

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JANUARY 12, 2021 
FROM: SAMUEL MARTINEZ, Executive Officer
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TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #5B: LAFCO 3242 – Sphere of Influence Amendments for the City of Fontana (Expansion), Fontana Fire Protection District (Expansion), West Valley Water District (Expansion), and San Bernardino County Fire Protection District (Reduction)

INITIATED BY:

Resolution of the City Council of the City of Fontana

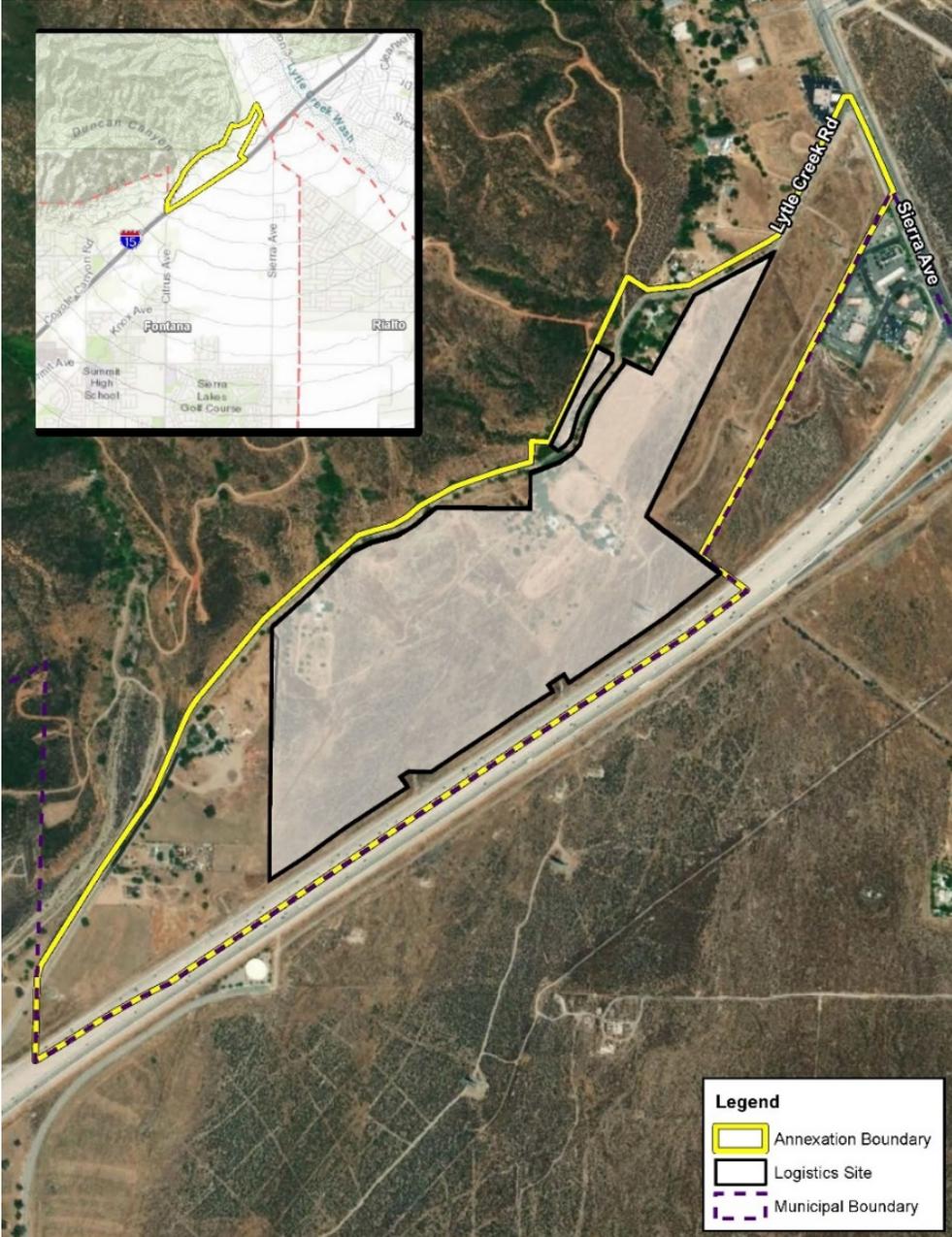
RECOMMENDATION:

LAFCO staff recommends that the Commission approve LAFCO 3242 by taking 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. Approve the sphere of influence expansion for the City of Fontana;
3. Approve the sphere of influence expansion for the Fontana Fire Protection District and the concurrent sphere of influence reduction for the San Bernardino County Fire Protection District;
4. Approve the sphere of influence expansion for the West Valley Water District;
5. Affirm the descriptions of the functions and services for the Fontana Fire Protection District, West Valley Water District, and San Bernardino County Fire Protection District, as identified in the *LAFCO Policy and Procedure Manual*; and,
6. Adopt LAFCO Resolution No. 3324 reflecting the Commission's determinations for LAFCO 3242.

BACKGROUND:

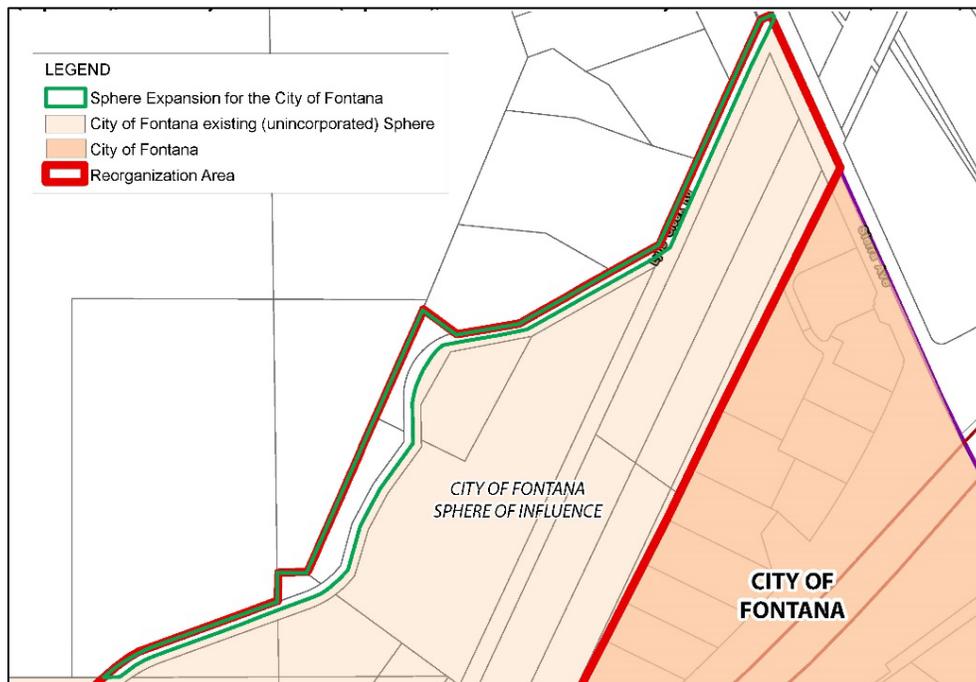
The City of Fontana (City) initiated an application to annex a proposed development of a 1,171,788 sq. ft. high-cube warehouse facility. In order to provide for a logical boundary, the City not only proposes the inclusion of the project site itself but is also proposing to include all the properties generally south of Lytle Creek Road from Sierra Avenue to the City's existing boundaries along the natural extension of Citrus Avenue totaling approximately 152 acres.



The annexation to the City will also include concurrent annexations to local agencies serving the community such as the Fontana Fire Protection District, West Valley Water District, and San Bernardino Valley Municipal Water District.

