

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JULY 8, 2020 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #9: LAFCO 3239 – Reorganization to Include Annexation to the City of Loma Linda and Detachment from the San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and County Service Area 70 (City-owned Parcels)

INITIATED BY:

Resolution of the City Council of the City of Loma Linda

RECOMMENDATION:

The staff recommends that the Commission approve LAFCO 3239 by taking the following actions:

1. With respect to environmental review:
 - a) Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City's Initial Study and Negative Declaration for the South Hills Preserve Annexation and Pre-Zoning for approximately 664 acres;
 - b) Determine that the City's environmental assessment and Negative Declaration are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO 3239;
 - c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; and,
 - d) Direct the Executive Officer to file the Notice of Determination within five (5) days.
2. Approve LAFCO 3239, with the standard LAFCO terms and conditions that include the "hold harmless" clause for potential litigation costs by the applicant;

3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,
4. Adopt LAFCO Resolution #3310 setting forth the Commission's determinations and conditions of approval concerning the reorganization proposal.

BACKGROUND:

LAFCO 3239 is a proposal that consists of 11 parcels owned by the City of Loma Linda totaling approximately 664 acres in order to bring the remainder of the South Hills Preserve under City jurisdiction for long-term preservation of open space, as well as remove the property tax liability for these parcels. The area is within the City's South Hills Preserve and the City's sphere of influence.

This report will provide the Commission with the information related to the four major areas of consideration required for a jurisdictional change – boundaries, land uses, service issues and the effects on other local governments, and environmental considerations.

BOUNDARIES:

The area being considered for LAFCO 3239 encompasses a total of approximately 664 acres, includes 11 parcels, and is wholly within the City's sphere of influence. The area is generally located south of Beaumont Avenue, west of Whitter Avenue, north of the county line, and east of Mountain View Avenue. Figure 1 below provides a general location of the area that is being considered in this reorganization proposal.

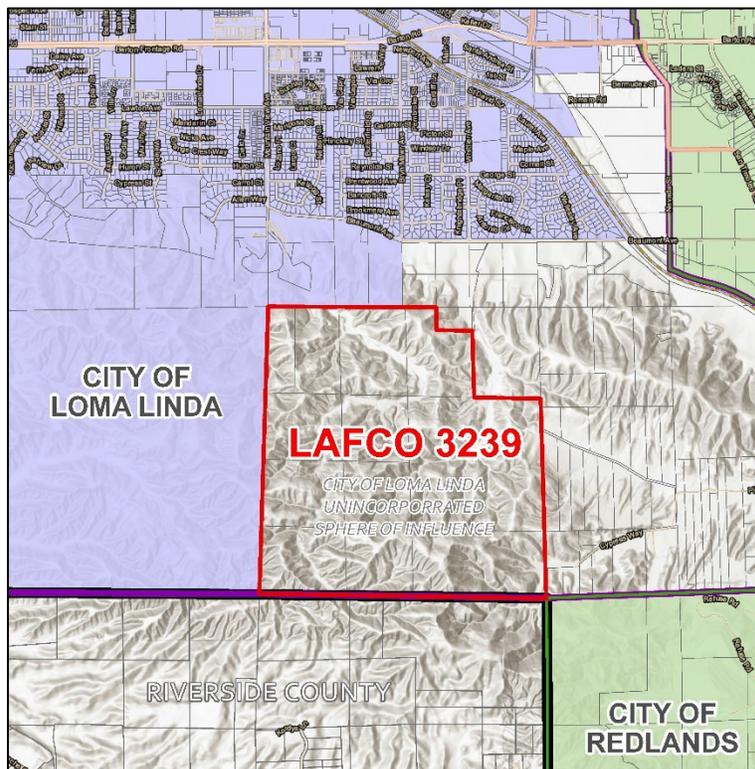


Fig. 1: Vicinity Map

LAND USE:

Current Uses

The proposal area is currently vacant, undeveloped land. The area is used strictly for passive recreational activities including unmaintained trails for pedestrian and bicycle use. The area is within the City's South Hills Preserve which allows for open space and passive recreational use.

The County of San Bernardino General Plan Land Use Zoning Map designates the area as Rural Living (RL-10). Permitted uses include single-family residential on a minimum lot size of 10 acres.

