

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

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**DATE:** JUNE 4, 2004  
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: Agenda Item #8:** LAFCO #2960 — Reorganization to Include City of Montclair Annexation No. 23 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 Mitigative 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 #2960 as submitted; and,
3. Adopt LAFCO Resolution #2820, setting forth the Commission's findings, determinations, and standard conditions of approval.

**BACKGROUND INFORMATION:**

LAFCO 2960 is a proposal to annex approximately 22.28 +/- 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 and south of Howard Street, generally west of Fremont Avenue. The site is contiguous to existing City boundaries on its north, east, south and the majority of its western boundaries, and it is within the southern Montclair sphere of influence. Attachment #1 includes maps of the area under consideration.

Existing land uses within the study area are predominantly residential in nature, comprised of structures built between 1910 and 1982. The area generally bounded by Fremont Avenue, Howard Street, Poulsen Avenue and Merle Street is developed with 20 duplexes built in approximately 1963. The property located at 11204 Fremont Avenue is proposed for development of 9 lots for single-family residential uses. Surrounding land uses include: on the west -- single- and multi-family residential uses within the unincorporated area and a vacant parcel proposed for development with 18 single-family residences within the City of Montclair (annexed by LAFCO 2944), on the north -- a vacant parcel approved for development of 33 single-family residences (annexed by LAFCO 2913) and existing single- and multi-family residential within the City of Montclair, on the east -- vacant land and a condominium development within the City of Montclair, and on the south -- vacant land and scattered single-family residential uses within the City of Montclair.

The County General Plan land use designation for the reorganization area is low density residential (3-7 units per acre) and medium density residential (8-14 units per acre) with a zoning classification of RS-20M (single-family residential 20,000 square foot lot minimum) and 20MRM (multi-family residential 20,000 square feet per unit).

The City's general plan land use designation is low density residential (3-7 units per acres) and medium density residential (8-14 units per acre). The City has pre-zoned the study area for single-family residential uses (R-1) for approximately 17.45 acres and R-2 (two-family residential) for approximately 5.00 acres. In addition, the City has processed Tentative Tract 16697 for 9 lots located on parcel 1011-631-05 in the southernmost portion of the reorganization.

The City of Montclair has taken to heart 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. When the project for Tentative Tract 16697 was submitted to the City, it began to work with surrounding landowners to address a more logical and efficient boundary configuration. As viewed on the attached maps, the reorganization as presented will fill in peninsulas created by previous annexations. The City has worked with the landowners within the proposed annexation to resolve concerns regarding land use designations and service concerns and should be commended for its efforts.

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. In addition, there are a number of existing sewer connections provided through out-of-agency service agreements to existing dwellings. For those structures not currently provided sewer service, the annexation will not require connection to City sewer facilities. However, a stand-by charge of \$2.35 per month is assessed to those properties having direct access to sewer facilities but not connected.
- Fire protection and emergency medical services are already provided by the City of Montclair through contract with the Monte Vista Fire Protection District (MVFPD) governed by the County of San Bernardino Board of Supervisors. Montclair Fire Station #2 is located approximately one-half (½) of a 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.

Concern has been expressed by the San Bernardino County Fire Department regarding the continuing erosion of County Service Area 70 revenues which supports its services. A copy of the response is included as Attachment #3. The City's response to this concern is outlined in its letter dated April 8, 2004 (copy included as a part of Attachment #3). In summary, the City has indicated that it currently provides the fire protection service for the MVFPD by contract and the reorganization would include the detachment of this entity. In addition, the City has indicated that the support services identified by fire personnel for such items as county dozers and Hazardous Materials Teams will not be significantly impacted by this action as the area is urban in nature, not subject to wildland fire and not adjacent to major arterial roadways or rail lines over which hazardous materials would be typically transported.

- Law enforcement responsibilities will shift from the County Sheriff's Department, which operates out of the Chino Hills substation (approximately five 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.

- Ambulance service is currently provided within the area by American Medical Response (AMR) and no change will occur through this action.
- 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 financial effect to landowners and residents of the area would include a 3.89% utility tax levied by the City of Montclair on all utility services and the stand-by charge of \$2.35 per month for those developed properties having direct access to City sewers but not connected. The City provides exemption or reduction procedures for low-income and senior citizen households for its utility tax.

The City of Montclair has conducted the environmental assessment for its pre-zoning for 22.45 acres, annexation of the pre-zone territory, and Tentative Tract 16697 for 2.39 acres located at 11204 Fremont Avenue. 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 his response is attached to this staff report. Mr. Dodson has indicated that 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 assessment and Mitigated Negative Declaration 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 annexation;
- c. Determine that the Commission does not intend to adopt alternatives for this project, and that mitigation measures included in the City's environmental documents are the responsibility of the City and others, not the Commission.

- d. 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 inhabited, containing 41 registered voters as of March 29, 2004.
2. The County Assessor has determined that the total assessed value of the study area is \$4,454,959 (\$1,626,863 land and \$2,828,096 improvements).
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 an individual notice to the landowners and registered voters within the reorganization area (totaling 74 notices), and to landowners and voters surrounding the study area (totaling 411 notices) in accordance with state law and adopted Commission policies. To date, no written comments or protest have been received to the notices provided regarding consideration of this proposal.
5. The City of Montclair has pre-zoned the study area for single-family residential uses (R-1) and multi-family residential uses (R-2). This zoning designation conforms to the adopted General Plan for the City of Montclair, and is consistent with surrounding land uses.
6. As a function of its review of Pre-Zone, Annexation and Tentative Tract 16697, 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 and Mr. Dodson's response are attached for the Commission's review (Attachment #4). 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  
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 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. 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 study 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 residential project anticipated – Tentative Tract 16697 for 9 lots. The balance of

the area is currently developed with varying intensities of residential uses.

12. To date, no official protest to this proposal has been received from area landowners or registered voters. Concern has been expressed, by telephone, by a landowner surrounding the site based upon the anticipated development and the City's development standards. As a land use question, this concern is outside the purview of the Commission.
13. 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 reorganization. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. 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:**

LAFCO #2960 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 and to work with the landowners and voters in this area in order to provide the most orderly and effective annexation boundary. The service extensions that will result from this proposal are necessary and timely for the proposed development within the southernmost portion of the study area, and the availability of municipal services will benefit and has benefited the entire reorganization area. For these reasons, and those outlined within the staff report, staff recommends approval of LAFCO #2960.

Attachments:

1. Maps of Annexation Area
2. City Application and Plan for Services
3. Letters from San Bernardino County Fire Department and City of Montclair
4. Response from Tom Dodson and Associates and City Environmental Documents
5. Draft Resolution #2820