

**PROPOSAL NO.: LAFCO SC#344**

**HEARING DATE: JULY 15, 2009**

**RESOLUTION NO. 3066**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO SC#344 – CITY OF LOMA LINDA IRREVOCABLE AGREEMENT TO ANNEX FOR WATER AND SEWER SERVICE (LOMA LINDA SPANISH SEVENTH DAY AVENTIST CHURCH)**

**On motion of Commissioner \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_ and carried, the Local Agency Formation Commission adopts the following resolution:**

**WHEREAS**, Government Code Section 56133 requires the Local Agency Formation Commission to review and approve or deny applications for agencies to provide services outside their existing boundaries; and,

**WHEREAS**, an application for the proposed service extension in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 *et seq.*), and the Executive Officer has examined the application and determined that the filings are sufficient; and,

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

**WHEREAS**, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was held upon the date and at the time and place specified in the notice of public hearing and in order or orders continuing the hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written protests; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the contract, in evidence presented at the hearing;

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**NOW, THEREFORE, BE IT RESOLVED**, that the Local Agency Formation Commission of the County of San Bernardino does hereby determine, find, resolve and order as follows:

### **DETERMINATIONS:**

**SECTION 1. FINDINGS.** The following findings are noted in conformance with Commission policy:

1. The project area, identified as Assessor Parcel Number (APN) 0292-163-09, is generally located at the northeast corner of Orange Avenue and New Jersey Street (11055 New Jersey Street). The parcel is within the sphere of influence assigned the City of Loma Linda and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Loma Linda water and sewer service for the proposed worship center. This requirement is a condition of approval placed upon the project by the County Land Use Services Department. Therefore, approval of the City's request for authorization to provide water and sewer service is necessary in order to satisfy this condition of approval.
2. The Irrevocable Agreement to Annex being considered is for the provision of water and sewer service by the City of Loma Linda to APN 0292-163-09. This contract will remain in force in perpetuity for the parcel or until such time as the area will be annexed. Approval of this application will allow the property owner and the City of Loma Linda to proceed in finalizing the contract for the extension of water and sewer service.
3. The preliminary fees charged by the City of Loma Linda for the extension of water and sewer service to the parcel are estimated at \$45,778 depending on final construction costs and when final seating capacity has been identified for the proposed worship center (a breakdown of charges is on file in the LAFCO office). The actual cost will be determined by the City and the payment of these fees will be required prior to connection to the City's water and sewer facilities. In addition, the property owner shall bear all costs to complete improvements needed to extend the water and sewer service to the parcel.
4. During the period from September 2007 to November 2007, acting as the CEQA lead agency, the County of San Bernardino, as a function of its review of a Conditional Use Permit to develop a worship center on 8.9+/- acres, prepared an environmental assessment and adopted a Mitigated Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment. The County's Initial Study and Mitigated Negative Declaration have been reviewed by the Commission's staff and Environmental Consultant who have found them to be adequate for the service contract decision.

The Commission certifies that it has reviewed and considered the County's Mitigated Negative Declaration and environmental effects as outlined in the Initial Study prior to reaching a decision on the project and finds the information substantiating the Negative Declaration as adequate for its use in making a decision as a CEQA responsible agency. The Commission finds that it does not intend to adopt alternatives or mitigation measures for this project as all changes, alterations and mitigation measures are within the responsibility

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and jurisdiction of the County and/or others, and are self-mitigating through the Conditions of Approval.

The Commission directs its Clerk to file a Notice of Determination within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

**SECTION 2. CONDITION.** The City of Loma Linda shall indemnify, defend, and hold harmless the San Bernardino County Local Agency Formation Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this service contract, including any reimbursement of legal fees and costs incurred by the Commission.

**SECTION 3.** The San Bernardino County Local Agency Formation Commission does hereby determine to approve the service extension contract submitted by the City of Loma Linda to provide water and sewer service to APN 0292-163-09.

**SECTION 4.** The Commission instructs the Executive Officer of this Local Agency Formation Commission to notify the affected agencies that the application identified as LAFCO SC#344 – City of Loma Linda Irrevocable Agreement to Annex for Water and Sewer Service (APN 0292-163-09), has been approved.

**THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission of the County of San Bernardino by the following vote:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

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STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN BERNARDINO )

I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of July 15, 2009.

**DATED:**

**KATHLEEN ROLLINGS-McDONALD**  
Executive Officer