Proposed Uses

In accordance with City Measure V (a growth restricting initiative passed by city voters in November 2006¹) no future development could be permitted in the annexation area unless Measure V is rescinded by the voters. The annexation area does not receive public services or utilities that involve infrastructure (e.g. fire and police services only), nor would the area require an extension of any services upon annexation. The annexation area does not include development and the area would continue to be used for passive recreational activities including unmaintained trails for pedestrian and bicycle use. Therefore, this proposal would not contribute to housing needs.

The City's Pre-Zone is in accordance with Measure V which established the proposed land use designations within the City's Sphere of Influence including the annexation area. The City of Loma Linda is initiating the Pre-Zone of the annexation area to include approximately:

- 374 acres of Hillside Conservation (HR-C) - 0 to 1 dwelling unit per 10 acres, for the western two-thirds of the Annexation area,
- 290 acres of HR-LD (Low Density Hillside Preservation) - 0 to 1 dwelling unit per 10 acres, for both the eastern one-third of the Annexation area, and

The proposal area is shown below with the annexation boundary in red outline, Low-Density Hillside Preservation in tan shade, and Hillside Conservation in blue shade.

¹ City of Loma Linda General Plan Chapter 2A Growth Management Element

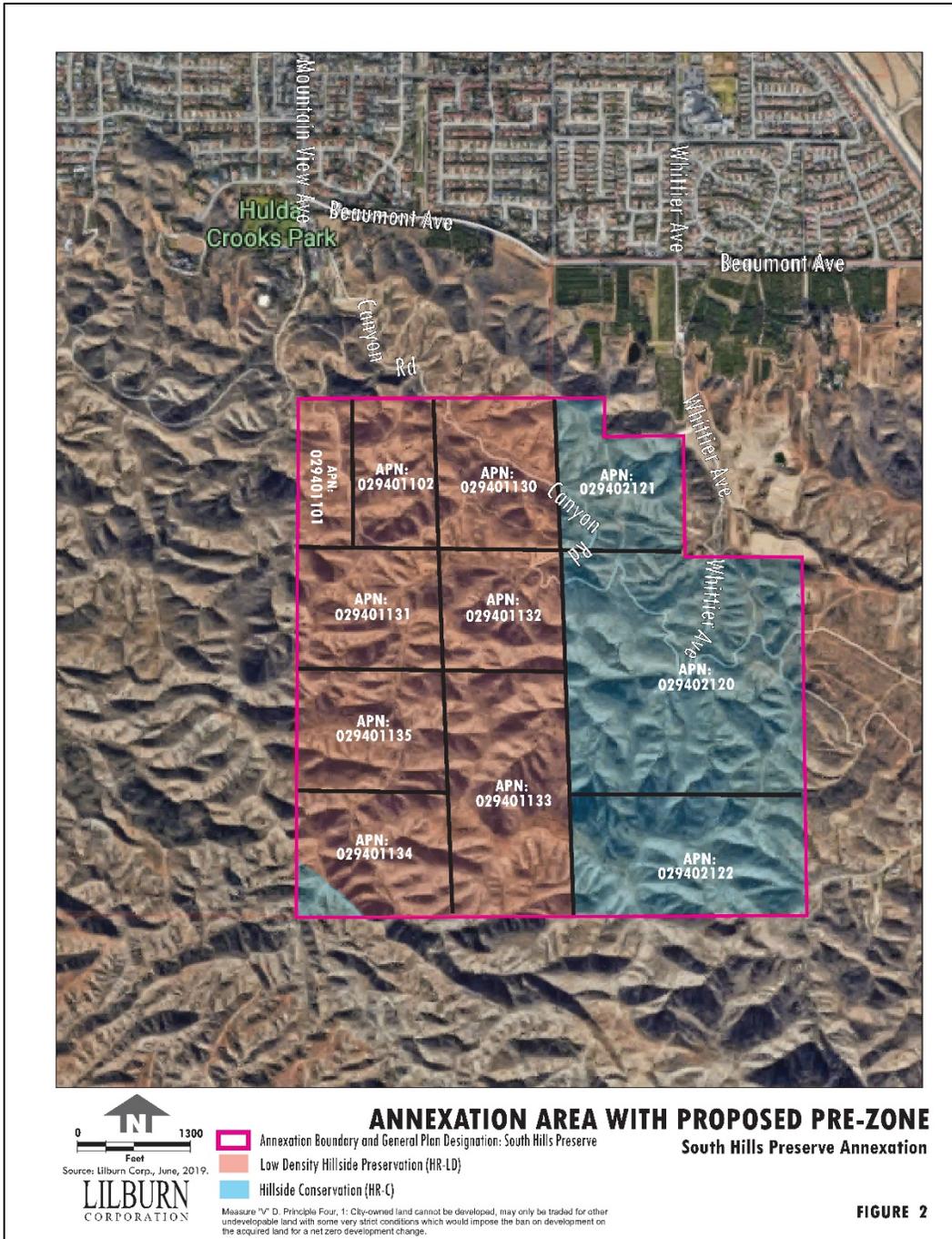


Fig. 2: Pre-Zone Map

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. The application includes a plan for the extension of services for the reorganization area as required by law and Commission policy (included as part of Attachment #2 to this report).

Service Issues and Effects

The land is currently vacant, therefore it lacks hard infrastructure services such as retail water, wastewater collection, and streetlights. For emergency services, the County Sheriff and San Bernardino County Fire Protection District are the responsible agencies for law enforcement and fire protection/emergency medical, respectively. Due to the vacant nature of the lands, said agencies contract with the City of Loma Linda for the provision of these services. Upon annexation, the City of Loma Linda would assume the responsibility for law enforcement and fire protection/emergency medical services.

Financial Issues and Effects

No assessments, special taxes, assessment or improvement districts, or fees would apply to the parcels upon annexation. Annexation of the approximate 664-acre area would not incur costs associated with the extension of service as no development is proposed.

A public agency is exempt from paying property taxes on lands that it owns provided the lands are within the agency's boundaries. However, in this case, these lands that are owned by the City of Loma Linda are not within its corporate boundaries. Therefore, the City is obligated to pay property taxes on all of these parcels since all are located outside of the City's corporate boundaries. Upon annexation, these parcels will be within the City's jurisdiction, and therefore would be relieved of a total of approximately \$18,500 in annual property tax obligation.

