

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

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**DATE:** JULY 9, 2004  
**FROM:** SAMUEL MARTINEZ, LAFCO Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: Agenda Item #6:** LAFCO SC#233 – Irrevocable Agreement to Annex No. 04-00008, City of Fontana for Sewer Service

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**INITIATED BY:**

City of Fontana, on behalf of property owner

**RECOMMENDATION:**

1. Determine that SC#233 is statutorily exempt from environmental review and direct the Clerk to file a Notice of Exemption within five (5) days;
2. Approve LAFCO SC#233 authorizing the City of Fontana to extend sewer service outside its boundaries to Assessor Parcel Number (APN) 0255-081-26, for a single-family residential unit being constructed; and,
3. Adopt LAFCO Resolution #2828 setting forth the Commission's findings, determinations and approval of the agreement to serve outside the City of Fontana's boundaries.

**BACKGROUND:**

The City of Fontana has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service. The agreement relates to APN 0255-081-26, which is approximately 2.95 acres and is generally located on the west side of Cypress Avenue (two parcels north of Jurupa Avenue) in the southern portion of the City of Fontana's sphere of influence. Attachment #1 provides a location and vicinity map of the site.

The City, on behalf of the property owner, has requested that the Commission review and approve the extension of service pursuant to the provision of Government Code Section 56133. The current use of the parcel is vacant and the proposed development is the construction of a single-family residential unit. The County Land Use Services Department (Building and Safety Division) has processed an administrative approval of the project through a plan-check review.

The applicant is requesting that the City extend sewer service to the proposed project. The City’s application indicates that sewer service will be provided to the single-family residential unit through a lateral extension from the 30-inch sewer main on Cypress 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 Fontana has submitted an estimated cost of \$4,790.36 relating to the extension of sewer service to the parcel. In addition, the applicant will be wholly responsible for the installation and connection of the lateral extension to the sewer main.

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|---|--|-------------------|
| Facilities Expansion Fee<br>(pass thru fee to the IEUA) |  | \$3,840.00        |
| Sewer Connection Charge                                 |  | \$770.00          |
| Sewer Deposit   | \$22.59* x 4 months<br>* \$22.59 = 15.06 (mo. sewer rate)<br>x 1.5(premium rate outside City boundary) | \$90.36           |
| Sewer Permit  |  | \$25.00           |
| <b>TOTAL</b>  |  | <b>\$4,790.36</b> |

As reflected in the sewer deposit, the applicant will be charged 1.5 times the in-city monthly rate for sewer service.

Authorization of this agreement by the Commission is required before the City of Fontana can take the final actions to implement the terms of the agreement. Staff has reviewed this application against the criteria established by Commission policy and Government Code Section 56133. Staff supports the City’s request to provide sewer service by contract to the parcel since it is adjacent to its facilities. In making its determinations, the Commission will need to find that the contract complies with the provisions of this code section and with the standards adopted by the Commission for implementation of these provisions.

**FINDINGS:**

1. The area is within the sphere of influence assigned the City of Fontana. The parcel will receive its water service from the Fontana Water Company and the application requests authorization to receive sewer service from the City of Fontana.
2. The County Land Use Services Department (Building and Safety Division) has approved the construction of the single-family residential unit through its plan-check review process.

The Irrevocable Agreement to Annex No. 04-00008 is being considered for the provision of sewer service to the proposed single-family residential unit on APN 0255-081-26 located on the west side of Cypress Avenue (2 parcels north of Jurupa Avenue). Approval of this application will allow the property owner and the City of Fontana to finalize the agreement for the extension of sewer service.

3. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by the City of Fontana and recommended that this application is statutorily exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #3 to this report.

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**Attachments:**

1. Vicinity Map and Map of the Contract Area
2. City of Fontana's Application and Contract
3. Response by Tom Dodson and Associates
4. Draft Resolution #2828