

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: MAY 11, 2017 
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
SAMUEL MARTINEZ, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Revised Agenda Item #8: LAFCO 3195 – Reorganization to Include City of Redlands Annexation No. 92 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:

Property Owner Petition -- Larry and Pansy Jacinto, property owners

RECOMMENDATION:

The staff recommends that the Commission approve LAFCO 3195 by taking the following actions:

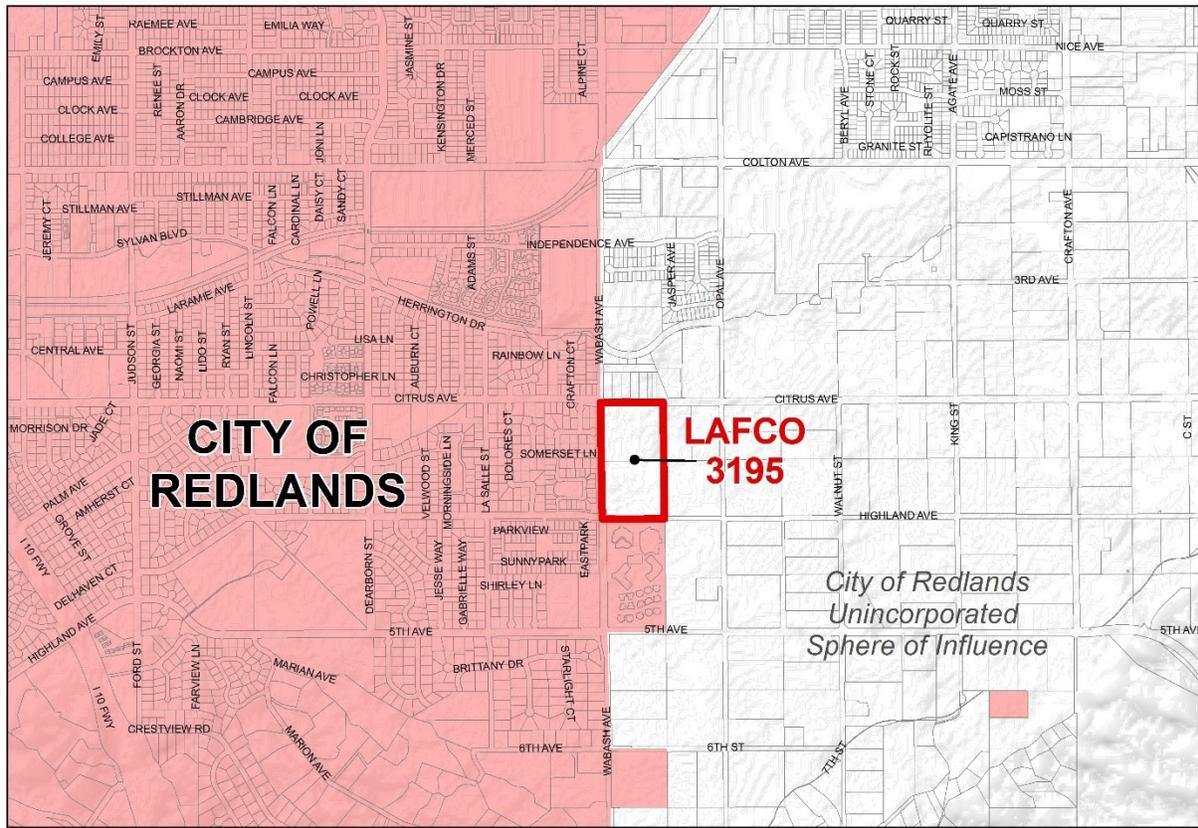
1. With respect to environmental review:
 - a) Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City's Initial Study and Mitigated Negative Declaration for Annexation No. 92, General Plan Amendment No. 134, Zone Change No. 450, and Tentative Tract Map 19956 for a total of approximately 20.04 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 3195;
 - 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 3195 since the City of Redlands, as lead agency, has paid said fees.
2. Approve LAFCO 3195, with the following conditions:
 - a) Completion of LAFCO 3195 shall be held in abeyance, for a period not to exceed six months, to allow the City of Redlands and the San Bernardino County Fire Protection District take their respective actions to amend the Automatic Aid Agreement (Agreement No. 06-435) to include LAFCO 3195 in the agreement wherein San Bernardino County Fire Protection District Valley Service Zone will provide first response services for all emergency or non-emergency calls to the area. Failure to submit the signed amended agreement within the time period specified will terminate LAFCO 3195; and,
 - b) 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.
 3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,
 4. Adopt LAFCO Resolution #3244 setting forth the Commission’s determinations and conditions of approval concerning the reorganization proposal.

