

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

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DATE: AUGUST 6, 2004
FROM: SAMUEL MARTINEZ, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #6: LAFCO 2961 – City of San Bernardino
Annexation No. 358

INITIATED BY:

City of San Bernardino, on behalf of property owner

RECOMMENDATION:

1. Adopt the statutory exemption that has been recommended for this proposal and direct the Clerk to file a Notice of Exemption within five (5) days of this action;
2. Approve LAFCO 2961;
3. Waive protest proceedings, as permitted by Government Code Section 56663(c), with 100% landowner support and concurrence from the City of San Bernardino; and,
4. Adopt LAFCO Resolution #2835 setting forth the Commission's findings and determinations concerning this proposal.

BACKGROUND:

LAFCO 2961 is a proposal to annex approximately 1.2 acres to the City of San Bernardino, initiated by the City Council at the request of the landowner. The annexation area is generally bordered by 48th Street (existing City of San Bernardino boundary on the north), North E Street (North H Street in the City of San Bernardino) on the east, and parcel boundaries on the south and west.

The area is within the community commonly referred to as “Arrowhead Suburban Farms”. Location and vicinity maps are included as Attachment #1 to this report.

The study area currently has an existing single-family residential unit on the parcel (APN 0265-181-01). The annexation proposal was submitted without a specific development project. However, the landowner has noted that his proposed development is to subdivide the parcel into four lots (three (3) new lots to be created in addition to one (1) lot with the existing single-family residential unit).

The City of San Bernardino pre-zoned its sphere of influence in May, 1991, when it consolidated its General Plan Land Use Map and Zoning Map. The land use designation applied to this area through this pre-zoning is RS (Residential, Single Family 4.5 units/acre). The County’s land use designation for the study area is 3mRM (Multiple Residential, 1 unit/3000 sq. ft.). Surrounding land uses include single-family residential uses and an apartment complex located east of the study area.

The City of San Bernardino has submitted a plan for the extension of municipal services as required by law, and that Plan is included as Attachment #2 to this report. In general, the Plan identifies the following:

- Sewage collection is available through the City. Sewer service will be provided to the existing single-family residential unit and the proposed three (3) new residential lots through the extension of the 8-inch sewer main in 48th Street by approximately 320 feet.
- Water service is presently provided by the City to the existing residential unit and will be extended to the anticipated new lots.
- Fire protection and paramedic services are currently provided by the City of San Bernardino Fire Department pursuant to a contract with the County of San Bernardino through CSA 38. Following the approval of the annexation, the City will continue to provide fire services to the study area. In addition, City-wide services such as disaster preparedness and emergency operations will also be provided at no additional cost.
- Law enforcement responsibilities will shift from the San Bernardino County Sheriff’s Department to the City of San Bernardino. The City also offers “Crime Free” and other crime prevention services at no additional fees.
- Refuse collection is provided currently through the County’s refuse service provider. Pursuant to City policy, newly annexed areas may

continue to use their current refuse provider for a period of up to five (5) years after the date of annexation but can also have the City provide such services anytime prior to the expiration of the five (5) years. The current residential rate is \$17.60 per month for a once-a-week pick-up.

- Street sweeping, street/sidewalk repair, and street tree-trimming are also provided at no additional cost.

The only financial effect to the future residents of the area will be the 8% Utility Users Tax levied by the City of San Bernardino on all utility services. This fee will be assessed upon completion of the annexation.

The County Assessor's Office has verified that the study area possesses 100% landowner consent to annexation and it is legally uninhabited. Staff has requested the City's concurrence to waive the protest proceeding for this proposal as allowed under Government Code Section 56663. The City has indicated its consent; therefore, staff is recommending that the Commission approve this proposal, waive further protest proceedings, and direct the Executive Officer to complete the action. A copy of the landowner consent and the City's response are included as Attachment #3 to this report.

FINDINGS:

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

1. The Registrar of Voters Office has determined that the study area is legally uninhabited, containing zero (0) registered voters as of May 5, 2004.
2. The County Assessor has determined that the assessed value of land and improvements within the annexation is \$127,981 (land - \$31,995 -- improvements - \$95,986) and that there is 100% landowner consent to the annexation.
3. Commission review of this proposal has been advertised in *The Sun*, a newspaper of general circulation within the study area.
4. LAFCO staff has also provided an individual notice to the landowner within the annexation area (1) and to landowners and voters surrounding the study area (127) in accordance with state law and adopted Commission policies. To date, no comments or protest have been received to the notice provided regarding the consideration of this proposal.

5. The City of San Bernardino has pre-zoned the area for RS (Residential, Single Family - 4.5 units/acre). This zoning designation conforms to the adopted General Plan for the City of San Bernardino and is consistent with the surrounding land uses.
6. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the annexation proposal submitted by the City of San Bernardino and recommended that this application is statutorily exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #4 to this report.
7. The area in question is presently served by the following local agencies:

County of San Bernardino
Inland Empire West Resource Conservation District
San Bernardino Valley Municipal Water District
County Service Area SL-1 (Streetlighting)
County Service Area 38 (Fire Protection)
County Service Area 70 (multi-function unincorporated area
Countywide)

Detachment of CSA SL-1, CSA 38, and CSA 70 will automatically occur upon successful completion of this proposal. No other agency is affected by this proposal.

8. The City of San Bernardino has submitted a plan for the extension of municipal services to the study area, as required by law. This plan is included as Attachment #2 to this report and indicates that the City can maintain and improve the level and range of services currently available in the area.
9. The annexation proposal complies with Commission policies that indicate the preference for areas proposed for development at an urban-level land use to be included within a City so that the full range of municipal services can be planned, funded, extended and maintained.
10. The existing residential unit as well as the proposed three (3) new residential lots can benefit from the availability and extension of municipal services from the City of San Bernardino.
11. This proposal will assist the City's ability to achieve its fair share of the regional housing needs upon development of the residential project anticipated for the three (3) additional lots.

12. The County of San Bernardino and the City of San Bernardino have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this annexation. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
13. The map and legal description, as revised, are in substantial compliance with LAFCO and state standards through certification by the County Surveyor's Office.

CONCLUSION

Staff supports the City's proposal on the basis that the lot with an existing single-family residential unit and the proposed three (3) new lots being created for residential development will benefit from the full range of City municipal services. Therefore, it is staff's recommendation that the Commission approve this proposal.

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Attachments:

1. Vicinity Map and Map of the Contract Area
2. City of San Bernardino's Application and Plan for Services
3. Landowner Consent Form and City Waiver Request
4. Response from Tom Dodson and Associates
5. Draft Resolution #2835