

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: MAY 6, 2013

FROM: 
KATHLEEN ROLLINGS-McDONALD, Executive Officer
SAMUEL MARTINEZ, Assistant Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #9: LAFCO SC#373 – City of Fontana Pre-Annexation Agreement No. 13-00001 for Sewer Service (Assessor Parcel Numbers 0231-051-09 & 0231-051-10)

INITIATED BY:

City of Fontana, 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 Mitigated Negative Declaration prepared by the County of San Bernardino for Tentative Tract 18822 to create 20 lots on 5 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; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission; and are self-mitigating through the Conditions of Approval; 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#373 authorizing the City of Fontana to extend sewer service outside its boundaries to the project area comprised of two (2) parcels identified as Assessor Parcel Numbers (APNs) 0231-051-09 and 0231-051-10; and,
3. Adopt LAFCO Resolution #3175 setting forth the Commission’s findings, determinations and approval of the agreement for service outside the City of Fontana’s boundaries.

BACKGROUND:

The City of Fontana has submitted a request for approval of a pre-annexation agreement that outlines the terms by which it will extend sewer service outside its boundaries. The agreement relates to proposed development that includes two (2) parcels, APNs 0231-051-09 and 0231-051-10, generally located on the north side of Randall Avenue, between Live Oak and Redwood Avenues, within the City of Fontana’s western sphere of influence (see Figure 1 below). Attachment #1 also provides a location and vicinity map of the site along with a map outlining the location of the infrastructure to be extended.

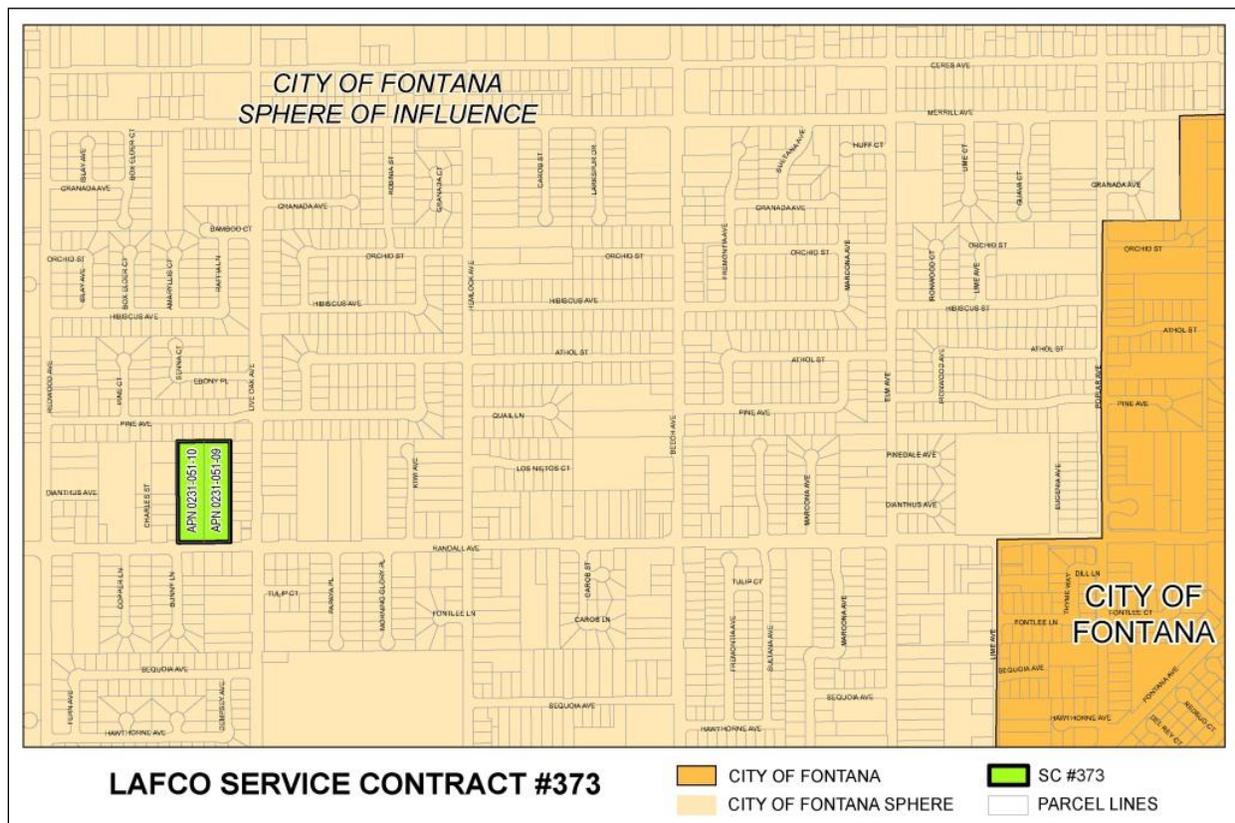


FIGURE 1 – Vicinity Map

The property owner has processed, through the County’s Land Use Services Department, a tentative tract (Tentative Tract 18822) proposed for development of 20 single-family residential lots. The conditions of approval placed upon this project include the requirement to connect to the City of Fontana’s sewer facilities prior to recordation of the final map (Conditions 32 - 34) and require LAFCO approval of the agreement (Condition 35). A copy of the Conditions of Approval is included as Attachment #3 to this report.

