

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: JUNE 8, 2018
FROM: SAMUEL MARTINEZ, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #11: LAFCO 3225 – Sphere of Influence Amendments for the City of Loma Linda (Reduction) and the City of Colton (Expansion)

INITIATED BY:

University Realty, LLC, landowner within the proposal area

RECOMMENDATION:

Staff recommends that the Commission take the following actions:

1. Determine that the proposed sphere of influence amendments, submitted under the provisions of Government Code Section 56428, does not require a service review;
2. Modify LAFCO 3225 to include the area located immediately north of the Riverside/San Bernardino County line generally located easterly of Reche Canyon Road including the neighborhood in and around Scotch Lane as proposed by LAFCO staff;
3. Certify that LAFCO 3225, as modified, is statutorily exempt from environmental review, and direct the Executive Officer to file a Notice of Exemption within five (5) days;
4. Approve LAFCO 3225, as modified, sphere of influence reduction for City of Loma Linda and sphere of influence expansion for City of Colton; and,
5. Adopt LAFCO Resolution No. 3269 reflecting the Commission's determinations and findings for the sphere of influence amendments, LAFCO 3225, and issue said resolution upon receipt of the revised map and legal description, prepared in compliance with LAFCO and State standards, that reflects the modified boundary.

BACKGROUND:

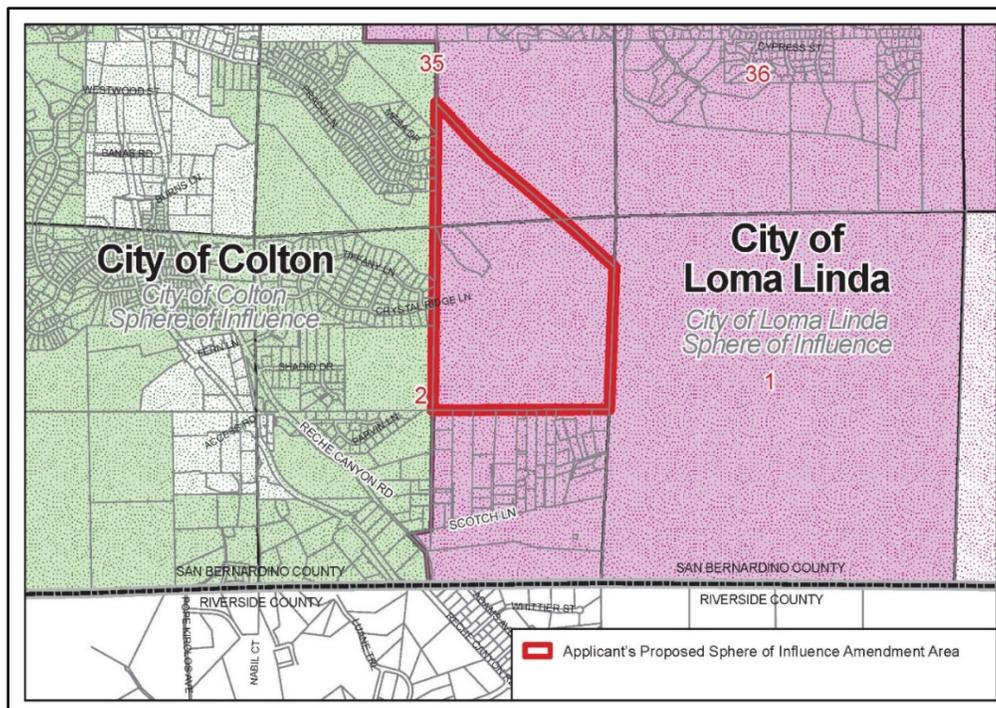
The proposed sphere of influence amendments has been initiated by one the property owners (University Realty, LLC) for the purpose of removing its properties from the sphere of influence of the City of Loma Linda since it is unable to provide services to their

properties in part because of several initiatives previously approved by its voters. Those initiatives —the 1996 Hillside Initiative, the 2006 Measure V, and the 2008 Measure T— protect and conserve its hillside areas including the permanent preservation of approximately 1,675 acres owned by the City for open space and recreational use. Such restrictions not only limit development in the area but also preclude the City from extending its facilities and/or its services to its southern hills. Concurrently, said applicant's properties will be added into the sphere of influence of the City of Colton, which is the logical service provider and can, in fact, provide the full range of its services to the area. A "sphere of influence" is defined as a planning boundary that designates an agency's probable future boundary and service area. Changing a sphere of influence does not change the actual jurisdictional boundary of an agency.

