

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: MAY 6, 2014

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

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: **Agenda Item #11:** LAFCO 3178 – Reorganization to Include City of Redlands Annexation No. 91 and Detachment from the San Bernardino County Fire Protection District and its Valley Service Zone, and County Service Area 70 and its Zone P-7

INITIATED BY:

City of Redlands Council Resolution

RECOMMENDATION:

Staff recommends that the Commission approve LAFCO 3178 by taking the following actions:

1. For environmental review, certify that LAFCO 3178 is statutorily exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3178, with the standard conditions of approval, which include the "hold harmless" clause for potential litigation costs, continuation of fees, charges, assessments, etc.;
3. Waive protest proceedings, as permitted by Government Code Section 56663(c), with 100% landowner consent to the reorganization; and,
4. Adopt LAFCO Resolution #3180 setting forth the Commission's findings, determinations, and conditions of approval concerning the reorganization proposal.

BACKGROUND:

In December 2013, the City of Redlands (hereinafter the "City") initiated a reorganization application that proposes to annex approximately 0.75 acres to the City at the request of the landowner. The reorganization proposal includes the detachment from the San Bernardino

County Fire Protection District (SBCFPD) and its Valley Service Zone as well as detachment from County Service Area (CSA) 70 and its Zone P-7. CSA 70 Zone P-7 is an inactive entity that was created by the County in 1991 to provide park and recreation services for the unincorporated Mentone/Crafton community.

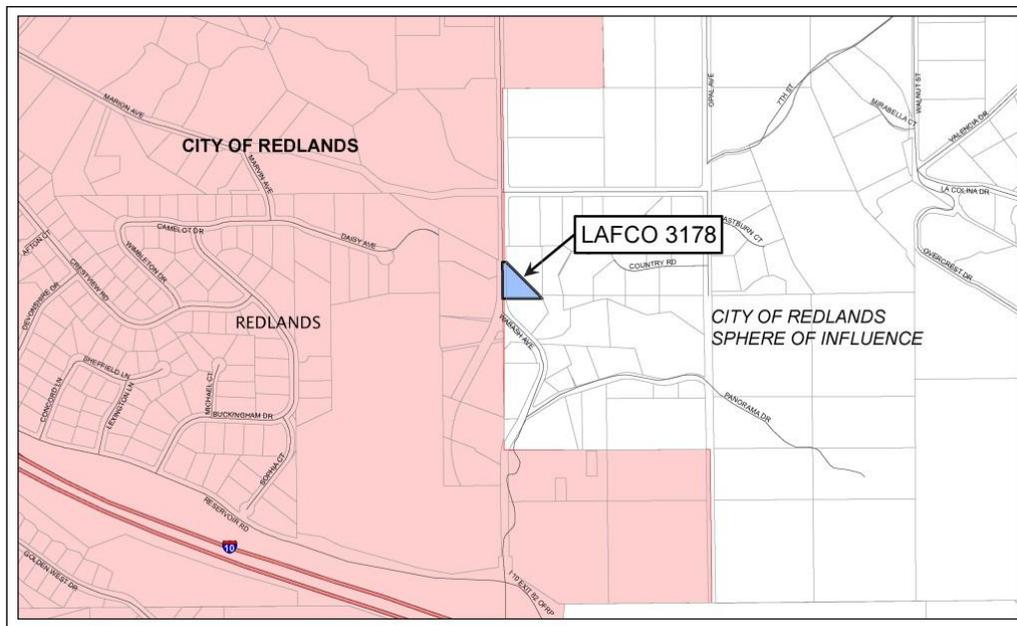
The reorganization area includes a single parcel, Assessor Parcel Number (APN) 0299-331-01, with 100% landowner consent, generally located within the City of Redlands' eastern sphere of influence, within the Crafton community. Location and vicinity maps are included as Attachment #1 to this report.

The primary reason for the annexation request, as outlined in the application materials (which is included as part of Attachment #2 to this report), is to receive water service from the City for the single-family residential development that is proposed on the site. Since the property is contiguous to the City of Redlands along Wabash Avenue, water service to the site is contingent upon annexation. As the Commission is aware, this is a requirement of "Measure U", which was approved by the City's voters in 1997 and is outlined in Chapter 13.60.030 of the City's Municipal Code (included as Attachment #3 to this report).

