

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
lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: AUGUST 14, 2019 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Project Manager
JEFFERY LUM, LAFCO GIS/Database Analyst
ROBERT ALDRICH, Consultant
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #8: LAFCO 3188A -- Reorganization to include Annexation to the City of San Bernardino and to the San Bernardino County Fire Protection District Zone FP-5 San Bernardino, and Detachment from County Service Area 70 (Spring Trails Specific Plan)

INITIATED BY:

Property Owner Petition – Montecito Equities, Ltd., landowner

BACKGROUND:

The reorganization proposal is an annexation to the City of San Bernardino (hereafter the “City”) and to Zone FP-5 San Bernardino¹ of the San Bernardino County Fire Protection District, and detachment from County Service Area 70. The proposal encompasses approximately 350 acres and is generally located north of the Verdemont neighborhood, east of the community of Devore and northeasterly of the I-215 Freeway. The area is bordered by parcel lines on the north and east, a combination of parcel lines and the centerline of West Meyers Road (existing City of San Bernardino boundary) on the south, and parcel lines (portion of existing City boundary) on the west, within the City’s existing sphere of influence. A vicinity map is included as Attachment #1 to this report. The map below (Figure 1) provides a general location of the area to be annexed into the City.

For over 20 years, the Local Agency Formation Commission and its staff have been involved in discussions with the City and/or the landowner regarding the delivery of services for a development proposal within the annexation area known as the Spring Trails Specific Plan, or its predecessor—Martin Ranch.

¹ The proposal area is already within the San Bernardino County Protection District and its Zone FP-5. The annexation into “Zone FP-5 San Bernardino” would isolate the special tax revenues of Zone FP-5 to the service area of the City.

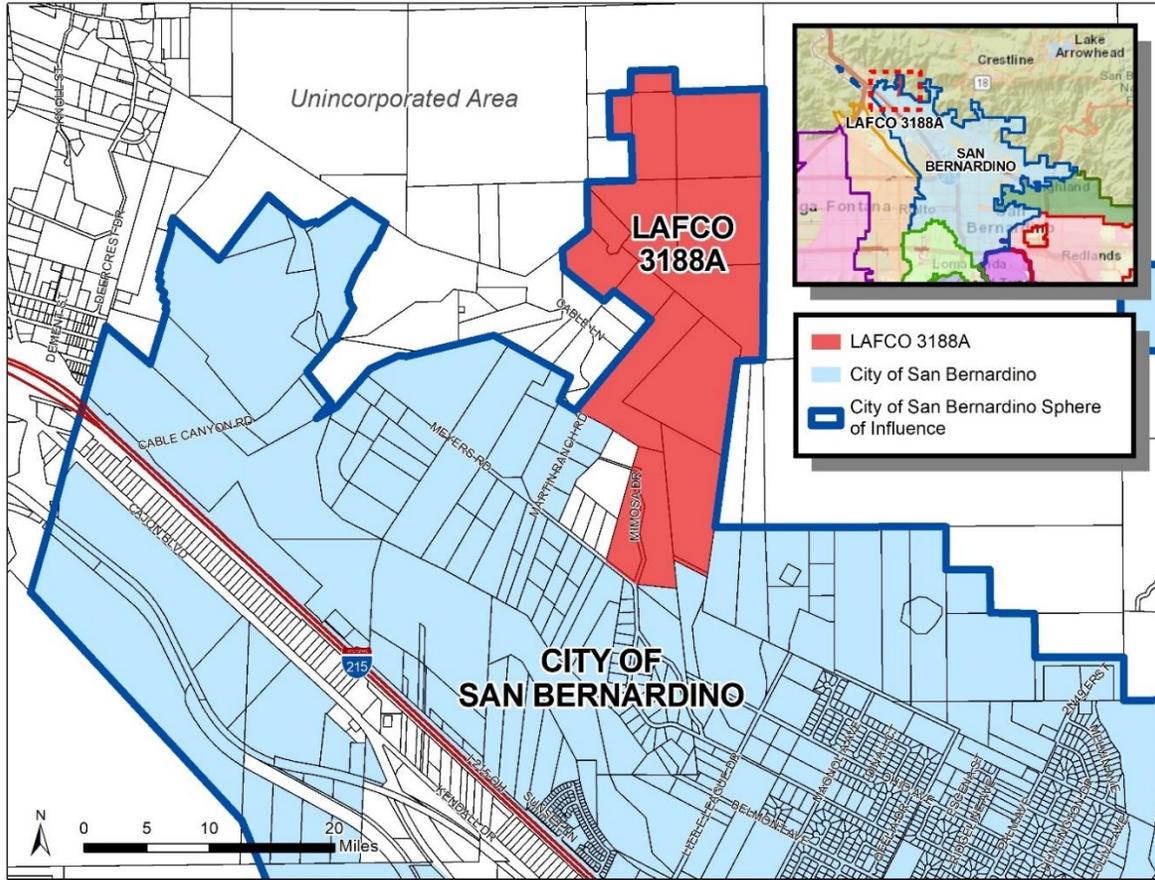


Fig. 1 – Vicinity Map

Sphere of Influence Expansion (LAFCO 2808)

In 1996, the Commission reviewed and considered a sphere of influence expansion proposal, LAFCO 2808, which was initiated by the property owner to include the proposal area (known then as Martin Ranch) into the City’s sphere of influence (see Figure 2). The Commission approved the sphere expansion proposal noting that future development would logically be served by the City and that the City should assume the primary role in developing the land use and service plans for the area. It was outlined at that time that the approval of the sphere expansion was simply to allow the landowner and the City to move forward in completing the pre-zoning, general plan amendment, and a comprehensive Environmental Impact Report for the project.

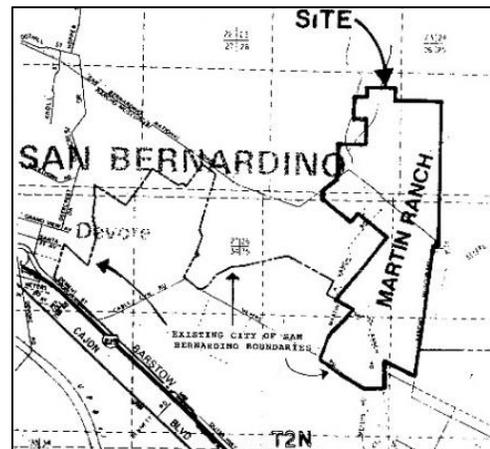


Fig. 2 – LAFCO 2808

Project History

This primer box provides a history of the project since its inception in 1996.