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. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

PLAN FOR SERVICE:

The City’s application (included as Attachment #2 to this report) indicates that the proposed project will be served by extending an 8-inch sewer line approximately 829 feet into the tentative tract and along Randall Avenue to connect with the existing 10-inch sewer main line at the intersection of Randall and Live Oak Avenues.

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 of Fontana has identified an estimated cost of \$233,822.20 in development impact fees and sewer fees for the extension of sewer service to the tentative tract (see Exhibit F of the Pre-annexation Agreement).

Following is a table showing the City’s Development Impact Fees:

Fees	Unit Costs		Total Estimated Fees	50% Reduction for “Infill Area” Project¹
Planning Fees				
Fire Facilities	\$164/du	20 units	\$3,280.00	\$1,640.00
Engineering Fees				
Park Development Fee	\$6,500/du	20 units	\$130,000.00	\$65,000.00
Storm Drain Facilities	\$20,388/ net ac	5 net ac	\$101,940.00	\$50,970.00
Total Development Impact Fees				\$117,610.00

¹ The project site is located within the City’s “in-fill” development area, thus the Pre-annexation Agreement reflects a 50% reduction in Fire Facilities fees, Park Development fees, and Storm Drain fees.

The Development Impact Fees shall apply so long as the program remains in effect as of the date of the actual sewer connection. The property owner shall pay these amounts at the time the sewer permits are issued as set forth in the pre-annexation agreement.

The table below is the City’s sewer fees:

Sewer Fees	Unit Costs		Total Estimated Fees
City Sewer Connection per Equivalent Dwelling Unit	\$ 876.61/du	20 units	\$17,532.20
Sewer Permit	\$25/du	20 units	\$500.00
Facilities Expansion Fee ²	\$ 4,909.00/du	20 units	\$98,180.00
Total Sewer Fees			\$116,212.20

² Indicates a pass-through fee collected for the Inland Empire Utilities Agency (IEUA).

In addition, the property owner will be responsible for hiring a contractor for the connection of the proposed development to the City’s existing sewer system. The costs of all improvements needed to extend the sewer to the proposed development are also borne by the property owner. Also, future users of the sewer service will be charged 1.5 times the in-City monthly rate. The higher rates charged are intended to help offset the costs for service delivery outside the City’s corporate boundaries.

ENVIRONMENTAL DETERMINATION:

The County prepared an Initial Study and Negative Declaration for Tentative Tract 18822 to create 20 lots on 5 acres. LAFCO’s Environmental Consultant, Tom Dodson and Associates reviewed the County’s environmental assessment and the Negative Declaration issued for the proposed project. Mr. Dodson’s analysis indicates that the County’s Initial Study and Negative Declaration are adequate for the Commission’s use as a CEQA responsible agency. This recommendation has been provided and is supported by LAFCO staff even though LAFCO staff was not afforded the opportunity to review and comment on the initial study prepared for this project.

CONCLUSION:

Staff has reviewed this request for the provision of sewer service by the City of Fontana 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 the City of Fontana 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, which is only available from the City of Fontana. Staff supports the City’s request for authorization to provide sewer service to the proposed project 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 encompasses two (2) adjacent parcels (APNs 0231-051-09 and 0231-051-10) that make up Tentative Tract 18822 proposed for development of 20 single-family residential lots. Both parcels are within the sphere of influence assigned the City of Fontana and are anticipated to become a part of that City sometime in the future. The parcels will receive water service from the Fontana Water Company. The application requests authorization to receive City of Fontana sewer service.

The sewer connection is a requirement identified in the County's conditions of approval for Tentative Tract 18822 to create 20 lots on 5 acres. Therefore, approval of the City's request for authorization to provide sewer service is necessary in order to satisfy this condition of approval.

2. The Pre-Annexation Agreement No. 13-00001 being considered is for the provision of sewer service by the City of Fontana to APNs 0231-051-09 and 0231-051-10, generally located on the north side of Randall Avenue, between Live Oak and Redwood Avenues. This contract will remain in force in perpetuity for the proposed development or until such time as the area is annexed. Approval of this application will allow the property owner and the City of Fontana to proceed in finalizing the contract for the extension of this service.
3. The fees charged this project by the City of Fontana in order to receive sewer service are identified as totaling \$233,822.20 (for a breakdown of fees, see tables on pages 3 and 4). 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 proposed development.
4. In December 2012, acting as the CEQA lead agency, the County prepared an environmental assessment for Tentative Tract 18822 to create 20 lots on 5 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 indicates that the County's Initial Study and Negative Declaration are adequate for the Commission's use as a CEQA responsible agency even though LAFCO was not afforded an opportunity to review and comment on the document. The Commission will not be adopting alternatives or mitigation measures for this development; all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through the Conditions of Approval.

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 Fontana's Application and Contract](#)
3. [County's Conditions of Approval for Tentative Tract 18822 to Create 20 Lots on 5 Acres](#)
4. [Tom Dodson and Associates' Response Including the County's Environmental Documents for the Project](#)
5. [Draft Resolution #3175](#)