

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

215 North D Street, Suite 204,
San Bernardino, CA 92415-0490 • (909) 383-9900 • Fax (909) 383-9901
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: SEPTEMBER 7, 2006
FROM: SAMUEL MARTINEZ, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #4: LAFCO SC#292 – City of Loma Linda Irrevocable Agreement to Annex for Water and Sewer Service (La Loma Federal Credit Union)

INITIATED BY:

City of Loma Linda, on behalf of the property owners

RECOMMENDATION:

1. For environmental review, take the following actions as lead agency:
 - a. Certify that the Commission has reviewed and considered the County's environmental assessment and Negative Declaration and the Addendum prepared by LAFCO's Environmental Consultant, and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or 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 adopted Conditions of Approval; and,
 - c. Adopt the Addendum as presented by the Commission's Environmental Consultant and related De Minimis Impact Finding Statement that addresses the environmental assessment for the additional parcel that has been included in the Irrevocable Agreement to Annex and incorporates the previously adopted Mitigated Negative Declaration; and,

- d. Direct the Clerk to file a Notice of Determination and a Certificate of Fee Exemption for the Addendum prepared by the Commission's Environmental Consultant within five (5) days.
2. Approve SC#292 authorizing the City of Loma Linda to extend water and sewer service outside its boundaries to Assessor Parcel Numbers (APN) 0293-021-19, 37 and 38.
3. Adopt LAFCO Resolution #2937 setting forth the Commission's findings, determinations and approval of the agreement for service outside the City of Loma Linda's boundaries.

BACKGROUND:

The City of Loma Linda has submitted a request for approval of an Irrevocable Agreement to Annex that outlines the terms by which it will extend water and sewer service. The agreement relates to three (3) parcels, APN 0293-021-19, 37 and 38, generally located at the southwest corner of the intersection of Mayberry and Main Streets. The parcels, which are currently vacant, are in the City's southeastern sphere of influence - within the community of "Bryn Mawr". Attachment #1 provides a location and vicinity map of the site along with maps outlining the location of the infrastructures to be extended.

The City, on behalf of the property owner, has requested that the Commission review and approve the extension of water and sewer service pursuant to the provisions of Government Code Section 56133. Previously, a contractual relationship between the County, the City of Loma Linda (water and sewer) and City of San Bernardino (sewer service only) was entered into allowing for block grant funding for the extension of water lines and sewer lines into the overall Bryn Mawr community. This has provided the community the ability to have access to water and sewer service from the City of Loma Linda.

The County Land Use Services Department has processed and approved a Conditional Use Permit to establish a 12,361 sq. ft. two-story financial facility on two parcels, APN 0293-021-37 and 38. The Conditions of Approval placed upon this project include the requirement for connection to the City of Loma Linda's water and sewer systems (Conditions 43-47 and 50). A copy of the Conditions of Approval is included as Attachment #3 to this report.

Also, an additional parcel, APN 0293-021-19, is being included as part of request for extension of service. The property owner recently acquired the said parcel adjacent to the proposed development but it was not included as part of the entire project proposal since the County was already in its final stages of approving the project. However, according to the property owner, the additional

parcel is not intended to be developed, but will be landscaped to act as a buffer between the proposed development and the adjacent residence.

Therefore, the City, on behalf of the property owner, has requested that the Commission review and approve the extension of water and sewer service to the area 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.

The area proposed for receiving water and sewer service by contract is within one of the “island” areas that the City recently submitted to LAFCO for processing. The annexation proposal, identified as LAFCO 3069 - Reorganization to Include City of Loma Linda Annexation No. 06-02 (Bryn Mawr Islands), is anticipated to be completed before the end of the year. The property owner is well aware of the pending annexation but does not wish to wait for completion of the annexation since this would delay the processing of its project. Therefore, the most expedient response to the service needs for the project is the authorization of the Irrevocable Agreement to Annex through approval of LAFCO SC#292.

The City’s application indicates that water and sewer service will be provided to the proposed financial facility through an existing 8-inch water main and an 8-inch sewer main in Mayberry Street.

