



## STAFF REPORT

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*commdev@ci.twentynine-palms.ca.us*

**To:** Planning Commission  
**From:** Community Development Director  
**Date:** February 1, 2005  
**RE:** **PC 04-52**

Development Code update, review of chapters 19.07 Rural Living (RL), 19.08 Single Family Residential (RS), 19.09 Multi-family Residential (RM), 19.10 Commercial Districts (CG, CO, CT, and CN), 19.12 Service Commercial (CS) and Community Industrial (IC), 19.14 Open Space Residential (OSR), 19.15 Public (P), 19.20 General Plan Amendments, 19.40 Application Process and Submittal Requirements, 19.44 Public Hearing Notice, 19.48 Accessory Uses, 19.66 Commercial Vehicle Parking, and 19.70 Lighting Standards.

**RECOMMENDATION:** Conduct the Public Hearing and formulate a recommendation to the City Council regarding the Development Code Amendment.

**BACKGROUND:** The City recently completed update of the Development Code. Since that time, staff and the Planning Commission have had an opportunity to put the revised and updated policies into effect. Utilizing the new code has afforded an opportunity to determine areas in which fine-tuning or minor modification may be necessary. The Planning Commission held Study Sessions on November 2, November 16, December 7, 2004 and January 18, 2005 in developing consensus on the following modifications to the Code, with the exception of the proposed modification to Chapter 19.44 discussed below.

### Attachments

- Draft Development Code Chapters

They are presented in numerical order per their respective chapters.

**19.07 Rural Living (RL)**  
**19.08 Single Family Residential (RS)**  
**19.09 Multi-family Residential (RM)**  
**19.14. Open Space Residential (OSR)**

At the September 7, 2004 meeting, the Planning Commission formulated a recommendation to Council regarding amendment of the City's design requirements for residential development in the Rural Living (RL), Single Family Residential (RS), Multi-family Residential (RM), and Open Space Residential (OSR) land use districts. At their October 26, 2004 meeting, Council adopted the amended requirements as recommended by the Planning Commission.

One of the Code amendments approved by Council was a requirement for an 18" overhang on all residential development in all residential zones. However, in adopting the revised requirements,

Council requested that the Planning Commission get additional information regarding increasing the overhang requirement to 24". Staff provided information at the November 2, 2004 meeting and the Planning Commission consensus was to recommend the 24" requirement.

At the January 18, 2005 meeting, the Planning Commission had a discussion regarding undergrounding of utilities. Text in chapters 19.07, 19.08, 19.09 and 19.14 now states that utilities serving new projects of more than four dwelling units shall install underground utilities on and off site and those of four or less dwelling units shall install onsite utilities underground. The Commission consensus was that this requirement was to apply to subdivisions, not to infill development. Accordingly, the text is modified to require undergrounding of utilities for residential projects only in cases where a subdivision is proposed.

### **19.09 Multi-family Residential (RM)**

Staff recommends the Planning Commission's reconsideration of the underground utilities modification to Chapter 19.09 for multi-family development. With the proposed change as currently drafted, a large-scale multi-family project would not have underground utilities because it did not involve a subdivision. Staff recommends that the current text in Chapter 19.09 be left as is to require undergrounding of new multi-family development onsite and offsite if over four dwelling units and onsite only if four or less. The attached draft text will have to be modified if the Planning Commission provides revised direction on this matter.

### **19.10 Commercial Districts (CG, CO, CT, and CN)**

#### **19.12 Service Commercial (CS) and Community Industrial (IC)**

Because residential development is allowable in some commercial districts, either as a primary use in Office Commercial or as caretaker quarters in other districts, the Planning Commission consensus is that the residential standards applicable to residential development be added to Chapters 19.10 and 19.12, indicating that the residential standards are applicable to residential development "if allowed" per the Code. This amendment is added to Design Standards subsections 19.10.040 (L) and 19.12.040 (C); it ensures that the Code does not inadvertently allow development in a commercial district that could not be allowed in an adjacent or nearby residential district.

