



## CONSENT CALENDAR

### City of San Bernardino Request for Council Action

**Date:** September 4, 2024

**To:** Honorable Mayor and City Council Members

**From:** Rochelle Clayton, Acting City Manager;  
Kenneth Chapa, Director of Economic Development

**Department:** Economic Development

**Subject:** Irrevocable Agreement to Annex No. 2024-379 (Ward 6)

#### **Recommendation:**

It is recommended that the Mayor and City Council of San Bernardino, California adopt Resolution No. 2024-193 of the Mayor and City Council of the City of San Bernardino, California, approving the application to the Local Agency Formation Commission to provide City sewer services to a property located at 2210 Ogden Street, San Bernardino, California, within the unincorporated County of San Bernardino territory of Muscoy; and authorizing the City Manager to execute an Irrevocable Agreement to Annex.

#### **Executive Summary**

In November 2022, the San Bernardino Water Department received a request for sewer service from the owners of a parcel located at 2210 Ogden Street (APN: 0267-091-17) for a connection to the sewer collection system. The property owner is abandoning the existing septic tank and is desirous of a connection to the sewer collection. The Water Department has determined that there is an available 18-inch vitrified clay pipe sanitary sewer main within Duffy Street, fronting the subject parcel and the department can serve this parcel.

#### **Background**

In November 2022, the San Bernardino Water Department received a request for sewer service from the owners of a parcel located at 2210 Ogden Street (APN: 0267-091-17) for a connection to the sewer collection system. The property owner is abandoning the existing septic tank and is desirous of a connection to the sewer collection.

In 1994, the California Government Code Section was amended by the addition of Section 56133, which requires the Local Agency Formation Commission (LAFCO) to

approve the provision of new City services outside its corporate boundaries. The annexation of single parcels is not desirable since it creates uneven boundaries and creates confusion regarding the delivery of other City services. The unincorporated area of San Bernardino County, otherwise known as Muscoy, is contiguous to City boundaries; however, annexation of this individual property would result in other islands.

In September of 1997 the City of San Bernardino adopted Resolution No. 97-275, a policy relative to the providing of sewer services outside of City boundaries. The policy includes a payment of \$1,300 for the initial sewer connection application processing fee. Additionally, the petitioner will pay all LAFCO related fees directly to LAFCO and the normal sewer capacity and connection fees to the Water Department for processing the Irrevocable Annexation Agreement.

The policy also requires the land use to be consistent with the City's General Plan and the property owner to execute an "Irrevocable Agreement to Annex" in the event that this property is included in an annexation proceeding sometime in the future.

### **Discussion**

The Water Department has indicated that there is adequate capacity at the wastewater treatment plant to serve this property and the Water Department has indicated that the existing residential use is consistent with the City's General Plan. The Water Department has determined that there is an available 18-inch vitrified clay pipe sanitary sewer main within Duffy Street, fronting the subject parcel and the department can serve this parcel.

LAFCO requires the Agency providing the service to complete the application. The Resolution will allow the city to submit an application to LAFCO if approved by the Mayor and City Council. The Irrevocable Agreement to Annex will be executed between the City and the applicant.

### **2021-2025 Strategic Targets and Goals**

The Irrevocable Agreement to Annex is consistent with Key Target No. 4b: Update the General Plan and Development Code as it ensures this property meets General Plan use and will be included in a future City annexation of this unincorporated area.

### **Fiscal Impact**

There is no fiscal impact associated with this action. The \$1,300 sewer connection application processing fee has been paid by the applicant. The applicant will also pay the corresponding sewer capacity and connection fees to the Water Department, and other LAFCO application fees.

### **Conclusion**

It is recommended that the Mayor and City Council of San Bernardino, California adopt Resolution No. 2024-193 of the Mayor and City Council of the City of San Bernardino, California, approving the application to the Local Agency Formation Commission to

provide City sewer services to a property located at 2210 Ogden Street, San Bernardino, California, within the unincorporated County of San Bernardino territory of Muscoy; and authorizing the City Manager to execute an Irrevocable Agreement to Annex.

**Attachments**

Attachment 1 - Resolution No. 2024 -193

Attachment 2 - Exhibit A - Irrevocable Agreement to Annex

Attachment 3 - Exhibit B - Vicinity Map

Attachment 4 – Exhibit C - Application

**Ward:**

Sixth Ward

**Synopsis of Previous Council Actions:**

September 2, 1997     The City of San Bernardino adopted Resolution No. 97-275 relative to the providing of sewer services outside of City boundaries.