

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

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DATE: FEBRUARY 10, 2003
FROM: JAMES M. RODDY, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #4: LAFCO #2913--Reorganization to Include City of Montclair Annexation #21, and Detachment from the Monte Vista Fire Protection District

INITIATED BY:

City Council Resolution, City of Montclair

RECOMMENDATION:

1. Certify that the Commission has reviewed and considered the City's environmental assessments for this proposal, take the actions identified in the staff report, and direct the Clerk to file Notices of Determination within five days;
2. Approve LAFCO #2913; and,
3. Adopt LAFCO Resolution #2766, setting forth the Commission's findings, determinations, and standard conditions of approval.

BACKGROUND INFORMATION:

LAFCO 2913 is a proposal to annex approximately fifteen acres to the City of Montclair, with concurrent detachment of the study area from the Monte Vista Fire Protection District. The study area is located at the southwest corner of the intersection of Mission Boulevard and Fremont Street. It is contiguous on its eastern side to the current boundaries of the City, and it is within the Montclair sphere of influence.

Existing land uses within the study area consist of various commercial uses along Mission Boulevard (including a restaurant and former convenience store), six single family dwelling units, a used car lot, agricultural uses (a strawberry field), and vacant land. Surrounding land uses include a wholesale plant nursery to the west, commercial and industrial uses to the north, single and multiple family residential uses to the east (within city limits), and single family residential uses to the south.

The City has pre-zoned the study area for commercial uses (C-3) and single family residential uses (R-1). These designations are consistent with the City General Plan for the study area. The City notes that construction of 33 single family residential units within the study area will commence in the near term, and city services will be immediately available upon annexation.

The City of Montclair has submitted a plan for the extension of municipal services as required by law, and that plan is attached to this report for Commission review. Highlights of the plan include the following:

- Sewage collection services can be readily extended into the annexation area, and such services are required for the new residential development proposed within the area. Existing residential and commercial uses will not be required to connect to the City's sewer system, but a \$2.35/month sewer standby charge will be levied on properties which have access to the City sewer system.
- Fire protection and emergency medical services are already provided by the City of Montclair through contract with the Monte Vista Fire Protection District (governed by the County of San Bernardino). Montclair Fire Station #2 is located approximately ½ mile away from the annexation site. Approval of this proposal will shift property tax revenues derived by the District in the annexation area to the City of Montclair.
- Law enforcement responsibilities will shift from the County Sheriff's Department, which operates out of the Chino Hills substation (approximately 5 miles from the project area), to the City of Montclair. The City indicates that its police department has sufficient personnel and equipment to immediately extend service to the study area.
- Library services will continue to be provided by the County of San Bernardino through a branch library located at the Montclair City Hall.

- The City of Montclair will provide street sweeping services within the annexation area on a weekly basis.
- The only other financial effect to landowners and residents of the area (aside from the \$2.35 sewer standby charge), is a 3.89% utility tax levied by the City of Montclair on all utility services. The City provides exemption or reduction procedures for low-income and senior citizen households.

The Commission should also be advised that the initial proposal sponsored by the City of Montclair was limited to an L-shaped parcel of about 9 acres that would have created an unincorporated peninsula of land between current city boundaries and the initial annexation area. Accordingly, LAFCO staff suggested that the City explore the possibility of including lands totaling roughly 5 acres on the westerly side of Fremont Street to promote a more orderly annexation boundary.

The City of Montclair conducted environmental review and pre-zoning studies for the additional 5 acre area, and although some questions among landowners within that area surfaced at the City Planning Commission level, protest to the expanded annexation dissipated prior to the City Council hearing on this expanded proposal.

City staff, therefore, conducted two environmental assessments for this annexation, both of which are attached for Commission review. One of the assessments relates to the pre-zoning and annexation of the initial +/-10 acre proposal; the other relates to the +/-5 acres which were added to this annexation application.

Both assessments have been reviewed by the Commission's environmental consultant, Tom Dodson and Associates. Mr. Dodson has determined that both City documents are adequate for Commission use, and his response is attached to this staff report.

