

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

215 North D Street, Suite 204,
San Bernardino, CA 92415-0490 • (909) 383-9900 • Fax (909) 383-9901
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: NOVEMBER 3, 2006
FROM: SAMUEL MARTINEZ, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: **Agenda Item #12:** LAFCO 3069 – City of Loma Linda Annexation No. 06-02
(Bryn Mawr Islands)

INITIATED BY:

City Council Resolution, City of Loma Linda

RECOMMENDATION:

Staff recommends that the Commission approve LAFCO 3069 by taking the following actions:

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 3069 – Reorganization to Include City of Loma Linda Annexation No. 06-02 (Bryn Mawr Islands), as island annexations, as defined in Government Code Section 56375.3, with the following conditions:
 - All streetlights currently the responsibility of County Service Area SL-1 within the reorganization area shall be transferred to the City of Loma Linda upon successful completion of the reorganization. The County Special Districts Department shall prepare the appropriate documentation to transfer the lights; LAFCO staff shall verify the data; and the City of Loma Linda shall sign the authorization form requesting Southern California Edison to transfer the specific lights to the City of Loma Linda account(s); and,
 - The standard terms and conditions of approval that include the “hold harmless” clause for potential litigation.
3. Waive protest proceedings, as required by Government Code Section 56375.3; and,

4. Adopt LAFCO Resolution #2950 setting forth the Commission's findings and determinations concerning this proposal.

BACKGROUND:

LAFCO 3069 is a proposal to annex three (3) totally-surrounded unincorporated islands of territory located within the City of Loma Linda's northern sphere of influence. The reorganization area, as initiated by the City, encompasses a total of approximately 57+/- acres, generally located between California Street and Mountain View Avenue, north and south of Barton Road, in the area commonly known as the Bryn Mawr community. The individual islands are identified as follows:

- Area A encompasses approximately 3.3+/- acres generally located west of California Street, south of Barton Road, and north and east of the Flood Control Channel.
- Area B encompasses approximately 4.7 +/- acres generally located west and north of the Southern Pacific Railroad Right-of-Way, south of a combination of First Street and the Flood Control Channel, and east of Whittier Avenue.
- Area C encompasses approximately 48.6 +/- acres generally located east of Mountain View Avenue, south of the Flood Control Channel, west of Whittier Avenue, and north of the Southern Pacific Railroad Right-of-Way.

Location and vicinity maps and the City's application are included as Attachments #1 and #2 to this report, respectively.

REQUIRED PROVISIONS FOR ISLAND ANNEXATIONS:

Government Code Section 56375(a) requires the Commission to approve the annexation of "islands" of unincorporated territory and Section 56375.3 requires the Commission to approve the annexation of island territory without the ability of protest if several basic findings are made concerning the size of the island, the configuration of city boundaries, the lack of prime agricultural land within the island area, the presence of development in the area, and the ability of the study area to benefit from or use municipal services from the City (see Attachment #3 to this report). The staff's responses to the required determinations for each of the three areas that are a part of LAFCO 3069 (Bryn Mawr Islands), are outlined as follows:

AREA A

- The area does not exceed 150 acres; it is 3.3 +/- acres and constitutes the entire island of unincorporated territory;
- The area is totally or substantially surrounded; the area is totally surrounded by the City of Loma Linda boundaries;
- The study area is substantially developed or developing. This determination is based upon the findings that public utilities are available within the area, there are public

improvements within the area, and there are physical improvements within the area;

- The study area is not prime agricultural land as such is defined by LAFCO statutes; and,
- The study area will benefit from the reorganization and all parcels within the area are currently receiving benefits from the City of Loma Linda through the extension of water service outside the City's boundaries.

AREA B

- The area does not exceed 150 acres; it is 4.7 +/- acres and constitutes the entire island of unincorporated territory;
- The area is totally or substantially surrounded; the area is totally surrounded by the City of Loma Linda boundaries;
- The study area is substantially developed or developing. This determination is based upon the findings that public utilities are available within the area, there are public improvements within the area, and there are physical improvements within the area;
- The study area is not prime agricultural land as such is defined by LAFCO statutes; and,
- The study area will benefit from the reorganization and all parcels within the area are currently receiving benefits from the City of Loma Linda through the extension of water service outside the City's boundaries.