The Spring Trails Specific Plan (or Martin Ranch) is a project that the City of San Bernardino has extensively reviewed, evaluated, and ultimately approved (and/or adopted) after years of processing. The Martin Ranch project was first submitted to the City in 1996. In 1998, a Notice of Preparation (NOP) was issued for the project; however, the ensuing Draft Environmental Impact Report (EIR) was rejected by the City's Planning Department.

In December 2002, the application for the General Plan Amendment (GPA 02-09) and Tentative Tract Map (15576) was filed with the City. A revised Draft EIR was released in 2002. In October 2003, a major fire burned through the project site requiring preparation of a new Draft EIR. In 2004, a new NOP reflecting the revised project was issued by the City. It included a general plan amendment and pre-zoning for the project site and the adjacent unincorporated (island) area which designated the area as Planned Residential Development, the establishment of a Hillside Management Overlay District to allow lot size averaging, and a Tentative Tract Map to subdivide the project site into approximately 359 lots. However, the 2004 Draft EIR, which addressed traffic, access, as well as other issues, was never circulated for public review.

In 2005, the project was again revised to pre-zone the project site to Residential Low and the adjacent unincorporated (island) area to Residential Estate. A new Draft EIR was not released until 2006 when the City released a completed Draft EIR. Significant issues were again raised, and the City opted to prepare a revised Draft EIR to address concerns related to noise, air quality, biological resources, geotechnical issues and fire safety.

In 2007, another fire on the site required further changes to the project. A new NOP was released for public review in 2009 along with an Initial Study. In March 2010, the application for the Specific Plan (SP 10-01) was filed with the City. Due to significant technical issues, the revised Draft EIR was not released until July 2011. Applications for a Development Agreement (DA 11-01) and a Development Code Amendment (DCA 12-10) were filed with the City in October 2011 and October 2012, respectively.

In November 2012, the City's Planning Commission held a public hearing to consider the component actions for the Spring Trails Specific Plan (except for the Development Agreement portion of the project which was continued at the request of the property owner) but recommended denial of all the actions. In January 2013, the City's Planning Commission held another public hearing to consider the Development Agreement, and it also recommended denial of the proposed Development Agreement.

Finally, on February 19, 2013, the City Council reviewed and considered the Final EIR, the Mitigation Monitoring and Reporting Plan, the Facts, Findings and Statement of Overriding Considerations and the recommendations of the City's Planning Commission related to the Spring Trails Specific Plan, the General Plan Amendment, the Development Code Amendment, Tentative Tract Map 15576 to subdivide the project site into 304 single-family residential lots and the project's Development Agreement. The City Council reversed the Planning Commission's recommendations and approved and/or adopted all actions related to the Spring Trails Specific Plan.

Prior Proposal (LAFCO 3188)

In March 2015, the property owner—Montecito Equities, Ltd—submitted a property owner petition including the application materials for the proposed reorganization to the City (see Attachment #2). The applicant not only requested the annexation of its properties but also included the adjacent unincorporated area totaling approximately 376 acres (see Figure 3).

It should be noted that the City (and the applicant) included the adjacent unincorporated area as part of its proposal to prevent the creation of a totally-surrounded unincorporated island territory within the City. This is why the adjacent 26-acre unincorporated area was included in the City’s environmental assessment for the project.

However, during the circulation of the Notice of Filing for LAFCO 3188, the Registrar of Voters (ROV) certified on July 2, 2015 that there were 16 registered voters within the reorganization area (see Attachment #3). That changed the annexation proposal from being (initially) an “uninhabited” annexation (less than 12 registered voters) to an “inhabited” annexation which allows for registered voter protest. This also meant likely termination due to registered voter protest—primarily from within the unincorporated island area. As a result, the applicant requested that LAFCO suspend the processing of its application proposal pending the outcome of the voter registration verification process by the ROV.

Current Proposal (LAFCO 3188A)

After almost a year, there still was no resolution from the ROV on the applicant’s request for verification of registered voters within the annexation area. This prompted the applicant to submit a revised application proposal that removed the adjacent unincorporated area from its proposal boundary (see Attachment #4).

Figure 4 illustrates the applicant’s revised boundary that excludes the adjacent unincorporated area. Hence, the current proposal, LAFCO 3188A, creates a totally-surrounded island territory within the City.

The reason for the delay in processing this proposal since the time it was re-initiated by the applicant was

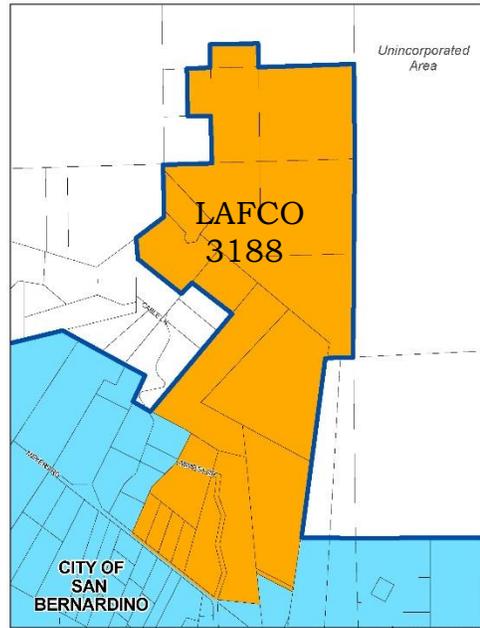


Fig. 3 – LAFCO 3188

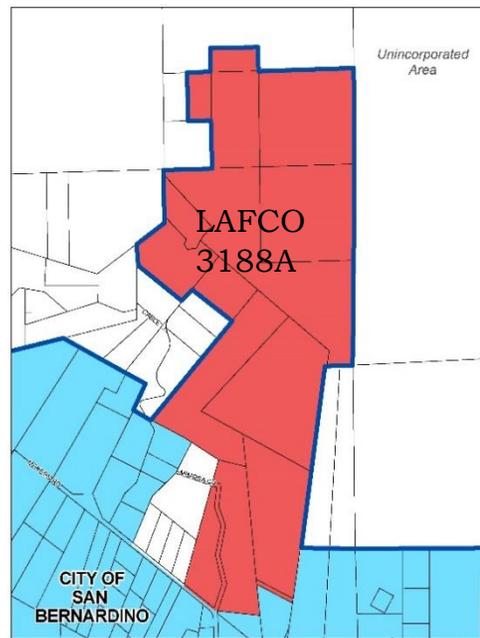


Fig. 4 – LAFCO 3188A

due to the modifications that had to be incorporated into the Plan for Service and Fiscal Impact Analysis to reflect the change in fire service between the City and County Fire, as well as the property tax transfer process between the County and the City.

