

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** JANUARY 7, 2020   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
JEFFREY LUM, LAFCO Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #8: LAFCO SC#447 – City of Rialto Extraterritorial Wastewater Service for Assessor Parcel Numbers (APNs) 0240-181-51, 0253-072-35, 0253-072-36, 0253-072-39, 0253-231-01 thru -07 and 0253-232-01 thru -07, 0256-031-01 thru -03, 0257-051-46, and 1133-211-14; and City of Rialto Extraterritorial Water Service for APNs 0269-171-21, -27, -39, -42, and -46 (previously 0269-171-37, -38, -40, &-41)

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**INITIATED BY:**

City of Rialto

**RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO SC#447 by taking the following actions:

1. Certify that LAFCO SC #447 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 #447 authorizing the City of Rialto to extend wastewater service outside its boundaries to Assessor Parcel Numbers 0253-072-35, 0253-072-36, 0253-072-39, 0253-231-01 thru -07 and 0253-232-01 thru -07, 0256-031-01 thru -03, 0257-051-46, and 1133-211-14;
3. Determine that the wastewater service to Assessor Parcel Number 0240-181-51 is a service agreement between two public agencies, the City of Rialto and the City of Fontana, which complies with the exemption provisions outlined within Government Code Section 56133(e);
4. Determine that the water service to Assessor Parcel Numbers 0269-171-21, 0269-171-27, 0269-171-39, 0269-171-42, and 0269-171-46 (previously comprised of

Assessor Parcel Numbers 0269-171-37, 0269-171-38, 0269-171-40, & 0269-171-41) is a service agreement between two public agencies, the City of Rialto and the City of San Bernardino, which complies with the exemption provisions outlined within Government Code Section 56133(e); and,

5. Adopt LAFCO Resolution #3299 setting forth the Commission's determinations and approval of the wastewater services outside the City of Rialto boundaries.

**BACKGROUND:**

As part of the Countywide Service Review for Wastewater, it was identified that the City of Rialto (hereinafter the "City") provides wastewater service to a number of parcels located in various areas within the City's unincorporated sphere of influence 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 service to these properties located outside its corporate boundaries in compliance pursuant to the provisions of Government Code Section 56133.

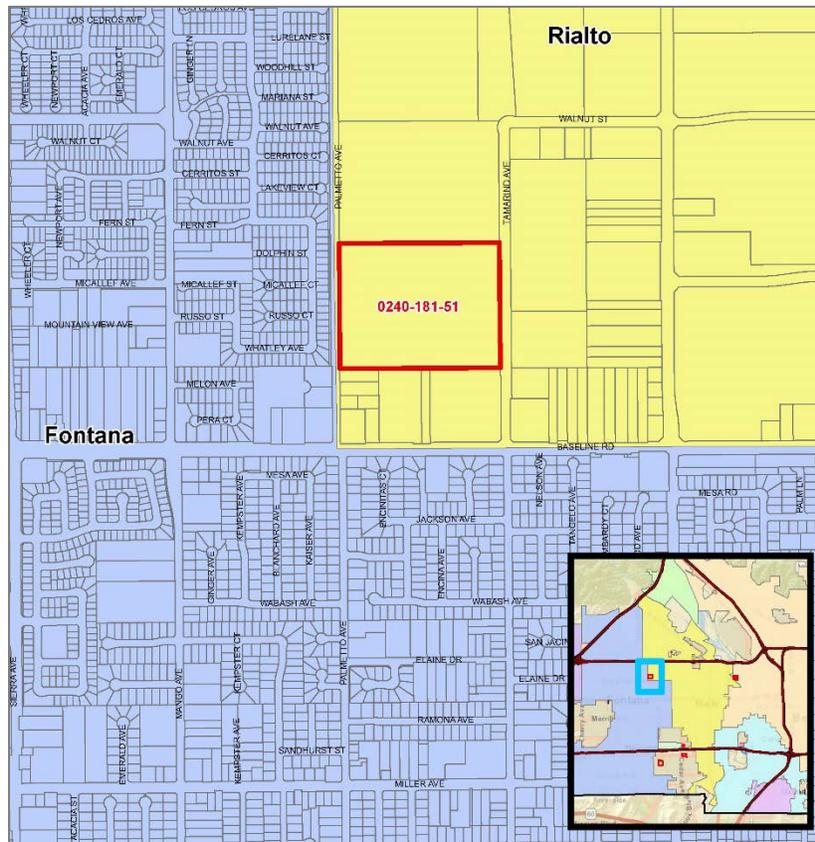
Therefore, the City is requesting that the Commission authorize the extension of its wastewater service to Assessor Parcel Numbers (APNs) 0240-181-51, 0253-072-35, 0253-072-36, 0253-072-39, 0253-231-01 thru -07 and 0253-232-01 thru -07, 0256-031-01 thru -03, 0257-051-46, and 1133-211-14 pursuant to the provisions of Government Code Section 56133. In addition, the City is also requesting that the Commission authorize the extension of its water service to APNs 0269-171-21, 0269-171-27, 0269-171-39, 0269-171-42, and 0269-171-46 (previously comprised of APNs 0269-171-37, -38, -40, & -41) 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.