BACKGROUND:

In July 2015, the property owners submitted an application for reorganization to annex two parcels totaling 20.04 acres to the City of Redlands. The reorganization proposal includes the detachment from the San Bernardino County Fire Protection District (County Fire) 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.

As shown on the map below, the reorganization area is generally bounded by Wabash Avenue (existing City of Redlands boundary) on the west, Citrus Avenue on the north, parcels lines on the east, and Highland Avenue (existing City of Redlands boundary) on the south, within the City of Redlands’ eastern sphere of influence commonly known as the Crafton community. Location and vicinity maps are included as Attachment #1 to this report.



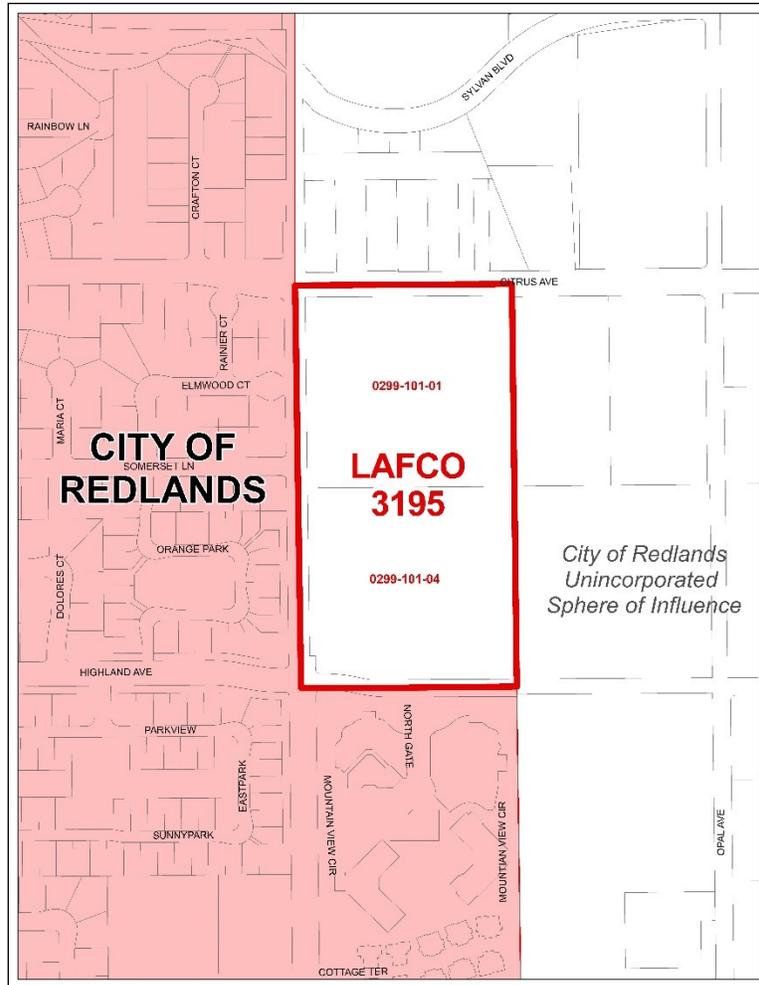
The primary reason for the annexation request, as outlined in the application materials (included as part of Attachment #2), is to receive municipal services, particularly water and sewer service, from the City of Redlands (hereafter the “City”) for the proposed Tentative Tract Map 19956, a 40-lot single-family residential development that is being proposed on the site. Since the property is contiguous to the City along Wabash Avenue, the delivery of water and sewer service to the site is contingent upon annexation. As the Commission is aware, this is a requirement of the City’s “Measure U”, which was approved by its 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 required to make the determinations necessary within 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 proposed reorganization area is comprised of two parcels, Assessor Parcel Numbers 0299-101-01 and 0299-101-04, totaling approximately 20.04 acres and is generally located east of Wabash Avenue (existing City of Redlands boundary),

