plan directs the County to actively work with transit agencies to provide transit access for residents in the unincorporated areas (Policies TM-4.3, TM-4.4, TM-4.5, TM-4.6). The Policy Plan includes several measures that reduce energy use in the built environment through energy conservation and greater access to and reliance on renewable energy systems (Policies NR-1.9, RE-1.2, RE-1.4, RE-2.1, RE-2.2, RE-2.3, RE-2.4, RE-2.6, RE-3.1 through RE-3.7, RE 6.1 through RE-6.7). The County also requires that construction activities reduce fugitive dust and utilize low-emissions equipment (Policies NR-1.6 and NR-1.8).

Though SCAQMD and MDAQMD rules and the goals and policies of the Countywide Plan may reduce operation-related regional air quality impacts of individual projects, due to the magnitude of

development allowed, the projected cumulative emissions associated with future development projects would exceed the thresholds. Therefore, implementation of the Countywide Plan would significantly contribute to the nonattainment designations of the SoCAB and MDAB, resulting in a significant impact.

Mitigation Measure

AQ-1 Prior to discretionary approval by the County for development projects subject to California Environmental Quality Act (CEQA) review (i.e., nonexempt projects), project applicants shall prepare a technical assessment evaluating potential air quality impacts related to the project operation phase and submit it to the County Land Use Services Department for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology, for projects in the South Coast Air Basin (SoCAB), and conformance with the Mojave Desert Air Quality Management District (MDAQMD) for projects in the Mojave Desert Air Basin (MDAB). If operation-related air pollutants are determined to have the potential to exceed the SCAQMD/MDAQMD-adopted thresholds of significance, the County Land Use Services Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the conditions of approval. Possible mitigation measures to reduce long-term emissions can include, but are not limited to:

- For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions.
- Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power in appropriate applications to optimize renewable energy generation systems and avoid peak energy use.
- Site-specific developments with truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with Section 2485 of 13 CCR Chapter 10.
- Provide changing/shower facilities as specified, at minimum, or greater than in the guidelines in Section A5.106.4.3 of the CALGreen Code (Nonresidential Voluntary Measures).
- Provide bicycle parking facilities equivalent to or greater than as specified in Section A4.106.9 (Residential Voluntary Measures) of the CALGreen Code.
- Provide preferential parking spaces for low-emitting, fuel-efficient, and carpool/van vehicles equivalent to or greater than Section A5.106.5.1 of the CALGreen Code (Nonresidential Voluntary Measures).

- Provide facilities to support electric charging stations per Section A5.106.5.3 (Nonresidential Voluntary Measures) and Section A5.106.8.2 (Residential Voluntary Measures) of the CALGreen Code.
- Applicant-provided appliances shall be Energy Star-certified appliances or appliances of equivalent energy efficiency (e.g., dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star-certified or equivalent appliances shall be verified by Building & Safety during plan check.
- Applicants for future development projects along existing and planned transit routes shall coordinate with the County of San Bernardino and the applicable transit agency to ensure that bus pad and shelter improvements are incorporated, as appropriate.

Finding

Finding 3: Changes or alterations have been required in or incorporated into the Countywide Plan that lessen the significant environmental effect identified in the Draft PEIR. These changes take the form of Mitigation Measure AQ-1. The County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

However, the County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in Section IV of these Findings (Public Resources Code §§ 21081(a)(1) and (3); CEQA Guidelines §§ 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Countywide Plan outweigh its significant effects on the environment.

Impact 5.3-3: Short-term construction activities associated with the Countywide Plan would exceed the SCAQMD and MDAQMD significance thresholds and would contribute to the nonattainment designations of the SoCAB and MDAB. [Thresholds AQ-2 and AQ-3]

Construction activities associated with development allowed under the Countywide Plan would occur through 2040 and cause short-term emissions of criteria air pollutants. Construction activities would temporarily increase PM₁₀, PM_{2.5}, VOC, NO_x, SO_x, and CO regional emissions within the SoCAB and MDAB. The primary source of NO_x, CO, and SO_x emissions is the operation of construction equipment. The primary sources of particulate matter (PM₁₀ and PM_{2.5}) emissions are activities that disturb the soil, such as grading and excavation, road construction, and building demolition and construction. The primary source of VOC emissions is the application of architectural coating and off-gas emissions associated with asphalt paving.

Construction activities associated with development allowed under the Countywide Plan are anticipated to occur sporadically over an approximately 20-year period or longer. Implementation

would consist of multiple smaller projects, each having its own construction timeline and activities. Development of multiple properties could occur at the same time. However, there is no defined development schedule for these future projects at this time. Information regarding specific development projects, soil types, and the locations of receptors would be needed in order to quantify the level of impact associated with construction activity. Some of the future individual projects accommodated under the Countywide Plan may not generate construction air pollutants emissions that exceed the SCAQMD or MDAQMD regional significance thresholds. However, due to the scale of development activity associated with the Countywide Plan, emissions would likely exceed the SCAQMD or MDAQMD regional significance thresholds and would cumulatively contribute to the nonattainment designations of the SoCAB or MDAB.

The San Bernardino County portion of SoCAB is currently designated nonattainment for O₃ and particulate matter (PM₁₀ and PM_{2.5}). Portions of the MDAB are designated nonattainment for O₃, particulate matter (PM₁₀ and PM_{2.5}), and hydrogen sulfide. Emissions of VOC and NO_x are precursors to the formation of O₃. In addition, NO_x is a precursor to the formation of particulate matter (PM₁₀ and PM_{2.5}). Therefore, growth in the unincorporated county regions would cumulatively contribute to the existing nonattainment designations of the SoCAB and MDAB for O₃ and particulate matter (PM₁₀ and PM_{2.5}). The Countywide Plan includes policies to reduce construction emissions, to the extent feasible. The County requires that construction activities reduce fugitive dust and utilize low-emissions equipment (Policies NR-1.6 and NR-1.8).

Although adherence to existing and proposed regulations may reduce short-term emissions, the likely scale and extent of construction activities associated with the Countywide Plan would likely continue to exceed the SCAQMD and the MDAQMD thresholds for some projects. Therefore, construction-related regional air quality impacts associated with implementation of the proposed project are deemed significant.

Mitigation Measure

AQ-2 Prior to issuance of any construction permits for development projects subject to California Environmental Quality Act review (i.e., non-exempt projects), development project applicants shall prepare and submit to the County Land Use Services Department a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology for projects within the South Coast Air Basin (SoCAB), and conformance with the Mojave Desert Air Quality Management District (MDAQMD) for projects in the Mojave Desert Air Basin (MDAB). If construction-related criteria air pollutants are determined to have the potential to exceed the adopted thresholds of significance of the applicable air district, the County Land Use Development Services Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds. These identified measures shall be incorporated into appropriate construction documents (e.g., construction management plans) submitted to the County and shall be verified by the County's Public Works

Department. Mitigation measures to reduce construction-related emissions could include, but are not limited to:

- Use of construction equipment rated by the United States Environmental Protection Agency as having Tier 3 (model year 2006 or newer) or Tier 4 (model year 2008 or newer) emission limits, applicable for engines between 50 and 750 horsepower. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site and available for County review upon request.
- Ensure construction equipment is properly serviced and maintained to the manufacturer's standards.
- Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible.
- Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g., five minute maximum).
- Preparation and implementation of a fugitive dust control plan that may include the following measures:
 - Disturbed areas (including storage piles) that are not being actively utilized for construction purposes shall be effectively stabilized using water or chemical stabilizer/suppressant, or covered with a tarp or other suitable cover (e.g., revegetated).
 - On-site unpaved roads and offsite unpaved access roads shall be effectively stabilized using water or chemical stabilizer/suppressant.
 - Land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled utilizing application of water or by presoaking.
 - Material shall be covered or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained when materials are transported off-site.
 - Operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
 - Following the addition of materials to or the removal of materials from the surface of outdoor storage piles, said piles shall be effectively stabilized to prevent fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
 - Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
 - Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
- Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the project area.

Finding

Finding 3: Changes or alterations have been required in or incorporated into the Countywide Plan that lessen the significant environmental effect identified in the Draft PEIR. These changes take the form of Mitigation Measure AQ-2. The County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

However, the County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in Section IV of these Findings (Public Resources Code §§ 21081(a)(1) and (3); CEQA Guidelines §§ 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Countywide Plan outweigh its significant effects on the environment.

Impact 5.3-4: The proposed project could expose sensitive receptors to substantial pollutant concentrations. [Threshold AQ-4]

Development and operation of new land uses consistent with the Countywide Plan could generate new sources of criteria air pollutants and toxic air contaminants (TAC) in the unincorporated County from area/stationary sources and mobile sources. The following describes potential localized operational air quality impacts from implementation of the Countywide Plan.

CO Hotspots

Areas of vehicle congestion have the potential to create pockets of CO called hotspots. These pockets have the potential to exceed the State 1-hour standard of 20 ppm or the 8-hour standard of 9.0 ppm. However, emissions from motor vehicles, the largest source of CO emissions, have been declining since 1985 despite increases in VMT due to the introduction of new automotive emission controls and fleet turnover. Under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix—in order to generate a significant CO impact. Because this volume at a single intersection in a single hour is not possible, no CO hotspots have been reported in the SoCAB or MDAB even at the most congested intersections. Therefore, implementation of the Countywide Plan would not have the potential to substantially increase CO hotspots at

intersections in the vicinity of sensitive receptors in the unincorporated County, and impacts would be less than significant.

Health Risk: Toxic Air Contaminants

Various industrial and commercial processes (e.g., manufacturing, dry cleaning) allowed under the Countywide Plan would be expected to release TACs. TAC emissions generated by stationary and point sources of emissions within the SoCAB and MDAB are regulated and controlled by SCAQMD and MDAQMD, respectively. However, emissions of TACs from mobile sources when operating at a property (e.g., truck idling) are regulated by statewide rules and regulations and have the potential to generate substantial concentrations of air pollutants.

Permitted Stationary Sources

Land uses that would require a permit from SCAQMD or MDAQMD for emissions of TACs include chemical processing facilities, chrome-plating facilities, dry cleaners, and gasoline-dispensing facilities. Emissions of TACs from stationary sources would be controlled by SCAQMD or MDAQMD through permitting and would be subject to further study and health risk assessment prior to the issuance of any necessary air quality permits. Adherence to SCAQMD's and MDAQMD's New Source Review program would ensure that stationary source emissions (permitted sources) would be reduced or mitigated below SCAQMD and MDAQMD significance thresholds of ten in one million cancer risk and one for acute risk at the maximally exposed individual. Though these sources would incrementally contribute to the Countywide Plan's inventory individually, they would be mitigated to the standards identified in Table 5.3-7 on page 5.3-25 of the Draft PEIR. In addition to the permitting process, the County collaborates with SCAQMD and MDAQMD to monitor and reduce major pollutants affecting the county at the emission source (Policy NR-1.3).

Nonpermitted Sources

Mobile sources of TACs are not regulated by SCAQMD or MDAQMD. The primary driver of health risk in the SoCAB and MDAB is diesel particulate matter (DPM). Mobile sources of DPM in the unincorporated areas are truck travel, truck idling, and use of off-road equipment. New warehousing operations could generate substantial diesel particulate matter emissions from off-road equipment use and truck idling. In addition, some warehousing and industrial facilities may include use of transport refrigeration units (TRUs) for cold storage. New land uses in the unincorporated area that would be permitted under the Countywide Plan that use trucks, including trucks with TRUs, could generate an increase in DPM that would contribute to cancer and noncancer health risk in the SoCAB and MDAB. Additionally, these types of facilities could also generate particulate matter (PM₁₀ and PM_{2.5}) that may cause an exceedance or contribute to the continuing exceedance of the federal and state AAQS. These new land uses could be near existing sensitive receptors within and outside the unincorporated areas. In addition, trucks would travel on regional transportation routes through the SoCAB and MDAB, contributing to near-roadway DPM concentrations.

For this programmatic general plan-level assessment, it is not feasible to conduct dispersion modeling to determine the contribution of health risks associated with individual land use types since site-specific information on emissions and emissions quantities is not known. This is because a general plan does not directly result in development without additional approvals. Before any development can occur in

the county, it must be analyzed for consistency with the Countywide Plan, zoning requirements, and other applicable local and state requirements; comply with CEQA requirements; and obtain necessary clearances and permits. The Countywide Plan includes policies that require a cumulative health risk assessment (HRA) when a project potentially affects sensitive-receptors in the unincorporated environmental justice focus areas (Policy HZ-3.2). This includes evaluating the effect of truck travel on local arterials to the freeway. However, modeling conducted by SCAQMD identified that portions of the Valley Region in the SoCAB are exposed to elevated cancer risk. Individual projects may result in emissions under the 10 in a million cancer risk threshold. However, when clustered, warehouse/industrial projects could cumulatively exceed the 10 in a million threshold. Therefore, for this program-level analysis, health risk impacts from nonpermitted sources associated with development of industrial and commercial land uses are conservatively considered significant.

Localized Significant Thresholds

With a 2040 horizon-year, implementation of the Countywide Plan would occur over an extended period and would consist of smaller individual projects with their own construction time frames, construction equipment, and operational characteristics. Due to the broad, policy nature of the Countywide Plan, specific details of future land use development projects that would be accommodated are currently unknown. The Policy Plan would generally support a sustainable development pattern for accommodating future growth within the unincorporated areas, which would generally contribute to reducing long-term criteria air pollutant emissions. However, construction and operation of future individual development projects allowed under the Countywide Plan could potentially result in an exceedance of SCAQMD's or MDAQMD's localized thresholds. Therefore, impacts to air quality would be significant.

Mitigation Measure

AQ-3 Applicants for new discretionary industrial or warehousing projects or commercial land uses that would generate substantial diesel truck travel—i.e., 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day based on the California Air Resources Board recommendations for siting new sensitive land uses—shall contact the South Coast Air Quality Management District (SCAQMD) or Mojave Desert Air Quality Management District (MDAQMD) in conjunction with County staff to determine the appropriate level of health risk assessment (HRA) required. If preparation of an HRA is required, all HRAs shall be submitted to the County Land Use Services Department and the SCAQMD or MDAQMD for evaluation.

The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and SCAQMD, for projects within the South Coast Air Basin (SoCAB), or MDAQMD for projects within the Mojave Desert Air Basin (MDAB). The HRA shall consider cumulative impacts from industrial/warehouse projects within 1,000 feet of the boundary of the project site. If the HRA shows that the project-level or cumulative incremental cancer risk exceeds ten in one million (10E 06) or the risk thresholds in effect at the time a project is considered, or that the appropriate noncancer hazard index exceeds 1.0 or the thresholds as determined by SCAQMD or

MDAQMD at the time a project is considered, the applicant will be required to identify and demonstrate that measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms.

Measures to reduce risk impacts may include but are not limited to:

- Restricting idling onsite beyond Air Toxic Control Measures idling restrictions, as feasible.
- Electrifying warehousing docks.
- Requiring use of newer equipment and/or vehicles.
- Restricting offsite truck travel through the creation of truck routes.

Measures identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project.

Finding

Finding 3: Changes or alterations have been required in or incorporated into the Countywide Plan that lessen the significant environmental effect identified in the Draft PEIR. These changes take the form of Mitigation Measure AQ-3. The County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

However, the County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in Section IV of these Findings (Public Resources Code §§ 21081(a)(1) and (3); CEQA Guidelines §§ 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Countywide Plan outweigh its significant effects on the environment.

2. Biological Resources

Impact 5.4-1: Implementation of the Countywide Plan would impact several special-status species. [Threshold B-1]

The proposed Countywide Plan includes policies that would result in positive direct and indirect impacts to special-status species by requiring the protection and preservation of such resources. None of the Countywide Plan policies would result in adverse impacts to special-status species.

Development in accordance with the proposed Countywide Plan land use designations would allow for the conversion of undeveloped land to new urban uses, or the redevelopment of existing developed

areas. Development would introduce new uses in or adjacent to habitats that support a number of special-status species. Direct impacts to special-status species could result from the conversion of habitat either temporarily, as a result of grading, excavation, and construction activities, or permanently from the ongoing operation and/or maintenance of a project or plan. Indirect impacts could result from generation of fugitive dust, elevated noise levels, increased sediment loads in runoff from construction activities and the adverse effect of invasive plant species. Indirect impacts could also result from permanent alterations to hydrology upstream of habitats supporting special-status species, including increased runoff, sedimentation, or pollutant loads, and increased human activity.

Valley Region

Buildout of the Countywide Plan would result in development occurring within areas designated by the USFWS as Critical Habitat for listed species. Whether or not these areas of buildout would result in adverse modification to Critical Habitat would depend on presence/absence of species constituent elements within specific build out areas and would be analyzed on a project-specific level as identified in Countywide Plan policy NR-5.7 Development Review, Entitlement, and Mitigation. Some areas within designated USFWS Critical Habitat are within proposed conserved land uses such as Resource Land Management where they are not currently designated for preservation or within land uses with lower impacts than under existing conditions. Table 5.4-14, on page 5.4-53 of the Draft PEIR summarizes the acreage of Critical Habitat in the Valley Region that falls within development areas and within positive land use changes.

A total of 31 special-status plant species have been documented in the Valley Region, including three species that are federally and/or state listed as endangered or threatened, and 27 non-listed species. A total of 36 special-status animal species have been documented in the Valley Region, including 10 species that are federally endangered or threatened, six that are state endangered or threatened, one that is a state threatened candidate, two that are state fully protected, and 24 that are non-listed species. Suitable and/or occupied habitat for special-status species could be permanently impacted through build out of the Countywide Plan. The Countywide Plan would also result in positive impacts to some areas of suitable and/or occupied habitat for special-status species through preservation of areas not currently preserved. Table 5.4-15 on page 5.4-53 of the Draft PEIR summarizes the acreage of potential habitat for special-status species in the Valley Region that falls within development areas and within positive land use changes.

The proposed buildout of the Countywide Plan could also result in direct impacts to special-status species that have been documented in these areas. However, species documented within proposed development areas would not necessarily be impacted either due to no longer occurring in that locale or due to avoidance measures implemented by projects. Conversely, species that have not been documented in a locale may be present at the time of development and may be impacted.

Implementation of the proposed Countywide Plan may result in actions that could adversely affect special-status species. Compliance with regulatory requirements would reduce potential impacts to special-status species.

Mountain Region

Buildout of the Countywide Plan would result in development occurring within areas designated by the USFWS as Critical Habitat for listed species. Whether or not these areas of buildout would result in adverse modification to Critical Habitat would depend on presence/absence of species constituent elements within specific build out areas and would be analyzed on a project-specific level as identified in Countywide Plan policy NR-5.7 Development Review, Entitlement, and Mitigation. Some areas within designated USFWS Critical Habitat are within proposed conserved land uses such as Resource Land Management where they are not currently designated for preservation or within land uses with lower impacts than under existing conditions. Table 5.4-16 on page 5.4-55 of the Draft PEIR summarizes the acreage of Critical Habitat in the Mountain Region that falls within development areas and within positive land use changes.

A total of 91 special-status plant species have been documented in the Mountain Region, including 14 species that are federally listed as endangered or threatened, five that are listed as state endangered or rare, and 73 non-listed special-status species. A total of 44 special-status animal species have been documented in the Mountain Region, including seven species that are federally endangered or threatened, eight that are state endangered or threatened, one that is a state threatened candidate, six that are state fully protected, and 28 that are non-listed special-status species. Suitable and/or occupied habitat for special-status species could be permanently impacted through build out of the Countywide Plan. The Countywide Plan would also result in positive impacts to some areas of suitable and/or occupied habitat for special-status species through preservation of areas not currently preserved. Table 5.4-17 on page 5.4-56 of the Draft PEIR summarizes the acreage of potential habitat for special-status species in the Mountain Region that falls within development areas and within positive land use changes.

The proposed buildout of the Countywide Plan could also result in direct impacts to special-status species that have been documented in these areas. However, species documented within proposed development areas would not necessarily be impacted either due to no longer occurring in that locale or due to avoidance measures implemented by projects. Conversely, species that have not been documented in a locale may be present at the time of development and may be impacted.

Implementation of the proposed Countywide Plan may result in actions that could adversely affect special-status species. As discussed under the Valley Region, implementation of the proposed Countywide Plan policies as well as compliance with regulatory requirements would avoid, minimize and/or mitigate impacts to special-status species by requiring the protection and preservation of such resources. Absent implementation of Countywide Plan policies, potential impacts to special-status species from implementation of the proposed Countywide Plan would be significant.

