


LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: SEPTEMBER 11, 2018 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #7: LAFCO SC#427 – LAFCO SC#427 – City of Rialto Out-of-Agency Service Contract for Sewer Service (Bridge Point South Rialto, LLC)

INITIATED BY:

City of Rialto, on behalf of the property owner/developer

RECOMMENDATION:

Staff recommends that the Commission approve LAFCO SC#427 by taking the following actions:

1. For environmental review as a responsible agency:
 - a. Certify that the Commission has reviewed and considered the County's environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a General Plan Amendment to change the Agua Mansa Specific Plan land use designation from Single-Family Residential to Medium Industrial, Conditional Use Permit to establish a 475,847 sq. ft. warehouse building and a 30,059 sq. ft. warehouse building, and Tentative Parcel Map 19603 to create three parcels on approximately 31 acres, and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
 - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA

lead agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.

2. Approve LAFCO SC#427 authorizing the City of Rialto to extend sewer service outside its boundaries to the project area comprised of 18 adjacent parcels identified as Assessor Parcel Numbers 0260-032-11, -12, -13, and -14, 0260-033-01, -02, and -03, 0260-041-01 and -17, and 0260-051-06, -07, -08, -09, -10, -11, -12, -13 and -15; and,
3. Adopt LAFCO Resolution #3277 setting forth the Commission’s determinations and approval of the agreement for service outside the City of Rialto’s boundaries.

BACKGROUND:

The City of Rialto (hereinafter 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. The agreement relates to a proposed development on 18 adjacent parcels, Assessor Parcel Numbers (APNs) 0260-032-11, -12, -13, and -14, 0260-033-01, -02, and -03, 0260-041-01 and -17, and 0260-051-06, -07, -08, -09, -10, -11, -12, -13 and -15, comprising a total of approximately 31 acres, generally located on the west side of Agua Mansa Road (12050 Agua Mansa Road) and northerly of El Rivino Road, within the City of Rialto’s southern sphere of influence. Figure 1 below outlines the location of the contract area and Attachment #1 includes the vicinity map of the site along with a map outlining the location of the infrastructure to be extended.

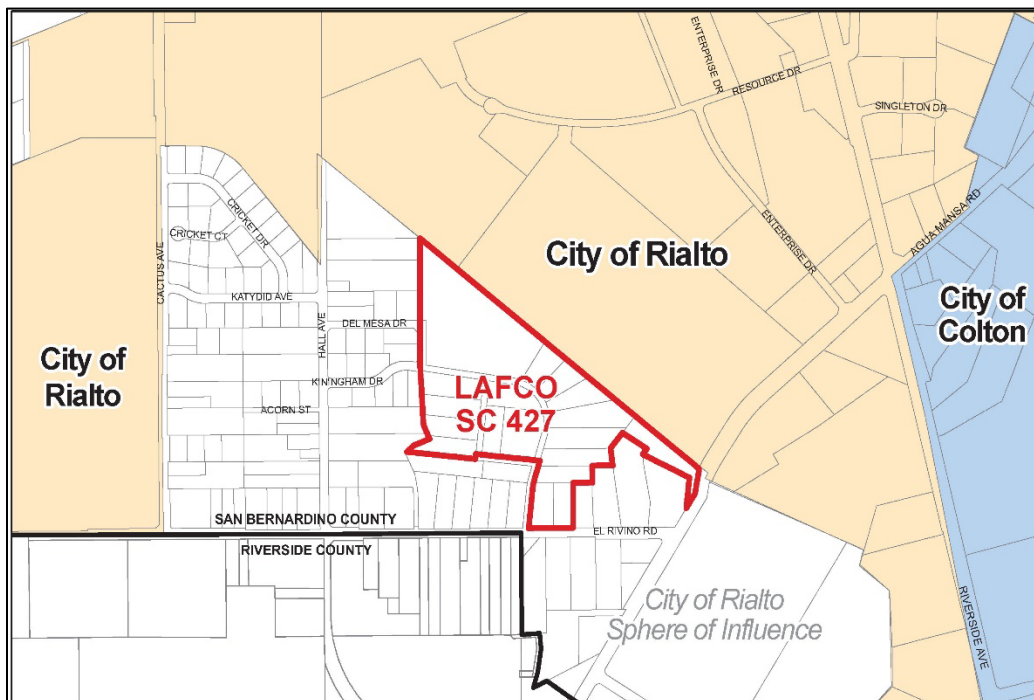


FIGURE 1 – Vicinity Map

In February 2017, the County Land Use Services Department (LUSD) processed and approved a General Plan Amendment, a Conditional Use Permit (CUP), and a Tentative Parcel Map (TPM) 19603 for the development of two warehouse facilities on the 31-acre project site. The Conditions of Approval for the project includes the requirement to connect to the City of Rialto’s sewer facilities (Condition 88 of the CUP and Condition 19 of the TPM) and require LAFCO approval of the contract (Condition 20 of the TPM). A copy of the Conditions of Approval for the project are included as Attachment #3 to this report.

