

**LOCAL AGENCY FORMATION COMMISSION
FOR SAN BERNARDINO COUNTY**

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DATE: DECEMBER 9, 2015



**FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
MICHAEL TUERPE, Project Manager**

TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: Agenda Item #4: LAFCO SC #402 – City of San Bernardino
Irrevocable Agreement to Annex for Sewer Service (APN 0268-291-09)**

INITIATED BY:

City of San Bernardino, on behalf of property owner/developer

RECOMMENDATION:

Staff recommends that the Commission approve LAFCO SC#402 by taking the following actions:

1. Certify that LAFCO SC #402 is statutorily exempt from environmental review and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve SC #402 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Tentative Parcel Map 17356, approved by the County to subdivide one acre (Assessor Parcel Number 0268-291-09) into three parcels.
3. Adopt LAFCO Resolution #3209 setting forth the Commission's determinations and approval of the agreement for services outside the City of San Bernardino's boundaries.

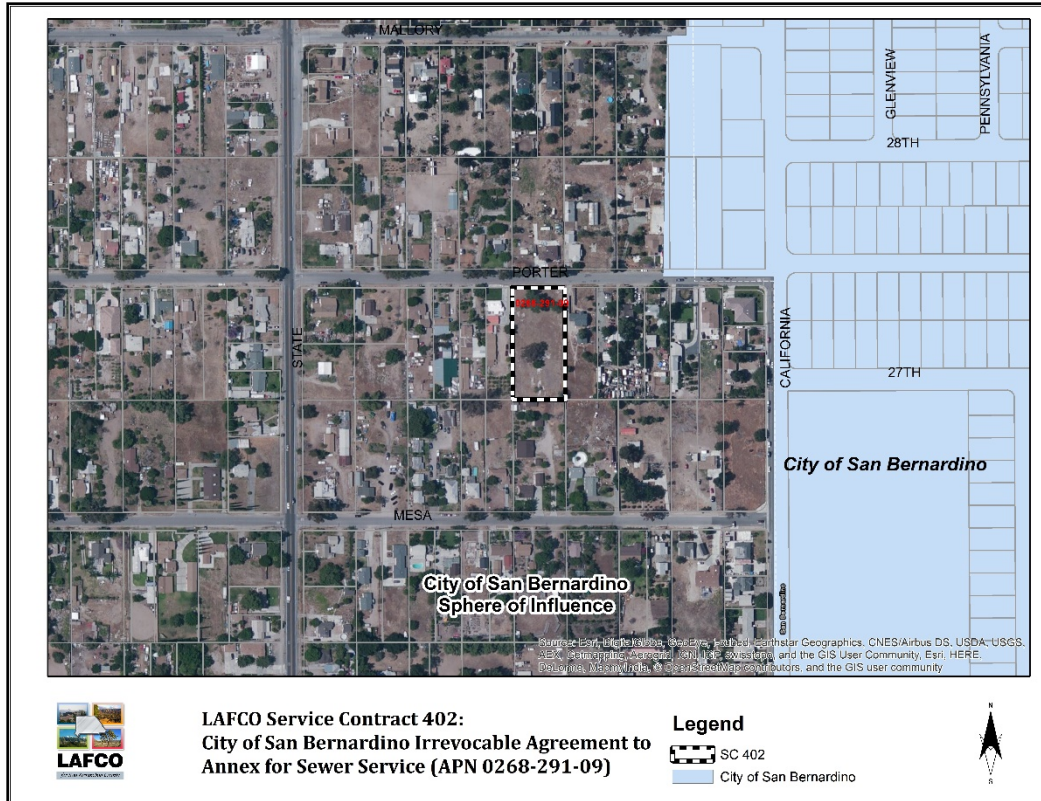
BACKGROUND:

The County has approved Tentative Parcel Map (TPM) 17356 which would subdivide one gross acre into three parcels. The County's Land Use Services Department conditionally approved TPM 17356 subject to completion of the Conditions of Approval, which require connection to the City of San Bernardino's sewer facilities (Condition #39).

The City of San Bernardino, on behalf of the property owner/developer, has requested that the Commission review and approve the extension of service pursuant to the provisions of Government Code Section 56133. The City has submitted a request for approval of an irrevocable agreement to annex that outlines the terms by which it will extend sewer service outside of its boundaries. The agreement relates to one acre which will be split into three parcels (currently Assessor Parcel Number 0268-291-09), located on the south side of Porter Street between California Avenue and State Street in the community of Muscoy within the City's western sphere of influence. If approved, the service extension would provide sewer service and allow three single-family-residences to be constructed on a lot that is currently vacant. These facilities would be connected to the City's regional wastewater collection system and the regional treatment system operated by the City Municipal Water Department.

