

**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: MAY 3, 2007

FROM: SAMUEL MARTINEZ, LAFCO Analyst

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #5: LAFCO SC#308 – City of Redlands OSC 06-29 for Water and Sewer Service (Tentative Tract 17060)

INITIATED BY:

City of Redlands, on behalf of property owner/developer

RECOMMENDATION:

1. For environmental review, take the following actions as a responsible agency:
 - Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the environmental assessment and the Mitigated Negative Declaration prepared by the County of San Bernardino for the General Plan Land Use District Amendment from 7M-RM (Multiple Residential – 7,000 sq. ft. per unit) to RS (Single-Family Residential) on 12.9 acres and Tentative Tract 17060 to create 45 lots on 12.68 acres, and found them to be adequate for Commission use;
 - 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,
 - Direct the Clerk to file a Notice of Determination within five (5) days of this action.

2. Approve SC#308 authorizing the City of Redlands to extend water and sewer service outside its boundaries to Tentative Tract 17060, proposed for a 45-lot residential subdivision, on Assessor Parcel Numbers (APNs) 0298-221-09, 43 and 57.
3. Adopt LAFCO Resolution #2963 setting forth the Commission’s findings, determinations and approval of the agreement for service outside the City of Redlands’ boundaries, with the condition that the resolution will not be issued until such time as the City provides a corrected agreement identifying the correct APNs for the project.

BACKGROUND:

The City of Redlands has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend water and sewer service. The agreement relates to three (3) parcels, APNs 0298-221-09, 43 and 57, which are adjacent to each other and are generally located at the northwest corner of the intersection of Nice and Sapphire Avenues. These parcels combined make up Tentative Tract (TT) 17060, which is located within the City’s northeastern sphere of influence within the community known as “Mentone”. Attachment #1 provides a location and vicinity map of the site along with a map outlining the location of the water and sewer infrastructures to be extended and Attachment #2 provides the City’s application.

The City, on behalf of the property owner/developer, has requested that the Commission review and approve the extension of service pursuant to the provisions of Government Code Section 56133. The property owner/developer has processed a General Plan Amendment and TT 17060 to create 45 lots on 12.68 acres, which was approved by the County Board of Supervisors on October 25, 2005. The Conditions of Approval placed upon this project include the requirement to connect to the City’s water and sewer facilities prior to recordation of the final map (Conditions #35-38). A copy of the Conditions of Approval is included as Attachment #3 to this report.

Following approval of the project by the County, a new requirement was added to TT 17060 to address drainage issues for the project site. Lots 1, 2 and 3 of the Tentative Tract have been converted to a temporary detention basin to accommodate these drainage issues until such time as a storm drain system is available in the area. As a result of this new requirement, the City of Redlands has only authorized water and sewer service connections for 42 lots of the Tentative Tract at this time, but requested that LAFCO authorize the provision of these services to all 45 lots. At such time in the future that the three lots are available to be reverted back for residential use, no further LAFCO action will be required. However, the property owner/developer will be required to get

subsequent approval from the City of Redlands for these connections and pay the appropriate fees for such service.

The City of Redlands indicates that the project is consistent with its General Plan designation for the area which is Low-Density Residential (0-6 dwelling units per acre). Pursuant to Chapter 16.02 of the Redlands Municipal Code, the City prepared a Socio-Economic Analysis Study for the service agreement for TT 17060 that shows a positive cost/revenue effect should the area be included in the City. The City's review of the agreement also included an environmental assessment of the project which determined that there was no significant effect from extending the services required.

During the City's processing of its service agreement for the Tentative Tract, a lot line adjustment took place between one of the parcels within the Tentative Tract and an adjacent parcel. This action prompted the renumbering of these two parcels. One of the original parcels involved within TT 17060, APN 0298-221-05, is now identified as APN 0298-221-57 because of this adjustment. However, the City's application that was approved by its City Council listed the old parcel number. LAFCO notified the City of the need to identify the correct parcel number on the agreement. The City revised its application materials to reflect the new APN; outstanding is the revised contract, which requires a City Council action to correct the APN. The City has advised LAFCO staff that the revised contract is being scheduled for its June 5, 2007 City Council hearing, which is after LAFCO's consideration of this request for authorization. Therefore, LAFCO has informed the City and the property owner/developer that as a condition of approval, LAFCO will not issue the resolution authorizing the extension of service to TT 17060 until it receives the revised agreement reflecting the correct APN. Both the City and the property owner/developer have expressed no objection to this condition.

PLAN FOR SERVICE:

The application indicates that water service to the Tentative Tract will be provided through connections to the existing 8-inch water main in Nice Avenue and the existing 12-inch water main in Sapphire Avenue. The City also requires that an 8-inch water main be installed within all interior streets of the Tentative Tract.

In addition, the application indicates that sewer service will be provided through construction of an 8-inch sewer main from its current terminus, which is located at the westerly boundary of the Tentative Tract in Nice Avenue, across the frontage of the Tentative Tract in Nice Avenue and also across the frontage in Sapphire Avenue. In addition, the City requires that an 8-inch sewer main be installed within all interior streets of the Tentative Tract.