The sphere of influence amendments being proposed, a sphere of influence reduction for the City of Loma Linda and a sphere expansion for the City of Colton, is generally located easterly of Reche Canyon Road and northerly of the San Bernardino/Riverside Countyline, within the City of Loma Linda and its sphere of influence. A map illustrating the proposed sphere of influence amendment area is included as Attachment #1 to this report.

BOUNDARIES:

The spheres of influence reduction/expansion area, as submitted by the applicant, includes three parcels, APNs 0284-181-27, 0284-221-16 and 0284-221-18, encompassing approximately 209 acres generally located north of Scotch Lane, in the southerly portion of Section 35 and the northeastern portion of Section 2; generally bounded on the west (existing City of Colton boundary), north and east by parcel lines.

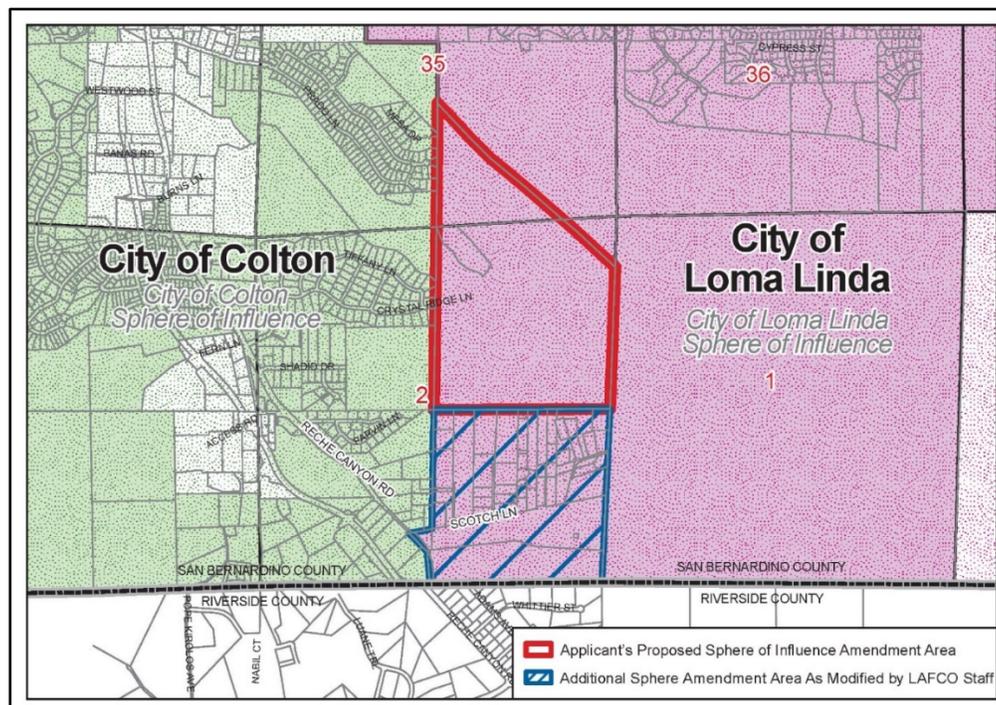


Responses from the Cities of Loma Linda and Colton to the Proposed Sphere of Influence Amendments:

In a letter submitted by the City of Loma Linda dated October 17, 2017, it indicated its support for the proposed sphere of influence reduction for City of Loma Linda and sphere of influence expansion for City of Colton. Likewise, in a letter submitted by the City of Colton dated December 20, 2017, it also confirmed its support for the proposed sphere of influence amendments. Both letters are included as part of Attachment #3.

