

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

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DATE: FEBRUARY 4, 2005
FROM: SAMUEL MARTINEZ, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #6: LAFCO SC#229 – City of Chino Irrevocable Agreement to Annex for Sewer and Water Service (Chino Valley Christian Schools -- APN 1016-501-12)

INITIATED BY:

City of Chino, 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 Mitigated Negative Declaration prepared by the County of San Bernardino for the Conditional Use Permit to establish a private school (Preschool through 8th Grade) on 4.27 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 County of San Bernardino, not the Commission, and are self-mitigating through the implementation of the adopted Conditions of Approval 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 #229 authorizing the City of Chino to extend sewer and water service outside its boundaries to Assessor Parcel Number (APN)1016-501-12, 4136 Riverside Drive.
3. Adopt LAFCO Resolution #2860 setting forth the Commission’s findings, determinations and approval of the agreement for services outside the City of Chino’s boundaries.

BACKGROUND:

The City of Chino has submitted a request for approval of an irrevocable agreement to annex that outlines the terms by which it will extend sewer and water service. The agreement relates to a single parcel generally located at the northeast corner of Riverside Drive and Pipeline Avenue (4136 Riverside Drive), which is within the City’s northwestern 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 property owner, has requested that the Commission review and approve the extension of services pursuant to the provisions of Government Code Section 56133. The property owner is currently processing the conditional use permit to establish a private school (Preschool through 8th grade) on the parcel. The Conditions of Approval placed upon this project by the County’s Land Use Services Department include the requirement to connect to the City of Chino’s water and sewer facilities. A copy of the Conditions of Approval is included as Attachment #3 to this report.

The City’s application indicates that an existing 8-inch water main and an 18-inch sewer main front the property on Pipeline Avenue. A 12-inch water main fronts the property on Riverside Drive. Sewer and water service will be provided through respective laterals to these facilities to be constructed by the owner.

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 has indicated that the following amounts are required from the developer prior to extension of water and sewer facilities:

SUMMARY OF PERMIT FEES AND OTHER CHARGES

Permit Type	Units	Fee/Charge
Right-Of-Way Encroachment Permit	1.00	\$139.00

Detour/Lane Closure Permit	1.00	\$92.00
Public Improvement Inspection	1.00	\$308.00
Refundable Deposit		\$450.00
	TOTAL	\$989.00

SUMMARY OF DEVELOPMENT IMPACT FEES

Development Fee	Units	Fee/Unit	Impact Fee
Water Storage and Distribution			\$4,262.40
Sewage Collection and Disposal (per square feet of pad)	19,200.00	\$0.129	\$2,476.80
Sewage Facility Development	148.00	\$3,840.000	\$25,233.41
Storm Drainage Collection (per square feet of pad)	19,200.00	\$0.555	\$10,656.00
		Subtotal	\$42,628.61
		Administrative Fee (12% of DIF's)	\$5,115.43
		TOTAL	\$47,744.04

In addition, the property owner shall be required to provide all costs for improvements needed to extend the sewer and water service to the parcel, which the City has estimated at \$177,853.

Authorization of this agreement by the Commission is required before the City can take the final actions to implement the terms of the agreement. Therefore, staff supports the City's request for authorization to provide sewer and water service to the proposed school development 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 1016-501-12 (4136 Riverside Drive), is within the sphere of influence assigned the City of Chino. The requirement to receive sewer and water service from the City 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 and water service is necessary to satisfy this condition of approval.
2. The application requests authorization to receive City of Chino sewer and water service as outlined in the Irrevocable Agreement to Annex for APN 1016-501-12 located at the northeast corner of Riverside Drive and Pipeline

Avenue. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this application will allow the property owner and the City of Chino to proceed in finalizing the contract for the extension of these services.

3. The fees charged this project by the City of Chino for sewer and water service are identified as totaling \$48,733.04 (Permit Fees and other charges – \$989.00; Development Impact Fees – \$47,744.04). Payment of these fees is required prior to connection to the City’s water and sewer facilities.

The property owner is also required to provide all material and labor costs for all improvements needed to extend the sewer and water service to the parcel, which the City has estimated at \$177,853.

4. In December 2004, acting as the CEQA lead agency, the County prepared an environmental assessment for the proposed school project. 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 Mitigated 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 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 others, 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.

KRM/sm

Attachments:

1. Vicinity Map and Map of the Contract Area
2. City of Chino’s Application and Contract
3. County Conditions of Approval for the Conditional Use Permit to Establish a Private School on APN 1016-501-12
4. Tom Dodson and Associates Response Including the County’s Environmental Documents for the Conditional Use Permit
5. Draft Resolution #2860