

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

175 West Fifth Street, Second Floor, San Bernardino, CA 92415-0490
• (909) 387-5866 • FAX (909) 387-5871
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: MARCH 4, 2005
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #7 – LAFCO 2975 – City of Fontana Annexation
No. 159**

INITIATED BY:

City Council Resolution, City of Fontana

RECOMMENDATION:

1. Take the following actions with respect to the environmental review for LAFCO 2975:
 - a) Certify that the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2003031083) and Addendum to the FEIR (Fontana Development Code Update) adopted by the City of Fontana for the Fontana General Plan Update and pre-zoning of its sphere of influence have been independently reviewed and considered by the Commission, its staff, and Environmental Consultant;
 - b) Determine that the FEIR and Addendum to the FEIR are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO 2975;
 - c) Determine that the Commission does not intend to adopt alternatives or mitigation measures for the project; that the mitigation measures identified in the City's environmental documents are the responsibility of the City and others, not the Commission;

- d) Adopt the Findings of Fact and Statement of Overriding Considerations as presented by the Commission’s Environmental Consultant; and,
 - e) Direct the Clerk to file a Notice of Determination within five (5) 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 said fees.
2. Approve LAFCO 2975 including the standard conditions of approval; and,
 3. Adopt LAFCO Resolution #2867, setting forth the Commission’s findings, determinations, and conditions of approval concerning this proposal.

BACKGROUND:

The City of Fontana has submitted an application which proposes to annex approximately 4.90 +/- acres. The study area is generally located on the east side of Laurel Avenue, south of the natural extension of Ivy Street (approximately 585 feet south of Foothill Boulevard), approximately 100 feet west of Frankfort Avenue and approximately 125 feet north of Upland Avenue. The area is within the City of Fontana’s eastern 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 area proposed for annexation is primarily vacant with four (4) existing single-family residential units fronting Laurel Avenue. The study area is surrounded by a mix of a single-family residential units and vacant land on the north (within the City of Fontana), and single-family residential units on the east, south, and west (unincorporated area within the City of Fontana sphere of influence). The annexation application was submitted in response to a proposed subdivision, Tentative Tract 16620, reviewed and approved by the City to create 12 lots on the 3.20 acre parcel which comprises the eastern two-thirds of the proposal.

In reference to the boundaries of the proposed annexation, the southerly and easterly boundaries utilize parcel lines as their definition. Use of such lines of assessment as a boundary has the potential to cause confusion for response service providers – such as police, fire, and ambulance. These parcel boundary issues will change, however, upon the development of Assessor Parcel Number 0246-031-14 through Tentative Tract 16620 anticipating 12 single-family residential units. Tentative Tract 16620 will extend Ivy Avenue westerly to serve the properties west of Frankfort Avenue and provide a means of access and clear definition for service delivery.

The City's General Plan Update and Pre-zoning of its sphere of influence have assigned the area a land use designation of R-SF (single-family residential, 7,200 sq. ft. minimum lot size). The County's assigned land use designation for the annexation area is RS-10M (single-family residential, 10,000 sq. ft. minimum lot size) with an Improvement Level Designation of IL-1, indicating the need for the full range of municipal services. The land use designation proposed by the City is generally compatible with the current County land use designation. The City of Fontana pre-zoned its sphere of influence on April 15, 2004, when it adopted its Zoning Map through approval of its Ordinance No. 1444 (Zoning Ordinance). The City's pre-zoning of the area is designated as R-1 (single-family residential that allows for a minimum lot size of 6,000 square feet with the average lot size set at 7,200 sq. ft.), consistent with the City's General Plan designation.

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

- Sewage collection services can be readily extended to the annexation area from an existing sewer main in Laurel Avenue and is anticipated to be extended to the proposed Tentative Tract 16620 to connect the 12 single-family residential units. Upon annexation, existing residential structures will not be required to connect to City sewer facilities. Through annexation, the City of Fontana will become responsible for the wastewater collection system; treatment will be provided by the Inland Empire Utilities Agency at its Regional Plant No.1 located in Ontario.
- Water service is presently provided within the area by the Fontana Water Company. No change in this service provider will result through the annexation. Future water service will be extended to Tentative Tract 16620 at the property owner's expense.
- Fire protection and paramedic services are currently provided by the Central Valley Fire Protection District, which will continue to serve the area following annexation.
- Law enforcement responsibilities will shift from the San Bernardino County Sheriff's Department to the City of Fontana Police Department. The City indicates that its Police Department has sufficient personnel and equipment to adequately serve the project area.