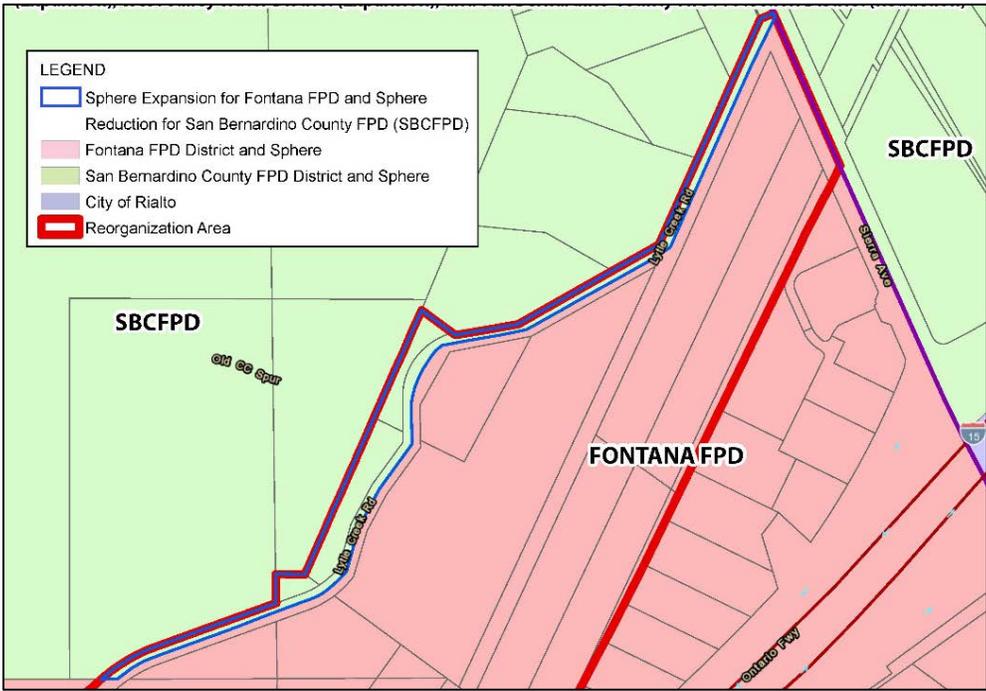
Sphere of Influence Expansion for the City of Fontana

LAFCO 3242 is a proposal to expand the City's sphere of influence by approximately 5 acres to include all of the area within the proposed reorganization (LAFCO 3243) that is currently outside of the City's sphere of influence.



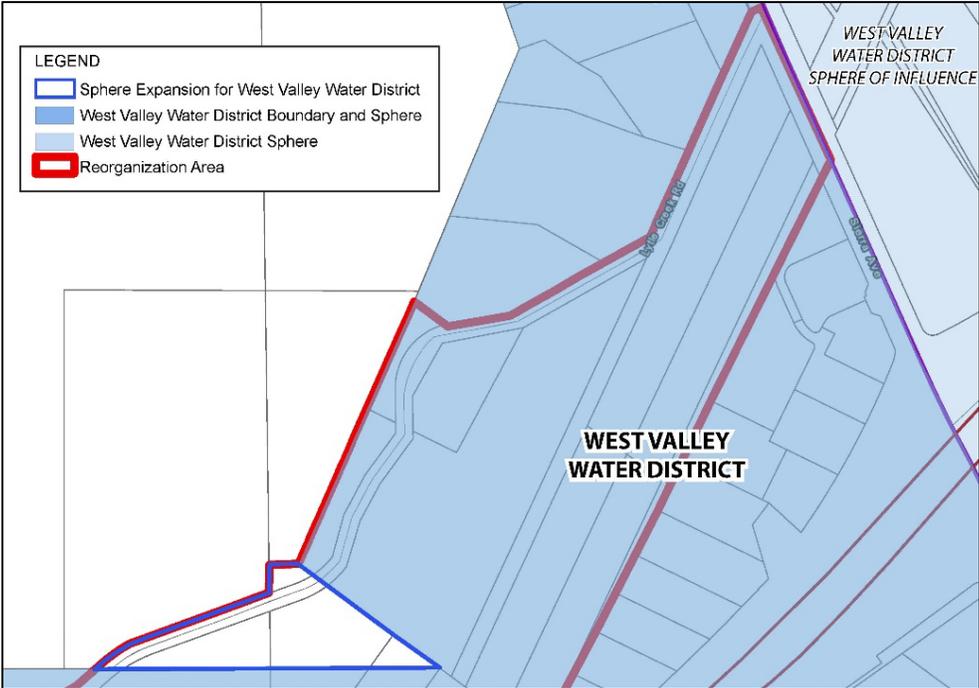
Sphere of Influence Expansion for Fontana Fire Protection District and Reduction for San Bernardino County Fire Protection District

