


LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JULY 6, 2015 
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
SAMUEL MARTINEZ, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #8: LAFCO 3182 – Reorganization to include City of Loma Linda Annexation and Detachment from San Bernardino County Fire Protection District, its Valley Service Zone, and County Service Area 70

INITIATED BY:

Landowner Petition, Robert W. Bell and California Giant, Inc.

RECOMMENDATION:

The staff recommends that the Commission approve LAFCO 3182 by taking the following actions:

1. With respect to environmental review:
 - a) Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City's Initial Study and Mitigated Negative Declaration for the General Plan Amendment (GPA 14-075), Pre-Zone (ZMA 14-076), Tentative Tract Map 14-073 (TTM 18963) and Annexation (ANX 14-074) for approximately 20 acres;
 - b) Determine that the City's environmental assessment and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO 3182;
 - c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures identified in the City's environmental document are the responsibility of the City and/or others, not the Commission; and,
 - d) Direct the Executive Officer to file the Notice of Determination within five (5) days and find that no further Department of Fish and Wildlife filing fees are

required by the Commission's approval of LAFCO 3182 since the City of Loma Linda, as lead agency, has paid said fees.

2. Approve LAFCO 3182, with the standard LAFCO terms and conditions that include the "hold harmless" clause for potential litigation costs by the applicant and the continuation of fees, charges, and/or assessments currently authorized by the annexing agency; and,
3. Adopt LAFCO Resolution #3201, setting forth the Commission's determinations and conditions of approval concerning this proposal.

BACKGROUND INFORMATION:

LAFCO 3182, a proposal initiated by landowner petition in May 2014, is a reorganization proposal that includes annexation to the City of Loma Linda (hereafter the "City") and detachment from the San Bernardino County Fire Protection District (SBCFPD), its Valley Service Zone, and County Service Area (CSA) 70. The reorganization area includes four parcels, Assessor Parcel Numbers (APNs) 292-161-01, 08, 11, and 12, encompassing approximately 20 acres, generally located within the City of Loma Linda's eastern sphere of influence.

As shown in Figure 1 below, the reorganization area is general bordered by Citrus Avenue on the north; parcel lines on the east; Orange Avenue (existing City of Loma Linda boundary) on the south; and California Street (existing City of Loma Linda boundary) on the west. Location and vicinity maps are also included as Attachment #1 to this report.