ENVIRONMENTAL CONSIDERATIONS:

The City of Loma Linda prepared an environmental assessment and Negative Declarations for the South Hills Preserve Annexation and Pre-Zoning, for the following actions:

- Pre-Zone (P-19-067) in accordance with Measure V which established the proposed land use designations within the City's Sphere of Influence including the annexation area. The City of Loma Linda is initiating the Pre-Zone of the annexation area to include approximately:
 - 374 acres of HR-C (0 to 1 dwelling unit per 10 acres) for the western two-thirds of the Annexation area,
 - 290 acres of HR-LD (0 to 1 dwelling unit per 10 acres) for both the eastern one-third of the Annexation area, and
- Annexation (P19-064) of approximately 664 acres (374 acres plus 290 acres) to bring the remainder of the South Hills Preserve under City jurisdiction.

The City's environmental assessment has been reviewed by the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, who determined that, if the Commission chooses to approve LAFCO 3239, the City's documents are adequate for Commission's use as a responsible agency under CEQA. The following are the necessary environmental actions to be taken by the Commission as a responsible agency under CEQA:

- a) Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City's Initial Study and Negative Declaration for the South Hills Preserve Annexation and Pre-Zoning for approximately 664 acres;
- b) Determine that the City's environmental assessment and Negative Declaration are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO 3239;
- c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; and,
- d) Direct the Executive Officer to file the Notice of Determination within five (5) days.

WAIVER OF PROTEST PROCEEDINGS:

The City of Loma Linda is the current landowner for all parcels being considered for the reorganization proposal. Therefore, if the Commission approves LAFCO 3239 and none of the affected agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending that further protest proceedings be waived and that the Executive Officer be directed to complete the action following exhaustion of the mandatory reconsideration period of 30-days.

CONCLUSION:

The proposal was submitted by the City of Loma Linda in order to bring the remainder of the South Hills Preserve under City jurisdiction, as well as relieve itself of a recurring annual property tax obligation of approximately \$18,500, which is a significant savings that would benefit the tax payers within the City. A public agency is only exempt from paying property taxes on lands that it owns if the lands are within the agency's boundaries. Therefore, for these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3239.