The City's application to LAFCO, and the landowner's application to the City, identifies that the service extension is for a single-family-residence on one parcel. LAFCO staff has clarified with the City and the landowner that the request to the Commission is for the City to extend sewer service outside its boundaries to Tentative Parcel Map 17356, approved by the County to subdivide one acre (APN 0268-291-09) into three parcels (three total connections).

The map below, which is included as a part of Attachment #1, depicts the location of the site. As shown below, the property is not contiguous to the City's boundaries. The City has indicated that annexation of this property could occur, but would require several adjacent properties to be included to provide for a logical and efficient boundary for delivery of the full-range of City services. Therefore, the City has agreed to the processing of the out-of-agency service contract for sewer service to allow for the development of three single-family-residences.



PLAN FOR SERVICE:

The City’s application (included as Attachment #2) indicates that the City has an existing 24-inch sewer interceptor main along Porter Street directly adjacent to the property. The City’s Sewer Policy does not allow a direct connection to an interceptor main, thus a parallel line will need to be installed with appropriate manholes connecting to the interceptor main. The property owner will be responsible for all costs associated with the service extension and connection to the project site. A copy of the County’s Conditions of Approval are included as Attachment #3 to this report.

Pursuant to the Commission’s application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside the agency’s boundaries. The City has identified that it does not charge a premium rate for out-of-agency sewer service. The City has indicated that the following amounts are required from the property owner prior to connection to the City’s sewer facilities:

SUMMARY OF FEES & OTHER CHARGES
(Updating the City's Application per City Staff)

Fees	Cost	Total
Sewer Capacity: Residential	\$3,500.00 per connection	\$10,500.00
Sewer Connection (Permit)	\$335.02 per 3,000 sq ft	\$4,864.50
Inspection	\$29.18	\$29.18
Total		\$15,393.68

ENVIRONMENTAL DETERMINATION:

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Tom Dodson and Associates, has reviewed this proposal and has indicated that it is his recommendation that the review of LAFCO SC #402 is statutorily exempt from the California Environmental Quality Act (CEQA) under the General Rule Statutory Exemption. This recommendation is based on the finding that the Commission's approval of the out-of-agency service extension request does not have the potential to significantly alter the existing physical environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3).

CONCLUSION:

The development of TPM 17356 requires that it receive sewer service from the City of San Bernardino. In order for the project to proceed, the developer must show proof of ability to connect to the City's sewer infrastructure - which is the Commission's authorization for the extension of services.

LAFCO staff has reviewed this request for the provision of sewer service by the City outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City and is anticipated to become a part of the City sometime in the future. The development of the project site requires that it receive sewer service, which is only available from the City of San Bernardino. Staff supports the City's request for authorization to provide sewer service to the proposed project since its facilities are adjacent to the anticipated development, and there is no other existing entity available to provide this service within the area.

FINDINGS:

1. The project area, which includes one parcel—Assessor Parcel Number (APN) 0268-291-09—is within the sphere of influence assigned the City of San Bernardino and is anticipated to become a part of that City sometime in the future. The requirement to

receive sewer service from the City 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 sewer service is necessary to satisfy this condition of approval allowing the project to proceed. The project will receive water service from the Muscoy Mutual Water Company.

2. The application requests authorization for the City of San Bernardino to provide sewer service as outlined in the Irrevocable Agreement to Annex for APN 0268-291-09 generally located on the south side of Porter Street between California Avenue and State Street in the community of Muscoy within the City of San Bernardino's western sphere of influence. The City has indicated that annexation of this property could occur, but would require several adjacent properties to be included to provide for a logical and efficient boundary for delivery of the full-range of City services. The City has agreed to the processing of the out-of-agency service contract for sewer service to allow for the development of three single-family-residences. Therefore, this contract will remain in force in perpetuity or until such time as the area is annexed when a more comprehensive annexation can be identified and processed. Approval of this application will allow the property owner/developer and the City of San Bernardino to proceed in finalizing the contract for the extension of this service.

The fees charged this project by the City of San Bernardino for the extension of sewer service to the parcel are estimated at \$15,393.68. Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owner shall bear all costs to complete improvements needed to extend the sewer service to the parcel. The City has identified that it does not charge a premium rate for out-of-agency sewer service.

3. As required by State Law, notice of the Commission's consideration was provided through publication in a newspaper of general circulation, *The Sun*. Individual notice was provided to registered voters (zero within the project area and 145 surrounding) and landowners (the landowner/developer within and 96 surrounding) as required by Government Code Section 56157 as well as affected and interested agencies, County departments, and those agencies and individual requesting mailed notice. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination.
4. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by City of San Bernardino and recommends that this application is statutorily exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #4 to this report.

KRM/MT

Attachments:

1. [Vicinity Map and Map of the Contract Area](#)
2. [City of San Bernardino's Application and Contract](#)
3. [County Conditions of Approval for Tentative Parcel Map 17356](#)
4. [Tom Dodson and Associates Response, the County's Environmental Documents for the Conditional Use Permit](#)
5. [Draft Resolution #3209](#)