LAFCO 3242 also proposes to expand the Fontana Fire Protection District's sphere of influence—same area as the City's proposed sphere expansion—and concurrently remove the same area from the San Bernardino County Fire Protection District's sphere of influence since both fire district's boundaries and sphere of influence correspond with one another within the area. In essence, it is a sphere swap.



Sphere of Influence Expansion for West Valley Water District

LAFCO 3242 also proposes to expand the West Valley Water District’s sphere of influence by approximately 5 acres to include all of the area within the proposed reorganization that is currently outside of the water district’s sphere of influence.



The rationale for amending the Fontana Fire Protection District and the West Valley Water District's spheres of influence is to have consistent spheres among all community-based service providers. A "sphere of influence" is defined as a planning boundary that designates an agency's probable future boundary and service area. Therefore, LAFCO 3242 is intended to expand the spheres (and ultimately the actual boundaries) of the City, the West Valley Water District, and Fontana Fire Protection District.

LAFCO staff believes the proposed sphere of influence amendments are reasonable sphere of influence expansions for the City, the Fontana Fire Protection District and the West Valley Water District given that these agencies are obligated to serve the entire reorganization area through the City's reorganization proposal (LAFCO 3243). The sphere of influence reduction for San Bernardino County Fire Protection District is also necessary to allow for the detachment of said area from its boundary as a function of the overall reorganization (LAFCO 3243).

SERVICE REVIEW DETERMINATION:

It is the staff's positions that a sphere of influence "amendment" does 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 3242 includes sphere of influence amendments pursuant to Section 56428, not updates pursuant to Section 56430.

In addition, the Commission's policy requiring a service review for an amendment to a retail water district's sphere of influence, in this case the West Valley Water District, does not apply here:

- 1) The area being considered for sphere of influence amendment is within the sphere of influence of San Bernardino Valley Municipal Water District, which is the wholesale water provider for the region; and,
- 2) No objection has been received from any agency that provides water service whose sphere of influence is within or adjacent to the subject area.

Therefore, staff is recommending that the Commission determine that LAFCO 3242 does not require a service review.

SPHERE OF INFLUENCE FACTORS OF CONSIDERATION:

Staff's responses to the "factors of consideration" required by State law for sphere of influence amendment proposals, as outlined in Government Code Section 56425, are as follows:

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

The existing uses within the sphere of influence amendment areas include a mix of vacant land and road right-of-way.

The City has assigned said areas a mix of Light Industrial (I-L) and Residential Estate (R-E) land use designations. The City is also in the process of realigning Lytle Creek Road as part of the overall Project development.

Currently, the service needs within the areas are minimal due to their vacant nature. Upon development of the Project, which is a proposed high-cube warehouse facility, the areas will remain generally vacant as ancillary to the Project's parking facility, a section of its open space/landscaped area, as well as a means to access to Lytle Creek Road.

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

There will be no change to the public facilities and/or utility services within the areas proposed for sphere of influence expansions/reduction. The sphere amendments simply designate the areas within the agencies that will serve the Project, but will remain generally vacant as ancillary to the Project's parking facility, a section of its open space/landscaped area, as well as a means to access Lytle Creek Road.

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

The City of Fontana provides a full range of municipal services such as law enforcement, solid waste services, wastewater collection, and street sweeping. The Fontana Fire Protection District, a subsidiary district of the City, is responsible for fire protection and emergency medical services and has chosen to contract those services out to San Bernardino County Fire Protection District. West Valley Water District provides retail water service, and is also authorized sewer collection but currently does not provide such service within its service area.

The sphere amendments simply place the areas within the agencies that will serve the Project, but will remain generally vacant as ancillary to the Project's parking facility, a section of its open space/landscaped area, as well as a means to access to Lytle Creek Road.

