

# 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

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**SUBJECT:** REVISED AGENDA ITEM #10 – One Year Update on the City of Rialto's Initiation of its five North Rialto Islands

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## **RECOMMENDATION:**

Staff recommends that the Commission:

1. Receive and file the update;
2. Direct staff to continue to monitor the City's progress in initiating the annexation of the five North Rialto Islands; and,
3. Provide additional updates as necessary when actions are taken by the City of Rialto.

## **BACKGROUND:**

At the November 16, 2016 LAFCO hearing, LAFCO staff provided the Commission with the first update on the City of Rialto's compliance to initiate the annexation of its five "North Rialto Islands" which was a condition of approval for LAFCO 3201, the reorganization that included the annexation of Lytle Creek Ranch Specific Plan (portion) into the City of Rialto. Part of the condition was to provide status reports to the Commission to outline the progress of the City's commitment to annex the five islands.

It was identified at that hearing that the City of Rialto was taking an action to its City Council on November 22, 2016, to request Council authorization for the commencement of the initiation process, which the City Council approved. The defined process that was a part of that authorization for initiation of the annexation of the five islands had a 10-point action plan/timeline that the City was to accomplish within six months:

<b>Task</b>	<b>Timeline</b>
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

At the Update hearing, staff had particular concerns about three of the City’s tasks identified on the timeline: a) the “Annexation Myths” fact sheet, b) the City’s community outreach meeting (Task #6), and c) the preparation of the LAFCO annexation application (Task #7) that included pre-zoning in compliance with CEQA (California Environmental Quality Act). It was clearly outlined in the LAFCO staff report that it was staff’s expectation that the City would provide LAFCO staff the opportunity to review the fact sheet before it was provided to the public and that the City would invite LAFCO staff to participate in its community outreach program. (A copy of the status report is included as Attachment #1 to this report.)

After the six-month update to the Commission, there was no communication from City staff regarding its progress nor was there any coordination with LAFCO staff on its annexation process related to the five North Rialto Islands.

On March 15, 2017, LAFCO staff requested that City staff provide an update on what had been accomplished regarding its commitment to initiate the five North Rialto Islands for an update to be provided to the Commission at the May hearing. No response from the City was received from this request. However, on April 12, 2017, LAFCO staff was made aware that a community meeting had been held by an area resident who called

with questions from the meeting conducted two days prior—April 10, 2017—at Carter High School in Rialto regarding the five island annexations. At the same time, LAFCO staff found the community meeting notice and the Rialto Island Annexation Frequently Asked Questions (FAQ) that was posted on the City’s website (see Attachment #2). While the FAQ identified that the Rialto Planning Commission review of the matter was scheduled for April 12, 2017, the Planning Commission did not consider the item as it was not on the agenda.

In response to further questions from LAFCO staff, City staff responded that its position on the community meeting was that it would only include City staff and that an invitation to LAFCO staff was limited to the more formal meetings that the City was going to have to discuss the islands—the Planning Commission and City Council meetings. LAFCO staff was also provided a copy of a revised FAQ that was handed-out to residents who attended the community meeting (see Attachment #3). City staff the invited LAFCO staff to attend the actual Planning Commission hearing for the five islands, which was set for April 26, 2017 as well as the City Council meeting scheduled for May 9, 2017.

*City of Rialto Planning Commission Meeting*

The agenda for the Planning Commission meeting on April 26, 2017 included a staff report related to the proposed annexation of the five North Rialto Islands. Attached to the staff report was the environmental assessment (Initial Study/Negative Declaration) that was prepared for the pre-zoning/General Plan Amendment for the five islands, a document that LAFCO staff was not aware of until the Planning Commission agenda materials became available on the City’s website. As a CEQA responsible agency, LAFCO should have been afforded the opportunity to review the Initial Study/Negative Declaration that was prepared for the pre-zoning/General Plan Amendment for the five islands during the public review period for the Notice of Intent to Adopt a Negative Declaration. At this time, LAFCO staff and the Commission’s Environmental Consultant will be reviewing the document and will be providing comments to the City for its consideration. Also attached was another revised FAQ handout that was again different from the one that was handed out at the community meeting since it includes response to additional comments received at the said community meeting. Attachment #4 includes the Planning Commission agenda, staff report, Initial Study/Negative Declaration, and the third iteration of the FAQ.

LAFCO staff attended the Planning Commission meeting and provided comments outlining our concerns regarding the process to date. The Planning Commission action was to approve the recommendations outlined in its staff report, which were to: receive public comment, direct staff to prepare a written response to all the comments, schedule another community meeting together with LAFCO and the County’s Fifth Supervisorial District, and continue the item to its July 12, 2017 Planning Commission meeting.

Based on the recommendations approved by the Planning Commission, there will be a repeat of Task #6—the community meeting—pending the availability of Carter High School; however, the earliest that Tasks #8, #9, and #10 of the City’s 10-point action

plan/timeline can be accomplished would be in the July-August timeframe. Based upon this determination, staff believes that a continued monitoring and presentation of status updates to the Commission is required.

**CONCLUSION:**

On June 14, 2016, the City of Rialto adopted a resolution, Resolution No. 6966, affirming its commitment presented at the hearing on Lytle Creek Ranch to annex its five North Rialto Islands within one year of approval of LAFCO 3201. However, based on what the City has accomplished so far, it will not be able to fulfill its commitment to the Commission to initiate the annexation of its five North Rialto Islands within the one year approval of LAFCO 3201. In addition, based upon the information provided thus far from the City of Rialto, there remain questions as to whether the City's promise to the Commission will be fulfilled at all.

Staff is recommending that the Commission take the actions outlined on page one of the staff report, which requires staff to continue to monitor the City's progress in initiating the five North Rialto Islands, participate in the process to assist in the completion of the commitments made by the City, and provide additional updates, as necessary.

KRM/SM

Attachments:

1. LAFCO staff report dated November 8, 2016 for Update on the City of Rialto's Compliance with Condition of Approval for LAFCO 3201 to Initiate its Five North Rialto Islands
2. Community Meeting Notice on the City's Website and Rialto Island Annexation Frequently Asked Questions Previously Posted on the City's Website
3. 1<sup>st</sup> Revised Frequently Asked Questions Handed-out at Community Meeting
4. April 26, 2017 Planning Commission Agenda, Staff Report Related to the Five North Rialto Islands, Location Map, Draft Prezone and GPA Initial Study/Negative Declaration, and 2<sup>nd</sup> Revised Frequently Asked Questions Handout