All land use districts include a building height standard. For residential, Public, and the CO, CN, and CT districts, the building height limit is 35', for CG, CS, and IC, the Development Code establishes 45' as the height limitation. The Code has historically included an allowance for a 50% increase over the maximum height limitation for specified improvements. All of the residential chapters (19.07, 19.08, 19.09 and 19.14) have the following provision regarding building height, "Structures such as chimneys, cupolas, flagpoles, steeples, and the like may exceed height limits up to fifty (50) percent." This provision allows for a 52½' height limitation in districts where a 35' height limitation would otherwise apply and a 67½' height limitation in districts where a 45' limit is established. However, in the recent Development Code update, the 50% allowance was inadvertently omitted from Chapters 19.10 and 19.12. The omission, if not corrected, allows the 50% increase in residential districts but does not allow it in commercial or industrial districts, thus allowing higher structures (chimneys, cupolas, etc) in residential than are allowed in commercial or industrial districts.

The Planning Commission consensus is to re-establish the 50% allowance and add to the list "communications towers."

## Outdoor Storage

Sections 19.12.050 and 19.10.050 of the Code establish outdoor storage and use standards for, “Vehicle storage, tow yards, appliance or vehicle repair or service, and similar uses.” One of the requirements for these uses is:

A solid block wall shall be constructed around the perimeter of the use and substantially block the view of the yard. A minimum of three (3) feet of landscaping shall be provided along the street frontage to provide aesthetic relief along the wall or fence.

At the November 16, 2004 meeting, the Planning Commission directed staff to delete “tow yards” from the listing of businesses subject to the standard.

## **19.10 Commercial Districts (CG, CO, CT, and CN)**

The General Plan and Development Code establish a maximum residential density of eight units per acre. Because residential development can be allowed in the Office Commercial Land Use District, Planning Commission consensus at the November 2, 2004 meeting was that we include the eight unit per acre limitation on residential development, where allowed. This Code amendment prevents a situation where a developer might argue that a higher (or unlimited) residential density should be approved in a commercial district. This change is shown in Section 19.10.040 (L) of the attached draft.

Table 19.10-A of the Development Code establish permitted and conditional uses. Per the table, “automotive stereo and sound system installation” is a conditional use. At the November 16, 2004 meeting, the Planning Commission directed staff to revise this section of the Code to make such uses “permitted.” With this change, a stereo installation business can be approved at staff level with issuance of a Business License; if the Code is not amended in this way, such business would require Planning Commission approval of a Conditional Use Permit.

## **19.12 Service Commercial (CS) and Community Industrial (IC)**

Section 19.12.040 (A) of the Development Code states:

A Desert Southwest theme is encouraged where possible. A modern industrial building design may be acceptable where the Desert Southwest theme is not feasible and the proposed design will not detract from or conflict with the established theme of the neighborhood.

Planning Commission consensus following the November 2, 2004 meeting is to amend Chapter 19.12 to state that the Desert Southwest theme is required in the CS land use district for properties visible from Adobe Road, north of Twentynine Palms Highway and encouraged in other CS areas. CS zoning is identified on your General Plan Land Use Map in bright red. There are two primary areas—along Sullivan Road west of Adobe Road and along Adobe Road south of Amboy Road. If the Code is amended as recommended by the Commission, commercial development along Adobe Road will be required to have a Desert Southwest design theme; the Desert Southwest design theme will encouraged but not required in the other CS areas of the City.

## 19.20 General Plan Amendments

This chapter establishes the City’s requirements for amending the General Plan. Section 19.20.050 establishes the Approval Authority for such actions. The section states:

The Planning Commission shall hold a Public Hearing on every complete application for a General Plan amendment. The Planning Commission shall act as the Review Authority and shall make a recommendation to the City Council to approve, approve with modifications, or deny the application.

The City Council shall act as the Approval Authority and shall hold a Public Hearing on every complete application for a General Plan amendment. The City Council may approve, approve with modifications, or deny applications for General Plan amendments.

Planning Commission consensus at the November 2, 2004 meeting was to amend Section 19.20.050 to make the Planning Commission the Approval Authority for denial of General Plan Amendments. The affect of this change, if adopted, is that Planning Commission denial of a General Plan Amendment would be a final action, avoiding a situation where Council is asked to approve a General Plan Amendment that is not recommended for approval by the Planning Commission. It would, however, leave intact the provision for an applicant to appeal a Planning Commission denial of a proposed General Plan Amendment. In the attached draft, text proposed to be added is shown in *italics* and text proposed for deletion is shown in ~~strikethrough~~:

## 19.40, Application Process and Submittal Requirements

Table 19.40.040-A on page 40-5 of Chapter 19.40 specifies the Approval Authority for the various land use applications. The following clarification is recommended.