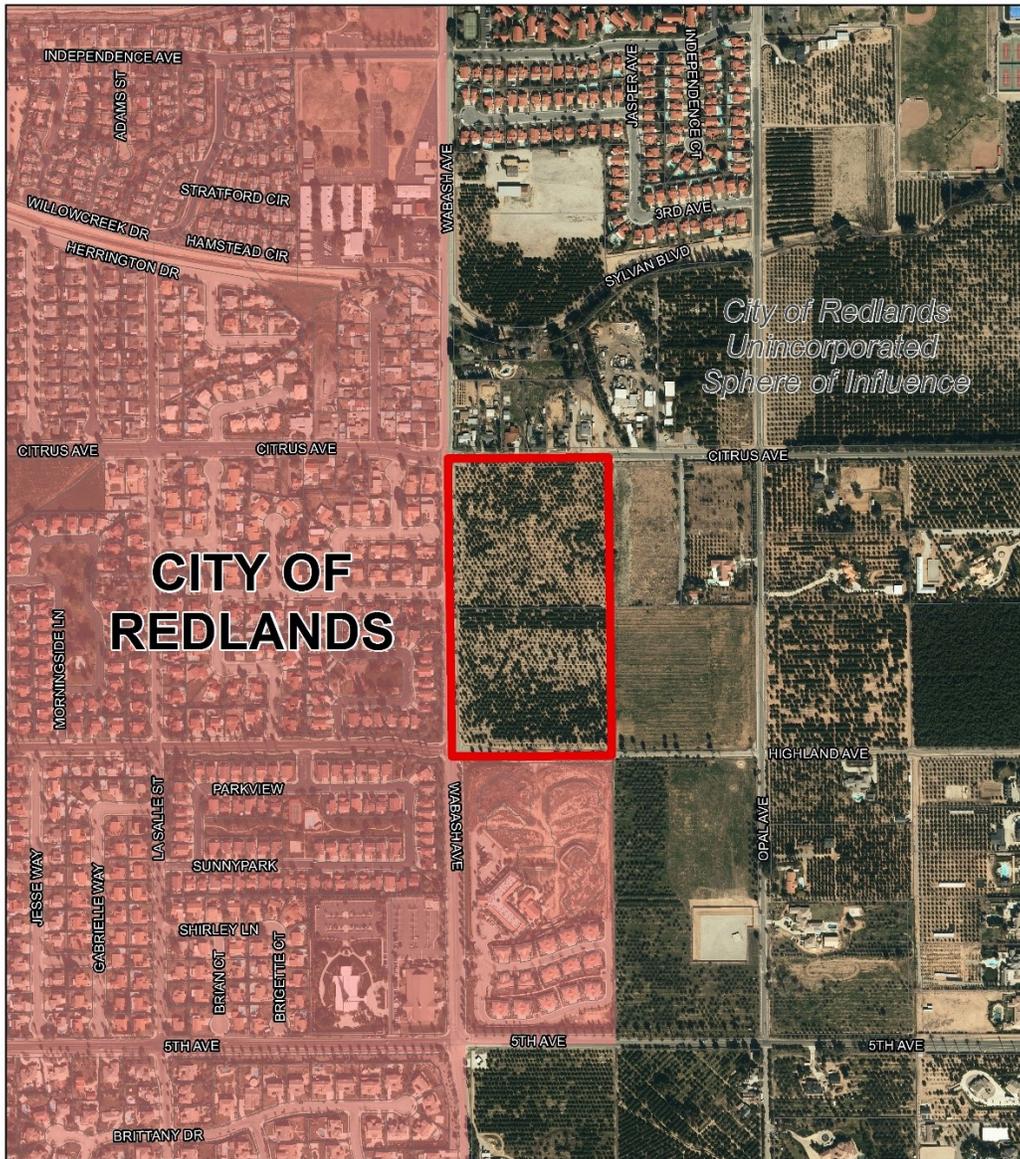
between Citrus Avenue on the north, and Highland Avenue (existing City of Redlands boundary) on the south.



It is LAFCO staff's position that this reorganization proposal provides for a logical boundary since it includes the whole block along Wabash Avenue between Citrus Avenue and the existing boundaries of the city along Highland Avenue, which is an easily identifiable boundary for service delivery.