Therefore, the City, on behalf of the property owner/develop, requests that the Commission authorize the extension of sewer service to the project site pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

PLAN FOR SERVICE:

The City’s application (included as Attachment #2 to this report) indicates that sewer service will be provided by extending the 10-inch sewer main approximately 40 linear feet along Agua Mansa Road. The installation will also include a 6-inch sewer lateral extension from the sewer line extension in Agua Mansa Road that will serve the proposed development.

Pursuant to the Commission’s application requirements for service contracts, information must be provided regarding all financial obligations for the extension of service outside an agency’s boundaries. The City of Rialto has identified an estimated cost of \$498,968.67 in sewer fees and costs for lift station upgrade. The following table provides the breakdown of fees and upgrade costs:

FEES	TOTAL
Sewer treatment fees	\$178,161.55
Sewerage Collection fees (estimated)	\$20,807.12
Sewer lift station upgrade (Project portion is to be determined)	\$300,000.00
Total	\$498,968.67

In addition, the property owner/developer will be responsible for the entire cost of the construction and installation of the sewer improvements to the project. All fees are calculated at 1.3 times the in-City sewer rates. The higher rates charged are intended to help offset the costs for service delivery outside the City’s corporate boundaries.

ENVIRONMENTAL DETERMINATION:

The County prepared an Initial Study and Mitigated Negative Declaration for a General Plan Amendment to change the Agua Mansa Specific Plan land use designation from Single-Family Residential to Medium Industrial, Conditional Use Permit to establish a

475,847 sq. ft. warehouse building and an additional 30,059 sq. ft. warehouse building, and Tentative Parcel Map 19603 to create three parcels on approximately 31 acres.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and the Mitigated Negative Declaration for the proposed project site. Mr. Dodson's analysis indicates that the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency.

Mr. Dodson has indicated that the necessary environmental actions to be taken by the Commission are as follows:

- a) Certify that the Commission, its staff and its Environmental Consultant, have independently reviewed and considered the County's environmental assessment and Mitigated Negative Declaration;
- b) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures identified in the County's environmental documents are the responsibility of the County and/or others, not the Commission; and,
- c) Direct the Executive Officer to file the Notice of Determination within five (5) days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the County, as lead agency, has paid said fees for its environmental determination.

CONCLUSION:

The proposed development of the warehouse facilities approved by the County of San Bernardino requires that it receive sewer service from the City of Rialto and the property owner/developer must show proof of its ability to connect to the City of Rialto's sewer infrastructure in order for the proposed development to proceed - which is the Commission's authorization for this agreement.

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

DETERMINATIONS:

1. The project area, which is comprised of 18 adjacent parcels identified as Assessor Parcel Numbers (APNs) 0260-032-11, -12, -13, and -14, 0260-033-01, -02, and -03, 0260-041-01 and -17, and 0260-051-06, -07, -08, -09, -10, -11, -12, -13 and -15, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future.

The application requests authorization to receive City of Rialto sewer service. 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 Extraterritorial Wastewater Service Agreement being considered is for the provision of sewer service by the City of Rialto to the project site comprised of 18 adjacent parcels, Assessor Parcel Numbers (APNs) 0260-032-11, -12, -13, and -14, 0260-033-01, -02, and -03, 0260-041-01 and -17, and 0260-051-06, -07, -08, -09, -10, -11, -12, -13 and -15, which are generally located on the west side of Agua Mansa Road (12050 Agua Mansa Road) and northerly of El Rivino Road, within the City of Rialto's southern sphere of influence. This contract will remain in force in perpetuity for the proposed development or until such time as the project area is annexed.

Approval of this application will allow the property owner/developer and the City of Rialto to proceed in finalizing the contract for the extension of this service.

3. The City of Rialto has identified a total of \$498,968.67 in sewer fees and upgrade costs (for a breakdown, see table on page 3). 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 proposed development.
4. During the period from February 2016 to February 2017, acting as the CEQA lead agency, the County prepared an environmental assessment for a General Plan Amendment to change the Agua Mansa Specific Plan land use designation from Single-Family Residential to Medium Industrial, Conditional Use Permit to establish a 475,847 sq. ft. warehouse building and a 30,059 sq. ft. warehouse building, and Tentative Parcel Map 19603 to create three parcels on approximately 31 acres. The County's environmental assessment indicates that the project would not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project.

LAFCO's environmental consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and recommends that, if the Commission approves LAFCO SC#427, the County's Initial Study and Mitigated

Negative Declaration are adequate for the Commission's use as CEQA responsible agency. The Commission will not be adopting alternatives or additional mitigation measures, as these are the responsibility of the County and/or others and are considered self-mitigating through implementation of the Conditions of Approval. Attachment #4 to this report includes a copy of Mr. Dodson's response and recommendation regarding the Commission's environmental review and the necessary actions to be taken.

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Attachments:

1. [Vicinity Map](#)
2. [City of Rialto's Application and Contract](#)
3. [County Conditions of Approval for the Project](#)
4. [Tom Dodson and Associates' Response Including the County's Mitigated Negative Declaration for the Project](#)
5. [Draft Resolution #3277](#)