The Conditional Use Permit information is incomplete. To ensure that the table is in sync with Chapter 19.30, it should be revised as follows:

Permit Type	Development Code Chapter	Notice and Advertisement	Public Hearing	Approval Authority	Appeal Authority
Conditional Use Permit	19.30	Yes	PC	PC	CC
Minor Amendment (per Section 19.30.130)	19.30	NA	NA	PD	PC
Major Amendment	19.30	Yes	PC	PC	CC

Discussed above is modification to Chapter 19.20 which would establish the Planning Commission as the Approval Authority for denial of General Plan Amendments. If this Development Code amendment is adopted, Table 19.40.040-A will need to also reflect the following change:

Permit Type	Development Code Chapter	Notice and Advertisement	Public Hearing	Approval Authority	Appeal Authority
General Plan Amendment - Approval	19.20	Yes	PC/CC	CC	NA
General Plan Amendment - Denial	19.20	Yes	PC	PC	CC

In the recent Development Code update, the City established two levels of Site Plan Review, they are referenced as “Site Plan Review” and “Administrative Site Plan Review.” To ensure consistency, Table 19.40.040-A should be updated to reflect the change, as follows:

Permit Type	Development Code Chapter	Notice and Advertisement	Public Hearing	Approval Authority	Appeal Authority
Site Plan Review	19.28	Yes	PC	PC	CC
Administrative Site Plan Review	19.28	NA	NA	PD	PC

**Chapter 19.44, Public Hearing Notice**

Please note that the following Development Code amendment was not discussed in Study Session and is being presented to the Planning Commission for the first time. It is presented as a result of problems in implementing an existing requirement.

In addition to a requirement for advertisement in a local newspaper ten days prior to a public hearing, State law requires that the City notify all property owners within 300 feet of a property, that is the subject of a public hearing, of the public hearing. On October 23, 2001, the City adopted revised requirements [Section 19.44.040 (C) of the attached draft] that go beyond the minimum state requirement, for properties in excess of five acres.

While the extension of the mailing radius on larger properties does provide for additional notice, staff continually encounters problems in getting proper notification packages from applicants.

Prior to submitting a proposal, the applicant provides the parcel number to a title company and receives a computer-generated mailing radius package; this includes adhesive mailing labels of all properties within the required radius. Because the City has non-standard requirements for notification, the mailing labels are almost always missing some properties. This requires that staff notify the applicant of an incomplete application. Because none of the title companies are set up to provide radius packages that meet the “minimum two parcels in each direction” standard, the applicant is required to research the property owner information and type the additional labels. The end result of the City’s requirement is delays in processing.

With the anticipated increase in upcoming development, staff is recommending that the requirement for increased notification be removed from the Code. This change would revert back to the former notification requirement that meets the state’s minimum standards.

**Chapter 19.48 Accessory Uses**

Section 19.48.030 establishes standards for accessory uses in residential areas. Subsection 19.48.030 (E) on page 48-2 of the Code, provides regulation of “permanent use of sea-going cargo containers and similar storage devices.” The standards in this subsection are applicable to properties containing a residence but the Code is inadvertently silent on placement of such containers on residential properties with institutional or nonconforming commercial uses.

For example, under one interpretation of the Code as currently worded, an institutional use such as a church or a nonconforming business, in a residential district, could establish a cargo container of any size with only a building permit. The Code specifies that a container is allowed

on a property that contains a residence, therefore, because a church (or a business) is not a residence, an argument could be made that the cargo container cannot be allowed. Planning Commission consensus is that section 19.48.030 be expanded, adding subsection (E)(6) to state:

The Planning Commission consensus at the November 2, 2004 meeting was that section 19.48.030 be expanded, adding subsection (E)(6) to state:

Placement/use of sea-going cargo containers and similar storage devices for institutional or nonconforming commercial uses shall comply with requirements for commercial districts as established in section 19.48.040 of this chapter.

