



CITY COUNCIL MEETING AGENDA REPORT AGENDA ITEM NO. X

SUBJECT: MULTI-JURISDICTIONAL AGREEMENT BETWEEN THE CITY OF BEAUMONT AND THE CITY OF CALIMESA RELATING TO THE PROVISION OF SEWER SERVICES BY THE CITY OF BEAUMONT TO CERTAIN PROPERTY WITHIN THE CITY OF CALIMESA (COUNTRY CLUB VILLAGE PROJECT)

MEETING DATE: August 2, 2021

PREPARED BY: Kelly Lucia, Planning Manager

RECOMMENDATION: That the City Council:

Approve the “Multi-Jurisdictional Agreement Between the City of Beaumont and The City of Calimesa Relating to the Provision of Sewer Services by the City of Beaumont to Certain Property Within the City of Calimesa” (Attachment A).

BACKGROUND/DISCUSSION:

As Council is aware, the City of Calimesa is not a utility provider. As such, the City relies upon other public agencies to provide services such as water, electricity, sewer, and gas to its residents. While the majority of Calimesa residents receive sewer service from the Yucaipa Valley Water District, there are approximately 135 acres located in the southwest portion of Calimesa that are not currently within the service area of any sewer provider.



Figure 1. Calimesa properties without sewer service outlined in purple.



In December 2002, the City entered into the “Agreement between Beaumont, Calimesa, Oak Valley Partners, L.P., and Pardee Construction Company Regarding The Annexation Of The Oak Valley SCPGA Golf Course Specific Plan Area” (“Settlement Agreement”). As an operative provision of the Settlement Agreement, the City of Beaumont agreed to provide sewer services to certain real property within Calimesa. The properties include approximately 90 of the 135 acres that do not have sewer service in Calimesa. See Figure 2 below.

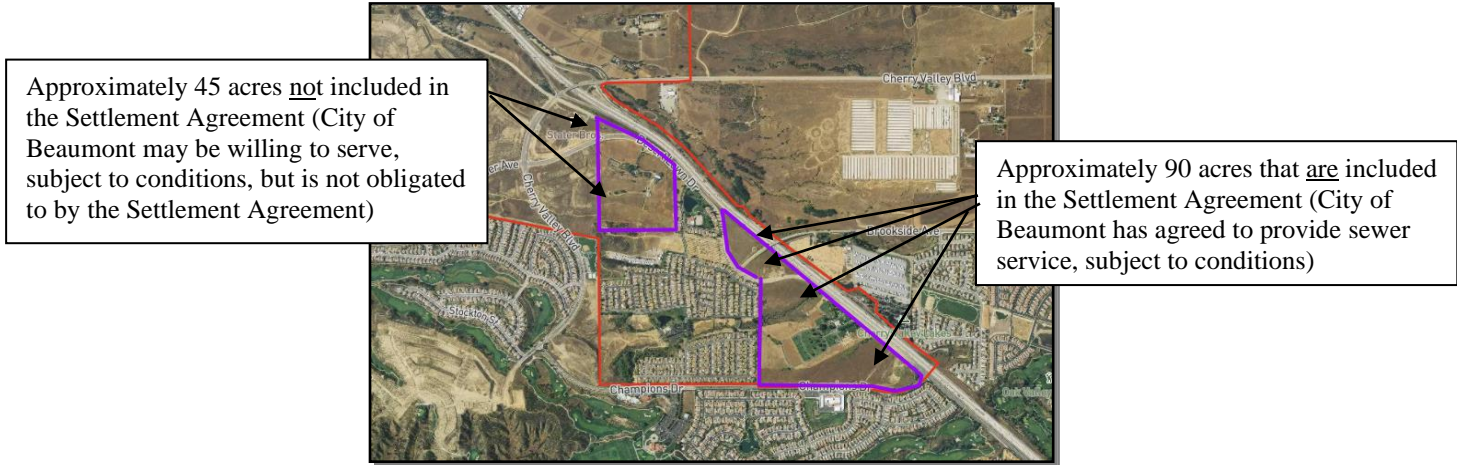


Figure 2. Properties included in 2002 Settlement Agreement

One of the affected properties subject to the Settlement Agreement is an approximately 30-acre mixed use project titled Country Club Village, located at the intersection of Desert Lawn Drive and Champions Drive as shown in Figure 3 below. As entitled, the project consists of a +/- 266-unit senior assisted living/memory care facility, 150 room/56,750 sf hotel, 30,000 sf medical office building, a 17,200-sf market, 7,300 sf of retail space, a 4,800 sf restaurant, and 1,725 sf drive through pad. The related project entitlements are Tentative Tract Map 36766, Development Plan Review 14-03, Conditional Use Permit 14-03, Determination of Similar Use 14-01, Variance 14-01, Environmental Assessment 14-01, and Minor Modification 18-02. See Figure 3 below.

