


LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: SEPTEMBER 9, 2020 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #5: LAFCO SC#452 – City of San Bernardino
Irrevocable Agreement to Annex No. 2020-003 for Sewer Service
(Assessor Parcel Numbers 0268-291-32, 0268-291-33, & 0268-291-34)

INITIATED BY:

City of San Bernardino, on behalf of the property owners

RECOMMENDATION:

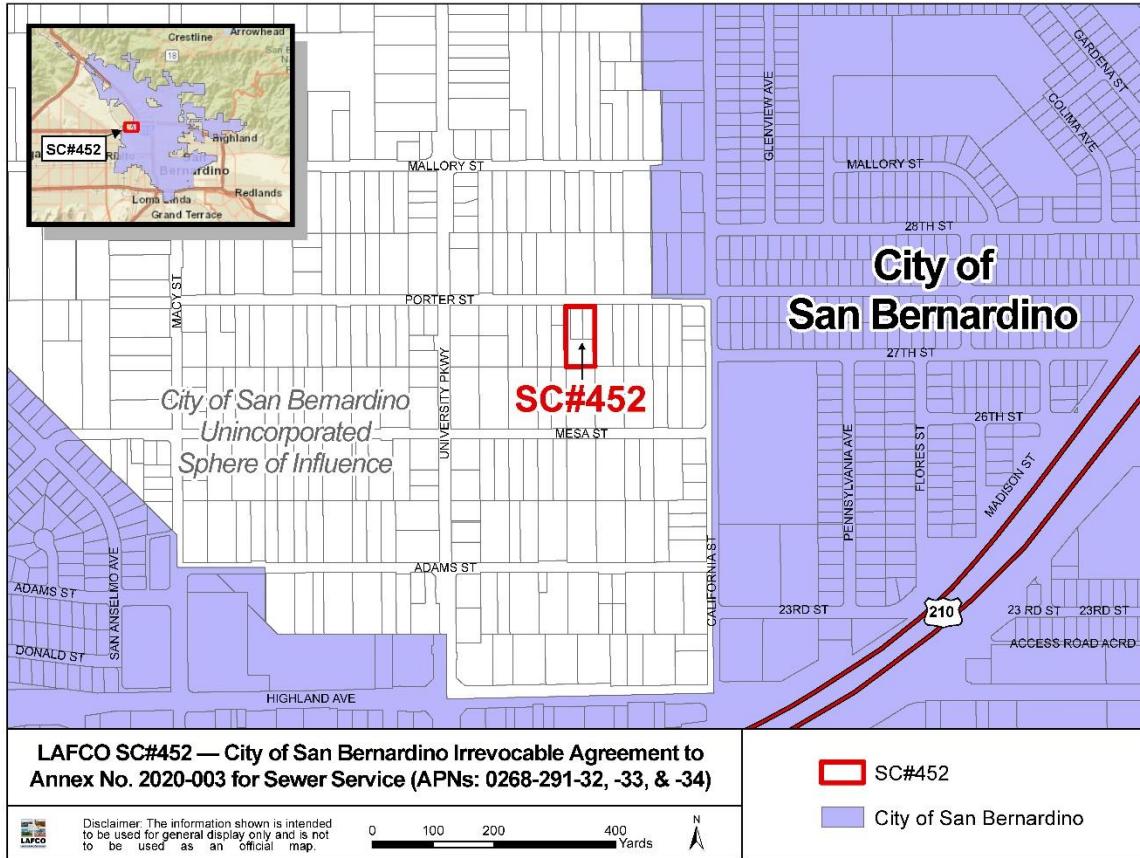
Staff recommends that the Commission approve LAFCO SC#452 by taking the following actions:

1. Certify that LAFCO SC#452 is 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 #452 authorizing the City of San Bernardino to extend sewer service outside its boundaries to three parcels, Assessor Parcel Numbers 0268-291-32, 0268-291-33, and 0268-291-34.
3. Adopt LAFCO Resolution #3314 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

BACKGROUND:

The City of San Bernardino (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service. The agreement relates to three (3) adjacent parcels, Assessor Parcel Numbers (APNs) 0268-291-32, 0268-291-33, and 0268-291-34, which are generally located on the south side of Porter between State Street and California Avenue, within the City of San

Bernardino’s western sphere of influence, in the community commonly known as Muscoy. The map 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.



Vicinity Map

The three parcels were created through the County’s approval of Tentative Parcel Map 17356, which subdivided the original parcel into three lots. The property owners intend to build single-family residences on each parcel, which require separate connections to the City’s sewer facilities. Therefore, the City, on behalf of the property owners, has requested that the Commission authorize the extension of sewer service to the parcels 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 identifies that the City would provide sewer service to the three parcels through connection to the existing 24-inch sewer main in Porter Street. Sewer laterals will be extended into each property.

Pursuant to the Commission’s application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside the agency’s boundaries. The City has submitted an estimated cost of \$16,785 for the extension of sewer service to the three parcels. Following is a table with a detailed calculation of the fees:

| Description of Fees/Charges | Cost | Total Cost |
|------------------------------|---------------|-----------------|
| Sewer Capacity Fee | \$3,500/SFR | \$10,500 |
| Sewer Connection Fee | \$420/Bdrm | \$5,040 |
| Sewer Lateral Inspection Fee | \$415/lateral | \$1,245 |
| TOTAL | | \$16,785 |

In addition to the cost outlined above, the property owners will be responsible for the entire cost of the construction and installation of the lateral extensions from the sewer main.

ENVIRONMENTAL DETERMINATION:

As the CEQA lead agency, the Commission’s Environmental Consultant, Tom Dodson from Dodson and Associates, has reviewed this proposal and has indicated that it is his recommendation that the review of LAFCO SC#452 is 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 service agreement has no potential to cause a significant adverse impact on the environment; and therefore, the proposal is exempt (under the “Common Sense Rule”) from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3).

CONCLUSION:

The purpose of the service contract application is for the City to receive authorization to provide sewer service outside its boundaries via contract to the three (3) parcels that require connection to the City of San Bernardino’s sewer facilities. In order for the property owners to build the proposed residences on each of the parcels, they must show proof of their ability to connect to the City of San Bernardino’s sewer facilities—which is the Commission’s authorization for this agreement.

Staff has reviewed this request for authorization to provide sewer service from the City of San Bernardino outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City of San Bernardino 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 three parcels, APNs 0268-291-32, 0268-291-33, and 0268-291-34, since its facilities are adjacent to all three parcels, and there is no other existing entity available to provide this service within the area.

DETERMINATIONS:

1. The parcels, identified as APNs 0268-291-32, 0268-291-33, and 0268-291-34, are within the sphere of influence assigned the City of San Bernardino and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of San Bernardino sewer service. Water service is to be provided by Muscoy Mutual Water Company.
2. The City of San Bernardino's Irrevocable Agreement to Annex No. 2020-003 being considered is for the provision of sewer service to APNs 0268-291-32, 0268-291-33, and 0268-291-34, generally located on the south side of Porter between State Street and California Avenue, within the City of San Bernardino's western sphere of influence. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request will allow the property owners and the City of San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged this project by the City of San Bernardino for the extension of sewer service are identified as totaling \$16,785 (for a breakdown of charges, 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 will be responsible for the entire costs of the construction and installation of the sewer lateral extensions.
4. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by the City of San Bernardino and recommended that this application is exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #4 to this report.

Attachments:

1. [Vicinity Map](#)
2. [City of San Bernardino's Application and Contract](#)
3. [Response from Tom Dodson and Associates](#)
4. [Draft Resolution #3314](#)