

# LOCAL AGENCY FORMATION COMMISSION

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Established by the State of California to serve the Citizens, Cities, Special Districts and the County of San Bernardino

December 10, 2010

## COMMISSIONERS

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Public Member

PAUL BIANE  
Board of Supervisors

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Special District

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Special District

LARRY McCALLON  
City Member

BRAD MITZELFELT, Chair  
Board of Supervisors

TO: CITY/TOWN MANAGERS AND LAFCO CONTACTS  
FOR THE CITIES AND TOWNS OF:

Adelanto  
Apple Valley  
Barstow  
Chino  
Colton  
Hesperia

Loma Linda  
Montclair  
Redlands  
Rialto  
San Bernardino  
Victorville

## ALTERNATES

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Public Member

NEIL DERRY  
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Special District

DIANE WILLIAMS  
City Member

During discussions over the past year and at the Commission Workshop Session held in August 2010, the Local Agency Formation Commission (LAFCO) has determined to revisit its Island Annexation Policy and directed its staff to return with a review of its definition of substantially surrounded and other matters. The Island Policy, LAFCO Policy #29, to be reviewed currently reads as follows:

## STAFF

KATHLEEN ROLLINGS-McDONALD  
Executive Officer

SAMUEL MARTINEZ  
Senior LAFCO Analyst

MICHAEL TUERPE  
LAFCO Analyst

*Vacant*  
Clerk to the Commission

ANGELA M. SCHELL  
Deputy Clerk to the Commission

REBECCA LOWERY  
Deputy Clerk to the Commission

## LEGAL COUNSEL

CLARK H. ALSOP

POLICY #29 – ISLAND ANNEXATION PURSUANT TO GOVERNMENT CODE SECTION 56375.3 (Policy #29 was repealed and replaced by action of the Commission March 31, 2005, amended October 18, 2006)

1. For the purpose of applying the provisions of Government Code Section 56375.3, the territory of an annexation proposal shall be deemed "substantially surrounded" if 52% of its boundary, as set forth in a boundary description accepted by the Executive Officer, is surrounded by (a) the affected City or (b) the affected City and adjacent Cities, or (c) the affected City and a service impediment boundary as defined by the Commission to include, but not be limited to, a freeway, a flood control channel or forest service land.

2. *The Commission determines that no territory within an established County Redevelopment Area shall be included within an island annexation proposal, unless written consent has been received from the County Board of Supervisors and County Redevelopment Agency.*
3. *The Commission directs that a City proposing to initiate an island annexation proposal shall have conducted a public relations effort within the area prior to the adoption of its resolution of initiation. Such efforts shall include, but not be limited to, providing information on the grandfathering of existing legal County uses into the City, costs to the resident/taxpayer associated with annexation, and land use determinations. Documentation of these efforts shall be a part of the Item application submitted for consideration by the Commission.*

Determination #1 under Policy 29 outlines the Commission's definition of substantially surrounded. A question to be discussed at the January Hearing is whether the percentage of linear length determination should be amended. The attached maps identify islands within the respective city spheres which meet the criteria of 52% surrounded (current criteria) or greater. The criteria utilized by other LAFCOs around the state range from a low of 50% to as high as 75%. However, it should be noted that several LAFCOs have identified that "substantially surrounded" is determined on a case-by-case basis. This option is not identified in the materials included in this correspondence but may be discussed at the January 19, 2011 hearing. Please provide your City's or Town's response on the implementation of the criteria of substantially surrounded, including but not limited to support for the current criteria, preference for a different percentage, or other criteria for the mandatory determination by January 4, 2011. The Commission will be provided a copy of each response received as a part of the staff report for the hearing.

In addition, at the August Workshop the Commission directed staff to return with a further discussion of the following items related to consideration of Islands:

1. Discussion of a potential policy determination on the question of the "entire island". This relates to the determinations required of the Commission under Government Code Section 56375.3. In several instances, the Commission has approved island areas which abut each other but which could be identified as substantially surrounded on their own as well as peninsulas of larger island areas which meet the Commission's substantially surrounded interpretation. The Commission will discuss this interpretation; discuss whether to amend or change its determination criteria; and discuss whether to add additional policy language to provide direction to Cities and its staff for the future.

2. Discussion of adopting as a policy its existing practice of requiring a City to address its island areas when proposing annexation of development related territories. As an example, as a result of the proposed annexation of the Arrowhead Springs Specific Plan area, the City of San Bernardino was required to address its unincorporated islands.

As with the question of the percentage determination, LAFCO staff is requesting that each City/Town provide its written response on these two items by January 4, 2011.

The discussion of these determinations will apply to potential island considerations under the current provisions which remove the potential for protest from landowners and registered voters. This provision will expire as of January 2014. However, the policy determinations of the Commission will continue under the islands provision which take effect as of January 1, 2014 (Government Code Section 56375.3 (a)(2) which will allow for protest to terminate under Government Code Section 57080). The provision becoming effective January 2014 does not allow for an election. One option that may be considered is for the Commission to direct that a further discussion of the new provisions take place in the fall of 2013 prior to implementation.

If you have any questions on this letter and its request for response regarding island annexations or need additional information on these matters, please do not hesitate to contact me at (909) 383-9900, by letter at the address above or by e-mail at [kmcdonald@lafco.sbcounty.gov](mailto:kmcdonald@lafco.sbcounty.gov). I will be out of the office December 13 through 17, but available otherwise during the holidays. Should you have questions during my absence that cannot wait for my return, please contact Samuel Martinez, Senior LAFCO Analyst at the same telephone number and mailing address.

