

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North D Street, Suite 204, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 885-8170
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: JANUARY 5, 2015 
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
SAMUEL MARTINEZ, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #8: LAFCO 3214 – Reorganization to include Annexation to the City of Loma Linda and Detachment from San Bernardino County Fire Protection District and its Valley Service Zone, and County Service Area 70 (California Street Island)

INITIATED BY:

City of Loma Linda Council Resolution

RECOMMENDATION:

The staff recommends that the Commission approve LAFCO 3214 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 General Plan Amendment (GPA 15-044) from Business Park to Low Density Residential for 30-acre property; Pre-zone (ZMA 15-045) for Single Family Residence (R-1) on 39 acres, Multi Family Residence (R-3) on 18 acres, Institutional (I) on 13 acres, and General Business (C-2) on 10 acres; Annexation (ANX 15-043) for a total of approximately 80 acres; and Tentative Tract Map 19963 (TTM 15-046) to Subdivide a 30-acre property into 95 single-family residences and nine (9) common lettered lots;
 - 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 3214;
 - 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 3214 since the City of Loma Linda, as lead agency, has paid said fees.
2. Approve LAFCO 3214, 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 #3240, setting forth the Commission's determinations and conditions of approval concerning this proposal.

BACKGROUND INFORMATION:

LAFCO 3214 is a reorganization proposal initiated by the City of Loma Linda 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 proposed reorganization area encompasses approximately 84 acres and is a totally surrounded island of unincorporated territory generally bounded by the Mission Zanja Creek (existing City of Redlands boundary) on the northeast, parcel lines (existing City of Redlands boundary) on the east, a combination of parcel lines, New Jersey Street and Orange Avenue (existing City of Loma Linda boundary) on the south, and a combination of parcel lines and California Street (existing City of Loma Linda boundary) on the west, generally located within the City of Loma Linda's eastern sphere of influence. Below is a vicinity map of the reorganization area. Location and vicinity maps are also included as Attachment #1 to this report.



The City's purposes in initiating this reorganization, as outlined in its application, is to provide services for the proposed Tentative Tract Map (TTM) 19963 (also known as the "Orchard Heights Project"), a 95-unit single family residential development on 30 acres of the entire reorganization area. In order for the development to proceed, it requires receipt of water and sewer service from the City of Loma Linda. The parcels associated with TTM 19963 are contiguous to the City's boundaries; therefore, per the City's "Measure V" (a referendum that was approved by its voters in 2006), this proposed development is required to annex to the City prior to receiving such services.

However, annexing only the parcels associated with the Orchard Heights Project would create two totally-surrounded islands of unincorporated territory. Therefore, the City decided to move forward with annexing the entire island to address the requirement of the proposed development project and, at the same time, clean up its boundaries by removing the entirety of the unincorporated island.

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 is generally bordered by generally bounded by the Mission Zanja Creek (existing City of Redlands boundary) on the northeast, parcel lines (existing City of Redlands boundary) on the east, a combination of parcel lines, New Jersey Street and Orange Avenue (existing City of Loma Linda boundary) on the south, and a combination of parcel lines and California Street (existing City of Loma Linda boundary) on the west, generally located within the City of Loma Linda’s eastern sphere of influence.).

As the vicinity map above shows, the area proposed for annexation is a totally surrounded island of unincorporated territory and is less than 150 acres initiated by City resolution. So, the question would be why the island annexation provisions aren’t being utilized in this case. The reason is that the territory includes agricultural lands which meet the definition of prime agricultural land as outlined in Govt. Code Section 56064. The island provisions, both Government Code Section 56375.3 which removes protest and Section 56375(a)(4) which eliminates Commission discretion, precludes use if prime agricultural lands are included.

Therefore, no boundary issue has been identified. It is LAFCO staff’s position that this reorganization proposal provides for a logical boundary since it removes a totally-surrounded unincorporated island of territory from within the City’s sphere of influence and clarifies the boundaries between the City of Loma Linda and the City of Redlands from Barton Road northerly to the I-10 corridor.

