

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

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DATE: OCTOBER 11, 2005

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
MICHAEL TUERPE, LAFCO Analyst

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #5: LAFCO 2989—City of Redlands Annexation No. 81

INITIATED BY:

City Council Resolution, City of Redlands

RECOMMENDATION:

The staff recommends that the Commission:

1. Take the following actions with respect to environmental review:
 - a. Certify that the Initial Study and Mitigated Negative Declaration adopted by the City of Redlands for Annexation No. 81, Zone Change 391 and Tentative Tract 16402 have been independently reviewed and considered by the Commission, its staff, and Environmental Consultant;
 - b. Determine that the Initial Study and Mitigated Negative Declaration are adequate for Commission use as a CEQA Responsible Agency related to LAFCO 2989;
 - 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; and
 - d. Direct the Clerk of the Commission to file a Notice of Determination as a Responsible Agency 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, had paid said fees.

2. Approve LAFCO 2989, with the standard terms and conditions of approval that include the “hold harmless” clause for potential litigation, continuation of fees, charges, assessments, etc.
3. Waive protest proceedings, as permitted by Government Code Section 56663(c), with 100% landowner consent and concurrence from the City of Redlands.
4. Adopt Resolution No. 2899, setting forth the Commission’s findings, determinations, and conditions of approval concerning this proposal.

BACKGROUND:

LAFCO 2989 is a proposal submitted by the City of Redlands through adoption of a resolution of initiation to annex approximately 9.43+/- acres. The proposal is generally bordered by Madeira Avenue (existing City of Redlands boundary) on the north, parcel lines on the east, a combination of Cedar Lane and parcel lines on the south, and parcel lines on the west. The annexation area is part of the larger community commonly known as “Mentone” within the City of Redlands’ eastern sphere of influence. Attachment #1 includes maps of the area under consideration.

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

1. The annexation area is contiguous to the City of Redlands’ city limits and in order to receive services, the proposed development area must annex.
2. The proposed development project would receive the full range of services from the City including police, fire, and general government support.
3. The annexation supports the City Council’s General Plan goals and objectives.

LAFCO 2989 stems from an application for annexation by the property owners in order to receive water and sewer services from the City for their proposed subdivision, Tentative Tract No. 16402, for 27 lots. Since the property is contiguous to the City on its north boundary, the City cannot extend services to the property unless annexation occurs. This requirement is outlined in the City’s Municipal Code Section 13.60.030 referring to changes adopted by “Measure U”, which was approved by the voters of the City in 1997 (included as Attachment #2).

BOUNDARIES:

The annexation area of 9.43 +/- acres is currently vacant lands. Surrounding uses include vacant lands to the north (within the City of Redlands), a combination of single-family residences and single-family residences with agricultural activity to the east, a combination of single-family residences and single-family residences with agricultural

activity to the south, and the Boulder Creek subdivision with single-family residences to the west.

As the maps attached to the staff report identify, the application proposes the first extension of the City's boundary southerly of Maderia Avenue since the boundary was established in the 1950s. This single subdivision annexation will begin a piece-meal approach to annexation and a sawtooth pattern for service delivery obligations. In addressing such a boundary concern, the Commission, in the staff view, has three alternatives:

1. It can expand LAFCO 2989 to include a larger area to address a more comprehensive service boundary for the City, such as including the territory to the west between the proposed annexation and Crafton Avenue for the subdivision known as Boulder Creek. However, such a modification would not provide for a more logical, efficient, and easily recognizable boundary between County and City jurisdictions. In addition, due to number of developed parcels involved, staff estimates that this will change the status of the annexation to legally inhabited, transferring review authority to the registered voters in the area. The City opposes this option since it does not wish to force the annexation because the larger area is not required to annex at this time pursuant to its Municipal Code and because the Mentone community has historically opposed annexation.
2. It can deny the application on the basis that the boundary as presented does not provide for a logical and efficient service boundary. The developer of Tract 16402 opposes this option on the basis that the tentative tract has been processing through the City for over two years, the receipt of water and sewer service is required for development at its anticipated intensity, and such service from the City is contingent on annexation. The City opposes this option since its Municipal Code requires annexation for the receipt of water and sewer service from the City and one hundred percent of the landowners have consented to the annexation.
3. It can accept the City's proposal as presented. This option is supported by the City and the property owners since it allows for the development project to proceed and does not force annexation of neighboring parcels which have expressed no interest in annexation.