Sincerely,

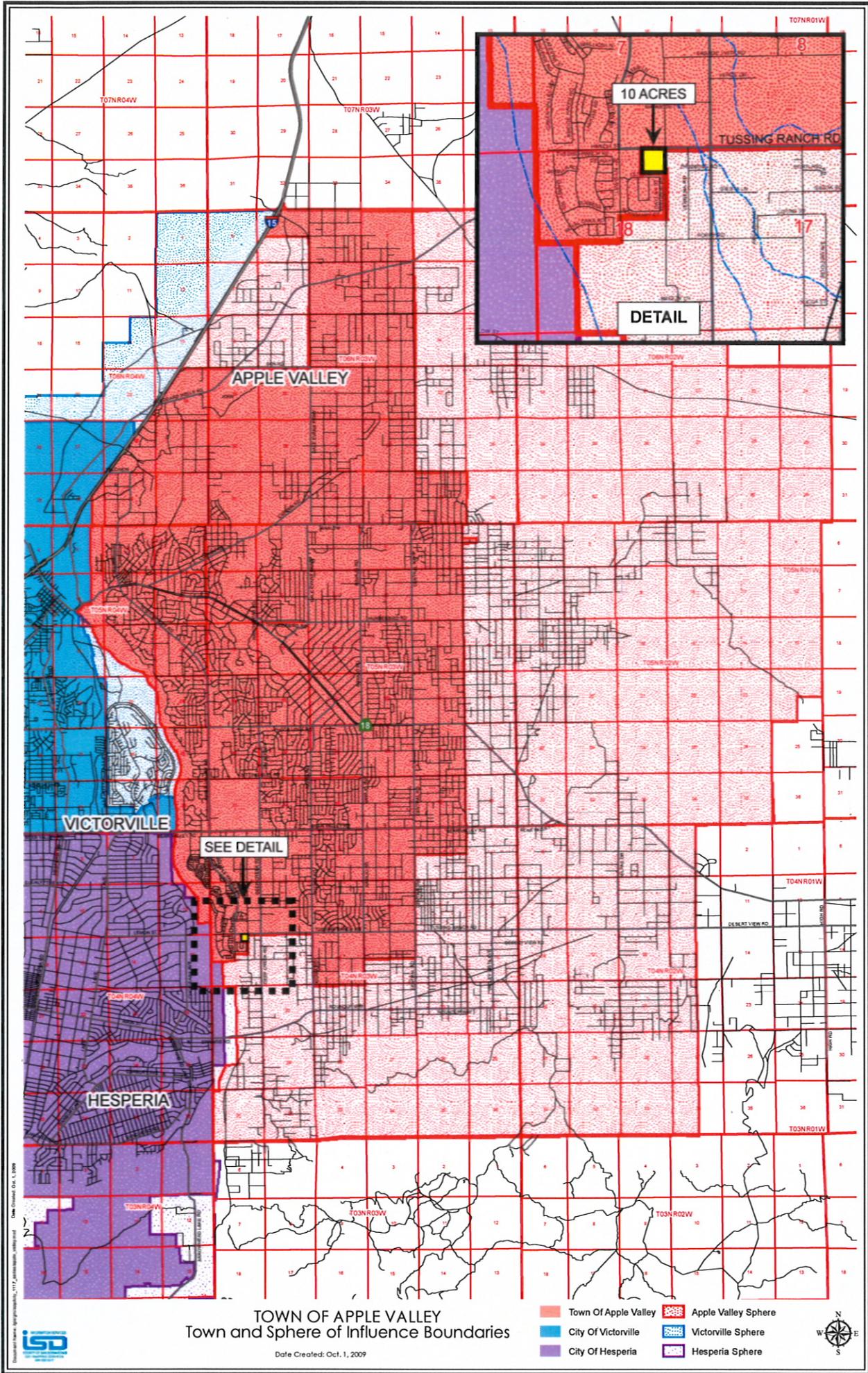


KATHLEEN ROLLINGS-McDONALD  
Executive Officer

cc: Chiefs of Staff for County Board of Supervisor Members  
Dena Smith, Director, Land Use Services Department  
John Richardson, Governmental Relations Analyst, County Executive Office  
Susan Hulse, property owner, City of San Bernardino Island #5  
Peg Battersby, attorney, Sheppard Mullin

Attachments





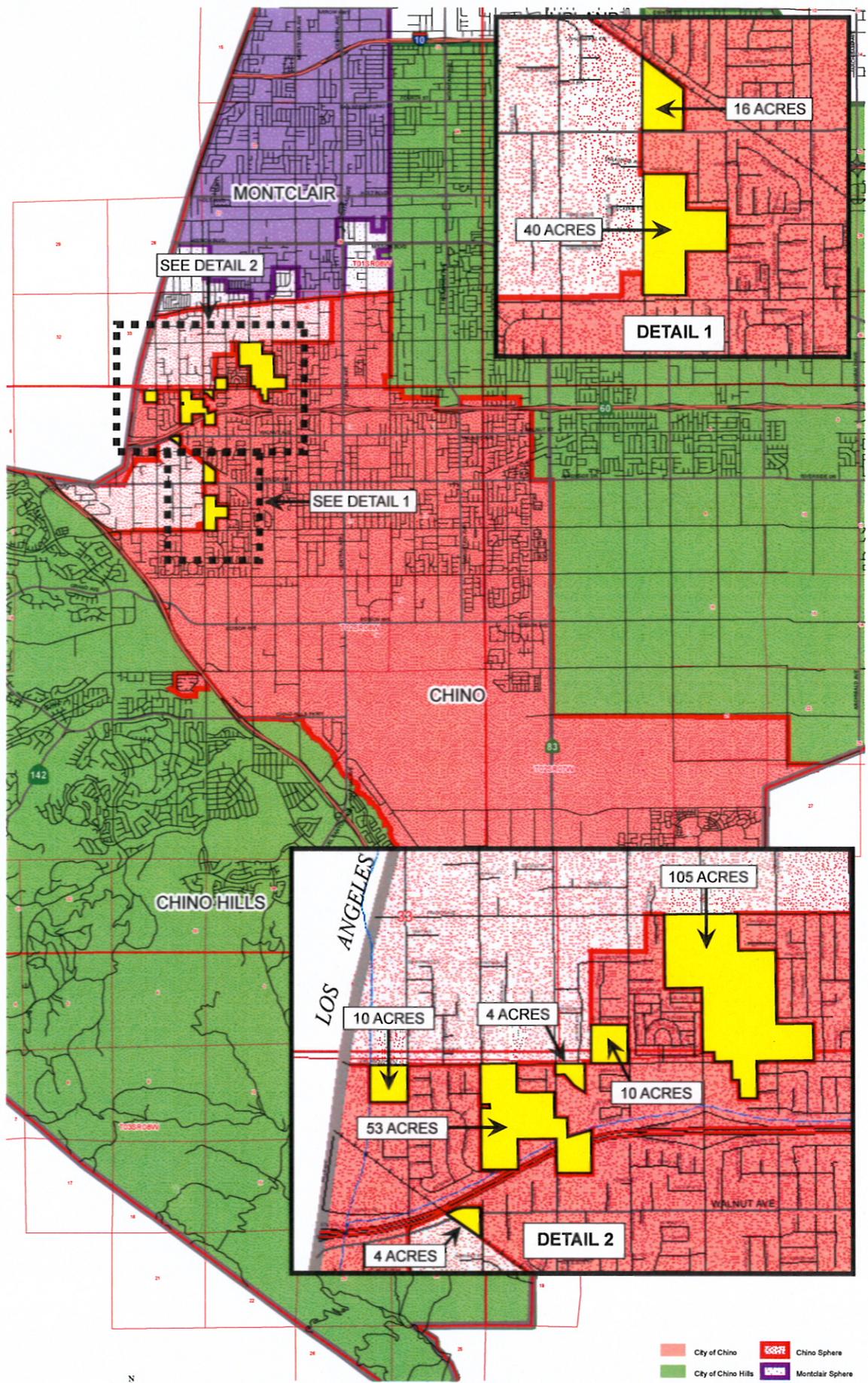
**TOWN OF APPLE VALLEY**  
**Town and Sphere of Influence Boundaries**

