

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

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DATE: MARCH 5, 2004
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: **Agenda Item #4** – LAFCO SC#218 City of Upland Sewer Service Agreement SSA-2004-01-01 (Trifonopoulos -- San Antonio Heights Area)

INITIATED BY:

City of Upland on behalf of property owner

RECOMMENDATION:

1. Determine that SC #218 is statutorily exempt from environmental review and direct the Clerk to file a Notice of Exemption within five days.
2. Approve SC#218 authorizing the City of Upland to extend sewer services outside its boundaries to serve APN #1003-513-02.
3. Adopt LAFCO Resolution #2808 setting forth the Commission's findings, determinations, and approval of the agreement for service outside the City of Upland's boundaries.

BACKGROUND:

The City of Upland has submitted a request for approval of a service contract to provide sewer service outside its boundaries in compliance with Govt. Code Section 56133. Sewer service is proposed to be extended to the property currently defined as Assessor's Parcel Number 1003-513-02, which is to be developed with two single-family residences. The parcel is located between Park Blvd. and Terrace Drive, and is approximately .52 acres in size. The parcel is currently developed with a single-family residence (940 Terrace Drive) and is proposed to have an additional residence (2399 Park Blvd.) built on it.

Existing land uses surrounding the parcel are residential to the north, east, south and west (within the unincorporated community of San Antonio Heights).

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. The County of San Bernardino Building and Safety Department is currently reviewing plans for the additional residential unit proposed to be built on this parcel, fronting Park Blvd. Authorization for connection to the sewer line is required for this development to proceed.

The parcel proposed to be served through this agreement is within the City's northern sphere of influence which encompasses the community known as "San Antonio Heights". This area has been confirmed as a part of the City of Upland sphere of influence in its recent service review and mandatory update conducted through LAFCO 2894 and considered and affirmed by the Commission at its July 17, 2002 hearing. It is the staff's position that this contract would, therefore, comply with the directives of Government Code Section 56133 to be "in anticipation of a future change of organization". Approval of this contract will allow for the finalization of the building plans for this site and development of the property in accordance with County standards, which have included the comments of the City of Upland, without disruption of the recognizable division between unincorporated/incorporated territories in the area.

The City has indicated that all costs for service extension shall be borne by the owner/builder of the existing and proposed single-family units. In review of financing questions with the City of Upland, its staff has indicated that the estimated cost for provision of sewer service will be \$6,950.47, which includes the City's Capital Recovery Fee, permit and connection charges (outline of charges included in Attachment #2). In addition, the residents of these units will be charged 1.5 times the in-city monthly rate for sewer service. The higher rate charged to outside customers is intended to help offset the costs for service delivery outside the City's corporate boundaries.

For the reasons outlined above, the staff supports the City's request for authorization to provide sewer service to this parcel.

FINDINGS:

1. The area is within the sphere of influence assigned the City of Upland. The parcel receives its water service from the San Antonio Heights Mutual Water Company and the application requests authorization to receive City of Upland sewer service.

2. The development of the proposed single-family residential unit has been reviewed by the County Land Use Services Department, Building and Safety Division. The Sewer Service Agreement No. 2004-01-01, allowing for extension of service by the City of Upland, was signed by the property owners and is awaiting Commission approval for signature by representatives of the City of Upland.
3. The service contract being considered is for the provision of sewer service to an existing single-family residential dwelling unit located on Terrace Drive and a proposed dwelling unit to be located fronting Park Blvd. by the City of Upland. This contract will remain in force in perpetuity until such time as the area is annexed. The approval of this application will allow the property owners and City of Upland to proceed to finalize the contract for the extension of sewer service so that building plans for the site can be finalized with the County.
4. The fees charged this project by the City of Upland are identified as totaling \$6,950.47 (Capital Cost Recovery Fee -- \$2,178.47, Facility Expansion Fees – City \$932, Facility Expansion Fee – IEUA \$3,840). Payment of these fees is required prior to connection to the City's sewer facilities.
5. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by the City of Upland 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.

/krm

Attachments:

- 1 -- Vicinity map and map of the contract area
- 2 -- City of Upland Application, Cost Worksheet and Contract
- 3 -- Tom Dodson and Associates response
- 4 -- Draft Resolution No. 2808