The necessary environmental actions to be taken by the Commission, as a responsible agency under CEQA, are as follows:

- a. Indicate that the Commission has reviewed and considered the environmental assessments and Negative Declarations certified by the City of Montclair;

- b. Determine that these environmental documents are adequate for the Commission's use in making its decision related to the reorganization;
- c. Indicate that the Commission does not intend to adopt alternatives or mitigation measures for this project. Mitigation measures were not required for this project by the City of Montclair; therefore, no mitigation measures are the responsibility of this Commission; and,
- d. Direct the Clerk to file a Notice of Determination for each Negative Declaration within five days, and find that no further Department of Fish and Game filing fees are required by the Commission's approval since the City, as lead agency, has paid those fees.

FINDINGS:

1. State law indicates that an area containing 12 or more registered voters is "legally inhabited." The Registrar of Voters Office has determined that the study area is legally uninhabited, containing 8 registered voters.
2. The County Assessor has determined that the total assessed value of land and improvements within the study area is \$1,647,524 (\$1,103,150--land; \$544,374--improvements).
3. Commission review of this proposal has been advertised in the *Inland Valley Daily Bulletin* and *The Sun*, newspapers of general circulation within the study area.
4. LAFCO Staff has also provided individual notices to landowners and registered voters within the annexation area, and to landowners and voters surrounding the study area in accordance with state law and adopted Commission policies.
5. The City of Montclair has primarily pre-zoned the study area for single family residential uses (R-1). A smaller portion of the annexation site has been pre-zoned for commercial uses (C-3). These zoning designations conform with the adopted General Plan for the City of Montclair, and are consistent with surrounding land uses.
6. As a function of pre-zoning, the City of Montclair acted as the lead agency for environmental review. The Commission's environmental consultant, Tom Dodson and Associates, has reviewed the City of

Montclair's Initial Studies and Negative Declarations and determined that they are adequate for the Commission's review of the proposed reorganization as a responsible agency. A copy of the City's environmental assessments and Mr. Dodson's response are attached for the Commission's review. The necessary actions to be taken by the Commission, as a responsible agency under CEQA, are listed in the narrative section of this report.

7. The area in question is presently served by the following local agencies:

- County of San Bernardino
- Metropolitan Water District of Southern California
- Inland Empire West Resource Conservation District
- West Valley Mosquito and Vector Control District
- Inland Empire Utilities Agency
- Chino Basin Water Conservation District
- Monte Vista Water District
- Monte Vista Fire Protection District
- County Service Area 70 (Countywide)

Detachment of the Monte Vista Fire Protection District is included as a function of this reorganization, and detachment of CSA 70 will automatically occur upon successful completion of this proposal. None of the other agencies are affected by this proposal.

8. The City of Montclair has submitted a plan for the extension of municipal services to the study area, as required by law. This plan is attached for Commission review, and indicates that the City can maintain and improve the level and range of services currently available in the area.
9. This proposal is consistent with state law and conforms with adopted Commission policies which promote logical growth and orderly municipal boundaries.
10. The study area can benefit from the availability and extension of municipal services from the City of Montclair.
11. To date, no comments or protests to this proposal have been received from area landowners or registered voters.
12. The County of San Bernardino and the City of Montclair 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. Maps and legal descriptions are in substantial compliance with LAFCO and state standards through certification by the County Surveyor's Office.

CONCLUSION:

LAFCO #2913 is a logical and reasonable annexation to the City of Montclair, and staff wishes to commend the City of Montclair for its willingness to explore expansion of this proposal from its original form to provide a more orderly annexation boundary. The service extensions that will result from this proposal are necessary and timely for proposed development within a large portion of the study area, and the availability of municipal services will benefit the entire annexation site. For these reasons, staff recommends approval of LAFCO #2913.

Attachments:

1. Maps of Annexation Area
2. City Application
3. City Plan for Services
4. City Environmental Documentation
5. Response from Tom Dodson and Associates
6. Draft Resolution #2766