

# 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

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**SUBJECT:** Agenda Item #8: LAFCO SC#453 – City of Redlands Pre-Annexation Agreement No. 20-51 for Water and Sewer Service (Assessor Parcel Number 0298-412-01)

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**INITIATED BY:**

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

**RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO SC#453 by taking the following actions:

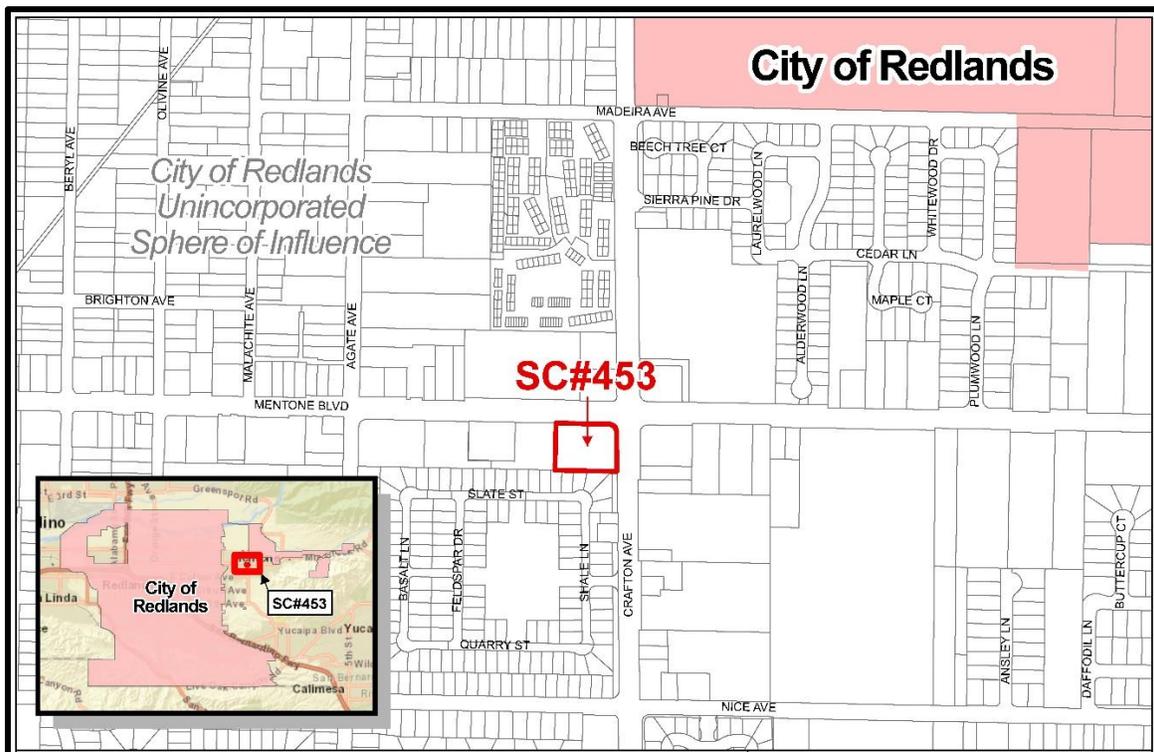
1. For environmental review as a responsible agency:
  - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Conditional Use Permit for the development of a gas station, convenience store and car wash on approximately 1.28 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 #453 authorizing the City of Redlands to extend water and sewer service outside its boundaries to Assessor Parcel Number 0298-412-01.
3. Adopt LAFCO Resolution #3315 setting forth the Commission’s determinations and approval of the agreement for service outside the City of Redlands’ boundaries.

**BACKGROUND:**

The City of Redlands (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 water and sewer service to a parcel, Assessor Parcel Number (“APN”) 0298-412-01, which encompasses approximately 1.28 acres and is generally located on the southwest corner of Mentone Boulevard and Crafton Avenue, within the City of Redlands’ eastern sphere of influence, in the unincorporated Mentone community. The map below outlines the location of the contract area and Attachment # 1 also provides a location and vicinity map of the site along with a map outlining the location of the infrastructure to be extended.