It should be noted that a number of the items listed in the City's application request have been removed from consideration. The wastewater collection and treatment service agreement between the City and County Service Area 70 Zone BL (Item 2) is being removed from consideration since the agreement was previously determined by the Commission to be exempt from further LAFCO review and approval (see Attachment #3, LAFCO Staff Report for LAFCO SC#383).

The extraterritorial sewer service agreement for APN 0253-171-16 (Item 12) is also being removed from consideration since the property owners/developers of the parcel, which is being developed with a high-cube warehouse facility, have opted to proceed with their project on a septic system (see Attachment #4, City of Rialto letter dated July 30, 2018). Finally, the extraterritorial sewer service agreement for APN 0257-081-01 (Item 3) is also being removed from consideration since the project has not been developed. The parcel, which is proposed to be developed as a Family Dollar retail store, is currently vacant; therefore, LAFCO staff has advised the City that this should be submitted separately as a development-related application through the normal review process.

**APN 0240-181-51:**

APN 0240-181-51 is generally located west of Tamarind Avenue, approximately 600 feet north of Base Line Road, within the City of Rialto. Figure 1 below, which is included as part of Attachment #1, provides a vicinity map of the site.



*Figure 1 – Vicinity Map of APN 0240-181-51*

The parcel, encompassing approximately 29.5 acres, has an existing distribution warehouse on it. The warehouse was connected to both the City of Fontana and Rialto wastewater systems due to a construction error that was not identified during construction. In order to avoid a substantial cost to plumb the subject line to the Rialto system, located on the opposite side of the site, the owner elected to retain both lateral connections. In 2016, the City of Fontana agreed to enter into an extraterritorial wastewater service agreement with the City to provide wastewater service to one side of this development.

However, as a service agreement between two public agencies—the City of Rialto and the City of Fontana--where the wastewater service provided is an alternative to (or substitute for) wastewater service already being provided by an existing public service provider and the level of service is consistent with the level of service contemplated by the existing service provider, the wastewater service to APN 0240-181-51 complies with the exemption provisions outlined within Government Code Section 56133(e) and, therefore, does not require Commission approval.

Bloomington Community

The following six out-of-agency wastewater service requests are generally located within the City's sphere of influence – in the unincorporated Bloomington community. Figure 2 below, which is included as part of Attachment #1, provides a vicinity map of APNs 0253-072-35, 0253-072-36, 0253-072-39, 0253-231-01 thru -07 and 0253-232-01 thru -07, 0256-031-01 thru -03, and 0257-051-46.

