

Draft Resolution #3177

Attachment 5

PROPOSAL NO.: LAFCO SC#375

HEARING DATE: SEPTEMBER 18, 2013

RESOLUTION NO. 3177

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO SC#375 – LAFCO SC#375 - RUNNING SPRINGS WATER DISTRICT OUT-OF-AGENCY SERVICE AGREEMENT FOR SEWER SERVICE (O-ONGO INC./PALI MOUNTAIN)

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 for San Bernardino County 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 encompasses three (3) adjacent parcels (Assessor Parcel Numbers 0328-042-15, 0328-042-16 and 0328-042-17) that make up the camp facility commonly known as Pali Mountain in Running Springs. All three parcels are within the sphere of influence assigned the Running Springs Water District and are anticipated to become a part of that District sometime in the future. The application requests authorization to receive Running Springs Water District sewer service.

The sewer connection is a requirement the Lahontan Regional Water Quality Control Board imposed on the project. Therefore, approval of the Running Springs Water District's request for authorization to provide sewer service is necessary in order to build the project.

In addition, it should be noted that the property owner/developer has committed to perform all the items that the Crestline-Lake Arrowhead Water Agency has requested related to its proposed sewer pipeline that is intended to cross the CLAWA easement.

2. The Running Springs Water District Agreement for the Provision of Outside Sewer Service to O-Ongo Inc./Pali Mountain being considered is for the provision of sewer service by the District to three parcels, Assessor Parcel Numbers 0328-042-15, 0328-042-16 and 0328-042-17, comprising a total of 73+/- acres. This contract will remain in force in perpetuity for these parcels or until such time as the area will be annexed.
3. The fees charged this project by the Running Springs Water District in order to receive sewer service are identified as totaling \$122,459.05 including additional fees that will be charged on a monthly basis (a breakdown of charges is on file in the LAFCO office). Payment of these charges is required prior to connection to the District's sewer facilities. In addition, the property owner/developer shall bear all costs to complete improvements needed to extend the sewer service to the proposed project site.
4. In November 2011 and subsequently in September 2012, acting as the CEQA lead agency, the County of San Bernardino, as a function of its review of the construction and use of a 29,005 sq. ft. dining facility, 10 cabins each with a floor area of 1,872 sq. ft., a suspended slide at the existing lake, a new 150,000 gallon water tank that will replace the existing 50,000 gallon tank, and a 1,118 sq. ft. office for an existing organizational camp and Adult Conference Center for a maximum of 520 guests and 55 staff members on 73.2 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 through its development under the Conditions of Approval that has been prepared for the proposed project.

In addition, the Commission's Environmental Consultant, Tom Dodson and Associates, prepared an Addendum to the County's environmental assessment to address extending sewer service to the project that was not a part of the original proposal approved by the County, which also includes a discussion regarding the Crestline-Lake Arrowhead Water Agency easement.

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The County’s Initial Study and Mitigated Negative Declaration, including the Addendum prepared by LAFCO’s Environmental Consultant, have been reviewed by the Commission’s staff and 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, and the Addendum that modifies the County’s adopted Mitigated Negative Declaration, prior to reaching a decision on the service contract and finds the information substantiating the Negative Declaration and Addendum are adequate for its use in making a decision as a CEQA lead agency. The Commission further 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 and jurisdiction of the County and/or other agencies and are self-mitigating through the Conditions of Approval.

The Commission, as a lead agency, adopts the Addendum that incorporates the previously adopted Mitigated Negative Declaration and addresses the environmental assessment to address extending sewer service to the project that was not a part of the original proposal approved by the County, and finds that this proposal is exempt from the California Department of Fish & Wildlife fees because the filing fee was already paid by the County. The Commission directs its Clerk to file a Notice of Determination for the Addendum within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.

SECTION 2. CONDITION. The Running Springs Water District shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County 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 Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the Running Springs Water District to provide sewer service to the project area, comprised of three (3) parcels identified as Assessor Parcel Numbers 0328-042-15, 0328-042-16 and 0328-042-17.

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#375 - Running Springs Water District Out-of-Agency Service Agreement for Sewer Service (O-Ongo Inc./Pali Mountain), has been approved.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County 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 for San Bernardino County, 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 September 18, 2013.

DATED:

KATHLEEN ROLLINGS-McDONALD
Executive Officer

DRAFT