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ORDINANCE NO. 4394

An ordinance of the County of San Bernardino, State of California, repealing Subsection 16.0215b(a)(3) of the San Bernardino County Code, relating to the local area transportation facilities plan fees for the Snow Drop Road area.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors of the County of San Bernardino finds that:

(a) On August 12, 1991, the Board of Supervisors (hereafter referred to as the "Board") adopted Ordinance Number 3455, currently codified in section 16.0215B(a)(3) of the San Bernardino County Code, which created a development impact fee plan (hereafter referred to as the "Plan") and fees, known as "Local Area Transportation Facilities Plan fees" for the Snow Drop Road area (hereafter referred to as the "Plan fees") to assist in the financing and construction of transportation facilities in an unincorporated area of the County of San Bernardino consisting of about 733 acres above the City of Rancho Cucamonga (hereinafter referred to as the "Snow Drop Road area"); and

(b) There is a current need to meet fire safety requirements for ingress/egress to the area without waiting for the entire build out of the area; and

(c) Snow Drop Road is not in the County Maintained Road System (hereinafter referred to as "CMRS") and there is no intent to bring said road into the CMRS due to the fact that the existing road does not meet CMRS standards and the County does not have sufficient funding to bring said road up to said standards; and

(d) Because Snow Drop Road is not in the CMRS, the only sources of funding are the Plan fees and property owner contributions; and

(e) Staff from the Land Use Services Department calculated the number of

1 developable dwelling units based on the slope restrictions/requirements of the City of
2 Rancho Cucamonga's development code/hillside development standards and staff from
3 the Department of Public Works determined project costs; and

4 (f) County staff determined that if the Plan and the Plan fees were to remain
5 in effect, in order to improve Snow Drop Road to current CMRS standards, the Plan
6 fees would need to be raised from \$18,837 to approximately \$75,000 per residential unit
7 to construct the transportation facility; and

8 (g) The property owners that are subject to the Plan and the Plan fees
9 approached the County Special Districts Department and indicated that they instead
10 desire to form a road assessment district to construct and maintain Snow Drop Road at
11 their own expense; and

12 (h) If a road assessment district is formed, it is expected that Snow Drop
13 Road will be completely redesigned and will be funded solely by the property owners
14 through district assessments; and

15 (i) Based on the above findings, the Board finds and determines that the Plan
16 and the Plan fees are no longer warranted, the repeal of the Plan and the Plan fees
17 found in County Code section 16.0215B(a)(3) is necessary, and that upon dissolution of
18 the Plan, the remaining fund balance of approximately \$170,000 in the Plan Fund will be
19 refunded to the property owners of record who paid funds into the Plan; and

20 (j) More specifically, Plan revenue has come from two sources: 1) payment
21 of Plan fees from seven property owners who paid the fees; and 2) nine property
22 owners who contributed toward the cost of the original Snow Drop Road design plans;
23 and

24 (k) Those seven property owners who paid the Plan fees will be each
25 refunded the full fee amount of \$18,837, and those nine property owners who
26 contributed toward the design plans will receive a refund that amounts to a pro-rata
27 share of the remaining fund balance of approximately \$17,000; and

28 (l) The repeal of the Plan and the Plan fees will support the County's goals

1 and objectives, in that it will support the goal of operating in a fiscally-responsible and
2 business-like manner, as it has been determined that the Plan will not generate
3 sufficient funds to construct Snow Drop Road in a timely manner; and

4 (m) This ordinance is exempt from the California Environmental Quality Act in
5 accordance with Title 14 of the California Code of Regulations, Section 15061(b)(3),
6 (otherwise known as "the CEQA Guidelines") as the repeal of the Plan and the Plan
7 fees do not have the potential to cause a significant effect on the environment.

8
9 SECTION 2. Subsection 16.0215B(a)(3) of the San Bernardino County Code is
10 repealed.

11
12 SECTION 3. This ordinance shall take effect sixty (60) days from the date of
13 adoption.

14
15 
CURT HAGMAN, Chairman
Board of Supervisors

16
17 SIGNED AND CERTIFIED THAT A COPY
18 OF THIS DOCUMENT HAS BEEN DELIVERED
19 TO THE CHAIRMAN OF THE BOARD

20 LYNNA MONELL, Clerk of the
Board of Supervisors

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF SAN BERNARDINO)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of the County of San
5 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
6 Supervisors of said County and State, held on the 15th day of September, 2020, at
7 which meeting were present Supervisors: Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales, and the Clerk, the foregoing ordinance was passed and
8 adopted by the following vote, to wit:

9 AYES: SUPERVISORS: Janice Rutherford, Dawn Rowe, Curt Hagman,
10 Josie Gonzales

11 NOES: SUPERVISORS: None

12 ABSENT: SUPERVISORS: Robert A. Lovingood

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
14 seal of the Board of Supervisors this 15th day of September, 2020.

15 LYNNA MONELL, Clerk of the
16 Board of Supervisors of the
17 County of San Bernardino,
18 State of California



19 Approved as to Form:

20 MICHELLE D. BLAKEMORE
21 County Counsel

22
23 By: Jolena E. Grider
24 JOLENA E. GRIDER
25 Deputy County Counsel

26 Date: 3/30/21
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