LAND USE:

The existing land use within the reorganization area is a citrus groves. Existing uses directly surrounding the reorganization area include single-family residential development to the west and north, vacant land to the east, and a retirement community to the south.

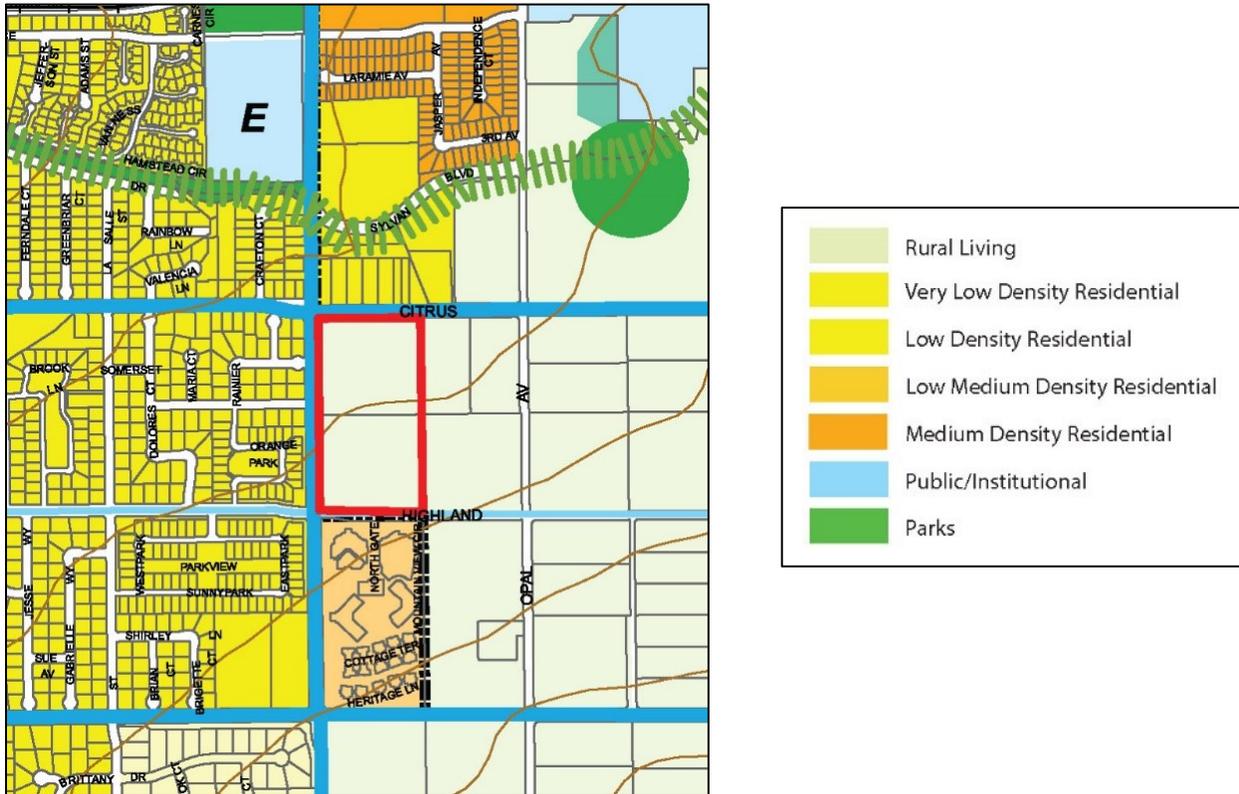


County Land Use Designation:

The County's current land use designation for the reorganization area is RL-5 (Rural Living, 5 acre minimum), which provides sites for rural residential uses and incidental agricultural uses.

City's General Plan:

The City's General Plan land use designation for the reorganization area is Rural Living. The land use determination between the City and County are generally compatible.



City's Pre-Zone Designation:

The City of Redlands pre-zoned the reorganization area RE (Residential Estate, minimum lot size of 14,000 square feet). This pre-zone designation was determined through the City's consideration of Ordinance No. 2843, which was adopted on January 3, 2017. This land use designation is consistent with the City's General Plan residential land use classification for the area, Very Low Density Residential, which is generally lower than the densities to the west (within the City) and to the south of the reorganization area. 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.

