

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

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**DATE:** OCTOBER 3, 2003  
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: Agenda Item #7:** LAFCO #2944 – Reorganization to Include City of Montclair Annexation No. 22 and Detachment from 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 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 #2944 as submitted;
3. Waive protest proceedings, as permitted by Government Code Section 56663(c), with 100% landowner support and concurrence from the City of Montclair and the Monte Vista Fire Protection District; and,
4. Adopt LAFCO Resolution #2787, setting forth the Commission's findings, determinations, and standard conditions of approval.

**BACKGROUND INFORMATION:**

LAFCO 2944 is a proposal to annex approximately five (5) +/- 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 southerly of Howard Street between Fremont and Monte Vista Avenues. The site represents a

single parcel, it is contiguous on its southern side to the current boundaries of the City, and it is within the Montclair sphere of influence. Attachment #1 includes maps of the area under consideration.

Existing land uses within the study area include two structures along the northern portion of the parcel (identified as 4961 and 4985 Howard Street) proposed for demolition and vacant lands. Surrounding land uses include a wholesale plant nursery to the west, single-family residential uses to the north, a Christmas Tree Farm and single-family residential uses to the east, and single-family residential uses to the south (within City limits). The City has pre-zoned the study area for single family residential uses (R-1) and has approved a tentative tract (Tentative Tract Map #16484) allowing for an 18-unit single-family residential subdivision. This designation is consistent with the City General Plan for the study area.

As viewed on the attached maps, the annexation as presented would extend what has been identified by the Commission as a “sawtooth” pattern of annexations. The Commission has further indicated its position that such a jurisdictional change does not support the efficient delivery of urban services and where possible such areas should be expanded to encompass the largest area feasible for annexation. The City has contacted the surrounding property owners who are not interested in becoming a part of the annexation process. However, in order for the proposed development to take place, it requires connection to a sanitary sewer system. While a sewer connection could be provided by an out-of-agency service contract, it is the City’s policy for parcels contiguous to City boundaries proposing new development which requires such service to annex. The annexation, as proposed by the City, would accommodate the extension of the development immediately to the south and complete the cul-de-sac anticipated during the prior annexation completed in 1994.

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.
- 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 three-tenths 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 Consolidated Fire Agency regarding the potential problems that could be encountered if the City were to choose to cancel its fire contract with the MVFPD and the revenues had been transferred through this “piecemeal approach” to annexation. A copy of the response is included as Attachment #3. The staff’s response to this concern is that the Commission has initiated the dissolution of the MVFPD and has held that application pending annexation of the island area within the City of Upland sphere of influence. Once the island proposal has been processed, it is anticipated that the dissolution proposal will be brought forward to transfer fire responsibility directly to the City of Montclair rather than through the existing contract provisions. Such action will resolve the ongoing funding concern regarding the County’s delivery of this service.

- 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.
- 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 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 City of Montclair has conducted the environmental assessment for Tentative Tract 16484 and the annexation of the five acre study area. 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.

The County Assessor's office has verified that the study area possesses 100% landowner consent to annexation and it is legally uninhabited. The staff has, therefore, requested the City's and Monte Vista Fire Protection District's concurrence to waive the protest proceeding for this proposal as allowed under Government Code Section 56663. Both entities have consented to this waiver as the only "subject" agencies; therefore, staff is recommending that the Commission approve this proposal, waive further protest proceedings, and complete the action. A copy of the City's and District's responses and landowner consent are included in Attachment #4.

**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 0 registered voters as of July 29, 2003.
2. The County Assessor has determined that the total assessed value of the study area is \$459,000 (\$408,000 land and \$51,000 improvements) and that 100% of the landowners have consented to the annexation.

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 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 pre-zoned the study area for single-family residential uses (R-1). 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 Annexation No. 22 and Tentative Tract 16484, the City of Montclair acted as the lead agency for the environmental assessment for this 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 annexation as a responsible agency. A copy of the City's environmental assessment 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  
Monte Vista Water 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  
Monte Vista Fire Protection District  
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. 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 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 16484 for 18 lots. The required demolition of the existing two residential structures allows for a net increase of 16 units in the City's housing index.
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 tract development and its 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 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.

Attachments:

1. Maps of Annexation Area
2. City Application and Plan for Services

3. Expression of Concern by San Bernardino County Fire Department
4. Landowner Consent Form and City and District Waiver Request
5. Response from Tom Dodson and Associates and City Environmental Documents
6. Draft Resolution #2787