Note that the following edit was not discussed in study session. Section 19.48.060, regulating accessory residential dwellings, has been modified to avoid conflict in the Code. The previously adopted text states that an accessory residential dwelling requires Site Plan Review. However, in Chapter 19.10 and 19.12, accessory residential dwellings are listed as either permitted or as requiring a Minor Use Permit (see Table 19.10-A on page 10-10 and Table 19.12-A on page 12-9). To have consistency between Chapter 19.48 and Chapters 19.10 & 19.12, staff is recommending that the reference to Site Plan Review be deleted from Chapter 19.48 and that it instead reference “as specified in the underlying land use district.”

### **19.66 Commercial Vehicle Parking**

Chapter 19.66 of the Code establishes standards for parking commercial vehicles (trucks) in the RS and RM land use district. The regulations were adopted by the City on July 9, 1991 and codified into the updated code as Chapter 19.66 last year.

In response to a request from towing companies for amendment of the chapter, the Planning Commission held Study Sessions on November 2, November 16, December 7, 2004 and January 18, 2005. Following the January 18<sup>th</sup> meeting, the Planning Commission determined that the edits in the attached draft should be considered in a public hearing.

Section 19.66.010 establishes the purpose of the Chapter. The modification is the addition a sentence that states, “*This Chapter is applicable only to commercial vehicles with an unladen weight of 10,000 pounds or more.*”

Section 19.66.030 provides an exception for deliveries and pick-ups. The recommended change is to expand exceptions to allow an exception for emergency on-call vehicles. The section is modified per direction provided by the Planning Commission.

Section 19.66.040 of the draft text requires an annual permit for “Existing Legal, Non-Conforming Activity.” This requirement was carried forward from Council’s 1991 adoption of the restriction of truck parking in residential areas. Tow truck operators expressed concern that this section could be interpreted to mean that future tow truck drivers will be required to get a permit for parking tow trucks at their home. To avoid a situation where a conflicting interpretation could result, Planning Commission consensus at the January 18, 2005 meeting was to insert additional text, as shown in *italics* in the attached draft.

## **19.70 Lighting Standards**

In May of 2002 the Planning Commission recommended and the Council adopted revised standards for lighting. At the November 16, 2004 study session, the Planning Commission directed staff to amend the chapter as follows:

### **Shielding:**

Section 19.70.030 of the Code specifies that “new” lighting must be shielded to, “...preclude light trespass onto adjacent property or to any member of the public who may be traveling on adjacent roadways or rights-of-way.” The section is revised to apply to all lighting fixtures, not just those that are new. The effect of this is that existing lighting will have to conform to Chapter 19.70.

### **Compliance Period**

Recognizing that the requirement for compliance will be applicable to existing lighting fixtures, a compliance period is included in the draft chapter. Per the draft, all property owners are given a one-year compliance period. Staff level approval of up to three one-year extensions may be granted if the lighting does not exceed .5 foot candle measured at the property line, the request is submitted in writing, and a finding can be made that implementation of the requirement is a hardship for the property owner. The City Attorney has commented that we may also want to include additional extensions based on specific findings that an extreme hardship exists or that the lighting violation is not excessive or does not create a public nuisance.

### **Mercury Vapor Lights:**

When the “Night Sky Ordinance” was initially adopted in 1995, it included a prohibition on mercury vapor lighting. This restriction was removed as a result of the 2002 update. The Planning Commission has directed that the prohibition be reinstated.

In addition to the changes discussed in the Study Sessions, staff is recommending modification to the definition of “Fully Shielded” to more accurately define the shielding requirement as discussed in Study Session.

## **Summary**

Staff recommends that the Planning Commission conduct the Public Hearing and formulate a recommendation to the City Council for adoption. A March 8, 2005 Council Public Hearing for this matter has been scheduled.

## Outdoor Storage

Sections 19.12.050 and 19.10.050 of the Code establish outdoor storage and use standards for, “Vehicle storage, tow yards, appliance or vehicle repair or service, and similar uses.” One of the requirements for these uses is:

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## **Summary**

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**To:** Planning Commission  
**From:** Richard Pedersen, City Engineer  
**Date:** February 1, 2005  
**RE:** PC 05-02  
Adoption of a policy regarding requirements for traffic studies for development projects.