Property Tax Transfer Process

In May 2017, both the County and the City were scheduled to approve their respective property tax transfer resolutions; however, the City ended up not agreeing to the exchange and took no action on its property tax transfer resolution at that time. This prompted the dispute resolution process outlined in Revenue and Taxation Code Section 99(e) that requires mediation and/or arbitration.

As the Commission is fully aware, the tax sharing formula in San Bernardino County (between the County and cities) is calculated in the same manner as all other annexations. However, because of the City's unique property tax exchange process with County Fire through its fire reorganization, the City raised questions on whether an alternative formula was appropriate. The County and the City jointly retained a third-party consultant (David Taussig and Associates) to perform an independent financial analysis of the property tax revenues. That process took several months to get underway and was finally completed in June 2018. Negotiations continued until all parties agreed.

The City adopted its property tax resolution on March 20, 2019, and the County, likewise, adopted its property tax resolution on May 21, 2019, determining the amount of property tax revenues to be exchanged among the County, the City, and County Fire.

BOUNDARIES:

The proposal, as submitted by the applicant, includes the annexation of properties solely associated with the Spring Trails Specific Plan and does not include the adjacent unincorporated area that, should LAFCO 3188A be approved by the Commission, will become a totally-surrounded island within the City of San Bernardino. In staff's view, the Commission has the following options to address the island area:

Option 1

Option 1 is to approve the proposal, LAFCO 3188A, as submitted by the applicant. This would leave an unincorporated area totally surrounded by the City. Clearly, it would be LAFCO staff's preference not to create an island. Therefore, if the Commission chooses option 1, LAFCO staff would recommend that the Commission make certain determinations related to the creation of the island, and as a condition of approval require the City to initiate a new reorganization to annex the island area as a separate proposal (see Figure 5).

Option 2

The Commission could modify the proposal by expanding LAFCO 3188A to include the unincorporated (island) area adjacent to the proposal area, which would be the exact same area as the prior proposal – LAFCO 3188 (see Figure 6).

As outlined in the earlier discussion related to the prior proposal (LAFCO 3188) on pages 4 and 5, the inclusion of the island area would change the annexation proposal from being an uninhabited annexation to an inhabited annexation since there would be at least 12 registered voters within the modified proposal.

From the beginning of the City's consideration of the Spring Trails project, many have expressed opposition to the project. Since most of the registered voters are from within the island portion of the modified area, the probability of termination of the expanded proposal would be highly likely.

Based on the options outlined above, LAFCO staff recommends the Commission choose **Option 1**.

Although not an ideal boundary, it is LAFCO staff's position that the imposition of the Condition of Approval related to the island area as well as the Determination related to the creation of the island, allows a mechanism for the Spring Trails Specific Plan, which is an easily identifiable boundary for service delivery, to be annexed into the City of San Bernardino for the services it requires.

A detailed comparison of the two options follows on the next two pages.

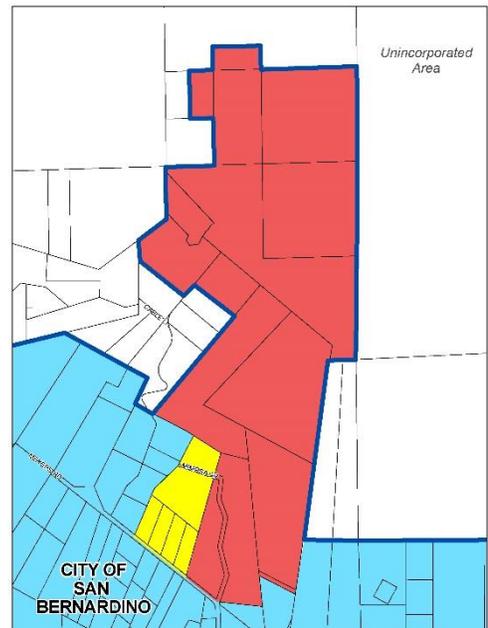


Fig. 5 – Option 1

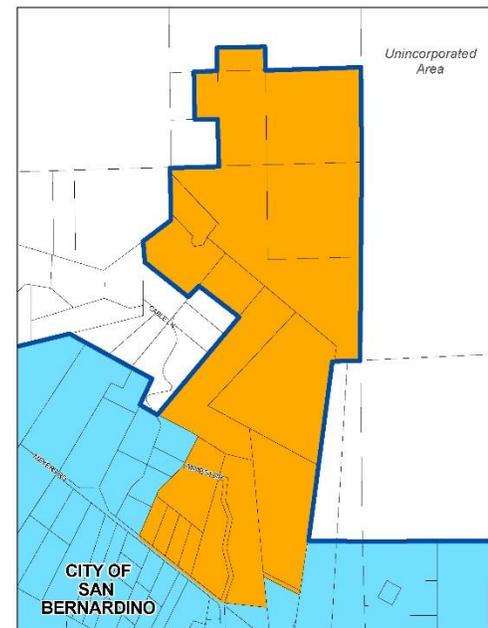


Fig. 6 – Option 2

Option 1
Applicant's Proposal Boundary, as Submitted to LAFCO

Proposal Boundary and Description:

A reorganization of 350 acres to include annexation of only the Spring Trails Specific Plan (shown in red).

Pros:

- The Commission identified the City as the logical service provider for the area by expanding the City's sphere of influence in 1996.
- Reorganization area will benefit from the extension of City services.
- No other agency can logically provide municipal-level services to this area.
- Proposal has 100% landowner consent, allowing for the waiver of protest and eliminating the possibility of termination.

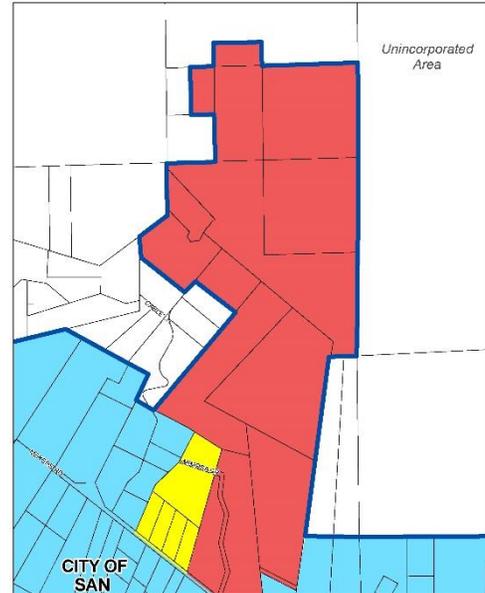


Fig. 7 – Option 1

Cons:

- Applicant's proposal boundary creates an unincorporated island (completely surrounded by the City, shown in yellow) which is prohibited under Government Code §56744, unless certain determinations can be made (see Discussion below).
- The landowners and registered voters of the island (being outside the reorganization area) would lack a process to overturn the Commission's action.