LAFCO Staff's Proposed Modification:

LAFCO staff is proposing the modification of the sphere of influence amendment area to include properties located generally in the southeast quarter of Section 2, Township 2 South, Range 4 West, SBM, encompassing approximately 163 acres, southerly of the applicants proposal area and north of the Riverside/San Bernardino County line, generally located easterly of Reche Canyon Road including the neighborhood in and around Scotch Lane – also within the City of Loma Linda.



It is the Commission's policy that, as part of the review of a sphere of influence proposal, the Commission can modify the area by expanding or reducing the sphere of influence for reasons such as to include areas that may be better served by a public agency or exclude areas that may be better served by another public agency.

In this case, due to the location of the additional properties and its configuration as a peninsula of territory partially developed, it is LAFCO staff's position that the City of Loma Linda is not only unable to provide services to the original sphere of influence amendment area but is also

unable to do so within the additional sphere of influence amendment area proposed for the very same reasons identified earlier. Therefore, staff is recommending that the Commission modify LAFCO 3225 to include the additional area southerly of the sphere of influence amendment area, generally located easterly of Reche Canyon Road and northerly of the San Bernardino/Riverside Countyline.

Responses from the Cities of Loma Linda and Colton to LAFCO Staff's Proposed Modification:

Following review of the modification to the proposal at the Departmental Review Committee meeting held on March 5, 2018, LAFCO received a subsequent letter from the City of Loma Linda dated April 2, 2018, indicating its support for the proposed modification. However, the City of Colton provided a letter dated April 18, 2018 that it does not support the expansion of its sphere of influence beyond what the applicant had originally proposed. Both letters are included as part of Attachment #4.

LAFCO staff recognizes the City of Colton's hesitation to support the proposed modification; however, again, given the City of Loma Linda's inability to provide its services to the area and the fact that the City of Colton can provide the full range of its services to the area and has provided law enforcement and fire protection on an on-going mutual aid basis, LAFCO staff stands by its recommendation to modify the proposal. The City of Colton, through the sphere of influence amendment, should also plan to provide its remaining range of services, including water and sewer service, to the area since its facilities are either adjacent or close by.

It should also be noted that in the early 1990s, the portion of the proposed modified area southerly of Scotch Lane was previously approved by the City of Loma Linda for a tract (Tentative Tract 15111) that was conditioned to receive water and sewer service from the City of Colton until such time that the City of Loma Linda could extend its services to the area. However, as outlined above, the ability of the City to extend its services through its southern hills has now been limited. Therefore, even though this tract has not developed, this—again—is proof that the City of Colton is the only logical service provider for the area.

SERVICE REVIEW DETERMINATION:

It is the staff's positions that a sphere of influence "amendments" do not require that a service review be conducted pursuant to Government Code Section 56430 as this section reads in part, "In order to prepare and to update spheres of influence in accordance with 56425, the commission shall conduct a service review..." LAFCO 3225 is a sphere of influence amendment pursuant to Government Code Section 56428. Therefore, staff is recommending that the Commission determine that LAFCO 3225 does not require a service review.

