

Draft Resolution #3209

Attachment 5

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO SC#402

HEARING DATE: DECEMBER 16, 2015

RESOLUTION NO. 3209

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#402 – CITY OF SAN BERNARDINO IRREVOCABLE AGREEMENT TO ANNEX FOR SEWER SERVICE (APN 0268-291-09)

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 San Bernardino County 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;

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

RESOLUTION NO. 3209

DETERMINATIONS:

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

1. The project area, which includes one parcel—Assessor Parcel Number 0268-291-09— is located on the south side of Porter Street between California Avenue and State Street in the community of Muscoy. The parcel 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 application requests authorization to receive City of San Bernardino sewer service for the proposed Tentative Parcel Map 17356 which would subdivide one gross acre into three parcels. 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 sewer service is necessary in order to satisfy this condition of approval.
2. The Irrevocable Agreement to Annex is for the provision of sewer service by the City of San Bernardino to Assessor Parcel Number 0268-291-09, which would be subdivided into three parcels pursuant to TPM 17356. 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 for the parcel or until such time as the area will be annexed when a more comprehensive annexation can be identified and processed. Approval of this application allows the property owner/developer and the City of San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged this project by the City of San Bernardino for sewer service are identified as totaling \$15,393.68. Payment of these fees is required prior to connection to the City's sewer facilities. The property owner/developer 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.
4. 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.
5. The Local Agency Formation Commission has determined that this service contract is statutorily exempt from the California Environmental Quality Act (CEQA) based on the finding that the proposal has no potential to cause an adverse effect on the environment. The Commission certifies it has reviewed and considered the environmental recommendation and finds that, without any identifiable physical changes, this proposal does not constitute a project and is not subject to environmental review under the provisions of the State CEQA Guidelines Section 15061(b)(3).

