

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

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DATE: OCTOBER 6, 2003
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #5: LAFCO SC#211 – Irrevocable Agreement to Annexation No. 2003-01 for Sewer Service, City of San Bernardino (Central Valley Fire Protection District Station in Muscoy)

SUBMITTED BY:

City Resolution, City of San Bernardino

RECOMMENDATION:

- 1) For environmental review, take the following actions:
 - a. Certify the Commission has reviewed and considered the environmental assessment and Negative Declaration with mitigation measures prepared by the County of San Bernardino for: (1) the merger of two parcels and (2) a Conditional Use Permit to establish a 6,627 square foot fire station; and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives for this project, that all mitigation measures are the responsibility of the County of San Bernardino, not the Commission, and are self-mitigating through implementation of the adopted Conditions of Approval for the project; and,
 - c. Direct the Clerk to file the Notice of Determination within five working days.
- 2) Approve SC#211 authorizing the City of San Bernardino to extend sewer service outside its boundaries to the proposed fire station for the Central Valley Fire Protection District located in the community of Muscoy on APNs #0268-041-12 and 0268-041-13; and,

- 3) Adopt LAFCO Resolution #2785 setting forth the Commission's findings, determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

BACKGROUND:

The City of San Bernardino has submitted an application for authorization to provide sewer service outside its corporate boundaries as permitted by Government Code Section 56133. The City has submitted this proposal in response to an application for sewer service from the County of San Bernardino for its proposed fire station for the Central Valley Fire Protection District. This facility is to be built on the western side of Macy Street in the community of Muscoy on lands that were privately donated for development of a new fire station.

The County of San Bernardino Land Use Services Department has processed the following approvals for this contract area: (1) a merger of two lots (APNs #0268-041-12 and -13) and (2) a Conditional Use Permit to establish a 6,627 square foot fire station with a double apparatus bay on 1.19 acres. The Conditions of Approval placed upon this project include the requirement for connection to the City of San Bernardino sewer system. At the present time, the City's sewer lines are located fronting the proposed parcels within Macy Street (Attachment 1 includes a Location Map identifying this area). The proposed contract would allow the development of the fire station to connect to this existing infrastructure.

Through Board of Supervisors action, the County of San Bernardino has been authorized to sign an irrevocable agreement to annex with the City of San Bernardino for the receipt of sewer service. The City of San Bernardino Real Property Division has reviewed this project and taken it to the City Council for its consideration. On September 17th the City Council adopted Resolution No. 2003-254 making application to LAFCO for approval to provide City sewer service outside its boundaries to the County-owned property located at 2852 N. Macy Street.

Pursuant to Commission policy, applications for service contracts require the inclusion of information regarding all financial obligations for the extension of these services. The application indicates that the County will be required to pay \$1,250 as an application fee and \$6,037.83 in connection charges (\$5,253.90 sewer capacity fee and \$783.93 sewer connection fee) prior to connection to the City's sewer facilities.

Authorization of this agreement by the Commission is required before the City of San Bernardino can take the final actions to implement the agreement. In order for this development project to proceed, the County must show proof of

their ability to connect to the City of San Bernardino's sewer infrastructure (County Conditions of Approval, Item #16), which will be the Commission's authorization for the agreement with the City Council.

The staff has reviewed this application against the criteria established by Commission policy and Government Code Section 56133. That review has determined that the area is within the sphere of influence assigned the City of San Bernardino, which includes the whole of the Muscoy community, and is anticipated to become a part of that City sometime in the future (findings required to be made by Government Code Section 56133 (b)). The City and County have entered into an Irrevocable Agreement to Annex that specifies the requirements of both parties regarding a future annexation and the extension of sewer service.

The staff supports the City's request to provide sewer service by contract to the proposed fire station development since its facilities are adjacent to the site, and there is no other existing entity available to provide the level of service required by the facility within the area.

FINDINGS:

1. The development of the proposed fire station facility was reviewed by the County Land Use Services Department and its approval became effective on September 11, 2003. The final "Conditions of Approval" require that the project receive sewer service from the City of San Bernardino and were approved by San Bernardino County Planning Staff on August 28, 2003.

The Agreement for extension of service and annexation between the County (as developer of the fire facility) and the City of San Bernardino was authorized by the County on May 13, 2003, approved by the City Council on September 17, 2003, and signed by the Mayor on the same date.

2. The service contract being considered is for the provision of sewer service to a two-bay fire station by the City of San Bernardino to fulfill the Conditions of Approval imposed by the County. This contract will remain in force in perpetuity or until such time as the area is annexed. The approval of this application will allow the County, as the property owner, and City of San Bernardino to proceed to finalize the contract for the extension of sewer service.
3. The fees charged this project by the City of San Bernardino are identified as totaling \$7,287.83 (\$1,250 as an application fee, \$5,253.90 sewer capacity fee and \$783.93 sewer connection fee). Payment of these fees is required prior to connection to the City's sewer facilities.

4. In September of 2003, acting as the CEQA lead agency, the County prepared an environmental assessment for the merger of two parcels and the Conditional Use Permit to establish a 6,627 square foot fire station with a double apparatus bay and adopted a Negative Declaration with mitigation measures. This review indicates that the project would not have a significant effect upon the environment through its development under the Conditions of Approval imposed by the County of San Bernardino.

LAFCO Environmental Consultant, Tom Dodson and Associates, has provided a review of the County's initial study and Negative Declaration issued for this lot merger and development of the fire station. Mr. Dodson's analysis has indicated that the County's initial study and Negative Declaration are adequate for the Commission's use as a CEQA responsible agency. The Commission will not be adopting alternatives or mitigation measures for this development, as these are the responsibility of the County. Attachment #4 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken.

KRM:

Attachments:

1. Map showing relationship of parcel to be served and City boundaries
2. City Resolution initiating application, application, and contract
3. County Conditions of Approval and Board of Supervisors agenda item authorizing contract with City of San Bernardino
4. Tom Dodson and Associates response and County's environmental analysis
5. Draft Resolution #2785