

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

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DATE: July 6, 2009
FROM: SAMUEL MARTINEZ, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #4: LAFCO SC#344 – City of Loma Linda Irrevocable Agreement to Annex for Water and Sewer Service (Loma Linda Spanish Seventh Day Adventist Church)

INITIATED BY:

City of Loma Linda, on behalf of the property owner

RECOMMENDATION:

Staff recommends that the Commission approve LAFCO SC#344 by taking the following actions:

1. For environmental review as a responsible agency:
 - a. Certify that the Commission has reviewed and considered the County's environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Conditional Use Permit to develop a worship center on 8.9+/- acres, 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. Direct the Clerk to file a Notice of Determination and pay appropriate fees within five (5) days.

2. Approve SC#344 authorizing the City of Loma Linda to extend water and sewer service outside its boundaries to Assessor Parcel Numbers (APN) 0292-163-09.
3. Adopt LAFCO Resolution #3066 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 (hereinafter the "City") 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 a single parcel, APN 0292-163-09, generally located at the northeast corner of Orange Avenue and New Jersey Street (11055 New Jersey Street), within the City's eastern sphere of influence. Attachment #1 provides a location and vicinity map of the site along with maps outlining the location of the infrastructure to be extended.

The County Land Use Services Department has processed and approved a Conditional Use Permit to develop a worship center on the 8.9+/- acre parcel. 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 18, 19, 70-73). A copy of the Conditions of Approval is included as Attachment #3 to this report.

Therefore, the City, on behalf of the property owner, 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) indicates that water service will be provided to the parcel through lateral connections on the existing 12-inch water main in New Jersey Street.

In addition, the application indicates that sewer service will be provided through construction of an 8-inch sewer main in Orange Avenue from the existing 8-inch sewer main located at the intersection of New Jersey Street and Orange Avenue extending easterly (approximately 300 linear ft.) along Orange Avenue.

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 has submitted a preliminary cost of approximately \$45,778 for water and sewer service to the parcel. The following is a breakdown of the estimated charges:

Water Fees		
Water Generation Fee (per sq. ft.)	\$0.343/sq. ft. x 75,000 sq. ft. (max. sq. footage per Conditions of Approval)	\$25,725.00
Permit Fee (based on construction costs)	\$4,039.00 (maximum)	\$4,039.00
Sewer Fees		
Sewer Capacity* – Paid to the City of San Bernardino *Sewer Capacity fee for the Worship Center is determined based on the actual seating capacity of the structure (\$31/seat with full kitchen; or \$18/seat with no kitchen). There may be additional fees for any other structures.		<i>Unknown at this time</i>
Sewer Generation Fee (per sq. ft.)	\$0.053/sq. ft. x 75,000 sq. ft. (max. sq. footage per Conditions of Approval)	\$3,975.00
Permit Fee (based on construction costs)	\$12,039 (maximum)	\$12,039.00
	TOTAL	\$45,778.00

In addition, the property owner will be responsible for the entire cost for the construction and installation of the sewer main extension and the water and sewer laterals. Future users of the City’s water service will be charged approximately 1.15 times the in-city monthly rate (to help offset the costs for service delivery outside the City’s corporate boundaries). However, the charges for City sewer service will be the same as the in-city monthly rate.

ENVIRONMENTAL DETERMINATION:

The County prepared an Initial Study and Mitigated Negative Declaration for a Conditional Use Permit to develop a worship center on 8.9+/- acres. LAFCO’s Environmental Consultant, Tom Dodson and Associates reviewed the County’s environmental assessment issued 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.

CONCLUSION:

The future development of the parcel requires that it receive water and sewer service from the City of Loma Linda. In order for the proposed development to proceed, the property owner must show proof of its ability to connect to the City of Loma Linda’s

water and sewer infrastructure - which is the Commission's authorization for this agreement.

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 parcel to be served is within the sphere of influence assigned to the City of Loma Linda 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 the proposed project since its facilities are adjacent to the anticipated development, and there is no other existing entity available to provide this service within the area.

FINDINGS:

1. The project area, identified as APN 0292-163-09, is generally located at the northeast corner of Orange Avenue and New Jersey Street (11055 New Jersey Street). The parcel is within the sphere of influence assigned the City of Loma Linda and is anticipated to become a part of that City sometime in the future. 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. Therefore, approval of the City's request for authorization to provide water and sewer service is necessary in order to satisfy this condition of approval.
2. The Irrevocable Agreement to Annex being considered is for the provision of water and sewer service by the City of Loma Linda for APN 0292-163-09. 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 preliminary fees charged by the City of Loma Linda for the extension of water and sewer service to the parcel are estimated at \$45,778 (see page 3 for breakdown), depending on final construction costs and when final seating capacity for the proposed worship center has been identified. The actual cost will be determined by the City and the payment of these fees will be required prior to connection to the City's water and sewer facilities. In addition, the installation of the water and sewer facilities will be the responsibility of the property owner.
4. During the period from September 2007 to November 2007, acting as the CEQA lead agency, the County prepared an environmental assessment for a Conditional Use Permit to develop a worship center on 8.9+/- acres. The County's 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 has indicated that the County's Initial Study and Mitigated Negative Declaration 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 environmental review and the necessary actions to be taken.

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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 the Conditional Use Permit](#)
4. [Environmental Response and Addendum from Tom Dodson and Associates Including the County's Environmental Assessment for the Conditional Use Permit to Develop a Worship Center on 8.9 Acres](#)
5. [Draft Resolution #3066](#)