

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

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**DATE: MAY 7, 2008**

**FROM: SAMUEL MARTINEZ, LAFCO Analyst**

**TO: LOCAL AGENCY FORMATION COMMISSION**

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**SUBJECT: Agenda Item #10: LAFCO 3093 – Reorganization to Include City of Redlands Annexation Nos. 88 and 89 and Detachment from County Service Area 70 Improvement Zone P-7 (Wabash Industrial Park)**

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**INITIATED BY:**

Property Owner Petition

**RECOMMENDATION:**

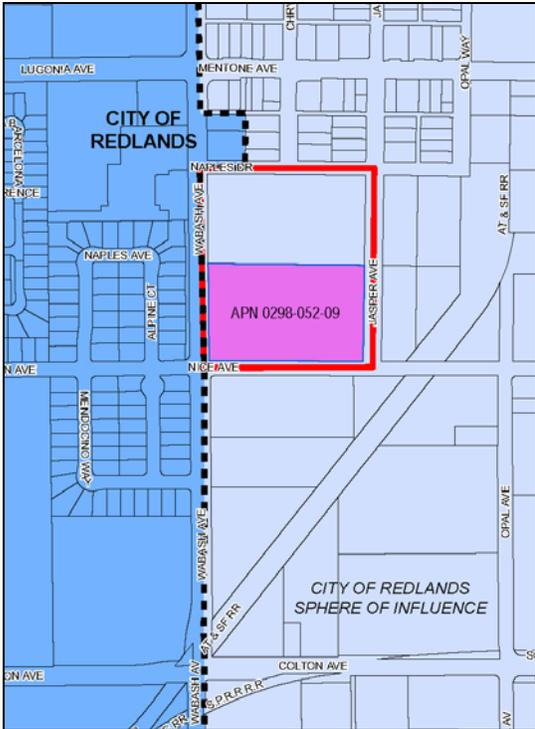
The staff recommends that the Commission approve LAFCO 3093 by taking the following actions:

1. With respect to environmental review:
  - a) Certify that the Commission, its staff and its Environmental Consultant have independently reviewed and considered the City's Initial Studies and Negative Declarations for: a) Zone Change No. 427, Street Vacation No. 140, Commission Review and Approval No. 837, Lot Line Adjustment No. 515, and Annexation No. 88; and, b) Zone Change No. 432, Commission Review and Approval No. 854, and Annexation No. 89;
  - b) Determine that the City's environmental assessments and Negative Declarations are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO 3093;
  - 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/or others, not the Commission; and,

- d) Direct the Clerk to file the Notices of Determination within five (5) 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 for its environmental determinations.
- 2. Modify LAFCO 3093 to include detachment from County Service Area 70 Improvement Zone P-7;
- 3. Approve LAFCO 3093 – Reorganization to include City of Redlands Annexation Nos. 88 and 89 and detachment from County Service Area 70 Improvement Zone P-7, with the standard LAFCO terms and conditions; and,
- 4. Adopt LAFCO Resolution #3004, setting forth the Commission’s findings, determinations, and conditions of approval concerning this proposal.

**BACKGROUND:**

In April 2007, the City of Redlands provided LAFCO staff with information regarding an annexation proposal identified as City of Redlands Annexation No. 88, a two-parcel annexation generally bordered by Naples Avenue (portion of existing City boundary) on the north, Jasper Avenue on the east, Nice Avenue on the south, and Wabash Avenue (existing City boundary) on the west (see Figure 1).