Discussion:

- Although an island of unincorporated area is being created, the Commission has the statutory ability to waive the restrictions of creating an island (§56744) if it finds that the restrictions would be detrimental to the orderly development of the community and that the areas enclosed by the annexation cannot be reasonably annexed to another city or incorporate as a city. A determination pursuant to §56375 has been included in the Commission's draft resolution and in the Recommendation portion of this report.
- A condition of approval is being recommended that would require the City to initiate a separate reorganization to annex the island within one year of completion of LAFCO 3188A, and undergo standard protest proceedings on said island. The condition is included in the Commission's draft resolution and in the Recommendation portion of this report.

Option 2 Expanded Proposal Boundary

Expanded Boundary and Description:

An expanded reorganization area of 376 acres to include annexation of the Spring Trails Specific Plan (350 acres) and adjacent 26-acre unincorporated area.

Pros:

- The Commission identified the City as the logical service provider to the area by expanding the City's sphere of influence in 1996.
- Environmental Assessment already includes the adjacent 26-acre unincorporated area.
- Spring Trails Specific Plan area will benefit from the extension of City services.
- No other agency can logically provide municipal-level services to this area.
- Expanded boundary will not create an island.
- The proposal would include a protest proceeding whereby island landowners and registered voters could submit a protest to oppose the reorganization in order to overturn the Commission's action.

Cons:

- Registered voter opposition within the expanded boundary would likely result in sufficient protest to terminate the reorganization.
- Without annexation to the City, the project—which requires municipal services—most likely would not be able to develop.

Discussion:

- This option is available to the Commission should it choose not to make a determination to waive the restrictions of creating an island.
- The Commission would have to continue the item in order to provide proper noticing.
- The Spring Trails project and reorganization would be decided by the registered voters within the reorganization area (not the landowners).

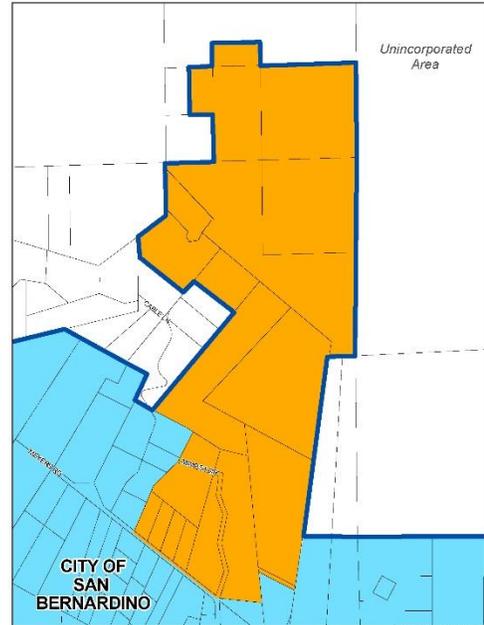


Fig. 8 – Option 2

The remainder of this report contains the following information:

- Land Use
 - County designations and City land use/pre-zone designations
 - Spring Trails Specific Plan
 - Constraints: fire hazard, fault zone, circulation, high wind areas, flood and drainage
- Service Issues and Effects on Other Local Governments
- Environmental Considerations
- Waiver of Protest Proceedings
- Conclusion
- Recommendations
- Determinations
- Attachment Listing

LAND USE:

The reorganization area is predominantly vacant with the exception of an existing single-family residence on one of the parcels (see Figure 9). The area is surrounded by a combination of National Forest boundary and vacant lands to the east; a combination of residential development including Meyers Road to the south; a combination of residential development, vacant lands, and the National Forest boundary to the west; and the National Forest boundary to the north.

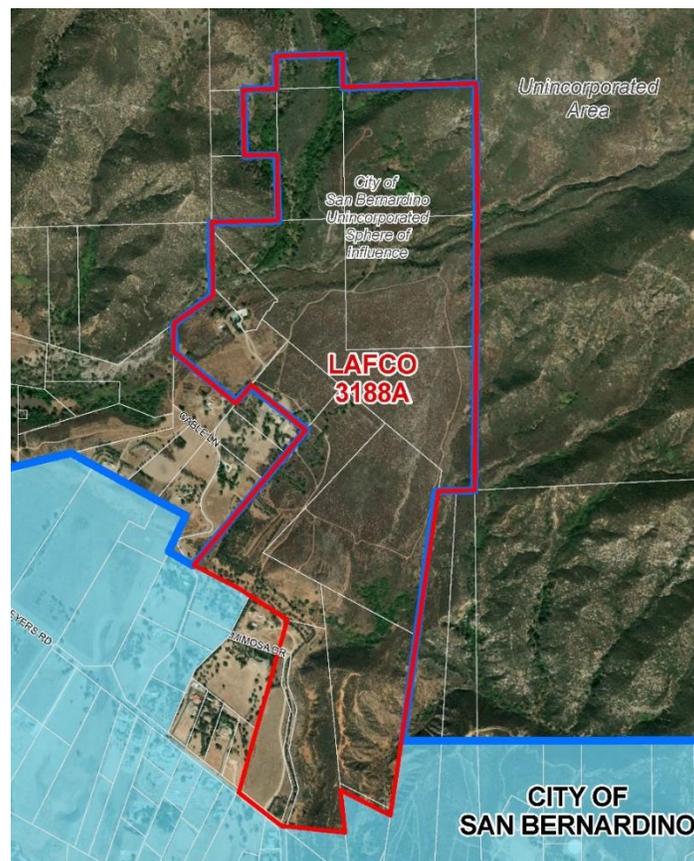


Fig. 9 – Aerial Map

County Land Use Designations:

The County's current land use designations for the reorganization area are: RL-5 (Rural Living, 5 acres minimum), which provides sites for rural residential uses and incidental agricultural uses; and RC (Resource Conservation), which provides sites for open space and recreational activities, and single-family homes on large parcels.

City's Land Use/Pre-zone Designation(s):

The City of San Bernardino has assigned the reorganization area as Spring Trails Specific Plan District and has been pre-zoned the area as "Specific Plan No. 10-01, Spring Trails" under its Special Purpose Zones through the City's consideration of Ordinance No. MC-1386, which was adopted on March 5, 2013. The underlying Spring Trails Specific Plan zoning designations within the reorganization area are Residential (Estate), Open Space, and Parks, which will take effect upon completion of the annexation process.