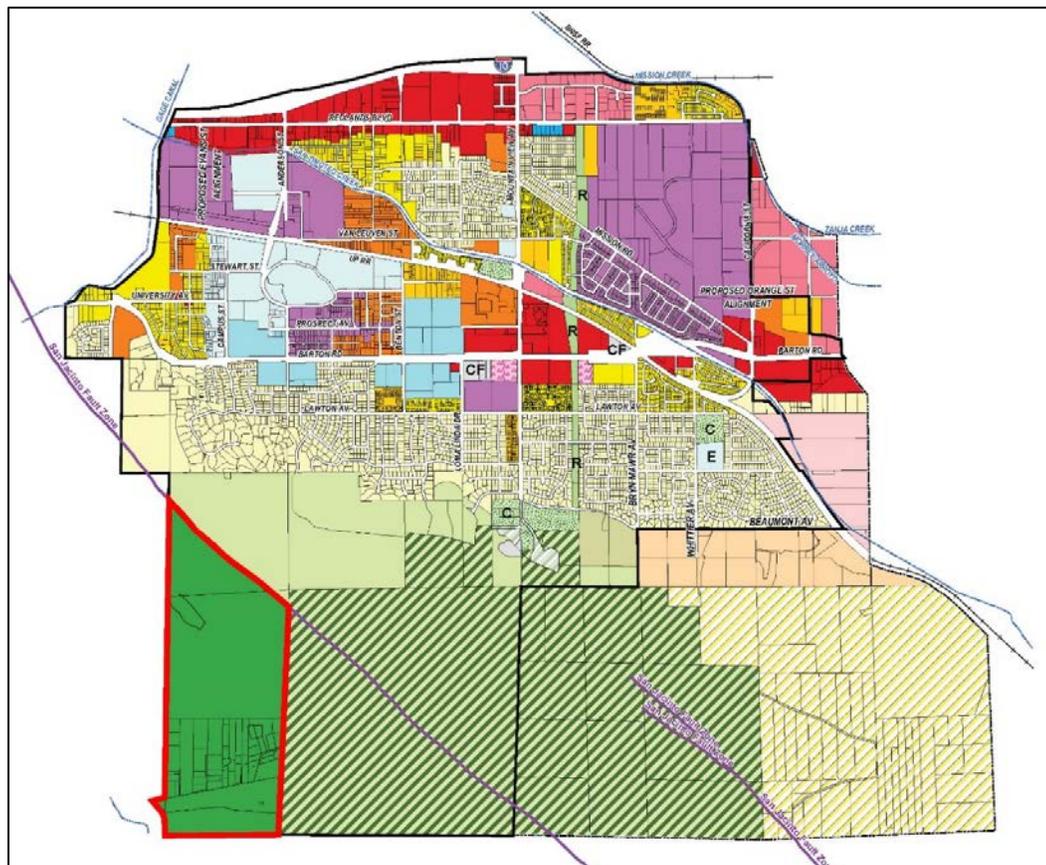
SPHERE OF INFLUENCE REDUCTION/EXPANSION DETERMINATIONS:

Government Code Section 56425(e) requires that the Commission make a written statement of its determinations on the factors outlined in the statute. The following narrative provides the staff's analysis of these "factors of consideration" including information from the applicant's response to said factors for the sphere of influence amendments:

Factors of Consideration:

1. The present and planned land uses in the area, including agricultural and open space lands

The proposed sphere of influence amendment area is currently vacant. The proposed additional area is also generally vacant with a few single-family residences in and around Scotch Lane. The City's General Plan outlines guiding principles for managed growth as a result of Measure V, a referendum approved by its voters in 2006 that added a Growth Management Element to its General Plan. This element also includes provisions from other referendums approved by its voters—the 1996 Hillside Initiative and its 2008 Measure T—that outlines other growth management provisions including conservation and protection of open space, particularly within the City's southern hills. The City of Loma Linda designates both the proposed sphere of influence amendment area and the proposed additional area as South Hills (shown as a dark green color in the City of Loma Linda's Land Use Map below), a land use category assigned by the City to its southwestern hillside area intended for appropriate levels of development that take into consideration hillside design policies, the protection of sensitive environmental features, and the efficient provision of infrastructure, utilities, and public services.



Due to the topography of the land, access to the proposed sphere of influence amendment area or the proposed additional area from the City of Loma Linda is very limited. The entire South Hills is only accessible from the City through areas it has designated as either Hillside Conservation (green color) that restrict development to only the northern slopes facing the City of Loma Linda or South Hills Preservation (green color with hatching), which are lands owned by the City that only permit improvements and facilities consistent with the permanent protection of natural open space lands. Therefore, the City of Loma Linda is clearly unable to provide the necessary infrastructure, utilities, and/or public services to the proposed sphere of influence amendment area or the proposed additional area given the restrictions imposed on the adjacent land uses within the City of Loma Linda.

