

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

215 North D Street, Suite 204
San Bernardino, CA 92415-0490 • (909) 383-9900 • Fax (909) 383-9901
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: SEPTEMBER 6, 2007

FROM: SAMUEL MARTINEZ, LAFCO Analyst

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #6: LAFCO SC#320 – Hesperia Water District Agreement for Annexation and Provision of Utility Service No. EOS-2007-05 for Sewer Service (Hesperia Unified School District – High School #3)

INITIATED BY:

Hesperia Water District, on behalf of the property owner, the Hesperia Unified School District

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 Hesperia Unified School District for High School No. 3 (SCH No. 2005091026) on approximately 80 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 Hesperia Unified School District and/or others, not the Commission; and,
 - Note that this proposal is exempt from Department of Fish and Game fees because the filing fee was the responsibility of the Hesperia Unified School District, as CEQA lead agency, and direct

the Clerk to file a Notice of Determination within five (5) days of this action.

2. Approve SC#320 authorizing the Hesperia Water District to extend sewer service outside its boundaries to a new high school facility, on Assessor Parcel Numbers (APNs) 3039-521-01, 02, 03, and 04.
3. Adopt LAFCO Resolution #2982 setting forth the Commission's findings, determinations and approval of the agreement for service outside the Hesperia Water District's boundaries.

BACKGROUND:

The Hesperia Water District (hereinafter the "Water District"), a subsidiary district of the City of Hesperia, has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service outside its boundaries. The agreement relates to four (4) parcels, APNs 3039-521-01, 02, 03, and 04, which are contiguous to each other and are generally located south of El Centro, west of Coyote Trail, north of Rancho Road and east of Catawba Road, within the Water District's central sphere of influence and within the community commonly known as Oak Hills. 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 Water District, on behalf of the Hesperia Unified School District (hereinafter the "School District"), has requested that the Commission review and approve the extension of service pursuant to the provisions of Government Code Section 56133. The School District is proposing the development of a new high school facility (High School No. 3) on 80 +/- acres. The school site requires that it connect to Water District's sewer facilities. Water service will be provided by County Service Area 70 Improvement Zone J, the water provider serving the Oak Hills community.

PLAN FOR SERVICE:

The Water District's application indicates that sewer service to the school site will be provided through construction of an 8-inch sewer main in Coyote Trail from Rancho Road to Newport Street, and tie into the terminus of an existing 8-inch sewer main in Newport Street located approximately 50 feet easterly from Coyote Trail.

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 Water District has submitted an estimated cost of \$440,673.50 in sewer fees for the extension of

service to the high school site. Since the project is a proposed school facility, the computation for sewer fees is based on the number of plumbing fixtures for the proposed development. Below is a table with a detailed calculation of fees:

Number of plumbing fixtures for High School #3		2,222
Sewer Connection Fee (Victor Valley Wastewater Rec. Authority)	\$160.75 x 2,222 fixtures	\$357,186.50
Sewer Connection Fee (Hesperia Water District)	\$37.50 x 2,222 fixtures	\$83,325.00
Inspection Fee		\$150.00
Automation Surcharge Fee		\$12.00
TOTAL		\$440,673.50

In addition to the costs outlined above, the School District will be responsible for the entire cost of the construction and installation of the 8-inch sewer main in Coyote Trail (11,245 linear ft.) and Newport Street (50 linear ft.), which is estimated to cost approximately \$677,700.00. The Water District has indicated that there is no rate difference for providing service outside the agency’s boundaries. Therefore, the school will be charged the normal in-District monthly rate for sewer service.

ENVIRONMENTAL DETERMINATION:

The Commission’s Environmental Consultant, Tom Dodson and Associates, reviewed the School District’s environmental assessment that was prepared for the proposed development of the new high school facility. Upon review of the document, Mr. Dodson has indicated that the School District’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 Water District outside its 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 Water District and are anticipated to become a part of the Water District sometime in the future. The development of the new high school facility requires that it receive sewer service, which is only available from the Water District. Staff supports the Water District’s request for authorization to provide sewer service to the proposed high school since its facilities are nearby the proposed development, and there is no other existing entity available to provide this service within the area.

FINDINGS:

1. The project area, identified as APNs 3039-521-01, 02, 03, and 04, is within the sphere of influence assigned the Water District and is anticipated to become a part of Water District sometime in the future. These parcels combined are proposed for development of a new high school facility on 80 +/- acres. The school facility will receive its water service from County Service Area 70 Improvement Zone J. The application requests authorization to receive sewer service from the Water District.
2. This agreement, Hesperia Water District EOS-2007-05, is for the provision of sewer service to four (4) contiguous parcels, APNs 3039-521-01, 02, 03, and 04, generally located south of El Centro, west of Coyote Trail, north of Ranchero Road and east of Catawba Road. This contract will remain in force in perpetuity for the school facility or until such time as the area is annexed. Approval of this application will allow the School District and the Water District to proceed in finalizing the contract for the extension of this service.
3. The fees charged this project by the Water District for sewer service are identified as totaling \$440,673.50 (for a breakdown of fees, see table on page 3). Payment of these fees is required prior to connection to the Water District's sewer facilities. In addition, the School District will be responsible for the entire cost of the construction and installation of the sewer main.
4. In January 2006, acting as the CEQA lead agency, the School District prepared an environmental assessment for the development of a new high school facility. LAFCO's Environmental Consultant, Tom Dodson and Associates, reviewed the School District's Initial Study and the Mitigated Negative Declaration (SCH No. 2005091026) that was issued for the proposed project. Mr. Dodson's analysis has indicated that the School District'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; all mitigation measures are the responsibility of the School District and/or others, not the Commission. Attachment #3 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. Hesperia Water District's Application and Contract
3. Tom Dodson and Associates Response Including the Hesperia Unified School District's Environmental Documents for the Proposed High School No. 3
4. Draft Resolution #2982