The City of Fontana prepared a FEIR for the City's General Plan Update and an Addendum to the FEIR for the pre-zoning of its sphere of influence. The environmental assessment has been reviewed by the Commission's Environmental Consultant, Tom Dodson of 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:

- Determine that the certified FEIR and Addendum to the FEIR (for the Fontana Development Code Update) adopted by the City of Fontana for the Fontana General Plan Update and the pre-zoning of its sphere of influence, have been independently reviewed and considered by the Commission, its staff, and its Environmental Consultant;
- Determine that the FEIR and the Addendum to the FEIR are adequate for the Commission's use as a CEQA Responsible Agency for its determinations related to LAFCO 2975;
- Determine that the Commission does not intend to adopt alternatives or mitigation measures for the project; and that the mitigation measures identified in the City's environmental documents are the responsibility of the City and others, not the Commission;
- Adopt the Findings of Fact and Statement of Overriding Considerations as presented by the Commission's Environmental Consultant, attached to the staff report; and,
- Direct the Clerk to file the Notice of Determination 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 said fees.

CONCLUSION:

The City of Fontana has indicated three reasons for the proposed annexation:

- a) The City of Fontana's municipal services are necessary for the proposed subdivision to be developed and can be extended to the few existing single-family residences upon their request and financing;
- b) The proposed development project is consistent with existing land uses on adjoining properties within the City; and,
- c) The annexation supports the City Council's economic and General Plan goals and objectives.

Staff supports approval of LAFCO 2975 as the annexation area will benefit from the full range of municipal services provided by the City of Fontana. For all the

reasons outlined above, and those outlined within the balance of the staff report, staff recommends approval of LAFCO 2975.

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 four (4) registered voters as of November 18, 2004.
2. The County Assessor has determined that the assessed value of land and improvements within the annexation area is \$482,763 (land - \$262,414; improvements - \$220,349).
3. The area is within the sphere of influence assigned the City of Fontana.
4. Commission review of this proposal has been advertised in *The Sun* and the *Fontana Herald News*, newspapers of general circulation within the study area. Individual notice has been provided to affected and interested agencies, County departments and those individuals and agencies having requested such notification.
5. LAFCO staff has provided individual notices to landowners and registered voters within the annexation area (totaling 9 notices), and to landowners and registered voters surrounding the study area (totaling 364 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.
6. The City of Fontana has pre-zoned the study area R-1 (single-family residential that allows an average lot size of 7,200 sq. ft.). This zoning designation conforms to the adopted General Plan for the City of Fontana and is consistent with surrounding land uses. Pursuant to the provisions of Government Code Section 56375(e), this zoning designation shall remain in effect unchanged for two years following annexation unless specific actions are taken by the City Council.
7. The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the City of Fontana's FEIR, Addendum to the FEIR and Statement of Overriding Considerations prepared for the City of Fontana General Plan Update and pre-zoning of its sphere of influence. Mr. Dodson has determined that these documents taken together are adequate for the Commission's review of the proposed annexation as a

responsible agency. Copies of the City's environmental documents were presented to Commission members at the November 17, 2004 hearing and were provided to new Commission members upon their selection. The necessary actions to be taken by the Commission, as a responsible agency, are outlined in the narrative portion of this report.

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

County of San Bernardino
Central Valley Fire Protection District
Metropolitan Water District of Southern California
Inland Empire West Resource Conservation District
Inland Empire Utilities Agency (formerly known as Chino Basin
Municipal Water District) and its Improvement District C
County Service Area SL-1 (Streetlighting)
County Service Area 70 (multi-function unincorporated area
Countywide)

County Service Area 70 and County Service Area SL-1 will be detached upon successful completion of this proposal. None of the other agencies will be directly affected by the completion of this proposal through an adjustment in their boundaries.

9. The City of Fontana has submitted a plan for the extension of municipal services to the study area, as required by law. This plan is included as a part of Attachment #2 to this report and indicates that the City can maintain and/or improve the level and range of services currently available in the area.
10. 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.
11. The annexation area can benefit from the availability and extension of municipal services from the City of Fontana.
12. This proposal will assist the City's ability to achieve its fair share of the regional housing needs upon development of the proposed subdivision, Tentative Tract 16620, which includes 12 new single-family residential units.
13. The County of San Bernardino and the City of Fontana 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.

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.

KRM/sm

Attachments:

1. Vicinity Maps and Annexation Area Map
2. City of Fontana's Application and Plan for Services
3. Response from Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, including Findings of Fact and Statement of Overriding Considerations
4. Draft Resolution #2867