For the City of Colton, no specific land use(s) is/are proposed at this time. In fact, the purpose of the sphere of influence amendment is to allow the City of Colton the authority to undertake a general plan amendment process to address future development in the area.

2. *The present and probable need for public facilities and services in the area*

The City of Loma Linda currently has no facilities within and around the proposed sphere of influence amendment area or the proposed additional area. The residential development within and around Scotch Lane have individual wells and are all on septic systems. All the roads within the Scotch Lane neighborhood, including Scotch Lane itself, are all private roads—not maintained by the City.

As a municipality, the City is responsible for fire suppression and law enforcement within its boundaries. For fire protection and emergency medical response, the City has mutual aid agreement with the City of Colton for response to the area; however, the City of Colton is the first responder since its fire station is approximately 1.5 miles closer than the nearest City of Loma Linda fire station. For law enforcement, the City has chosen to contract with the County Sheriff that has a similar arrangement with the City of Colton since the City already patrols the area.

If the sphere of influence amendment is approved, the City of Colton would have the ability to plan to provide the full range of its services to the area.

3. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*

The City of Colton provides for a full range of municipal services within its jurisdiction. Overall, current facilities and services delivered within the City are adequate. Any future development within the area will require future evaluation of the City's ability to provide its services.

4. *The existence of any social or economic communities of interest*

The proposed sphere of influence amendment area is considered part of the Reche Canyon community that is bisected by Reche Canyon Road. Reche Canyon Road is a

ENVIRONMENTAL CONSIDERATIONS:

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has indicated that the review of LAFCO 3225 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the sphere of influence amendment does not appear to have any potential to alter the existing physical environment in any manner different from the existing environmental circumstance; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). A copy of Mr. Dodson's analysis is included as Attachment #3 to this report.

ADDITIONAL DETERMINATIONS:

1. As required by State Law, notice of the Commission's consideration of this issue has been advertised as required by State law through publication in *The Sun*, a newspaper of general circulation in the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies wishing mailed notice.
2. LAFCO staff has also provided individual notices to landowners and registered voters within the sphere expansion area (totaling 94) and to landowners and registered voters surrounding the sphere expansion area within San Bernardino County (totaling 551) as well as to landowners and registered voters surrounding the sphere expansion area within Riverside County (totaling 153) in accordance with state law and adopted Commission policies. To date, no written comments in support or opposition have been received from landowners or voters regarding the consideration of this proposal.
3. The map and legal description of the proposed sphere of influence amendments, was certified by the County Surveyor's office. If staff's recommendation for modification is approved, revised maps and legal descriptions will be required prior to issuance of the resolution.

CONCLUSION:

LAFCO 3225, as modified, represents a reasonable expansion of the sphere of influence for the City of Colton and reduction of the sphere of influence for the City of Loma Linda. The City of Loma Linda is not only unable to provide services to the proposed sphere of influence amendment area or the proposed additional area in an efficient and effective manner but due to the topography of the land, access to the area is only available through the City of Colton—the logical service provider—that can, in fact, provide the full range of its services to the area. For all these reasons, and those identified within this report, staff recommends approval of LAFCO 3225, as modified. The actions recommended for the Commission are outlined on page one of this report.

KRM/sm

Attachments:

1. [Vicinity Map and Map of Proposed Sphere Expansion](#)
2. [Application for Sphere of Influence Expansion Including Supplemental Data](#)
3. [Letters from the Cities of Loma Linda and Colton Regarding the Proposed Sphere of Influence Amendments Initiated by the Applicant](#)
4. [Letters from the Cities of Loma Linda and Colton Regarding LAFCO Staff's Proposed Modification](#)
5. [Letter Response from the Commission's Environmental Consultant Tom Dodson of Tom Dodson and Associates](#)
6. [Draft LAFCO Resolution No. 3269](#)