Desert Region

Buildout of the Countywide Plan would result in development occurring within areas designated by the USFWS as Critical Habitat for listed species. Whether or not these areas of buildout would result in adverse modification to Critical Habitat would depend on presence/absence of species constituent elements within specific build out areas and would be analyzed on a project-specific level as identified in Countywide Plan policy NR-5.7 Development Review, Entitlement, and Mitigation. Some areas within designated USFWS Critical Habitat are within proposed conserved land uses such as Resource

Land Management where they are not currently designated for preservation or within land uses with lower impacts than under existing conditions. Table 5.4-18 on page 5.4-58 of the Draft PEIR summarizes the acreage of Critical Habitat in the Desert Region that falls within development areas and within positive land use changes.

A total of 176 special-status plant species have been documented in the Desert Region, including six species that are federally listed as endangered or threatened, two that are listed as state endangered, and 168 non-listed species. A total of 58 special-status animal species have been documented in the Desert Region, including 11 species that are federally endangered or threatened, 17 that are state endangered or threatened, one state threatened candidate, eight that are state fully protected, and 35 that are non-listed special-status species. Suitable and/or occupied habitat for special-status species could be permanently impacted through build out of the Countywide Plan. The Countywide Plan would also result in positive impacts to some areas of suitable and/or occupied habitat for special-status species through preservation of areas not currently preserved. Table 5.4-19 on page 5.4-59 of the Draft PEIR summarizes the acreage of potential habitat for special-status species in the Desert Region that falls within development areas and within positive land use changes.

The proposed buildout of the Countywide Plan could potentially result in direct impacts to special-status species that have been documented in these areas. However, species documented within proposed development areas would not necessarily be impacted either due to no longer occurring in that locale or due to avoidance measures implemented by projects. Conversely, species that have not been documented in a locale may be present at the time of development and may be impacted.

Implementation of the proposed Countywide Plan may result in actions that could adversely affect special-status species. As discussed under the Valley Region, implementation of the proposed Countywide Plan policies as well as compliance with regulatory requirements would avoid, minimize, and/or mitigate impacts to special-status species by requiring the protection and preservation of such resources. Absent implementation of Countywide Plan policies, potential impacts to special-status species from implementation of the proposed Countywide Plan would be significant.

Mitigation Measures

BIO-1 For each development project that would disturb special status vegetation on vacant land, or that might impact a wildlife movement corridor or jurisdictional waters pursuant to the Countywide Plan and subject to CEQA, a qualified biologist shall determine the potential for a significant biological resource impact and determine whether a field survey of the project site is warranted. If warranted, a qualified biologist shall prepare a biological resources technical report meeting current requirements of CEQA, and addressing applicable County goals and policies, applicable Habitat Conservation Plans and Natural Community Conservation Plans, and applicable federal, state, and local regulatory requirements. The report shall include documentation of biological resources present or potentially present (including special-status species, special-status vegetation communities, jurisdictional waters, and wildlife movement corridors), an impacts analysis, avoidance measures, and mitigation measures to reduce significant impacts to less than significant if applicable and feasible.

Finding

Finding 3: Changes or alterations have been required in or incorporated into the Countywide Plan that lessen the significant environmental effect identified in the Draft PEIR. These changes take the form of Mitigation Measures BIO-1. The County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

However, the County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in Section IV of these Findings (Public Resources Code §§ 21081(a)(1) and (3); CEQA Guidelines §§ 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Countywide Plan outweigh its significant effects on the environment.

Impact 5.4-2: Implementation of the Countywide Plan would result in the loss of several special-status vegetation communities. [Threshold B-2]

A substantial adverse effect on riparian habitat or other special-status natural communities would occur if the Countywide Plan would result in a net loss of riparian habitat or other special-status natural community. The proposed Countywide Plan includes policies that would result in positive impacts to special-status vegetation communities by requiring the protection and preservation of such resources; none of the Countywide Plan policies would result in adverse impacts to special-status vegetation communities.

Development in accordance with the proposed Countywide Plan would allow for the conversion of undeveloped land to new urban uses that could result in direct and indirect impacts to special-status vegetation communities. Direct impacts to special-status vegetation communities could result from the conversion of habitat either temporarily, as a result of grading, excavation, and construction activities, or permanently from the ongoing operation and/or maintenance of a project or plan. Indirect impacts could result from generation of fugitive dust, increased sediment loads in runoff from construction activities or the adverse effect of invasive plant species. Indirect impacts could also result from permanent alterations to hydrology upstream of habitats, including increased runoff, sedimentation, or pollutant loads, and increased human activity, which could result in trampling and disturbance. Should new development occur within undeveloped areas of the County due to land use designation changes, acreages of special-status natural communities could be permanently reduced, resulting in a potentially significant impact to special-status natural communities.

Valley Region

Special-status vegetation communities are present within the Valley Region. Some areas mapped with special-status vegetation communities are within proposed development areas of the Countywide Plan and some areas are within proposed preserved land uses where they are not currently proposed for

conservation. Table 5.4-20, on page 5.4-62 of the Draft PEIR, summarizes acreage of special-status vegetation communities within developed and conserved land uses under the Countywide Plan.

Implementation of the proposed Countywide Plan may result in actions that could adversely affect special-status species. However, implementation of the proposed Countywide Plan policies and compliance with regulatory requirements would avoid, minimize and/or mitigate impacts to special-status vegetation communities by requiring the protection and preservation of such resources. Absent implementation of the Countywide Plan policies, potential impacts to special-status vegetation communities from implementation of the proposed Countywide Plan would be significant.

Mountain Region

Special-status vegetation communities are present within the Mountain Region. Some areas mapped with special-status vegetation communities are within proposed development areas of the Countywide Plan and some areas are within proposed preserved land uses where they are not currently proposed for conservation. Table 5.4-21, on page 5.4-63 of the Draft PEIR, summarizes acreage of special-status vegetation communities within developed and conserved land uses under the Countywide Plan.

Implementation of the proposed Countywide Plan may result in actions that could adversely affect special-status vegetation communities. As discussed under the Valley Region, implementation of the proposed Countywide Plan policies and compliance with regulatory requirements would avoid, minimize and/or mitigate impacts to special-status vegetation communities by requiring the protection and preservation of such resources. Absent implementation of Countywide Plan policies, potential impacts to special-status vegetation communities from implementation of the proposed Countywide Plan would be significant.

Desert Region

Special-status vegetation communities are present within the Desert Region. Some areas mapped with special-status vegetation communities are within proposed development areas of the Countywide Plan and some areas are within proposed preserved land uses where they are not currently proposed for conservation. Table 5.4-22 on page 5.4-65 of the Draft PEIR, summarizes acreage of special-status vegetation communities within developed and conserved land uses under the Countywide Plan.

Implementation of the proposed Countywide Plan may result in actions that could adversely affect special-status vegetation communities. As discussed under the Valley Region, implementation of the proposed Countywide Plan policies and compliance with regulatory requirements would avoid, minimize and/or mitigate impacts to special-status vegetation communities by requiring the protection and preservation of such resources. Absent implementation of Countywide Plan policies, potential impacts to special-status vegetation communities would be significant.

Mitigation Measures

BIO-1 For each development project that would disturb special status vegetation on vacant land, or that might impact a wildlife movement corridor or jurisdictional waters pursuant to the Countywide Plan and subject to CEQA, a qualified biologist shall determine the potential for a significant biological resource impact and determine whether a field survey of the

project site is warranted. If warranted, a qualified biologist shall prepare a biological resources technical report meeting current requirements of CEQA, and addressing applicable County goals and policies, applicable Habitat Conservation Plans and Natural Community Conservation Plans, and applicable federal, state, and local regulatory requirements. The report shall include documentation of biological resources present or potentially present (including special-status species, special-status vegetation communities, jurisdictional waters, and wildlife movement corridors), an impacts analysis, avoidance measures, and mitigation measures to reduce significant impacts to less than significant if applicable and feasible.

Finding

Finding 3: Changes or alterations have been required in or incorporated into the Countywide Plan that lessen the significant environmental effect identified in the Draft PEIR. These changes take the form of Mitigation Measure BIO-1. The County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

However, the County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in Section IV of these Findings (Public Resources Code §§ 21081(a)(1) and (3); CEQA Guidelines §§ 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Countywide Plan outweigh its significant effects on the environment.

3. Greenhouse Gas Emissions

Impact 5.7-1: The County of San Bernardino would experience a decrease in GHG emissions from existing conditions but would not achieve the GHG reduction targets established under SB 32 or Executive Order B-03-05. [GHG-1]

Unincorporated areas in the County would experience a reduction in GHG emissions from existing conditions despite the anticipated population and employment growth. Consequently, implementation of the General Plan would not result in a substantial increase in magnitude in GHG emissions. However, GHG emissions impacts are also based on consistency with the GHG reduction objectives under SB 32 and Executive Order S-03-05. As identified in the Tables 5.7-8 and 5.7-9 on pages 5.7-32 and 5.7-33, the unincorporated County would not achieve the state's GHG emissions efficiency target for year 2040 or 2050 without implementation of additional local GHG reduction measures. Goals and policies in the Countywide Plan and actions in the County's GHG Reduction Plan would further minimize GHG emissions generated by the residential and nonresidential land uses in the unincorporated county. However, the County cannot achieve the long-term efficiency targets without additional federal and state reductions. The state's climate stabilization goals are contingent on

decarbonization of the state's transportation and energy sectors. Consequently, the overall GHG impact is conservatively considered significant.

Mitigation Measures

GHG-1 Within 18 months of adoption of the Countywide Plan, the County of San Bernardino shall update the County of San Bernardino GHG Reduction Plan. The plan shall provide:

- GHG inventories of existing, 2030, and 2050 GHG levels
- Targets for 2030 and 2050 from land uses under the County's jurisdiction based on the goals of SB 32 and Executive Order S-03-05
- Tools and strategies for reducing GHG emissions in accordance with the 2030 goal

In addition, to implement the GHG Reduction Strategy, the County shall develop key programs, and policies required to promote voluntary, incentive-based measures in the plan, establish the planning framework for the performance based development review process, and support and implement the local mandatory GHG reduction measures. These implementation tasks include:

- Update the community GHG inventory to monitor emissions trends every five years.
- In 2030, develop a plan for post-2030 actions.

GHG-2 Prior to adoption of the Unincorporated County of San Bernardino's GHG Reduction Plan update, the County of San Bernardino shall designate an Implementation Coordinator to oversee the successful implementation of all selected GHG reduction strategies. The primary function of the Implementation Coordinator will be to create a streamlined approach to manage implementation of the GHG Reduction Plan.

GHG-3 Prior to adoption of the Unincorporated County of San Bernardino's GHG Reduction Plan update, for projects with a post-2020 buildout date that have potentially significant impacts, the County of San Bernardino shall consider the following measures identified in the 2017 Scoping Plan:

Construction

- Enforce idling time restrictions for construction vehicles.
- Require construction vehicles to operate with the highest tier engines commercially available.
- Divert and recycle construction and demolition waste, and use locally-sourced building materials with a high recycled material content to the greatest extent feasible.
- Minimize tree removal, and mitigate indirect GHG emissions increases that occur due to vegetation removal, loss of sequestration, and soil disturbance.
- Utilize existing grid power for electric energy rather than operating temporary gasoline/diesel powered generators.

- Increase use of electric and renewable fuel powered construction equipment and require renewable diesel fuel where commercially available.
- Require diesel equipment fleets to be lower emitting than any current emission standard.

Operation

- Comply with County’s standards for mitigating transportation impacts under SB 743.
- Require on-site EV charging capabilities for parking spaces serving the project to meet jurisdiction-wide EV proliferation goals.
- Allow for new construction to install fewer on-site parking spaces than required by the County Development Code as an incentive to provide pedestrian, transit and bicycle amenities, if appropriate.
- Dedicate on-site parking for shared vehicles.
- Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in multi-family residential projects and in non-residential projects.
- Provide on- and off-site safety improvements for bike, pedestrian, and transit connections, and/or implement relevant improvements identified in an applicable bicycle and/or pedestrian master plan.
- Require on-site renewable energy generation.
- Prohibit wood-burning fireplaces in new development, and require replacement of wood-burning fireplaces or clean-burning inserts for renovations over a certain size.
- Require cool roofs and “cool parking” that promotes cool surface treatment for new parking facilities as well as existing surface lots undergoing resurfacing.
- Require solar-ready roofs.
- Require organic collection in new developments.
- Require low-water landscaping in new developments (see CALGreen Divisions 4.3 and 5.3 and the Model Water Efficient Landscape Ordinance [MWELO], which is referenced in CALGreen). Require water efficient landscape maintenance to conserve water and reduce landscape waste.
- Encourage Zero Net Energy performance building standards prior to dates required by the Energy Code.
- Encourage new construction, including municipal building construction, to achieve third-party green building certifications, such as the GreenPoint Rated program, LEED rating system, or Living Building Challenge.
- Encourage additional bike lanes to connect to the regional bicycle network.
- Expand urban forestry and green infrastructure in new land development.

- Require preferential parking spaces to incentivize carpooling, vanpooling, commuter bus, electric vehicles, and rail service use.
- Require a transportation management plan for specific plans which establishes a numeric target for non-SOV travel and overall VMT.
- Develop a rideshare program targeting commuters to major employment centers.
- Require the design of bus stops/shelters/express lanes in new developments to promote the usage of mass transit, where available.
- Require gas outlets in residential backyards for use with outdoor cooking appliances such as gas barbeques if natural gas service is available.
- Require the installation of electrical outlets on the exterior walls of both the front and back of residences to promote the use of electric landscape maintenance equipment.
- Require the design of the electric outlets and/or wiring in new residential unit garages to promote electric vehicle usage.
- Require parking lot designs to accommodate electric vehicle charging stations (conductive/inductive) and signage for non-residential developments.
- Provide electric outlets to promote the use of electric landscape maintenance equipment to the extent feasible on parks and public/quasi-public lands.
- Require each residential unit to be “solar ready,” including installing the appropriate hardware and proper structural engineering.
- Require the installation of energy conserving appliances such as on-demand tank-less water heaters and whole-house fans.
- Require each residential and commercial building equip buildings with energy efficient AC units and heating systems with programmable thermostats/timers.
- Require large-scale residential developments and commercial buildings to report energy use, and set specific targets for per-capita energy use.
- Require each residential and commercial building to utilize low flow water fixtures such as low flow toilets and faucets (see CALGreen Divisions 4.3 and 5.3 as well as Appendices A4.3 and A5.3).
- Require the use of energy-efficient lighting for all street, parking, and area lighting.
- Require the landscaping design for parking lots to utilize tree cover and compost/mulch.
- Incorporate water retention in the design of parking lots and landscaping, including using compost/mulch.
- Require the development project to propose an off-site mitigation project which should generate carbon credits equivalent to the anticipated GHG emission

reductions. This would be implemented via an approved protocol for carbon credits from California Air Pollution Control Officers Association (CAPCOA), the California Air Resources Board, or other similar entities determined acceptable by the local air district.

- Require the project to purchase carbon credits from the CAPCOA GHG Reduction Exchange Program, American Carbon Registry (ACR), Climate Action Reserve (CAR) or other similar carbon credit registry determined to be acceptable by the local air district.
- Encourage the applicant to consider generating or purchasing local and California-only carbon credits as the preferred mechanism to implement its off-site mitigation measure for GHG emissions and that will facilitate the state's efforts in achieving the GHG emission reduction goal.

Finding

Finding 3: Changes or alterations have been required in or incorporated into the Countywide Plan that lessen the significant environmental effect identified in the Draft PEIR. These changes take the form of Mitigation Measures GHG-1, -2, and -3. The County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

However, the County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in Section IV of these Findings (Public Resources Code §§ 21081(a)(1) and (3); CEQA Guidelines §§ 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Countywide Plan outweigh its significant effects on the environment.

4. Hazards and Hazardous Materials

Impact 5.8-6: Due to slope, prevailing winds, and other factors, unincorporated growth in or near state responsibility areas or lands classified as very high fire hazard severity zones could expose occupants to or exacerbate risks from pollutant concentrations from a wildfire or from the uncontrolled spread of a wildfire. [Threshold H-8]

Figures 5.8-4, 5.8-5, and 5.8-6 on pages 5.8-37, 5.8-39, 5.8-41 of the Draft PEIR show areas of planned unincorporated growth with respect to fire severity zones. Figure 5.8-3 on page 5.8-35 of the Draft PEIR shows state responsibility areas.

In addition to the regulations and policies described under Impact 5.8-5, additional measures are in place to sidestep the impacts of pollutant concentrations from wildfire ash. Recognition of the growing

threat that wildfire smoke poses to public health and safety has resulted in a response led by the US Forest Service and enhanced through partnership with many other agencies, such as the National Park Service. The Wildland Fire Air Quality Response Program (WFAQRP) was created to directly assess, communicate, and address risks posed by wildfire smoke to the public as well as fire personnel. The program depends on four primary components: specially trained personnel called Air Resource Advisors (ARAs), air quality monitoring, smoke concentration and dispersion modeling, and coordination and cooperation with agency partners.

ARAs are technical specialists that are trained to work on smoke issues from wildland fire. They are deployed nationwide during large smoke events. Air Resource Advisors are dispatched to an incident to assist with understanding and predicting smoke impacts on the public and fire personnel. They analyze, summarize, and communicate these impacts to incident teams, air quality regulators, and the public.

Furthermore, the South Coast Air Quality Management District (SCAQMD) issues air quality alerts, advisories, and forecasts by email through AirAlerts.org. SCAQMD also maintains an interactive online map to view current air quality conditions in the region.

The primary purpose of the Countywide Plan's wildfire hazard policies, prevailing regulatory requirements, and air quality response programs, is to minimize the exposure of people to a significant risk of loss, injury, or death due to natural hazards. However, due to slope, prevailing winds, and other factors it is not possible to eliminate the impact from pollutant concentrations from a wildfire or from the uncontrolled spread of a wildfire to less than significant.

Mitigation Measure

Feasible mitigation for wildfire pollutant exposure has not been identified.

Finding

Finding 3: The County finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in Section IV of these Findings (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 5.8-8: Unincorporated growth may expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of post fire slope instability. [Threshold H-8]

Catastrophic wildfire can create favorable conditions for other hazards, such as flooding and landslides during the rainy season. In addition to fire hazard regulations and policies described under Impact 5.8-5, mitigation measures are in place to sidestep the risk from flooding and landslides.

The Forest Service’s Burned Area Emergency Response (BAER) program is designed to determine the need for and to prescribe and implement emergency treatments on federal lands to minimize threats to life or property resulting from the effects of a fire or to stabilize and prevent unacceptable degradation to natural resources. A BAER assessment usually begins before the wildfire has been fully contained. Severely burned areas, very steep slopes, places where water runoff will be excessive, fragile slopes above homes or businesses, municipal water supplies, and other valuable facilities are focus areas. The treatments are installed as soon as possible, generally before the next damaging storm. There are a variety of emergency stabilization techniques that the BAER team might recommend. Primary techniques are reseeding ground cover; mulching; constructing straw, rock, or log dams in small tributaries; and placing logs to catch sediment on slopes. The team also assesses the need to modify road and trail drainage mechanisms such as debris traps, culverts, drainage dips, and emergency spillways.

BAER assessment plans and implementation are often a cooperative effort between federal agencies and state, tribal, and local forestry and emergency management departments. They are closely coordinated with private landowners. The National Resource Conservation Service’s EWP program, or Emergency Watershed Protection program, provides similar services on private lands. These two programs are often run cooperatively on a large fire, with both agencies working together. EWP work is not limited exclusively to any one set of prescribed measures. A case-by-case investigation of the needed work is made by NRCS.

Landslides are another hazard that are exacerbated by wildfire. They are influenced by the nature of the rock or soil type, slope angle, groundwater levels, and rainfall. Landslide susceptibility is shown on Figure 5.6-3 Chapter 5.6, *Geology and Soils*, of the Draft PEIR. New subdivisions and developments must either be built outside of debris flow hazard areas or debris flow hazards must be mitigated for new developments such that occupants would have adequate time to evacuate out of the debris flow hazard area during times of relatively high debris flow hazard—that is, during and shortly after intense rainstorms—under Countywide Plan Hazard Element policies HZ-1.1 and HZ-1.2. Furthermore, each project would be required to conduct a geotechnical investigation of its site that would assess existing landslide susceptibility and impacts of proposed grading and construction on landslide hazard and provide any needed recommendations to minimize landslide hazards. Furthermore, all projects will implement the Wildfire SRA Fire Safe Regulations’ basic wildland fire protection standards and the FHA program shall enforce the fire hazard requirements outlined in San Bernardino County Code Sections 23.0301 to 23.0319.

The primary purpose of the Countywide Plan’s wildfire hazard policies, prevailing regulatory requirements, and the BAER program, is to minimize risks from downslope or downstream flooding

or landslides as a result of post fire slope instability. However, it is not possible to reduce this impact to less than significant.

Mitigation Measures

Feasible mitigation for postfire slope stability has not been identified.

