

**DATE:** JANUARY 7, 2005  
**FROM:** SAMUEL MARTINEZ, LAFCO Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: Agenda Item #11:** LAFCO 2969 – Reorganization to Include City of Montclair Annexation No. 24 and Detachment from the Monte Vista Fire Protection District

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**INITIATED BY:**

City Council Resolution, City of Montclair

**RECOMMENDATION:**

1. Certify that the Commission has reviewed and considered the City's environmental assessment and Mitigated Negative Declaration for this proposal, take the actions identified in the staff report, and direct the Clerk to file a Notice of Determination within five days;
2. Approve LAFCO 2969; and,
3. Adopt LAFCO Resolution #2859, setting forth the Commission's findings, determinations, and conditions of approval concerning this proposal.

**BACKGROUND:**

LAFCO 2969 is a proposal to annex approximately 11.44 +/- acres to the City of Montclair, with concurrent detachment of the study area from the Monte Vista Fire Protection District. The study area is generally located north of Phillips Boulevard, west of Fremont Avenue, south of parcel boundaries and east of Monte Vista Avenue. The area is within the City of Montclair's southern sphere of influence and is contiguous to existing City boundaries along its northern boundary. Location and vicinity maps are included as Attachment #1 to this report.

The study area currently has 11 existing single-family residential units on 10 parcels. The area is surrounded by single-family residential units on the north (City of Montclair), east and west (unincorporated, City of Montclair sphere of influence). To the south is a mix of single-family residential units, vacant land, and agricultural land uses (unincorporated, City of Chino sphere of influence). The annexation proposal was submitted to process a two-lot parcel map and the development of one single-family residence on Assessor's Parcel Number (APN) 1014-011-08.

The County's land use designation for the reorganization area is RS-1 (single-family residential, 1 acre minimum lot size). The City's general plan land use designation is Very Low Density Residential (0-2 dwelling units per acre). The City of Montclair pre-zoned the area R-1(11), single-family residential with a maximum of 4 dwelling units per acre for approximately 10 acres; and, R-1(20), single family residential with a maximum of 2 dwelling units per acre for approximately 1 acre.

The City of Montclair has adhered to the Commission's position that it needs to propose a jurisdictional change which supports the efficient delivery of urban services and, where possible, such areas should be expanded to encompass the largest area feasible for annexation. The City should be commended for working with surrounding landowners to address the most logical and efficient boundary configuration.

The City of Montclair 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 services can be readily extended to the study area from facilities within Monte Vista Avenue, Phillips Boulevard and Fremont Avenue. In particular, sewer service will be extended to the single-family residential unit proposed to be built from the sewer main along Monte Vista Avenue. Existing residential structures will not be required to connect to City sewer facilities upon annexation; however, a stand-by charge of \$2.35 per month will be assessed to those properties which have direct access to sewer facilities but are not connected.
- Fire protection and paramedic services are already provided by the City of Montclair through contract with the Monte Vista Fire Protection District (MVFPD). Following the approval of the annexation, the area will be detached from the MVFPD, shifting the property tax revenues derived by the District to the City of Montclair while the delivery of fire service is unchanged. Montclair Fire Station #2 is located less than three-fourths ( $\frac{3}{4}$ ) of a mile away from the project area.

- Law enforcement responsibilities will shift from the San Bernardino County Sheriff's Department, which operates out of the Chino Hills substation, to the City of Montclair. The City indicates that its Police Department has sufficient response personnel and equipment to adequately serve the project area.
- Ambulance service is currently provided within the area by American Medical Response (AMR) and no change will occur through this action.
- Water service is presently provided within the area by the Monte Vista Water District and will not change as a result of the annexation.
- Refuse collection is currently provided to the area using 3 different waste haulers – Burrtec Waste Industries, Universal Waste Systems, or Waste Management – with contracts with the different property owners. Burrtec Waste Industries is the City of Montclair's exclusive service provider. Thus, upon annexation, Burrtec would assume sole responsibility in waste collection within the project area. State law requires that the existing refuse provider be allowed to phase out the service, for a period not to exceed five years.
- Library services will continue to be provided by the County of San Bernardino through a branch library located at the Montclair City Hall.
- Streetsweeping will be provided by the City on a weekly basis.