- Town Of Apple Valley
- Apple Valley Sphere
- City Of Victorville
- Victorville Sphere
- City Of Hesperia
- Hesperia Sphere



Date Created: Oct. 1, 2009





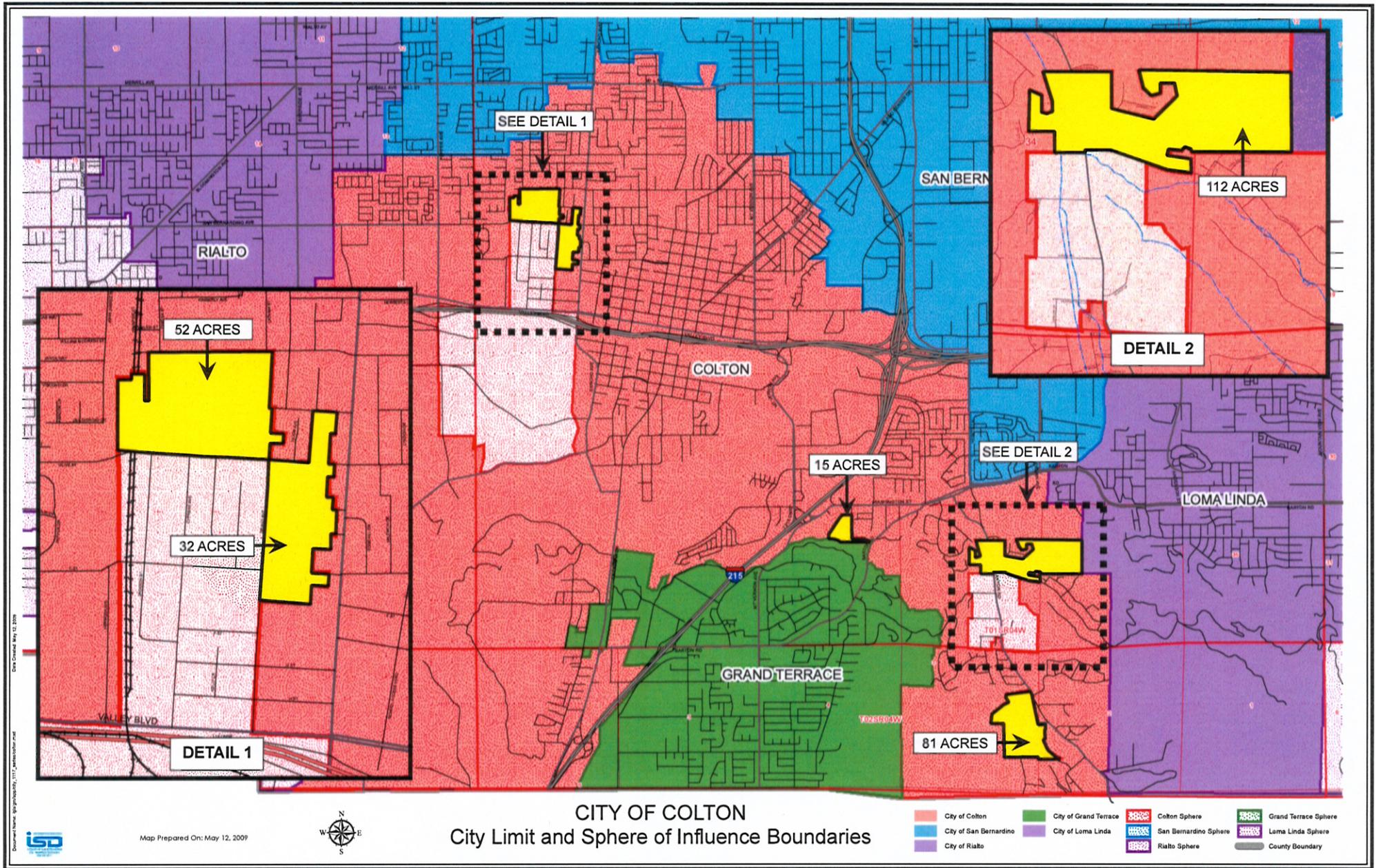
CITY OF CHINO  
City Limit and Sphere of Influence