AREA C

- The area does not exceed 150 acres; it is 48.6 +/- acres and constitutes the entire island of unincorporated territory;
- The area is totally or substantially surrounded; the area is totally surrounded by the City of Loma Linda boundaries;
- The study area is substantially developed or developing. This determination is based upon the findings that public utilities are available within the area, there are public improvements within the area, and there are physical improvements within the area;
- The study area is not prime agricultural land as such is defined by LAFCO statutes; and,
- The study area will benefit from the reorganization and all parcels within the area are currently receiving benefits from the City of Loma Linda through the extension of water service outside the City's boundaries.

Staff has also reviewed the provisions of the Commission's additional policies related to the processing and evaluation of island annexations. Those policies, as adopted on March 31, 2005 and applicable to the processing of this application, are as follows:

1. For the purpose of applying the provisions of Government Code Section 56375.3, the territory of an annexation proposal shall be deemed "substantially surrounded" if 52% of its boundary, as set forth in a boundary description accepted by the Executive Officer, is surrounded by (a) the affected City or (b) the affected City and adjacent Cities, or (c) the affected City and a service impediment boundary as defined by the Commission to include, but not be limited to, a freeway, a flood control channel or forest service land.
2. The Commission determines that no territory within an established County Redevelopment Area shall be included within an island annexation proposal, unless written consent has been received from the County Board of Supervisors and County Redevelopment Agency.
3. The Commission directs that a City proposing to initiate an island annexation proposal shall have conducted a public relations effort within the area prior to the adoption of its resolution of initiation (this policy was amended by the Commission on October 18, 2006). Such efforts shall include, but not be limited to, providing information on the grandfathering of existing legal County uses into the City, costs to the resident/taxpayer associated with annexation, and land use determinations. Documentation of these efforts shall be a part of the application submitted for consideration by the Commission.

The following discussion addresses the Commission's additional policies related to "island" annexations for all the three areas: 1) the aspect of being substantially surrounded does not apply to any of the three areas since all three are totally surrounded by the City; 2) none of the three areas are within a County Redevelopment Area, therefore no consent is needed from the County; and 3) the City of Loma Linda conducted an outreach meeting for this proposal, the Bryn Mawr Islands, on August 8, 2006 to discuss the issues of land use, plan for service, and costs, if any, to the residents, etc.

Based upon the information outlined above, it is the staff's position that these mandatory determinations are clear; therefore, the Commission is:

1. Required by Government Code Section 56375(a) to approve the proposal as submitted by the City of Loma Linda; and,
2. Required to approve it without the ability to protest from landowners and registered voters within the area (Government Code Section 56375.3).

The following provides a summary of the balance of the issues which the Commission reviews and considers in all annexation proposals – land use, service effects and the effect on other levels of government, including environmental considerations.

LAND USE:

The existing land uses within and surrounding the three areas are as follows:

- Area A – A mini-storage facility within the area; and a mix of residential uses and vacant lands surrounding the area.
- Area B – A mix of residential uses and vacant lands within the area; and a mix of residential uses and vacant lands surrounding the area.
- Area C – A mix of single-family residences and commercial/institutional uses within the area; and a mix of residential and commercial uses, including vacant lands surrounding the area.

The City of Loma Linda has pre-zoned the three areas as determined through its consideration of Ordinance No. 655, which was adopted on September 12, 2006. Below is a comparison of the City’s pre-zone designations and the County’s current land use designations for all three areas, which shows that the City and the County’s land use determinations for each of the areas are generally compatible with each other.

Annexation Area	County’s Current Land Use Designations	City’s Pre-zone Land Use Designations
Area A	EL/CS-10m (East Loma Linda/Service Commercial, 10,000 sq. ft. min. lot size)	General Business (C-2)
Area B	EL/RS-6m (East Loma Linda/Single-Family Residential, 6,000 sq. ft. min. lot size)	Planned Community (PC)
Area C	EL/CS-10m EL/RS-6m	General Business (C-2) Multiple-Family Residence (R-3) Planned Community (PC)

Pursuant to the provisions of Government Code Section 56375(e), these pre-zone designations shall remain in effect for a minimum of two years following reorganization unless specific actions are taken by the City Council at a public hearing.

In addition, LAFCO staff, members of the City staff and County Land Use Services Department staff met to discuss issues related to the handling of the transition of land use projects from the County to the City. In the Addendum to the Plan for Service, the City has outlined its position on how it will honor the County’s land use projects/approvals and code enforcement issues within the reorganization area. The City has indicated that the County is to complete all current inspections for County approved projects. Any projects with permits issued after the reorganization will be the City’s responsibility. It was specifically identified that the La Loma Credit Union project and two lot-line adjustment projects were to transfer to the City upon approval of the reorganization. Code enforcement issues related to health and safety will be addressed immediately upon approval of the reorganization.