Conversion of Agricultural Land

The existing land use in the Crafton community area is generally agricultural, which is comprised of mostly citrus groves with scattered residential development on minimum five acre lots. The California Department of Conservation designates much of the Crafton area as Prime Farmland. An Agricultural Preserve with existing Williamson Act Contracts exists a quarter mile easterly (and southerly) of the reorganization area.

One of the main tenets of LAFCO Law is the preservation of open-space and prime agricultural lands. The site has an existing agricultural use representing a fragmented citrus grove. Therefore, the proposed development anticipated for LAFCO 3195—which is proposed for 40 single-family residences—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.

First, LAFCO 3195 does promote the planned, orderly efficient development of the area since the proposal area is adjacent to existing residential development within the City of Redlands and is adjacent to areas that are designated for residential development – not within the existing Agricultural Preserve that is a quarter mile easterly of the reorganization area. Secondly, although the development will convert prime farmland to a non-agricultural use, the area is already within the sphere of influence for the City of Redlands, and has been within its sphere of influence for many years. Based upon these determinations, the conversion of prime farmland for the proposed development can be justified based on the LAFCO directives and priorities related to farmland conversion.

In addition, it should be noted that a mitigation measure (Mitigation Measure AGR-1) is included in the City’s approval of Tentative Tract Map 19956 to ensure potential impacts to farmland are reduced to less than significant levels. That mitigation measure reads as follows:

“AGR-1 *The project developer will fund acquisition of farmland or farmland conservation easements at a ratio of 0.50/1. Based on the 19 acre area of the project site, a total of 9.5 acres of prime agricultural land or conservation easements over 9.5 acres of prime agricultural land shall be acquired and permanently protected. The prime agricultural land or the conservation easement shall be acquired and made available to an existing farmland trust or comparable organization prior to issuance of a grading permit, 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. The project developer shall submit verification to the City of Redlands Development Services Department that the acquisition of farmland has been completed. A receipt from the farmland conservation agency will serve as adequate verification.*

The City concludes that implementation of this measure provides reasonable mitigation based on the magnitude of the impact pursuant State CEQA Guidelines Section 15370.”

Based upon the determinations outlined above, the boundaries, as proposed, represent a reasonable service boundary for current and future growth within the area; represent an efficient service delivery pattern for the range of services contemplated by the proponents and the City of Redlands, and provides for recognizable boundary for service delivery.

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 (County Fire) and its Valley Service Zone, CSA 70 (multi-function entity) and Zone P-7 of CSA 70. All of these agencies are proposed to be detached. In addition, the Inland Empire Resource Conservation District, the San Bernardino Valley Water Conservation District, and the San Bernardino Valley Municipal Water District (the State Water Contractor) are the regional agencies that overlay the area. As regional agencies, they will be 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). 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 County Fire and its Valley Service Zone and would be replaced by the City of Redlands Fire Department upon annexation.

However, the Plan for Service identifies that the City would like to include LAFCO 3195 in the Automatic Aid Agreement between the City and County Fire (Agreement No. 06-435). The agreement identifies that County Fire will provide “first response” within the area as identified in its letter (see Attachment #4). Therefore, if the Commission approves LAFCO 3195, staff recommends that a condition of approval be included to require that the completion of LAFCO 3195 shall be held in abeyance, for a period not to exceed six months, pending the submission of a signed amended automatic aid agreement from both respective governing bodies.

Paramedic services are currently funded within the City through a special paramedic tax assessment. Approval of the reorganization will include the extension of the annual \$40 special tax to the proposed 40 residential units.

- Law enforcement responsibilities will shift from the San Bernardino County Sheriff's Department to the City of Redlands Police Department.
- Sewage collection services will be provided by the City of Redlands. Existing sewer mains are in Citrus, Wabash, and Highland Avenues. Upon annexation, sewer service will be extended to the proposed development. The developer will be required to construct all new wastewater pipelines to connect to existing sewer mains. In addition, the developer will pay capital improvement fees (sewer capacity and frontage fee) totaling approximately \$206,620 (see Attachment A to Plan for Service).
- Water service will be provided by the City of Redlands. Upon annexation, water service will be extended to the proposed development. The developer will be required to construct all new water mains within the project and pay the appropriate water meter installation, water frontage, water source acquisition and water capital improvement fees totaling approximately \$379,182 (see Attachment A to Plan for Service).
- Solid waste services are currently provided by Empire Disposal (Burrtec Waste Industries) within the reorganization area, which will transfer to the City of Redlands through its Quality of Life Department upon completion of the reorganization.