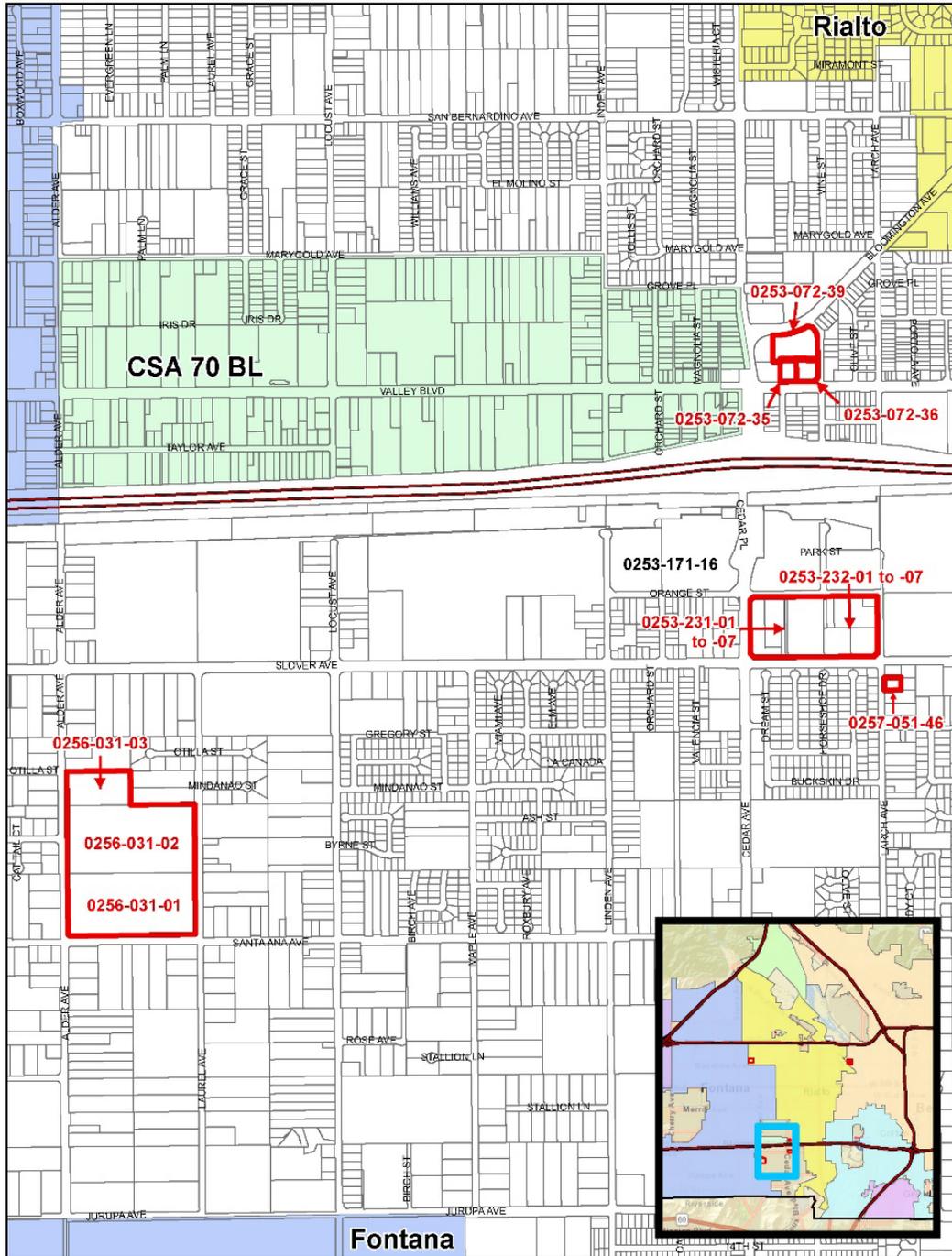


Figure 2 – Vicinity map of APNs: 0253-072-35, -36, -39, 0253-231-01 thru -07 and 0253-232-01 thru -07, 0256-031-01 thru -03, and 0257-051-46.

**APNs 0253-072-35, 0253-072-36, and 0253-072-39:**

APNs 0253-072-35, -36, and -39 are generally located easterly of Cedar Avenue, between Bloomington Avenue and Valley Boulevard.



*Figure 3 – Aerial map of APNs 0253-072-35, 0253-072-36, and 0253-072-39*

APN 0253-072-35, encompassing approximately 0.8 acre, has an existing Taco Bell fast-food restaurant on it. Wastewater service has been provided by the City since 1999; however, an extraterritorial service agreement between the City and the property owner was not executed until October 2015.

APN 0253-072-36, encompassing approximately 1 acre, has an existing multi-unit commercial property on it. Wastewater service has been provided by the City since 2004; however, an extraterritorial service agreement between the City and the property owner was not executed until September 2015.

APN 0253-072-39, encompassing approximately 2.7 acres, has an existing storage facilities on it. Although the wastewater connection was installed in 2003, the wastewater service was not provided by the City until 2011, and the extraterritorial service agreement between the City and the property owner was not executed until August 2015.