Finding

Finding 3: The County finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in Section IV of these Findings (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

5. Mineral Resources

Impact 5.11-1: Project implementation would result in the loss of availability of a known mineral resource. [Thresholds M-1 and M-2]

Mineral Resource Zones and Regionally Significant Resource Areas

Valley Region

Most development in the Valley Region under the Countywide Plan would occur in the Bloomington CPA, the City of Fontana SOI (west), and the East Valley Area Plan area. The three entire growth areas are mapped a combination of MRZ-2 and MRZ-3, as shown in Table 5.11-2 on page 5.11-19 of the Draft PEIR. Approximately 64 acres, or 1.2 percent, of the Fontana SOI are also mapped in three Mineral Resource Sectors by the State Geologist and recognized by the State Mining and Geology Board. Note that the total acreages of each of the three areas in Table 5.11-2 reflect total areas, and thus differ from acreages presented elsewhere in this Draft PEIR, which are based on parcelized data, and thus omit nonparcelized areas such as roadways and some flood control areas.

Future developments under the Countywide Plan would be required to identify known and likely significant mineral resources in their project sites. Projects would comply with Countywide Plan policies by designating MRZ-2 and MRZ-3 areas for land uses compatible with future mining, such as open space, to the greatest extent feasible.

Desert Region

Most development in the Desert Region under the Countywide Plan would be in two areas of the Town of Apple Valley SOI: the potential annexation area (PAA) and the Hacienda Fairview Valley Specific Plan (HFVSP) area. Approximately 910 acres in the western and central parts of the HFVSP

area—or about 58 percent—are mapped MRZ-3a, that is, areas containing known minerals of unknown resource significance (see Figure 5.11-6, on page 5.11-21 of the Draft PEIR). The MRZ-3a area is designated for gold and silver deposits. The remainder of the HFVSP area is mapped MRZ-4, that is, areas of no known mineral occurrences where geologic information does not rule out either the presence or the absence of significant mineral resources. About 183 acres along the northwest margin of the PAA are mapped MRZ-3a. No mines are mapped in that part of the PAA. Of the four nearest historical mines to that area—about 1 to 1.5 miles to the northwest—three were clay and one was stone. No mines, either active or closed, are mapped in or near either the HFVSP area or the PAA on the Mines Online map.

Future developments in the HFVSP area under the Countywide Plan would be required to identify known and likely significant mineral resources in their project sites. Projects would comply with Countywide Plan policies by designating MRZ-2 and MRZ-3 areas for land uses compatible with future mining, such as open space, to the greatest extent feasible.

Impacts on Oil and Gas Fields

The two oil fields in San Bernardino County are in the City of Chino Hills in the southwest corner of the Valley Region. Countywide Plan implementation would not impact the oil fields.

Implementation of the proposed Countywide Plan may result in actions that could adversely affect mineral resources. As discussed above, implementation of the proposed Countywide Plan policies would avoid, minimize, and/or mitigate impacts to mineral resources by requiring the protection and preservation of such resources. Absent implementation of the proposed Countywide Plan policies, potential impacts to mineral resources from implementation of the proposed Countywide Plan would be significant.

Mitigation Measures

- MIN-1: Prior to project approval for proposed development of properties classified as either MRZ-2a, 2b or MRZ-3a containing a specialty commodity, a mineral resource evaluation shall be conducted to determine the significance and economic viability of mining the resource. If development of a property would preclude future extraction of a significant mineral resource, in accordance with CEQA, the County shall make the appropriate findings and adopt a Statement of Overriding Considerations prior to permitting development of the property.

- MIN-2: Prior to approval of any project on lands classified as either MRZ-2a, 2b or MRZ-3a containing a specialty commodity, a report shall be prepared that analyzes the project's value in relation to the mineral values found onsite. The analysis shall consider the importance of construction aggregate mineral resource onsite to the market region as a whole, and not just the importance of the resources found within the San Bernardino County area. The report shall be submitted to the County, such that the County has adequate information to develop a statement of reasons for permitting the proposed land use to the California Department of Conservation, State Mining and Geology Board, for

subsequent review, in accordance with SMARA [Surface Mining and Reclamation Act], Article 2, Section 2762 and 2763 for areas designated of regional significance.

Finding

Finding 3: Changes or alterations have been required in or incorporated into the Countywide Plan that lessen the significant environmental effect identified in the Draft PEIR. These changes take the form of Mitigation Measures MIN-1 and -2. The County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

However, the County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in Section IV of these Findings (Public Resources Code §§ 21081(a)(1) and (3); CEQA Guidelines §§ 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Countywide Plan outweigh its significant effects on the environment.

6. Noise

Impact 5.12-1: Construction activities would result in temporary noise increases. [Threshold N-3]

The Countywide Plan would implement the Project objectives described in Chapter 3 of the PEIR and result in buildout of the County with a horizon year of 2040. As part of that implementation, various individual land use development and other projects would be constructed. Two types of temporary noise impacts could occur during construction. First, the transport of workers and movement of materials to and from the site could incrementally increase noise levels along local access roads. The second type of temporary noise impact is related to demolition, site preparation, grading, and/or physical construction. Construction is performed in distinct steps, each of which has its own mix of equipment, and, consequently, its own noise characteristics. Table 5.12-11 on page 5.12-37 of the Draft PEIR lists typical construction equipment noise levels recommended for noise-impact assessments, based on a distance of 50 feet between the equipment and noise receptor.

As shown, construction equipment generates high levels of noise, with maximums ranging from 71 dBA to 101 dBA. Construction of individual developments associated with implementation of the plan would temporarily increase the ambient noise environment and would have the potential to affect noise-sensitive land uses in the vicinity of an individual project. According to the Development Code Section 83.01.080, construction activities are exempt from the noise standards between 7:00 AM and 7:00 PM, except on Sundays and federal holidays.

Implementation of the plan anticipates an increase in development intensity to accommodate populations and employment growth. Construction noise levels are highly variable and dependent

upon the specific locations, site plans, and construction details of individual projects. Significant noise impacts may occur from operation of heavy earthmoving equipment and truck haul operations associated with construction of individual development projects, particularly if construction techniques such as impact or vibratory pile driving are proposed. The time of day that construction activity is conducted would also determine the significance of each project, particularly during the more sensitive nighttime hours. However, construction would be localized and would occur intermittently for varying periods of time.

Because specific, project-level information is not available at this time, it is not possible nor appropriate to quantify the construction noise impacts at specific sensitive receptors. In most cases, construction of individual developments associated with implementation of the plan would temporarily increase the ambient noise environment in the vicinity of each individual project, potentially affecting existing and future nearby sensitive uses. Because construction activities associated with any individual development may occur near noise-sensitive receptors and because, depending on the project type, equipment list, time of day, phasing and overall construction durations, noise disturbances may occur for prolonged periods of time or during the more sensitive nighttime hours, construction noise impacts associated with implementation of the plan are considered potentially significant.

Mitigation Measures

N-1 Prior to issuance of demolition, grading and/or building permits on sites adjacent to sensitive receptors, a note shall be provided on construction plans indicating that during grading, demolition, and construction, the project applicant shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:

- During the entire permitted activity, equipment and trucks used for the project shall utilize the best available noise control techniques (e.g., improved mufflers, intake silencers, ducts, engine enclosures, and acoustical attenuation), wherever feasible.
- Require impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered whenever feasible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.
- Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.
- Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors.
- Prior to the start of construction activities, a sign shall be posted at the job site, clearly visible to the public, that includes permitted construction days and hours, as well as contact information for the County Building Inspection Supervisor and contractor's authorized representative. If the authorized contractor's representative receives a noise or vibration complaint, he/she shall investigate, take appropriate corrective action, and report the action to the County.

- Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.
- During the entire active construction period, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall be responsible for adjusting alarms based on the background noise level, or to utilize human spotters when feasible and in compliance with all safety requirements and laws.
- Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the County noise standards and when the anticipated construction duration is greater than is typical (e.g., two years or greater).

Finding

Finding 3: Changes or alterations have been required in or incorporated into the Countywide Plan that lessen the significant environmental effect identified in the Draft PEIR. These changes take the form of Mitigation Measure N-1. The County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

However, the County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in Section IV of these Findings (Public Resources Code §§ 21081(a)(1) and (3); CEQA Guidelines §§ 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Countywide Plan outweigh its significant effects on the environment.

Impact 5.12-2: Buildout of the Countywide Plan would cause a substantial noise increase related to traffic on highways and local roadways and could locate sensitive receptors in areas that exceed established noise standards. [Thresholds N-1 and N-3]

Future development in accordance with the Countywide Plan would cause increases in traffic along local roadways. Traffic noise levels were estimated using the FHWA Highway Traffic Noise Prediction Model. Traffic volumes for existing and 2040 conditions, obtained from the traffic impact analysis prepared for the Project. Figures 5.12-8 through 5.12-10 on pages 5.12-41, 5.12-43, and 5.12-45 of the Draft PEIR illustrate the modeled roadways and future noise contours for 60 dBA CNEL, 65 dBA CNEL, and 70 dBA CNEL. As shown on Figures 5.12-8 through 5.12-10, future development of noise-sensitive land uses could be located in areas that exceed the “Normally Acceptable” noise and land use compatibility standards in Table 5.12-4 on page 5.12-39 of the Draft PEIR.

In addition, future noise-sensitive land uses could be in areas that exceed the “Normally Acceptable” noise standards due to airport operations (see Appendix J of the Draft PEIR for airport noise contours) and railroad activity. Table 5.12-12 on page 5.12-39 contains the calculated distances to the 65 dBA Ldn/CNEL contours from future railroad noise. The same methodology that was used to estimate existing railroad noise contours was used for future railroad activity. Though implementation of the proposed Countywide Plan would not directly cause an increase in rail activity, future residential development could be placed in areas that would expose sensitive receptors to noise levels in excess of established standards. Stationary source noise, such as from HVAC units and commercial loading docks, is controlled by the County’s Municipal Code. Policy HZ-2.7, Truck Delivery Areas, would encourage truck delivery areas to be located away from residential properties and require associated noise impacts to be mitigated.

Following industry standard practice, a significant traffic noise impact could occur if the Project would result in an increase of 3 dB or more, which is considered a barely perceptible change in outdoor environments. As shown on Figures 5.12-11 through 5.12-15, on pages 5.12-47, 5.12-49, 5.12-51, 5.12-53, and 5.12-55 of the Draft PEIR, significant traffic noise increases of 3 dBA CNEL or greater would occur along multiple roadway segments throughout unincorporated areas of the County. Incorporated areas would fall under the jurisdiction of their respective cities. Policy HZ-2.6, Coordination with Transportation Authorities, would reduce this impact through coordination with Caltrans, San Bernardino County Transportation Authority, SCAG, neighboring jurisdictions, and other transportation providers in the preparation and maintenance of, and updates to transportation-related plans and projects to minimize noise impacts.

Furthermore, prior to issuance of building permits for projects that include sensitive receptors and are located in ambient noise environments exceeding the “Normally Acceptable” noise and land use compatibility standards shown in Table 5.12-2 on page 5.12-4 of the Draft PEIR, the project applicant shall submit an acoustical study to the County that demonstrates that the proposed residential building design would provide an interior noise level of 45 dBA CNEL or less for residential uses, as required by the California Building Code, or acceptable levels for nonresidential uses per CALGreen standards. Acceptable methods for reducing noise exposure are detailed under RR NOI-1.

Mitigation Measure

Several measures were considered for mitigating or avoiding the traffic noise impacts, including special roadway paving, sound barriers, and sound insulation of existing residences and sensitive receptors. However, these measures did not prove to be feasible or practical mitigation measures to reduce project-generated traffic noise to less than significant levels. No individual measure and no set of feasible or practical mitigation measures is available to reduce project-generated traffic noise to less than significant levels.

Finding

Finding 3: The County finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for

highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in Section IV of these Findings (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

7. Transportation and Traffic

Impact 5.16-3: Trip generation related to land use development under the projected 2040 buildout of the Countywide Plan would exceed the County's VMT reduction threshold (4 percent reduction in VMT/person (residential) and 4 percent reduction in VMT/employee in comparison to existing VMT/person (or employee). [Threshold T-2]

To estimate the VMT generated by just the new development (Countywide Plan growth areas), Fehr & Peers looked at the net change in VMT due to new development and compared that to the net change in population or employment. The results are summarized in Table 5.16-2 on page 5.16-56 of the Draft PEIR and are compared back to the significance thresholds (four percent reduction in comparison to existing conditions). The VMT estimates in Table 5.16-2 are directly from the travel demand forecasting model and do not account for additional reductions that would occur from TDM strategies (which could potentially reduce VMT another four percent from the modeled values assuming full implementation and effectiveness of the program).

Note however, that that some TDM measures are already accounted for in the regional forecasting tool utilized to estimate VMT and identify the regional VMT information that projects are benchmarked against. Since these strategies are already reflected, they have not been included in this assessment to avoid "double counting" the effectiveness of the strategy. These strategies are:

- LUT-1 Increase density: 0.4 to 10.75 percent
- LUT-3 Increase diversity of urban developments 0 to 12 percent and suburban developments 0.3 to 4 percent
- LUT-4 Increase destination accessibility 0.5 to 12 percent
- LUT-5 Increase transit accessibility 0 to 7.3 percent

As shown in the table, with the exception of employment VMT/person for the Valley region, without mitigation, projected VMT averages for each subregion exceed the target VMT/person.

Mitigation Measures

T-1 Prior to approval of discretionary projects subject to VMT reduction analysis and located outside the designated growth areas, applicants shall demonstrate compliance with the County's adopted Transportation Impact Study (TIS) Guidelines for CEQA assessment of VMT impacts. For projects with VMT/capita exceeding the County's significance

threshold, a mitigation plan shall be developed and implemented. Mitigation should consist of Transportation Demand Management (TDM) measures analyzed under a VMT-reduction methodology consistent with Chapter 7 of the California Air Pollution Control Officers Association's *Quantifying Greenhouse Gas Mitigation Measures* (August 2010) and approved by the Traffic Division and Land Use Services Department (if applicable), or the project description should be reviewed and modified to promote reduced VMT.

T-2 Discretionary projects located within the designated growth areas that are subject to VMT reduction analysis shall develop a VMT reduction plan to achieve a minimum of a four percent reduction in VMT/capita in comparison to existing conditions. At a minimum, the VMT reduction plan shall consider the following TDM measures (estimated potential VMT reduction as shown):

- UT-6, Integrate affordable and below market rate housing: 0.04 to 1.20 percent.
- LUT-9, Improve Design of Development: 3.0 to 21.3 percent.
- SDT-1, Provide pedestrian network improvements. Applicable for subdivisions connecting to other development, in areas identified for growth in the Countywide Plan, unincorporated Valley region areas, or unincorporated spheres of influence.
- SDT-2, Provide Traffic Calming Measures: 0.25 to one percent. Applicable for subdivisions connecting to other development, in areas identified for growth in the Countywide Plan, unincorporated Valley region areas, or unincorporated spheres of influence.
- TRT-4, Implement Subsidized or Discounted Transit Passes: 0 to 16 percent. Applicable to development within 1/2 mile of a transit system. As such, it would be applicable in the Valley region but less applicable in other areas.
- TRT-6, Encourage Telecommuting and Alternative Work Schedules: 0.2 to 4.5 percent. Applicable to the County as the County is and will continue to partner with internet providers to increase coverage within the County to facilitate this application.
- TRT-10, Implement a School Pool Program: 7.2 to 15.8 percent reduction in school VMT. Applicable for large developments, i.e., approximately 300 households or more.

Finding

Finding 3: Changes or alterations have been required in or incorporated into the Countywide Plan that lessen the significant environmental effect identified in the Draft PEIR. These changes take the form of Mitigation Measures T-1 and -2. The County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

However, the County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the PEIR, as discussed in

Section IV of these Findings (Public Resources Code §§ 21081(a)(1) and (3); CEQA Guidelines §§ 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Countywide Plan outweigh its significant effects on the environment.

IV. ALTERNATIVES TO THE PROPOSED PROJECT

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible, and therefore, merit in-depth consideration, and which ones are infeasible.

A. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS

The following is a discussion of the alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the Draft PEIR.

1. No Growth/No Development

The No Growth/No Development Alternative would prohibit all new development, restricting urban growth to its current extent. No alterations to the unincorporated areas would occur (with the exception of previously approved or entitled development). All existing residential, commercial, office, industrial, public facilities, agriculture and open space, along with utilities and roadways, would generally remain in their current condition. Implementation of this alternative would not provide adequate housing to meet the County's fair share of housing and would be inconsistent with SCAG's 2016 RTP/SCS. By limiting development within the County, implementation of this alternative would increase development pressure in surrounding counties, including Los Angeles, Riverside, and Orange counties. It should also be noted that this alternative would not achieve any of the objectives established for the proposed project. As a result, this alternative has been rejected from further consideration.

Finding

The County finds that hindering growth in the county is unrealistic and would add development pressure to surrounding counties. As described in these Findings of Fact, the Countywide Plan would result in many less than significant impacts or impacts that can be mitigated to less than significant. The County has determined that the significant and unavoidable impacts are acceptable because specific overriding economic, legal, social, technological, or other benefits of the Countywide Plan, including regionwide or statewide environmental benefits, outweigh its significant effects on the environment, as described in the Statement of Overriding Considerations.

2. Dispersed Rural Growth

Although the Dispersed Rural Growth alternative was evaluated during the planning process for the proposed project, it does not represent a viable alternative for CEQA purposes. It assumed low density, dispersed rural growth and incorporated very few environmental constraints. As detailed in Section 7.2

of the Draft PEIR, compared to the other growth scenarios studied, the only environmental constraint that was programmed was to exclude development within Alquist-Priolo zones. It did, however, restrict new development to areas that were served by wastewater treatment systems, or where septic systems were allowed and viable. This alternative was rejected for further evaluation because it did not have the potential to reduce or eliminate significant impacts of the proposed project or meet the project objectives.

Finding

The County finds this alternative to be infeasible because it did not have the potential to reduce or eliminate significant impacts of the proposed project or meet the project objectives. As described in these Findings of Fact, the Countywide Plan would result in many less than significant impacts or impacts that can be mitigated to less than significant. The County has determined that the significant and unavoidable impacts are acceptable because specific overriding economic, legal, social, technological, or other benefits of the Countywide Plan, including regionwide or statewide environmental benefits, outweigh its significant effects on the environment, as described in the Statement of Overriding Considerations.

B. ALTERNATIVES SELECTED FOR FURTHER ANALYSIS

The following alternatives were determined to represent a reasonable range of alternatives with the potential to feasibly attain most of the basic objectives of the project but avoid or substantially lessen any of the significant effects of the project. Table 7-1, *Alternatives Description and Statistical Comparison*, on page 7-10 of the Draft PEIR, summarizes the alternatives selected for evaluation. This table also includes a list by alternative of significant impacts anticipated to be reduced or eliminated in comparison to the proposed project.

