

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

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**DATE:** MAY 6, 2005  
**FROM:** SAMUEL MARTINEZ, LAFCO Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: Agenda Item #7:** LAFCO SC#254 – City of Chino Irrevocable Agreement to Annex for Sewer Service (Tentative Tract 16396)

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**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 Negative Declaration prepared by the County of San Bernardino for the General Plan Amendment and Tentative Tract 16396 to create 26 lots on 15 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 #254 authorizing the City of Chino to extend sewer service outside its boundaries to Tentative Tract 16396, proposed for a 26-lot

residential subdivision, on Assessor Parcel Numbers (APNs) 1013-501-10 and 1013-511-02.

3. Adopt LAFCO Resolution #2876 setting forth the Commission's findings, determinations and approval of the agreement for service 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 service outside its boundaries. The agreement relates to two (2) parcels that are adjacent to each other; APN 1013-501-10 is generally located north of Philadelphia Street between East End Avenue and Roswell Avenue, and APN 1013-511-02 is generally located west of Roswell Avenue between Philadelphia Street and Francis Avenue. These parcels combined make up Tentative Tract 16396, which are located 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 service pursuant to the provisions of Government Code Section 56133. The property owner has processed a General Plan Amendment and Tentative Tract 16396 to create 26 lots on 15 acres, which was approved by the County Board of Supervisors on May 4, 2004. The Conditions of Approval placed upon this project include the requirement to connect to the City of Chino's sewer facilities prior to recordation of the final map (Conditions #23, 24, 25, & 26). Water service will continue to be provided by the Monte Vista Water District. A copy of the Conditions of Approval is included as Attachment #3 to this report.

Authorization of this agreement by the Commission is required before the City can take the final actions to implement the terms of the agreement. The City's application indicates that an 8-inch sewer main (with laterals serving each lot) will be extended into Loyola Court (serving lots 1 to 12), Avalon Court (serving lots 13 to 16), and Whittier Court (serving lots 17 to 20) – all of which will be connected to the existing 8-inch sewer main in Humboldt Avenue. Lots 21 to 26 will be served through laterals from the existing 8-inch sewer main in Roswell 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 has indicated that the following amounts are required from the developer prior to extension of sewer facilities:

SUMMARY OF PERMIT FEES AND OTHER CHARGES

<b>Permit Type</b>	<b>Units</b>	<b>Fee/Unit</b>	<b>Fee/Charge</b>
Public Improvement Inspection Calculated based on estimated cost for sewer improvement at \$64,365.18 x 4.8%	1.00		\$3,089.53
Right-Of-Way Encroachment Permit	1.00	\$139.00	\$139.00
Sewage Facility Development (Low Residential)	26.00	\$3,905.00	\$101,530.00
Engineering Plan Check \$2,382.00 [standard fee (25K-75K)] + \$1,180.96 [3% of anything over 25K of the estimated cost for sewer improvement of \$64,365.18]	1.00		\$3,562.96
		<b>TOTAL</b>	<b>\$108,321.49</b>

SUMMARY OF DEVELOPMENT IMPACT FEES

<b>Development Fee</b>	<b>Units</b>	<b>Fee/Unit</b>	<b>Impact Fee</b>
Sewage Collection and Disposal (Low Residential)	26.00	\$622.00	\$16,172.00
Storm Drainage Collection (Low Residential)	26.00	\$1,510.00	\$39,260.00
Bridges, Signals, & Thoroughfares (Low Residential)	26.00	\$1,482.00	\$38,532.00
		<b>TOTAL</b>	<b>\$105,239.68</b>

In addition, the property owner shall bear the cost to complete all improvements needed to extend the sewer service to the 26 residential lots, which the City has estimated at \$64,365.18. Future occupants of the residential units will be charged twice the regular in-city 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 boundaries since the residents do not provide property tax support to the City. Disclosure of this additional cost will be provided to future homeowners in the Tentative Tract.

Staff has reviewed this request for the provision of sewer service from the City of Chino outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcels to be served are within the sphere of influence assigned to the City of Chino and are anticipated to become a part of the City sometime in the future. The development of the Tentative Tract requires that it receive sewer service from the City of Chino. Staff supports the City’s request for authorization to provide

sewer service to the proposed residential 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 relates to two (2) adjacent parcels (APN 1013-501-10 and 1013-511-02) that make up Tentative Tract 16396 proposed for development of 26 single-family residential lots. Both parcels are within the sphere of influence assigned the City of Chino and are anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Chino sewer service.
2. The Irrevocable Agreement to Annex being considered is for the provision of sewer service for two (2) parcels: APN 1013-501-10 (generally located north of Philadelphia Street between East End Avenue and Roswell Avenue) and APN 1013-511-02 (generally located west of Roswell Avenue between Philadelphia Street and Francis Avenue). This contract will remain in force in perpetuity for Tentative Tract 16396 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 this service.
3. The fees charged this project by the City of Chino for sewer service are identified as totaling \$213,561.17 (Permit Fees and other charges – \$108,321.49; Development Impact Fees – \$105,239.68). 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 26 residential units, which the City has estimated at \$64,365.18.

4. In December 2004, acting as the CEQA lead agency, the County prepared an environmental assessment for the General Plan Amendment and Tentative Tract 16396 to create 26 lots on 15 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 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 Chino's Application and Contract
3. County's Conditions of Approval for the General Plan Amendment and Tentative Tract 16396 to Create 26 Lots on 15 Acres
4. Tom Dodson and Associates Response Including the County's Environmental Documents for the General Plan Amendment and Tentative Tract
5. Draft Resolution #2876