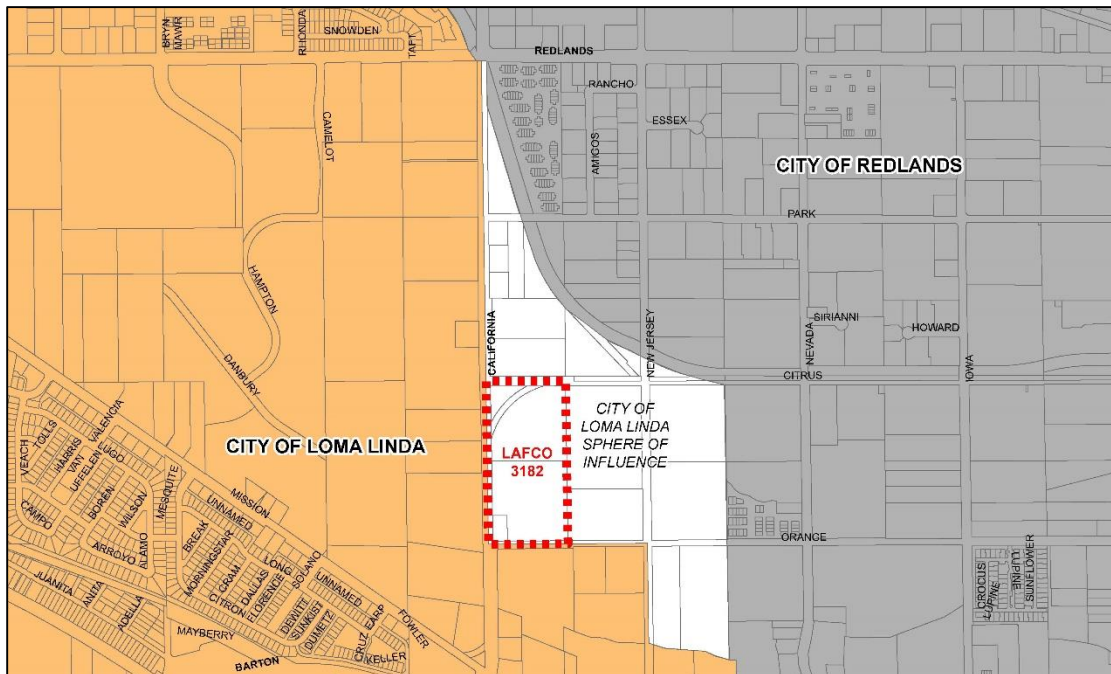


Fig. 1: LAFCO 3182 Vicinity Map

The overall reorganization area is composed of two distinct areas. The northern half of the reorganization area is identified throughout the staff report as the Bell properties (APN 292-161-01 and 11), which are the properties owned by Robert W. Bell and California Giant, Inc, the landowners who initiated the application proposal.

The southern half of the reorganization area is identified throughout the staff report as the Ramirez properties (APNs 292-161-08 and 12). The two parcels associated with the Ramirez properties were subsequently added as part of the reorganization proposal, but are not being developed at this time.

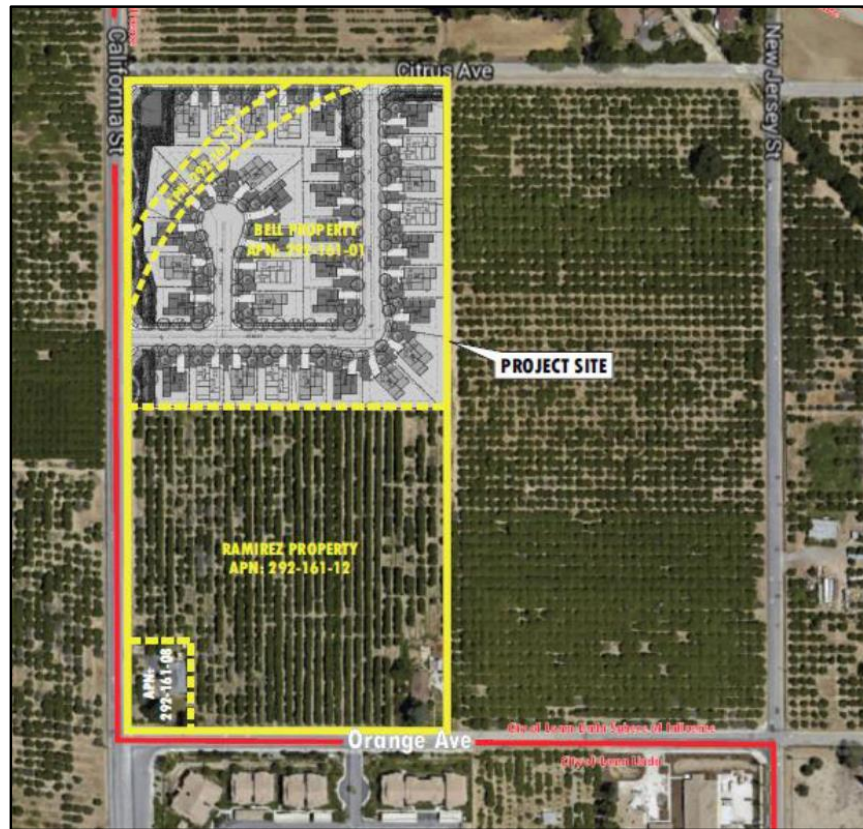


Fig. 2: Aerial of Reorganization Area
with Overlay of the Proposed Development

The parcels associated with the Bell properties are being developed as Tentative Tract 18963, a 35-lot single-family residential subdivision. In order for the development to proceed, it requires receipt of water and sewer service from the City of Loma Linda. The parcels, which are contiguous to the City's boundaries are required to annex to the City prior to receiving such services. This policy is a result of the City's "Measure V", a referendum that was approved by its voters in 2006.