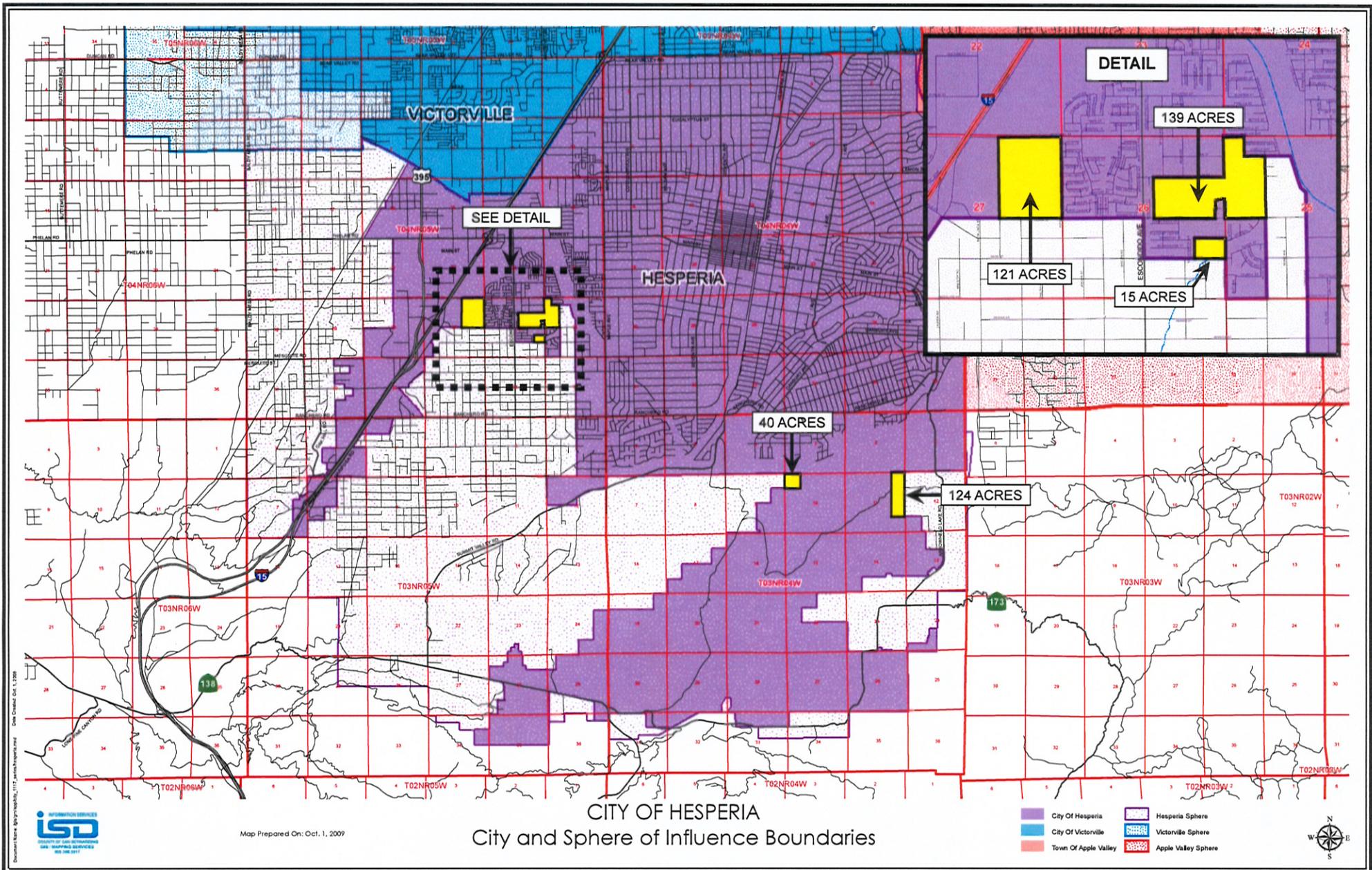
- City of Chino
- City of Chino Hills
- City of Montclair
- City of Ontario
- Chino Sphere
- Montclair Sphere
- Chino Hills Sphere
- Ontario Sphere
- County Boundary



Map Prepared On: Feb. 23, 2009

Date Created: May 7, 2008  
 Designer: [unreadable]





