

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

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DATE: APRIL 5, 2006
FROM: SAMUEL MARTINEZ, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #6: LAFCO SC#271 – Irrevocable Agreement to Annex No. 06-11-I-69 for Sewer Service, City of Montclair

INITIATED BY:

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

RECOMMENDATION:

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 the Conditional Use Permit to establish a 12,250 sq. ft. retail/office building on 1.3 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. Note that this proposal is exempt from Department of Fish and Game fees because the filing fee was the responsibility of the County, as CEQA lead agency, and direct the Clerk to file a Notice of Determination within five (5) days of this action.

2. Approve SC#271 authorizing the City of Montclair to extend sewer services outside its boundaries to Assessor Parcel Number (APN) 1011-341-17 which is being proposed for a 12,250 sq. ft. retail/office building; and
3. Adopt LAFCO Resolution #2915 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 requesting 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 APN 1011-341-17, generally located at the southwest corner of Mission Boulevard and Vernon Avenue (5459 Mission Boulevard), in the southern portion of the City of Montclair’s 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 County Land Use Services Department has processed and approved a Conditional Use Permit to establish a 12,250 sq. ft. retail/office building on the parcel. The Conditions of Approval placed upon this project include the requirement for connection to the City of Montclair’s sewer system (Conditions 51 and 53). Water service will be provided by the Monte Vista Water District which currently overlays the project site. A copy of the Conditions of Approval is included as Attachment #3 to this report. Therefore, the City, on behalf of the property owners/developer, has requested that the Commission review and approve the extension of 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.

The City’s application (included as Attachment #2) indicates that the parcel will be served through construction of a four-inch (4”) lateral extension from the existing 8-inch sewer main in Vernon Avenue. Pursuant to the Commission’s application requirements for service contracts, information has been provided regarding all financial obligations for the extension of services outside an agency’s boundaries. The City of Montclair has submitted an estimated cost ranging from \$6,100 to \$8,100 relating to the sewer fees for the extension of service to the parcel. The breakdown of the estimated calculation of the fees is as follows:

Cost of Work	Construction, installation and connection (depending on site conditions)	\$4,000-6,000
City Agreement & Permit		\$600
Connection Charges	For regional facility fees and to reimburse for original sewer main construction (if applicable)	\$1,500
TOTAL ESTIMATED COST		\$6,100-8,100

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

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 parcel to be served is within the sphere of influence assigned the City of Montclair and is anticipated to become a part of the City sometime in the future. The development of the 12,250 sq. ft. retail/office building requires that it receive sewer service, which is only available from the City of Montclair. Staff supports the City’s request for authorization to provide sewer service to the proposed project 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 1011-341-17, 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 parcel will receive its water service from the Monte Vista Water District. The application requests authorization to receive City of Montclair sewer service.
2. The Irrevocable Agreement to Annex No. 06-11-I-69 is being considered for the provision of sewer service to APN 1011-341-17, generally located at the southwest corner of Mission Boulevard and Vernon Avenue (5459 Mission Boulevard). This contract will remain in force in perpetuity for the proposed development or until such time as the area is annexed. Approval of this application will allow the property owners/developer and the City of Montclair to finalize the agreement for the extension of sewer service.
3. The service contract to be considered is for the ultimate provision of sewer service by the City of Montclair. This contract will fulfill the requirements of the County, as identified in its Land Use Approval dated October 3, 2005, for the Conditional Use Permit for the development of a retail/office building. The approval of the contract is required in order

that the building plans for the site can be finalized with the County through sign-off of its Conditions of Approval.

4. The fees charged by the City of Montclair for the extension of sewer service to the parcel are estimated to range from \$6,100 to \$8,100. 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.
5. In October 2005, acting as the CEQA lead agency, the County prepared an environmental assessment for a Conditional Use Permit to establish a 12,250 sq. ft. retail/office building on 1.3 acres. The 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 Mitigated Negative Declaration issued for the proposed project. Mr. Dodson's analysis has indicated that the County'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, as these are the responsibility of the County 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 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 Conditional Use Permit to Establish a 12,250 sq. ft. Retail/Office Building on 1.3 Acres
4. Tom Dodson and Associates Response Including the County's Environmental Documents for the Conditional Use Permit
5. Draft Resolution #2915