Table 7-1 Alternatives Description and Statistical Comparison

Alternative Description	Growth Potential			Net Change in Comparison to Proposed CWP			Environmental Reasons Considered
	Pop.	Housing	Emp.	Pop.	Housing	Emp.	
<p>Proposed CWP (Proposed Project) Population growth projections for the unincorporated areas focus on residential development in two areas: the Bloomington community (Rialto sphere of influence [SOI]) and future master planned communities in the Town of Apple Valley SOI. Employment growth is focused in the unincorporated portions of the Valley region, particularly in the Fontana SOI, East Valley Area Plan, and Bloomington community (Rialto SOI). Little to no growth is projected for other unincorporated areas based on the availability of water and infrastructure systems, presence of natural hazards and topographical constraints, and the desires of residents.</p>	49,680	15,368	12,546	-	-		Constraints used to define the CWP are defined in Section 7.2
<p>No Project This scenario assumes that the existing General Plan, last updated in 2007, would remain in effect. Unincorporated residential development under this plan, places nearly 85 percent of new development in city spheres of influence (SOIs) and Community Planning Areas (CPAs), with the balance distributed throughout the unincorporated county. The most substantial employment growth is concentrated in the unincorporated portions of the Valley and North Desert regions, but significant employment gains are also projected in the East Desert.</p>	47,226	17,947	33,547	-5%	+17%	+167%	Required by CEQA
<p>Limited Suburban Growth Generally, this alternative mirrors the proposed CWP, with limited changes to land use designations in the Apple Valley SOI and Bloomington community. The land use changes reduce potential housing growth relative to the proposed project. Retail and public employment growth in the Apple Valley SOI were reduced to reflect lower levels of housing growth, but employment estimates elsewhere in the unincorporated county remain consistent with the proposed Project.</p>	31,867	9,871	12,299	-36%	-36%	-2%	Potential to reduce significant impacts related to: <ul style="list-style-type: none"> • Transportation (VMT) • Noise (traffic-related) • Air quality • Greenhouse gas emissions (GHG) • Biological and cultural resources

Table 7-1 Alternatives Description and Statistical Comparison

Alternative Description	Growth Potential			Net Change in Comparison to Proposed CWP			Environmental Reasons Considered
<p>Master Planned Development</p> <p>This scenario focuses unincorporated residential growth in new master-planned communities in the North and East Desert regions, where master developers would be responsible for ensuring adequate water supply as well as the development and maintenance of all new infrastructure. No housing growth is projected in the Mountain or Valley regions due to either limited infrastructure or an emphasis on growth occurring only after annexations occur.</p> <p>Like the proposed Project, the majority of employment growth is focused in the unincorporated portions of the Valley region. Some additional jobs (above those of the proposed Project) would be located in the master planned communities.</p>	59,740	17,890	16,017	+20%	+16%	+28%	<p>Potential to reduce significant impacts in comparison to the proposed project related to:</p> <ul style="list-style-type: none"> • Biological and cultural resources • Wildfire hazards
<p>Concentrated Suburban Growth</p> <p>This scenario focuses on intensifying residential development in the already urban areas in the Valley region and preserving the relatively undeveloped Desert and Mountain regions. Higher density housing types are projected along transit lines and near existing walkable communities, and small-lot, single-family homes are projected in existing single-family neighborhoods that are less walkable and further from transit. No residential growth is projected in other unincorporated areas.</p> <p>Employment growth is limited to the unincorporated portions of the Valley region.</p>	53,428	17,639	12,817	+8%	+15%	+2%	<p>Potential to reduce significant impacts in comparison to the proposed project related to:</p> <ul style="list-style-type: none"> • Transportation (VMT) • Air quality • GHG emissions • Biological and cultural resources • Wildfire hazards

Table 7-2, *Environmental Impact Comparison*, starts on page 7-11 of the Draft PEIR and identifies how each of the alternatives selected for further analysis compares to the Countywide Plan. The ability of each alternative to meet the project objectives was analyzed in Section 7.5 starting on page 7-19 of the Draft PEIR.

1. No Project/Existing General Plan Alternative

This scenario assumes that the existing General Plan, last updated in 2007, will remain in effect. Unincorporated residential development under this plan places nearly 85 percent of new development in city spheres of influence and Community Planning Areas (CPA), with the balance distributed throughout the unincorporated county. The most substantial employment growth is concentrated in the unincorporated portions of the Valley and North Desert regions, but significant employment gains are also projected in the East Desert.

Table 7-1, *Alternatives Description and Statistical Comparison*, starting on page 7-9 of the Draft PEIR, summarizes the growth potential at buildout under this alternative and the net change compared with the Countywide Plan. This alternative would reduce population by 5 percent, increase housing by 17 percent, and increase employment by 167 percent.

Impacts of the No Project/Existing General Plan alternative would result in greater environmental impacts to 14 topical areas: aesthetics, air quality, biological resources, cultural resources, GHG emissions, hazards (wildfire), land use and planning, noise, population and housing, public services, recreation, transportation and traffic, tribal cultural resources, and utilities and service systems. This includes increasing the severity of significant, unavoidable impacts to air quality, biological resources, GHG emissions, hazards (wildfire), noise, and transportation and traffic. These impacts would be increased due to a more dispersed development throughout the county and a substantial increase in new employment relative to the proposed Countywide Plan. New housing growth would be similar to the CWP. Impacts to agricultural resources would be less than for the CWP, and impact levels would be similar for geology and soils, hydrology and water quality, and mineral resources.

Finding

The No Project/Existing General Plan Alternative could achieve the primary objectives of the Countywide Plan listed in Section II.F. It would be less effective than the CWP, however, in achieving some of the stated goals. For example, the CWP has more comprehensive and detailed policies to ensure:

- Collaboration with other public and private entities.
- Fiscally Sustainable Growth with requirements to require new, outlying development to bear the responsibility of new infrastructure and services.
- Resiliency to ensure services in the face of emergencies, external forces, and unexpected circumstances.
- Stewardship of natural resources.

Furthermore, this alternative would increase the severity of significant, unavoidable impacts to air quality, biological resources, GHG emissions, hazards (wildfire), noise, and transportation and traffic. As a result, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative for the reasons identified in the Final PEIR.

2. Limited Suburban Growth Alternative

This alternative generally mirrors the proposed CWP with respect to growth distribution and environmental constraints. In an effort to minimize environmental impacts in comparison to the CWP, however, it reduces the number of residential units and slightly reduces employment projections. Allowable densities (units/acre) were reduced in two key areas: the Apple Valley SOI annexation area, and the Bloomington CPA. New residential growth in the Apple Valley SOI would be limited to the

Hacienda Fairview Specific Plan area, and residential densities in Bloomington would be reduced. Following is a summary of changes by area:

Apple Valley SOI annexation area. This area would revert to the rural living designation (RL), which would result in very little, if any, additional growth. Apple Valley employment would be reduced to account for the loss of residential development that would be driving the jobs in this area under the CWP.

Net changes in comparison to CWP:

- Dwelling Units: a reduction of 2,492 units (2,349 units compared to 4,841 for the CWP for this area)
- Employment: a reduction of 247 employees (236 employees compared to 483 for the CWP)

Bloomington. Residential densities that were intensified under the CWP reverted to lower densities. Densities were changed from the proposed LDR (low density residential, 2–5 units/acre) or MDR (medium density residential, 5–20 units/acre) to VLDR (very low density residential, 0–2 units / acre). Growth in these areas was projected at the midrange density of approximately 1 unit/acre. Employment in Bloomington would remain unchanged in comparison to the CWP.

Net changes in comparison to the Countywide Plan:

- Dwelling Units: a reduction of 2,993 units (3,176 units in comparison to 6,169 for the proposed Project)

Overall, this alternative would reduce new housing development by 5,497 units and would reduce projected employment by 247 in comparison to the proposed project.

Table 7-1, *Alternatives Description and Statistical Comparison*, starting on page 7-9 of the Draft PEIR, summarizes the growth potential at buildout under this alternative and the net change compared with the Countywide Plan. This alternative would reduce population by 36 percent, decrease housing by 36 percent, and decrease employment by 2 percent.

Because this alternative would reduce both housing and employment growth, it would impact services that are dependent upon the development footprint and population. It would reduce the following impacts determined to be significant and unavoidable under the proposed project: air quality, biological resources, GHG emissions, noise, and transportation and traffic. It would not, however, reduce any of these impacts to less than significant. It would also reduce impacts to aesthetics, agricultural resources, cultural resources, geology and soils, population and housing, public services, tribal cultural resources, and utilities and service systems compared to the Countywide Plan. Overall, it would reduce impacts in 13 environmental categories. It would not increase the severity of any impacts. Similar level impacts would occur for hazards, hydrology and water quality, land use and planning, mineral resources, and recreation.

Finding

The Limited Suburban Growth alternative is a reduced version of the CWP, and as such, would achieve the primary objectives of the proposed CWP. Lowering residential density in the Bloomington CPA and avoiding development of the Apple Valley annexation area would reduce housing unit development by approximately 5,500 units. This alternative, therefore, would not be consistent with the project's 2016 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) growth assumptions for housing production, or the estimates anticipated in the 2020 RTP/SCS. This is not stated as a specific objective of the CWP, but the Countywide Plan does anticipate ongoing cooperation with cities through San Bernardino County Transportation Authority and San Bernardino Council of Governments to comply with regional housing and transportation plans. The upcoming Regional Housing Needs Assessment and 2028 RTP will likely require a more concentrated housing growth, consistent with the proposed project.

Furthermore, while this alternative would lessen the project's air quality, biological resources, GHG emissions, noise, and transportation and traffic, it would not reduce any of these impacts to less than significant. As a result, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative for the reasons identified in the Final PEIR.

3. Master Planned Community Alternative

This scenario focuses unincorporated residential growth in new master-planned communities in the North and East Desert regions, where master developers would be responsible for ensuring adequate water supply as well as the development and maintenance of all new infrastructure. Housing growth would be limited to five master planned communities ranging from approximately 2,500 to 5,800 units each. No housing growth is projected in the Mountain or Valley Regions due to either limited infrastructure or an emphasis on growth occurring only after annexations.

Like the Countywide Plan, the majority of employment growth is focused in the unincorporated portions of the Valley Region. Some additional jobs (above those of the CWP) would be in the master planned communities.

Table 7-1, *Alternatives Description and Statistical Comparison*, starting on page 7-9 of the Draft PEIR, summarizes the growth potential at buildout under this alternative and the net change compared with the Countywide Plan. This alternative would increase population by 20 percent, increase housing by 16 percent, and increase employment by 28 percent.

Since this alternative creates large residential communities far away from employment opportunities it would substantially increase VMT for job commuting, resulting in greater impacts to air quality (vehicle emissions), GHG emissions (vehicles), and transportation/traffic impacts. Each of these impacts represents a significant, unavoidable impact of the proposed project. This alternative would also increase aesthetics, hydrology and water quality, land use and planning, and utilities and service systems impacts compared to the CWP. Overall, impacts to 7 impact categories would be worse than the CWP.

Concentrating growth in master planned communities in the Desert Regions would be expected to reduce impacts to agricultural resources, biological resources, cultural resources, geology and soils, hazards (wildfire), mineral resources, public services, and recreation. *It would eliminate the significant, unavoidable impact associated with wildfire hazards compared to the Countywide Plan.* Noise impacts would be similar to the proposed project and remain significant and unavoidable. Impacts to population and housing and tribal cultural resources would be similar to the CWP.

Finding

This alternative would provide essentially the same growth opportunities as the CWP for housing and employment. It would not, however, provide opportunities within the Valley or Mountain Regions. Without the policies requiring master developers to be responsible for ensuring adequate water supply and providing and maintaining all new infrastructure, this alternative would not achieve the objective for fiscally sustainable growth. With these requirements, this alternative could achieve the stated project objectives. However, the success of this alternative relies on currently unknown developers developing new infrastructure that would be essential to support the growth model.

Furthermore, this alternative would increase impacts to air quality (vehicle emissions), GHG emissions (vehicles), and transportation/traffic impacts, all of which are significant, unavoidable impacts of the CWP. As a result, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative for the reasons identified in the Final PEIR.

4. Concentrated Suburban Growth Alternative

This alternative focuses on intensifying residential development in the already urban areas in the Valley Region and preserving the relatively undeveloped Desert and Mountain Regions. Higher density housing types are projected along transit lines and near existing walkable communities, and small-lot, single-family homes are projected in existing single-family neighborhoods that are less walkable and further from transit. No residential growth is projected in other unincorporated areas.

Table 7-1, *Alternatives Description and Statistical Comparison*, starting on page 7-9 of the Draft PEIR, summarizes the growth potential at buildout under this alternative and the net change compared with the Countywide Plan. This alternative would increase population by 8 percent, increase housing by 15 percent, and increase employment by 2 percent.

Since new growth would be concentrated, this alternative would reduce development footprints, reducing impacts to biological and mineral resources. It would reduce VMT, resulting in decreases to air quality, GHG emissions, and transportation and traffic impacts. It would also reduce impacts to hazards (wildfire), public services, and utilities and service systems. Overall, it would reduce impacts to 8 environmental categories. *It would eliminate significant, unavoidable impacts of the Countywide Plan related to wildfire, mineral resources, and transportation and traffic.* However, it would increase impacts to aesthetics, agriculture and forestry resources, geology and soils (due to higher seismic activity in the Valley), and land use and planning impacts due to the introduction of residential development in the primarily agricultural community of Mentone. Remaining impacts—cultural resources, hydrology and water

quality, noise, population and housing, recreation, and tribal cultural resources—would be similar to the Countywide Plan.

Finding

The Concentrated Suburban Growth alternative could achieve the project objectives. Because it would place both new housing and employment in areas with existing infrastructure, it would provide logical, cost-effective, fiscally sustainable provision of public services and infrastructure. Extra effort would be required, however, to ensure that higher densities in the Valley Region would not jeopardize the existing character and heritage goal for this region. This alternative could be developed by providing the collaboration, resiliency, security, and stewardship that is provided by the Countywide Plan.

The Concentrated Growth Alternative has been identified as the environmentally superior alternative because it would reduce 8 of the 18 environmental topics in comparison to the CWP and would reduce 3 of the significant, unavoidable impacts to less than significant. The potential wildfire (hazards), mineral resources, and transportation/traffic impacts would be reduced to less than significant under this alternative. This alternative, however, would increase four impacts in comparison to the proposed project—aesthetics, agricultural resources (impact to Mentone existing agricultural uses), geology/soils (related to the more seismically active Valley Region), and land use and planning. These impacts, however, would be mitigated to less than significant under this alternative.

As summarized above, this alternative could achieve the majority of the project objectives. Due to the higher densities in the Valley, however, this alternative could jeopardize the existing character and heritage goal for this region. As a result, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative for the reasons identified in the Final PEIR.

V. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered “acceptable” (State CEQA Guidelines § 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the FEIR or elsewhere in the administrative record (State CEQA Guidelines § 15093 [b]). The agency’s statement is referred to as a Statement of Overriding Considerations.

The following provides a description of the project’s significant and unavoidable adverse impact and the justification for adopting a statement of overriding considerations.

A. SIGNIFICANT AND UNAVOIDABLE IMPACTS

Although most potential project impacts have been substantially avoided or mitigated, there remain 15 project impacts for which complete mitigation is not feasible. The Draft PEIR identified the following significant unavoidable adverse impacts of the Countywide Plan:

Air Quality

- **Impact 5.3-1.** Growth associated with CWP buildout would not exceed Southern California Association of Governments' forecasts, but emissions generated by the growth have the potential to exceed emission forecasts in the South Coast Air Quality Management District (SCAQMD) and Mojave Desert Air Quality Management District (MDAQMD) Air Quality Management Plans. Therefore, despite adherence to Mitigation Measure AQ-1 and AQ-2, Impact 5.3-1 would remain *significant and unavoidable*.
- **Impact 5.3-2.** Buildout of the CWP would generate a net increase of 49,680 people and 12,546 jobs, resulting in an increase in criteria air pollutant emissions from transportation, energy, and area sources that would exceed the SCAQMD and MDAQMD significance thresholds and would contribute to the nonattainment designations of the South Coast Air Basin (SoCAB) and Mojave Desert Air Basin (MDAB). Therefore, despite adherence to Mitigation Measure AQ-1, Impact 5.3-2 as it pertains to the CWP would remain *significant and unavoidable*.
- **Impact 5.3-3.** Implementation of the proposed project would occur over 20 years or longer. Construction activities associated with development allowed under the Countywide Plan could generate short-term emissions that exceed the SCAQMD and MDAQMD significance thresholds during this time and cumulatively contribute to the nonattainment designations of the SoCAB and MDAB. Implementation of Mitigation Measure AQ-2, in addition to applicable regulatory measures and Policy Plan goals and policies related to reducing construction-related emissions, would reduce criteria air pollutant emissions from construction-related activities to the extent feasible and may result in reducing construction-related regional air quality impacts of subsequent individual projects to less than significant. However, due to the programmatic nature of the proposed project, construction time frames and equipment for individual site-specific projects are not available, and there is a potential for multiple developments to be constructed at any one time, resulting in significant construction-related emissions. Therefore, despite adherence to Mitigation Measure AQ-2, Impact 5.3-3 would remain *significant and unavoidable*.
- **Impact 5.3-4.** Development allowed by the Countywide Plan could result in new sources of criteria air pollutant emissions and/or toxic air contaminants (TACs) near existing or planned sensitive receptors. Review of development projects by SCAQMD or MDAQMD for permitted sources of air toxics (e.g., industrial facilities, dry cleaners, and gasoline dispensing facilities) in addition to Countywide Plan Policies would ensure that health risks are minimized. Additionally, Mitigation Measure AQ-3 would ensure mobile sources of TACs not covered under SCAQMD or MDAQMD permits are considered during subsequent project-level environmental review by the County. Individual development projects would be required to achieve the incremental risk thresholds established by SCAQMD or MDAQMD, and TAC project-level impacts would be less than significant. However, implementation of the Countywide Plan would generate TACs that could contribute to elevated levels in the air basins. While individual projects would achieve the project-level risk threshold of 10 per million, they would nonetheless contribute to the higher levels of risk in the SoCAB. Therefore, the Countywide Plan's cumulative contribution to health risk is *significant and unavoidable*.

Biological Resources

- **Impact 5.4-1.** A substantial area of special-status species habitat occurs within proposed development areas. It is unknown at this time the total area of habitat that would be impacted and whether impacts on a project-level could be mitigated to below a level of significance; therefore, after implementation of mitigation measure BIO-1, the potential remains for Impact 5.4-1 to be *significant and unavoidable*.
- **Impact 5.2-2.** A substantial area of special-status vegetation communities occurs within proposed development areas. The total area of these communities that would be impacted is unknown. It is also unknown whether impacts on a project-level could be mitigated to below a level of significance. Therefore, despite adherence to Mitigation Measure BIO-1, Impact 5.2-2 would remain *significant and unavoidable*.

Greenhouse Gas Emissions

- **Impact 5.7-1.** The County of San Bernardino would experience a decrease in greenhouse gas emissions from existing conditions but would not achieve the GHG reduction targets established under Senate Bill (SB) 32 or Executive Order B-03-05. Therefore, despite adherence to Mitigation Measure GHG-1, Impact 5.7-1 would remain *significant and unavoidable*.

Hazards and Hazardous Materials

- **Impact 5.8-6.** Due to slope, prevailing winds, and other factors, unincorporated growth in or near state responsibility areas or lands classified as very high fire hazard severity zones could expose occupants to or exacerbate risks from pollutant concentrations from a wildfire or from the uncontrolled spread of a wildfire. Consequently, Impact 5.8-6 would remain *significant and unavoidable*.
- **Impact 5.8-8.** Unincorporated growth may expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of postfire slope instability. Consequently, Impact 5.8-8 would remain *significant and unavoidable*.

Mineral Resources

- **Impact 5.11-1.** Project implementation would result in the loss of availability of a known mineral resource. Therefore, Impact 5.11-1 would remain *significant and unavoidable*.

Noise

- **Impact 5.12-1.** Construction activities would result in temporary noise increases. Therefore, Impact 5.12-1 would remain *significant and unavoidable*.
- **Impact 5.12-2.** Buildout of the CWP would cause a substantial noise increase related to traffic on highways and local roadways and could locate sensitive receptors in areas that exceed established noise standards. Therefore, Impact 5.12-2 would remain *significant and unavoidable*.

Transportation

- **Impact 5.16-3.** Trip generation related to land use development under the projected 2040 buildout of the CWP would exceed the County's vehicle miles traveled (VMT) reduction threshold (4 percent reduction in VMT/person (residential) and 4 percent reduction in VMT/employee in comparison to existing VMT/person (or employee). Therefore, Impact 5.16-3 would remain *significant and unavoidable*.

B. PROJECT BENEFITS IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS

This section describes the benefits of the proposed project that outweigh the project's unavoidable adverse effects and provides specific reasons for considering the project acceptable even though the Final PEIR has indicated that there will be 15 significant project impacts for which complete mitigation is not feasible. Accordingly, this Statement of Overriding Considerations has been prepared regarding potentially significant adverse environmental impacts resulting from the Countywide Plan. Pursuant to CEQA Guidelines §15093(c), the Statement of Overriding Considerations will be included in the record of the project approval and will also be noted in the Notice of Determination. Each of the identified benefits provides a separate and independent basis for overriding the significant environmental effects of the Countywide Plan.

Having reduced the potential effects of the Countywide Plan through all feasible mitigation measures, and balancing the benefits of the proposed project against its potential and unavoidable adverse impacts to Air Quality, Biological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Mineral Resources, Noise, and Transportation and Traffic, the County finds that the following legal requirements and benefits of the Countywide Plan individually and collectively outweigh the potentially significant unavoidable adverse impacts.

1. Implements the Objectives Established for the Countywide Plan

The Countywide Plan would provide goals and policies that would facilitate and achieve the project objectives:

- Recognition, preservation, and celebration of the distinct character, history, culture, and heritage of the County and its communities.
- Greater coordination within the County government alongside expanded partnerships with other public and private entities to create a more complete County.
- A pattern of growth and development that facilitates logical, cost-effective, and fiscally sustainable provision of public services and infrastructure.
- Active and engaged people and communities with access to infrastructure and services to support physical, social, and economic health and well-being.
- Diverse opportunities for residents to pursue their desired standard and style of living.

- A County with a system of communities and services that can persevere in the face of emergencies, external forces, or unexpected circumstances.
- A real and perceived sense of safety that allows and encourages people, businesses, and organizations to thrive, build community, and invest.
- Communities that protect the viability of natural resources and open spaces as valuable environmental, aesthetic, and economic assets.

