

**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](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

---

**DATE: JULY 3, 2008**

**FROM: SAMUEL MARTINEZ, Senior LAFCO Analyst**

**TO: LOCAL AGENCY FORMATION COMMISSION**

---

**SUBJECT: Agenda Item #4: LAFCO 3092 – Reorganization to Include City of Rialto Annexation and Detachments from San Bernardino County Fire Protection District and Its Valley Service Zone and Bloomington Recreation and Park District (Mission Plaza Business Park)**

---

**INITIATED BY:**

Landowner Petition, Mission Plaza Business Park LLC

**RECOMMENDATION:**

The staff recommends that the Commission approve LAFCO 3092 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 3092 – Reorganization to Include City of Rialto Annexation and Detachments from San Bernardino County Fire Protection District and Its Valley Service Zone and Bloomington Recreation and Park District, with the standard LAFCO terms and conditions;
3. Waive protest proceedings, as permitted by Government Code Section 56663(c), with 100% landowner consent to the reorganization; and,
4. Adopt LAFCO Resolution #3014, setting forth the Commission’s findings, determinations, and conditions of approval concerning this proposal.

**BACKGROUND:**

LAFCO 3092 is a reorganization proposal to annex approximately 11.2 +/- acres to the City of Rialto, which includes the detachment from the San Bernardino County

Fire Protection District (SBCFPD) and its Valley Service Zone and the Bloomington Recreation and Park District. The reorganization area is generally located at the southwest corner of Valley Boulevard and Spruce Avenue. Location and vicinity maps are included as Attachment #1 to this report.

The proposal was initiated by landowner petition. The Certificate of Sufficiency was issued for the proposal on October 23, 2007, indicating that it possessed signatures of 100% of the landowners. LAFCO staff notified the applicant and the City of Rialto that in order for the application to be deemed complete, submission of the documentation related to the pre-zoning of the area and the preparation and certification of the Plan for Service, including a Fiscal Impact Analysis, were needed. LAFCO staff indicated to the applicant and the City that once the materials were received, processing of the application would then proceed.

The primary reason for submitting this reorganization proposal, as outlined in the application materials submitted by the applicant (which is included as part of Attachment #2 to this report), is to alleviate a health and safety issue related to a septic system failure that the existing development within the reorganization area is currently experiencing. Therefore, the applicant wishes to connect to the City of Rialto's sewer system.

There are two alternatives in which sewer service from a City can be provided within the reorganization area - either through an out-of-agency service agreement with the City to provide service outside its corporate boundaries, or through annexation. Since the reorganization area is contiguous to the City's boundaries, the applicant wants to annex its properties in order to receive sewer service.

In processing this application, LAFCO staff expanded the consideration to include the detachment of the San Bernardino County Fire Protection District and its Valley Service Zone as part of the overall proposal. Previously, the reorganization area was within the Central Valley Fire Protection District (CVFPD). However, as a result of the County Fire Reorganization (LAFCO 3000) becoming effective July 1, 2008, the subject area is part of an area that was detached from CVFPD and annexed into the San Bernardino County Fire Protection District.

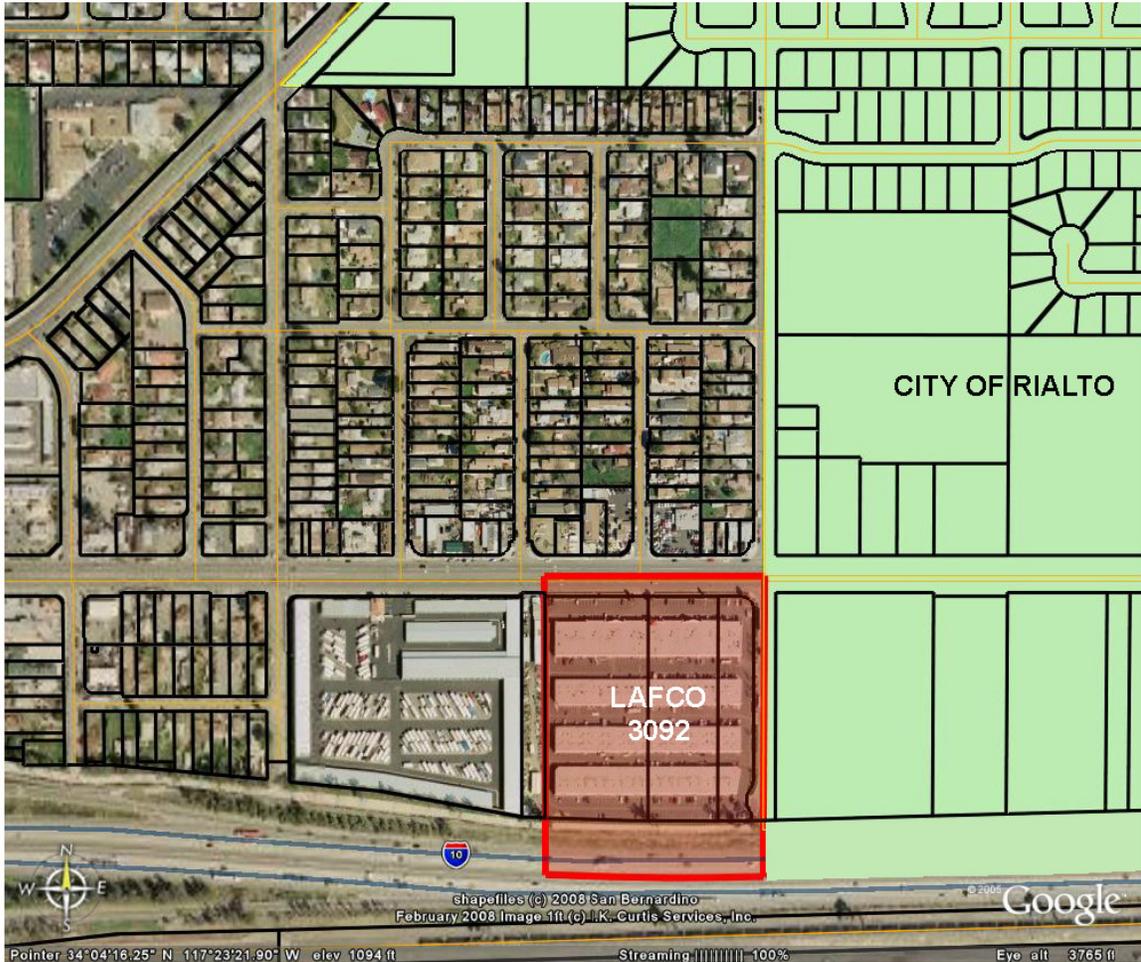
With the required materials provided by the applicant and the City, the Commission will have to consider the four major areas of consideration required for a jurisdictional change – boundaries, land uses, service issues and the effects on other local governments, and environmental considerations. Staff's responses to each of these areas are as follows:

**BOUNDARIES:**

The reorganization area encompasses approximately 11.2+/- acres generally bordered by Spruce Avenue (existing City of Rialto boundaries) on the east, the I-10 Freeway on the south, parcel lines on the west and Valley Boulevard on the north, within the community of Bloomington.

*Issue Regarding the Creation of a Peninsula*

The boundary of the proposed reorganization area creates a peninsula of unincorporated territory to the north, which is bounded by Valley Boulevard on the south, Spruce Avenue on the east, and parcel boundaries on the north.



As shown on the map above, the peninsula area includes over 100 single-family residences. Given the historical stance of the Bloomington community regarding annexations to the City of Rialto, expansion of the reorganization area would most likely terminate the proposal.

The reorganization proposal has been submitted in order to connect to the City's sewer facilities. The existing development within the reorganization area is experiencing a septic system failure necessitating continuous pumping of the on-site waste disposal system. The applicant outlines these issues in a letter submitted to LAFCO dated June 15, 2008 (included as attachment #3 to this report). Therefore, due to the health and safety issues involved, it is LAFCO staff's position that LAFCO 3092 cannot be expanded without the potential risk of having the proposal terminated due to protest.

*Requiring the City to Address Its Unincorporated Islands*

In the past, the Commission has imposed its directives to require cities, including the City of Rialto, to annex its totally or substantially-surrounded islands when annexing development related annexations. This reorganization proposal is not development related. The existing development within the reorganization area is experiencing a septic system failure. Therefore, due to health and safety issues, it is LAFCO staff's position that the imposition of the Commission's directives to address the annexation of the City's four totally and substantially-surrounded islands should not be applied to LAFCO 3092.

**LAND USE:**

The reorganization area is fully developed with commercial buildings. Existing uses include a mix of commercial and manufacturing uses. The existing uses directly surrounding the reorganization area include: to the west, commercial development; to the north residential development; to the east, vacant land; and to the south, the I-10 Freeway.

*County Land Use Designations:*

The County's current land use designations for the reorganization area is CS (Service Commercial) which allows for heavy commercial uses and light industrial uses including light manufacturing uses and other similar and compatible uses.

*City's General Plan:*

The City's General Plan designation for the area is General Commercial, which is generally compatible with the County's land use designation for the area.

*City's Pre-Zone Designations:*

The City of Rialto pre-zoned the reorganization area C-M (Commercial-Manufacturing) which is consistent with the City's General Plan designations for the area and is also consistent with surrounding land uses. Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for a period of two (2) years following annexation. The law allows for a change in designation if the City Council makes the finding, at a public hearing, that a substantial change has occurred in circumstance that necessitates a departure from the pre-zoning outlined in the application made to the Commission.

**SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:**

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. Current County service providers within the reorganization area include the newly reorganized San

Bernardino County Fire Protection District and its Valley Service Zone, Bloomington Recreation and Park District, County Service Area SL-1 (streetlighting), and County Service Area 70 (multi-function entity). In addition, the Inland Empire Resource Conservation District, the West Valley Water District (retail water provider), and the San Bernardino Valley Municipal Water District (State Water Contractor), overlay the reorganization area.

