

Draft Resolution No. 3253

Attachment 7

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3207

HEARING DATE: November 15, 2017

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A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3207 AND APPROVING THE REORGANIZATION TO INCLUDE CITY OF REDLANDS ANNEXATION NO. 94 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 (SAM-REDLANDS, LLC). The reorganization area encompassing 12 +/- acres and is generally bounded by parcels lines on the north and east, Sylvan Boulevard on the south, and Wabash Avenue (existing City of Redlands boundary) on the west.

On motion of Commissioner _____, duly seconded by Commissioner _____, and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, an application for the proposed reorganization in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and executed her certificate in accordance with law, determining and certifying that the filings are sufficient; and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, the public hearing by this Commission was called for November 15, 2017 at the time and place specified in the notice of public hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written

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support and/or opposition; the Commission considered all plans and proposed changes of organization, and all evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby determine, find, resolve, and order as follows:

DETERMINATIONS:

SECTION 1. The proposal is approved subject to the terms and conditions hereinafter specified:

CONDITIONS:

Condition No. 1. The boundaries are approved as set forth in Exhibits "A" and "A-1" attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3207.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Redlands (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

Condition No. 4. The property owner, Sam-Redlands, LLC, shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

Condition No. 6. Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

Condition No. 7. The date of issuance of the Certificate of Completion shall be the effective date of this reorganization.

SECTION 2. The Commission determines that:

- a) this proposal is certified to be legally uninhabited;
- b) it has 100 % landowner consent; and,
- c) no written opposition to a waiver of protest proceedings has been submitted by any subject agency.

Therefore, the Commission does hereby waive the protest proceedings for this action

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as permitted by Government Code Section 56662(d).

SECTION 3. DETERMINATIONS. The following determinations are noted in conformance with Commission policy:

1. The reorganization area is legally uninhabited as certified by the County Registrar of Voters office as of October 11, 2017.
2. The County Assessor has determined that the total assessed value of land and improvements within the reorganization area is \$1,232,377 (land - \$997,848 -- improvements - \$234,529).
3. The reorganization area is within the sphere of influence of the City of Redlands.
4. Notice of this hearing has been advertised as required by law through publication in *The Sun*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice. Comments from any affected local agency have been reviewed by the Commission.
5. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to surrounding landowners and registered voters within approximately 700 feet of the exterior boundaries of the reorganization area (totaling 594 notices). Comments from landowners and registered voters have been reviewed and considered by the Commission in making its determination.
6. The City of Redlands has pre-zoned the reorganization area R-1 (Single Family Residential District). This zoning designation is consistent with the City's General Plan. 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 3207 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 strategies, among others, that support housing development. Approval of LAFCO 3207 supports this strategy.

8. The City of Redlands, as a function of its review of Annexation No. 94, Zone Change No. 565, Tentative Tract Map No. 19942, and Demolition Permit No. 258 for approximately 11.97 acres, prepared an environmental assessment and adopted a Mitigated Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment. In addition, the Commission's Environmental Consultant prepared an Addendum to the City's environmental assessment that addresses the inclusion of the entire right-of-way areas within Sylvan

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Boulevard adjacent to TTM 19942 as part of the overall reorganization area that provides for the environmental assessment of the entire reorganization area and to substantiate that the additional right-of-way area will not cause physical changes in the environment beyond that identified in the City's adopted Mitigated Negative Declaration and, therefore, will not require the preparation of a new Negative Declaration.

The Commission certifies that it has reviewed and considered the Addendum and the City's Mitigated Negative Declaration and the environmental effects as outlined in the Initial Study prior to reaching a decision on the project and finds the information substantiating the Addendum and the Mitigated Negative Declaration are adequate for its use in making a decision as a CEQA lead agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for this project as all changes, alterations, and mitigation measures are within the responsibility and jurisdiction of the City and/or other agencies and not the Commission; and finds that it is the responsibility of the City to oversee and implement these measures.

The Commission directs its Executive Officer to file a Notice of Determination within five (5) days with the San Bernardino County Clerk of the Board of Supervisors. The Commission also notes that this proposal is exempt from the California Department of Fish and Wildlife fees because the filing fees were the responsibility of the City of Redlands as the CEQA lead agency to the Initial Study and Mitigated Negative Declaration.

9. The local agencies currently serving the area are: County of San Bernardino, San Bernardino County Fire Protection District and its Valley Service Zone, Inland Empire Resource Conservation District, San Bernardino Valley Water Conservation District, San Bernardino Valley Municipal Water District (the State Water Contractor), County Service Area 70 (multi-function unincorporated area Countywide), and County Service Area 70 Zone P-7 (inactive park and recreation district within the Mentone community).

The proposal will detach the territory from San Bernardino County Fire Protection District 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. The City of Redlands submitted plans for the provision of services as required by Government Code Section 56653, which indicates that the City can, at a minimum, maintain the existing level of service delivery and can improve the level and range of selected services currently available in the area. The financial information presented within the City's Plan for Service indicates that the project will have a positive financial effect for the City. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements.
11. The reorganization area can benefit from the availability and extension of municipal services from the City of Redlands.

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12. This proposal complies with Commission policies that indicate the preference for areas proposed for future 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 as the proposal area is currently designated for residential development and is surrounded by existing residential development within the City of Redlands and within the unincorporated County area and has been within the City’s sphere of influence for many years.

In addition, the Commission will be creating an unincorporated peninsula in order to fulfill the requirements that the City’s Measure “U” imposes on the proposed project, which requires annexation of contiguous property in order to connect to the City’s water and sewer facilities. Based on the response from property owners and registered voters within the unincorporated peninsula regarding their support for annexation to the City, the proposal cannot be expanded without the risk of terminating LAFCO 3207.

13. This proposal will assist the City’s ability to achieve its fair share of the regional housing needs since the reorganization area is being developed with Tentative Tract Map 19942, a proposed development with 34 single-family residences.
14. With respect to environmental justice, 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’s boundary. Therefore, in such case, annexation is the only option before water and/or sewer service can be extended.

15. The City and County have negotiated the transfer of ad valorem taxes as required by

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certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of November 15, 2017.

DATED:

KATHLEEN ROLLINGS-MCDONALD
Executive Officer

DRAFT