**APNs 0253-231-01 thru -07 and 0253-232-01 thru -07:**

APNs 0253-231-01 thru -07 and 0253-232-01 thru -07 (a total of 14 parcels) make-up the Slover Mountain High School. The entire area encompasses a total of approximately 16.4 acres and is generally located on the north side of Slover Avenue, between Cedar Avenue and Larch Avenue.



*Figure 4 – Aerial map of APNs 0253-231-01 thru -07 and 0253-232-01 thru -07*

Wastewater service to the Slover Mountain High School has been provided by the City since 2001; however, a wastewater service account for the said high school was never established. The matter was brought to the attention of the City, and an extraterritorial service agreement between the City and Colton Joint Unified School District was executed in October 2014.

**APNs 0256-031-01 thru -03:**

APNs 0256-031-01, 0256-031-02, and 0256-031-03 make-up the Bloomington High School. The entire area encompasses a total of approximately 40.3 acres and is generally located on the north side of Santa Ana Avenue, between Alder and Laurel Avenues (10750 Laurel Avenue).



Figure 5 – Aerial map of APNs 0256-031-01, 0256-031-02, and 0256-031-03

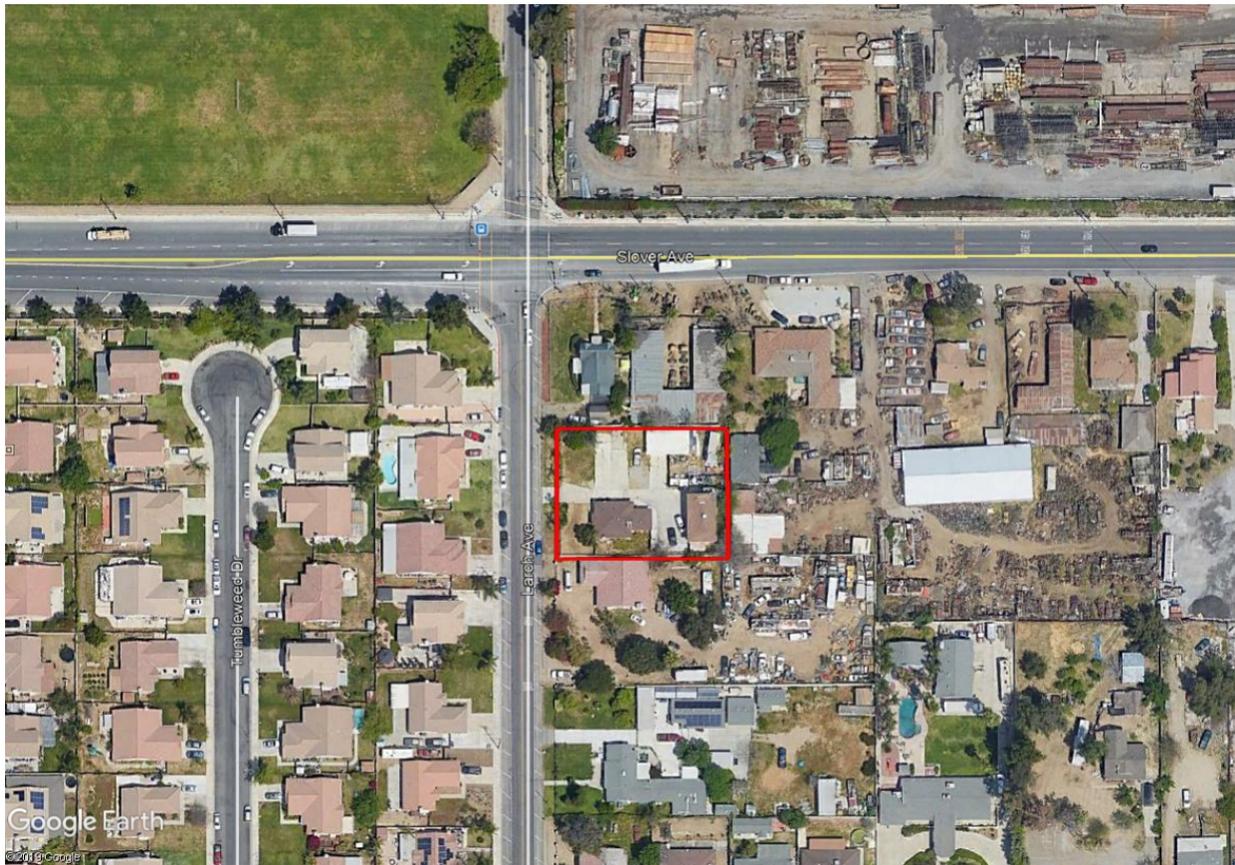
Wastewater service to the Bloomington High School has been provided by the City since 2001; however, a wastewater service account for the said high school was also never established. This too was brought to the attention of the City, and an extraterritorial service agreement between the City and Colton Joint Unified School District was also executed on October 2014.