The application includes a plan for the extension of services for the reorganization area as required by law and Commission policy (included as part of Attachment #2 to this report). The Plan for Service, which was certified by the City, includes a Fiscal Impact Analysis indicating that the project will have a positive financial effect for the City. In general, the Plan identifies the following:

- Sewage collection services will be provided by the City of Rialto. Sewer mains currently exist in Valley Boulevard. Upon annexation, sewer service will be extended to the existing development.
- Water service is currently provided by the West Valley Water District to the existing development. No change will occur to this service provider through the annexation.
- Fire protection services are currently provided by the San Bernardino County Fire Protection District and its Valley Service Zone following the completion of “LAFCO 3000 – County Fire Reorganization,” which was effective July 1, 2008. The responsibilities for structural fire protection and paramedic services will be transferred to the City of Rialto upon completion of the reorganization. The Rialto Fire Department maintains mutual aid and joint response agreements with San Bernardino County Fire Protection District.
- Law enforcement responsibilities will shift from the San Bernardino County Sheriff’s Department to the City of Rialto.
- One financial effect to the reorganization area will be the imposition of the City of Rialto’s 8% Utility Users Tax. Therefore, all utility services (i.e. water, electricity, telephones, etc.) will be subject to this 8 percent tax.

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

**ENVIRONMENTAL:**

As the CEQA lead agency, the Commission’s Environmental Consultant, Tom Dodson from Dodson and Associates, has indicated that the review of LAFCO 3092 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission’s approval of the reorganization has no potential to cause any adverse effect on the environment; and

therefore, the proposals are exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3).

**Waiver of Protest Proceedings:**

The Registrar of Voters has certified that the reorganization area is legally uninhabited. In addition, it has verified that the reorganization area possesses 100% landowner consent to the annexation. Therefore, if the Commission approves LAFCO 3092 and none of the affected agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending that further protest proceedings be waived and that the Executive Officer be directed to complete the action following completion of the mandatory reconsideration period of 30-days.

**CONCLUSION:**

The primary purpose for submitting this proposal is to connect to the City of Rialto's sewer facilities. The existing development within the reorganization area is experiencing septic system failure. The letter submitted by the applicant requests that the Commission approve LAFCO 3092 and cites the reasons why it should do so.

Staff supports approval of LAFCO 3092 for the following reasons:

- The reorganization area is contiguous to the City of Rialto;
- The City's sewer line is available in Valley Boulevard - adjacent to the reorganization area; and,
- The City of Rialto can provide sewer service to the existing development, which will alleviate the health and safety issue related to the septic system failure it is currently experiencing.

For these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3092.

**FINDINGS:**

The following determinations 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 reorganization area is legally uninhabited, containing 0 registered voter as of June 12, 2008.

2. The County Assessor's Office has determined that the total assessed valuation of land and improvements within the reorganization area is \$5,623,472 (land - \$1,349,634 -- improvements - \$4,273,838).
3. The reorganization area is within the sphere of influence assigned the City of Rialto, within the Bloomington community.
4. Commission review of this proposal has been advertised in *The Sun* and the *Rialto Record*, newspapers of general circulation within the reorganization 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 surrounding the reorganization area (totaling 156 notices) in accordance with State law and adopted Commission policies. To date, no written comments in support or opposition have been received regarding the consideration of this proposal.
6. The City of Rialto has pre-zoned the reorganization area to C-M (Commercial-Manufacturing). This zoning designation is consistent with the City's General Plan designation for the area. Pursuant to the provisions of Government Code Section 56375(e), this zoning designation shall remain in effect for two years following annexation unless specific actions are taken by the City Council.
7. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has indicated that the review of LAFCO 3092 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the reorganization has no potential to cause any adverse effect on the environment; and therefore, the proposals are exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b) (3). A copy of Mr. Dodson's report is included for the Commission's review as Attachment #4.
8. The area in question is presently served by the following local agencies:
  - County of San Bernardino
  - West Valley Water District
  - San Bernardino Valley Municipal Water District
  - Inland Empire Resource Conservation District
  - San Bernardino County Fire Protection District and its Valley Service Zone (fire protection)
  - County Service Area SL-1 (streetlighting)
  - County Service Area 70 (multi-function unincorporated area Countywide)

The proposal will detach the territory from the SBCFPD and its Valley Service Zone and the Bloomington Recreation and Park District as a function of the

reorganization. Detachment of County Service Area SL-1 and County Service Area 70 will automatically occur upon successful completion of this proposal, pursuant to the provisions of Government Code Section 25210.90. None of the other agencies are affected by this proposal as they are regional in nature.

9. A plan was prepared for the extension of services to the reorganization area, as required by law. The Plan for Service, which was certified by the City of Rialto, indicates that the City can maintain and/or improve the level and range of services currently available in the area.
10. The reorganization area can benefit from the availability and extension of municipal services from the City of Rialto.
11. This proposal will not assist in the City's ability to achieve its fair share of the regional housing needs since the entire reorganization area is zoned for commercial.
12. With respect to environmental justice, the reorganization will not result in the unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino and the City of Rialto have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this reorganization. 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.

SM/

Attachments:

1. Vicinity Maps and Reorganization Area Maps
2. Application and Plan for Service
3. Letter from the Applicant
4. Response from Tom Dodson and Associates
5. Draft Resolution No. 3014