

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: AUGUST 6, 2012

FROM: KATHLEEN ROLLINGS-MCDONALD, Executive Officer
SAMUEL MARTINEZ, Assistant Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #6: LAFCO SC#367 – City of San Bernardino Irrevocable Agreement to Annex No. 2012-01 for Sewer Service (Baker Family Learning Center, Assessor Parcel Number 0268-041-14)

INITIATED BY:

City of San Bernardino, on behalf of the property owner (County of San Bernardino)

RECOMMENDATION:

The staff recommends that the Commission approve LAFCO SC#367 by taking the following actions:

1. Certify that LAFCO SC #367, is statutorily exempt from environmental review and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO SC#367 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number 0268-041-14, which is being proposed for a community center facility; and,
3. Adopt LAFCO Resolution #3166 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 (hereinafter the "City"), on behalf of the County of San Bernardino (County) as the property owner, has submitted an application for Commission review and authorization of an out-of-agency service agreement that outlines the terms by which the City will extend sewer service. The agreement relates to a single parcel,

Assessor Parcel Number (APN) 0268-041-14, which is approximately 1.67 acres generally located in the community of Muscoy at the northwest corner of Darby and Macy Streets (2818 N. Macy Street), within the City of San Bernardino's northwestern sphere of influence (see Figure 1 below). 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.

