

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: SEPTEMBER 5, 2003

FROM: KATHLEEN ROLLINGS-McDONALD, Acting Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #6 – LAFCO SC#201 City of Upland Sewer Service Agreement (Shaun Wade – San Antonio Heights Area)

INITIATED BY:

City of Upland on behalf of property owner

RECOMMENDATION:

1. Determine that SC #201 is statutorily exempt from environmental review, and direct the Clerk to file a Notice of Exemption within five days.
2. Approve SC#201 authorizing the City of Upland to extend sewer services outside its boundaries to serve APN #1003-552-18.
3. Adopt LAFCO Resolution #2779 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 1003-552-18, which is to be developed as a single-family residence. The parcel is located at the northeast corner of 23rd Street and Mountain Avenue, and is approximately .58 acres in size. Existing land uses surrounding the parcel are residential to the north and east (within the unincorporated area), and residential to the west and south (within the City of Upland).

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. While the City's application materials indicate that the site is occupied by an existing structure, LAFCO staff has verified that the parcel included in this request is vacant land at this time. The County of San Bernardino Building and Safety Department is currently reviewing plans for a residential unit proposed to be built on this parcel. 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". The staff reviewed the question of annexation with the staff of the City of Upland since the lot is contiguous to City boundaries along 23rd Street on the south and Mountain Avenue on the west. The City responded that in 1989 the County and City entered into a Memorandum of Understanding (MOU) regarding sewer service due to the ongoing opposition to annexation from the community of San Antonio Heights. That opposition continues at the present time; therefore, the City is proposing to serve this parcel through contract in compliance with its agreement with the County. The City has not developed any other plans addressing the annexation of this specific site, or the larger San Antonio Heights community, and does not foresee any in the near future. However, 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". This finding is on the basis that the area is within the sphere of influence assigned the City of Upland but it is also within a specifically defined community. The Commission has previously expressed its concern regarding piecemeal annexation of specifically defined communities, including its direction to cities that these communities be addressed in their entirety. 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 also indicated that all costs for service extension shall be borne by the builder of the proposed single-family unit. In review of financing questions with the City of Upland, their staff has indicated that the estimated cost for provision of sewer service will be approximately \$7,229.75, which includes the City's Capital Recovery Fee and permit and connection charges. In addition, the resident of this unit 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 will receive 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 service contract to be considered is for the ultimate provision of sewer service by the City of Upland. This contract will fulfill the requirements of the County for development of the parcel with a single-family residential unit. The approval of the contract will allow the City and property owner to finalize the agreement so that building plans for the site can be finalized with the County.
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 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 and Contract
- 3 -- Tom Dodson and Associates response
- 4 -- Draft Resolution No. 2779