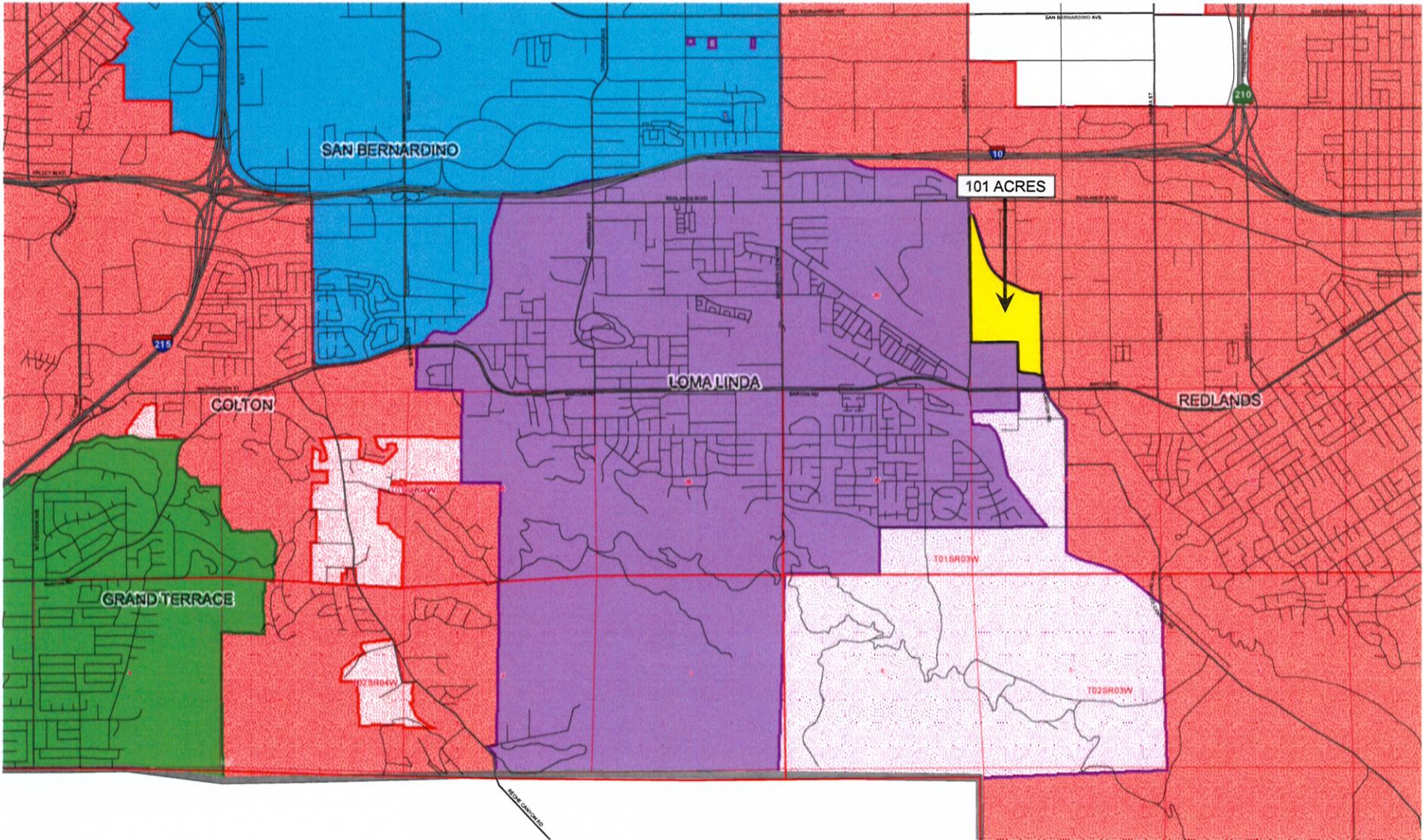
CITY OF HESPERIA  
City and Sphere of Influence Boundaries

- City Of Hesperia
- City Of Victorville
- Town Of Apple Valley
- Hesperia Sphere
- Victorville Sphere
- Apple Valley Sphere



Map Prepared On: Oct. 1, 2009

Document Name: Map\MapInfo\GIS\CityAndSphere.mxd  
 Date Created: Oct 1, 2009



CITY OF LOMA LINDA  
City Limit and Sphere of Influence Boundaries

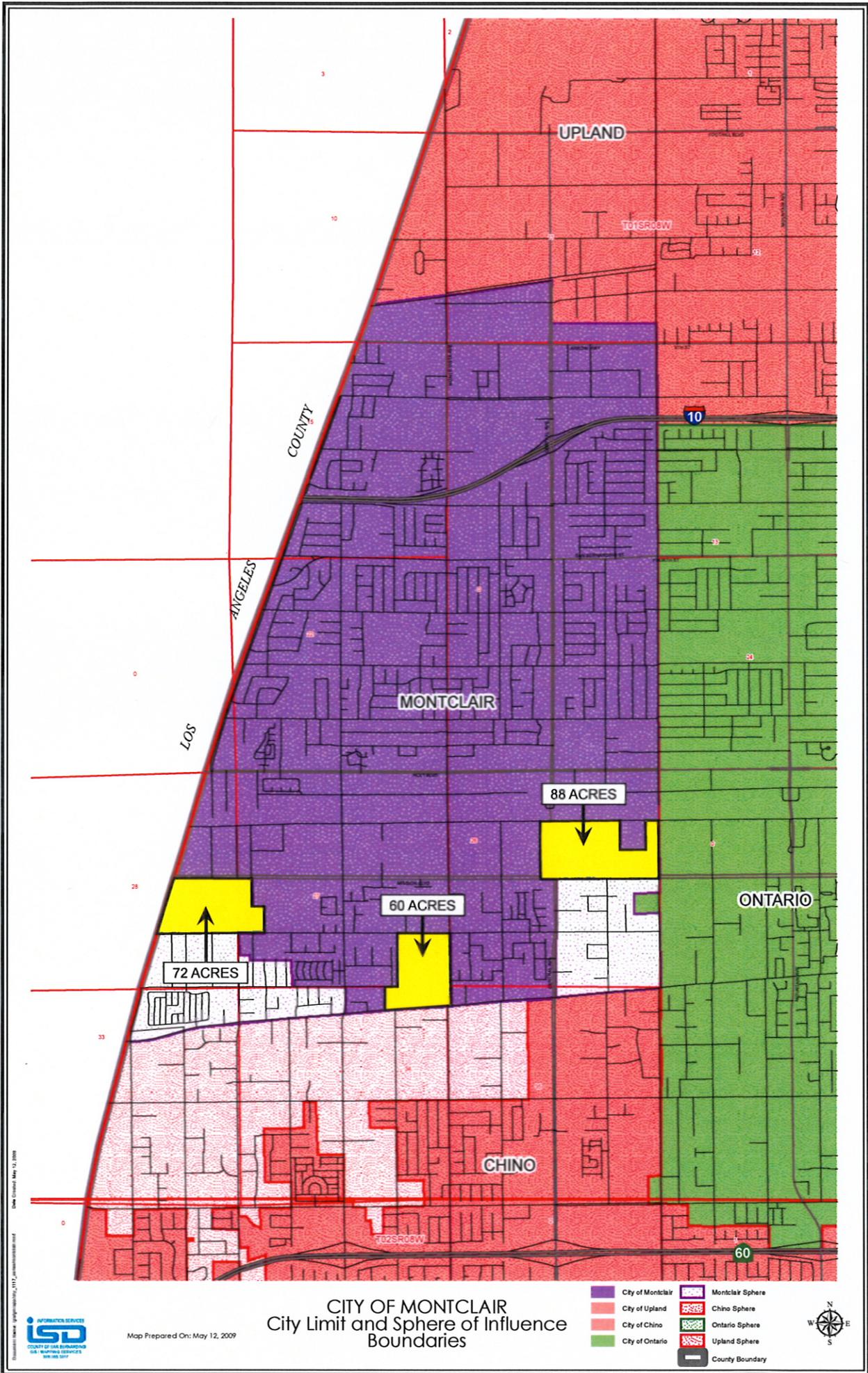
- City of Loma Linda
- City of Grand Terrace
- City of San Bernardino
- City of Colton
- City of Redlands
- Loma Linda Sphere
- San Bernardino Sphere
- Redlands Sphere
- Grand Terrace Sphere
- Colton Sphere
- County Boundary