The Spring Trails Specific Plan zone designations are the pre-zoning for the proposal area as required by Government Code §56375(a)(7). Pursuant to the provisions of Government Code §56375(e), these zoning designations shall remain in effect for a period of two (2) years following annexation unless specific actions are taken by the City Council at a public hearing.

The Spring Trails Specific Plan

The Spring Trails Specific Plan (Included as Attachment #5), is a proposed development within the 350-acre annexation area that was approved by the City Council of the City of San Bernardino in February 2013. At that time the Specific Plan was approved by the City, it contemplated development of 307 new single-family residential lots on approximately 242 acres and the remainder area for open space, parks, slopes, and other uses (see Figure 10).



Fig. 10 – Original Development Plan

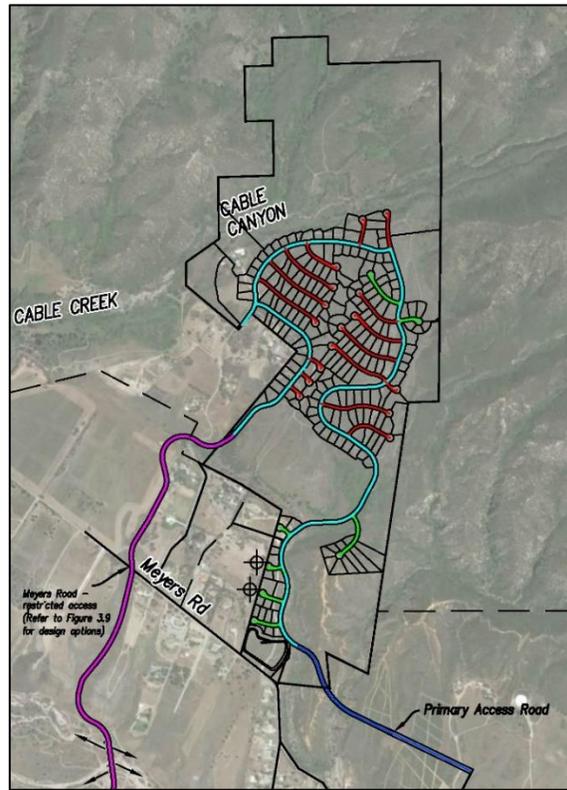


Fig. 11 – Current Development Plan

However, since the City's approval of the Specific Plan, the land area to be developed and the total number of residential lots have been reduced. Through subsequent analysis of the geology and soils within the Specific Plan area, it has been determined by the landowner that it is only feasible to construct 215 residential lots, and the land area to be developed has been significantly reduced from 242 acres to 199 acres (see Figure 11). The Current Development Plan configuration is also included as part of Attachment #1.

Constraints

Development of the Spring Trails Specific Plan includes a number of challenges that the Commission should be aware of given the location of the project. Below is a summary of some, but not all, of the constraints associated with the Spring Trails Specific Plan.

The Spring Trails is on the northern edge of the City in the foothills of the San Bernardino Mountains. The area is generally bounded by the San Bernardino National Forest on three sides and the elevation of the site ranges from approximately 2,010 feet above sea level at its southern boundary to approximately 3,540 feet at the northern boundary. The topography of the site varies from steep (over 30% slopes) in the north and southeast portions of the site to gentle (0–15% slopes) in the central portion of the site. The site slopes to the southwest at approximately 10 to 15%.

- *Fire Hazard*

Because the San Bernardino National Forest is adjacent to the project site, with steep slopes and high winds, the Spring Trails Specific Plan area is at risk from wildland fires (see Figure 12). The Foothill Fire Zone Overlay District identifies three fire zones with different degrees of hazard based on slope, type of fuel, and natural barriers. Approximately one third of the site is in Fire Zone A (Extreme Hazard with slopes 30% or greater), one third of the site is in Fire Zone B (High Hazard with slopes of 15–30%), and the remaining third is in Fire Zone C (Moderate Hazard with slopes of 0–15%). As noted in the Spring Trails Specific Plan, areas in the Foothill Fire Zones are required to be developed with proper building separation, landscaping, and building materials; adequate emergency access and evacuation routes; and sufficient water resources.

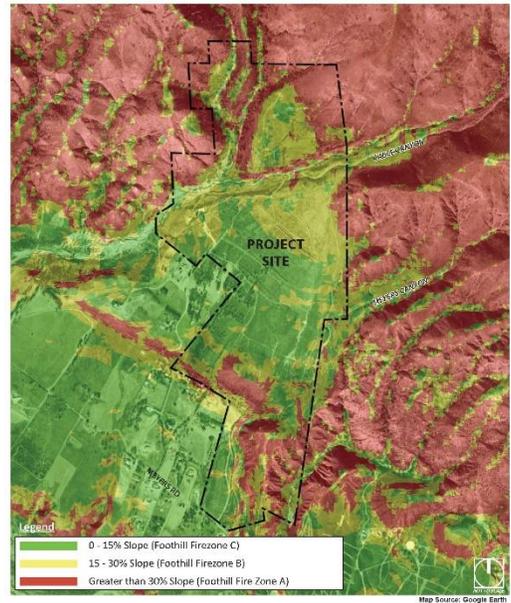


Fig. 12 – Topography (Fire Zones)

The recommended preventative measures are incorporated in the Specific Plan as standards for fuel modification zones, setbacks, landscaping methods/materials, construction materials/methods, and building protection systems. The Mitigation Monitoring Program for the Specific Plan also outlines mitigation measures on fire safety.

- *Fault Zone*

The site includes three traces of the San Andreas Fault zone, which runs in a general east–west direction (see Figure 13). As noted in the Spring Trails Specific Plan, the southern portion of the site is traversed by two faults: the main trace of the San Andreas Fault and a secondary trace just north of the main trace. The fault zone of the main trace ranges from approximately 50 feet to 150 feet wide and the fault zone of the secondary trace is approximately 40 feet wide.

The Spring Trails Specific Plan has been designed to comply with the requirements of the Alquist-Priolo Earthquake Fault Zoning Act, which prevents the construction of buildings within 50 feet of active faults. Setbacks and additional fault studies are included as mitigation measures in the Mitigation Monitoring Program for the Spring Trails Specific Plan.

