

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MARCH 11, 2015

**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer

**TO:** LOCAL AGENCY FORMATION COMMISSION



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**SUBJECT:** AGENDA ITEM #5 – LAFCO 3185 –Sphere of Influence Expansion for the San Bernardino County Fire Protection District and Reduction for the Crest Forest Fire Protection District

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**INITIATED BY:**

Board of Directors of the Crest Forest Fire Protection District

**RECOMMENDATION:**

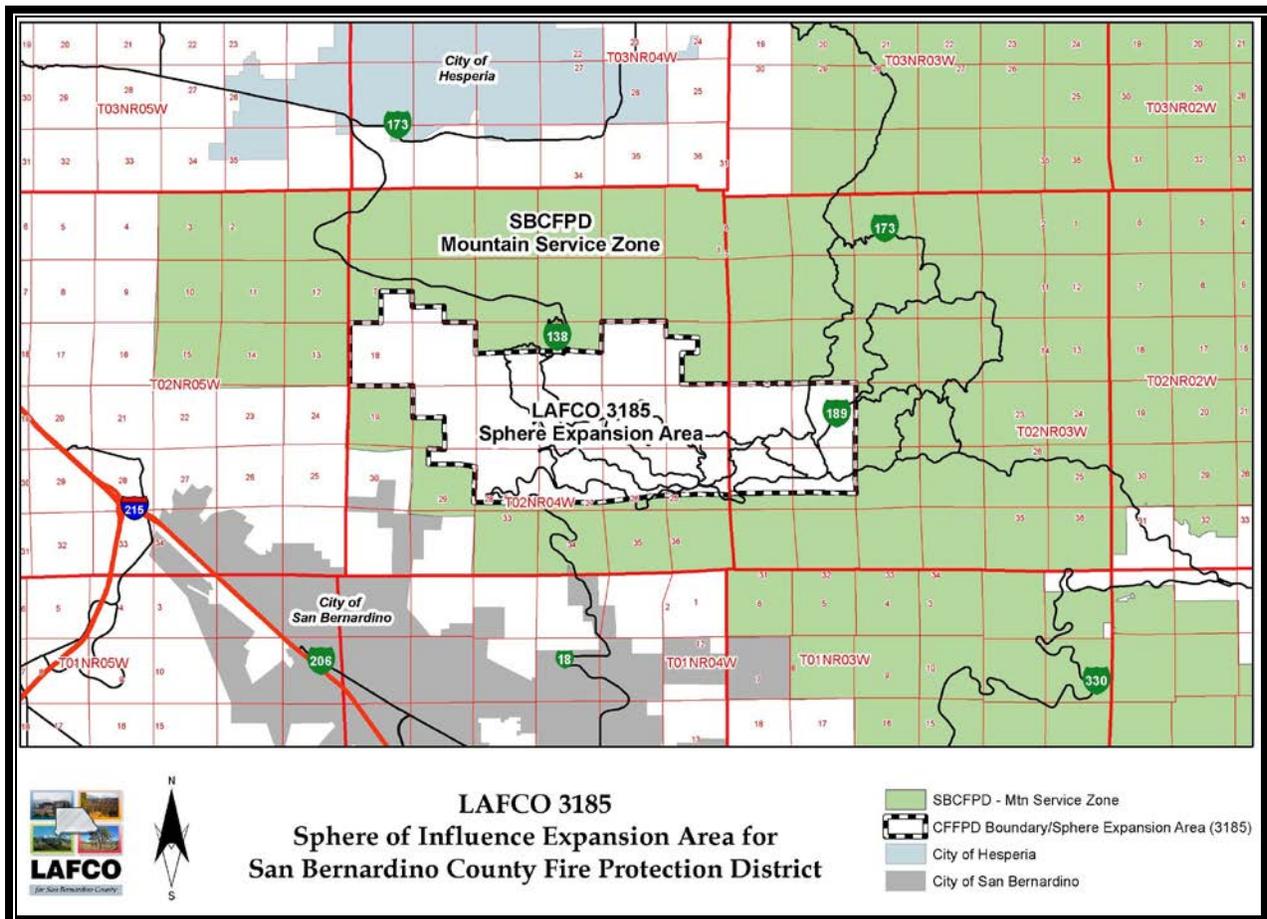
LAFCO staff recommends that the Commission make the following determinations:

1. Determine that the proposal presented for sphere of influence amendment does not require a service review as provided for in Government Code Section 56430 as the review in LAFCO 3127 completed in December 2010 has not substantially changed;
2. Certify that LAFCO 3185 is statutorily exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days;
3. Approve the expansion of the sphere of influence for the San Bernardino County Fire Protection District to include the territory of the existing Crest Forest Fire Protection District;
4. Approve the reduction to a zero sphere of influence designation for the Crest Forest Fire Protection District; and,
5. Adopt LAFCO Resolution No. 3195 reflecting the Commission's determinations, and findings for the sphere of influence changes identified.

