

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

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**DATE: JULY 6, 2007**

**FROM: SAMUEL MARTINEZ, LAFCO Analyst**

**TO: LOCAL AGENCY FORMATION COMMISSION**

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**SUBJECT: Agenda Item #4: LAFCO SC#313 – City of Fontana Irrevocable Agreement to Annex No. 07-00002 for Sewer Service (Elementary School No. 28 – Beech Avenue)**

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**INITIATED BY:**

City of Fontana, on behalf of the property owner, the Fontana Unified School District

**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 Fontana Unified School District for New Elementary School No. 28 (SCH No. 2004031024) on 8.47 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 Fontana Unified School District and/or others, not the Commission; and,
  - Note that this proposal is exempt from Department of Fish and Game fees because the filing fee was the responsibility of the

District, as CEQA lead agency, and direct the Clerk to file a Notice of Determination within five (5) days of this action.

2. Approve SC#313 authorizing the City of Fontana to extend sewer service outside its boundaries to a new elementary school facility, to be constructed on Assessor Parcel Numbers (APNs) 0233-081-21 and 23, 0233-091-02, 03, and 04.
3. Adopt LAFCO Resolution #2975 setting forth the Commission's findings, determinations and approval of the agreement for service outside the City of Fontana's boundaries.

**BACKGROUND:**

The City of Fontana has submitted a request for approval of an irrevocable agreement to annex that outlines the terms by which it will extend sewer service outside its boundaries. The agreement relates to five (5) parcels, APNs 0233-081-21 and 23, 0233-091-02, 03, and 04, which are adjacent to each other and are generally located on the west side of Beech Avenue, between Athol Street and Randall Avenue (9206 Beech Avenue), within the City of Fontana's central sphere of influence. Attachment #1 provides a location and vicinity map of the site along with a map outlining the location of the infrastructure to be extended.

The City, on behalf of the Fontana Unified School District (the "District"), has requested that the Commission review and approve the extension of service pursuant to the provisions of Government Code Section 56133. The District is proposing the development of a new elementary school facility (Elementary School No. 28) on the 8.47 +/- acres. The construction of the school requires that it connect to the City of Fontana's sewer facilities. Water service will be provided by the Fontana Water Company.

As noted in the letter dated May 15, 2007 from Ms. Debbie Brazill, Deputy City Manager, the City has issued the sewer permit to the District prior to receiving approval of the out-of-agency service connection by LAFCO. Ms. Brazill notes that this has been done to facilitate the development of the School due to scheduling constraints in order to open for the upcoming school year. LAFCO staff concurs with the City's position, in this circumstance, due to the special funding and time constraints experienced by the School District in processing the development of new school sites. Application of this process does not set a precedent for other out-of-agency considerations for development projects.

**PLAN FOR SERVICE:**

The City’s application indicates that the school site will be served from an existing 8-inch dry sewer currently located at the terminus of Los Nietos Court, which is directly adjacent to the school site along its western boundary. The City of Fontana plans are to connect this sewer line through the construction of new sewer facilities in Hemlock, Randall and Live Oak Avenues. The sewer facilities will connect to the existing sewer trunk line at San Bernardino Avenue and Live Oak Avenue, extending northerly approximately 5,084 feet (0.97 of a mile). This information is outlined in the supplemental City response included as a part of Attachment #2. Construction of the sewer extension began on May 21, 2007 under permit through the City of Fontana.

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 City of Fontana has submitted an estimated cost of \$103,008 in sewer fees for the extension of service to the school site. The City’s sewer fees are based on the number of equivalent dwelling units (EDUs); however, since the project is a proposed school facility, the computation for EDUs is based on the number of plumbing fixtures for the proposed development. The following table details the calculation of the fees:

Equivalent Dwelling Units ( <i>Number of plumbing fixtures</i> )	285 x 0.063 (sewage factor)=	17.955 EDUs
Facilities Expansion Fee (pass thru fee to IEUA)	\$4,200 x 17.955 EDUs	\$75,411.00
Sewer Connection Charge	\$876.61 x 17.955 EDUs	\$15,740.00
Construction Permit	1 permit x \$20	\$20.00
Off-Site Construction Inspection		\$11,837
<b>TOTAL</b>		<b>\$103,008</b>

In addition, the applicant will be responsible for the entire cost of the construction, installation, and connection to the sewer main in Los Nietos Court. Also, the new elementary school will be charged approximately 50 percent more than 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:**

The Commission’s Environmental Consultant, Tom Dodson and Associates, reviewed the District’s environmental assessment prepared for the proposed

development of the new elementary school facility. Upon review of the document, Mr. Dodson has indicated that the District'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 of Fontana outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcels to be served are within the sphere of influence assigned the City of Fontana and are anticipated to become a part of the City sometime in the future. The development of the new elementary school facility requires that it receive sewer service, which is only available from the City of Fontana. Staff supports the City's request for authorization to provide sewer service to the proposed project since its facilities are adjacent to the proposed development, and there is no other existing entity available to provide this service within the area.

**FINDINGS:**

1. The project area, identified as the combination of APNs 0233-081-21 and 23, 0233-091-02, 03, and 04, is within the sphere of influence assigned the City of Fontana and is anticipated to become a part of that City sometime in the future. These parcels combined are proposed for development of a new elementary school facility. The school facility will receive its water service from the Fontana Water Company. The application requests authorization to receive City of Fontana sewer service.
2. The Irrevocable Agreement to Annex being considered is for the provision of sewer service to five (5) contiguous parcels, APNs 0233-081-21 and 23, 0233-091-02, 03, and 04, generally located on the west side of Beech Avenue, between Athol Street and Randall Avenue (9206 Beech Avenue). This agreement was signed by a representative of the Fontana Unified School District on May 11, 2007 and signed by a City representative on May 16, 2007. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this application will allow the District and the City of Fontana to proceed in finalizing the contract for the extension of this service.
3. The fees charged this project by the City of Fontana for sewer service are identified as totaling \$103,008.40 (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 District shall bear all costs to

complete improvements needed to extend the sewer service to the proposed development.

4. During the period from March 2004 to April 2004, acting as the CEQA lead agency, the District prepared an environmental assessment for development of a new elementary school facility. LAFCO's Environmental Consultant, Tom Dodson and Associates reviewed the District's Initial Study and the Mitigated Negative Declaration issued for the proposed project. Mr. Dodson's analysis has indicated that the District'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; all mitigation measures are the responsibility of the District and/or others, not the Commission. Attachment #3 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. Letter from Ms. Debbie Brazill, Deputy City Manager, dated May 15, 2007, Map Showing Sewer Line Extension, and City of Fontana's Application and Contract
3. Tom Dodson and Associates Response Including the District's Environmental Documents for the Proposed Elementary School No. 28
4. Draft Resolution #2975