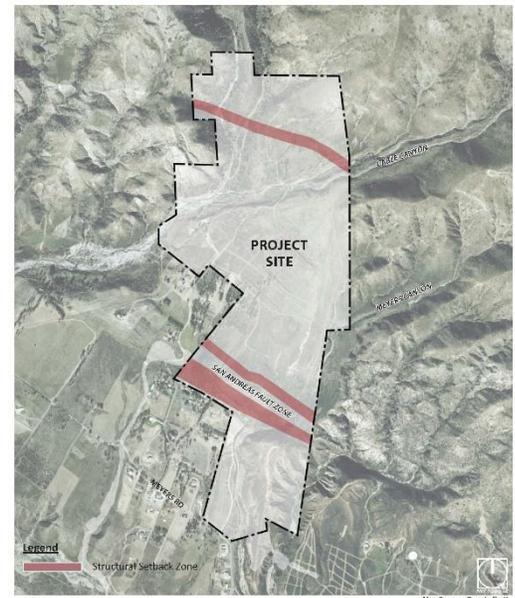


Fig. 13 – Earthquake Faults

- *Circulation*

Spring Trails require two points of access that directly connect to collector roads and avoid existing neighborhoods. The primary access road to Spring Trails will be through the southeast corner of the project site via a street extending from Little League Drive to the project site. Secondary access to Spring Trails will be via a street extending from the western edge of the project site to a frontage road along the I-215 Freeway. The secondary access road is designed to restrict non-resident access onto Meyers Road. The Mitigation Monitoring Program outlines mitigation measures to address wildlife corridors.

- *High Wind Areas*

The City of San Bernardino experiences periods of high velocity winds, especially in the Cajon Pass and at the bottoms of canyons. Spring Trails is included in the City's designated High Wind Area, which has certain building standards. Development will be required to comply with the building standards for this area. The Mitigation Monitoring Program for the Specific Plan outlines development guidelines for high wind areas.

- *Flooding and Drainage*

Because Spring Trails sits on an alluvial plain on the slopes of the San Bernardino Mountains, flooding and drainage are also critical factors. Spring Trails is designed to avoid grading or construction of residences in the flood plains.

These are just some of the constraints associated with the Spring Trails Specific Plan. LAFCO staff emphasizes the importance of the mitigation measures being implemented to minimize or reduce the impacts. These mitigation measures must be implemented by the City to allow development of the project. However, the Commission has no direct responsibility in implementing these mitigation measures.

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. Due to the vacant nature of the lands currently, government service requirements are minimal – primarily law enforcement and fire protection. The current service providers within the reorganization area include the California Highway Patrol for law enforcement along existing roadways in unincorporated areas, County of San Bernardino, San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5, and County Service Area 70 (unincorporated, multi-function entity). In addition, the regional independent special districts, Inland Empire Resource Conservation District and the San Bernardino Valley Municipal Water District (State Water Contractor), overlay the reorganization area.

Plan for Service:

The City of San Bernardino has provided a “Plan for Service” for this proposal as required by law and Commission policy. The Plan includes a Fiscal Impact Analysis outlining its ability to provide its range of services and ongoing maintenance and operation to the area given the anticipated revenues and expenditures associated with the project. Also included with the materials for review is the Development Agreement approved by the City and the applicant, outlining land use assumptions, financing and service requirements for the reorganization area. The City of San Bernardino’s certified Plan for Service and Fiscal Impact Analysis and its Municipal Water Department’s certification of the Plan for Service are included as Attachment #6 to this report. In general, the Plan identifies the following:

- Water Service:

Water service will be provided by the City’s Municipal Water Department, as outlined in its Plan for Service. Current storage facilities nearest to Spring Trails is the Meyers Canyon Reservoir, but is not adequate for buildout of Spring Trails. Therefore, water will be supplied to Spring Trails by a combination of expanding and improving the offsite water systems and the provision of onsite reservoirs and transmission lines.

The City’s Municipal Water Department outlines the need for the developer to enter into an agreement with Department and provide its share of funding to construct the infrastructure necessary to serve the new pressure zones. In addition, the developer must enter into a developer-installed agreement and provide a performance bond to install the required transmission and distribution mains for construction.

- Sewer Service:

There is no sewage collection system within the area at the present time. The Sewer Capacity Study concludes that the City’s existing sewer system has the capacity to accommodate the project. The City’s wastewater collection system has transferred from the City’s Public Works to the City’s Municipal Water Department.

Spring Trails would connect to the existing 10-inch main located on Little League Drive. The only offsite improvement that may be required is in North Little League Drive, which may be upgraded from an 8-inch to a 10-inch main.

- Fire Protection and Emergency Medical Response:

In 2016, the City of San Bernardino was annexed into the San Bernardino County Fire Protection District (County Fire), its Valley Service Zone, and its Zone FP-5 for fire protection and emergency medical response services. The area being annexed is already within the boundaries of County Fire; therefore, fire protection and emergency medical response services will continue to be provided by County Fire and its Valley Service Zone. No change in actual service provider will occur upon completion of the annexation.

The entire LAFCO 3188A is currently designated as State Responsibility Area (SRA) lands. This designation would be removed upon annexation to the City and the financial burden for fire protection becomes a responsibility of the City.

Fire stations and equipment of the City have since been transferred to County Fire through the City's fire reorganization. The closest fire station is Station 232 (6065 Palm Avenue) located approximately two miles away from the project site. Water facilities for fire protection will meet water flow demands for the project.

As a result of the County Fire reorganizations, one of the conditions that was agreed upon was to account for the special tax generated from within the different areas being annexed into County Fire by creating subzones of County Fire's Service Zone FP-5. In the case for the City, Zone FP-5 San Bernardino was created to isolate said funding generated from the City. Therefore, LAFCO 3188A includes annexation to Zone FP-5 San Bernardino as part of the overall reorganization in order to isolate the funding generated from reorganization area within the City of San Bernardino.

- Law Enforcement:

Law enforcement responsibilities will shift from the San Bernardino County Sheriff's Department to the City of San Bernardino Police Department. The area is served by a main police station located at 710 North D Street, and four designated geographical patrol districts. The project area is within the City's patrol beat B1 in the Northwest Patrol District.

- Park and Recreation:

Regional park and recreation services are currently provided by the County Regional Parks system. The closest regional park is Glen Helen Regional Park, which has various recreation activities. Due to the primarily vacant nature of the reorganization area, local park amenities are not currently provided.

The City of San Bernardino has a variety of parks and recreation facilities. The closest City park is the Al Guhin Park located approximately 1.3 miles from the

proposal area. The Spring Trails project plans to develop neighborhood parks, natural open space, as well as pedestrian/equestrian trails.

- Solid Waste

Solid waste services are currently provided by Burrtec Industries within the reorganization area and within the City of San Bernardino (by contract). No change in service provider will occur through the annexation.