2. Provides an Increase in Housing to Meet the County’s Regional Housing Needs

The CWP would introduce 15,368 housing units in the unincorporated areas of the county. To make meaningful reforms to the housing crisis in California, the State Department of Housing and Community Development (HCD) recently declared that cities and counties in Southern California will have to plan for the construction of 1.3 million new homes in the next decade. The Southern California Association of Governments (SCAG) will distribute the increased targets to jurisdictions based on factors such as jobs, households, and affordability. For cities and counties that do not perform, the state can withhold state transportation revenue generated from Senate Bill 1 (2017). The CWP includes several policies to support a variety of housing types and densities to accommodate residents in the county. They include:

- **H-1.1** Appropriate range of housing. We encourage the production and location of a range of housing types, densities, and affordability levels in a manner that recognizes the unique characteristics, issues, and opportunities for each community.
- **H-1.2** Concurrent infrastructure. We support the integrated planning and provision of appropriate infrastructure (including water, sewer, and roadways) concurrent with and as a condition of residential development to create more livable communities.
- **H-1.3** Quality multiple-family standards. We enforce multiple-family residential development standards, amenity requirements, and other regulations to ensure the development of quality rental and homeownership opportunities for residents.
- **H-2.6** Critical infrastructure. We ensure the efficient provision of critical infrastructure needed to accompany residential development and the building of complete communities and ensure that the costs are fairly apportioned to the development community.

Additionally, the CWP presents a development pattern that is more affordable for existing and future households, allowing for residential growth on lower-priced land that is still nearby local services in the Mountain/Desert regions.

3. Consistency with the Regional Goals in the RTP/SCS

SCAG’s 2016-2040 RTP/SCS was adopted April 7, 2016. The RTP/SCS identifies that land use strategies that focus on new housing and job growth in areas served by high quality transit and other opportunity areas would be consistent with a land use development pattern that supports and complements the proposed transportation network. The overarching strategy in the 2016-2040

RTP/SCS is to provide for a plan that allows the southern California region to grow in more compact communities in existing urban areas; provide neighborhoods with efficient and plentiful public transit and abundant and safe opportunities to walk, bike, and pursue other forms of active transportation; and preserve more of the region's remaining natural lands.

The Countywide Plan provides goals and policies that would be consistent with the goals of the RTP/SCS. For instance, the CWP would address economic growth by creating a skilled and educated labor force to help businesses compete locally and globally. The plan also fosters the retention and expansion of existing businesses and supports tourism in the county on a regional and national scale. The CWP covers topics such as roadway capacity, new transportation options, support for public transit providers, and ensuring safe truck traffic and airport and land use compatibility. The complete streets issues covered include mobility for users of all ages and abilities in more densely populated core areas, transit service, regional bicycle network, local bicycle and pedestrian networks, safety strategies for all users, funding mechanisms, and guidance to continue collaborating with SBCTA, Caltrans, and other agencies. Furthermore, the CWP's Transportation and Mobility Element establishes policies that improve travel safety such as interjurisdictional roadway consistency, emergency access, atypical intersection controls, context-based features (such as snow plowing lanes), first/last mile connectivity, and bike and pedestrian safety.

4. Preserves Community Identity

The Countywide Plan includes several policies that aim at recognizing and preserving the distinct character of the county and its communities. These policies include:

- **LU-4.1** Context-sensitive design in the Mountain/Desert regions. We require new development to employ site and building design techniques and use building materials that reflect the natural mountain or desert environment and preserve scenic resources.
- **LU-4.5** Community identity. We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3, *Community Character*, and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development.

Table LU-3 Community Character

Community Category	Key Characteristics and Features
Valley Communities Bloomington, Mentone, Muscoy, San Antonio Heights	<ul style="list-style-type: none"> • A suburban lifestyle characterized by a mix of lot sizes and/or land uses in proximity to urban services and facilities. • Views of canyons and hills within the community planning area (Mentone and San Antonio Heights). • Economic activity that benefits local residents and/or serves the local economy.
Mountain Communities Angelus Oaks, Bear Valley ¹ , Crest Forest ² , Hilltop ³ , Lake Arrowhead ⁴ , Lytle Creek, Mt Baldy, Oak Glen, Wrightwood	<ul style="list-style-type: none"> • A rural lifestyle characterized by low density neighborhoods oriented around commercial or recreational nodes, and the prevalence of the forest and mountain landscapes and natural resources. • Abundant views of open spaces, natural features, and dark skies. • Scenic, natural, and recreational features that serve as the foundation of the community's local economy and attract tourists. • Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses.
Rural Desert Communities Baker, El Mirage, Homestead Valley ⁵ , Lucerne Valley, Morongo Valley, Newberry Springs, Oak Hills, Pioneertown ⁶ , Phelan/Pinon Hills	<ul style="list-style-type: none"> • A rural lifestyle characterized by the predominance of large lots, limited commercial development, and the prevalence of the desert landscape and natural resources. • Abundant views of open spaces, natural features, and dark skies. • Scenic, natural, and/or recreational features that serve as the foundation of the community's local economy and attract tourists. • Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses. • Mining of mineral resources with minimal negative impacts on local residents.
Desert Village Communities Daggett, Helendale, Joshua Tree, Oro Grande, Yermo	<ul style="list-style-type: none"> • A rural context with clusters of housing in proximity to commercial development and public facilities, and larger lots farther from the commercial core. • Abundant views of open spaces, natural features, and dark skies especially outside of clustered development. • Scenic, natural, and/or recreational features that serve as the foundation of the community's local economy and attract tourists. • Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses. • Mining of mineral resources with minimal negative impacts on local residents (Oro Grande and Yermo).

Notes:

¹ Bear Valley includes: Baldwin Lake, Big Bear City, Erwin Lake, Fawnskin/Northshore, Lake Williams, Moonridge, Sugarloaf.

² Crest Forest includes: Cedarpines Park, Crestline, Lake Gregory, Valley of Enchantment.

³ Hilltop includes: Arrowbear, Green Valley Lake, Running Springs.

⁴ Lake Arrowhead includes: Agua Fria, Blue Jay, Cedar Glen, Crest Park, Deer Lodge Park, Lake Arrowhead, Rimforest, Skyforest, Twin Peaks.

⁵ Homestead Valley includes: Flamingo Heights, Johnson Valley, Landers, Yucca Mesa.

⁶ Pioneertown includes: Gamma Gulch, Pioneertown, Pipes Canyon, Rimrock.

- **LU-4.6** Adaptive reuse. We encourage the rehabilitation, adaptive reuse, and revitalization of existing structures to preserve and celebrate the unique sense of place, identity, and history of our communities.

Furthermore, the CWP recognizes the importance of maintaining the current and desired character and identity of its unincorporated Valley Region communities. The CWP focuses concentrated growth into unincorporated Valley Region communities that expressed a desire to grow in a more intense

manner, thus preserving the ability of other unincorporated Valley Region communities to maintain their lower intensity land use patterns and semirural nature.

The CWP also allows for incremental growth in the Mountain/Desert regions in recognition of the existing property rights and limited development interests present across the unincorporated parts of these regions.

5. Promotes the City's Economic Vision

The Countywide Plan supports the County's economic vision by including economic strategies that reflect the changing condition. The economic development element of the CWP aims to:

- Provide direction for County efforts to attract private investment in nonresidential development in unincorporated areas of the county.
- Focuses countywide investments in workforce development on growing occupations and industries.
- Establishes the County's intent to invest in economic development in order to improve the countywide jobs housing ratio.
- Identifies the means through which the County promotes countywide economic development.

6. Other Considerations

There are unavoidable, significant impacts in seven categories—Air Quality, Biological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Mineral Resources, Noise, and Transportation and Traffic. If the County does not update the existing General Plan, the impacts to all seven categories would be greater. Even without any growth in the county, which is not a realistic scenario, the significant impacts relating to air quality and GHG emissions will occur simply due to regional growth.

C. Conclusion

The San Bernardino Board of Supervisors has balanced the Countywide Plan's benefits against its significant, unavoidable impacts. The Board of Supervisors finds that the Countywide Plan's benefits, which aim to enhance the County of San Bernardino and comply with current legislations, outweigh its significant unavoidable impacts, and these impacts are therefore considered acceptable. The Board of Supervisors finds that each of the benefits described above is an overriding consideration, independent of the other benefits, that warrants approval of the project notwithstanding the project's significant unavoidable impacts.

VI. FINDINGS ON RESPONSES TO COMMENTS ON THE DRAFT PEIR AND REVISIONS TO THE FINAL PEIR

The Final PEIR contains response to comments, revisions, clarifications, and corrections to the Draft PEIR. The focus of the response to comments is on the disposition of significant environmental issues as raised in the comments, as specified by State CEQA Guidelines Section 15088(b). The County provided written responses to each comment made by a public agency, as set forth in Section 2 of the Final PEIR, pursuant to State CEQA Guidelines Section 15088(b).

County staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the Draft PEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the Draft PEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5 of the CEQA Guidelines.

EXHIBIT L

Mitigation Monitoring and Reporting Program

August 2020 | Mitigation Monitoring and Reporting Program
State Clearinghouse No. 2017101033

San Bernardino Countywide Plan

for County of San Bernardino

Prepared for:

County of San Bernardino

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1. Mitigation Monitoring and Reporting Program

1.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program has been developed to provide a vehicle by which to monitor mitigation measures and conditions of approval outlined in the San Bernardino Countywide Plan Draft Program Environmental Impact Report (PEIR) and the Final PEIR (State Clearinghouse No. 2017101033). The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6 of the Public Resources Code. Section 21081.6 states:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
 - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
 - (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

The State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The County of San Bernardino is the lead agency for the San Bernardino Countywide Plan and is therefore responsible for implementing the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

The MMRP consists of the mitigation program and the measures to implement and monitor the mitigation program. The MMRP defines the following for the mitigation measure outlined in Table 1, *Mitigation Monitoring Requirements*:

- **Definition of Mitigation.** The mitigation measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.

Mitigation Monitoring and Reporting Program

- **Responsible Party.** Unless otherwise indicated, the project applicant is the responsible party for implementing the mitigation measures.
- **Responsible Monitoring Party or Designated Representative.** Unless otherwise indicated, the County of San Bernardino or a designated representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation measure will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.
- **Time Frame.** In each case, a time frame is provided for performance of the mitigation measure or review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from local, state, and federal agencies with permitting authority over the specific activity.
- **Monitor Verification & Signature/Date.** For each mitigation measures, the monitoring party or designated representative shall sign and date this portion of Table 1, *Mitigation Monitoring Requirements*, of this MMRP once the mitigation measure is complied with fully. Where more than one designated representative is identified, signatures from all representatives shall be required.

The numbering system in Table 1 corresponds with the numbering system used in the Draft PEIR. The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the mitigation measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the County of San Bernardino. The completed MMRP and supplemental documents will be kept on file at the County of San Bernardino Land Use Services Department.

1.2 PROJECT LOCATION

At just over 20,000 square miles, San Bernardino County is the largest county in the nation. It is bordered by Los Angeles County, Orange County, and Kern County on the west; Inyo County and the southwest corner of Clark County, Nevada, on the north; the Colorado River and the states of Arizona and Nevada on the east; and Riverside County on the south. Regional connectivity to San Bernardino County is provided by Interstate 15 (I-15), I-40, I-10, U.S. Route 395, and State Route 58.

The county is defined primarily by its four geographical subregions—the Valley, Mountain, North Desert, and East Desert. Only 4 percent of the land in the county is in incorporated jurisdictions; 96 percent of the land area is unincorporated. However, of the unincorporated area, nearly all (87 percent) is outside of the County’s administrative control (primarily under federal control).

Mitigation Monitoring and Reporting Program

1.3 PROJECT SUMMARY

The proposed project is a comprehensive plan that is driven by the Countywide Vision (2011) and meets California Code requirements for a general plan. The Countywide Plan includes four major components:

1. **A County Policy Plan**, an update and expansion of the County’s General Plan, including a new approach to county planning that includes social services, healthcare services, public safety, and other regional county services provided in both incorporated and unincorporated areas.
2. **A Community Action Guide** to replace existing Community Plans with a greater focus on community self-reliance, grass-roots action, and implementation. Goals, policies, land use, and infrastructure decisions for the community planning areas will be addressed in the County Policy Plan.
3. **A County Business Plan**, with governance policies, operational metrics, and implementation strategies that outline the County’s approach to providing municipal services in the unincorporated areas and regional services for both incorporated and unincorporated areas.
4. **A Regional Issues Forum**, an online resource for sharing information and resources related to issues confronting the county as a whole, including the work of the Countywide Vision element groups.

The PEIR focuses on the potential County Policy Plan because it is this component that includes the proposed land use designations and policies that have the potential to result in physical environmental impacts.

The following impact categories and their associated impact thresholds were examined in the PEIR:

- | | |
|---------------------------------|-----------------------------|
| ■ Aesthetics | ■ Land Use/Planning |
| ■ Agricultural/Forest Resources | ■ Mineral Resources |
| ■ Air Quality | ■ Noise |
| ■ Biological Resources | ■ Population/Housing |
| ■ Cultural Resources | ■ Public Services |
| ■ Energy | ■ Recreation |
| ■ Geology and Soils | ■ Transportation/Traffic |
| ■ Greenhouse Gas Emissions | ■ Tribal Cultural Resources |
| ■ Hazards/Hazardous Materials | ■ Utilities/Service Systems |
| ■ Hydrology/Water Quality | |

It should be noted that Table 1, *Mitigation Monitoring Requirements*, does not include those topics for which no mitigation beyond existing regulatory measures are required to mitigate impacts to less than significant.

Mitigation Monitoring and Reporting Program

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Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
5.3 AIR QUALITY				
<p>3-1 Prior to discretionary approval by the County for development projects subject to California Environmental Quality Act (CEQA) review (i.e., nonexempt projects), project applicants shall prepare a technical assessment evaluating potential air quality impacts related to the project operation phase and submit it to the County Land Use Services Department for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology, for projects in the South Coast Air Basin (SoCAB), and conformance with the Mojave Desert Air Quality Management District (MDAQMD) for projects in the Mojave Desert Air Basin (MDAB). If operation-related air pollutants are determined to have the potential to exceed the SCAQMD/MDAQMD-adopted thresholds of significance, the County Land Use Services Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the conditions of approval. Possible mitigation measures to reduce long-term emissions can include, but are not limited to the following, and shall consider new and emerging strategies that may be available during the project lifetime:</p> <ul style="list-style-type: none"> ▪ For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions. ▪ Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power in appropriate applications to optimize renewable energy generation systems and avoid peak energy use. ▪ Site-specific developments with truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with Section 2485 of 13 CCR Chapter 10. ▪ Provide changing/shower facilities as specified, at minimum, or greater than in the guidelines in Section A5.106.4.3 of the CALGreen Code (Nonresidential Voluntary Measures). ▪ Provide bicycle parking facilities equivalent to or greater than as specified in Section A4.106.9 (Residential Voluntary Measures) of the CALGreen Code. 	Project applicant	Prior to discretionary project approval	San Bernardino County Land Use Services Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> ▪ Provide preferential parking spaces for low-emitting, fuel-efficient, and carpool/van vehicles equivalent to or greater than Section A5.106.5.1 of the CALGreen Code (Nonresidential Voluntary Measures). ▪ Provide facilities to support electric charging stations per Section A5.106.5.3 (Nonresidential Voluntary Measures) and Section A5.106.8.2 (Residential Voluntary Measures) of the CALGreen Code. ▪ Applicant-provided appliances shall be Energy Star-certified appliances or appliances of equivalent energy efficiency (e.g., dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star-certified or equivalent appliances shall be verified by Building & Safety during plan check. ▪ Applicants for future development projects along existing and planned transit routes shall coordinate with the County of San Bernardino and the applicable transit agency to ensure that bus pad and shelter improvements are incorporated, as appropriate. 				
<p>3-2 Prior to issuance of any construction permits for development projects subject to California Environmental Quality Act review (i.e., non-exempt projects), development project applicants shall prepare and submit to the County Land Use Services Department a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology for projects within the South Coast Air Basin (SoCAB), and conformance with the Mojave Desert Air Quality Management District (MDAQMD) for projects in the Mojave Desert Air Basin (MDAB). If construction-related criteria air pollutants are determined to have the potential to exceed the adopted thresholds of significance of the applicable air district, the County Land Use Development Services Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds. These identified measures shall be incorporated into appropriate construction documents (e.g., construction management plans) submitted to the County and shall be verified by the County's Public Works Department. Mitigation measures to reduce construction-related emissions could include, but are not limited to the following, and shall consider new and emerging strategies that may be available during the project lifetime:</p> <ul style="list-style-type: none"> ▪ Use of construction equipment rated by the United States Environmental Protection Agency as having Tier 3 (model year 2006 or newer) or Tier 4 (model year 2008 or newer) emission limits, applicable for engines between 50 and 750 horsepower. A list of 	Project applicant	Prior to issuance of construction permits	San Bernardino County Land Use Services Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>construction equipment by type and model year shall be maintained by the construction contractor on-site and available for County review upon request.</p> <ul style="list-style-type: none"> ▪ Ensure construction equipment is properly serviced and maintained to the manufacturer's standards. ▪ Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible. ▪ Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g., five minute maximum). ▪ Preparation and implementation of a fugitive dust control plan that may include the following measures: <ul style="list-style-type: none"> ▪ Disturbed areas (including storage piles) that are not being actively utilized for construction purposes shall be effectively stabilized using water or chemical stabilizer/suppressant, or covered with a tarp or other suitable cover (e.g., revegetated). ▪ On-site unpaved roads and offsite unpaved access roads shall be effectively stabilized using water or chemical stabilizer/suppressant. ▪ Land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled utilizing application of water or by presoaking. ▪ Material shall be covered or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained when materials are transported off-site. ▪ Operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.) ▪ Following the addition of materials to or the removal of materials from the surface of outdoor storage piles, said piles shall be effectively stabilized to prevent fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. ▪ Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. 				

