

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

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**DATE: AUGUST 6, 2008**

**FROM: SAMUEL MARTINEZ, Senior LAFCO Analyst**

**TO: LOCAL AGENCY FORMATION COMMISSION**

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**SUBJECT: Agenda Item #4: LAFCO SC#335 – City of Colton Pre-Annexation Agreement for Sewer Service (105 Cypress Association, LLC)**

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**INITIATED BY:**

City of Colton, on behalf of the property owner/developer

**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 Mitigated Negative Declaration prepared by the County of San Bernardino for a General Plan Amendment from RS (Single Residential) to CG (General Commercial) on 0.28 acres and a Conditional Use Permit to establish a two-story office building on 1.05+/- acre, 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; 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 implementation of the adopted Conditions of Approval for the project; and,
  - c. 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#335 authorizing the City of Colton to extend sewer service outside its boundaries to Assessor Parcel Number (APN) 0274-182-46; and,
3. Adopt LAFCO Resolution #3016 setting forth the Commission’s findings, determinations, and authorization of the agreement for service outside the City of Colton’s boundaries.

**BACKGROUND:**

The City of Colton (hereinafter the “City”) has submitted a request for authorization to extend services outside its boundaries under the terms outlined in its signed agreement with the property owner. The agreement relates to a single parcel, APN 0274-182-46, generally located at the northwest corner of Valley Boulevard and Cypress Avenue (105 Cypress Avenue), within the City’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 and Attachment #2 provides the City’s application.

An out-of-agency service contract was originally signed for this property in 2002. The original project was made-up of three (3) parcels - APN’s 0274-182-18, 35, and 40; however, in processing the proposed project, the property owner/developer has merged the three parcels into one parcel, now identified as APN 0274-182-46. Therefore, the contract for Commission consideration is the “First Amendment to Agreement for Future Annexation between the City of Colton and 105 Cypress Association, LLC, for Connection to the City’s Sewer System.”

The County Land Use Services Department processed and approved a General Plan Amendment and Conditional Use Permit to establish a two-story medical office building on the site in 2005. The Conditions of Approval placed upon this project include the requirement to connect to the City’s sewer system (Conditions 49, 50 and 52). Water service will be provided by the Terrace Water Company, a mutual water company. A copy of the Conditions of Approval is included as Attachment #3 to this report. Therefore, the City, on behalf of the property owner/developer, has requested that the Commission authorize the extension of service pursuant to the provisions of Government Code 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) indicates that the parcel will be served through construction of a 10-inch sewer main in Cypress Avenue from the existing 15-inch sewer main in Valley Boulevard extending northerly across the

frontage of the parcel (approximately 275 linear feet). Additionally, a 6-inch sewer lateral will be extended (approximately 35 linear feet) into the parcel.

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 City’s boundaries. The City has indicated that the agreement includes payment of approximately \$29,896 in sewer fees. The following is the breakdown of the charges:

|                                                                 |                                                          |                    |
|-----------------------------------------------------------------|----------------------------------------------------------|--------------------|
| Capacity Charges                                                | \$6.00 x 4,954 gallons                                   | \$29,724.00        |
| Sewer Inspection Charges –<br>Manholes, cleanouts, etc.         | \$40.00 x 2 units                                        | \$80.00            |
| Sewer Inspection Charges –<br>Sanitary Sewer, Storm Drain, etc. | \$30.00 (flat rate) +<br>\$62.00 (310 linear ft. x 0.20) | \$92.00            |
| <b>TOTAL ESTIMATED COST</b>                                     |                                                          | <b>\$29,896.00</b> |

In addition, the developer of the project will be responsible for the entire cost of the construction and installation of the sewer main from the existing sewer main in Valley Boulevard and the sewer lateral to the parcel. The construction and installation of the sewer main and lateral is estimated to cost approximately \$165,000 in current dollars. The City has indicated that there is no rate difference for providing service outside the City’s boundaries; therefore, future users of the sewer service will be charged the normal in-City monthly rate.

**ENVIRONMENTAL DETERMINATION:**

LAFCO’s Environmental Consultant, Tom Dodson and Associates reviewed the County’s environmental assessment issued for the proposed project. Mr. Dodson’s analysis indicates that the County’s Initial Study and Mitigated Negative Declaration are adequate for the Commission’s use as a CEQA responsible agency.

**CONCLUSION:**

Staff has reviewed this request for the provision of sewer service by the City outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcel to be served is within the sphere of influence assigned the City and is anticipated to become a part of the City sometime in the future. The development of the two-story medical building requires that it receive sewer service, which is only available from the City. 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, identified as APN 0274-182-46, is within the sphere of influence assigned the City of Colton and is anticipated to become a part of that City sometime in the future. The parcel will receive its water service from Terrace Water Company, a mutual water company. The application requests authorization to receive City sewer service. This requirement is a condition of approval placed upon the project by the County Land Use Services Department. Therefore, approval of the City's request for authorization to provide sewer service is necessary to satisfy this condition of approval.
2. The pre-annexation agreement being considered is for the provision of sewer service by the City of Colton to a single parcel, APN 0274-182-46, generally located at the northwest corner of Valley Boulevard and Cypress Avenue (105 Cypress Avenue). Originally, the agreement for the extension of sewer service for the site was approved by the City in 2002. However, in 2005, a lot merger was approved and recorded for the site, combining the three (3) parcels identified in the original agreement into a single parcel. An amendment to the agreement was then signed by the property owner/developer and subsequently approved by the City of Colton's City Council on October 1, 2007, acknowledging the modified parcel configuration. This contract will remain in force in perpetuity for the parcel or until such time as the area is annexed.
3. The fees charged this project by the City of Colton for sewer service are identified as totaling \$29,896 (for a breakdown of fees, see table on page 3). Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owner/developer shall bear all costs to complete improvements needed to extend the sewer service to the parcel.
4. During the period from August 2005 to November 2005, acting as the CEQA lead agency, the County prepared an environmental assessment for a General Plan Amendment from RS (Single Residential) to CG (General Commercial) on 0.28 acres and a Conditional Use Permit to establish a two-story office building on 1.05+/- acre. The environmental assessment indicates that the project would not have a significant effect on the environment through its development under the Conditions of Approval prepared for the proposed project.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's documents and has indicated that the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency. The Commission will not be adopting alternatives or mitigation measures for this development, as these are the

responsibility of the County and/or others and are considered self-mitigating through implementation of 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 Colton's Application and Contract Including Original Contract
3. County Conditions of Approval for the General Plan Amendment and Conditional Use Permit
4. Tom Dodson and Associates Response Including the County's Environmental Documents for the Project
5. Draft Resolution #3016