- Schools

The area is within the San Bernardino City Unified School District (SBCUSD). Upon annexation, SBCUSD will continue to be the school district with North Verdemont Elementary School, Chavez Middle School, and Cajon High School.

As required by Commission policy and State law, the Plan for Service submitted by the City of San Bernardino and its Municipal Water Department show that the extension of the City's services to the reorganization area are required to provide the level of service anticipated by the Spring Trails Specific Plan. Such service extensions will exceed current service levels provided through the County as the area is primarily vacant at the present time.

ENVIRONMENTAL CONSIDERATIONS:

The City's processing of the Spring Trails Specific Plan project included the preparation and certification of an Environmental Impact Report that was finalized by the City in 2013. LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the City's Complete Final Environmental Impact Report (EIR), which includes the Draft EIR and the Final EIR, and indicated that the City's environmental documents are adequate for the Commission's use as a responsible agency for LAFCO 3188A. Copies of the City's Complete Final EIR and all associated documents, were provided to Commissioners on July 22, 2019. Mr. Dodson has indicated in his letter to the Commission, included as Attachment #9 to this report, the actions that are appropriate for the review of LAFCO 3188A, which are:

- Certify that the Commission, its staff, and its Environmental Consultant have individually reviewed and considered the environmental assessment for the Spring Trails Specific Plan prepared by the City of San Bernardino;
- Determine that the Complete Final EIR is adequate for the Commission's use in making its decision related to LAFCO 3188A;
- 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 for the Spring Trails project are the responsibility of the City and others, not the Commission;
- Adopt the Facts, Findings and Statement of Overriding Considerations as presented by Mr. Dodson, which are the conclusions made regarding the significance of a project in light of the impacts and mitigation measures that have been identified. A copy of this Statement is included as a part of Attachment #9 to this report; and,
- Direct the Executive Officer to file the Notice of Determination within five 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 possesses 100% landowner consent to the annexation. Therefore, if the Commission approves LAFCO 3188A 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.

CONCLUSION:

In the mid-90s, the applicant already began planning the development of its landholdings that encompass the Spring Trails Specific Plan area. This began by a request to LAFCO for expansion of the City's sphere of influence in 1996. The first development project was originally called "Martin Ranch". As noted in the History Section of this report, the prior Martin Ranch and the current Spring Trails Specific Plan has been in the making for more than 20 years with numerous changes to the project description and multiple Draft EIRs prepared and revised since its inception. The final project approved and/or adopted by the City of San Bernardino, which is the Spring Trails Specific Plan, requires a broad range and level of municipal services that are only available through the City of San Bernardino.

The reorganization area will benefit from the extension of the City's services as well as the continuation of fire protection and emergency medical response services from the San Bernardino County Fire Protection District and its Valley Service Zone based upon the anticipated development of 215 (current configuration) single-family residences, open space, parks, and other public facilities.

The Spring Trails Specific Plan was approved and adopted by the City with certain guidelines, conditions of approval, and mitigation measures. Therefore, the Commission's approval of LAFCO 3188A assumes that the City will adhere to the parameters that have been imposed on the Spring Trails Specific Plan and the mitigation measures outlined in the Mitigation Monitoring Program for the Spring Trails Specific Plan.

However, approval of this proposal calls into question the issue related to the adjacent unincorporated area that will become totally-surrounded by the City of San Bernardino. This report provides for options for addressing the creation of said island territory. Staff recommendations are to:

- Include a determination required by Government Code Section 56375(m), which can be applied to this proposal; and,
- Include a condition that requires the City to initiate the totally-surrounded island area within one year of the Commission's approval of LAFCO 3188A.

For all these reasons, and those outlined throughout the staff report, staff recommends approval of LAFCO 3188A.

However, should the Commission choose Option 2 (to expand the proposal) then the Commission would have to continue the item in order to provide proper noticing.

RECOMMENDATIONS:

The staff recommends that the Commission approve LAFCO 3188A by taking the following actions:

1. With respect to the environmental review:
 - a. Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the City of San Bernardino for the Spring Trails Specific Plan have been independently reviewed and considered by the Commission, its staff and its Environmental Consultant;
 - b. Determine that the Complete Final EIR for the project prepared by the City is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determination related to LAFCO 3188A.
 - c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the Spring Trails Specific Plan, and that the mitigation measures identified for the project are the responsibility of the City and others, not the Commission;
 - d. Adopt the Facts, Findings and Statement of Overriding Considerations as presented by the Commission's Environmental Consultant and attached to the staff report; and,
 - e. Direct the Executive Officer to file the Notice of Determination within five days, and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the City, as CEQA Lead Agency, has paid said fees.
2. Approve LAFCO 3188A, with the following determination: The Commission determines that approval of LAFCO 3188A will create an unincorporated island completely surrounded by the City of San Bernardino. Since the inclusion of the island area would likely terminate the annexation proposal due to the number of registered voters within said island, the Commission determines, pursuant to the provision of Government Code Section 56375(m), to waive the restrictions on the creation of a totally-surrounded island contained within Government Code Section 56744 because it would be detrimental to the orderly development of the community, and it further determines that the area to be surrounded by the City of San Bernardino cannot reasonably be annexed to another city or incorporated as a new city.
3. Approve LAFCO 3188A with the following conditions:
 - a. The City of San Bernardino shall be required to initiate annexation of the totally-surrounded island within one year of the Commission's approval of LAFCO 3188A and process under standard protest proceedings. A resolution by the City Council of the City of San Bernardino shall be submitted to the Executive Officer of LAFCO outlining the City's commitment to fulfilling this

requirement prior to the issuance of the Certificate of Completion for LAFCO 3188A. A status report shall be provided to the Commission at the six month date outlining the progress of the City of San Bernardino in fulfilling its obligation. Failure on the part of the City of San Bernardino to fulfill its commitment to annex the totally-surrounded island shall require that the next annexation proposed to the City of San Bernardino, either by the City through resolution or by property owner/registered voter petition, include a condition requiring the initiation of annexation of the totally-surrounded island. Said condition of approval shall be deemed completed upon the issuance of the Certificate of Filing for said island.

- b. The standard LAFCO terms and conditions that include, but are not limited to, 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 the identification that the transfer of utility accounts will occur within 90 days of the recording of the Certificate of Completion.
3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,
4. Adopt LAFCO Resolution No. 3291 setting forth the Commission’s determinations, terms, and conditions of approval concerning LAFCO 3188A.

