

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

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DATE: SEPTEMBER 3, 2004
FROM: SAMUEL MARTINEZ, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: Agenda Item #7 – LAFCO 2959: City of Colton South Annexation
No. S-51**

INITIATED BY:

City Council Resolution, City of Colton

RECOMMENDATION:

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 2959: City of Colton South Annexation No. S-51 as an island annexation, as defined in Government Code Section 56375.3;
3. Waive protest proceedings, as authorized by Government Code Section 56375.3; and,
4. Adopt LAFCO Resolution #2845 setting forth the Commission's findings and determinations concerning this proposal.

BACKGROUND:

LAFCO 2959 is a proposed annexation of an unincorporated island territory located in the southern portion of the City of Colton's sphere of influence. The annexation, as initiated by the City, includes a total of 55.4 +/- acres generally bordered on the east by parcel boundaries (existing City of Loma Linda boundary), on the south by the San Bernardino/Riverside County line, on the west by a combination of Reche Canyon Road as well as parcel boundaries, and

on the north by parcel boundaries – the west and north being existing City of Colton boundaries. Location and vicinity maps are included as Attachment #1 to this report.

In staff's view, this proposal is a ministerial action for the Commission. This is based upon Government Code Sections 56375 and 56375.3 that require the Commission to approve the annexation of island territory 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 the use of municipal services from the City. Copies of these Code Sections are included for Commission review as Attachment #2.

If the Commission makes the statutory findings for LAFCO 2959, as outlined below, then State law requires that the Commission approve this annexation and waive the protest proceedings, as authorized by Government Code Section 56375.3.

The existing land uses within the area are single-family residences as well as vacant lands. The surrounding land uses are single-family residences, vacant lands, a mobilehome park, and portions of the canyon slopes.

The City of Colton has pre-zoned the area to SP (Reche Canyon Specific Plan). This pre-zone designation was determined through the City of Colton's consideration of Prezone DAP 000-031 (Ordinance No. 0-14-03) which was adopted on July 15, 2003. The SP designation, which permits a variety of residential land uses subject to specific density requirements, is generally compatible with the current County land use designations for the area which are RS-20M (20,000 sq. ft. min. lot size) and RS-1.

The City of Colton has submitted a plan for municipal services as required by state law and commission policy. The plan is attached to this report for Commission review as Attachment #3, and in general, identifies the following:

- Sewage collection will be available to the properties within the annexation area through existing facilities along Reche Canyon Road. The City of Colton has indicated that the area can be included in the Colton Wastewater Service Area. However, the existing developed parcels are presently on septic systems.
- Water service will be available to the properties within the annexation area. The City of Colton has indicated that the area can be included in the Colton Water Service Area.

- Fire protection and paramedic services are currently provided by County Service Area 38 and would be replaced by the Colton Fire Department upon annexation. The City anticipates that the same level of service can be provided at minimal additional cost.
- Law enforcement will shift from the County Sheriff's Department to the Colton Police Department. The City indicates that no additional facilities or equipment are required, and anticipates that the same level of service can be provided at minimal additional cost.
- Refuse collection is currently provided by Waste Management of the Inland Empire. The City provider of this service is Colton Disposal. State law requires that the existing refuse provider be allowed to phase out the service, for a period not to exceed five years.
- The City of Colton will allow the existing electric service provider, Southern California Edison (SCE), to remain until such time that the City of Colton can provide such service by either acquiring SCE facilities and/or by building new Colton facilities in the area.

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

LAFCO staff has asked the City of Colton what the financial effects would be to current and future residents of the area being annexed. The City responded that the only financial effect would be the imposition of the Utility Users Tax (residential - 4%; commercial - 6%), levied by the City of Colton on all utility services. This fee will begin within 90 days upon completion of the annexation. Also, existing and future business owners within the area of consideration would be subject to the imposition of the City's business license which includes the requirement of a business or home occupancy permit as well as a sign permit.

Staff has provided nearly 250 notices to landowners and registered voters within and surrounding the annexation area, notifying them of the Commission's consideration. To date, staff has not received any written protests on the proposal; however, this finding will be updated at the hearing.