**BACKGROUND:**

On November 18, 2014, the Board of Directors of the Crest Forest Fire Protection District (hereafter shown as “Crest Forest FPD” or “District”) adopted Resolution No. 14-09 initiating an application to expand the sphere of influence for the San Bernardino County Fire Protection District (hereafter shown as “County Fire”) to include the territory of the independent Crest Forest Fire Protection District. At the same meeting, the Board of Directors initiated an application to annex the District to County Fire and dissolve the Crest Forest FPD. This set of actions was taken in recognition of the dire financial position of the District and its desire to seek a means to continue the level of service enjoyed by the residents of the Crest Forest community.

The intent of the proposal is to expand the sphere of influence of County Fire to include the area and to assign the Crest Forest FPD a zero sphere of influence (an indication by the Commission that it should be consolidated with another jurisdiction). A map illustrating the sphere expansion is included as Attachment #1 to this report and shown below:



Expansion of the sphere of influence will allow for the annexation of the District's territory BY COUNTY Fire AND its Mountain Service Zone and the dissolution of the Crest Forest FPD through a separate action, LAFCO 3186, to be heard following this consideration. This set of proposals is intended to maintain fire protection, emergency medical response and ambulance service within the area given the financial issues which have rained down upon the District over the past five years.

Pursuant to the provision of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, in evaluating the District's request for a sphere of influence change the Commission is required to review the factors defined in Government Code Section 56430 (Service Review). However, staff is recommending that the Commission determine that the service review conducted in December 2010 is adequate for this review (a complete copy of which is included as Attachment #3 to this report).

The materials that follow provide the data and analysis for the evaluation of the factors of consideration for a sphere of influence amendment outlined in Government Code Section 56425. Each of these requires a determination to be made by the Commission.

### **SPHERE OF INFLUENCE DETERMINATIONS:**

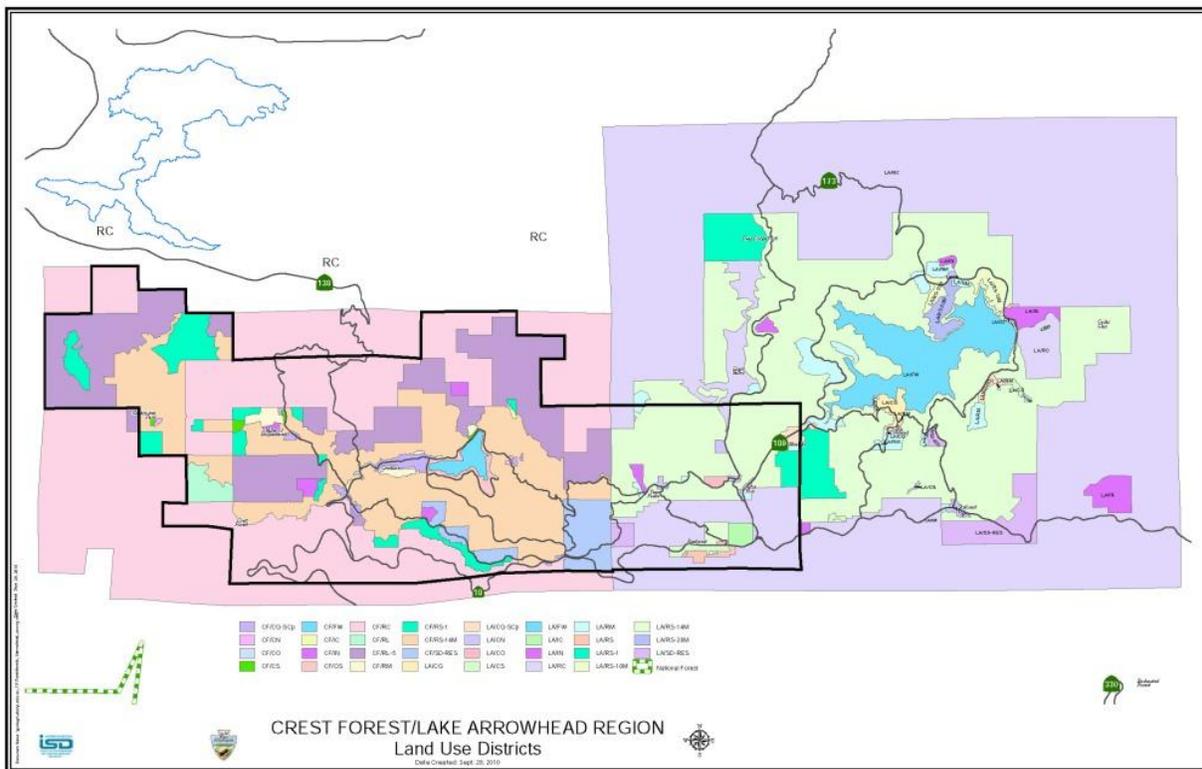
The Board of Directors of the Crest Forest Fire Protection District has submitted an application requesting that LAFCO amend the sphere of influence of County Fire to include the Crest Forest FPD and to designate a zero sphere of influence for the Crest Forest FPD. This proposal, in essence, addresses the Crest Forest community within the Mountain region encompassing approximately 11,520 acres (18 square miles). The purpose of these changes is to allow the Commission to consider the transfer of fire protection, emergency medical response and ambulance service permanently from the Crest Forest FPD to County Fire. This determination will finalize actions begun in 2013 when the Crest Forest FPD contracted with County Fire to provide its fire protection, emergency response and ambulance responsibilities and transferred all of its employees to County Fire. At this time, Crest Forest FPD is an administrative shell to implement the provisions of the contract. Therefore, LAFCO staff is recommending that the Commission:

1. Expand the sphere of influence of the San Bernardino County Fire Protection District to include the territory of the Crest Forest FPD; and,
2. Designate a zero sphere of influence for the Crest Forest FPD signaling the determination that the entity should be dissolved and its operations and functions transferred to County Fire.

The following factors addresses the mandatory factors:

**1. The Present and Planned Land Uses in the area including agricultural and open-space lands**

The land area proposed to be included in the sphere of influence of the San Bernardino FPD includes land use designations from the most urban intensity to territory anticipated for preservation as open space. Development in the San Bernardino Mountains is naturally constrained by rugged terrain, limited access, and lack of support infrastructure, as well as by planning and environmental policies which place much of the area off limits to significant development. Maximum build-out potential is substantially constrained by the slope-density standards and fuel modification requirements of the County General Plan Fire Safety Overlay. The private lands within the district have land use designations of predominantly residential (RS-14M and RL-5), with scattered commercial along State Route 138 and along Lake Drive west of Lake Gregory. The public lands within the community are designated Resource Conservation.



Roughly 81% of the lands within the community is privately owned with the remainder within the San Bernardino National Forest (owned by the federal government), which are devoted primarily to resource protection and recreational use.

In general, the San Bernardino Mountains is one of the most densely populated mountain areas within the country, and is the most densely populated urban forest west of the Mississippi River. However, there is a large seasonal population component as well as a substantial influx of visitors to the mountain resort areas. The seasonal population and visitors are not reflected in available demographic statistics, which count only year-round residents. The current estimate of population within the Crest Forest community for 2014 is 18,753 year-round residents.

As an unincorporated area, the County General Plan addresses the land use issues for the community along with the Crest Forest Community Plan. These plans include the following goals related to fire protection and emergency response:

**Goal LU8-3 (Subsection 1)** “Create a County Fire Master Plan that will identify the various areas of the County and provide standards of coverage commensurate with the various characteristics of the County but whose goal is to achieve the levels of service established by the National Fire Protection Association NFPA) 1710 and 1720.

**Goal CI 16.1** “Continue the consolidation efforts of the Fire Department to maintain the continued operation, services, facilities, and current infrastructure but also to ensure the provision of operations, service facilities and internal infrastructure into the future.

Approval of this sphere of influence amendment proposal will move these goals forward for the unincorporated community of Crest Forest.

## **2. The present and probable need for public facilities and services in the area**

The Crest Forest FPD has submitted a response to the Factors of Consideration for the sphere of influence amendment and County Fire has developed a Plan for Service which outlines the continuing delivery of fire protection, emergency medical response and ambulance service to the Crest Forest community. The need for a maintenance of a community emergency response agency in a mountain community cannot be minimized. There are generally two ways off the mountain for the Crest Forest community and the development of a Strategic Plan to address this emergency response is critical to the community. In the past, financial constraints within the Crest Forest FPD prevented this plan from being prepared. However, through the completion of the companion annexation proposal, the community will continue to receive the fire protection, emergency medical response and ambulance services they have enjoyed in the past and may receive the much needed Strategic Plan document through County Fire.