LAND USE:

Existing Uses:

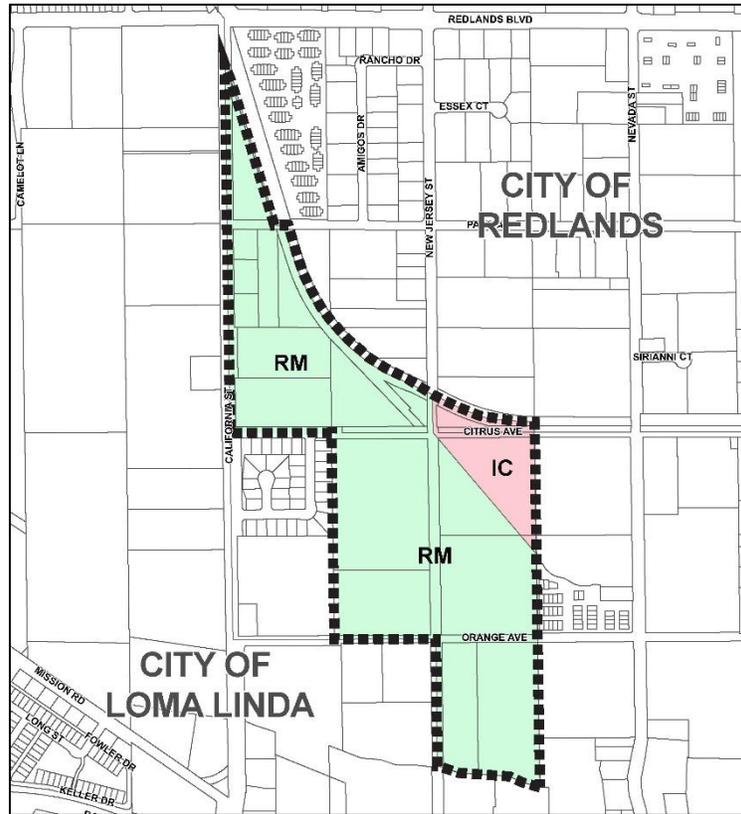
The reorganization area currently has six single family residences, two religious facilities, vacant parcels and citrus groves.



Existing uses directly surrounding the reorganization area include an elementary school, citrus groves, and residential development to the west within the City of Loma Linda, single-family residences, an apartment complex, a religious facility, vacant lands, and commercial development to the north/northeast within the City of Redlands, single-family residences, an apartment complex, vacant land and citrus groves to the east within the City of Redlands, and an apartment complex, a rehabilitation/care facility, a religious facility, and a surgical center southerly of the reorganization area within the City of Loma Linda.

County Land Use Designation:

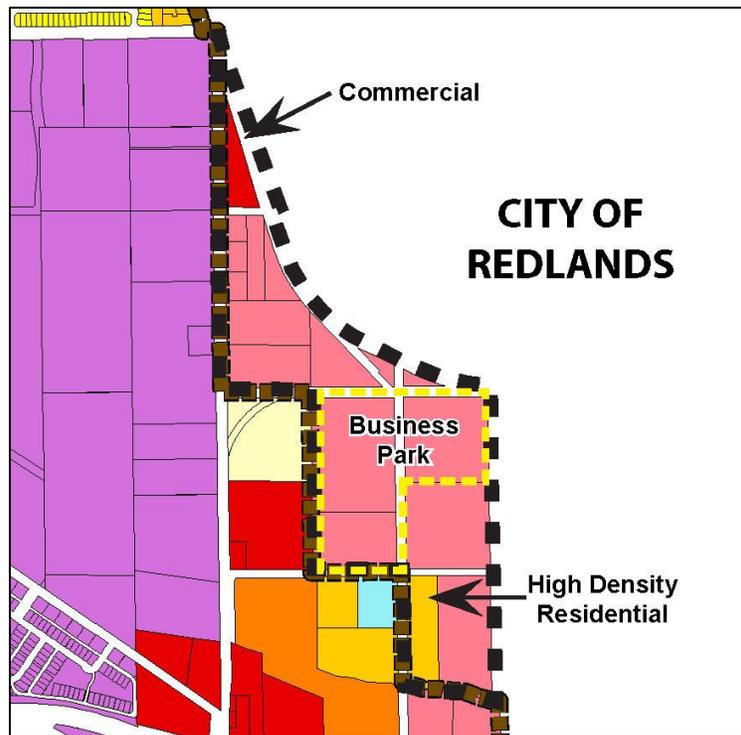
The County's current land use designations for the area are Community Industrial (IC) and Multiple Residential (RM).