**RECOMMENDATION:** Review the draft policy and formulate a recommendation to the City Council.

**DISCUSSION:** Due to increased activity in new housing tracts and other projects that will generate additional traffic on the City's existing transportation facilities, staff has developed a proposal for the Planning Commission's consideration as it relates to when staff should require traffic studies from developers and the level of detail to be provided with each classification of development, based upon anticipated traffic impacts.

### BACKGROUND:

- Many cities have experienced problems as it relates to traffic congestion and traffic safety issues by not having established procedures in place. The lack of uniform procedures may lead to unnecessary analyses, costs and delays during both preparation and review. Some of these problems include the following:
- Some communities require traffic studies only after there is a problem.
- Some communities require traffic studies for very small-scale projects that have negligible impacts on the roadway. This unnecessarily increases the cost of development.
- Some communities allow very large-scale projects, which will seriously compromise the integrity of the roadway system, to be developed without evaluating likely traffic impacts and necessary mitigation.
- The lack of recommended qualifications and guidelines for preparing traffic studies results in many poorly developed reports. Trip generation rates and trip reduction factors, for example, are often incorrectly used. Some communities and developers are making decisions based on poor analyses.
- Some local governments downplay the traffic impacts of their land use decisions. The agency with jurisdiction over the roadways is expected to make required improvements.

### What is a traffic study?

A traffic study assesses the effects that a particular development's traffic will have on the surrounding transportation network. A traffic study will vary in range and complexity depending on the type and size of the proposed development. In this report, staff is recommending that traffic studies be categorized into three levels based upon the anticipated impact. The three levels are "Traffic Impact Assessment", "Traffic Impact Study" and "Traffic Impact Analysis". The three types are referred to generically as traffic reports

or traffic studies unless the specific type– Traffic Impact Assessment, Traffic Impact Study or Traffic Impact Analysis– discussed in more detail below, is being referenced.

Traffic reports provide information to assist the Planning Commission in making land use decisions, such as subdivisions, rezoning, conditional use permits, and other development reviews, where the proposal may have a significant negative impact on traffic and transportation operations. Ultimately, traffic reports are used to help evaluate if the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow.

Communities that utilize uniform requirements for traffic reports have found the process to be very beneficial. The reports help identify roadway improvements which should be considered. Often, developers are willing to make improvements that will improve the safety and convenience of their site access. The traffic report can also provide a basis for negotiation between the City and the developer regarding street improvements necessary and how the costs for these improvements should be allocated.

### Why are traffic studies needed?

There are a number of reasons why traffic studies are needed. Traffic studies help to:

- Forecast the traffic impacts created by new development based on accepted practices, not perception,
- Determine improvements needed to accommodate new development,
- Assist communities in land use decisions and road agencies in the permit process,
- More efficiently allocate limited funds,
- Meet federal, Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requirements for managing congestion, and the Local Measure I requirements as outlined in the Congestion Management Plan (CMP)
- Relate land use decisions with traffic conditions, evaluate the number and location of access points, evaluate alternatives,
- Update traffic data,
- Provide input for metropolitan transportation planning efforts, and
- Identify problems that could affect a developer's decision on pursuing a proposed project.

### When is the applicant required to submit the traffic report?

To enable the Planning Commission to properly analyze traffic impacts, the traffic report should be submitted to staff with the application. This allows an opportunity for the City Engineer to review the information and prepare a recommendation for the Planning Commission's consideration.

### What mitigation alternatives are expected to be determined with the information of a traffic report?

The major benefit of a traffic report is to determine what, if any, mitigation measures are needed. Mitigation could involve physical or operational improvements along the roadway and site access points. The study should present mitigation alternatives and recommendations. The following are examples of mitigation measures:

#### Roadway Improvements

- construct a by-pass lane
- pave the roadway
- realign a street
- improve sight distance
- widen the roadway
- construct intersection improvements

- add deceleration/acceleration lanes
- add a traffic signal if warrants/spacing criteria are met
- add a median crossover
- construct or modify an interchange

Access Management Techniques

- increase driveway spacing from intersections
- relocate driveway(s) or intersection(s)
- reduce the number of driveways
- install a median
- develop a service road system
- share access with adjacent land

Operational Improvements

- change signal timing or phasing
- improve signal progression

**THE RECOMMENDED POLICY IS AS FOLLOWS:**

There are two parts to the recommended policy. First, what thresholds will require a traffic report and second, what type of report or level of detail would be required within the report.