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:

When the developer initially came to LAFCO to go over its application, it originally intended to submit an annexation proposal that only included the parcels that were proposed for development in the Tentative Tract. At that time, LAFCO expressed its concern regarding the creation of an unincorporated peninsula between the proposed development and the existing boundaries of the City southerly of Orange Street.

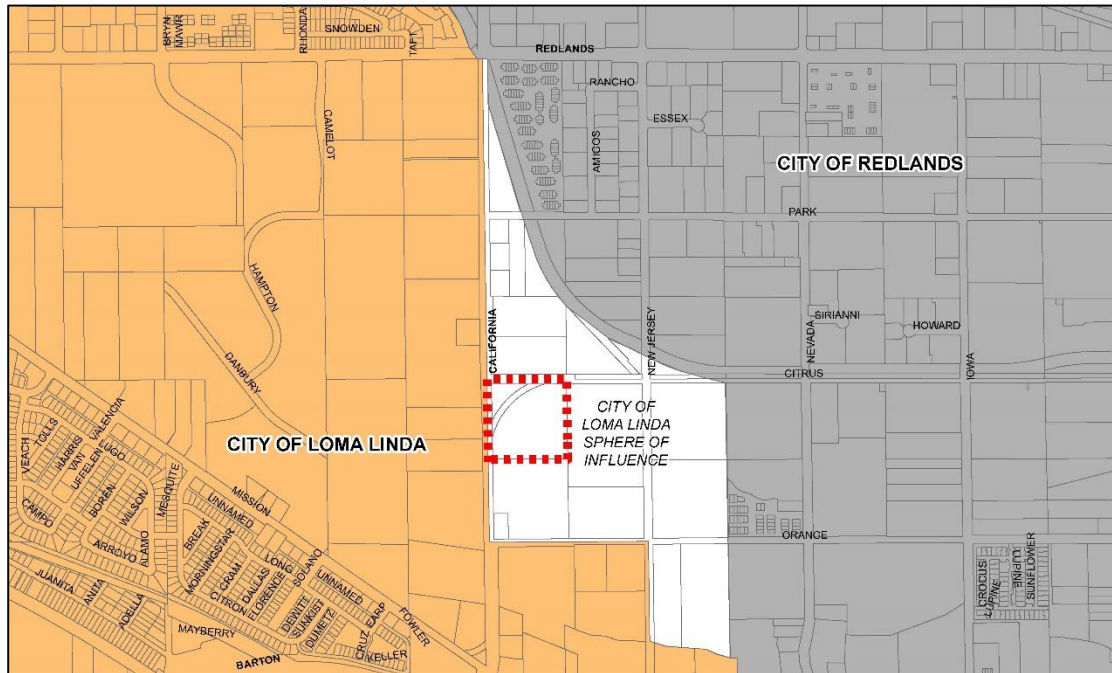


Fig. 3: Old Vicinity Map

Thus, the developer—together with the City—worked with surrounding property owners to address a more logical and efficient boundary configuration for the proposed annexation. In this case, the properties south of the proposed development have been included as part of the overall proposal. The City also approached the property owners located easterly of the annexation area. However, inclusion of said properties would have significantly delayed the processing of the annexation since said property owners were not yet ready to process their project entitlements with the City.

The Commission may question the viability of annexing the entire island of unincorporated territory at this time. This option was also discussed with the City as the area would meet the island annexation provisions of Cortese-Knox-Hertzberg; however, the area includes prime agricultural lands which eliminates the ability to use these streamline annexation procedures. Areas to the east and southerly of Citrus Avenue are continuing to review their options with the City for a future annexation.

Because of their efforts, both the developer and the City have adhered to the Commission's position that it needs to propose a jurisdictional change which supports efficient delivery of

services and, where possible, such areas should be expanded to encompass a larger area feasible for annexation. Therefore, it is LAFCO staff's position that LAFCO 3182, as proposed, is a logical extension of the City since it includes the whole block along California Avenue, between the existing boundaries of the City (along Orange Street) to Citrus Avenue, which is an easily identifiable boundary for service delivery.

