

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

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FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
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TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #7 – Six Month Update on the City of Rialto’s Initiation
of its Five North Rialto Islands

RECOMMENDATION:

Staff recommends that the Commission note receipt of the update and file.

BACKGROUND:

At the May 18, 2016 LAFCO hearing, the Commission approved LAFCO 3201, the reorganization that included the annexation of Lytle Creek Ranch Specific Plan (portion) into the City of Rialto, including adoption of Resolution No. 3222 setting forth the Commission’s conditions and determinations (copy included as Attachment #1). Unique to this proposal was a condition, which was discussed at great length during the LAFCO hearing, requiring the City of Rialto to annex its five “North Rialto islands”. The condition, as approved by the Commission, reads as follows:

Condition No. 4. The City of Rialto shall be required to initiate the five North Rialto Islands identified on the map included as Exhibit “G” within one year of the Commission’s approval of LAFCO 3201. A resolution by the City Council of the City of Rialto shall be submitted to the Executive Officer of LAFCO outlining the City’s commitment to fulfilling this requirement prior to the issuance of the Certificate of Completion for LAFCO 3201. A status report shall be provided to the Commission at the six month date outlining the progress of the City of Rialto in fulfilling its obligation. Failure on the part of the City of Rialto to fulfill its commitment for annexation of the five North Rialto islands shall require that the next annexation proposed to the City of Rialto, either by the City through resolution or by property owner/registered voter petition, shall include the

condition requiring the initiation of the North Rialto islands with the condition of approval being deemed completed upon the issuance of the Certificate(s) of Filing for the Islands either individually or as a reorganization;

LAFCO staff is providing the Commission with the required six-month update on the status of the City's compliance with the condition outlined above.

DISCUSSION:

In response to staff's request for an update on fulfilling its obligation, City of Rialto staff indicated it was taking an item to its City Council at its November 8 Council meeting (copy included as Attachment #2), requesting the Council to authorize the commencement of the process. That process is to initiate the annexation of the five islands, including the various special requirements for an island annexation as required by LAFCO policy. Below is the 10-point action plan/timeline that the City states will be accomplished in the next six months, as outlined in its Council staff report:

Task	Timeline
1. Land Survey to identify parcels and property owners with photographs	Nov. – Dec. 2016
2. Update Plan for Services including Infrastructure Needs Assessment and Fiscal Impact Analysis	January 2017
3. Present Survey, Infrastructure and Plan for Services to Economic Development Committee (EDC), and City Council	January 2017
4. Identify Annexation Task Force members	February 2017
5. Prepare social media information for distribution and web access including an "Annexation Myths" fact sheet	February 2017
6. Host a series of public information meetings throughout the community	March 2017
7. Prepare LAFCO annexation application	March 2017
8. Schedule Pre-Annexation application for review by the EDC and Planning Commission	March 2017
9. Schedule Pre-Annexation application for review by the City Council	April 2017
10. File annexation application with LAFCO	May 2017

Although the timeline looks overly aggressive, in LAFCO staff's view, the island annexation process can be accomplished so long as the City does not miss any of its target dates. The key considerations to meet this timeline are outlined as follows:

LAFCO Island Annexation Policy

The most important item on the timeline that LAFCO staff is concerned about is the community outreach efforts that the City is planning to conduct sometime in March 2017.

Pursuant to the Commission's Island Annexation policies, one of the requirements is for the City "...to have conducted a public relations/education effort within the affected area..." (Policy 11(b), Section 4, Application Processing, San Bernardino LAFCO Policy and Procedure Manual) and "*documentation of the City's outreach efforts will be presented to the Commission as part of its consideration of the island(s)*". Therefore, it is pertinent that the City conduct its outreach efforts in a timely manner and provide LAFCO staff with all the documentation related to its outreach program (i.e. handouts, notice of community meeting, etc.). It is staff's expectation that the City will invite LAFCO staff to participate in its community outreach program. Also, one of the items that the City is planning to prepare is a fact sheet regarding "Annexation Myths". Again, it is LAFCO staff's expectation that the City will provide LAFCO staff the opportunity to review such fact sheet before it is provided to the public.

Finally, one other item that the City identified in its staff report (not a part of its 10-point action plan) is the requirement to pre-zone the areas to be annexed. LAFCO staff's concerns related to this are twofold:

1. LAFCO staff is concerned that the staff report identifies that the City's requirement is to automatically assign annexed areas an "R-1 A" single-family zone and that the City is pre-zoning the islands as such. For Islands 1, 2, 3, and 5, LAFCO staff does not believe this poses any issues since these four islands are all built-out. If the City moves forward with pre-zoning the entirety of Island 4 as Single Family Residential R-1 A, State law requires that this pre-zone designation hold for a period of two years after the annexation.
2. Pre-zoning the island areas could be a time consuming process that could delay the City's filing should a general plan amendment be required. However, as noted above, four of the five islands are fully developed. Pursuant to Government Code Section 56375(a)(7), if the City can provide evidence that the existing developments within these four islands are fully vested (or are already built-out) and are consistent with the City's General Plan no pre-zoning would be required. This would save some processing time for the City since it will only have to pre-zone Island 4.

CONCLUSION:

Based on the timeline the City is proposing in its 10-point action plan, LAFCO staff believes the condition to initiate the annexation of the five North Rialto islands could be accomplished within the required one year after approval of LAFCO 3201. Therefore, staff is recommending that the Commission take the action outlined on page one of this staff report and continue to monitor the City's initiation process to annex its five North Rialto islands as outlined in the condition through adoption of LAFCO Resolution No. 3222.

KRM/sm

Attachment:

1. LAFCO Resolution No. 3222
2. November 8, 2016 City Council Agenda Item Related to Begin the Process of Initiating the Five North Rialto Islands