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> ▪ Any site with 150 or more vehicle trips per day shall prevent carryout and trackout. ▪ Limit traffic speeds on unpaved roads to 15 mph. ▪ Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent. ▪ Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the project area. 				
<p>3-3 Applicants for new discretionary industrial or warehousing projects or commercial land uses that would generate substantial diesel truck travel—i.e., 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day based on the California Air Resources Board recommendations for siting new sensitive land uses, or 50 or more truck trips per day if surrounding land uses within 1,000 feet generate 50 or more trucks per day—shall contact the South Coast Air Quality Management District (SCAQMD) or Mojave Desert Air Quality Management District (MDAQMD) in conjunction with County staff to determine the appropriate level of health risk assessment (HRA) required. If preparation of an HRA is required, all HRAs shall be submitted to the County Land Use Services Department and the SCAQMD or MDAQMD for evaluation.</p> <p>The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and SCAQMD, for projects within the South Coast Air Basin (SoCAB), or MDAQMD for projects within the Mojave Desert Air Basin (MDAB). The HRA shall consider cumulative impacts from industrial/warehouse projects within 1,000 feet of the boundary of the project site. If the HRA shows that the project-level or cumulative incremental cancer risk exceeds ten in one million (10E 06) or the risk thresholds in effect at the time a project is considered, or that the appropriate noncancer hazard index exceeds 1.0 or the thresholds as determined by SCAQMD or MDAQMD at the time a project is considered, the applicant will be required to identify and demonstrate that measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms.</p> <p>Measures to reduce risk impacts may include but are not limited to:</p> <ul style="list-style-type: none"> ▪ Restricting idling onsite beyond Air Toxic Control Measures idling restrictions, as feasible. ▪ Electrifying warehousing docks. ▪ Require operators of heavy-duty trucks visiting the project site commit to using 2010 model year or newer engines that meet the California Air Resources Board's (CARB) 	Project applicant	Prior to discretionary project approval	South Coast Air Quality Management District (SCAQMD) or Mojave Desert Air Quality Management District (MDAQMD) and San Bernardino County Land Use Services Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	<p>2010 engine standard of 0.01 grams per brake horsepower-hour (g/bhp-hr) for particulate matter and 0.02 g/bhp-hr for NOx.</p> <ul style="list-style-type: none"> ▪ Requiring use of newer equipment and/or vehicles. ▪ Restricting offsite truck travel through the creation of truck routes and require trucks to utilize the truck routes identified. ▪ Require that entrances and exits are designed to avoid or minimize truck travel on roadways with sensitive receptors. ▪ Require truck docking bays be positioned away from sensitive receptors. ▪ Restrict overnight parking of trucks in residential areas. ▪ Require operators maintain records of all trucks entering and existing the site, including <ul style="list-style-type: none"> – Type of truck (straight truck or tractor-trailer), – Vehicle identification number, – Model year of the truck, and – Truck fuel type. <p>Measures identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project.</p>				
3-4	<p>If it is determined during project-level environmental review that a discretionary project has the potential to emit nuisance odors beyond the property line, an odor management plan shall be prepared and submitted by the project applicant prior to project approval to ensure compliance with the South Coast Air Quality Management District (SCAQMD) Rule 402 for projects within the South Coast Air Basin (SoCAB) or Mojave Desert Air Quality Management District (MDAQMD) Rule 402 for projects within the Mojave Desert Air Basin (MDAB). The following facilities that are within the specified buffer distances specified from sensitive receptors (in parentheses) have the potential to generate substantial odors:</p> <ul style="list-style-type: none"> ▪ Wastewater Treatment Plan (2 miles) ▪ Sanitary Landfill (1 mile) ▪ Transfer Station (1 mile) ▪ Composting Facility (1 mile) ▪ Petroleum Refinery (2 miles) 	Project applicant	Prior to discretionary project approval	San Bernardino County Land Use Services Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)	
<ul style="list-style-type: none"> ▪ Asphalt Batch Plan (1 mile) ▪ Chemical Manufacturing (1 mile) ▪ Fiberglass Manufacturing (1 mile) ▪ Painting/Coating Operations (1 mile) ▪ Food Processing Facility (1 mile) ▪ Feed Lot/ Dairy (1 mile) ▪ Rendering Plant (1 mile) <p>The Odor Management Plan prepared for these facilities shall identify control technologies that will be utilized to reduce potential odors to acceptable levels, including appropriate enforcement mechanisms. Control technologies may include but are not limited to scrubbers (e.g., air pollution control devices) at an industrial facility. Control technologies identified in the odor management plan shall be identified as mitigation measures in the environmental document and/or incorporated into the site plan.</p>					
5.4 Biological Resources					
4-1	For each development project that would disturb special status vegetation on vacant land, or that might impact a wildlife movement corridor or jurisdictional waters pursuant to the CWP and subject to CEQA, a qualified biologist shall determine the potential for a significant biological resource impact and determine whether a field survey of the project site is warranted. If warranted, a qualified biologist shall prepare a biological resources technical report meeting current requirements of CEQA, and addressing applicable County goals and policies, applicable Habitat Conservation Plans and Natural Community Conservation Plans, and applicable federal, state, and local regulatory requirements. The report shall include documentation of biological resources present or potentially present (including special-status species, special-status vegetation communities, jurisdictional waters, and wildlife movement corridors), an impacts analysis, avoidance measures, and mitigation measures to reduce significant impacts to less than significant if applicable and feasible.	Project applicant	Prior to discretionary project approval	San Bernardino County Land Use Services Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
5.5 CULTURAL RESOURCES				
5-1	In areas of documented or inferred historic resource presence, prior to construction or demolition activities that may impact historic resources, a historical resources assessment shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's PQS in architectural history or history. Potential historic resources include buildings, structures, objects, sites, historic districts, and landscape/site plan features falling within the project area and its immediate vicinity that are at least 45 years of age and are not substantially altered. The qualified architectural historian or historian shall conduct an evaluation of the potential historic resources in accordance with the guidelines and best practices promulgated by the State OHP and shall document the evaluation in a report meeting the State OHP guidelines, on Department of Parks and Recreation Series 523 forms. The report will be submitted to the County for review and concurrence, to ensure that any project requiring rehabilitation or alteration of a historical resource will not impair its significance.	Project applicant	Prior to construction or demolition activities	San Bernardino County Land Use Services Department
5-2	In areas of documented or inferred archaeological resource presence, archaeological resource assessments shall be required prior to ground disturbance related to a development project. To determine the archaeological sensitivity of a proposed Project area, the County may rely on an expert opinion from the County Museum staff, or on the results of a CHRIS records search at the SCCIC or the Sacred Lands File maintained by the NAHC. Archaeological resources assessments shall be performed under the supervision of an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in either prehistoric or historic archaeology. The archaeological resources assessment shall include a Phase I pedestrian survey, undertaken to locate any surface cultural materials that may be present.	Project applicant	Prior to ground disturbance activities	San Bernardino County Land Use Services Department
5-3	If potentially significant archaeological resources are identified through an archaeological resources assessment, and impacts to these resources cannot be avoided, a Phase II Testing and Evaluation investigation shall be performed by an archaeologist who meets the PQS prior to any construction-related ground-disturbing activities to determine significance. If resources determined significant or unique through Phase II testing, and site avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. These might include a Phase III data recovery program implemented by a qualified archaeologist and performed in accordance with the OHP's Archaeological	Project applicant	Prior to ground disturbance activities	San Bernardino County Land Use Services Department

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
5-4	Resource Management Reports (ARMR): Recommended Contents and Format (OHP 1990) and Guidelines for Archaeological Research Designs (OHP 1991). If the archaeological assessment did not identify potentially significant archaeological resources within the proposed project area but indicated the area to be highly sensitive for archaeological resources, a qualified archaeologist shall prepare a monitoring plan for all ground-disturbing construction and pre-construction activities in areas with previously undisturbed soil. The archaeologist shall inform all construction personnel prior to construction activities of the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the project's initial on-site safety meeting, and shall explain the importance and legal basis for the protection of significant archaeological resources. In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities in the immediate vicinity of the discovery shall be halted while the resources are evaluated for significance by an archaeologist who meets the PQS, and, if necessary, develop appropriate treatment or disposition of the resources in consultation with the County and a representative of the affected Native American tribe. Where it is determined that significant cultural resources with Native American affiliation are discovered, the collection policies, analysis, and curation of any materials from the site shall be determined through consultation with the tribal representative designated by the County. Any significant cultural resources discovered that lack any Native American affiliation shall be curated with a recognized scientific or educational repository.	Project applicant	Prior to ground-disturbing construction and pre-construction activities	San Bernardino County Land Use Services Department	
5-5	In areas of documented or inferred paleontological resource presence, development projects proposed on previously undisturbed soils shall require consultation with a qualified paleontologist meeting the standards of SVP (2010)). The initial consultation may be provided by a qualified paleontologist on staff at the County Museum. The qualified paleontologist will determine the degree of paleontological resource sensitivity, as outlined below, and will recommend a project-specific paleontological resources monitoring and mitigation plan (PRMMP). This plan will address specifics of monitoring and mitigation for the development project, and will take into account updated geologic mapping, geotechnical data, updated paleontological records searches, and any changes to the regulatory framework. This PRMMP should usually meet the standards of the SVP (2010), unless the project is on BLM land or subject to federal jurisdiction, in which case the BLM standards	Project applicant	Prior to ground disturbance activities	San Bernardino County Land Use Services Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>(2009) should be used. The following provisions would be typical for units mapped with the different levels of paleontological sensitivity:</p> <ul style="list-style-type: none"> ▪ High (SVP)/Class 4–5 (BLM)—All projects involving ground disturbances in previously undisturbed areas sediments mapped as having high paleontological sensitivity will be monitored by a qualified paleontological monitor (BLM, 2009; SVP, 2010) on a full-time basis under the supervision of the Qualified Paleontologist. Undisturbed sediments may be present at the surface, or present in the subsurface, beneath earlier developments. This monitoring will include inspection of exposed sedimentary units during active excavations within sensitive geologic sediments. The monitor will have authority to temporarily divert activity away from exposed fossils to evaluate the significance of the find and, should the fossils be determined to be significant, professionally and efficiently recover the fossil specimens and collect associated data. Paleontological monitors will use field data forms to record pertinent location and geologic data, will measure stratigraphic sections (if applicable), and collect appropriate sediment samples from any fossil localities. ▪ Low to High (SVP)/Class 2 to Class 4–5 (BLM)—All projects involving ground disturbance in previously undisturbed areas mapped with low-to-high paleontological sensitivity will only require monitoring if construction activity will exceed the depth of the low sensitivity surficial sediments. The underlying sediments may have high paleontological sensitivity, and therefore work in those units might require paleontological monitoring, as designated by the Qualified Paleontologist in the PRMMP. When determining the depth at which the transition to high sensitivity occurs and monitoring becomes necessary, the Qualified Paleontologist should take into account: a) the most recent local geologic mapping, b) depths at which fossils have been found in the vicinity of the project area, as revealed by the museum records search, and c) geotechnical studies of the project area, if available. ▪ Low (SVP)/Class 2–3 (BLM)—All projects involving ground disturbance in previously undisturbed areas mapped as having low paleontological sensitivity should incorporate worker training to make construction workers aware that while paleontological sensitivity is low, fossils might still be encountered. The Qualified Paleontologist should oversee this training as well as remain on-call in the event fossils are found. Paleontological monitoring is usually not required for sediments with low (Low / Class 2–3) paleontological sensitivity. 				

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	<ul style="list-style-type: none"> ▪ None (SVP)/Class 1 (BLM)—Projects determined by the Qualified Paleontologist to involve ground-disturbing activities in areas mapped as having no paleontological sensitivity (i.e., plutonic igneous or high-grade metamorphic rocks) will not require further paleontological mitigation measures. ▪ Unknown (SVP)/Class U (BLM): All projects involving ground disturbance in previously undisturbed areas mapped as having unknown paleontological sensitivity should retain a Qualified Paleontologist to conduct a field survey of the proposed Project area to determine the sensitivity of the geologic units, after which the relevant mitigation measures can be applied. 				
5-6	<p>In the event of any fossil discovery, regardless of depth or geologic formation, construction work will halt within a 50-ft. radius of the find until its significance can be determined by a Qualified Paleontologist. Significant fossils will be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the SVP (2010) and BLM (2009). A repository will be identified and a curatorial arrangement will be signed prior to collection of the fossils. Although the San Bernardino County Museum is specified as the repository for fossils found in the county in the current General Plan (San Bernardino County, 2007), the museum may not always be available as a repository. Therefore, any accredited institution may serve as a repository.</p>	Project applicant	Prior to ground disturbance activities	San Bernardino County Land Use Services Department	
5.7 GREENHOUSE GAS EMISSIONS					
7-1	<p>Within 18 months of adoption of the Countywide Plan, the County of San Bernardino shall update the County of San Bernardino’s GHG Reduction Plan. The Plan shall provide:</p> <ul style="list-style-type: none"> ▪ GHG inventories of existing, 2030 and 2050 GHG levels; ▪ Targets for 2030 and 2050 from land uses under the County’s jurisdiction based on the goals of SB 32 and Executive Order S-03-05; and ▪ Tools and strategies for reducing GHG emissions in accordance with the 2030 goal. <p>In addition, to implement the GHG Reduction Strategy, the County shall develop key programs, and policies required to promote voluntary, incentive- based measures in the Plan, establish the planning framework for the performance-based development review process, and support and implement the local mandatory GHG reduction measures. These implementation tasks include:</p> <ul style="list-style-type: none"> ▪ Update the community GHG inventory to monitor emissions trends every five years. 	San Bernardino County Land Use Services Department	Within 18 months of adoption of the Countywide Plan,	San Bernardino County Land Use Services Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>▪ In 2030, develop a plan for post-2030 actions.</p> <p>Prior to January 1, 2021, the County of San Bernardino shall appoint an Implementation Coordinator, under the County Executive Officer (CEO) to oversee the successful implementation of all selected GHG reduction strategies. The primary function of the Implementation Coordinator will be to create a streamlined approach to manage implementation of the GHG Reduction Plan. The Implementation Coordinator will also coordinate periodic community outreach to leverage community involvement, interest, and perspectives. The Implementation Coordinator shall prepare annual reports to the County Board of Supervisors on the GHG Plan, including the measures, progress on meeting the emissions goals, and periodic monitoring of emissions.</p> <p>Prior to adoption of the Unincorporated County of San Bernardino’s GHG Reduction Plan update, for projects with a post-2020 buildout date that have potentially significant impacts, the County of San Bernardino shall consider the following measures identified in the 2017 Scoping Plan:</p> <p>Construction</p> <ul style="list-style-type: none"> ▪ Enforce idling time restrictions for construction vehicles ▪ Require construction vehicles to operate with the highest tier engines commercially available ▪ Divert and recycle construction and demolition waste, and use locally-sourced building materials with a high recycled material content to the greatest extent feasible ▪ Minimize tree removal, and mitigate indirect GHG emissions increases that occur due to vegetation removal, loss of sequestration, and soil disturbance ▪ Utilize existing grid power for electric energy rather than operating temporary gasoline/diesel powered generators ▪ Increase use of electric and renewable fuel powered construction equipment and require renewable diesel fuel where commercially available ▪ Require diesel equipment fleets to be lower emitting than any current emission standard <p>Operation</p> <ul style="list-style-type: none"> ▪ Comply with County’s standards for mitigating transportation impacts under SB 743 ▪ Require on-site EV charging capabilities for parking spaces serving the project to meet jurisdiction-wide EV proliferation goals 				

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> ▪ Allow for new construction to install fewer on-site parking spaces than required by local municipal building code, if appropriate⁴ ▪ Dedicate on-site parking for shared vehicles ▪ Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in multi-family residential projects and in non-residential projects ▪ Provide on- and off-site safety improvements for bike, pedestrian, and transit connections, and/or implement relevant improvements identified in an applicable bicycle and/or pedestrian master plan ▪ Require on-site renewable energy generation ▪ Prohibit wood-burning fireplaces in new development, and require replacement of wood-burning fireplaces for renovations over a certain size developments ▪ Require cool roofs and “cool parking” that promotes cool surface treatment for new parking facilities as well as existing surface lots undergoing resurfacing ▪ Require solar-ready roofs ▪ Require organic collection in new developments ▪ Require low-water landscaping in new developments (see CALGreen Divisions 4.3 and 5.3 and the Model Water Efficient Landscape Ordinance [MWELo], which is referenced in CALGreen). Require water efficient landscape maintenance to conserve water and reduce landscape waste. ▪ Achieve Zero Net Energy performance building standards prior to dates required by the Energy Code ▪ Encourage new construction, including municipal building construction, to achieve third-party green building certifications, such as the GreenPoint Rated program, LEED rating system, or Living Building Challenge ▪ Require the design of bike lanes to connect to the regional bicycle network ▪ Expand urban forestry and green infrastructure in new land development ▪ Require preferential parking spaces for park and ride to incentivize carpooling, vanpooling, commuter bus, electric vehicles, and rail service use ▪ Require a transportation management plan for specific plans which establishes a numeric target for non-SOV travel and overall VMT 				

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> ▪ Develop a rideshare program targeting commuters to major employment centers ▪ Require the design of bus stops/shelters/express lanes in new developments to promote the usage of mass-transit ▪ Require gas outlets in residential backyards for use with outdoor cooking appliances such as gas barbeques if natural gas service is available ▪ Require the installation of electrical outlets on the exterior walls of both the front and back of residences to promote the use of electric landscape maintenance equipment ▪ Require the design of the electric outlets and/or wiring in new residential unit garages to promote electric vehicle usage ▪ Require electric vehicle charging station (Conductive/inductive) and signage for non-residential developments ▪ Provide electric outlets to promote the use of electric landscape maintenance equipment to the extent feasible on parks and public/quasi-public lands ▪ Require each residential unit to be "solar ready," including installing the appropriate hardware and proper structural engineering ▪ Require the installation of energy conserving appliances such as on-demand tank-less water heaters and whole-house fans ▪ Require each residential and commercial building equip buildings with energy efficient AC units and heating systems with programmable thermostats/timers ▪ Require large-scale residential developments and commercial buildings to report energy use, and set specific targets for per-capita energy use ▪ Require each residential and commercial building to utilize low flow water fixtures such as low flow toilets and faucets (see CALGreen Divisions 4.3 and 5.3 as well as Appendices A4.3 and A5.3) ▪ Require the use of energy-efficient lighting for all street, parking, and area lighting ▪ Require the landscaping design for parking lots to utilize tree cover and compost/mulch ▪ Incorporate water retention in the design of parking lots and landscaping, including using compost/mulch ▪ Require the development project to propose an off-site mitigation project which should generate carbon credits equivalent to the anticipated GHG emission reductions. This would be implemented via an approved protocol for carbon credits from California Air 				

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)	
<p>Pollution Control Officers Association (CAPCOA), the California Air Resources Board, or other similar entities determined acceptable by the local air district</p> <ul style="list-style-type: none"> ▪ Require the project to purchase carbon credits from the CAPCOA GHG Reduction Exchange Program, American Carbon Registry (ACR), Climate Action Reserve (CAR) or other similar carbon credit registry determined to be acceptable by the local air district ▪ Encourage the applicant to consider generating or purchasing local and California-only carbon credits as the preferred mechanism to implement its off-site mitigation measure for GHG emissions and that will facilitate the State’s efforts in achieving the GHG emission reduction goal. 					
5.11 MINERAL RESOURCES					
11-1	<p>Prior to project approval for proposed development of properties classified as either MRZ-2a, 2b or MRZ-3a as modified by 2013 state designations of significance, a mineral resource evaluation shall be conducted to determine the significance and economic viability of mining the resource. If development of a property would preclude future extraction of a significant mineral resource, in accordance with CEQA, the County shall make the appropriate findings and adopt a Statement of Overriding Considerations prior to permitting development of the property.</p>	Project applicant	Prior to discretionary project approval	San Bernardino County Land Use Services Department	
11-2	<p>Prior to approval of any project on lands classified as either MRZ-2a, 2b or MRZ-3a as modified by 2013 state designations of significance, a report shall be prepared that analyzes the project’s value in relation to the mineral values found onsite. The analysis shall consider the importance of construction aggregate mineral resource onsite to the market region as a whole, and not just the importance of the resources found within the San Bernardino County area. The report shall be submitted to the County, such that the County has adequate information to develop a statement of reasons for permitting the proposed land use to the California Department of Conservation, State Mining and Geology Board, for subsequent review, in accordance with SMARA, Article 2, Section 2762 and 2763 for areas designated of regional significance.</p>	Project applicant	Prior to discretionary project approval	San Bernardino County Land Use Services Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
5.12 NOISE				
12-1 Prior to issuance of demolition, grading and/or building permits on sites adjacent to sensitive receptors, a note shall be provided on construction plans indicating that during grading, demolition, and construction, the project applicant shall be responsible for requiring contractors to implement the following measures to limit construction-related noise: <ul style="list-style-type: none"> ▪ During the entire permitted activity, equipment and trucks used for the project shall utilize the best available noise control techniques (e.g., improved mufflers, intake silencers, ducts, engine enclosures, and acoustical attenuation), wherever feasible. ▪ Require impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered whenever feasible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools. ▪ Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses. ▪ Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors. ▪ Prior to the start of construction activities, a sign shall be posted at the job site, clearly visible to the public, that includes permitted construction days and hours, as well as contact information for the County Building Inspection Supervisor and contractor's authorized representative. If the authorized contractor's representative receives a noise or vibration complaint, he/she shall investigate, take appropriate corrective action, and report the action to the County. ▪ Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes. ▪ During the entire active construction period, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall be responsible for adjusting alarms based on the background noise level, or to utilize human spotters when feasible and in compliance with all safety requirements and laws. ▪ Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the County noise standards and when the anticipated construction duration is greater than is typical (e.g., two years or greater). 	Project applicant	Prior to issuance of demolition, grading and/or building permits	San Bernardino County Land Use Services Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
12-2	Individual projects that use vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, near sensitive receptors shall be evaluated for potential vibration impacts. If construction-related vibration is determined to exceed the maximum level of 0.2 in/sec PPV at residential structures per Development Code Section 83.01.090 additional requirements, such as use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction (e.g., drilled piles to eliminate use of vibration-intensive pile driver).	Project applicant	Prior to construction activities	San Bernardino County Land Use Services Department	
12-3	During the project-level CEQA process for individual discretionary development projects likely to generate noise or vibration exceeding limits established under the CWP or County Development Code at the site of a nearby sensitive receptor, a noise and vibration analysis shall be conducted to assess and mitigate potential noise and vibration impacts related to the operations of that development. This analysis shall be conducted by a qualified, experienced acoustical consultant or engineer and shall follow the latest CEQA guidelines, practices, and precedents.	Project applicant	During the project-level CEQA process	San Bernardino County Land Use Services Department	
12-4	Require that new discretionary residential projects (or other sensitive uses) within 200 feet of existing railroad lines conduct a groundborne vibration and noise evaluation consistent with FTA-approved methodologies.	Project applicant	Prior to discretionary project approval	San Bernardino County Land Use Services Department	
5.16 TRANSPORTATION AND TRAFFIC					
16-1	Prior to approval of discretionary projects subject to VMT reduction analysis and located outside the designated growth areas, applicants shall demonstrate compliance with the County's adopted Transportation Impact Study (TIS) Guidelines for CEQA assessment of VMT impacts. For projects with VMT/capita exceeding the County's significance threshold, a mitigation plan shall be developed and implemented. Mitigation should consist of Transportation Demand Management (TDM) measures analyzed under a VMT-reduction methodology consistent with Chapter 7 of the California Air Pollution Control Officers Association's Quantifying Greenhouse Gas Mitigation Measures (August 2010) and approved by the Traffic Division and Land Use Services Department (if applicable), or the project description should be reviewed and modified to promote reduced VMT.	Project applicant	Prior to discretionary project approval	San Bernardino County Land Use Services Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
16-2	<p>Discretionary projects located within the designated growth areas that are subject to VMT reduction analysis shall develop a VMT reduction plan to achieve a minimum of a four percent reduction in VMT/capita in comparison to existing conditions. At a minimum, the VMT reduction plan shall consider the following TDM measures (estimated potential VMT reduction as shown):</p> <ul style="list-style-type: none"> ▪ UT-6, Integrate affordable and below market rate housing: 0.04 to 1.20 percent. ▪ LUT-9, Improve Design of Development: 3.0 to 21.3 percent. ▪ SDT-1, Provide pedestrian network improvements. Applicable for subdivisions connecting to other development, in areas identified for growth in the CWP, unincorporated Valley region areas, or unincorporated spheres of influence. ▪ SDT-2, Provide Traffic Calming Measures: 0.25 to one percent. Applicable for subdivisions connecting to other development, in areas identified for growth in the CWP, unincorporated Valley region areas, or unincorporated spheres of influence. ▪ TRT-4, Implement Subsidized or Discounted Transit Passes: 0 to 16 percent. Applicable to development within 1/2 mile of a transit system. As such, it would be applicable in the Valley region but less applicable in other areas. ▪ TRT-6, Encourage Telecommuting and Alternative Work Schedules: 0.2 to 4.5 percent. Applicable to the County as the County is and will continue to partner with internet providers to increase coverage within the County to facilitate this application. ▪ TRT-10, Implement a School Pool Program: 7.2 to 15.8 percent reduction in school VMT. Applicable for large developments, i.e., approximately 300 households or more. 	Project applicant	Prior to discretionary project approval	San Bernardino County Land Use Services Department	