PLAN FOR SERVICE

The City of Loma Linda has provided a “Plan for Service” for this proposal as required by law and Commission policy. The plan is attached to this report for Commission review as Attachment #2, and in general, identifies the following:

- Sewage collection services will become available through the City upon completion of the reorganization. Previously, a contractual relationship between the County, the City of Loma Linda and the City of San Bernardino was entered into allowing for the extension of sewer lines into the overall Bryn Mawr community. This has provided the community the ability to have access to sewer service from the City of Loma Linda; to date, there are approximately 40 sewer connections within these areas. There will be no effect on existing septic system users except for septic system failures which would require sewer service. There is no difference between in-City or outside City bi-monthly rate for sewer service.
- Water service is already provided to the reorganization area by the City. No change in this service will take place upon completion of the reorganization. However, the areas will benefit from a lower water rate since customers outside the City pay approximately 15 percent more than the in-City bi-monthly rate.
- Law enforcement responsibilities, which are currently provided by the San Bernardino County Sheriff's Department, will continue to serve the areas following the completion of the reorganization. The City contracts for its law enforcement services with the County Sheriff's Department. The City anticipates that the same level of service will be provided to the areas upon reorganization since the areas are already served with little growth anticipated. The dispatch and supervisory control are from the Sheriff's Central Station located at 655 East Third Street in the City of San Bernardino, with a response time of less than 5 minutes.
- Solid waste services are currently provided by Waste Management within the reorganization area, which will continue to serve these areas upon completion of the reorganization. There is no rate difference between outside and in-City; however, Waste Management has the right to ask for an annual rate increase as long as it is justified.
- Fire protection and paramedic services are currently the responsibility of County Service Area 38 (CSA 38). However, the County has contracted with the City of Loma Linda for the provision of this service since 1997 and it recently renegotiated its contract for payment of these services on June 13, 2006. The Plan for Service indicates that LAFCO 3069, combined with LAFCO 3068 (Petersen Tract Island) will require a renegotiation of the contract payment, anticipated to reduce the total payment to \$13,000 (\$25,000 contract reduced by \$12,000 from within the island areas). However, the property tax transfer resolution adopted by the City and County show that the City will receive the existing \$11,726 from CSA 38 as a part of this reorganization process.

The City's fire station is located at Barton Road and Loma Linda Drive; indicating that the response time to the reorganization area is two minutes and forty-five seconds. In addition, the City has automatic aid agreements with the Cities of Redlands, San Bernardino, and Colton.

- Streetlights are currently funded in the reorganization area through County Service Area SL-1. While the Plan for Service does not outline the transfer of this responsibility, the Commission’s adopted policy requires documentation of the transfer of this responsibility through verification of lighting facilities to be transferred and requiring the submission by the City of a signed form authorizing the transfer upon completion of the reorganization. Staff has included this condition in its recommendation. There are approximately 10 lights to be transferred and it is estimated that the annual cost of operation is \$1,000 (approximately \$100 per year energy costs). The property tax transfer from CSA SL-1 to the City is \$912, which is slightly less than the cost of operating the 10 lights.

As required by Commission policy and State law, the Plan for Service submitted by the City of Loma Linda shows that the extension of its services will maintain, and/or exceed, current service levels provided through the County.

ENVIRONMENTAL CONSIDERATIONS:

The Commission’s Environmental Consultant, Tom Dodson and Associates, has reviewed this proposal and has indicated that it his recommendation that this reorganization of island areas is statutorily exempt from the California Environmental Quality Act (CEQA). This determination is based on the fact that the Commission has no discretion in its review of this proposal and must approve the project. Such a “ministerial action” is exempt from environmental review pursuant to Section 15268 of the State CEQA Guidelines. A copy of Mr. Dodson’s analysis is included as Attachment #4 to this report. It is recommended that the Commission adopt the Statutory Exemption for this proposal and direct the Clerk of the Commission to file a Notice of Exemption with the appropriate agency within five days.

FINDINGS:

The following findings are required to be provided by Commission policy and Government Code Section 56668 for all proposals considered:

1. The Registrar of Voters Office has determined that the reorganization area is legally inhabited, containing 58 registered voters as of September 11, 2006. The breakdown of registered voters by island area is as follows:

Annexation Area	Registered Voters
Area A	0
Area B	18
Area C	40

2. The reorganization area is within the sphere of influence assigned the City of Loma Linda.
3. The County Assessor’s Office has determined that the assessed valuation of land and improvements for the reorganization area is \$9,391,803 (\$2,918,029 – value

of land; \$6,473,774 – value of improvements).