LAND USE:

The existing land use for the reorganization area is citrus groves with associated residential structures within the groves. Existing uses directly surrounding the reorganization area include citrus groves to the west, north, and east, and an apartment complex (Barton Vineyards) southerly of the reorganization area.

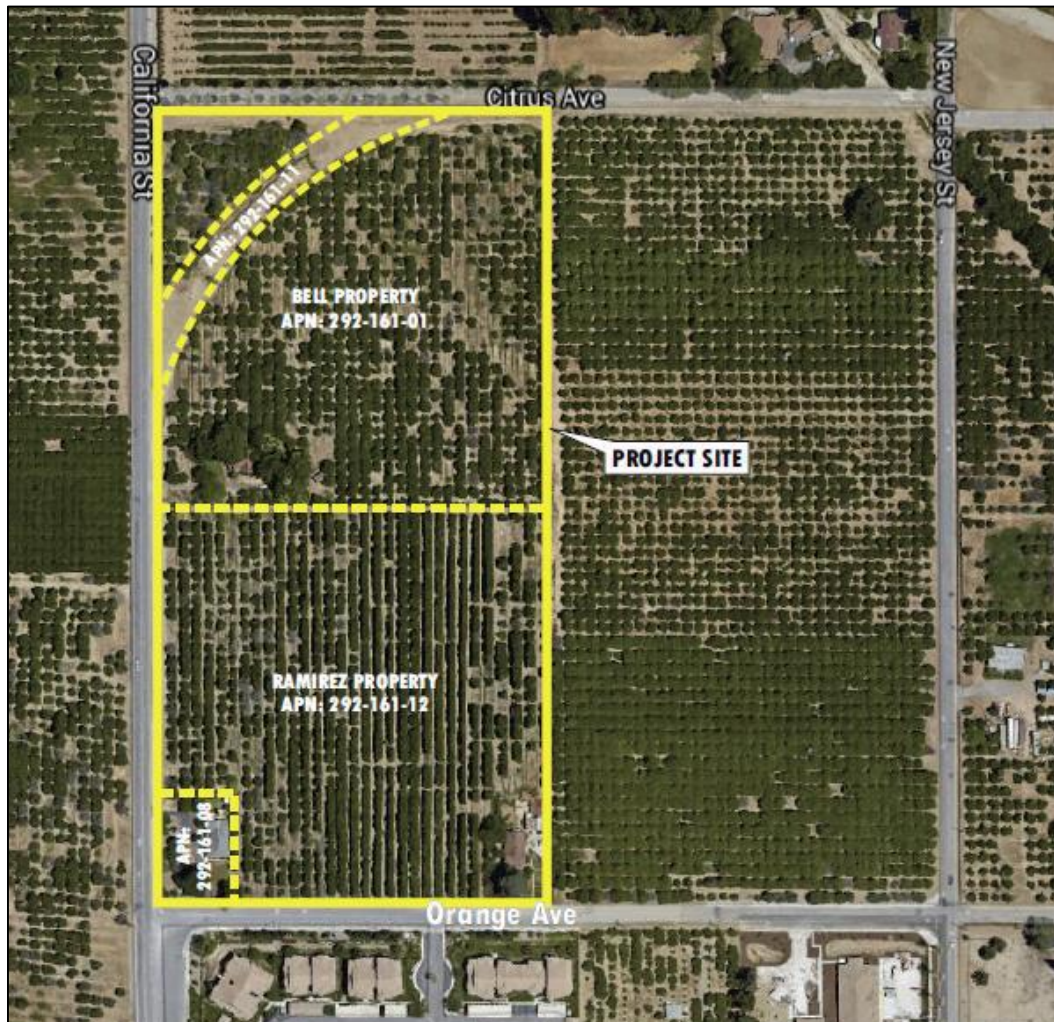


Fig. 4: Aerial of Reorganization Area (Existing)

County Land Use Designations:

The County's current land use designation for the reorganization area is RM (Multiple Residential). The RM land use district provides sites for multiple residential uses, mixed residential uses, and similar and compatible non-residential uses and/or activities.

