

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

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DATE: AUGUST 5, 2005
FROM: SAMUEL MARTINEZ, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #4: LAFCO SC#258 – Irrevocable Agreement to Annex No. 03-00007, City of Fontana for Sewer Service (APN 0236-151-27)

INITIATED BY:

City of Fontana, on behalf of property owner

RECOMMENDATION:

1. For environmental review, take the following actions as a responsible agency:
 - Certify that the Commission has reviewed and considered the environmental assessment and the Negative Declaration prepared by the County of San Bernardino for the Conditional Use Permit to establish a trucking business on 1.20 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 and that mitigation was not required for the project; and,
 - 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#258 authorizing the City of Fontana to extend sewer service outside its boundaries to Assessor Parcel Number (APN) 0236-151-27.

3. Adopt LAFCO Resolution #2892 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 a single parcel, APN 0236-151-27, generally located on the east side of Mulberry Avenue (11225-A Mulberry Avenue), one parcel north of Jurupa Avenue, within the City’s southwestern 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 property owner has processed a Conditional Use Permit to establish a trucking business consisting of a 1,500 sq. ft. office and a 5,100 sq. ft. warehouse on 1.20 acres. The Conditions of Approval placed upon this project include the requirement to connect to the City of Fontana’s sewer facilities prior to issuance of building permits (Conditions #44, 45 & 47). Water service will be provided by the Fontana Water Company. A copy of the Conditions of Approval is included as Attachment #3 to this report.

The parcel proposed to be served by this contract is contiguous to the existing City boundary along Mulberry Avenue, the western edge of the parcel. This contiguity would allow for annexation to the City as an alternative to this out-of-agency sewer contract. The City of Fontana’s application identifies that it has recently revised its annexation policy, through adoption of Resolution No. 2005-03, indicating its requirement that all new developments annex to the City in order to receive service. However, the City has submitted the out-of-agency service contract application and is requesting that it be approved for the following reasons: (a) the applicant requested City sewer service and began processing his application long before the annexation policy was revised; and (b) the City is preparing to submit a comprehensive island annexation proposal that includes this parcel within Area #19 of the 31 island areas.

The City, on behalf of the property owner, 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 indicates that the parcel will be served through a lateral from the existing 15-inch sewer main in Mulberry Avenue.

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 \$5,922.59 relating to the sewer fees for the extension of service to the parcel. The City’s sewer fees are based on the number of equivalent dwelling units (EDU’s); however, since the project is for a proposed industrial development, the computation for EDU’s is based on the number of plumbing fixtures. Following is a table with a detailed calculation of the fees:

Equivalent Dwelling Units (<i>Number of plumbing fixtures</i>)	16 x 0.0741 (City Rate)=	1.1856 EDUs
Facilities Expansion Fee (pass thru fee to the IEUA)	\$4,000 x 1.1856 EDU’s	\$4,742.40
Sewer Connection Charge	\$770 x 1.1856 EDU’s	\$912.91
Sewer Deposit	\$34.06 x 1.1856 EDU’s x 4 mos. (mo. sewer rate) x 1.5 (rate outside City boundary)	\$242.28
Sewer Permit	1 permit x \$25	\$25.00
TOTAL		\$5,922.59

In addition, the applicant will be responsible for the entire cost of the construction, installation, and connection of the lateral to the sewer main. Also, as reflected in the sewer deposit, future users of the sewer service will be charged 1.5 times the in-City monthly rate.

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 parcel to be served is within the sphere of influence assigned the City of Fontana and is anticipated to become a part of the City sometime in the future. The development of the trucking business 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 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 0236-151-27, 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. The parcel 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 APN 0236-151-27, which is located on the east side of Mulberry Avenue (11225-A Mulberry Avenue), one parcel north of Jurupa Avenue. This contract will remain in force in perpetuity for the proposed development until such time as the area is annexed. Approval of this application will allow the property owner 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 \$5,922.59. Payment of these fees is required prior to connection to the City's sewer facilities.

In addition, the property owner shall bear all costs to complete improvements needed to extend the sewer service to the proposed development.

4. In February 2005, acting as the CEQA lead agency, the County prepared an environmental assessment for a Conditional Use Permit to establish a trucking business consisting of a 1,500 sq. ft. office and a 5,100 sq. ft. warehouse on 1.20 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 approved for the proposed project.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Initial Study and the Negative Declaration issued for the proposed project. Mr. Dodson's analysis has indicated that the County's Initial Study and 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; mitigation was not required for the project. Attachment #4 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken.

KRM/sm

Attachments:

1. Vicinity Map and Map of the Contract Area
2. City of Fontana's Application and Contract
3. County's Conditions of Approval for the Conditional Use Permit to Establish a Trucking Business
4. Tom Dodson and Associates Response Including the County's Environmental Documents for the Conditional Use Permit
5. Draft Resolution #2892