Vicinity Map

In February 2020, the County Land Use Services Department processed and approved a Conditional Use Permit for the development of a gas station with a 2,920 square-foot convenience store and a 4,419 square foot car wash building on the 1.28-acre project site. The Conditions of Approval placed upon this project includes the requirement to connect to the City of Redlands' water and sewer facilities prior to issuance of building permits (see Conditions 99, 100, 102, and 103) and require LAFCO approval of said out-of-agency connections (Condition 106). 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/developer, has requested that the Commission authorize the extension of water and sewer service to the parcel 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) identifies that water service will be provided through connection to the existing 12-inch water main in Crafton Avenue. A water lateral will be extended into the property. Sewer service will be provided through connection to the existing 8-inch sewer main that is also in Crafton Avenue. A sewer lateral will also be extended into the property.

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 provisions of the City's Measure U require that the property owner/developer pay the "sums equivalent to the City's development impact fees" as a condition for access to water and sewer service. The categories of fees to be charged this project by the City of Redlands for the extension of water and sewer service are identified in the City's Development Requirements for OSC 19-51 dated June 18, 2020, Item A3 (included as a part of Attachment #2). As a commercial development, the actual fees will not be available until an actual request for water and sewer service is made by the property owner/developer and final plans are submitted to the City. Payment of these fees are required prior to connection to the City's water and/or sewer facilities.

In addition, the property owner/developer will be responsible for the entire cost of the construction and installation of the lateral extensions from the water and sewer mains.

### **ENVIRONMENTAL DETERMINATION:**

The County prepared an Initial Study and Mitigated Negative Declaration (SCH #2019079019) for a Conditional Use Permit to develop a gas station, convenience store and car wash on approximately 1.28 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;
- 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 development of the gas station approved by the County of San Bernardino requires that it receive water and sewer service from the City of Redlands. In order for the project to proceed and for the property owner/developer to pull building permits, said property owner/developer must show proof of its ability to connect to the City of Redlands' water and sewer infrastructure – which is the Commission's authorization for the agreement.

Staff has reviewed this request for authorization to provide water and sewer service from the City of Redlands 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 Redlands and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide water and sewer service to APN 0298-412-01 since its facilities are adjacent to the parcel, and there is no other existing entity available to provide these services within the area.

### **DETERMINATIONS:**

1. The parcel, identified as APN 0298-412-01, is within the sphere of influence assigned the City of Redlands and is anticipated to become a part of that City

sometime in the future. The application requests authorization to receive City of Redlands water and sewer service.

2. The City of Redlands Pre-Annexation Agreement No. 20-51 being considered is for the provision of water and sewer service to APN 0298-412-01, generally located at the southwest corner of Mentone Boulevard and Crafton Avenue, within the City of Redlands' eastern sphere of influence in the unincorporated Mentone community. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner/developer and the City of Redlands to proceed in finalizing the contract for the extension of water and sewer service.
3. The categories of fees to be charged this project by the City of Redlands for the extension of water and sewer service are identified in the City's Development Requirements for OSC 19-51 dated June 18, 2020, Item A3. Payment of these fees are required prior to connection to the City's water and sewer facilities. In addition, the property owner/developer will be responsible for the entire costs of the construction and installation of the water/sewer lateral extensions to the property.
4. During the period from July 2019 to February 2020, acting as the CEQA lead agency, the County prepared an environmental assessment for a Conditional Use Permit to develop a gas station, convenience store and car wash on approximately 1.28 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#453, 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.

SM/MT

Attachments:

1. [Vicinity Map and Map of the Contract Area](#)
2. [City of Redlands' Application and Signed Contract](#)

3. [County's Conditions of Approval for the Project](#)
4. [Response from Tom Dodson and Associates including the County's Mitigated Negative Declaration](#)
5. [Draft Resolution #3315](#)