City's General Plan:

The City's General Plan designates the entire reorganization area, including the surrounding unincorporated City sphere area as Business Park. The City's approval of the Citrus Lane Project included a General Plan Amendment to change the General Plan designation for the Bell properties (APN 292-161-01 and 11) from Business Park to Low Density Residential.

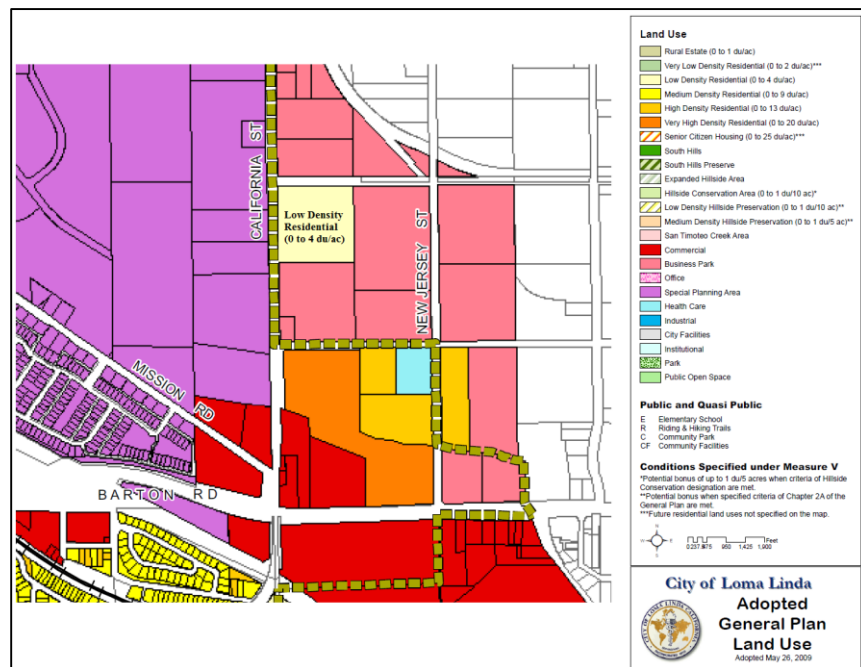


Fig. 5: Proposed General Plan Amendment

Therefore, the current land use designation for the reorganization area are: Low Density Residential for the Bell properties (APNs 292-161-01 and 11) and Business Park for the Ramirez properties (APNs 292-161-08 and 12). Since the County allows for location of its Multiple Residential in areas having close proximity to major commercial and public facilities, the land use determinations between the City and County are generally compatible.

City's Pre-Zone Designations:

The City of Loma Linda also processed pre-zoning as part of its approval of the Citrus Lane Project. The City's pre-zone designations for the reorganization area are: R-1 (Single Residence) for the Bell properties (APNs 292-161-01 and 11) and C-2 (General Business) for the Ramirez properties (APNs 292-161-08 and 12).

