


LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JANUARY 7, 2019
FROM: SAMUEL MARTINEZ, Executive Officer 
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #8: LAFCO SC#436 – City of Rialto Out-of-Agency Service Contract for Sewer Service (Cedar Avenue Technology Park Project)

INITIATED BY:

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

RECOMMENDATION:

Staff recommends that the Commission approve LAFCO SC#436 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 Conditional Use Permit to construct a 180,770 sq. ft. concrete tilt-up warehouse center with a 10,000 sq. ft. office/administrative use area on approximately 9.8 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 project's 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#436 authorizing the City of Rialto to extend sewer service outside its boundaries to Assessor Parcel Number 0253-211-56; and,
3. Adopt LAFCO Resolution #3281 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 Assessor Parcel Number (APN) 0253-211-56, comprising a total of approximately 9.8 acres, generally located on the northeast corner of Cedar Avenue and Orange Street (18750 Orange Street), within the City of Rialto’s southern sphere of influence, in the unincorporated community of Bloomington. Figure 1 below, which is also included as Attachment #1, provides a location and vicinity map of the site. In addition, Attachment #2 outlines the City’s application including a map that provides the location of the infrastructure to be extended.

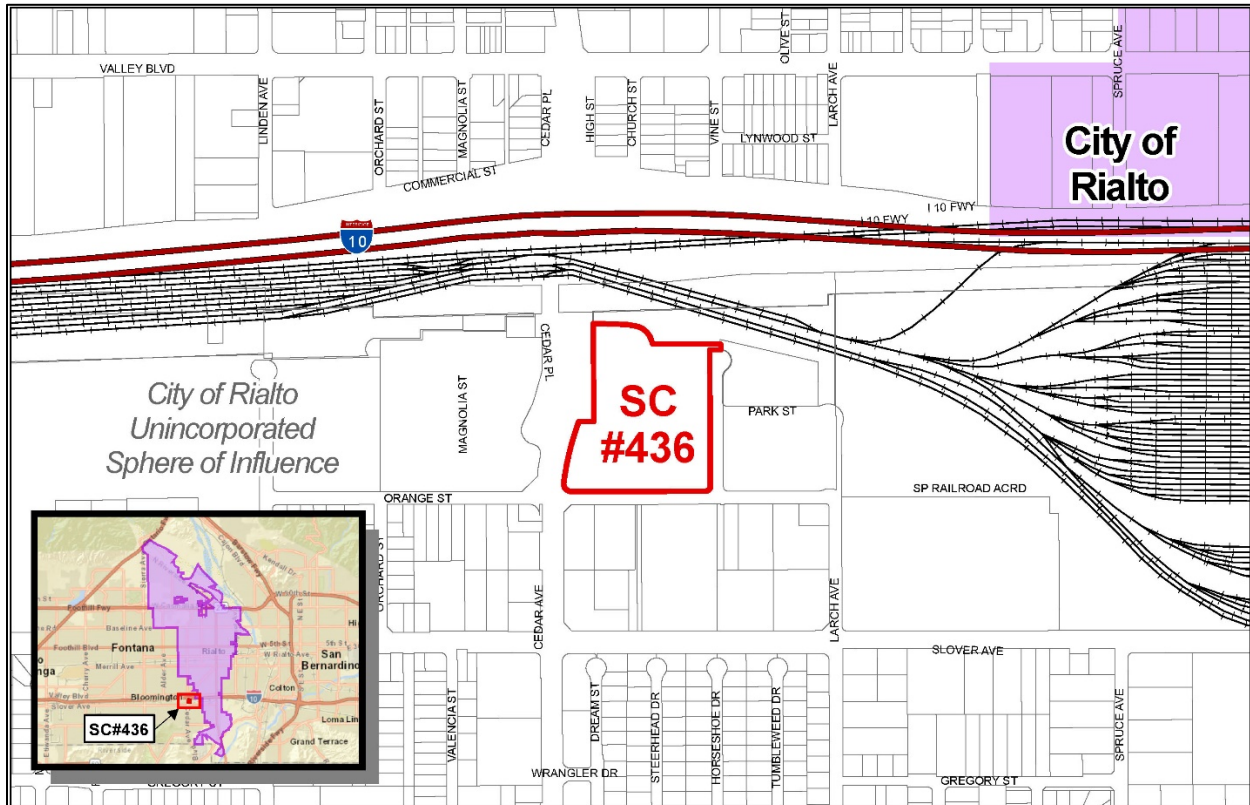


FIGURE 1 – Vicinity Map

In December 2017, the County Land Use Services Department processed and approved a Conditional Use Permit for the development of the warehouse facility on the

9.8-acre parcel. The Conditions of Approval for the project includes the requirement to connect to the City of Rialto's sewer facilities (Conditions 102 and 103) and require LAFCO approval of the contract (Condition 105). 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—is requesting that the Commission authorize the extension of sewer service by the City 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 indicates that sewer service will be provided by extending an 8-inch sewer line a total of approximately 657 linear feet along Orange and Vine Streets from the existing 8-inch sewer main in Larch Avenue. The proposed sewer installation will also include a 6-inch sewer lateral extension from the sewer line extension in Vine Street 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 \$135,120.31 in service connection fee for treatment, collection, and related fees for the extension of sewer service to the parcel.

In addition, the property owner/developer will be responsible for the entire cost of the construction and installation of the sewer improvements to the parcel. Monthly service charges are calculated at 1.3 times the in-City sewer rates.

ENVIRONMENTAL DETERMINATION:

The County prepared an Initial Study and Mitigated Negative Declaration for a Conditional Use Permit to construct a 180,770 sq. ft. concrete tilt-up warehouse center with a 10,000 sq. ft. office/administrative use area on approximately 9.8 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. 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 for the proposed project;
- 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:

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 project to be served, which is comprised of a single parcel, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of the City sometime in the future. The development of the warehouse facility requires that it receive sewer service, which is only available from the City of Rialto. Staff supports the City’s request for authorization to provide sewer service to the proposed project since its facilities are close to the anticipated development, and there is no other existing entity available to provide this service within the area.

DETERMINATIONS:

1. The project area is comprised of a single parcel, Assessor Parcel Number (APN) 0253-211-56. It 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.

The sewer connection requirement is a condition of approval as identified in the County’s Conditional Use Permit for the proposed project. 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 APN 0253-211-56, which is generally located on the northeast corner of Cedar Avenue and Orange Street (18750 Orange Street), 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 parcel 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 \$135,120.31 in service connection fee for treatment, collection, and other related fees for the extension of sewer service to the parcel. Payment of these fees is required prior to connection to the City'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 development.
4. During the period from October 2017 to December 2017, acting as the CEQA lead agency, the County prepared an environmental assessment for a Conditional Use Permit to construct a 180,770 sq. ft. concrete tilt-up warehouse center with a 10,000 sq. ft. office/administrative use area on approximately 9.8 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#436, 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.

Attachments:

1. [Vicinity Map](#)
2. [City of Rialto's Application, Contract, and Sewer Service Analysis](#)
3. [County's 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 #3281](#)