Pursuant to the Commission’s application requirements for service contracts, information must be provided regarding all financial obligations for the extension of services outside an agency’s boundaries. The City of Loma Linda has submitted an estimated total cost of approximately \$9,370.82 for water and sewer service to the area. The following is the breakdown of the charges:

| | | |
|--|-----------------------|-----------------------------|
| Water Fees | | |
| Meter Installation and Material Cost | \$1,119.00 | \$1,119.00 |
| Water Generation Fee (per sq. ft.) | \$0.343 x 12,361 | \$4,239.82 |
| Sewer Fees | | |
| Sewer Capacity – Paid to the City of San Bernardino | \$3,500.00 | \$3,500.00 |
| Sewer Connection (permit) | \$312.00 | \$312.00 |
| Street Cut (permit) | \$200.00 | \$200.00 |
| Street Cut | \$1.30/sq. ft. of cut | <i>unknown at this time</i> |
| | TOTAL | \$9,370.82 |

In addition, the extension of both water and sewer service laterals from the existing water and sewer mains in Mayberry Street shall be the responsibility of the property owner.

Staff has reviewed this request for the provision of water and sewer service from the City of Loma Linda outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcels to be served are within the sphere of influence assigned to the City of Loma Linda within the Bryn Mawr community, and are anticipated to become a part of the City sometime in the future through completion of LAFCO 3069. The development of the financial facility requires that it receive water and sewer service, which is only available from the City of Loma Linda. Staff supports the City's request for authorization to provide water and sewer service to the proposed project since its facilities are adjacent to the anticipated development, there is no other existing entity available to provide this service within the area, and the most expedient response to the service issue is through approval of the Irrevocable Agreement to Annex in anticipation of the completion of LAFCO 3069.

FINDINGS:

1. The project area, identified as APN 0293-021-19, 37 and 38, is within the sphere of influence assigned the City of Loma Linda and is anticipated to become a part of that City through completion of LAFCO 3069. The application requests authorization to receive City of Loma Linda water and sewer service. This requirement is a condition of approval placed upon the project by the County Land Use Services Department for the Conditional Use Permit to establish the financial facility. Therefore, approval of the City's request for authorization to provide water and sewer service is necessary to satisfy this condition of approval.
2. The Irrevocable Agreement to Annex being considered is for the provision of water and sewer service to three parcels, APN 0293-021-19, 37 and 38, generally located at the southwest corner of the intersection of Mayberry and Main Streets. This contract will remain in force in perpetuity for the proposed development or until such time as the area is annexed. Approval of this application will allow the property owner and the City of Loma Linda to proceed in finalizing the contract for the extension of water and sewer service.
3. The fees charged by the City of Loma Linda for the extension of water and sewer service to the project area are identified as totaling approximately \$9,370.82 (see page 3 for breakdown of water and sewer fees). Payment of these fees is required prior to connection to the City's water and sewer facilities. In addition, the installation of both water and sewer laterals from the water and sewer mains in Mayberry Street shall be the responsibility of the property owner.
4. In July 2006, acting as the CEQA lead agency, the County prepared an environmental assessment for a Conditional Use Permit to establish a 12,361 sq. ft. two-story credit union with three drive-up and one walk-up

ATM's on 2.87 acres (for APN 0293-021-37 and 38). The 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.

In addition, the Commission's Environmental Consultant, Tom Dodson and Associates, prepared an Addendum to the County's environmental assessment to address the additional parcel, APN 0293-021-19, that has been included in the Irrevocable Agreement to Annex but was not a part of the entire project proposal approved by the County.

Mr. Dodson has determined that the County's Initial Study and Mitigated Negative Declaration and the Addendum, taken together, are adequate for the Commission's use as lead agency under CEQA. The Commission will not be adopting alternatives or mitigation measures for this development, 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 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken including the Addendum and a copy of the County's environmental assessment.

SM/

Attachments:

1. Vicinity Map and Maps of the Contract Area
2. City of Loma Linda's Application and Contract
3. County Conditions of Approval for Conditional Use Permit
4. Environmental Response and Addendum from Tom Dodson and Associates Including the County's Environmental Assessment for Conditional Use Permit to Establish a 12,361 Sq. Ft. Two-Story Credit Union with Three Drive-up and One Walk-up ATM's on 2.87 Acres
5. Draft Resolution #2937