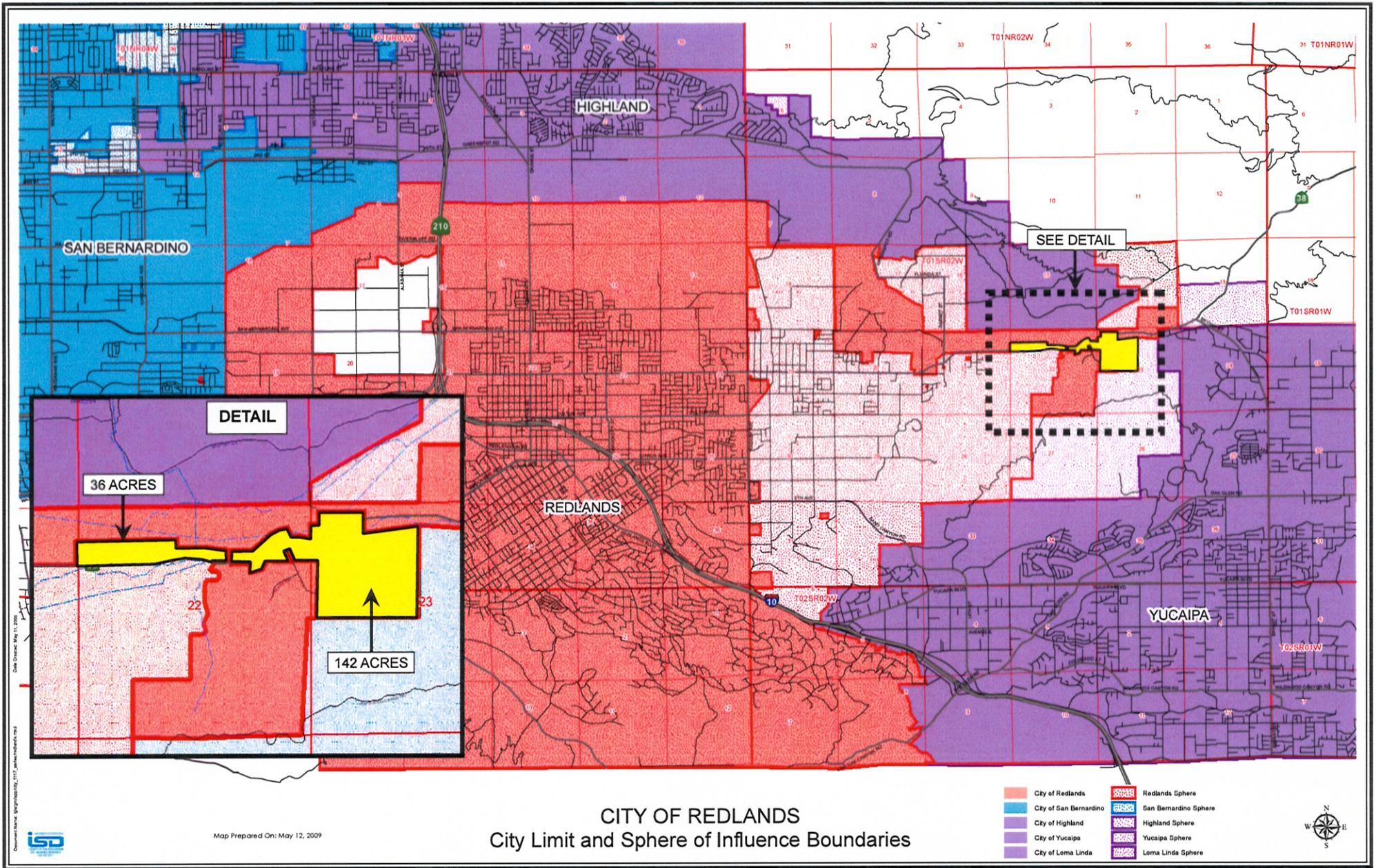
Date Changed: May 12, 2009  
 Document Name: Sphere of Influence, City Limits, and County Boundaries