DETERMINATIONS:

The following determinations are required to be provided by Commission policy and Government Code Section 56668 for any changes of organization/reorganization proposal:

1. The reorganization proposal is legally uninhabited containing four (4) registered voters within the reorganization area as certified by the Registrar of Voters as of July 22, 2019.
2. The County Assessor’s Office has determined that the total assessed value of land and improvements within the reorganization area is \$1,978,576 (land--\$1,876,890; improvements--\$101,686) as of August 9, 2019.
3. The reorganization area is within the sphere of influence of the City of San Bernardino.
4. Legal advertisement of the Commission’s consideration has been provided through publication in *The Sun*, a newspaper of general circulation within the reorganization area. As required by State law, individual notice was provided to affected and interested agencies, County departments, and those individual and agencies having requested such notice.
5. In accordance with State law and adopted Commission policies, LAFCO has provided individual notice to:
 - landowners (2) and registered voters (4) within the reorganization area (totaling 6 notices); and,
 - landowners (84) and registered voters (96) surrounding the reorganization area (totaling 180 notices).

Included as Attachment #7 to this report is a comment letter received by LAFCO staff from an area resident prior to the publication of the report. The letter outlines concerns related to the project such as fire safety (e.g. housing densities, slope issues, and previous fires in the area, etc.), issues regarding the access roads (e.g. roads built on fault lines, vehicle trips per day, etc.), and issues related to services from the City as well as utilities across fault lines.

Comments from landowners and registered voters 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 San Bernardino adopted the Spring Trails Specific Plan (SP #10-01) along with a General Plan Amendment (GPA #02-09) and a Development Code Amendment (DCA #12-10), which pre-zoned the reorganization area as Spring Trails Specific Plan with the following underlying specific plan zone designations: Residential (Estate), Open Space, and Parks. These pre-zone/specific plan zone

designations are consistent with the City’s General Plan and are generally compatible with surrounding land uses within the City and in the County.

Pursuant to the provisions of Government Code Section 56375(e), these pre-zone 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 (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3188A is in close proximity with the I-215 Freeway, which is part of the RTP-SCS’s highway improvement (expansion/rehabilitation) program adding high-occupancy vehicle (HOV) lanes between the I-210 and the I-15 Freeways for completion by 2035.
8. The City of San Bernardino adopted an updated Local Hazard Mitigation Plan (LHMP) in October 2016 (Resolution No. 2016-209), which was developed by County Fire, the City’s fire service provider. Said LHMP includes the Spring Trails project as one its potential residential development. County Fire also has its Multi-Jurisdictional Hazard Mitigation Plan that was approved by FEMA in July 2017.

Information contained in the Safety Element of the City’s General Plan related to Urban and Wildland Fires is included as Attachment #8.

9. As a CEQA responsible agency, the Commission’s Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has reviewed the City’s environmental documents for the reorganization proposal and has indicated that the City’s environmental assessment for the Spring Trails Specific Plan are adequate for the Commission’s use as CEQA responsible agency. Copies of the City’s Complete Final EIR and all associated documents were provided to Commission members on July 22, 2019 and are also included (as web links) as part of Attachment #9 to this report (Environmental Documents Related to the City of San Bernardino’s Approval of the Spring Trails Specific Plan). Mr. Dodson has prepared his recommended actions for LAFCO 3188A, which are outlined in the narrative portion of the Environmental Considerations section (page 17 of the staff report).

Attachment #9 also includes the Facts, Findings and Statement of Overriding Considerations that has been prepared for the Commission’s use in addressing this project.

10. The reorganization area is presently served by the following public agencies:

County of San Bernardino
Inland Empire Resource Conservation District
San Bernardino Valley Municipal Water District
San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5 (fire protection and emergency medical response)
County Service Area 70 (multi-function unincorporated County-wide)

The area will be detached from County Service Area 70 and its sphere of influence reduced as a function of the reorganization. None of the other agencies are affected by this proposal as they are regional in nature.

11. 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, as certified by the City and its Municipal Water Department, 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 #6 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.

The Plan indicates that the revenues to be provided through the transfer of property tax revenues and existing and potential financing mechanisms are anticipated to be sufficient to provide for the infrastructure and ongoing maintenance and operation of the services to be provided from the City of San Bernardino and its Municipal Water Department as well as the services from the San Bernardino County Fire Protection District and its Valley Service Zone. A copy of the Plan for Service is included as a part of Attachment #6 to this report.

12. The reorganization proposal complies with Commission policies and directives and State law that indicate the preference for areas proposed for urban intensity development to be included within a City so that the full range of municipal services can be planned, funded, extended, and maintained.

However, approval of this proposal will create an island of unincorporated territory that will be totally-surrounded by the City of San Bernardino.

13. The reorganization area can benefit from the availability and extension of municipal-level services from the City of San Bernardino and its Municipal Water Department, as evidenced by the Plan for Service certified by the City.
14. This proposal will have an effect on the City of San Bernardino's ability to achieve its fair share of the regional housing needs as it proposes to build the addition of 215 single-family residential units.
15. 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 for the City of San Bernardino and the reorganization and adjacent unincorporated areas (2019 data):

Demographic and Income Comparison	City of San Bernardino (%)	Reorganization Area and Adjacent Unincorporated Area (%)
Race and Ethnicity		
• African American Alone	13.5 %	7.0 %
• American Indian Alone	1.3 %	0.9 %
• Asian Alone	4.2 %	4.3 %
• Pacific Islander Alone	0.4 %	0.3 %
• Hispanic Origin (Any Race)	68.3 %	37.9 %
Median Household Income	\$43,515	\$104,564

Through future development, 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 proposal will not result in the unfair treatment of any person based on race, culture or income.

16. The County of San Bernardino (for itself and acting on behalf of the San Bernardino County Fire Protection District) and the City of San Bernardino 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.
17. The maps and legal descriptions, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

SM/

Attachments:

1. [Vicinity Map, Reorganization Map, and Current Development Plan Configuration](#)
2. [Applicant's Landowner Petition and Application Documents](#)
3. [ROV Certification of Registered Voters within LAFCO 3188 Dated July 2, 2015](#)
4. [Letter from Applicant Dated June 22, 2016 Regarding Resubmittal of Application](#)
5. [Spring Trails Specific Plan and Recorded Development Agreement](#)
6. [City of San Bernardino's Certified Plan for Service/Fiscal Impact Analysis, Certification from the City's Municipal Water Department](#)
7. [Comment Letter Received Prior to Staff Report Publication](#)
8. [Safety Element Portion of the City's General Plan related to Urban and Wildland Fires](#)
9. [Letter from Tom Dodson and Associates and Facts, Findings and Statement of Overriding Considerations, and Environmental Documents Related to the City of San Bernardino's Approval of the Spring Trails Specific Plan](#)
10. [Draft Resolution No. 3291 for LAFCO 3188A](#)