Mitigation Monitoring and Reporting Program

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EXHIBIT M

Additional Correspondence

From: [Planning Commission Comments](#)
To: [Vickie Paulsen](#); [Planning Commission Comments](#)
Cc: [Watkins, Karen](#); [Peterson, Suzanne](#); [Blum, Jerry](#)
Subject: RE: Countywide Plan mtg Sept 17
Date: Friday, September 11, 2020 11:23:38 AM
Attachments: [image001.png](#)

Hello Vickie,

Thank you for your feedback on the Newberry Springs Community Action Guide. We have made changes to the plan and profile to reflect your feedback with the exception of the air quality information and the weaknesses section. You can view the updated plan here: countywideplan.com/wp-content/uploads/2020/09/20_Newberry-Springs-Foundation-Plan_ROUND_4PRECWP_FINAL.pdf

We understand that Newberry Springs can have different air quality than Barstow, however when we consulted AQMD, they let us know that the Barstow station was the closest official station to Newberry Springs. As for the weaknesses, the SWOT analysis was conducted at Public Meetings early on in the process and the words and phrases were provided directly from the community, and therefore we are very careful about retaining what the community has shared with us.

We look forward to seeing or hearing from you at the September 17th public hearing.

Thank you,

Jessie Bruckhart

Planner
Land Use Services Department
Phone: 909-387-8311
Cell: 909-601-4641
Fax: 909-387-3223
385 N. Arrowhead Ave., 1st Floor
San Bernardino, CA 92415-0187



Our job is to create a county in which those who reside and invest can prosper and achieve well-being.

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County of San Bernardino Confidentiality Notice: This communication contains confidential information sent solely for the use of the intended recipient. If you are not the intended recipient of this communication, you are not authorized to use it in any manner, except to immediately destroy it and notify the sender.

From: Vickie Paulsen <words4fun@gmail.com>
Sent: Thursday, September 10, 2020 10:43 AM
To: Planning Commission Comments <PlanningCommissionComments@lus.sbcounty.gov>
Subject: Countywide Plan mtg Sept 17

Commenting on Action Plan section for Newberry Springs.

This is an instrument that will last for years so should be a lot more accurate to reflect the community.

The Introduction talks about trying to attract "local tourists." Do you know what that is? I don't. We want to, and do, attract worldwide tourists, a lot of them.

Under "Events" - Commodity - "moths" should be "Months".

Community "News-Letter" should be "newsletter"

Air Quality - This paragraph is woefully inaccurate, as is all the County info about Newberry Springs' air quality. The monitor is in Barstow, which has completely different air than we do. Photos prove it. If air is blocking visibility to 20 ft here, it can be clear in Barstow. Do not promulgate this inaccuracy!

Community Garden - Plan says we have none. Not true! It is under construction and well on its way. By the time this is published and for years to come, it will be in business.

Zoning - Plan says we are RL zoned. We also have Agriculture and Commercial zoning. Very important!

Weaknesses - "The CSD is weak etc". The comment comes from meetings 5 years ago; things have changed completely (except for the ideas of a very few residents). Do not label us forever in this way. Leave it out!

Thank you --

--

Vickie Paulsen

Email received from Steve Bardwell on September 4, 2020

Dear Mr. Blum and Ms. Karen Watkins,

CC to: Terri Rahhal, Supervisor Dawn Rowe, Mark Lundquist, Matt Knox

Yesterday, on September 3, it came to the attention of residents in the desert communities that the September 17 Planning Commission will consider recommendations to the Board of Supervisors to adopt the Countywide Plan.

A notice was not sent to all of us who have commented through the years on the Countywide Plan and EIR. We anticipate these notices, and during these difficult times we depend on them. If a meeting notice was sent and overlooked please provide the date the notice was emailed.

This was brought to our attention by Betty Munson from Homestead Valley following her conversation with Karen Watkins about zoning changes and the SH247 Scenic Highway designation. The September 17 Commission meeting was mentioned. Betty then began the alert chain.

The September 17 Commission meeting date is prominently displayed on the Countywide Plan website. This, however, is not public notification.

On August 7, the County Facebook page posted the availability of the Draft Countywide Plan revisions on Environmental Justice. No deadline for comments was posted and there is no alert for the September 17 meeting. The Facebook announcement was paired with email notices to stakeholders.

However, on the County Meetings and Events page <https://countywideplan.com/events/> :

“The public is invited to participate in a Planning Commission meeting on September 17th. Participants may view the meeting via live stream or by attending in-person, with facial coverings and social distancing. Purpose of the Workshop At this meeting, the Planning Commission will consider recommendations to the Board of Supervisors to adopt the Countywide [...]”

After two years of planning LUS now schedules the Planning Commission meeting to take the next important step of recommending to the Board adoption of the Final Countywide Plan without the adequately noticing the stakeholders. **Although this notice says that we, the public, are invited to participate we were not sent an invitation to the party. Our participation would be substantive.**

The PC meeting and agenda notice will be posted on September 11 at 5 PM or 3 working days before the meeting. This is sufficient for the Brown Act but not for the stakeholders to be prepared to participate. We request this agenda item be postponed until the October meeting and be properly noticed.

Thank you for your consideration and attention.

Steve Bardwell

president, MBCA

steve@infinityranch.net

Email received from Steve Bardwell on September 9, 2020 and response by County to previous email, dated September 8, 2020.

Dear Mr. Blum,

Thank you for your response.

As stakeholders who have been tracking the County Wide Plan we expect you have met the letter-of-the-law satisfying noticing methods and timelines.

Yet we stakeholders, who have been engaged and involved with the County Wide Plan for years, were made aware of the schedule for its consideration by the Planning Commission only by happenstance. This fact belies any contention that Land Use Services has been diligent in keeping stakeholders informed and engaged. Not until September 4 was email notification given to many of the stakeholders regarding the Agenda for the Planning Commission hearing. We would hope LUS would go well beyond merely 'checking all the boxes' to assure this important information is widely broadcast.

Thorough review and consideration of this huge and important set of documents by stakeholders requires more time than the mandated minimum. To enable preparation of meaningful comments and input on the County Wide Plan, we request postponement of consideration by the Planning Commission of the County Wide Policy documents until the month of **November 2020**.

The request for additional time is especially relevant as we are in the middle of a global pandemic of a magnitude not seen since 1918, and because there are so many living under severe stress coping with the issues of our new reality.

Thank you for your consideration.

Steve Bardwell

president, MBCA

steve@infinityranch.net

On Sep 8, 2020, at 4:02 PM, Blum, Jerry <Jerry.Blum@lus.sbcounty.gov> wrote:

Dear Steve:

I received your email and wanted to get the input from several staff members before I replied to you. I appreciate the fact that you and members of your community have been involved in the Countywide Plan from the inception of the public participation program. Your input and that of many others has helped to better the final documents that are now making their way through the hearing process.

Please know that ensuring notice and public participation in the future review and consideration of the Countywide Plan (CWP) is paramount and a primary mission of the County and the Land Use Services Department. In keeping with this mission, the Department has complied with all notice and public

hearing requirements required by the California Government Code, Public Resources Code, and San Bernardino County Code for a general plan of this scope and magnitude, which authorize notice via publication in a newspaper of general circulation. In addition to the required notice, the Department provided supplemental notice via electronic display and use of other social media platforms in an effort to ensure public participation. These email notices and the posting of final documents relative to the Countywide Plan on two websites were in addition to what is required by State law and were provided ahead of normal posting procedures.

Should you have any questions regarding the foregoing, please do not hesitate to contact me or the Department.

Sincerely,

Jerry L. Blum

Countywide Plan Coordinator
Land Use Services Department
Phone: 909-387-4422
Fax: 909-387-3223
385 North Arrowhead Ave.
San Bernardino, CA 92415



September 9, 2020

Ms. Linda Mawby (**By Email: Linda.Mawby@lus.sbcounty.gov**)

Senior Planner

Mr. Jerry Blum (**By Email: Jerry.Blum@lus.sbcounty.gov**)

Countywide Plan Coordinator

County of San Bernardino Land Use Services Department – Planning Division

385 North Arrowhead Avenue, First Floor

San Bernardino, CA 92415-0187

RE: Comments on County Draft Policy Plan Environmental Justice Revisions July 2020 (EJ Plan)

Dear Ms. Mawby and Mr. Blum,

We are pleased to submit the following comments on this vital portion of the County Wide Plan. Throughout this letter we have used **bold** type for emphasis. We begin by reviewing the requirements of the:

State Government Code

The draft County Environmental Justice Policy Plan must satisfy the State Government Code Title 7, Division 1. Planning and Zoning, Chapter 1.5 Article 4 Powers and Duties §65040.12

“(d) the guidelines developed by the office pursuant to subdivision (e) shall recommend provisions for general plans to do all of the following:

(e) (1) For purposes of this section, “environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(2) “Environmental justice” includes, but is not limited to, all of the following:

*(A) The availability of **a healthy environment for all people.***

Post Office Box 24, Joshua Tree CA 92252 – www.mbconservation.org

1

(B) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.

(C) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process.

(D) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.”¹

With this understanding of the State requirements, following are our specific comments:

County Environmental Justice Policy Plan (EJ Plan)

The introduction to the County E J Plan Hazard Element calls out **unincorporated disadvantaged communities** for protection.

EJ Plan Hazards Element introduction

*“The County is committed to protecting life, property, and commerce from impacts associated with natural hazards, human-generated hazards, and increased risk due to climate change. The County also works to ensure that residents in **unincorporated disadvantaged communities** have a reduced risk of exposure to pollution and have equitable access to public facilities and services. Effectively reducing these risks requires the County and its partners to evaluate public safety threats, proactively plan and protect against potential hazards, and establish systems that will make the county and its people safer and more self-reliant.”² (Bold added)*

The Hazard Element (HZ) Purpose and Principles

The Purpose and Principles commit to protecting those that live in **unincorporated disadvantaged communities** from elevated exposure to pollution and reduced access to public facilities and services.³

¹ Comment Appendix pages 11-12

² EJ Plan page EJ-1

³ EJ Plan page EJ-1

However, the supporting **HZ-3 Goal and 21 Policies** fail to achieve this requirement by narrowing the scope of protection to **environmental justice focus areas**.

Environmental Justice Focus Areas (EJFAs)

Goal HZ-3 introduces a new undefined and restrictive category, the County unincorporated EJFAs.

*“For unincorporated **environmental justice focus areas**, equitable levels of protection from environmental and health hazards...”*

The following HZ Policies call out **only the unincorporated EJFAs** for protective actions.⁴

HZ-3.1 Health Risk Assessment

HZ-3.2 Studying and Monitoring

HZ-3.3 Community emissions reduction plans

HZ-3.4 Residential improvements

HZ-3.5 Hazardous waste facilities

HZ-3.6 Contaminated water and soils

HZ-3.7 Well water testing

HZ-3.8 Indoor air quality

HZ-3.9 Public improvements

HZ-3.10 Multi-use facilities

HZ-3.11 Public health

HZ-3.12 Barriers to physical activity

HZ-3.13 Safe routes to school

HZ-3.14 Community-desired improvements

HZ-3.16 Notification

HZ-3.17 Community stakeholders

HZ-3.18 Applicant requirements

HZ-3.19 Community education

HZ-3.20 Updating EJFAs

HZ-3.21 Emerging pollutants

There is one Policy exception.

HZ-3.15 Food access.

*“We increase food access in **underserved areas** ... and prioritize **environmental justice communities** for technical assistance...”* These two newly referenced categories are undefined and used only within the HZ-3.15 Policy.⁵

⁴ EJ Plan pages EJ-2 through EJ-4

⁵ EJ Plan page EJ-3 and EJ-4

Identification of Environmental Justice Focus Areas

In Table HZ-1 the County EJ Plan uses census tracts from the state CalEnviroScreen 3.0 to define the community environmental justice focus areas.⁶

The EJ Plan **Table HZ-1 CalEnviroScreen Scores for Environmental Justice Focus Areas** shows that two census tracts in the North High Desert qualify as EJFAs: Barstow and Daggett/Newberry Springs/Baker.

Questions: What is an EJFA and how were the EJFAs chosen?

The Environmental Justice Focus Area (EJFA) is a designation unique to the County Draft EJ Plan.

- The justification for choosing the two census tracts to the exclusion of other census tracts with similar scores is not revealed.
- Why the CalEnviroScreen 3.0 is the only metric used as opposed to inclusion of the classic income driven disadvantaged and severely disadvantaged communities is not revealed.

Why is Lucerne Valley not an EJFA?

The scores for the Pollution and Population Factors are found on the State CalEnviroScreen 3.0 map.⁷ The County EJ Plan does not provide these scores, giving only the factors (AQ, DW, etc.) instead. The scores have been retrieved from the CalEnviroScreen 3.0 and are provided both in Table 1 in the Comment Appendix and separately.⁸

Lucerne Valley is a winner

See **Table 1 in the Comments Appendix** for a comparison of the CalEnviroScreen 3.0 scores for Barstow and Daggett/Newberry Springs/Baker with its neighbor Lucerne Valley. The CalEnviroScreen 3.0 data for all these communities is found in the Comments Appendix. Lucerne Valley holds its own.

⁶ EJ Plan page EJ-5; Comments Appendix page 10

⁷ <https://oehha.ca.gov/calenviroscreen/maps-data>

⁸ Comments Appendix: page 6-7 and individually on pages 13-15

If the County designated EJFAs on these scores then Lucerne Valley should be categorized as an EJFA. If the County did not use the scores, what did they use in their decision making?

Citizens in the County's unincorporated disadvantaged communities want to know

- 1. How were the Environmental Justice Focus Areas determined?**
- 2. Why is this restrictive category not found in the Hazard Element's defining Purpose and Principles but is headlined in the HZ-3 Policies?**
- 3. Why is the CalEnviroScreen 3.0 the only metric used as opposed to inclusion of the classic income driven disadvantaged and severely disadvantaged communities?**

**And perhaps most importantly,
Where in this County Environmental Justice Plan is Environmental Justice guaranteed to the citizens in the myriad of other County communities that qualify under State Code §65040.12 and the County Environmental Justice County Policy Plan Introduction, Purpose, and Principles?**

With the continuing calls for equal-justice-for-all being made all over the Country, we are reminded of the inextricable connection between Environmental and Social Justice.

Thank you for your consideration.

We look forward to receiving your response

Steve Bardwell, president
Morongo Basin Conservation Association

COMMENTS APPENDIX

Table 1: CalEnviroScreen 3.0 Scores Comparing EJFAs Lucerne Valley with Barstow, Daggett/Newberry Springs/Baker

	Goal HZ-3 For unincorporated environmental justice focus areas (EJFAs), equitable levels of protection from environmental health hazards...	Barstow CT 6071009300	Daggett/Newberry Springs/Baker CT 6071010300	Lucerne Valley CT 6071012104
Population:		1,257	3,846	5,110
CalEnviroScreen 3.0&		85-90%	75-80%	65-70%
Population Burden %		62	67	42
Population characteristics %		95	75	77
	Policy HZ-3.2; 3.3; 3.6; 3.9; 3.16; 3.17; 3.18; 3.20; 3-21;			
Ozone		85	91	91
*PM2.5		9	8	11
*PM10 not considered				
Diesel		50	3	2
Pesticides		58	20	0
Toxic Releases		11	7	21
Traffic		26	10	1
Drinking Water		90	99	99
Cleanup		69	96	96
Groundwater Threats		70	94	32
Hazardous Waste		61	93	61
Impaired Water		0	0	0
Solid Waste		21	98	74
	Policy HZ-3.11			
Asthma		100	62	85
Low Birth Weight		96	89	72
Cardiovascular Rate		100	64	93
Education		79	61	39
Linguistic Isolation		9	58	11
Poverty		85	66	73
Unemployment		95	77	86

Housing Burden		66	42	53
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Red = A ranking of 70 or higher

Yellow highlight = Ranked in Draft Environmental Justice Plan, page EJ-5

CT = **Census Tract**, page EJ-5

***PM2.5** is provided on CalEnviroScreen 3.0 but not measured by MDAQMD in the three unincorporated areas above

***PM10** is not measured by MDAQMD in unincorporated areas of Daggett/Newberry Springs and Lucerne Valley

Purpose

The Hazards Element:

- Identifies potential natural and human-generated hazards, including increased risk due to climate change.
- Provides direction to address risks to residents, businesses, workers, and visitors.
- Prioritizes resources and reduce pollution exposure in unincorporated disadvantaged communities.

Principles

We believe:

- A safe environment is necessary to build and maintain a sustainable and prosperous county.
- The County is proactive in lessening risks from natural and human-generated hazards.
- Reduction in the loss of life, injury, private property damage, infrastructure damage, economic losses, and social dislocation can be achieved through planning and preparedness.
- Those who live in unincorporated disadvantaged communities should not be burdened with elevated exposure to pollution risks and reduced access to public facilities and services.

Goal HZ-3 Environmental Justice

For unincorporated environmental justice focus areas, equitable levels of protection from environmental and health hazards; expanded opportunities for physical activity and meaningful civic engagement; and access to healthy food, public facilities, safe and sanitary housing.

Policy HZ-3.2 Studying and monitoring. We coordinate with state and regional regulatory entities to monitor pollution exposure, publicize pollution data, and identify solutions in unincorporated environmental justice focus areas. We work with state and regional regulatory entities to obtain grant funding to study cumulative health risks affecting such areas.

Policy HZ-3.3 Community emissions reduction plans. We assist the air quality management districts in establishing community emissions reduction plans for unincorporated environmental justice focus areas and implement, as feasible, those parts of the plans, that are within the jurisdiction and authority of the County, with particular emphasis in addressing the types of pollution identified in the Hazard Element tables.

Policy HZ-3.8 Indoor air quality. We educate and raise awareness in unincorporated environmental justice focus areas about indoor air quality, and we pursue grant funding to address asthma and other respiratory illnesses.

Policy HZ-3.11 Public Health. We utilize County Department of Public Health experience, expertise, and staffing resources to expand outreach, analysis, and implementation efforts in

unincorporated environmental justice focus areas, with particular emphasis in addressing the types of health concerns identified in the Hazard Element tables.

Policy HZ-3.16 Notification. We notify the public through the County website when applications are accepted for conditional use permits, changes in zoning, and Policy Plan amendments in or adjacent to environmental justice focus areas. We prepare public notices in the predominant language(s) spoken in the communities containing environmental justice focus areas.

Policy HZ-3.17 Community stakeholders. We identify and coordinate with key community stakeholders through advisory committees or other methods to increase public awareness and obtain timely community input concerning potential funding opportunities, conditional use permits, changes in zoning, and amendments to the Policy Plan in or adjacent to environmental justice focus areas.