As development is proposed along the periphery of the City's boundary, the implementation of the City's Municipal Code will require more and more single parcel or subdivision annexations rather than out-of-agency service contracts. As LAFCO 2989 was circulated for review and comment, written opposition was received from 121 surrounding area landowners or registered voters (a sample of the written opposition is included as Attachment #6). Focal points of their concerns are:

1. They do not want the possibility of becoming a part of the City Redlands,

2. They are currently satisfied with the services they receive from the County and private providers,
3. It is their position that the extension of services from the City can be accomplished without annexation,
4. County Fire Station No. 9 is less than one mile away, and
5. They oppose a piece-meal approach to annexation.

These concerns are much the same as those expressed by LAFCO staff and by the Commission. However, statement #3 is not the position taken by the City, nor LAFCO staff's understanding of the City's Municipal Code. In addition, the positions of surrounding landowners and voters supports the City's position to oppose either Option #1 or #2 outlined above.

In the staff's view the proposed subdivision is a continuation of the development patterns to the west, not a part of the City yet provided its water and sewer service. Discussions between LAFCO staff, City of Redlands staff, and the property owners and voters within these areas should be undertaken to work toward more comprehensive annexation proposals in the future. In the present case, however, staff's recommendation is to accept the City's proposal as presented to address the immediate service needs of the development, which has been in process for more than two years, without impacting the surrounding area.

LAND USE:

The site is currently vacant land. The County's assigned land use designation for the annexation area is RS (Single Residential, minimum lot size of 7,200 square feet) with an Improvement Level Designation of IL-1, indicating the need for the full range of municipal services. The City of Redlands General Plan designation for this area is Low Density Residential (0-6 units per acre). The land use designations between the County and City are generally compatible.

The City of Redlands pre-zoned the annexation area on January 6, 2004, when it adopted a revised Land Use Zoning Plan as part of its Official Land Use Zoning Map through approval of its Zone Change No. 391 (City Ordinance 2558). The City's pre-zoning of the area is for two parcels. The first is designated as R-1 (Single-Family Residential, minimum lot size of 7,200 square feet) for 18 lots on 4.77+/- acres. The second is designated as R-E (Residential Estate, minimum lot size of 14,000 square feet) for 9 lots on 4.34+/- acres. The pre-zoning designations are consistent with the City's General Plan designation.

SERVICE ISSUES:

Current service requirements for the area are minimal due to its undeveloped nature and consist primarily of fire protection and road services. The City of Redlands has submitted a Plan for Service for the extension of municipal services to the annexation site as required by law and Commission policy (included as a portion of Attachment #3). Highlights of the Plan include:

- Fire protection is currently provided by County Service Area 38 through the San Bernardino County Consolidated Fire Agency and will be replaced by the City of Redlands Fire Department. The closest City fire station is Fire Station 263 located at 10 West Pennsylvania, 4.1 miles from the southern boundary of the annexation area. The closest County fire station is Station No. 9, located at Mentone Boulevard and Crafton Avenue less than a mile from the southern boundary of the annexation area. The City Plan for Service indicates that its Fire Department can provide the necessary service to this site. However, this service will be provided through the mutual aid and joint response agreements with County Fire for the foreseeable future. Impact fees will be required of the project for future fire stations. Upon annexation, fire protection services will be financed using the City's General Fund.

Emergency paramedic services within the City are currently funded through a special tax assessment at a fixed rate. The assessment for single-family residences is \$39.70. The assessment for commercial and industrial units ranges from \$39.70 to \$158.95 and greater, depending on the size of the property.

- Water service can be readily extended by the city to the annexation site from existing water mains in Crafton Avenue and Sliger Road. Water system production and transmission capital costs will be offset by development impact fees, and operation and maintenance costs will be offset by user fees.
- Sewer collection and treatment services can be readily extended by the city to the annexation area from existing sewer mains in Crafton Avenue and Sliger Road. Sewer system treatment and trunk sewer capital costs will be offset by development impact fees, and operation and maintenance costs will be offset by user fees.
- Law enforcement responsibilities will shift from the San Bernardino County Sheriff's Department to the City of Redlands Police Department. The City indicates that its police department has sufficient personnel and equipment to adequately serve the project area. The annexation area is adjacent to an existing patrol beat and will be absorbed into that beat. Police protection services will be financed using the City's General Fund.
- Solid waste services to the annexation area will be provided by the City of Redlands. Solid waste collection and disposal capital costs will be offset by

development impact fees, and operation and maintenance costs will be offset by user fees.

- Mosquito abatement is contracted with San Bernardino County Vector Control. Per Title 3 of the San Bernardino Code, the cost for the City of Redlands incorporated areas is \$5.32 per single-family residence.
- In 1987, the voters of Redlands passed a \$7.2 million bond issue for the purchase of land for parks, recreation, citrus preservation, and open space. Residences are assessed a .0155% special tax based on property value for the debt service of the bond.

The City of Redlands Public Works Department Development Impact Fees for the 27 lots total \$189,718.20 (estimate). The City of Redlands Municipal Utilities Department Development Requirements total \$288,248.00. The fee breakdowns are included as a portion of Attachment #3.