This report will provide the Commission with the information related to the four major areas of consideration required for a jurisdictional change – boundaries, land uses, service issues and the effects on other local governments, and environmental considerations.

BOUNDARIES:

The reorganization area encompasses approximately 0.75 acres, which includes a single parcel (APN 0299-331-01), generally located east of Wabash Avenue (existing City of Redlands' boundary) between 7th Street and Panorama Drive.



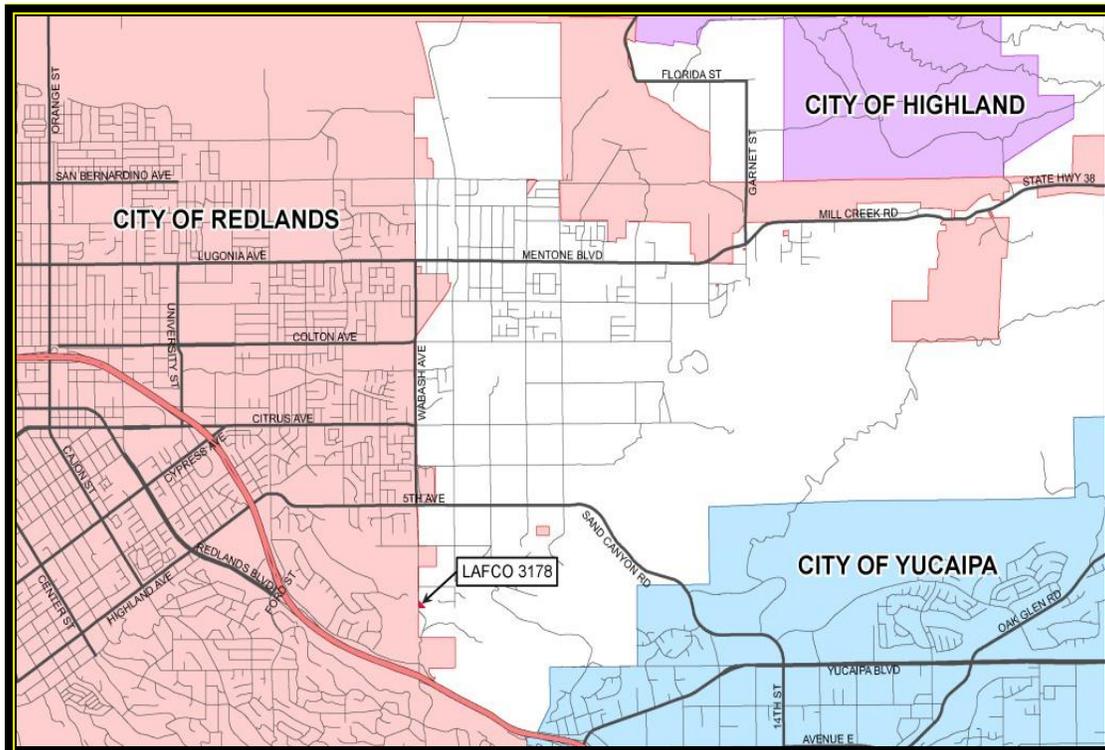
San Bernardino County Department of Public Works concern:

Through LAFCO’s Departmental Review Committee (DRC) process for LAFCO 3178, the County’s Department of Public Works (DPW) expressed a concern that the annexation of individual parcels creates starts and stops in road maintenance, leading to a patchwork of road conditions with much confusion and disruption for service providers.

In the past, the Commission has expressed its concern regarding the piecemeal approach to annexations in the Mentone/Crafton communities resulting from the implementation of Measure U. Unfortunately, because of the City’s Measure U requirement related to contiguous parcels, the development of the site, which requires water service from the City, requires annexation. And, given the historic opposition of these communities to annexations into the City, expansion of the reorganization area would most likely terminate the proposal.

Therefore, staff does not recommend that the Commission expand the proposal since, in the staff’s view, delay would cause a disruption in the City’s approval process and voter and/or landowner sentiment may terminate the proposal. Such a response would, in essence, deny the development proposal approved by the City for the construction of a single-family residence on the lot.

However, in order to respond to the Commission and DPW concerns, staff is recommending that the County and the City work together to develop a contractual framework for road maintenance within the Redlands sphere of influence. The map below illustrates the existing maintenance issues along Wabash Avenue.



