

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

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**DATE: MARCH 6, 2008**

**FROM: SAMUEL MARTINEZ, LAFCO Analyst**

**TO: LOCAL AGENCY FORMATION COMMISSION**

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**SUBJECT: Agenda Item #6: LAFCO SC#329 – City of Rialto Out-of-Agency Service Contract for Sewer Service (G & M Oil Co. Project)**

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**INITIATED BY:**

City of Rialto, on behalf of the property owners

**RECOMMENDATION:**

1. For environmental review, take the following actions as a responsible agency:
  - a. Certify that the Commission has reviewed and considered the environmental assessment and the Mitigated Negative Declaration prepared by the County of San Bernardino for a Conditional Use Permit to establish a gas station with a 2,000 sq. ft. convenience store on 0.5+/- acre, 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 the implementation of the adopted Conditions of Approval for the project; and,
  - c. Note that this proposal is exempt from Department of Fish and Game fees because the filing fee was the responsibility of the County, as CEQA lead agency, and direct the Clerk to file a Notice of Determination within five (5) days of this action.
2. Approve SC#329 authorizing the City of Rialto to extend sewer services outside its boundaries to Assessor Parcel Number (APN) 0253-201-18; and,

3. Adopt LAFCO Resolution #2996 setting forth the Commission’s findings, determinations, and authorization of the agreement for service outside the City of Rialto’s boundaries.

**BACKGROUND:**

The City of Rialto (hereinafter the “City”) 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 outside its boundaries. The agreement relates to a single parcel, APN 0253-201-18, generally located at the southwest corner of the intersection of Church Street and Valley Boulevard (18745 Valley Boulevard), in the community of Bloomington, within the City’s southwestern sphere of influence. Attachment #1 provides a location and vicinity map of the site.

The County Land Use Services Department has processed and approved a Conditional Use Permit to establish a gas station with a convenience store on the parcel. The Conditions of Approval placed upon this project include the requirement to connect to the City’s sewer system (Conditions 35, 38 and 39). Water service will be provided by the West Valley Water District which currently overlays the project site. A copy of the Conditions of Approval is included as Attachment #3 to this report. Therefore, the City, on behalf of the property owners, has requested 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 18-inch sewer main in Valley Boulevard. The developer of the project will be required to construct a lateral extension from the existing sewer main to the parcel.

Pursuant to the Commission’s application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside the City’s boundaries. The City has indicated that the agreement includes payment of approximately \$31,289 in sewer fees that is calculated based on three times the in-City rate for sewer connection. Following is a table with the estimated sewer fees:

Wastewater Treatment	\$6,240.00 x 3	\$18,720.00
Wastewater Collection	\$4,063.00 x 3	\$12,189.00
Permit (Streetcut/Encroachment)		\$380.00
<b>TOTAL ESTIMATED COST</b>		<b>\$31,289.00</b>

In addition, the developer of the project will be responsible for the entire cost of the construction and installation of the sewer lateral from the existing sewer main in Valley Boulevard to the parcel. The City has also indicated that the parcel will be charged three (3) times the in-City rate for sewer service. The higher rates charged are intended to help offset the costs for service delivery outside the City's corporate boundaries.

**ENVIRONMENTAL DETERMINATION:**

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:**

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 gas station and convenience store requires that it receive sewer service, which is only available from the City. 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 0253-201-18, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future. The parcel will receive its water service from the West Valley Water District. 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. The Extraterritorial Wastewater Service Agreement being considered is for the provision of sewer service by the City of Rialto to APN 0253-201-18. This contract will remain in force in perpetuity for the proposed development or until such time as the area is annexed.
3. The fees charged this project by the City of Rialto for sewer service are identified as totaling \$31,289 (for a breakdown of fees, see table on page 2). Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owners/developer shall bear all costs to complete improvements needed to extend the sewer service to the parcel.

4. In August 2005, acting as the CEQA lead agency, the County prepared an environmental assessment for a Conditional Use Permit to establish a gas station with a 2,000 sq. ft. convenience store on 0.5+/- acre. 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.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment issued for the proposed project and has indicated that the County's Initial Study and Mitigated 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 and/or others and are considered self-mitigating through implementation of the Conditions of Approval. Attachment #4 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken.

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Attachments:

1. Vicinity Map and Map of the Contract Area
2. City of Rialto's Application and Contract
3. County Conditions of Approval for Conditional Use Permit to Establish a Gas Station with a 2,000 Sq. Ft. Convenience Store on 0.5 Acres
4. Tom Dodson and Associates Response Including the County's Environmental Documents for the Conditional Use Permit
5. Draft Resolution #2996