The only financial effect to landowners and residents of the area will be the 3.89% Utility Users Tax levied by the City of Montclair on all utility services and a sewer standby charge of \$2.35 per month for those properties along Monte Vista Avenue, Fremont Avenue, and Phillips Boulevard, which have direct access to City sewers - but are not connected. These fees will be assessed upon completion of the annexation.

The City of Montclair has conducted the environmental assessment for its pre-zoning for 11.44 acres, annexation of the pre-zone territory, approval for a parcel map to subdivide APN 1014-011-08 into two lots, and the construction of one single-family residential unit on the newly-created lot. The assessment has been reviewed by the Commission's environmental consultant, Tom Dodson and Associates. Mr. Dodson has determined that the City documents are adequate for Commission use and has indicated that the necessary environmental actions to be taken by the Commission, as a responsible agency under CEQA, are as follows:

- Indicate that the Commission has reviewed and considered the environmental assessment and Mitigated Negative Declaration certified by the City of Montclair;
- Determine that these environmental documents are adequate for the Commission's use in making its decision related to the annexation;
- Determine that the Commission does not intend to adopt alternatives for this project, and that the mitigation measure included in the City's environmental documents are the responsibility of the City and others, not the Commission; and
- Direct the Clerk to file a Notice of Determination within five days.

**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 five (5) registered voters as of September 14, 2004.
2. The County Assessor has determined that the assessed value of land and improvements within the annexation area is \$2,751,535 (land - \$1,028,031 -- improvements - \$1,723,504).
3. Commission review of this proposal has been advertised in *The Sun* and *The Daily Bulletin*, newspapers of general circulation within the study area.
4. LAFCO staff has provided individual notices to landowners and registered voters within the reorganization area (totaling 14 notices), and to landowners and registered voters surrounding the study area (totaling 278 notices) 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 Montclair has pre-zoned the study area R-1(11) (Single-Family Residential, 11,000 sq. ft. minimum lot area), and R-1 (20) (Single-Family Residential, 20,000 sq. ft. minimum lot area). These zoning designations conform to the adopted General Plan for the City of Montclair and are consistent with surrounding land uses.

Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for two years following annexation unless specific actions are taken by the City Council.

6. As a function of its review of Pre-Zone 2004-04 and Annexation No. 24, the City of Montclair 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 of Montclair's Initial Study and Mitigated Negative Declaration 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 assessment, Mitigated Negative Declaration, and Mr. Dodson's response are attached for the Commission's review (Attachment #3). The actions required by the Commission as a responsible agency are included in the narrative portion of the report.

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

County of San Bernardino  
Monte Vista Water District  
Monte Vista Fire Protection District  
Metropolitan Water District of Southern California  
Chino Basin Water Conservation District  
Inland Empire West Resource Conservation District  
Inland Empire Utilities Agency (formerly known as Chino Basin  
Municipal Water District) and its Improvement District C  
West Valley Mosquito and Vector Control District  
County Service Area 70 (multi-function unincorporated area  
Countywide)

Detachment of the Monte Vista Fire Protection District is proposed as a function of the reorganization proposal. Detachment of CSA 70 will automatically occur upon successful completion of this proposal pursuant to the provisions of Government Code Section 25210.90. 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 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 reorganization 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 reorganization area can benefit, and in some cases has benefited, from the availability and extension of municipal services from the City of Montclair.
11. This proposal will assist the City's ability to achieve its fair share of the regional housing needs upon development of the proposed single-family residence on the new lot that will be created.
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. 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 LAFCO 2969, which is a logical and reasonable annexation to the City of Montclair. Staff wishes, again, to commend the City of Montclair for its willingness to explore the expansion of the reorganization area and to work with the landowners and voters within the area in order to provide the most orderly and effective annexation boundary. The reorganization area has benefited, and will continue to benefit, from the full range of municipal services provided by the City of Montclair. For this reason, and those outlined within the staff report, staff recommends approval of LAFCO 2969.

KRM/sm

Attachments:

1. Vicinity Maps and Annexation Area Map
2. City of Montclair's Application and Plan for Services
3. Response from Tom Dodson and Associates including City of Montclair's Environmental Documents
4. Draft Resolution #2859