However, after reviewing of the materials submitted by the City and reviewing the site location, LAFCO staff noticed that a parcel at the northeast corner of the site (highlighted in yellow) is actually part of the school but was not identified on the list of parcels provided by the City. Although the parcel, APN 0256-031-21, has been a School District property since 2004, it was somehow left off from the agreement that was executed in 2014.

The City has verified that wastewater service is being provided to the said parcel. The City will be addressing the additional parcel, as an amendment to its original agreement. Following the execution of the amended agreement, the City intends to submit a follow-on request to LAFCO to process the amended agreement as a non-development-related service contract review and approval.

#### **APN 0257-051-46**

APN 0257-051-46 is generally located on the east side of Larch Avenue (10533 South Larch Avenue) between Slover Avenue and Gregory Street.



*Figure 6 – Aerial map of APN 0257-051-46*

The parcel comprises approximately 0.4 acre and has an existing single-family residential property on it that is currently provided wastewater service by the City from an existing 8-inch sewer main in Larch Avenue. An extraterritorial service agreement between the City and the property owner was executed in August 2014.

**APN 1133-211-14:**

APN 1133-211-14 is generally located on the southeast corner of Maple Avenue and Bonhert Avenue (18311 Bonhert Ave.), within the City’s unincorporated sphere of influence. Figure 3 below, which is included as part of Attachment #1, provides a vicinity map of the site.



Figure 7 – Vicinity Map of APN 1133-211-14



Figure 8 – Vicinity Map of APN 1133-211-14

The parcel comprises approximately 0.3 acre and has an existing single-family residential property on it that is currently provided wastewater service by the City from an existing 8-inch sewer line in Maple Avenue. An extraterritorial service agreement was executed between the City and the property owner in March 2013.

**APNs 0269-171-21, 0269-171-27, 0269-171-39, 0269-171-42, and 0269-171-46:**

APN 0269-171-21, 0269-171-27, 0269-171-39, 0269-171-42, and 0269-171-46 (previously comprised of Assessor Parcel Numbers 0269-171-37, 0269-171-38, 0269-171-40, & 0269-171-41) are a group of parcels located along Lassen Street, which is generally north of Baseline Road and west of the Lytle Creek Wash, within the City of San Bernardino. Figure 9 below, which is included as part of Attachment #1, provides a vicinity map of the site.

In May 2006, the Commission already determined that the water service provision to APN 0269-171 41—said parcel was merged with three other parcels to form APN 0269-171-46—was exempt from LAFCO review and approval (see application materials included as part of Attachment #2 i, LAFCO letter to the City of Rialto dated May 19, 2006 including map of LAFCO SC#274).