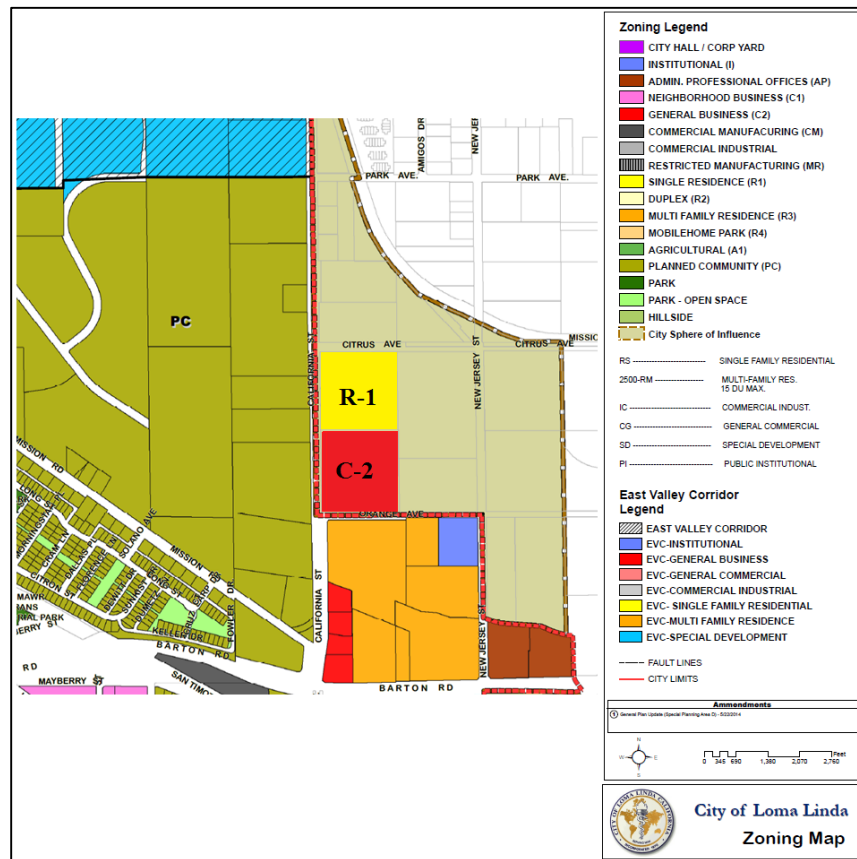


Fig. 6: Proposed Pre-Zoning

These pre-zone designations are consistent with the City's General Plan designations for the area and are also consistent with surrounding land uses. Pursuant to the provisions of Government Code Section 56375(e), these zoning designations 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.

Conversion of Agricultural Land

One of the main tenets of LAFCO Law is the preservation of open-space and prime agricultural lands. According to the California Department of Conservation, Division of Land Resources Protection, Farmland Mapping and Monitoring Program, the reorganization area is designated as Prime Farmland. Therefore, the proposed development within LAFCO

3182, Tentative Tract 18963, is anticipated to convert a total of 9.5 acres of Prime Farmland to non-agricultural use.

When considering a proposal with open-space conversion, Government Code Section 56377 requires that the Commission consider policies and priorities regarding such conversion of existing open-space lands by: 1) steering away from agricultural conversion unless the proposal “would not promote the planned, orderly, efficient development of an area”, and 2) encourage the development of existing vacant or non-prime agricultural lands for urban uses within the existing jurisdiction or within the sphere of influence of the local agency before any proposal is approved that would allow for the development of existing open-space lands for non-open-space uses outside the existing jurisdiction or outside the existing sphere of influence of the local agency.

First, LAFCO 3182 does promote the planned, orderly efficient development of the area since the proposal area is adjacent to existing residential development within the City of Loma Linda and is adjacent to areas that are designated for specific plan development within the City and Business Park development within its unincorporated sphere of influence. Secondly, although the development will convert prime farmland to a non-open-space use, the area is already within the sphere of influence for the City or Loma Linda, and has been within its sphere of influence for many years and mitigation measures are included in the City’s approval of the Tentative Tract as outlined below. Therefore, the conversion of prime farmland for the proposed development within LAFCO 3182 can be justified based on the LAFCO policies and priorities related to farmland conversion.

In addition, in order to reduce the environmental impacts of the conversion of prime farmland to a less-than-significant level, a mitigation measure has been imposed on the project that requires the developer “to replace, protect or provide a conservation easement for the loss prime farmland. A total of 9.5 acres of prime agricultural land or conservation easement shall be acquired and made available to an existing farmland trust or comparable organization within one year of occupancy of the project site, or a farmland trust or comparable organization shall verify that it has received sufficient funds to acquire prime agricultural land or a conservation easement over such lands.”

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 and its Valley Service Zone (fire protection/paramedics) and County Service Area 70 (multi-function entity). In addition, the following entities overlay the reorganization area: Inland Empire Resource Conservation District, the San Bernardino Valley Water Conservation District, and the San Bernardino Valley Municipal Water District (the State Water Contractor).