## **3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide**

The package of applications submitted by the Crest Forest FPD is intended to maintain the current level of fire protection, emergency response, and ambulance service provided to the community. In 2013 the District contracted with County Fire to provide its range of services in order to resolve financial concerns related to ongoing operations and the desire to maintain staffing and service levels provided to the community. This sphere of influence amendment application will allow for the delivery of fire protection, emergency response and ambulance service to continue through completion of the reorganization process. No increase in service is anticipated through the completion of this set of proposals.

**4. The existence of any social or economic communities of interest determined by the Commission to be relevant to the agency:**

The 18 square mile area of the Crest Forest FPD is the heart of the Crest Forest community, which includes areas commonly known as Crestline, Cedarpines Park, Valley of the Moon, Twin Peaks, and Sawpit Canyon. The assurance of continuing fire protection, emergency response and ambulance service is critical to the long term viability of this area as a year-round community with opportunities for commerce, housing, education and recreational pursuits.

**Services of the Agency:**

Government Code Section 56425(i) requires that during a sphere of influence amendment or update for a Special District the Commission is required to review and identify the range of services to be provided, as well as the nature and location of these services. At present the Commission's "Exhibit A" listing the functions and services of special districts identifies the San Bernardino County Fire Protection District as follows:

Fire	Structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services. rescue, first aid, paramedic, ambulance transportation, emergency response, and disaster preparedness planning
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The nature and location of the provision of these services to the Crest Forest community will be considered within the companion proposal, LAFCO 3186.

The Crest Forest FPD is currently authorized the following services under its Fire Function all of which are included within the authorized services for the San Bernardino County FPD and delivered through its Mountain Service Zone.

Fire Protection	Structural, watershed, suppression, prevention, communications, ambulance, and paramedic
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**ADDITIONAL DETERMINATIONS:**

1. The Commission is the lead agency for review of the potential environmental consequences of the sphere of influence modifications. LAFCO staff has provided the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, with the application materials and responses provided by the Crest Forest FPD and County Fire. Mr. Dodson has reviewed this proposal and has indicated that it is his recommendation that the reorganization is statutorily exempt from the California Environmental Quality Act (CEQA) (copy of letter included as Attachment #3). This determination is based on the fact that the transition from the Crest Forest FPD to the San Bernardino County FPD is without change in services provided or area served. Therefore, this action is exempt as defined under Section 15061(b) (3) of the State CEQA Guidelines. It is recommended that the Commission adopt the General Rule Statutory Exemption for this proposal by taking the actions outlined in the recommendation section of this report.
2. Notice of the Commission's consideration of this issue has been advertised as required by State law through publication in *The Sun*, and *Alpenhorn* newspapers of general circulation in the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies wishing mailed notice.
3. The map and legal description of this sphere of influence amendment, was prepared and certified by the County Surveyor's office.

**CONCLUSION:**

LAFCO 3185 is the first step in a two part process to provide for the continuing fire protection, emergency response and ambulance services to the Crestline community. The independent Crest Forest FPD Board of Directors and staff did all that they could to maintain an independent fire protection district, one which had been in existence for more than 50 years, within the financial constraints of the recession and increasing retirement costs. However, the financial circumstances led the District to contract with County Fire in 2013 for continuation of service and the District shed its employees resulting in significant payments for unfunded pension liability issues. The increases in the County Fire contract costs have resulted in the determination by the District that in order to maintain service to the residents and property owners of Crestline, it must move forward to consolidate with County Fire. LAFCO 3185 allows for those jurisdictional actions to be considered.

For all the reasons outlined in this report, LAFCO staff supports the change in sphere of influence designations as identified in this report to expand the sphere for County Fire and its related service zones and to assign a zero sphere of influence to the Crest Forest FPD

signaling recommendation for its ultimate dissolution. The actions recommended for the Commission are outlined on page one of this report.

KRM/

Attachments:

1. [Vicinity Map and Map of Proposed Sphere expansion](#)
2. [Crest Forest Fire Protection District Application for Sphere of Influence Expansion /Reduction Including Supplemental Data](#)
3. [Resolution No. 3116 for the Service Review/Sphere Update for LAFCO 3127 Crest Forest FPD, Excerpts Related to Crest Forest FPD from Staff Report for the Crest Forest Community Service Review Dated November 30, 2010](#)
4. [Letter from Commission Environmental Consultant Tom Dodson of Tom Dodson and Associates Dated February 19, 2015](#)
5. [Draft LAFCO Resolution No. 3195](#)