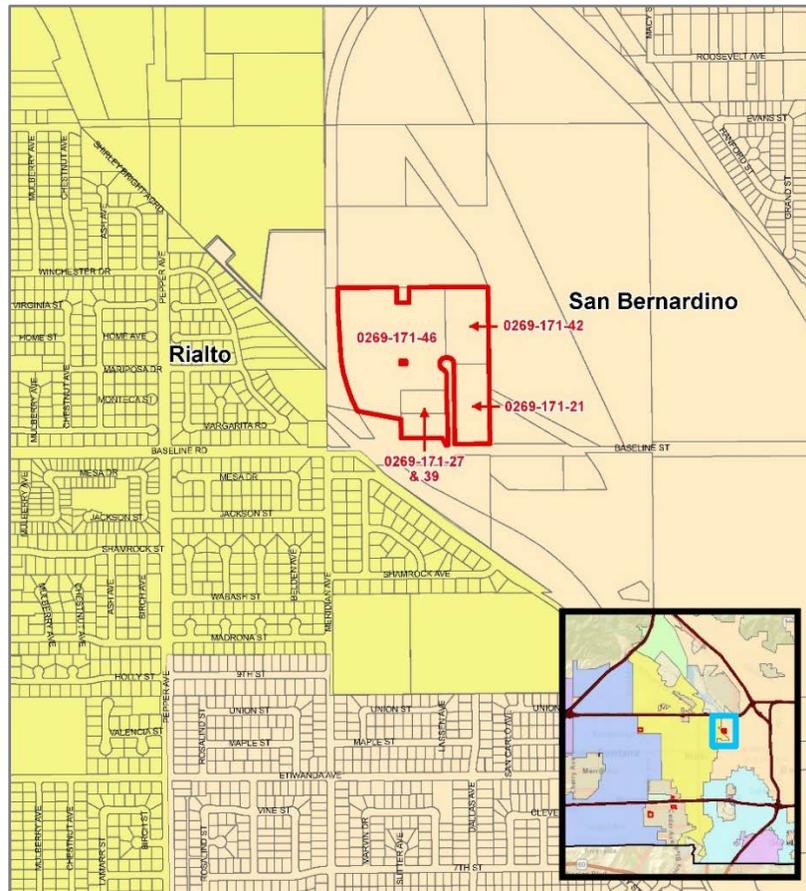


Figure 9 – Vicinity Map of APNs 0269-171-21, 0269-171-27, 0269-171-39, 0269-171-42, and 0269-171-46

Just like the water service provision to the prior APN 0269-171-41, as a service agreement between two public agencies—the City of Rialto and the City of San Bernardino—where the water service provided to the parcels is an alternative to (or substitute for) water service already being provided by an existing public service provider and the level of service is consistent with the level of service contemplated by the existing service provider, the water service to APNs 0269-171-21, 0269-171-27, 0269-171-39, 0269-171-42, and 0269-171-46 complies with the exemption provisions outlined within Government Code Section 56133(e) and, therefore, does not require Commission approval.

### **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#447 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 Rialto outside its boundaries to the existing developments on APNs 0253-072-35, 0253-072-36, 0253-072-39, 0253-231-01 thru -07 and 0253-232-01 thru -07, 0256-031-01 thru -03, 0257-051-46, and 1133-211-14 located within the City's unincorporated sphere of influence.

In addition, LAFCO staff determined that the wastewater service to APN 0240-181-51, which is a service agreement between two public agencies, complies with the exemption provisions outlined within Government Code Section 56133(e).

LAFCO staff also determined that the water service to APN 0269-171-21, 0269-171-27, 0269-171-39, 0269-171-42, and 0269-171-46, which is a service agreement between two public agencies, also complies with the exemption provisions outlined within Government Code Section 56133(e).

LAFCO SC#447, 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 0253-072-35, 0253-072-36, 0253-072-39, 0253-231-01 thru -07 and 0253-232-01 thru -07, 0256-031-01 thru -03, 0257-051-46, and 1133-211-14 since said request complies with the provisions of Government Code Section 56133 and Commission policy.

Attachments:

1. [Vicinity Maps](#)
2. [City of Rialto Application Letter Dated November 13, 2019 and Application Materials for the Parcels Being Considered:](#)
  - a. [City of Rialto Letter and Copy of Agreement between the City of Rialto and the City of Fontana for APN 0240-181-51](#)
  - b. [City of Rialto Letter and Copy of Agreement for APN 0253-072-35](#)
  - c. [City of Rialto Letter and Copy of Agreement for APN 0253-072-36](#)
  - d. [City of Rialto Letter and Copy of Agreement for APN 0253-072-39](#)
  - e. [Application Form and Copy of Agreement for Bloomington High School](#)
  - f. [Application Form and Copy of Agreement for Slover Mountain High School](#)
  - g. [Application Form and Copy of Agreement for APN 0257-051-46](#)
  - h. [Application Form and Copy of Agreement for APN 1133-211-14](#)
  - i. [LAFCO Letter to the City Dated May 19, 2006 Including Map of SC#274 and Copy of Agreement between the City of Rialto and the City of San Bernardino](#)
3. [LAFCO Staff Report Dated January 6, 2014 for LAFCO SC#383](#)
4. [City of Rialto Letter Dated July 30, 2018](#)
5. [Response from Tom Dodson and Associates](#)
6. [Draft Resolution #3299](#)