As required by Commission policy and State law, the Plan for Services submitted by the City of Redlands shows that the extension of its services will meet the needs of the tentative tract.

The Registrar of Voters has certified that the study area is legally uninhabited and the County Assessor's Office has verified that the study area possesses 100% landowner consent to annexation. Staff has requested the City's concurrence to waive the protest proceeding for this proposal as allowed under Government Code Section 56663. The City has indicated its consent; therefore, staff is recommending that the Commission approve this proposal, waive further protest proceedings, and direct the Executive Officer to complete the action. A copy of the landowner consent forms and the City's response are included as Attachment #4.

ENVIRONMENTAL CONSIDERATIONS:

The City of Redlands prepared an Initial Study for the pre-zoning of the annexation area. The environmental assessment has been reviewed by the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, and his response is included as Attachment #5. 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:

1. Determine that the Initial Study and the Mitigated Negative Declaration adopted by the City of Redlands have been independently reviewed and considered by the Commission, its staff, and its Environmental Consultant;

2. Determine that the Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA Responsible Agency for its determinations related to LAFCO 2989;
3. 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; and
4. Direct the Clerk to file a 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:

Staff supports approval of LAFCO 2989 as presented since the area will benefit from the full range of municipal services provided by the City of Redlands, requires the services of water and sewer to develop at the land use intensity anticipated by both the City and County General Plan land use designations, and those services, pursuant to the City's Municipal Code, cannot be provided without annexation. For all the reasons outlined above, and those outlined within the balance of the staff report, staff recommends approval of LAFCO 2989.

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 certified that the study area is legally uninhabited, containing zero (0) registered voters as of June 6, 2005.
2. The County Assessor has determined that the assessed value of land within the annexation area is \$356,535 (land only) and that 100% of the landowners have consented to the annexation.
3. The area is within the sphere of influence assigned the City of Redlands.
4. Commission review of this proposal has been advertised in *The Sun* and *The Redlands Daily Facts*, 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 notice to the landowners within the annexation area (totaling 2 notices), and to landowners and registered voters

surrounding the annexation area (totaling 241) in accordance with state law and adopted Commission policies.

6. The City of Redlands has pre-zoned the study area as R-1 (Single-Family Residential, minimum lot size of 7,200 square feet) and R-E (Residential Estate, minimum lot size of 14,000 square feet). This zoning designation conforms to the adopted General Plan for the City of Redlands, is consistent with existing land uses within the area, and will take effect upon annexation. Pursuant to the provisions of Government Code 56375(e), these zoning designations shall remain in effect for two years following annexation unless specific actions are taken by the City Council.
7. As a function of its review of Tentative Tract 16402, Change of Zone No. 391 and Annexation No. 81, the City of Redlands acted as the lead agency for the environmental assessment for the annexation proposal. The Commission's environmental consultant, Tom Dodson and Associates, has reviewed the City of Redlands 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 (Attachment #5). The necessary actions to be taken by the Commission, as a responsible agency under CEQA, are listed in the narrative section of this report.
8. The area in question is presently served by the following local agencies:
 - County of San Bernardino
 - County Service Area 38 (fire protection)
 - County Service Area 70 (multi-function unincorporated area, Countywide)
 - County Service Area 70 Improvement Zone P-7 (Inactive Park and Recreation District for the Community of Mentone)
 - Inland Empire Resource Conservation District
 - San Bernardino Valley Water Conservation District
 - San Bernardino Valley Municipal Water District

Detachment of CSA 38, CSA 70, and CSA 70 Improvement Zone P-7 will automatically occur upon successful completion of this proposal as required by Government Code Section 25210.90. None of the other agencies are affected by this proposal as they are regional in nature.

9. The City of Redlands 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 #3 to this report and indicates that the City can provide the full range of services required by the tract.

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, primarily water and sewer service, from the City of Redlands.
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 16402, which includes 27 new single-family residential units.
13. To date, written opposition to this proposal has been received from 121 surrounding landowners or registered voters. Focal points of their concerns are listed in the narrative portion of this report. The Commission has reviewed and considered these expressions of concern and opposition in making its determinations.
14. The County of San Bernardino and the City of Redlands 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.
15. 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/mt

Attachments:

1. Vicinity Maps and Annexation Map
2. City of Redlands Contiguous Projects Ordinance and Excerpt from Measure U
3. City Application, Plan for Services, and related documents
4. City Concurrence to Waive Protest Proceedings and Landowner Consent Forms
5. Response from Tom Dodson and Associates and City environmental documents
6. Sample Written Opposition from surrounding landowners or registered voters
7. Draft Resolution No. 2899