The application includes a plan for the extension of services for the reorganization area as required by law and Commission policy (included as part of Attachment #3 to this report). The Plan for Service, which was prepared by Stanley R. Hoffman and Associates and was

certified by the City, 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:

- Sewage collection services will become available through the City upon completion of the reorganization. Existing sewer lines are located in California Street (10-inch main) and Citrus Avenue (8-inch main). The development of the Tentative Tract will connect to the existing sewer main in California Street. However, there will be no effect on existing septic system users, particularly those on the Ramirez properties unless future development on the property exceeds a density over one unit per ½ acre.
- Water service is already provided to the reorganization area by the City. Existing water mains are located along California Street and Citrus Avenue. No change in this service will take place upon completion of the reorganization. However, the development of the Tentative Tract will connect to the existing water main in California Street.
- Law enforcement responsibilities, which are currently provided by the San Bernardino County Sheriff's Department, will transition to the City's contract for service following the completion of the reorganization. The dispatch and supervisory control are from the Sheriff's Central Station located at 655 East Third Street in the City of San Bernardino.
- Solid waste services are currently provided by Republic Services of Southern California within the reorganization area, which will continue to serve these areas upon completion of the reorganization.
- Fire protection and paramedic services are currently the responsibility of San Bernardino County Fire Protection District and its Valley Service Zone. However, the County has contracted with the City of Loma Linda for the provision of these services at no charge through a joint response/automatic aid agreement. One of the City's fire station, which is located at Barton Road and Loma Linda Drive, is the closest Fire Station and is approximately 1.8 miles from the reorganization area.

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:

The City of Loma Linda prepared an environmental assessment and Mitigated Negative Declarations for the Citrus Lane Project, for the following actions:

- General Plan Amendment (GPA 14-075) to change the existing City of Loma Linda General Plan designation from Business Park to Low Density Residential for the Bell properties (APNs 292-161-01 and 11);

- Pre-Zone (ZMA 14-076) to establish R-1 (Single Residence) Zone for the Bell properties (APNs 292-161-01 and 11) and C-2 (General Business) Zone for the Ramirez properties (APNs 292-161-08 and 12);
- Tentative Tract Map 14-073 (TTM 18963) to subdivide the Bell properties (APNs 292-161-01 and 11) into 35 single-family residences and four (4) common lettered lots; and,
- Annexation (ANX 14-074) to annex the reorganization area totaling approximately 20 acres into the City in order to receive city services (e.g., water, sewer).

The City's environmental assessment has been reviewed by the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, who determined that, if the Commission chooses to approve LAFCO 3182, the City's documents are adequate for Commission's use as a responsible agency under CEQA. The following are the necessary environmental actions to be taken by the Commission as a responsible agency under CEQA:

- a) Certify that the Initial Study and Mitigated Negative Declaration prepared by the City for the General Plan Amendment (GPA 14-075), Pre-Zone (ZMA 14-076), Tentative Tract Map 14-073 (TTM 18963), and Annexation (ANX 14-074) have been independently reviewed and considered by the Commission, its staff and its Environmental Consultant;
- b) Determine that the City's environmental assessment and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO 3182;
- c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures identified in the City's environmental documents are the responsibility of the City and/or others, not the Commission; and,
- d) Direct the Executive Officer to file the Notice of Determination within five (5) days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the City, as lead agency, has paid said fees.

CONCLUSION:

The proposal was submitted in response to a development project within the reorganization area that requires urban type services, particularly water and sewer service, which is only available from the City of Loma Linda. The reorganization area has been expanded to support a jurisdictional change that provides for an efficient and effective boundary for service delivery. Finally, the City's "Measure V" 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 3182.

