

**RESOLUTION NO. 2017-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING THE RATHBUN CORRIDOR SUSTAINABILITY PLAN.**

**WHEREAS**, the City of Big Bear Lake General Plan Circulation Element directs the Planning and Engineering Departments to prepare a Master Plan for Trails to enhance accessibility and provide for scenic recreational trails and to encourage the use of non-vehicular modes of transportation; and,

**WHEREAS**, the City of Big Bear Lake General Plan Open Space, Parks, and Recreation Element directs the Planning Department to develop, adopt, and implement a Master Plan for Trails, which incorporates bikeways, hiking, mountain biking, all-purpose non-motorized trails, and equestrian trails within the City, including the Rathbun Creek; and,

**WHEREAS**, Environmental Impact Report was prepared for the General Plan Update (SCH. No. 98021103) and certified by City Council Resolution No. 99-36 on August 23, 1999. This document was prepared to analyze the potential impacts from the full build-out of the City's General Plan. The adoption and implementation of the General Plan was found not to have a significant effect on the environment with respect to energy and mineral resources, hazardous and toxic materials, open space, parks and recreation facilities, aesthetic and visual impacts, public services and facilities, solid waste, law enforcement and fire protection, and schools. The adoption and implementation of the General Plan was found to have a potential environmental impact, but the EIR determined that all impacts will be mitigated to levels of insignificance in the areas of land use, circulation, geotechnical hazards, flooding and hydrology, water resources and water quality, biological resources, cultural resources and noise. Continued development within the City of Big Bear Lake pursuant to the General Plan was found to cause significant cumulative impact on air quality, which cannot be mitigated to a level of insignificance. The most significant impacts are expected to come from emission of pollutants generated by vehicle traffic, followed by site disturbance and construction activities, consumption of natural gas and the use of electricity. Mitigation measures are included in the General Plan as policies and programs to lessen air quality impacts to the extent feasible. However, cumulative impacts to air quality caused by the implementation of the General Plan cannot be fully mitigated, and a Statement of Overriding Consideration has been adopted; and,

**WHEREAS**, the City Council adopted Resolution 2008-08 for the City of Big Bear Lake Master Plan of Trails Phase I, which consisted of fifteen miles of Class III bike routes within a portion of the City which included the Lakeview Loop, the Eagle Point Loop, and the Starvation Flats-Moonridge Loop; and,

**WHEREAS**, the City of Big Bear Lake and the County of San Bernardino applied for and were awarded a California Department of Transportation Community-Based Planning Grant in the Fiscal Year 2011-12 grant cycle to complete a Phase 2 Master Plan of Trails

to include a more comprehensive plan for the Big Bear Valley area for non-motorized trails, bicycle routes, sidewalks, and equestrian pathways; and,

**WHEREAS**, following an extensive public participation process and field work, a Draft Big Bear Valley Pedestrian, Bicycle, and Equestrian Master Plan was prepared and consistent with the California Streets and Highway Code Section 891.2 and the Regional Transportation Plan; and,

**WHEREAS**, on February 24, 2014, following oral or written presentations, the City Council adopted Resolution 2014-04 for the Big Bear Valley Pedestrian, Bicycle, and Equestrian Master Plan; and,

**WHEREAS**, during the public outreach in developing the Big Bear Valley Pedestrian, Bicycle, and Equestrian Master Plan, the Rathbun Corridor emerged as an area warranting a future planning study to recommend a system of biking, walking, and equestrian trails and land uses to draw visitors to the Moonridge Business District; and,

**WHEREAS**, the City of Big Bear Lake applied for and received a \$198,000 grant from the Southern California Association of Governments through the Sustainability Program for professional services to prepare a planning study for the Rathbun Corridor; and

**WHEREAS**, following an extensive public participation process, a Draft Ruthbun Corridor Sustainability Plan was completed and conceptualizes a multi-use trail plan for bicyclists, pedestrians, and equestrians, street improvements, and appropriate land uses to attract visitors to the Moonridge Business District, as well as, strategies to integrate trail and street improvements with watershed management, habitat restoration, and passive or active recreation improvements; and,