Policy HZ-3.18 Application requirements. In order for a Planning Project Application (excluding Minor Use Permits) to be deemed complete, we require applicants to indicate whether the project is within or adjacent to an unincorporated environmental justice focus area and, if so, to:

- document to the County’s satisfaction how an applicant will address environmental justice concerns potentially created by the project; and
- present a plan to conduct at least one public meeting for nearby residents, businesses, and property owners to obtain public input for applications involving a change in zoning or the Policy Plan. The County will require additional public outreach if the proposed project changes substantively in use, scale, or intensity from the proposed project presented at previous public outreach meeting(s).

Policy HZ-3.21 Emerging pollutants. For pollutants that do not yet have established regulatory thresholds, we coordinate with regulatory agencies to assist their efforts to monitor pollutant levels, establish thresholds, and identify funding and mitigation options, particularly for pollutants that are found in environmental justice focus areas.

Table HZ-1. CalEnviroScreen Scores for Environmental Justice Focus Areas

CES Rankings		Quartile 1 = Good	Quartile 2 = Moderate	Quartile 3 = Poor	Quartile 4 = Challenged	
Variables/Factors in the CES model:						
POLLUTION EXPOSURE		ENVIRONMENTAL EFFECTS		SENSITIVE POPULATION		SOCIOECONOMIC FACTORS
AQ = Air Quality		CS = Toxic Cleanup Sites		AS = Asthma		LI = Linguistic Isolation
PEST = Pesticides		GW: Groundwater Threats		LB = Low Birth Weight		POV = Poverty
DW = Drinking Water		HZ = Hazardous Waste		CVD = Heart Disease		UE = Unemployment
TR = Toxic Releases		IW = Impaired Waters				HB = Housing Burden
TD = Traffic Density		SW = Solid Waste Sites/Facilities				ED = Educational Attainment
Census Tract	Low Income	Percentile and Quartile Rank			Scores in the Upper Quartile	
		Composite Score	Pollution Score	Population Score	Pollution Factors	Population Factors
El Mirage Valley						
6071009117	Yes	92	63	99	AQ, DW, CS, HW	AS, LB, CVD, ED, POV, UE, HB
North High Desert						
6071009300 Barstow	Yes	88	62	95	AQ, DW	AS, LB, CVD, POV, ED, UE
6071010300 Daggett/ Newberry Springs/Baker	Yes	77	67	75	AQ, DW, CS GW, HW, SW	LB, UE

Page EJ-5

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]

(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 1. PLANNING AND ZONING [65000 - 66301]

(Heading of Division 1 added by Stats. 1974, Ch. 1536.)

CHAPTER 1.5. Office of Planning and Research [65025 - 65059.3]

(Chapter 1.5 repealed and added by Stats. 1970, Ch. 1534.)

ARTICLE 4. Powers and Duties [65040 - 65040.17] *(Article 4 added by Stats. 1970, Ch. 1534.)*

65040.12. (yellow highlight for emphasis)

(a) The office shall be the coordinating agency in state government for environmental justice programs.

(b) The director shall do all of the following:

(1) Consult with all of the following:

(A) The Secretary for Environmental Protection.

(B) The Secretary of the Natural Resources Agency.

(C) The Secretary of Transportation.

(D) The Secretary of Business, Consumer Services, and Housing.

(E) The Working Group on Environmental Justice established pursuant to Section 71113 of the Public Resources Code.

(F) Any other appropriate state agencies and all other interested members of the public and private sectors in this state.

(2) Coordinate the office's efforts and share information regarding environmental justice programs with the Council on Environmental Quality, the United States Environmental Protection Agency, the General Accounting Office, the Office of Management and Budget, and other federal agencies.

(3) Review and evaluate any information from federal agencies that is obtained as a result of their respective regulatory activities under federal Executive Order 12898, and from the Working Group on Environmental Justice established pursuant to Section 71113 of the Public Resources Code.

(c) When it adopts its next edition of the general plan guidelines pursuant to Section 65040.2, but in no case later than July 1, 2003, the office shall include guidelines for addressing environmental justice matters in city and county general plans. The office shall hold at least one public hearing before the release of any draft guidelines, and at least one public hearing after the release of the draft guidelines. The hearings may be held at the regular meetings of the Planning Advisory and Assistance Council.

(d) The guidelines developed by the office pursuant to subdivision (c) shall recommend provisions for general plans to do all of the following:

(1) Propose methods for planning for the equitable distribution of new public facilities and services that increase and enhance community quality of life throughout the community, given the fiscal and legal constraints that restrict the siting of these facilities.

(2) Propose methods for providing for the location, if any, of industrial facilities and uses that, even with the best available technology, will contain or produce material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant hazard to human health and safety, in a manner that seeks to avoid overconcentrating these uses in proximity to schools or residential dwellings.

(3) Propose methods for providing for the location of new schools and residential dwellings in a manner that seeks to avoid locating these uses in proximity to industrial facilities and uses that will contain or produce material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant hazard to human health and safety.

(4) Propose methods for promoting more livable communities by expanding opportunities for transit-oriented development so that residents minimize traffic and pollution impacts from traveling for purposes of work, shopping, schools, and recreation.

(e) (1) For purposes of this section, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(2) "Environmental justice" includes, but is not limited to, all of the following:

(A) The availability of a healthy environment for all people.

(B) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.

(C) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process.

(D) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

[https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65040.12.#:~:text=\(a\)%20The%20office%20shall%20be,do%20all%20of%20the%20following%3A&text=\(F\)%20Any%20other%20appropriate%20state,private%20sectors%20in%20this%](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65040.12.#:~:text=(a)%20The%20office%20shall%20be,do%20all%20of%20the%20following%3A&text=(F)%20Any%20other%20appropriate%20state,private%20sectors%20in%20this%)

BARSTOW

Census Tract: 6071009300

Population:	1,257
CalEnviroScreen 3.0 Percentile:	85-90%
Pollution Burden Percentile:	62
Population Characteristics Percentile:	95
<u>Ozone:</u>	85
<u>PM 2.5:</u>	9
<u>Diesel:</u>	50
<u>Pesticides:</u>	58
<u>Toxic Releases:</u>	11
<u>Traffic:</u>	26
<u>Drinking Water:</u>	90
<u>Cleanups:</u>	69
<u>Groundwater Threats:</u>	70
<u>Hazardous Waste:</u>	61
<u>Impaired Water:</u>	0
<u>Solid Waste:</u>	21
<u>Asthma:</u>	100
<u>Low Birth Weight:</u>	96
<u>Cardiovascular Rate:</u>	100
<u>Education:</u>	79
<u>Linguistic Isolation:</u>	9
<u>Poverty:</u>	85
<u>Unemployment:</u>	95
<u>Housing Burden:</u>	66

Information about age

This tract contains 14% Children under 10. The average in California census tracts is 13%. It also contains 14% Elderly over 65. The average in California census tracts is 12%.

Race/Ethnicity & Age Profiles

Hover your mouse over the pie chart to see the race/ethnicity characteristics of this census tract. Click on the arrow next to the pie chart to see the age profile of this census tract.

DAGGETT/NEWBERRY SPRINGS

Census Tract: 6071010300

Population:	3,846
CalEnviroScreen 3.0 Percentile:	75-80%
Pollution Burden Percentile:	67
Population Characteristics Percentile:	75
<u>Ozone:</u>	91
<u>PM 2.5:</u>	8
<u>Diesel:</u>	3
<u>Pesticides:</u>	20
<u>Toxic Releases:</u>	7
<u>Traffic:</u>	10
<u>Drinking Water:</u>	99
<u>Cleanups:</u>	96
<u>Groundwater Threats:</u>	94
<u>Hazardous Waste:</u>	93
<u>Impaired Water:</u>	0
<u>Solid Waste:</u>	98
<u>Asthma:</u>	62
<u>Low Birth Weight:</u>	89
<u>Cardiovascular Rate:</u>	64
<u>Education:</u>	61
<u>Linguistic Isolation:</u>	58
<u>Poverty:</u>	66
<u>Unemployment:</u>	77
<u>Housing Burden:</u>	42

Information about age

This tract contains 13% Children under 10. The average in California census tracts is 13%. It also contains 14% Elderly over 65. The average in California census tracts is 12%.

LUCERNE VALLEY

Census Tract: 6071012104

Population:	5,110
CalEnviroScreen 3.0 Percentile:	65-70%
Pollution Burden Percentile:	42
Population Characteristics Percentile:	77
<u>Ozone:</u>	91
<u>PM 2.5:</u>	11
<u>Diesel:</u>	2
<u>Pesticides:</u>	0
<u>Toxic Releases:</u>	21
<u>Traffic:</u>	1
<u>Drinking Water:</u>	99
<u>Cleanups:</u>	96
<u>Groundwater Threats:</u>	32
<u>Hazardous Waste:</u>	61
<u>Impaired Water:</u>	0
<u>Solid Waste:</u>	74
<u>Asthma:</u>	85
<u>Low Birth Weight:</u>	72
<u>Cardiovascular Rate:</u>	93
<u>Education:</u>	39
<u>Linguistic Isolation:</u>	11
<u>Poverty:</u>	73
<u>Unemployment:</u>	86
<u>Housing Burden:</u>	53

Information about age

This tract contains 11% Children under 10. The average in California census tracts is 13%. It also contains 15% Elderly over 65. The average in California census tracts is 12%.

September 2, 2020

San Bernardino County
385 N. Arrowhead Ave., 1st Floor
San Bernardino, CA 92415



Dear San Bernardino County Planning Department,

Thank you for considering our comments and recommendations on the previous San Bernardino County General Plan Update. The Center for Community Action and Environmental Justice (CCAIEJ) acknowledges your efforts to address environmental justice (EJ) issues throughout unincorporated areas of San Bernardino County. While staff have addressed some of our concerns and recommendations in the draft policy, we believe that stronger language should be considered to increase accountability in EJ focused areas across the County and be in stronger compliance with Senate Bill 1000. We strongly encourage staff to review and consider the following recommended changes, additions, and amendments to policies.

Stronger Language in Improvement of Resources

We recommend stronger language in the following policies that specify how, which, and to what extent resources in these areas will be improved. More specifically acknowledging the need to prioritize these communities, as well as establishing routine testing of different levels of cumulative contamination in these areas.

Policy HZ-3.1 **Cumulative Health Risk Assessment.** ~~Health risk assessment.~~ We require projects processed by the County to provide a **cumulative** health risk assessment when a project could potentially increase the incremental cancer risk by 10 in 1 million or more in unincorporated environmental justice focus areas **within 1,000 feet**, and we require such assessments to evaluate impacts of truck traffic from the project to freeways. We establish appropriate mitigation prior to the approval of new construction, rehabilitation, or expansion permits.

- With an oversaturated presence of warehouse and distribution centers in many unincorporated areas of San Bernardino County, an emphasis on addressing **cumulative health risks** should be a priority. While the California Environmental Quality Act (CEQA) already requires a cumulative health risk assessment, the County should take a proactive role in ensuring that this is being addressed.

Policy HZ 3.3 **Community emissions reduction plan.** We ~~assist the air quality management districts in establishing~~ **establish** community emissions reduction plans for unincorporated environmental justice focus areas and implement, as feasible,

those parts of the plans that are within the jurisdiction and authority of the County, with particular emphasis in addressing the types of pollution identified in the Hazard Elements tables.

Policy HZ 3.4 **Residential Improvements** - In directing discretionary housing improvements investments in unincorporated communities, we **encourage** and prioritize investments that also address environmental conditions identified in the Hazard Element tables. We utilize code enforcement activities to enhance structural safety and property maintenance in environmental justice focus areas. **We assist unincorporated environmental justice focus areas in meeting code requirements to ensure enhanced structural safety and property maintenance. We pursue funding and other assistance for rehabilitation and home improvements in conforming residential units in unincorporated environmental justice focus areas.**

Policy HZ-3.6 **Contaminated water and soils.** We advocate for and coordinate with local and regional agencies in efforts to remediate or treat **various levels of** contaminated surface water, groundwater, or soils in or affecting unincorporated environmental justice focus areas. We obtain grant funding and establish partnerships to implement the County's Site Remediation Program in unincorporated environmental justice focus areas, with particular emphasis in addressing the types of contamination identified in the Hazard Element tables.

- It is important to plan when and how contamination in water and soil will be treated. The Hazard Element Tables identify four CES rankings, specification on how contamination will be addressed at each of these quantiles is necessary.

Policy HZ-3.7 **Well water testing.** In unincorporated environmental justice focus areas that are not served by public water systems, we periodically test well water for contamination, identify potential funding sources, and, ~~where feasible~~, provide technical assistance to implement necessary improvements, with particular emphasis in addressing the types of contamination identified in the Hazard Element tables.

- Identify what periodic testing looks like. In this case consider addressing the history of the site's contamination, for example testing should be done more often on a site where contamination ranking in quartile 4 has been found. Lastly, specify what conditions are necessary to provide assistance for improvement.

Policy HZ-3.12 **Barriers to physical activity.** We **prioritize identification of** ~~identify and include~~ appropriate remedies to improve ~~or~~ **and** ~~remove where feasible~~ barriers to outdoor physical activity, such as inadequate infrastructure, when doing County

projects in environmental justice focus areas, with particular emphasis in addressing the types of health and mobility issues identified in the Hazard Element tables.

Policy HZ-3.13 **Safe routes to school.** We work with our regional transportation authority **and** school districts ~~and local law enforcement~~ to ensure that schools have safe walking and bicycling routes to school. In applying for Safe Routes to School grants, we will prioritize schools that are either located in the environmental justice focus areas, or serve children residing in environmental justice focus areas.

Policy HZ-3.15 **Food access.** We increase access to healthy food in underserved areas by promoting local food production, community gardens, and urban farms in agricultural zoning districts or on vacant or underutilized lands. We also encourage, **prioritize, and incentivize** existing and new small grocery or convenience stores to sell fresh foods in underserved areas. We require the County Healthy Communities Program to prioritize environmental justice communities for technical assistance and grant making, and ensure that residents of environmental justice communities are provided educational materials related to food assistance programs, healthy eating habits and food choices. **We also work with local farms and organizations to provide local grocery and convenience stores with fresh foods and produce at low costs that would otherwise be wasted.**

Policy TM-4.6 **Transit access to public service, health, and wellness.** In unincorporated areas where public transit is available, ~~we prefer~~ **we improve old infrastructure and construct necessary** new public and behavioral health facilities, other public facilities and services, education facilities, grocery stores, and pharmacies to be located within one-half mile of a public transit stop. We ~~prefer~~ **encourage and plan to** locate new County health and wellness facilities within one-half mile of a public transit stop in incorporated jurisdictions. We encourage public K-12 education and court facilities to be located within one-half mile of public transit

Stronger Language in Community Engagement

We recommend stronger language in the following policies that explain what community engagement looks like, and how it will be conducted and funded. Most specifically illustrating what community collaboration looks like with specific emphasis on keywords. For example, explain what educate, raise awareness, outreach, and assistance entails in action. This planning includes acknowledging who will be doing the field work and looking for grant funding.

Policy HZ-3.8 **Indoor air quality.** We **take a proactive role to** educate and raise awareness in unincorporated environmental justice focus areas about indoor air quality, and we pursue grant funding to address asthma and other respiratory illnesses.

Policy HZ-3.11 **Public Health.** We utilize County Department of Public Health experience, expertise, and staffing resources to expand **and improve** outreach, **community engagement**, analysis, and implementation efforts in unincorporated environmental justice focus areas, with particular emphasis on addressing the types of health concerns identified in the Hazard Element tables.

Policy HZ-3.14 **Community-desired improvements.** We **assist partner with** unincorporated environmental justice focus areas to identify ways in which they might establish special funding and financing mechanisms to provide community-desired public facilities and services, recreational facilities, sidewalks and bike trails, and access to fresh and healthy food.

Policy HZ 3.16 **Notification.** We notify the public through the County website **and mail** when applications are accepted for conditional use permits, changes in zoning, and Policy Plan amendments ~~in or adjacent to~~ **in, adjacent to, or within 1,000 ft of** environmental justice focus areas. We prepare public notices in the predominant language(s) spoken in communities containing environmental justice focus areas.

Policy HZ-3.18 **Application requirements.** In order for a Planning Project Application (excluding Minor Use Permits) to be deemed complete, we require applicants to indicate whether the project ~~is within or adjacent to~~ **is within, adjacent to, or within 1,000 ft of** an unincorporated environmental justice focus area, and, if so, to:

- document to the County's **and resident's** satisfaction how an applicant will address environmental justice concerns potentially created by the project; and
- present a plan to conduct at least ~~one~~ **two** public meetings for nearby residents, businesses, and property owners to obtain public input for applications involving a change in zoning or the Policy Plan. The County will require additional public outreach if the proposed project changes substantively in use, scale, or intensity from the proposed project presented at previous public outreach meeting(s).

Policy HZ-3.19 **Community education.** We make educational materials available to the public in unincorporated environmental justice focus areas so that they clearly understand the potential for adverse pollution, noise, odor, vibration, and lighting and glare, and the effects of toxic materials to promote civil engagement. We

require that such educational materials be developed in accordance with Plain Language Guidelines. **We require that this information be made available in public spaces such as libraries and community centers, as well as online and through mailing services.**

Stronger Language in Goods Movements

The goods movement has impacted environmental justice communities health through the emissions created from freight and truck traffic, **therefore we should encourage policy that aligns with California’s SIP for zero emissions and move to electrification of our goods movement industry.**

Policy TM-5.1 ~~Efficient~~ **Sustainable goods movement network.** We advocate for the maintenance of ~~an efficient sustainable~~ a sustainable goods movement network in southern California **that prioritizes public health through the use of zero-emission equipment and infrastructure.**

Policy TM-5.3 ~~High Desert Corridor.~~ We support the development of the High Desert Corridor ~~to improve the regional goods movement network and foster economic development in the North Desert region.~~

- The county should be supporting development that fosters economic sustainable development that includes social, environmental, and economic prosperity. The high desert corridor can have negative impacts to environmental justice communities that have not been fully looked at in the EIR, and therefore should not be fully supported in policy.¹

Policy TM-5.5 **Countywide truck routes.** We support SBCTA’s establishment of regional truck routes that efficiently distribute regional truck traffic **through roadways whose adjacent properties are commercial, industrial, or undeveloped; and maneuver truck traffic away from residential communities.** ~~while minimizing impacts on residents.~~ We support funding through the RTP to build adequate truck route infrastructure **such as vegetative buffers or alternative routes that will reduce the health impacts on residents.**

Policy TM-5.6 **Unincorporated truck routes.** We ~~may~~ establish local truck routes **away from residential areas and instead efficiently distribute regional truck traffic through roadways whose adjacent properties are commercial, industrial, or undeveloped** in unincorporated areas to efficiently funnel truck traffic to freeways while minimizing impacts on residents. We ~~establish routes where trucks are prohibited in unincorporated environmental justice focus areas and to avoid overlaps or conflicts with safe routes to schools.~~

¹ <https://www.latimes.com/opinion/story/2019-10-06/high-desert-corridor-freeway-stopped>

- Both countywide and unincorporated truck routes should include installation of vegetative buffers in landscaping between residences and truck businesses or routes, which all can help reduce the public health impacts of truck activities.²

Region-Specific Environmental Justice Policy Amendments:

In addition to the above recommendations and additions, we include region-specific environmental justice policy amendments to be considered. These amendments are included with the intention to create more robust EJ policies. In creating these amendments, CCAEJ has thoroughly considered the needs of unincorporated EJ focus areas in San Bernardino County. We urge staff to review and include these amendments so that they are reflected in what is presented to the Planning Commission on September 17, 2020.

1. Ensure that students, teachers and staff at all schools can live and prosper in communities that are a safe distance from harmful land uses such as refineries, warehouses, freeways, agriculture, etc.
2. Protect residents from new and existing toxic land uses, by creating a plan, timeline and funding proposals that mitigates existing impacts.
3. Require community-based agreements with all new warehouses to ensure that restricted truck routes are created near homes and schools and the cleanest equipment and transportation technology is being used at the facility.
4. Recognize the cumulative air quality impact that DAC's are faced with and create a plan and financing strategy that results in time bound enforceable measures that provide direct emissions reductions.
5. Provide infrastructure for electric vehicles (passenger, medium and heavy-duty) in disadvantaged communities and other communities along heavily traveled corridors.

CCAIEJ and the communities in unincorporated EJ focus areas in San Bernardino County highly encourage the Planning Department staff to consider and include the stated recommendations, additions, and policy amendments. Including these changes will not only ensure a higher quality of life in EJ focus areas, but will also provide a greater compliance with SB 1000.

Sincerely,

Ricardo Olea

Mariela Loera

Ivette Torres

Center for Community Action and Environmental Justice

² <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/agenda/oak053443.pdf>