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 County Registrar of Voters Office has determined that the reorganization area is legally uninhabited, containing five (5) registered voters as of June 8, 2015.
2. The County Assessor has determined that the total assessed value of land and improvements within the reorganization area on the secured assessment roll is \$733,315 (land - \$393,513 -- improvements - \$339,802).
3. The reorganization area is within the sphere of influence assigned the City of Loma Linda.
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 staff has provided an individual notice to the landowners and registered voters within the reorganization area (totaling 9 notices) and to landowners and registered voters surrounding the reorganization area (totaling 296 notices) in accordance with State law and adopted Commission policies. Comments from registered voters and landowners and any affected local agency in support or opposition will be reviewed and considered by the Commission in making its determination.
6. The City of Loma Linda has pre-zoned the reorganization area for the following land uses: R-1 (Single Residence) for the Bell properties (APNs 292-161-01 and 11) and C-2 (General Business) for the Ramirez properties (APNs 292-161-08 and 12). These zoning designations are consistent with the City's General Plan. Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for two years following annexation unless specific actions are taken by the City Council.
7. The Southern California Associated Governments (SCAG) adopted its 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3182 has no direct impact on SCAG's Regional Transportation Plan.
8. As a function of its review for the General Plan Amendment (GPA 14-075), Pre-Zone (ZMA 14-076), Tentative Tract Map 14-073 (TTM 18963), and Annexation (ANX 14-074) on approximately 20 acres, the City of Loma Linda acted as the lead agency for the environmental assessment for the reorganization proposal

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the City's Initial Study and Mitigated Negative Declarations and has

indicated that it is his recommendation that the City's environmental assessment and Mitigated Negative Declaration are adequate for the Commission's review of LAFCO 3182 as a responsible agency under CEQA. The necessary actions to be taken by the Commission, as a responsible agency, are outlined in the Environmental Considerations portion of this report. Mr. Dodson's response and the City's environmental assessments for the Citrus Lane Project are included as Attachment #3 to this report.

9. The reorganization area are presently served by the following local agencies:

County of San Bernardino
San Bernardino County Fire Protection District (SBCFPD) and its
SBCFPD Valley Service Zone
San Bernardino Valley Municipal Water District
Inland Empire Resource Conservation District
San Bernardino Valley Water Conservation District
County Service Area 70 (multi-function unincorporated area
Countywide)

The San Bernardino County Fire Protection District, its Valley Service Zone, and County Service Area 70 will be detached as a function of the reorganization. None of the other agencies are affected by this proposal as they are regional in nature.

10. A plan was prepared for the extension of services to the reorganization area, as required by law. The Plan for Service, which was prepared by Stanley R. Hoffman and Associates and was certified by the City, indicates that the City can maintain and/or improve the level and range of services currently available in the area. A copy of this plan is included as a part of Attachment #2 to this report.
11. The reorganization area can benefit from the availability and extension of municipal services from the City of Loma Linda and has benefitted from the delivery of water service from the City as well as fire protection and emergency medical response service (through its contract with the San Bernardino County Fire Protection District to provide the service).
12. This proposal will assist in the City's ability to achieve its fair share of the regional housing needs since a portion of the reorganization area is being proposed for development of a 35 single-family residential subdivision.
13. With respect to environmental justice, the following profile was generated using ESRI's Community Analyst with regard to race and income within the City of Loma Linda and within and around the reorganization area (2015 population data):

The City of Loma Linda has a citywide population that is 22.2 percent Hispanic. Based on information taken for the reorganization area and its adjacent unincorporated sphere of influence area, said area has a population that is 25.6 percent Hispanic, which is slightly larger than the City's overall data. With regard to income, the City of Loma Linda has a citywide median household income of \$51,037. Again, based on information taken for the reorganization area and its

adjacent unincorporated sphere of influence area, said area reflects a median household income of \$50,000 for 2015.

Therefore, LAFCO staff believes that the reorganization area would benefit from the extension of services and facilities from the City and, at the same time, would not result in unfair treatment of any person based on race, culture or income.

14. The County of San Bernardino and the City of Loma Linda 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 and Plan for Service Including Fiscal Impact Analysis](#)
3. [Response from Tom Dodson and Associates including the City of Loma Linda's City's Recirculated Initial Study and Mitigated Negative Declaration for the Citrus Lane Project](#)
4. [Draft Resolution No. 3201](#)