DETERMINATIONS:

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

1. The San Bernardino County Registrar of Voters Office has determined that the reorganization area is legally uninhabited, containing zero (0) registered voters as of June 10, 2020.
2. The County Assessor has determined that the total assessed value of land and improvements within the reorganization area on the secured assessment roll is \$1,536,008 (land - \$1,536,008 -- improvements - \$0).
3. The reorganization area is within the sphere of influence assigned the City of Loma Linda.
4. Commission review of this proposal has been advertised in *The Sun*, a newspaper of general circulation within the reorganization area. Individual notice has been provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notification.
5. LAFCO staff has provided individual notices to landowners and registered voters surrounding the reorganization area (totaling 58 notices for San Bernardino County and 7 notices for Riverside County) in accordance with State law and adopted Commission policies. Comments from registered voters and landowners and any affected local agency in support or opposition will be reviewed and considered by the Commission in making its determination.
6. The City's Pre-Zone is in accordance with Measure V, which established the proposed land use designations within the City's Sphere of Influence including the annexation area. The City of Loma Linda pre-zoned of the annexation area to include approximately:
 - 374 acres of Hillside Conservation (HR-C) - 0 to 1 dwelling unit per 10 acres, for the western two-thirds of the Annexation area, and
 - 290 acres of HR-LD (Low Density Hillside Preservation) - 0 to 1 dwelling unit per 10 acres, for both the eastern one-third of the Annexation area.
7. The Southern California Associated Governments (SCAG) recently adopted Connect SoCal, its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3239 has no direct impact on SCAG's Regional Transportation Plan.
8. The City of Loma Linda adopted a Local Hazard Mitigation Plan (LHMP) in August 2011 (Resolution No. 2714). Said LHMP identifies the South Hills Preserve area as a very high fire hazard zone as well as within existing earthquake fault lines. San Bernardino County Fire Protection District also has its Multi-Jurisdictional Hazard Mitigation Plan that was approved by FEMA in July 2017.

The City's Local Hazard Mitigation Plan is included as Attachment #3 to this report.

9. As a function of its review for the Pre-zone (P-19-067) and Annexation (P19-064), the City acted as the lead agency for the environmental assessment for the reorganization proposal.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the City's Initial Study and Negative Declaration for this project (SCH No. 2019109077). The CEQA review process was carried out in 2019 (October 28, 2019 through November 26, 2019) and the City approved the proposed action on February 11, 2020. The Notice of Determination for the project was filed on February 13, 2020. This document concluded that the proposed reorganization would not result in significant adverse environmental impacts to the environment without implementation of any mitigation measures.

Based on a review of LAFCO 3239 and the pertinent sections of CEQA and the State CEQA Guidelines, Mr. Dodson believes it is appropriate for the Commission's CEQA environmental determination to cite the City's Negative Declaration as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. Mr. Dodson's response letter and the City's environmental assessment for project are included as Attachment #4 to this report.

10. The reorganization areas are served by the following local agencies:

County of San Bernardino
San Bernardino County Fire Protection District (SBCFPD), SBCFPD Valley Service Zone, and SBCFPD Zone FP-5
San Bernardino Valley Municipal Water District
Inland Empire Resource Conservation District
County Service Area 70 (multi-function unincorporated area Countywide)

The San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and County Service Area 70 will be detached 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 indicates that the City can maintain and/or improve the level and range of services currently available within the reorganization. A copy of this plan is included as a part of Attachment #2 to this report.
12. The reorganization area can benefit from the availability and extension of municipal services from the City of Loma Linda and has benefitted from law enforcement and fire protection/emergency medical response services (through its contract with the County Sheriff and San Bernardino County Fire Protection District, respectively, to provide the service).
13. This proposal will not affect the ability of the City of Loma Linda to achieve its fair share of the regional housing needs since the reorganization only includes parcels/areas that will remain as public facilities.

14. With respect to environmental justice, the reorganization proposal—wherein the parcels being annexed into the City of Loma Linda will remain as public facilities—will not result in the unfair treatment of any person based on race, culture or income.
15. The County of San Bernardino and City of Loma Linda Lake have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this reorganization. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
16. The maps and legal descriptions as revised are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

SM/MT

Attachments:

1. [Vicinity Map and Reorganization Map](#)
2. [City of Loma Linda Application and Plan for Service](#)
3. [City of Loma Linda's Local Hazard Mitigation Plan](#)
4. [Response from Tom Dodson and Associates including the City of Loma Linda's Initial Study and Negative Declaration for the South Hills Preserve Annexation and Pre Zoning](#)
5. [Draft Resolution No. 3310](#)