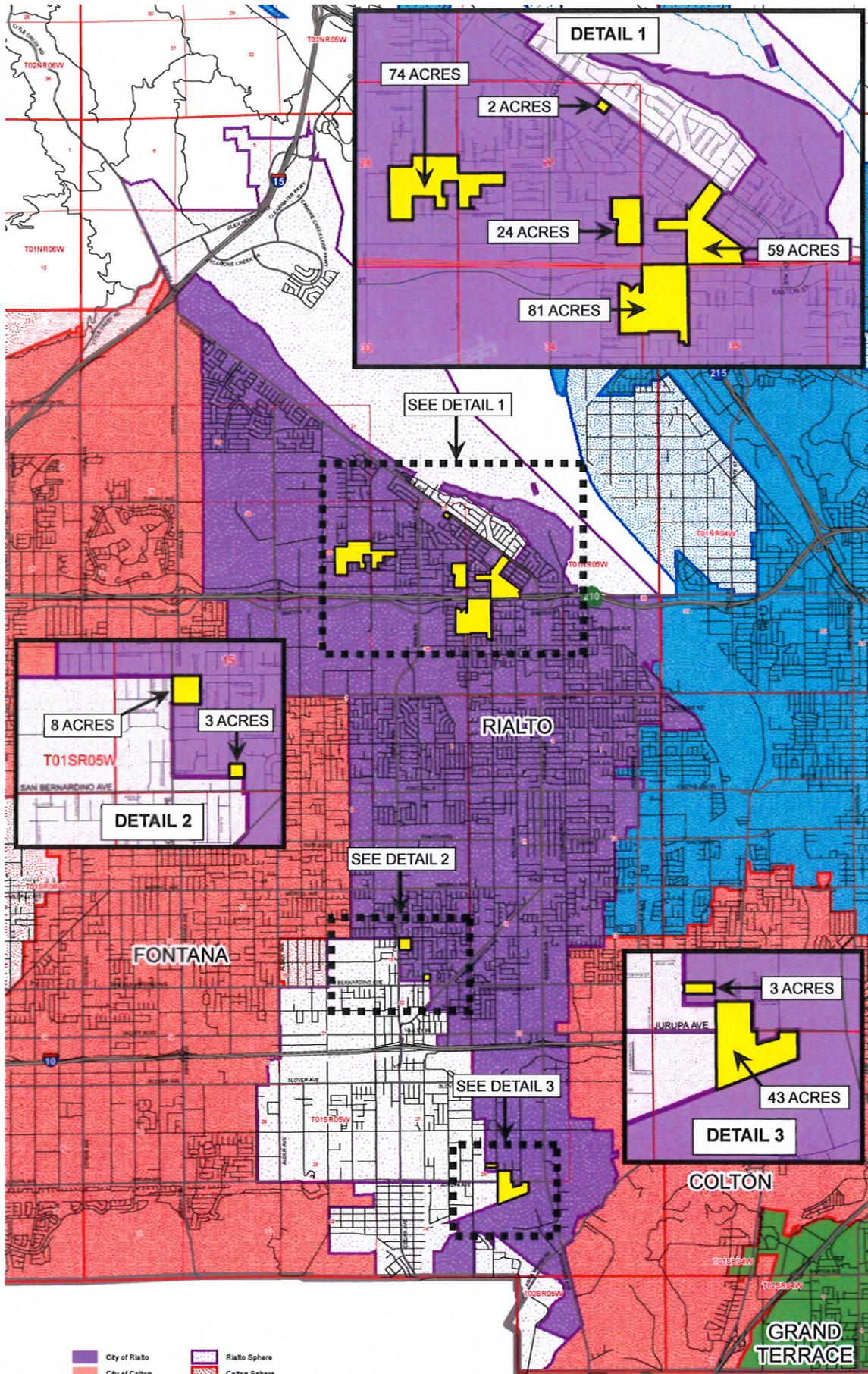


Map Prepared On: May 12, 2009









Date Created: May 11, 2009  
 Consultant: [unreadable]  
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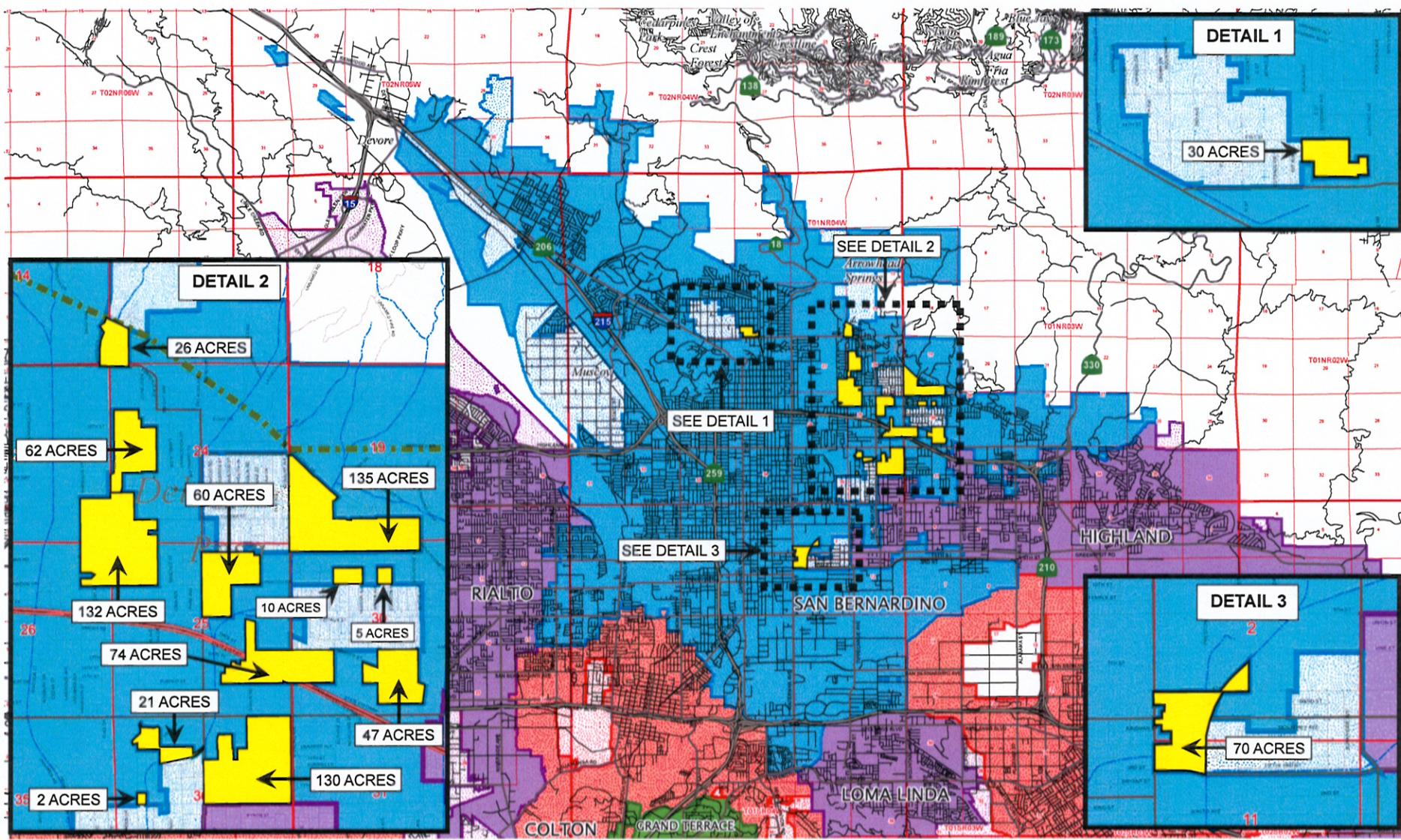
- |                        |                       |
|------------------------|-----------------------|
| City of Rialto         | Rialto Sphere         |
| City of Colton         | Colton Sphere         |
| City of Fontana        | Fontana Sphere        |
| City of Grand Terrace  | Grand Terrace Sphere  |
| City of San Bernardino | San Bernardino Sphere |
| County Boundary        |                       |

