

# **Draft Resolution #3218**

**Attachment 4**

PROPOSAL NO.: LAFCO SC#405

HEARING DATE: APRIL 20, 2016

RESOLUTION NO. 3218

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO SC#405 – CITY OF FONTANA PRE-ANNEXATION AGREEMENT NO. 15-003 FOR SEWER SERVICE (ASSESSOR PARCEL NUMBER 0234-101-21)**

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, approve with conditions, 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 called for April 20, 2016 at the time and place specified in the notice of public hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written support and/or opposition; 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:

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### DETERMINATIONS:

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

1. The project site, encompassing a single parcel identified as Assessor Parcel Number 0234-101-21, is located on the west side of Redwood Avenue generally between San Bernardino Avenue and Valley Boulevard. The parcel is within the sphere of influence assigned the City of Fontana and is anticipated to become a part of that City sometime in the future. The project will receive water service from the Fontana Water Company.

The application requests authorization to receive City of Fontana sewer service for the proposed development of a 214,300 sq. ft. industrial building to be used as a high-cube warehouse/distribution facility on approximately 9.89 acres. This requirement is a condition of approval placed upon the project by the County's Land Use Services Department. Therefore, approval of the City's request for authorization to provide sewer service to the project is necessary in order to satisfy this condition of approval.

2. The City of Fontana's Pre-Annexation Agreement No. 15-003 is being considered for the provision of sewer service by the City of Fontana to the project site comprised of a single parcel, Assessor Parcel Number 0234-101-21. This contract will remain in force in perpetuity for this parcel or until such time as the area will be annexed.
3. The fees charged this project by the City of Fontana for the extension of sewer service are identified as totaling \$121,663.45 (a breakdown of charges is on file in the LAFCO office). Payment of these charges 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 proposed project.
4. During the period from October 2011 to November 2011, acting as the CEQA lead agency, the County of San Bernardino, as a function of its review of a Conditional Use Permit to construct a 214,300 sq. ft. industrial building to be used as a High-Cube warehouse/distribution facility on approximately 9.89 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. 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 service contract and finds the information substantiating the Mitigated Negative Declaration is adequate for its use in making a decision as a CEQA responsible agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for this project as all changes, alterations and mitigation measures are within the responsibility and jurisdiction of the County and/or others, and are self-mitigating through implementation of the Conditions of Approval.

The Commission, as a responsible agency, finds that proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as the CEQA

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lead agency. The Commission directs its Executive Officer 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 Fontana 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 City of Fontana to provide sewer service to the project site comprised a single parcel identified as Assessor Parcel Number 0234-101-21.

**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#405 - City of Fontana Pre-Annexation Agreement No. 15-003 for Sewer Service, 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 April 20, 2016.

**DATED:**

\_\_\_\_\_  
**KATHLEEN ROLLINGS-McDONALD**  
Executive Officer