Community Industrial allows for light industrial uses such as light manufacturing uses, wholesale/ warehouse services, contract/construction services, transportation services, agriculture support services, incidental commercial and accessing residential uses, and similar and compatible uses. Multiple Residential allows for multi-family residential uses, mixed residential uses, and similar and compatible non-residential uses and/or activities.

City's General Plan:

The City's General Plan designate the unincorporated island area with the following land use designations: High Density Residential, Commercial, and the bulk of the area as Business Park.

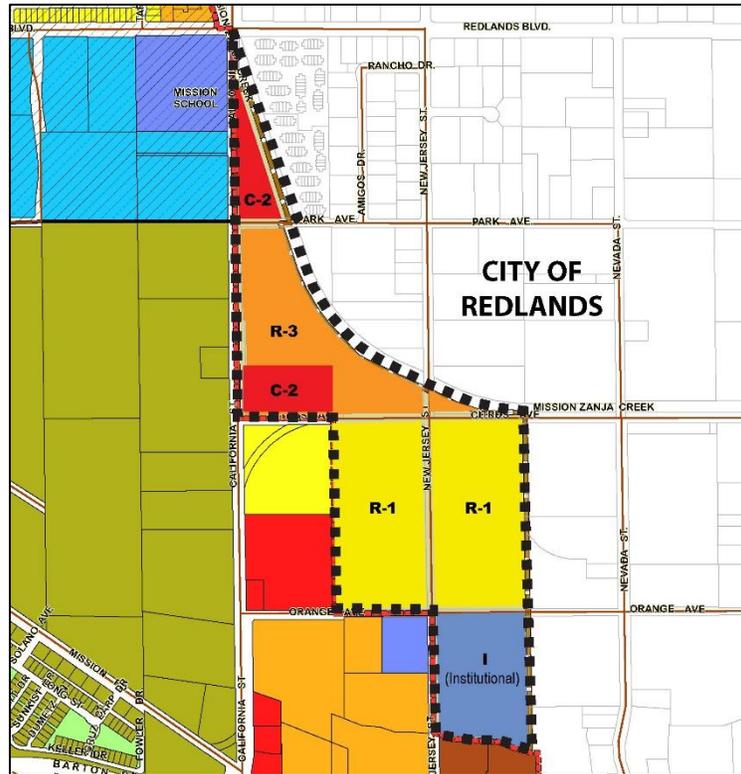


The City's approval of the TTM 19963 included a General Plan Amendment to change the General Plan designation of the 30-acre project from Business Park to Low Density Residential.

Since the County allows for location of its Multiple Residential in areas having close proximity to commercial and public facilities and Community Industrial in areas with commercial and in close proximity to residential development, the land use determinations between the City and County are generally compatible.

City's Pre-Zone Designations:

The City processed the pre-zoning for the entire reorganization area. The City's pre-zone designations that have been assigned for the area include: Single Family Residence (R-1) on 39 acres, Multi Family Residence (R-3) on 18 acres, Institutional (I) on 13 acres, and General Business (C-2) on 10 acres. These pre-zone designations were determined through the City's consideration of Ordinance No. 734, approving the pre-zoning (ZMA 15-045), which was adopted on October 11, 2016.



These pre-zone designations are consistent with the City's General Plan land use 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 noticed public hearing, that a substantial change has occurred in circumstances that necessitate 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 30-acre site for TTM 19963 is designated as Prime Farmland. Government Code Section 56064 sets a different standard for determination of prime agricultural land but a portion of the territory within LAFCO 3214 also meets that standard. Therefore, the proposed development within LAFCO 3214, is anticipated to convert prime farmland to non-agricultural use.

When considering a proposal with agricultural conversion, Government Code Section 56377 requires that the Commission consider policies and priorities regarding such conversion of existing 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.

LAFCO 3214 does promote the planned, orderly efficient development of the area through the elimination of an island of unincorporated territory which in the past has had to rely upon out-of-agency service agreements for the municipal level service needs. The proposed development project is adjacent to an existing residential development and a rehabilitation/care facility within the City of Loma Linda and is adjacent to areas that are designated for commercial development within the City and Business Park development within its unincorporated sphere of influence. Moreover, within the neighboring City of Redlands, the proposed development is adjacent to areas that are designated for commercial/industrial development. While the City of Loma Linda does not designate any areas within the City and/or its unincorporated sphere of influence as agricultural, there are still existing agricultural uses within the City.