PART 1- Thresholds for requiring a traffic report

Any proposed site plan, subdivision, zone change or General Plan Amendment which any of the following applies:

1. A project that could generate 50 directional trips during a peak hour or 500-749 trips during an average day. A single-family residence generates approximately 1 peak hour trip.
2. If a new project's traffic will substantially affect an intersection or a roadway segment already identified as operating at an unacceptable level of service.
3. A project that may create a hazard to public safety.
4. A project that will substantially change the off-site transportation system or connections to it.

PART 2 – Type of Traffic Report or level of detail required within the report.

Different levels of development require different levels of traffic analysis. Therefore, this part of the draft policy includes three levels of analysis based upon the anticipated peak hour directional trips. One of the key triggers for identifying when a traffic report should be required is "trip generation." The trip generation of a proposed development is the number of inbound and outbound vehicle trips that are expected to be generated by the development during an average day or during a peak hour.

The process of using thresholds is as follows; estimate the trip generation, compare that generation to accepted thresholds, and then determine the type (if any) of traffic report needed.

The different levels of traffic reports are labeled as follows and are listed in order of complexity, from less to more complex.

1. **TRAFFIC IMPACT ASSESSMENT-** This type of study is recommended for smaller scale projects which should not have a significant impact on the overall transportation system, but will

have impacts at the site access. The analysis for this type of study focuses on site access points. This report would be required for the following projects:

- a. A project projected to generate 50-99 peak hour directional trips.
- b. If a new project's traffic will substantially affect an intersection or a roadway segment already identified as operating at an unacceptable level of service, or will substantially change the off-site transportation system or connections to it
- c. A project that may create a hazard to public safety.

The scope for a Traffic Impact Assessment varies and is determined on a case by case basis and may include those items for evaluation as listed under the "Traffic Impact Study" description depending upon specific site specific factors.

2. **TRAFFIC IMPACT STUDY-** This is the traditional traffic impact study for projects projected to generate 100-250 peak hour directional trips which evaluates the following:

On-Site Circulation: Review and evaluate access locations, driveway throat depths, and size of major on-site circulation facilities with respect to operations, safety, and continuity with existing and planned facilities.

Off-Site Roadways: Study all locations where: 1) the project circulation system intersects with the existing or planned surrounding street system, and 2) project traffic may substantially affect the operation of a roadway or intersection.

Transit: Discuss all bus routes that have, or will have service, within 1/4 mile of the project.

Bicycles: Identify any existing or planned (Twentynine Palms Bicycle Master Plan) facilities that will be modified by the project or are within 1/4 mile of the project.

Pedestrians: Identify any significant pedestrian facilities that will be affected by the project.

Trucks: For industrial/surface mining projects, identify the number of truck trips that will be generated and design accommodations necessary to support these trucks.

Other subject areas (such as traffic safety, residential impacts, etc.) should also be analyzed as warranted by individual circumstances.

Study Scenarios: This type of study should incorporate the following scenarios, unless directed otherwise by the Department of Transportation:

1. Existing Condition
2. Existing Plus Project Condition
3. Cumulative (2025) Condition
4. Cumulative (2025) Plus Project Condition

3. **CONGESTION MANAGEMENT PLAN TRAFFIC IMPACT ANALYSIS (CMP TIA)** - For projects projected to generate more than 250 peak hour directional trips. For such project, the CMP TIA is mandated by Measure I.

Regional Traffic Analysis (CMP TIA): This type of study is much more comprehensive, focusing on the impacts over a long period. It includes all items described under the Traffic Impact Study Description. In most cases, a regional traffic analysis will need to be prepared using a computer model which simulates daily traffic on the transportation network. The model projects traffic based on the expected future development pattern and roadway network. A Congestion Management

Plan Traffic Impact Analysis (CMP TIA) may involve evaluation of a number of optional routes, including future roadways. Such a study may also involve a number of projects being developed separately in the same general area. A developer will be required to submit this report to San Bernardino Associated Governments (SanBag) for approval of this type of analysis.