MANDATORY ISLAND ANNEXATION FINDINGS:

It is staff's view that the Commission must approve the annexation issue presented by LAFCO 2959 based on the following findings required by Government Code Section 56375.3 for island annexations:

- The study area is less than 75 acres, and consists of the entire island of unincorporated territory.
- The study area is surrounded by the city to which annexation is proposed or by a city and/or a county boundary, and that the area is within the City of Colton's sphere of influence.
- The study area is substantially developed or developing, based on findings that there is the availability of public services, there is the presence of public improvement in the area, and there is physical improvement on many, if not most, of the properties.
- There is no prime agricultural land within the study area.
- The study area has benefited, and will benefit from the availability of municipal services from the City of Colton.

Staff suggests that, in its view, these findings are clear; therefore, the Commission is required by Government Code Section 56375(a) to approve this annexation and waive the protest proceedings.

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 has determined that the study area is legally inhabited, containing 25 registered voters within the area.
2. The County Assessor has determined that the value of land and improvements within the annexation area is \$2,012,818 (\$612,724 -- value of land; \$1,400,094 -- value of improvements).
3. Legal advertisement of the Commission's consideration has been provided through publications in *The Sun* and the *Colton Courier*, newspapers of general circulation in the area.
4. Individual notice has been provided to registered voters and landowners within the annexation area, and to all voters and landowners located within roughly 1,350 feet of the exterior boundaries of the annexation site. Approximately 250 individual notices have been provided for this hearing.

Comments from landowners and affected local agencies have been reviewed and considered by the Commission in making its determinations. To date, no protest has been received.

5. The City of Colton has pre-zoned the study area, through it's consideration of Prezone DAP 000-031 (Ordinance No. 0-14-03) on July 15, 2003, to SP (Reche Canyon Specific Plan). This zoning designation is consistent with the existing land use for the area, and will take effect upon annexation.

Pursuant to the provisions of Government Code Section 56375(e), the zoning designation shall remain in effect for two years following annexation unless specific actions are taken by the City Council.

6. The Commission's environmental consultant, Tom Dodson and Associates, has indicated that the review of this island annexation 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 a ministerial action that is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15268. A copy of Mr. Dodson's report is included for the Commission's review as Attachment #4.

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

County of San Bernardino
San Bernardino Valley Municipal Water District
East Valley Resource Conservation District
County Service Area 38 (fire protection)
County Service Area 70 (multi-function unincorporated area
Countywide)

CSA 38 and CSA 70 will be detached from the areas upon successful completion of this annexation pursuant to the provisions of Government Code Section 25210.90. No other agencies will be affected by this proposal as they are regional service providers.

8. The City of Colton 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 area. (See Attachment #3).
9. The study area can benefit from the availability and extension of municipal services from the City of Colton.

10. The annexation 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.
11. This proposal will assist in the City's ability to achieve its fair share of the regional housing needs since the current/proposed land use designations permit the development of additional residential units.
12. The County of San Bernardino and the City of Colton have successfully negotiated a transfer of property tax revenues that will take effect upon completion of this annexation. This negotiated agreement fulfills the requirement of Section 99 of the Revenue and Taxation Code.
13. 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 position that LAFCO 2959 is essentially a ministerial action. The Commission is required by Government Code Section 56375(a) to approve this proposal. In addition, if it makes the mandatory findings outlined in Section 56375.3, no protest will be allowed. We believe those findings are easily made in this case:

- The study area comprises a total of 55.4 acres, which makes the island less than the 75 acre threshold;
- The study area is surrounded by City of Colton boundaries on the north and west, the City of Loma Linda on the east and the San Bernardino/Riverside county line on the south; and, the study area is wholly within the City of Colton's sphere of influence;
- The area is substantially developed or developing based on the presence of existing development in the area and the availability of public services as indicated in the Plan for Service;
- The area does not contain any prime agricultural land based on the pre-zoning and the environmental assessment documents prepared by the City of Colton. The City Council considered and subsequently adopted on July 15, 2003 the pre-zoning through Ordinance No. 0-14-03, that clearly states that there is no prime agricultural land within the area; and

- The area can benefit from the availability of municipal services from the City of Colton as reflected in the Plan for Service.

If the Commission concurs with these staff findings, then it is required to approve this proposal and waive the protest hearing as part of its approval of this application, regardless of any protest that might be submitted for this item.

Attachments:

1. Maps of Annexation Area
2. Government Code Sections 56375 and 56375.3
3. City of Colton's Application and Plan for Service
4. Environmental Review Document
5. Draft Resolution #2845