Therefore, the conversion of prime farmland for the proposed development within LAFCO 3214 can be justified based on the LAFCO directives and priorities related to farmland conversion. Nonetheless, a mitigation measure (Mitigation Measure #2) is included in the City's approval of TTM 19963 to ensure potential impacts to prime farmland are reduced to less than significant levels, which is outlined below:

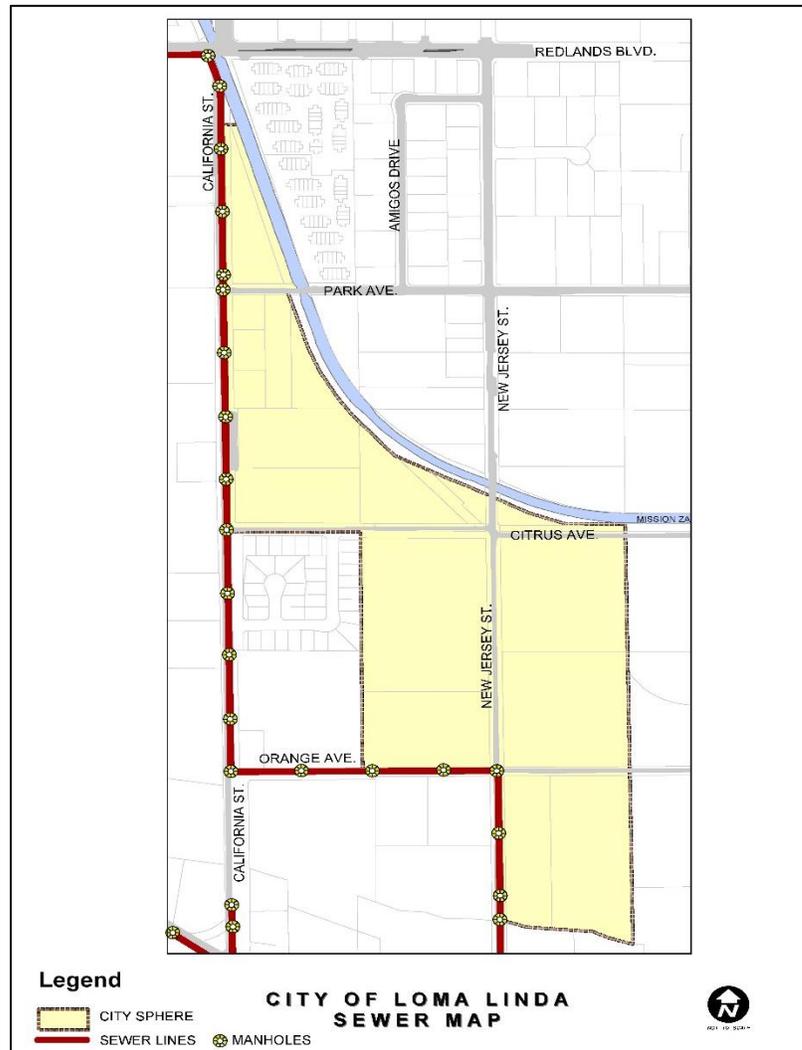
“The Project Proponent is required to replace, protect or provide a conservation easement for the loss of 27.5 acres of Prime Farmland. At the direction of the City of Loma Linda, the Project Proponent shall: 1) replace one-acre of Prime Farmland with 0.25 acres of conservation land for any conservation easements located in the City of Loma Linda, 2) replace one-acre of Prime Farmland with 0.5 acres of conservation land for any conservation easements located outside of Loma Linda, but within either San Bernardino or Riverside counties; or 3) replace one-acre of Prime Farmland with one-acre of conservation land for any conservation easements located elsewhere within the State of California. Based on the current availability of conservation programs, the Project Proponent will contribute monetarily at a 1:1 ratio to the Central Valley Farmland Trust, an established conservation program, located in Elk Grove, California. The trust would be responsible for maintaining conserved farmland in perpetuity.”

SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:

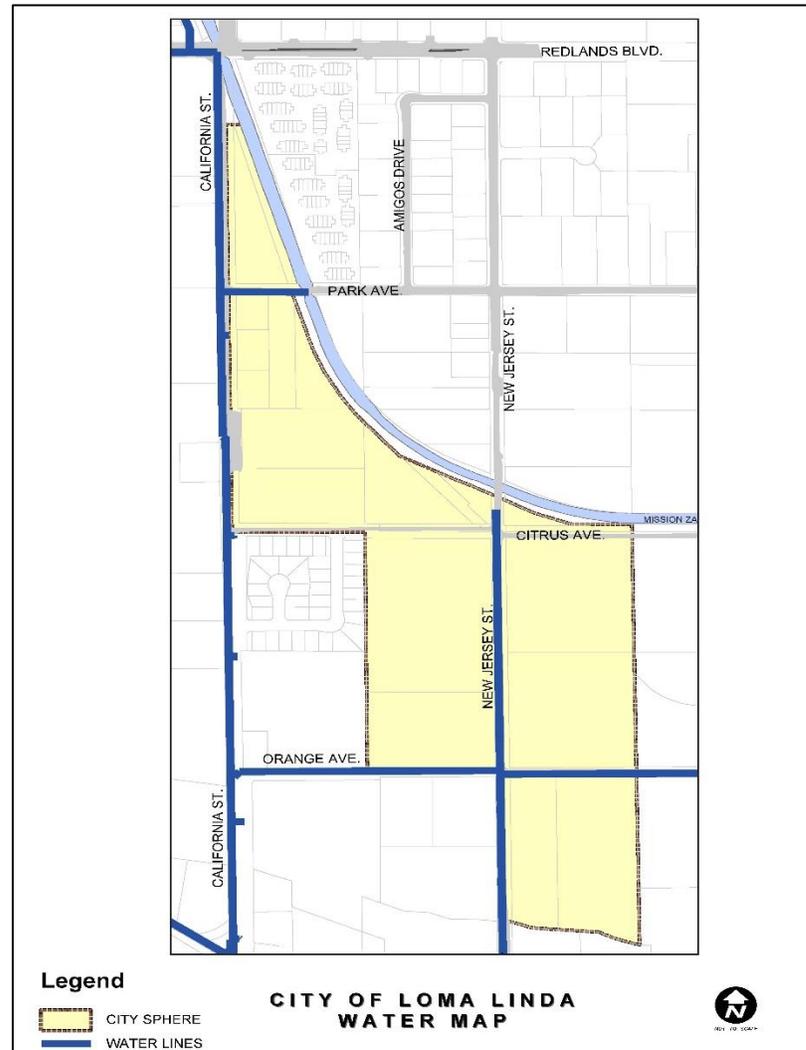
In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area and the level and range of services currently provided. Current County service providers within the reorganization area include the San Bernardino County Fire Protection District and its Valley Service Zone (fire protection/paramedics) and County Service Area 70 (multi-function entity). In addition, the following regional 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 #2 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 reorganization proposal will have a positive financial effect for the City. In general, the Plan identifies the following:

- The City of Loma Linda provides for the collection of wastewater within its boundaries and is a part of a Joint Powers Agreement with the City of San Bernardino Municipal Water Department for the treatment of its effluent. Wastewater collection services are already provided within the reorganization area by the City through existing out-of-agency services agreements (SC#344). Existing sewer lines are located in California Street (12-inch and 10-inch main), in Orange Avenue (8-inch main), and in New Jersey Street (8-inch main). The development of TTM 19963 will connect to the existing sewer main in Orange Avenue and/or in New Jersey Street. There will be no effect on existing on-site septic system users unless a septic system failure occurs in the future.



- As with sewer service outlined above, water service is already provided to portions of the reorganization area by the City on a contractual basis. Existing water mains are located along California Street, Citrus Avenue, and New Jersey Street. No change in this service will take place upon completion of the reorganization. However, the development of the TTM 19963 will connect to the existing water main in Orange Avenue and/or New Jersey 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, which is about 6.1 miles from the reorganization area.

- 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, which is currently provided by the City of Loma Linda by contract with the San Bernardino County Fire Protection District and its Valley Service Zone, will transition to the City of Loma Linda's Fire Department following completion of the reorganization. The City has two fire stations located at 11325 Loma Linda Drive (Fire Station #251) and at 10520 Ohio Street (Fire Station #252). Fire Station #251 is the closest fire station and is approximately 2 miles from the reorganization area.

In addition, the City will continue to provide fire protection and paramedic services to rest of the City's unincorporated sphere area per its contract with the San Bernardino County Fire Protection District. No change to the contract is anticipated except for revising the contract boundary to exclude the reorganization area.

As required by Commission policy and State law, the Plan for Service shows that the extension of the City's services will maintain, and/or exceed, current service levels provided through the County and can be sustained for the foreseeable future.