A contract would offer the ability to exchange maintenance responsibility for certain stretches of a roadway so that a more comprehensive approach can be achieved in order to alleviate any future road maintenance service concerns. This type of sharing service obligation better serves the community using the road system

LAND USE:

The reorganization area is currently vacant. Existing uses directly surrounding the area include single-family residential development to the north, east, south, and west.

County Land Use Designation:

The County's current land use designation for the reorganization area is RS-1 (Single Residential, 1 acre min. lot size), which allows for single-family homes on individual lots.

City's General Plan:

The City's General Plan land use designation for the reorganization area is Very Low Density Residential. The land use determinations between the City and County are generally compatible.

City's Pre-Zone Designation:

The City of Redlands' pre-zone designation for the reorganization area is RE (Residential Estate). This pre-zone designation was determined through the City's consideration of Ordinance No. 2798, which was adopted on December 3, 2013. This land use designation is consistent with the City's General Plan designation for the area and is also consistent with surrounding land uses. Pursuant to the provisions of Government Code Section 56375(e), this zoning designation shall remain in effect for a period of two (2) years following annexation. The law allows for a change in designation if the City Council makes the finding, at a public hearing, that a substantial change has occurred in circumstance that necessitates a departure from the pre-zoning outlined in the application made to the Commission.

SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. Current County service providers within the reorganization area include the San Bernardino County Fire Protection District (SBCFPD) and its Valley Service Zone, CSA 70 (multi-function entity) and Zone P-7 of CSA 70. In addition, both the Inland Empire Resource Conservation District and the San Bernardino Valley Municipal Water District (the State Water Contractor) are the regional agencies that overlay the area, which are unaffected by this action.

The City's application includes a Plan for Service as required by law and Commission policy (included as part of Attachment #2 to this report). The Plan for Service also includes a

Fiscal Impact Analysis indicating that the project will have a positive financial effect for the City. In general, the Plan identifies the following:

- Fire protection is currently provided by the SBCFPD and its Valley Service Zone and would be replaced by the City of Redlands Fire Department upon annexation.

However, the County is anticipated to be the first responder to any emergency or non-emergency calls within the reorganization area as provided in the City and County's automatic aid agreement (included as Attachment #4 to this report). This agreement outlines that the County will provide "first response" within the area. The County's closest fire station, Station No. 9, is generally located at the northeast corner of Mentone Boulevard and Crafton Avenue.

Paramedic services are currently funded within the City through a special paramedic tax assessment. Upon annexation, the proposed development will be charged approximately \$40 annually.

- Law enforcement responsibilities will shift from the San Bernardino County Sheriff's Department to the City of Redlands. The City of Redlands has indicated that it can provide law enforcement service to the reorganization area.
- Sewage collection services will be provided by the City of Redlands. However, its closest sewer line is approximately 1,800 linear feet north along Wabash Avenue. Upon annexation, sewer service will not be extended to the proposed development.
- Water service will be provided by the City of Redlands. Water system production and transmission capital costs are offset by development impact fee charges, while operation and maintenance costs will be offset by user fees. Upon annexation, water service will be extended to the proposed residential development by installing a 12-inch water main along the property's frontage on Wabash Avenue to replace the existing 6-inch water main. The City will construct the replacement line as part of their routine infrastructure program.

As required by Commission policy and State law, the Plan for Service shows that the extension of its services will maintain, and/or exceed, current service levels provided through the County.

ENVIRONMENTAL:

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has indicated that the review of LAFCO 3178 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the reorganization has no potential to cause any adverse effect on the environment. Therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). A copy of Mr. Dodson's analysis is included as Attachment #6 to this report.

Waiver of Protest Proceedings:

The Registrar of Voters has certified that the study area is legally uninhabited and the County Assessor's Office has verified that the study area possesses 100% landowner consent to the reorganization. Therefore, if the Commission approves LAFCO 3178 and none of the affected agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending that protest proceedings be waived and that the Executive Officer be directed to complete the action following completion of the mandatory reconsideration period of 30-days.

CONCLUSION:

LAFCO 3178 was submitted in response to a proposed single-family residential development, which requires receipt of water service from the City of Redlands. LAFCO staff supports the reorganization proposal since the City's Municipal Code clearly states that all projects that are contiguous to the City's boundaries must annex prior to receiving service and the application responds to this requirement.

For these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3178.