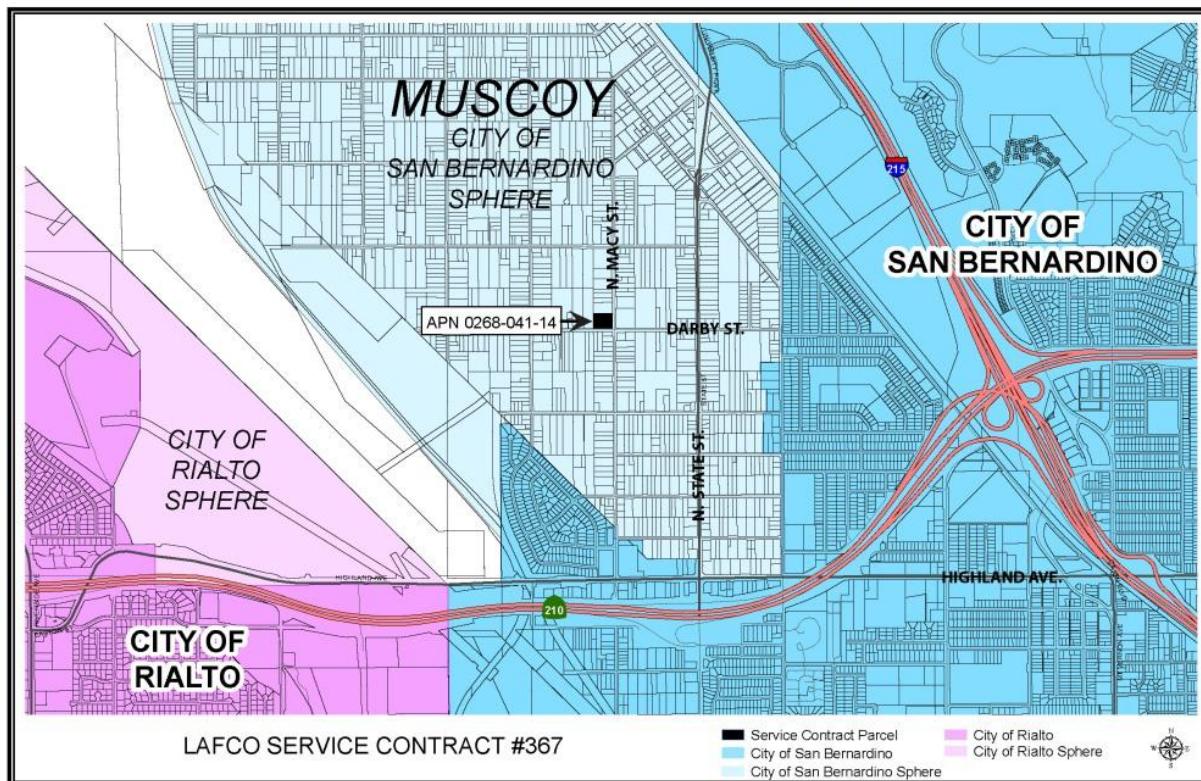


Figure 1 – Vicinity Map

The County's Land Use Services Department has processed and approved a Minor Use Permit to establish a community center facility on the parcel. The Conditions of Approval placed upon this project include the requirement to connect to the City's sewer system (Condition 49). Water service will be provided by the Muscoy Mutual Water Company, a private water company that serves the area. A copy of the Conditions of Approval is included as Attachment #3 to this report. Therefore, the City, on behalf of the property owner, is requesting that the Commission authorize the extension of service 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) indicates that the parcel will be served through an existing 21-inch sewer main in Macy Street, which is directly adjacent to the parcel. The City's sewer policy does not allow direct connection to a large interceptor sewer

main; therefore, the property owner will be required to construct a parallel sewer line with appropriate manholes connecting to the main interceptor sewer main and a lateral extension to the project site.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of sewer service to the community center facility. The City of San Bernardino has submitted an estimate total cost for the extension of sewer service to the parcel of approximately \$1,420 plus an additional sewer capacity fee based on total sewage effluent (\$12.45 per gallon of sewage effluent; to be calculated by the City's Water Department). The following is the breakdown of the charges:

Sewer Inspection Fee		\$29.18
Sewer Connection Fee	\$355.02 per 3,000 sq. ft.	1,391.20
Sewer Capacity Fee	\$12.45 per gallon of sewage effluent (to be calculated by the City's Water Department)	To be determined
Sub-total		1,420.38

In addition, the County, as property owner and developer of the proposed project, will be responsible for the entire cost of all sewer construction and installation.

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#367 is statutorily exempt from the California Environmental Quality Act (CEQA) under the General Rule Statutory Exemption. This recommendation is based on the finding that the Commission's approval of the out-of-agency service extension request does not have the potential to significantly alter the existing physical environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3).

CONCLUSION:

LAFCO staff has reviewed this request for the provision of sewer service by the City 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 the City and is anticipated to become a part of the City sometime in the future. The development of the Baker Family Learning Center requires that it receive sewer service, which is only available from the City of San Bernardino. Staff supports the City's request for authorization to provide 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 0268-041-14, is 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 parcel is anticipated to receive its water service from the Muscoy Mutual Water Company. The application requests authorization to receive City 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 sewer service is necessary to satisfy this condition of approval.
2. Commission review of this service contract has been advertised in *The Sun*, a newspaper of general circulation within the area. In addition, LAFCO staff has provided individual notices to landowners and registered voters surrounding the service contract area (totaling 172) in accordance with state law and adopted Commission policies.
3. The Irrevocable Agreement to Annex No. 2012-01 being considered is for the provision of sewer service by the City of San Bernardino to APN 0268-041-14. This contract will remain in force in perpetuity for the proposed development or until such time as the area is annexed.
4. The fees charged this project by the City of San Bernardino for the extension of sewer service to the parcel are estimated at \$1,420 plus an additional sewer capacity fee based on total sewage effluent (\$12.45 per gallon of sewage effluent; to be calculated by the City's Water Department). Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the County, as property owner, shall bear all costs to complete improvements needed to extend the sewer service to the parcel.
5. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by City of San Bernardino and recommends that this application is statutorily exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #4 to this report.

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Attachments:

1. [Vicinity Map and Map of the Contract Area](#)
2. [City of San Bernardino's Application and Contract](#)
3. [County's Conditions of Approval for the Minor Use Permit 11,756 Sq. Ft. Community Center that Includes a Library, Day Care Center and Community Meeting Room \(Baker Family Learning Center\)](#)
4. [Tom Dodson and Associates Response](#)
5. [Draft Resolution #3166](#)