### CITY OF RIALTO

#### City and Sphere of Influence Boundaries

Map Prepared On: May 11, 2009





**CITY OF SAN BERNARDINO**  
**City Limit and Sphere of Influence**  
**Boundaries**

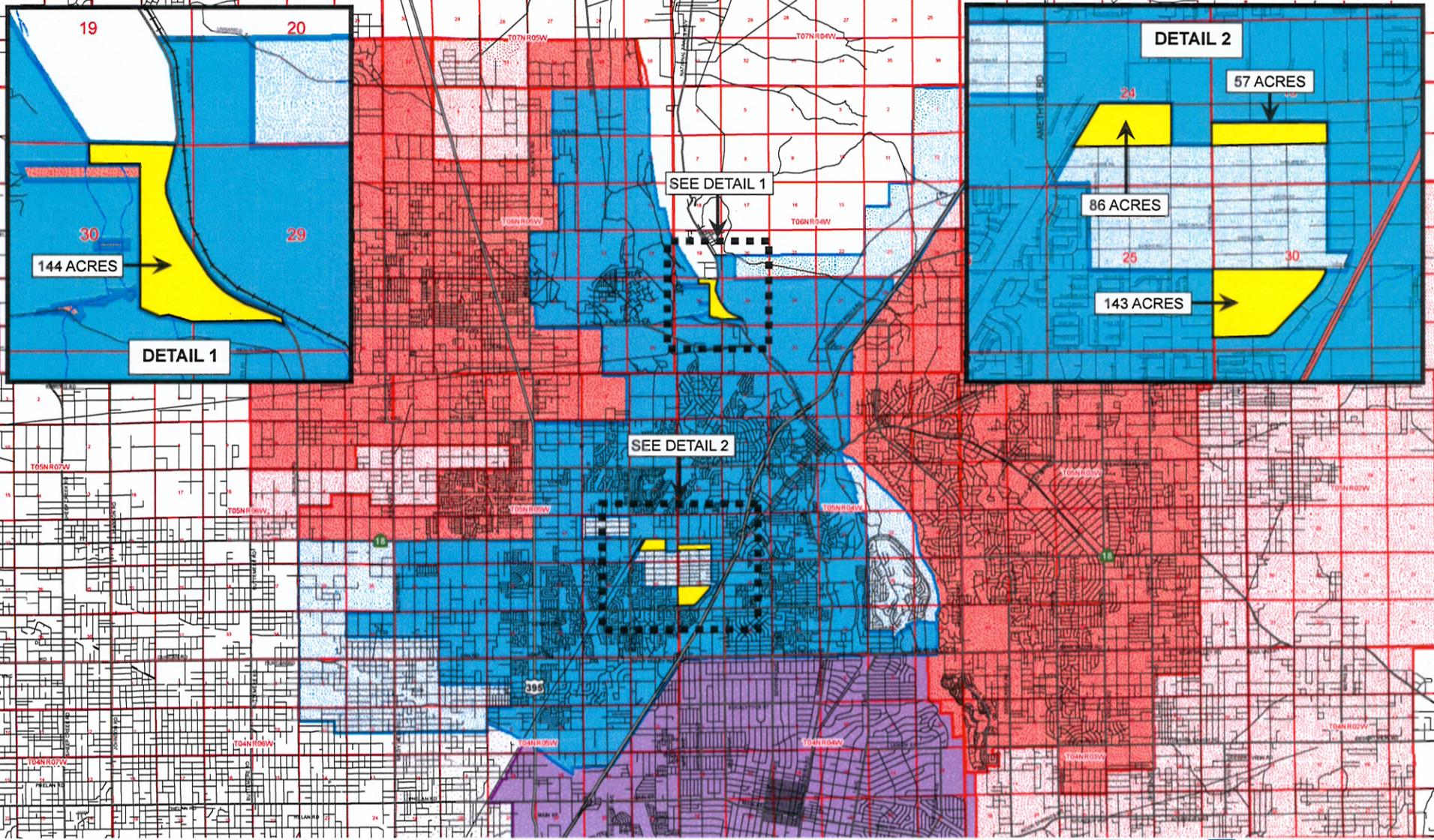
	San Bernardino Sphere		Highland Sphere		City of San Bernardino		City of Highland
	Redlands Sphere		Yucaipa Sphere		City of Redlands		City of Yucaipa
	Rialto Sphere		Loma Linda Sphere		City of Rialto		City of Loma Linda
	Fontana Sphere		Colton Sphere		City of Fontana		City of Colton
	Grand Terrace Sphere				City of Grand Terrace		

Date Created: Sept. 21, 2010  
 Document Name: SphereofInfluence\_SanBernardino



Map Prepared On: Sept. 21, 2010





CITY OF VICTORVILLE  
City and Sphere of Influence Boundaries

- City Of Victorville
- Victorville Sphere
- City of Adelanto
- Adelanto Sphere
- Town Of Apple Valley
- Apple Valley Sphere
- City Of Hesperia
- Hesperia Sphere



Map Prepared On: May 11, 2009

Document Name: 9513415177\_051109\_0000.mxd Date Created: May 11, 2009