

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: APRIL 9, 2019
FROM: SAMUEL MARTINEZ, Executive Officer 
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #9: LAFCO SC#438 – City of San Bernardino
Extraterritorial Wastewater Service for Assessor Parcel Numbers
0164-202-49, 0265-272-04, 0268-031-11, and 0268-211-22

INITIATED BY:

City of San Bernardino

RECOMMENDATION:

Staff recommends that the Commission approve LAFCO SC#438, as modified, by taking the following actions:

1. Certify that LAFCO SC #438, as modified, is statutorily exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action;
2. Approve LAFCO SC #438, as modified, authorizing the City of San Bernardino to extend wastewater service outside its boundaries to Assessor Parcel Numbers 0265-272-04 and 0268-211-22;
3. Determine that the wastewater service to Assessor Parcel Number 0164-202-49, which is a service agreement between two public agencies, complies with the exemption provisions outlined within Government Code Section 56133 (e); and,
4. Adopt LAFCO Resolution #3284 setting forth the Commission's determinations and approval of the wastewater service outside the City of San Bernardino's boundaries.

BACKGROUND:

As part of the Countywide Service Review for Wastewater, it was identified that the City of San Bernardino (hereinafter the "City") provides wastewater service to a number of parcels located in various areas within the City's unincorporated sphere of influence as well as to a

parcel located within the City of Colton, without LAFCO authorization. As part of the Commission's actions outlined for the service review, a recommendation was included that the City initiate an application to LAFCO to bring its wastewater service to these properties in compliance pursuant to the provisions of Government Code Section 56133.

Therefore, the City is requesting that the Commission authorize the extension of wastewater service to Assessor Parcel Numbers (APNs) 0164-202-49, 0265-272-04, 0268-031-11, and 0268-211-22 pursuant to the provisions of Government Code Section 56133. Attachment #1 provides vicinity maps for each of the parcels. In addition, Attachment #2 outlines the City's request and application documents.

APN 0164-202-49:

APN 0164-202-49 is generally located on the south side of Fairway Drive at the terminus of Auto Plaza Drive, within the City of Colton. The map below, which is included as part of Attachment #1, provides a vicinity map of the site.



The parcel, encompassing approximately 1.85 acres, has an existing commercial structure on it that was built in and around 2008 that is currently being used as a used-car sales facility. In 2007, the City of Colton expressed its consent to the City of San Bernardino providing wastewater service to the proposed development (see City of Colton Letter Dated July 10, 2007 included as Attachment #3).

LAFCO staff recommends that the City memorialize this wastewater extension within the City of Colton through a formal agreement with the City of Colton that outlines, among others, the wastewater service provision by the City within the City of Colton and the mechanism by which wastewater service is being billed accordingly.

However, as a service agreement between two public agencies—the City of San Bernardino and the City of Colton—where the wastewater service to be provided is an alternative to (or substitute for) wastewater service already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider, the wastewater service to APN 0164-202-49 complies with the exemption provisions outlined within Government Code Section 56133 (e) and, therefore, does not require Commission approval.

APN 0265-272-04:

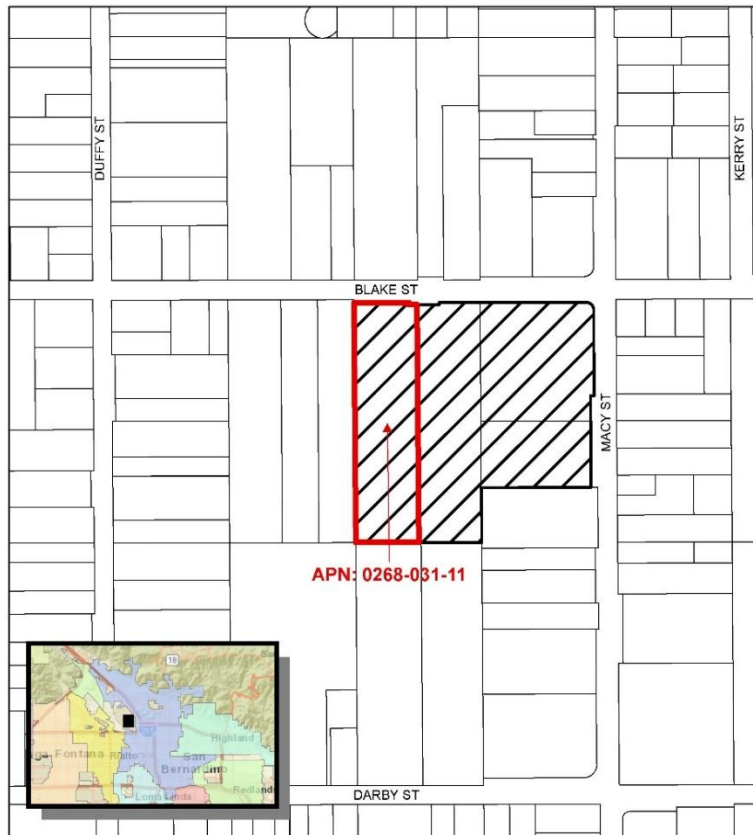
APN 0265-272-04 is generally located on the west side of 1st Avenue, between 40th and 44th Streets, within the City's sphere of influence – in the unincorporated Arrowhead Suburban Farms community. The map below, which is included as part of Attachment #1, provides a vicinity map of the site.