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 with the completion of the amendment to the Automatic Aid Agreement.

ENVIRONMENTAL CONSIDERATIONS:

The City of Redlands prepared an environmental assessment and Mitigated Negative Declaration for the Jacinto Tract – Annexation No. 92, General Plan Amendment No. 134, Zone Change No. 450, and Tentative Tract Map 19956.

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 3195, the City's documents are adequate for Commission's use as a responsible agency under CEQA (California Environmental Quality Act). 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 Annexation No. 92, General Plan Amendment No. 134, Zone Change No. 450, and Tentative Tract Map 19956, 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 3195;
- 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.

Waiver of Protest Proceedings:

The reorganization area is legally uninhabited (as determined by the Registrar of Voters office) and LAFCO staff verified that the study area possessed 100% landowner consent to the annexation (see Attachment #5). Therefore, if the Commission approves LAFCO 3195 and none of the affected agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending that protest proceedings be waived. The actions would include direction to the Executive Officer to complete the reorganization following completion of the mandatory reconsideration period of 30-days.

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 January 17, 2017.
- 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 \$454,862 (land - \$440,146 -- improvements - \$14,716).
- 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 1,092 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. 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 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 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 3195 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 housing development. Approval of LAFCO 3195 supports this strategy.

8. The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the City's Initial Study and Mitigated Negative Declaration 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 3195 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 are included as Attachment #6 to this report.
9. The reorganization area is presently served by the following local agencies:

- County of San Bernardino
- San Bernardino Valley Municipal Water District
- San Bernardino Valley Water Conservation District
- Inland Empire Resource Conservation District
- San Bernardino County Fire Protection District (County Fire) 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 County Fire 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.

10. 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. 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 requirements.
11. 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. In addition, the reorganization proposal is a logical conversion of prime farmland to non-agricultural use since the area is not within the Agricultural Preserve that exist easterly of the site and the proposal area is already adjacent to existing residential development to the north and west (within the City) and is adjacent to an existing retirement community to the south (within the City).
12. The reorganization area can benefit from the availability and extension of municipal services from the City of Redlands.
13. This proposal will assist in the City’s ability to achieve its fair share of the regional housing needs since the reorganization area is being developed with 40 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 Redlands and within and around the reorganization area, generally the Crafton and Mentone community (2016 data):

Demographic and Income Comparison	City of Redlands (%)	Subject Area & adjacent Unincorporated Sphere (%)
Race and Ethnicity		
• African American Alone	5.2 %	4.9 %
• American Indian Alone	0.9 %	1.4 %

• Asian Alone	8.8 %	4.4 %
• Pacific Islander Alone	0.4 %	0.4 %
• Hispanic Origin (Any Race)	34.2 %	39.2 %
Median Household Income	\$67,193	\$55,775

Some of the properties within City’s unincorporated sphere area already receive water and/or sewer service from the City through out-of-agency service agreements. Therefore, the reorganization area will benefit from the extension of services and facilities from the City and, at the same time, the approval of the reorganization would not result in the deprivation of service or the unfair treatment of any person based on race, culture or income. However, the City’s policies require annexation if properties needing services are contiguous to the City. Therefore, in such case, annexation is the only option before water and/or sewer service can be extended.

15. 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.
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.

CONCLUSION:

LAFCO 3195 was submitted by the property owners in order to allow them to pursue development of their property. They have proposed development of Tentative Tract Map 19956, a 40 lot single-family residential community, which requires receipt of municipal services—particularly water and sewer service—which is only available 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 water and sewer 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 3195.

KRM/sm

Attachments:

1. Vicinity Map and Reorganization Area Map
2. Application, Plan for Service, and Fiscal Impact Analysis

3. Chapter 13.60 of the City Redlands' Municipal Code
4. Letter from the City of Redlands Regarding Amending the Automatic Aid Agreement between the City and the San Bernardino County Fire Protection District
5. Signed Landowner Petition Form Submitted by Property Owners
6. Response from the Commission's Environmental Consultant, Tom Dodson and Associates, on Environmental Determination
7. Draft Resolution No. 3244