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 agency’s boundaries. The provisions of Measure U require that the developer pay the “sums equivalent to the City’s development impact fees” as a condition for access to water and sewer service. The City has indicated that the following amounts are required from the developer prior to the extension of water and sewer facilities:

Water Source Acquisition Charge		
SFR less than 11,000 sq. ft.	\$810 x 39 units	\$31,590
SFR 11,000 sq. ft. and over	\$1,050 x 3 units	\$3,150
Water Capital Improvement Charge		
SFR less than 11,000 sq. ft.	\$5,010 x 39 units	\$195,390
SFR 11,000 sq. ft. and over	\$6,470 x 3 units	\$19,410
Water Main Frontage Charge (per ft.)	\$26 x 1,232 feet	\$32,032
Sewer Capital Improvement Charge	\$4,200 x 42 units	\$176,400
Sums Equivalent		
Solid Waste	\$650 x 42 units	\$27,300
Public Improvement		
• Storm Drain	\$1,562 x 42 units	\$65,604
• Street Improvement	\$3,852 x 42 units	\$161,784
• Traffic Signal	\$261 x 42 units	\$10,962
• Public Facilities	\$3,588 x 42 units	\$150,696
Parks	\$1,969 x 42 units	\$82,698
TOTAL		\$957,016

In addition to the costs outlined above, the property owner/developer of the Tentative Tract will be responsible for the entire cost of the construction and installation of: 1) the 8-inch water main within all interior streets of the Tentative Tract; 2) the 8-inch sewer main in Nice Avenue (approximately 685 linear feet) and Sapphire Avenue (approximately 547 linear feet); 3) the 8-inch sewer main within all interior streets of the Tentative Tract; and 4) all additional items that are identified in the Plan for Service. Future occupants of the residential units will be charged approximately 13 percent more than the in-City bi-monthly rate for water service/usage and approximately 8 percent more than the in-City bi-monthly rate for sewer service. The higher rates charged are intended to help offset the costs for service delivery outside the City’s corporate boundaries.

CONCLUSION:

The development of TT 17060 requires that it receive water and sewer service from the City of Redlands. In order for the project to proceed to record the Final

Tract Map, the developer must show proof of his ability to connect to the City of Redlands' water and sewer infrastructure - which is the Commission's authorization for the extension of service.

Staff has reviewed this request for authorization to provide water and sewer service from the City of Redlands outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcels that make up TT 17060 are within the sphere of influence assigned to the City of Redlands within the Mentone community and are 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 residential development since its facilities are adjacent to the anticipated development, and there is no other existing entity available to provide the level of service required by the Tentative Tract within the area.

FINDINGS:

1. The project area relates to three (3) adjacent parcels, APNs 0298-221-09, 43 and 57, generally located at the northwest corner of the intersection of Nice and Sapphire Avenues. These parcels combined make up TT 17060, proposed for development of 45 single-family residential lots, which is within the sphere of influence assigned the City of Redlands and is anticipated to become a part of that City sometime in the future.

The application requests authorization to receive City of Redlands water and sewer service. This requirement is a condition of approval placed upon the project by the County Land Use Services Department for the General Plan Amendment and TT 17060. 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.

The City is only approving the water and sewer service connections to 42 lots of the Tentative Tract since three (3) lots are being sited as an area for a temporary detention basin. At such time in the future when the three lots are to be reverted back for residential use, the property owner/developer will be required to get subsequent water and sewer service approval from the City for all three lots. Since LAFCO's authorization for water and sewer service is for the entire TT 17060, no further LAFCO review and authorization will be required for the City's extension of water and sewer service to the three lots.

2. The agreement for the extension of services was signed by the property owner/developer on September 29, 2006 and was subsequently approved by the City Council on October 17, 2006. The City Council's approval included a Socio-Economic Study and an environmental assessment for the agreement. This agreement, City of Redlands OSC 06-29, is for the

provision of water and sewer service for TT 17060. This contract will remain in force in perpetuity for TT 17060 or until such time as the area is annexed.

It is noted that the City is revising the contract to identify the correct APN affected by this service agreement, which requires a City Council action to correct the APN on the previous contract. The revised contract is being scheduled for the June 5, 2007 City Council hearing, which is after LAFCO's consideration of this request for authorization. LAFCO has informed the City and the property owner/developer that, as a condition of approval, LAFCO will not issue the resolution authorizing the extension of services to TT 17060 unless LAFCO receives the revised agreement reflecting the correct APN.

3. The amounts charged this project by the City of Redlands are identified as totaling \$957,016 (for a breakdown of charges, see table on page 4). Payment of these charges is required prior to connection to the City's water and sewer facilities. In addition, the property owner/developer of the Tentative Tract will be responsible for the entire cost of the construction and installation of all water and sewer mains, including any additional items that have been identified in the Plan for Service.
4. During the period from July 2005 to October 2005, acting as the CEQA lead agency, the County prepared an environmental assessment for the General Plan Amendment and TT 17060 to create 45 single-family residential lots on 12.68 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 approved for the proposed project.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Initial Study and the Mitigated Negative Declaration 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 CEQA responsible agency. The Commission will not be adopting alternatives or mitigation measures for this development, as these are the responsibility of the County of San Bernardino and/or others, not the Commission, 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 environmental review and necessary actions to be taken.

SM/

Attachments:

1. Vicinity Map and Maps of the Contract Area
2. City of Redlands' Application and Contract
3. County Conditions of Approval for General Plan Amendment from 7M-RM to RS on 12.9 Acres and TT 17060 to Create 45 Lots on 12.68 Acres
4. Tom Dodson and Associates Response Including the County's Environmental Documents for the General Plan Amendment and Tentative Tract
5. Draft Resolution #2963