

**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

SUBJECT: Agenda Item #7: LAFCO SC#234 – Irrevocable Agreement to Annex No. 04-35-I-55 for Sewer Service, City of Montclair

INITIATED BY:

City of Montclair, on behalf of property owner

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 Negative Declaration prepared by the County of San Bernardino for Tentative Parcel Map (TPM) 16511 to create four (4) parcels on 1.05 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, and that mitigation was not required for the project; and
 - c. Direct the Clerk to file the Notice of Determination within five (5) days of this action.

2. Approve SC#234 authorizing the City of Montclair to extend sewer services outside its boundaries to current Assessor Parcel Number (APN) 1011-451-02 which is being divided into 4 parcels through TPM 16511; and

3. Adopt LAFCO Resolution #2829 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 owner, has submitted an application for Commission review requesting authorization to extend sewer service outside its corporate boundaries, as required by Government Code Section 56133. The agreement relates to APN 1011-451-02, generally located at the northwest corner of Howard Street and Vernon Avenue, in the southeastern 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 current use of the parcel is vacant and the proposed development, through the approval of TPM, is to divide this single parcel into 4 individual residential lots. The County Land Use Services Department has processed the approval of TPM 16511 relating to this project. The Conditions of Approval placed upon this project include the requirement for connection to the City of Montclair’s sewer system (Conditions 10, 11, 12, & 20).

The City’s application indicates that sewer service will be provided to each of the 4 new parcels through construction of four-inch (4”) lateral extensions from the 8-inch sewer main, both on Howard Street and 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 relating to the extension of sewer service to the 4 parcels. Following is the breakdown of the estimated calculations:

Cost of Work	Construction, installation and connection (depending on site conditions)	\$30,000
City Agreement and Permit		\$1,000
Connection Charges	For regional facility fees and to reimburse for original sewer main construction (if applicable)	\$15,000
TOTAL ESTIMATED COST		\$46,000

Authorization of this agreement by the Commission is required before the City of Montclair can finalize the implementation of the terms of the agreement. Likewise, in order for the development to proceed through the County’s processing of the TPM, it must show proof of its ability to connect to the City of

Montclair's sewer system infrastructure, a condition that has been placed upon the project.

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 said parcel 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 project area, identified as APN 1011-451-02 is within the sphere of influence assigned the City of Montclair. The parcel will receive its water service from the Monte Vista Water District. The application requests the receipt of City of Montclair sewer service.
2. The Irrevocable Agreement to Annex No. 04-35-I-55 is being considered for the provision of sewer service to 4 newly-created parcels through TPM 16511 located on the northwest corner of Howard Street and Vernon Avenue. Approval of this application will allow the property owner and the City of Montclair to finalize the agreement for the extension of sewer service.

Likewise, approval of the City's request to extend sewer service to the project will satisfy the sewer service requirement imposed by the Conditions of Approval for the TPM that has been processed through the County.

3. In May 2004, acting as the CEQA lead agency, the County prepared an environmental assessment for TPM 16511. 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 TPM.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Initial Study and Negative Declaration issued for the TPM. 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; no mitigation is 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.

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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 16511
4. Tom Dodson and Associates Response including the County's Environmental Documents for TPM 16511
5. Draft Resolution #2829