DETERMINATIONS:

The following determinations are required to be provided by Commission policy and Government Code Section 56668 for any change of organization/reorganization proposal.

1. The Registrar of Voters Office has certified that the reorganization area is legally uninhabited, containing no registered voters as of March 4, 2014.
2. The County Assessor has determined that the total assessed value of land within the reorganization area is \$85,337.
3. The reorganization area is within the sphere of influence assigned the City of Redlands, within the Crafton community.
4. Commission review of this proposal has been advertised in *The Sun*, a newspaper of general circulation within the reorganization area. Individual notice has been provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notification.
5. LAFCO has provided individual notices to landowners and registered voters surrounding the reorganization area (totaling 87 notices) in accordance with State law and adopted Commission policies. To date, no written comments in support or opposition have been received regarding the consideration of this proposal.
6. The City of Redlands has pre-zoned the reorganization area RE (Residential Estate). This zoning designation is consistent with the City's General Plan and is generally

compatible with the surrounding land uses in the area. Pursuant to the provisions of Government Code Section 56375(e), this zoning designation shall remain in effect for two years following annexation unless specific actions are taken by the City Council.

7. The Commission's Environmental Consultant, Tom Dodson and Associates, has recommended that this proposal is statutorily exempt from environmental review based on the finding that the Commission's approval of the reorganization has no potential to cause any adverse effect on the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). Mr. Dodson recommends that the Commission adopt the Statutory Exemption and direct its Executive Officer to file a Notice of Exemption within five (5) days. A copy of Mr. Dodson's response letter is included as Attachment #6 to this report.
8. The area in question is presently served by the following local agencies:
 - County of San Bernardino
 - San Bernardino Valley Municipal Water District
 - Inland Empire Resource Conservation District
 - San Bernardino County Fire Protection District (SBCFPD) and its Valley Service Zone (fire protection)
 - County Service Area 70 Improvement Zone P-7 (inactive park and recreation district within the Mentone community)
 - County Service Area 70 (multi-function unincorporated area Countywide)

The proposal will detach the territory from the SBCFPD and its Valley Service Zone, and County Service Area 70 and its Zone P-7 as a function of the reorganization. None of the other agencies are affected by this proposal as they are regional in nature.

9. A plan was prepared for the extension of services to the reorganization area, as required by law. The Plan for Service and the Fiscal Impact Analysis indicates that the City can maintain and/or improve the level and range of services currently available in the area.

As a result of the negotiations between the City and County Fire regarding fire protection within the area, the automatic aid agreement that was signed by both parties identifies that both the City and County Fire will provide emergency fire response to the reorganization area and that County Fire will be the first to respond to any emergency or non-emergency calls within the area.

10. The reorganization proposal complies with Commission policies that indicate the preference for areas proposed for development at an urban-level land use to be included within a City so that the full range of municipal services can be planned, funded, extended and maintained.

The Commission recommends that the City and County work together to develop a contractual framework for road maintenance within the Redlands sphere of influence

to address issues which arise through the implementation of Measure U's requirements. A contract would offer the ability to exchange maintenance responsibility for certain stretches of a roadway so that a more comprehensive approach can be achieved in order to alleviate any future road maintenance service concerns. This type of sharing service obligation better serves the community using the road system

11. The reorganization area can benefit from the availability and extension of municipal services from the City of Redlands.
12. This proposal will assist in the City's ability to achieve its fair share of the regional housing needs since the reorganization area is zoned for residential and the proposed development is for a single-family residence.
13. With respect to environmental justice, LAFCO staff believes that the reorganization area, which is currently vacant, would benefit from the extension of services and facilities from the City and, at the same time, will not result in unfair treatment of any person based on race, culture or income.
14. The County of San Bernardino and the City of Redlands have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this reorganization. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
15. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

KRM/sm

Attachments:

1. [Vicinity Maps and Reorganization Area Maps](#)
2. [Application, Plan for Service, and Fiscal Impact Analysis](#)
3. [Chapter 13.60 of the City Redlands' Municipal Code](#)
4. [Automatic Aid Agreement No. 06-435 Between the County and the City for Fire Protection including Amendments Nos. 1 and 2 to Automatic Aid Agreement No. 06-435](#)
5. [Landowner Consent Form](#)
6. [Response from the Commission's Environmental Consultant, Tom Dodson and Associates, on Environmental Determination](#)
7. [Draft Resolution No. 3180](#)