**WHEREAS**, adoption of the Ruthbun Corridor Sustainability Plan neither serves as an approval nor is legally binding on later activities; nor does its adoption commit the City to implement any identified improvements or recommendations contained therein, and recommended strategies and improvements are included only for the purposes of recommending possible future actions and in calculating funding requirements, the timing of which is uncertain; and,

**WHEREAS**, the California Environmental Quality Act (CEQA) requires a Lead Agency to consider as a consequence, review of the environmental impacts of implementing the improvements listed in the Ruthbun Corridor Sustainability Plan, and as lead agency, the City Council has determined that the plan is considered to be Statutorily Exempt from CEQA, as per State CEQA Guidelines Section 15262, as the plan is not legally binding on future actions or activities, which would be speculative in nature and would not be meaningful at this point in time, and therefore, is further exempt from CEQA, as per State CEQA Guidelines Section 15378(b)(4), given the lack of commitment to the various listed improvements, the lack of certainty regarding their timing, and the fact that the contents of the list of improvements may periodically change; and,

**WHEREAS**, the City plans to adopt a Notice of Exemption finding that the Ruthbun Corridor Sustainability Plan is statutorily and categorically exempt under the California Environmental Quality Act (“CEQA”) because the adoption of this Resolution is not an essential step culminating in action which may affect the environment, and environmental review under CEQA will be performed when future projects and recommendations are proposed (Kaufman & Broad-South Bay, Inc. v. Morgan Hill Unified School District, (1993) 9 Cal. App. 4<sup>th</sup> 464.). The City does not hereby commit itself to approving or implementing any of the facilities or actions contained in the Ruthbun Corridor Sustainability Plan may not go forward with any of them pending the availability of funding, and may vary their project descriptions for any reason, including for environmental considerations.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Big Bear Lake does hereby find, determine and resolve as follows:

**Section 1.** Approval of the Plan. The City Council hereby finds the Plan exempt under CEQA and approves the Ruthbun Corridor Sustainability Plan as being complete, as on file in the Community Development Department of the City and incorporated herein by reference; provided that the Plan is not legally binding to any future actions.

**Section 2.** Effective Date. Approval of the Ruthbun Corridor Sustainability Plan shall become effective as of the date of the adoption of this Resolution.

**Section 4.** Necessary Actions. City staff is hereby authorized and directed to take any and all actions that they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Resolution, and in staff’s discretion to file a Notice of Exemption with applicable governmental entities.

**Section 5.** Severability. The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Resolution shall remain in full force and effect.

**Section 6.** Mayor Signature. The Mayor shall sign, and the City Clerk shall certify to, the passage and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 13<sup>th</sup> day of February, 2017.

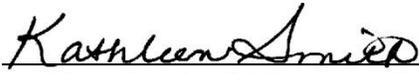
AYES: Caretto, Jackowski, Putz, Herrick, Jahn  
NOES: None  
ABSTAIN: None  
ABSENT: None



---

W.E. Jahn, Mayor

ATTEST:



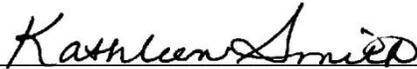
---

Kathleen Smith, COO/Acting City Clerk

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO ) ss  
CITY OF BIG BEAR LAKE                )

I, Kathleen Smith, Acting City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing Resolution, being Resolution No. 2017-04 was duly passed and adopted by the said City Council and attested by the Acting City Clerk of said City, all at a regular meeting of the said Council held on the 13<sup>th</sup> day of February, 2017, and that the same was so passed and adopted by the following vote:

AYES:           Caretto, Jackowski, Putz, Herrick, Jahn  
NOES:           None  
ABSTAIN:       None  
ABSENT:        None

  
\_\_\_\_\_  
Kathleen Smith, COO/Acting City Clerk