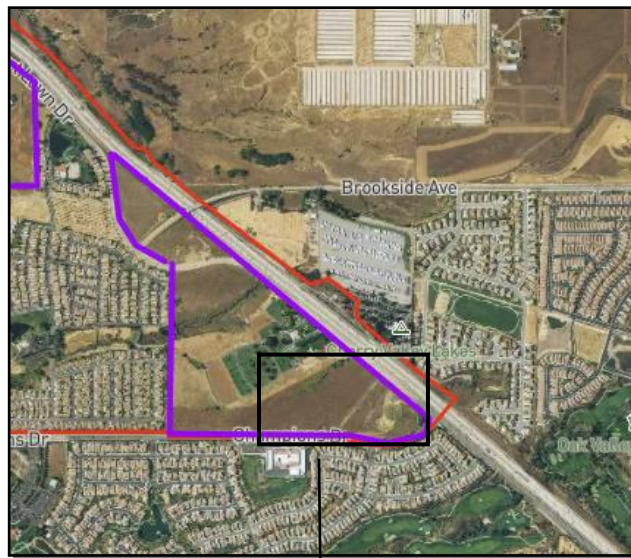


Figure 3. Country Club Village Site Plan

Pursuant to Section 1(c) of the Settlement Agreement, the City of Beaumont issued a sewer will serve letter to the Country Club Village project on December 16, 2014. The will serve letter stated that the details regarding sewer service to the project would be approved by the City Council of the City of Beaumont prior to service being provided to the property. Upon project approval, the applicant approached the City of Beaumont to determine the requirements to obtain the sewer connection. City of Beaumont staff provided the applicant with the following pre-connection requirements:

1. **Sewer study.** The applicant shall submit a sewer study to the City of Beaumont to determine the scope of any physical improvements required to connect to its municipal

wastewater system. These improvements may include (but are not limited to) the construction/expansion of lift station facilities, an increased capacity for existing conveyance lines, and/or the installation of new conveyance lines from the point of connection to the wastewater treatment plant. The cost of the improvements shall be borne by the applicant. **Status: The applicant is currently finalizing the sewer study process with the City of Beaumont.**

2. **Local Agency Formation Commission Approval (LAFCO).** Pursuant to California Government Code Section 56133(a), a city may provide new services by agreement outside of its jurisdictional boundary only if it first requests and receives approval from the Local Agency Formation Commission (LAFCO). In a letter dated November 4, 2020, LAFCO provided notice that the City of Beaumont may only provide sewer services to the project if the Cities of Calimesa and Beaumont execute a Multi-Jurisdictional Agreement approved by LAFCO. **Status: The applicant is coordinating with the City of Beaumont to prepare and submit the necessary application package to LAFCO. If approved by Calimesa City Council, the Multi-Jurisdictional Agreement provided as Attachment A of this staff report will be considered by Beaumont City Council. Should both City Councils approve the agreement, it will be submitted to LAFCO for review and approval.**

3. **Regulatory Approvals.** The City of Beaumont recently obtained authorization to discharge non-reclaimable waste from its wastewater treatment plant through the Inland Empire Brine Line to a treatment plant that is owned and operated by the Orange County Sanitation District. As such, the applicant will be required to enter into a second Multi-Jurisdictional agreement between the Cities of Beaumont/Calimesa, and the applicant. This agreement would authorize the City of Beaumont to perform ongoing code enforcement functions within the project related to wastewater discharge, to require wastewater surveys at the time of business license submittal/change in occupancy, and to enforce its pre-treatment ordinance. **Status: Work has not commenced on this second multi-jurisdictional agreement. It will be considered by both City Councils at a later date.**

SUMMARY:

- The City of Calimesa is not a utility provider.
- Most residences and business in the City receive sewer service from the Yucaipa Valley Water District.
- There are approximately 135 acres in the City that are not located within the service territory of any sewer provider.
- In December 2002, the Cities of Beaumont and Calimesa entered into a settlement agreement in which the City of Beaumont agreed to provide sewer service to approximately 90 acres (of the 135 acres) within the City of Calimesa that do not have sewer service.
- Pursuant to the 2002 settlement agreement, the City of Beaumont issued a sewer will serve letter to the 30-acre mixed use Country Club Village project in December 2014.
- On November 4, 2020, LAFCO staff informed both Cities that Beaumont may only provide sewer services to the Country Club Village Project if Calimesa and Beaumont execute a Multi-Jurisdictional Agreement approved by LAFCO under California Government Code Section 56133(a).

- If approved by both City Councils, the Multi-Jurisdictional Agreement (provided as Attachment A to this staff report) will be submitted to LAFCO for consideration. The purpose of the LAFCO application will be to authorize the City of Beaumont to provide sewer service to the Country Club Village Project, which is located outside of its jurisdictional limits.

FISCAL IMPACT: None. The costs associated with approval of this multi-jurisdictional agreement are the obligation of the applicant.

ATTACHMENTS:

Attachment A: Multi-Jurisdictional Agreement Between the City of Beaumont and The City of Calimesa Relating to the Provision of Sewer Services by the City of Beaumont to Certain Property Within the City of Calimesa