

**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: JULY 3, 2008

FROM: SAMUEL MARTINEZ, Senior LAFCO Analyst

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #5: LAFCO SC#332 – City of Montclair Irrevocable Agreement to Annex No. 08-28-I-82 for Sewer Service

INITIATED BY:

City of Montclair, on behalf of the property owners/developer

RECOMMENDATION:

Staff is recommending that the Commission approve LAFCO SC#332 by taking the following actions:

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 Tentative Parcel Map 17030 to create four (4) parcels and a remainder with a major variance on 2.16+/- acres, 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. Direct the Clerk to file a Notice of Determination and pay appropriate fees within five (5) days of this action.

2. Approve SC#332 authorizing the City of Montclair to extend sewer services outside its boundaries to Tentative Parcel Map 17030, a proposal to create four (4) parcels and a remainder on Assessor Parcel Number (APN) 1013-042-38; and,
3. Adopt LAFCO Resolution #3009 setting forth the Commission’s findings, determinations, and approval of the agreement for service outside the City of Montclair’s boundaries.

BACKGROUND:

The City of Montclair, on behalf of the property owners/developer, has submitted an application for Commission review and authorization of an irrevocable agreement to annex that outlines the terms by which the City of Montclair will extend sewer service outside its boundaries. The agreement relates to APN 1013-042-38, generally located at the south side of Grand Avenue (4287 Grand Avenue), between Pipeline and Ramona Avenues, within the City of Montclair’s southern 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 and Attachment #2 provides the City’s application.

The County Land Use Services Department has processed and approved Tentative Parcel Map (TPM) 17030 to create four (4) parcels and a remainder on the 2.16-acre parcel. A copy of the Conditions of Approval for the project is included as Attachment #3 to this report. Currently, there are two (2) existing single-family residences on the parcel. Both existing residential units have been incorporated into TPM 17030, each being sited on two of the four parcels.

Water service will be provided by the Monte Vista Water District (MVWD), which currently overlays the project site. The two existing residences already receive water service from MVWD. In addition, both existing residential units are currently on septic systems and have been approved to continue to be on septic systems. However, the two vacant parcels within the proposed subdivision will be required to connect the City of Montclair’s sewer system. Therefore, the City, on behalf of the property owners/developer, has requested that the Commission authorize the extension of sewer 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 to this report) indicates that TPM 17030 will be served through construction of a new 8-inch sewer main within the new private street (approximately 235 linear feet) extending south from the existing 10-inch sewer main in Grand Avenue. In addition, the property

owners/developer will be required to construct 4-inch lateral extensions from the new sewer main to the two vacant parcels within the proposed subdivision.

Pursuant to the Commission’s application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside an agency’s boundaries. The City of Montclair has submitted an estimated total cost of approximately \$159,725 for the extension of sewer service to the parcel. The following is the breakdown of the charges:

Construction, Installation and Connection of Sewer	depending on site conditions	\$150,000.00
Capital Outlay Fee - IEUA @ \$4,450/edu	\$4,450 x 2 units	8,900.00
City Agreement & Permits		825.00
TOTAL ESTIMATED COST		\$159,725.00

The City of Montclair has indicated that there is no rate difference for providing service outside the City’s boundaries. Therefore, future users of the sewer service will be charged the normal in-City monthly rate.

ENVIRONMENTAL DETERMINATION:

The County prepared an Initial Study and Mitigated Negative Declaration for TPM 17030, a proposal to create four (4) parcels and a remainder with a major variance on 2.16+/- acres. 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:

The future development of the two vacant parcels within the proposed subdivision requires that it receive sewer service from the City of Montclair. In order for the proposed development to proceed to record the Final Parcel Map, the property owners/developer must show proof of their ability to connect to the City of Montclair’s sewer infrastructure - which is the Commission’s authorization for this agreement.

Staff has reviewed this request for the provision of sewer service by the City of Montclair outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area 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. Staff supports the City’s request for authorization to provide sewer service to the proposed TPM 17030 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 1013-042-38, is generally located at the south side of Grand Avenue (4287 Grand Avenue), between Pipeline and Ramona Avenues. The parcel, which encompasses TPM 17060, a proposal to create four (4) parcels and a remainder, is within the sphere of influence assigned the City of Montclair and is anticipated to become a part of that City sometime in the future. The existing residences within the parcel already receive their water service from MVWD and future development within proposal area will continue to receive its water service from MVWD.

The application requests authorization to receive City of Montclair 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 in order to satisfy this condition of approval.

2. Irrevocable Agreement to Annex No. 08-28-I-82 is being considered for the provision of sewer service by the City of Montclair for TPM 17030. This contract will remain in force in perpetuity for the future owners of the parcels within TPM 17030 or until such time as the area will be annexed.

The City is only approving the sewer service connection for the two (2) vacant parcels within the proposed subdivision since the two (2) other parcels with existing single-family residences are currently on septic systems and have been approved to continue to be on septic systems. At such time in the future when any of the two (or both) parcels with existing residences require connection to sewer due to a septic system failure, the landowner(s) of the parcel(s) will be required to get subsequent sewer service approval from the City. However, no further LAFCO review and authorization will be required for the City's extension of sewer service to these two parcels since LAFCO's authorization for sewer service is for the entire TPM 17030.

3. The fees charged by the City of Montclair for the extension of sewer service to the parcel are estimated at \$159,725, depending on final construction costs. The actual cost will be determined by the City and the payment of these fees will be required prior to connection to the City's sewer facilities.
4. In April and May 2007, acting as the CEQA lead agency, the County prepared an environmental assessment for TPM 17030 to create 4 parcels and a remainder, with a variance on 2.16+/- 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 prepared 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.

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Attachments:

1. Vicinity Map and Map of the Contract Area
2. City of Montclair's Application and Contract
3. County Conditions of Approval for TPM 17030 to Create 4 Parcels and a Remainder with a Major Variance on 2.16+/- Acres
4. Tom Dodson and Associates Response Including the County's Environmental Assessment for the Proposed Project
5. Draft Resolution #3009