

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SAN BERNARDINO  
AND RECORD OF ACTION**

**August 25, 2020**

**FROM**

**LUTHER SNOKE, Interim Director, Department of Public Works – Transportation**

**SUBJECT**

Introduction of an Ordinance Amending Section 16.0215B(a)(3) to Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code to Dissolve the Snow Drop Road Local Area Transportation Facilities Plan Fees

**RECOMMENDATION(S)**

1. Conduct a public hearing to consider a proposed ordinance to repeal Section 16.0215B(a)(3) to Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code relating to Local Area Transportation Facilities Plan Fees in the Snow Drop area.
2. Make alterations, if necessary, to proposed ordinance.
3. Approve introduction of proposed ordinance.
4. Read title only of the proposed ordinance; waive reading of the entire text and SCHEDULE FOR FINAL ADOPTION ON TUESDAY, SEPTEMBER 15, 2020 at 10:00 a.m. on the Consent Calendar.
5. Find that dissolution of the Snow Drop Road Local Area Transportation Facilities Plan is exempt under the California Environmental Quality Act (CEQA), Section 15061(b)(3), Review for Exemption, of the CEQA Guidelines (Title 14 of the California Code of Regulations, section 15000 et seq.) and direct the Clerk of the Board to post the Notice of Exemption.

(Presenter: Brendon Biggs, Assistant Director, 387-7906)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The proposed action dissolves the Snow Drop Road Area Transportation Facilities Plan (Snow Drop Fee Plan). The existing fund balance of \$179,646.65 (6650002036) for the Snow Drop Fee Plan will be refunded to the parcel owners of record.

**BACKGROUND INFORMATION**

On August 12, 1991 (Item No. 66), the Board of Supervisors (Board) adopted Ordinance 3455, which created the Snow Drop Fee Plan to assist in the financing and construction of transportation facilities in an unincorporated area of about 733 acres located north of the City of Rancho Cucamonga (City). The Ordinance requires a fee to be calculated as the unit cost per dwelling unit. This unit cost is derived from the total cost of transportation facilities to be constructed divided by the projected number of new residential dwelling units. Ordinance 3455 calculates the per unit dwelling cost at \$18,837 per unit based on a total estimated cost of \$2,430,000 to construct Snow Drop Road and 129 dwelling units.

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In 1992, in lieu of waiting for sufficient fees to be collected under the Snow Drop Fee Plan as development occurred, nine property owners advanced a total of \$115,000 toward the \$225,000 estimated cost for engineering design of Snow Drop Road, with the understanding that their contribution would be applied as a credit towards Snow Drop Fee Plan fees when their properties were developed. The County provided the remaining \$110,000 from the County Road Fund and the design plans were completed in June of 1995 at an actual cost of \$223,511. Since then, some development has occurred, with seven property owners paying the Plan fee, and the Snow Drop Fee Plan has accrued interest, leaving a fund balance of \$179,646.65.

The property owners in the Snow Drop area approached the County Special Districts Department and indicated that they instead desire to form a road assessment district to construct and maintain a road at their own expense.

On March 13, 2018 (Item No. 65), the Board approved formation of an assessment district to construct Snow Drop Road. Prior to formation of the assessment district, the Department of Public Works became aware that some property owners were concerned about having paid the Snow Drop Fee Plan and then having to pay a parcel assessment to finance the road construction. These property owners have asked that the paid fees be refunded. This action would prevent those property owners from paying twice for road improvements.

Upon dissolution of the Snow Drop Fee Plan, the remaining fund balance of \$179,646.65 in the Snow Drop Fee Plan (Fund 2036) will be refunded to the property owners of record for those parcels that paid the Plan fees. Plan revenue has come from two sources: 1) payment of Plan fees from the seven property owners who paid the fees and 2) nine property owners who contributed toward the cost of the original Snow Drop Road engineering design plans.

Pursuant to Government Code section 66001(e), the seven property owners who paid the fee will be refunded the full fee amount of \$18,837 each, plus any accrued interest; the nine property owners who contributed toward the engineering design plans will share the remaining funds on a pro-rated basis, ranging from 4.35% to 21.74%, depending on the amount each of the nine property owners originally contributed. The percentage was calculated based on the ratio of the individual contribution to the total contribution of the nine property owners, with contributions ranging from \$5,000 to \$25,000. Based on a request from the then-Second District Supervisor and in coordination with the then-Director of Public Works, it was decided to count the County Road Fund contribution as a planning expense and not use any of the Snow Drop Fee Plan fees to reimburse the County Road Fund. Property owners were informed of this refund plan in a letter dated August 7, 2003, contingent upon establishment of the assessment district. Now that the assessment district has been established, the Snow Drop Fee Plan can be dissolved and remaining funds returned, as described, to the property owners of record.

Special Districts continues to make progress towards the construction of Snow Drop Road. While a tentative construction date is not yet officially set, final environmental reviews and easement acquisition is underway. These items are estimated to take approximately 12 months to complete. The construction bid is anticipated to be released in approximately 9 months.

**PROCUREMENT**

Not applicable.

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**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5442) on June 18, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on August 3, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on August 9, 2020.

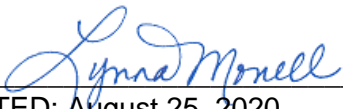
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Record of Action of the Board of Supervisors  
County of San Bernardino

**APPROVED**

Moved: Josie Gonzales    Seconded: Dawn Rowe  
Ayes: Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales  
Absent: Robert A. Lovingood

Lynna Monell, CLERK OF THE BOARD

BY  \_\_\_\_\_  
DATED: August 25, 2020



cc:    File - Transportation w/ Final BAI  
jm    09/11/2020