ENVIRONMENTAL:

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

- General Plan Amendment (GPA 15-044) from Business Park to Low Density Residential for 30-acre property;
- Pre-zone (ZMA 15-045) for Single Family Residence (R-1) on 39 acres, Multi Family Residence (R-3) on 18 acres, Institutional (I) on 13 acres, and General Business (C-2) on 10 acres;
- Annexation (ANX 15-043) for a total of approximately 80 acres; and,
- Tentative Tract Map 19963 (TTM 15-046) to Subdivide a 30-acre property into 95 single-family residences and nine (9) common lettered lots.

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 3214, 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 15-044), Pre-zone (ZMA 15-045),

Annexation (ANX 15-043), and Tentative Tract Map 19963 (TTM 15-046) 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 3214;
- 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. After discussions between the City, LAFCO staff and the proponent of TTM 19963 it was determined that the whole of the California Street island needed to be addressed. The reorganization area not only includes the proposed development but the entirety of the totally surrounded island that provides for an efficient and effective boundary for service delivery and a clear delineation between the Cities of Redlands and Loma Linda within the area. For these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3214 as the reorganization will benefit from the full range of municipal level services available through the City of Loma Linda.

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 November 29, 2016.
- 2. The County Assessor has determined, as of October 7, 2016, that the total assessed value of land and improvements within the reorganization area on the secured assessment roll is \$18,867,826 (land - \$13,004,875 -- improvements - \$5,862,951).
- 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 21 notices) and to landowners and registered voters surrounding the reorganization area (totaling 1,215 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 as required by Government Code Section 56375(a)(7) for the following land uses: Single Family Residence (R-1) on 39 acres, Multi Family Residence (R-3) on 18 acres, Institutional (I) on 13 acres, and General Business (C-2) on 10 acres. 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 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. The closest highway to LAFCO 3214 is the I-10 Freeway, which is part of the RTP-SCS's State highway improvement (expansion/rehabilitation) program adding express lanes and adding high-occupancy vehicle (HOV) lane in each direction.

The Sustainable Communities Strategy includes, among others, strategies that support compact infill development as well as expanded housing and transportation choices, which approval of LAFCO 3214 will support.

8. As a function of its review for the General Plan Amendment (GPA 15-044), Pre-zone (ZMA 15-045), Annexation (ANX 15-043), and Tentative Tract Map 19963 (TTM 15-046), 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 3214 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 Orchard Heights Project are included as Attachment #3 to this report.

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

County of San Bernardino
San Bernardino County Fire Protection District (SBCFPD) and
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, prepared by Stanley R. Hoffman and Associates and 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. The Plan for Service and Fiscal Impact Analysis have been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that the Plan for Service and the Fiscal Impact Analysis, conform to those adopted standards and requirement.
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 and/or sewer service from the City for some of the properties. In addition, fire protection and emergency medical response service are currently provided to the entirety of the area by the City (through its automatic aid contract with the San Bernardino County Fire Protection District to provide the service).
12. The 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. In addition, the proposal also complies with Commission policies and directives and State law that indicate the preference for all island areas to be included within the boundaries of a City
13. 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 95 single-family residences.
14. With respect to environmental justice, which is the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services, the following demographic and income profile was generated using ESRI's Community Analyst within the City of Loma Linda and within and around the reorganization area (2016 data):

Demographic and Income Comparison	City of Loma Linda (%)	Subject Area & adjacent Unincorporated Sphere (%)
Race and Ethnicity		
• African American Alone	8.5 %	6.7 %
• American Indian Alone	0.4 %	0 %
• Asian Alone	31.0 %	26.7 %
• Pacific Islander Alone	0.7 %	0 %
• Hispanic Origin (Any Race)	24.9 %	26.7 %
Median Household Income	\$59,069	\$61,212

Some of the properties within City’s unincorporated sphere area already receive water and/or service from the City through out-of-agency service agreements. Nonetheless, the reorganization proposal is to annex the entirety of the unincorporated island. Therefore, the reorganization area will continue to benefit from the extension of services and facilities from the City and, at the same time, the approval of the reorganization to annex the entire island will not result in the deprivation of service or the unfair treatment of any person based on race, culture or income.

15. 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.
16. 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 Initial Study and Mitigated Negative Declaration for the Orchard Heights Project
4. Draft Resolution No. 3240