Area A	Land	\$	308,740
	Improvements	\$	3,098,421
Area B	Land	\$	317,471
	Improvements	\$	791,785
Area C	Land	\$	2,291,818
	Improvements	\$	2,583,568

4. Legal advertisement of the Commission’s consideration has been provided through publication in *The Sun* and the *Loma Linda City News*, newspapers of general circulation in the area. As required by State law, individual notification was provided to affected and interested agencies, County departments and those agencies and individuals requesting mailed notice.
5. All notices required by State law and local Commission policies have been provided. LAFCO staff has provided individual notices to landowners and registered voters within the reorganization area (totaling 161) and to landowners and registered voters surrounding the reorganization area (totaling 1488 notices). Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determinations. To date, no written protest or opposition have been received.
6. The City of Loma Linda has pre-zoned the reorganization area R-3 (Multiple-Family Residence), PC (Planned Community), and C-2 (General Business). These zoning designations conform to the Medium Density Residential, Commercial, and Special Planning Area F designations for the reorganization area as identified on the City’s General Plan.

Pursuant to the provisions of Government Code Section 56375(e), these pre-zone designations shall remain in effect for a minimum of two years following reorganization unless specific actions are taken by the City Council at a public hearing.
7. The Commission’s Environmental Consultant, Tom Dodson and Associates, has indicated that the review of this reorganization of island areas is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission’s approval of this application is ministerial, in that based upon the findings required by Government Code Section 56375(a), the Commission has no discretion in its action on the proposal other than approval. Therefore, a Statutory Exemption as authorized under Section 15268 of the State CEQA Guidelines is appropriate. A copy of Mr. Dodson’s response is included for the Commission’s review as Attachment #4 to this report.
8. The City has submitted a “Plan for Service” as required by law which indicates that the City can, at a minimum, maintain the level of service delivered and can improve the level and range of selected services currently available in the

reorganization area. A copy of this Plan is included for the Commission's review as Attachment #2.

9. The reorganization area in question is presently served by the following public agencies:

County of San Bernardino
Inland Empire Resource Conservation District
San Bernardino Valley Municipal Water District
San Bernardino Valley Water Conservation District
County Service Area SL-1 (portion)
County Service Area 38
County Service Area 70
Loma Linda Redevelopment Project No. 2

CSA SL-1, CSA 38, and CSA 70 will be detached through successful completion of this reorganization. None of the other agencies will be directly affected by the completion of this proposal.

10. The reorganization proposal complies with Commission policies and directives and State law that indicate the preference for all island areas to be included within the boundaries of the City surrounding them to provide for a more efficient and effective service delivery system.
11. The reorganization area has benefited and can benefit from the availability of municipal-level services from the City of Loma Linda.
12. This proposal will have very little effect on the City of Loma Linda's ability to achieve its fair share of the regional housing needs since there are only a few vacant parcels designated for residential development.
13. The County of San Bernardino and the City of Loma Linda successfully negotiated a transfer of property tax revenues that will take effect upon completion of this reorganization. This negotiated agreement 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:

It is the staff's determination that LAFCO 3069 is essentially a ministerial action. This determination is based upon the finding that the Commission is required by Government Code Section 56375(a) to approve this reorganization proposal if it makes the mandatory findings outlined in Section 56375.3. Staff believes these findings are easily made for each of the three "island" areas:

- Each area is less than the 150 acre threshold as defined in Section 56375.3;
- Each area is wholly surrounded by City boundaries;
- Each area is within the City of Loma Linda's sphere of influence;
- Each area is substantially developed or developing;
- Each area does not contain any prime agricultural land; and,
- Each area has benefited and can benefit from the availability of municipal services from the City of Loma Linda.

If the Commission concurs with these staff determinations, then it is required to approve this reorganization proposal, regardless of any protest that might be submitted at the hearing.

SM/

Attachments:

- 1 -- Vicinity and Location Maps
- 2 -- City of Loma Linda Application
 - Area A Justification for Proposal
 - Area A Supplemental Form
 - Area B Justification for Proposal
 - Area B Supplemental Form
 - Area C Justification for Proposal
 - Area C Supplemental Form
 - Areas A, B and C Plan for Service
 - Addendum to the Fiscal Impact Analysis
 - Supplemental Information Regarding AB 1602 Funding
 - Addendum to the Plan for Service
- 3 -- Government Code Sections 56375 and 56375.3
- 4 -- Letter from Tom Dodson and Associates
- 5 -- Draft Resolution No. 2950