The parcel, encompassing approximately 7,250 square feet, has an existing residential structure on it that was originally built in the 1940s and underwent some type of construction and/or renovation sometime in the mid-2000s.

APN 0268-031-11:

APN 0268-031-11, together with three additional parcels (APNs 0268-031-12, -13, and -14), make-up the Muscoy Elementary School site (shown in black hatch lines below). The entire area encompasses a total of approximately 8.11 acres and is generally located at the southwest corner of Blake and Macy Streets, within the City's sphere of influence – in the unincorporated Muscoy community. The map below, which is included as part of Attachment #1, provides a vicinity map of the area.



During the wastewater service review process, one of the parcels identified as being served by the City outside its boundaries without having gone through the LAFCO authorization process is APN 0268-031-11. However, after examining the parcel more closely, LAFCO staff realized that the parcel in question, including the three additional parcels, were already previously authorized by LAFCO to receive wastewater service from the City through approval of LAFCO SC#305 in 2007 (see LAFCO Letter Dated March 1, 2007 included as Attachment #4).

Therefore, APN 0268-031-11 along with the three additional parcels—APNs 0268-031-12, 0268-031-13, and 0268-031-14—do not require further authorization from LAFCO.

LAFCO staff recommends that LAFCO SC#438 be modified to exclude APN 0268-031-11 since said parcel (including the three additional parcels--APNs 0268-031-12, 0268-031-13, and 0268-031-14) already had prior authorization from LAFCO.

APN 0268-211-22:

APN 0268-211-22 is generally located on the west side of California Street, between Darby and Mallory Streets, within the City's sphere of influence –also in the unincorporated Muscoy community. The map below, which is included as part of Attachment #1, provides a vicinity map of the site.



The parcel, encompassing approximately 9,000 square feet, has two residential structures on it that were both built in 2005.

ENVIRONMENTAL DETERMINATION:

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has reviewed this application and has indicated that it is his recommendation that the review of LAFCO SC#438, as modified, is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the out-of-agency wastewater services do not have the potential to cause a significant adverse impact on the environment; and therefore,

the request for authorization is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3).

CONCLUSION:

The purpose of this out-of-agency wastewater service request is to recognize, as well as to authorize after the fact, the wastewater service provided by the City of San Bernardino outside its boundaries to the existing residential developments on APNs 0265-272-04 and 0268-211-22 located within the City's unincorporated sphere of influence.

LAFCO staff modified LAFCO SC #438 to exclude APN 0268-031-11 since said parcel (along with APNs 0268-031-12, 0268-031-13, and 0268-031-14) already had prior authorization from LAFCO.

In addition, LAFCO staff also determined that the wastewater service to Assessor Parcel Number 0164-202-49, which is a service agreement between two public agencies, complies with the exemption provisions outlined within Government Code Section 56133 (e).

LAFCO SC#438, as modified, fulfills the Commission's recommendation outlined during the Countywide Wastewater Service Review that required the City to initiate an application to LAFCO to bring its wastewater service provision to said parcels in compliance pursuant to Government Code Section 56133. Therefore, staff supports the City's request for authorization to provide wastewater service to APNs 0164-202-49, 0265-272-04, and 0268-211-22 since said request complies with the provisions of Government Code Section 56133 and Commission policy.

Attachments:

1. [Vicinity Maps](#)
2. [City of San Bernardino Application Materials](#)
3. [City of Colton Letter Dated July 10, 2007](#)
4. [LAFCO Letter Dated March 1, 2007](#)
5. [Response from Tom Dodson and Associates](#)
6. [Draft Resolution #3284](#)