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

The City of Fontana and its sphere of influence, which is considered the Fontana community, is served by a number of agencies including the Fontana Fire Protection District (a subsidiary district of the City), and the West Valley Water District. The

sphere amendments (and ultimately the boundaries) will align all service providers that will serve the Project within the City of Fontana.

5. The Present and Probable Need for Public Facilities and Services of any Disadvantaged Unincorporated Communities Within the Existing Sphere of Influence for a City/Special District that Provides Public Facilities or Services Related to Sewers, Water, or Fire Protection

The disadvantaged unincorporated community within the City of Fontana’s sphere of influence is located within its unincorporated western sphere area and its unincorporated sphere area within the Bloomington community. The City and the County of San Bernardino currently have a Memorandum of Understanding for the City to provide sewer service within the western sphere of influence area. The western sphere area and the sphere area in Bloomington currently receives water service from Fontana Water Company, a private water service provider for the community. However, both sphere areas are already within the Fontana Fire Protection District’s service area for fire protection and emergency medical services.

Functions and Services for Special Districts:

Government Code Section 56425(i) requires that during a sphere of influence amendment or update for a Special District, the Commission is required to review and identify the range of services to be provided, as well as the nature and location of these services. At present the Commission’s Policy and Procedure Manual identifies the authorized functions and services to be provided by the special districts under its purview. That listing identifies the following functions and services for:

1. Fontana Fire Protection District:

<u>FUNCTION</u>	<u>SERVICES</u>
Fire Protection	Structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services, rescue, first aid, paramedic, emergency response, and disaster preparedness planning

2. West Valley Water District:

<u>FUNCTION</u>	<u>SERVICES</u>
Water	Domestic, irrigation, spreading
Sewer	Collection

3. San Bernardino County Fire Protection District:

<u>FUNCTION</u>	<u>SERVICES</u>
Fire	Structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services, rescue, first aid, ambulance transportation, emergency response, and disaster preparedness planning

LAFCO staff recommends that the Commission affirm the service descriptions for the Fontana Fire Protection District, the West Valley Water District, and the San Bernardino County Fire Protection District as identified in the *LAFCO Policy and Procedure Manual, Section VI, Chapter 3: Listing of Special Districts within San Bernardino LAFCO Purview - Authorized Functions and Services*.

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 in conjunction with noticing the proposed reorganization proposal, LAFCO 3243, to landowners and registered voters within the entire reorganization area including all the sphere amendment areas (totaling 39) and to landowners and registered voters surrounding the entire reorganization area (totaling 108) in accordance with state law and adopted Commission policies. To date, no written comments in support or opposition have been received regarding the consideration of this proposal.
3. 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 sphere amendment proposal (LAFCO 3242) and has indicated that the City’s environmental assessment for the I-15 Logistics Project (SCH No. 2018011008) is adequate for the Commission’s use as CEQA responsible agency. Copies of the City’s Complete Final EIR and all associated documents were previously provided to Commission members and are also included (as Web links) in Attachment 2 of Item 5A. Discussion and recommendations related to environmental assessment for LAFCO 3242 are outlined in the Item 5A staff report for the January 20, 2021 LAFCO meeting.
4. The maps and legal descriptions for these sphere of influence amendments, were certified by the County Surveyor’s office.

CONCLUSION:

LAFCO 3242 represents reasonable sphere of influence amendments for the City of Fontana (expansion), Fontana Fire Protection District (expansion), West Valley Water District (expansion) and the San Bernardino County Fire Protection District (reduction). This proposal has been submitted in order to move forward with the reorganization proposal that the City submitted (LAFCO 3243). For all these reasons, and those identified within this report, staff recommends approval of LAFCO 3242. The actions recommended for the Commission are outlined on pages one and two of this report.

Attachments:

1. [Vicinity Maps and Maps of Proposed Sphere of Influence Amendments](#)
2. [City of Fontana Application for Sphere of Influence Amendment Including the Plan for Service for the Reorganization Proposal \(LAFCO 3243\)](#)
3. [Draft LAFCO Resolution No. 3324](#)