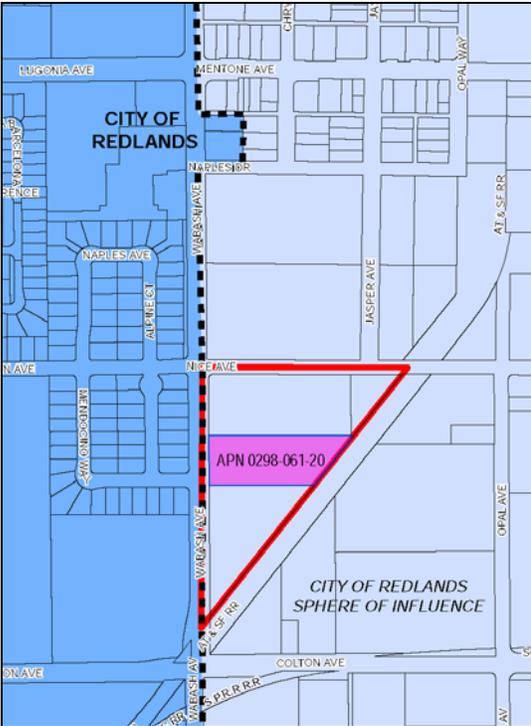
**FIG. 1: ANNEXATION NO. 88**

The City indicated that Annexation No. 88 was being processed in response to a development proposal on Assessor Parcel Number (APN) 0298-052-09 to build an

industrial business park and a self-storage facility. In order for the development to proceed, it required receipt of water and sewer service from the City of Redlands. The parcel, which is contiguous to the City’s boundaries along Wabash Avenue, was required to annex to the City prior to receiving services (See Chapter 13.62.030 of the City’s Municipal Code, which is included as Attachment #2 to this report). As the Commission is well aware, this policy is a result of the City’s “Measure U”, which was approved by its voters in 1997.

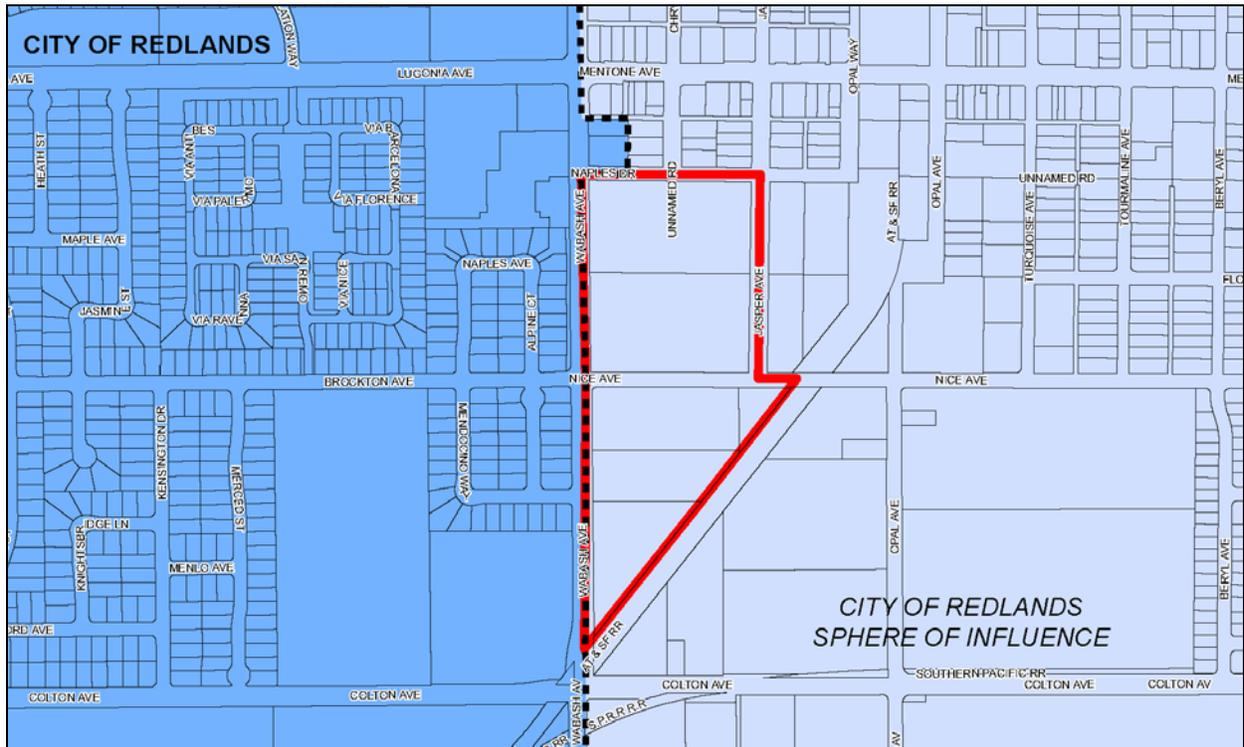
At the same time, the City also informed LAFCO staff that another parcel, APN 0298-061-20 (one parcel south of the annexation proposal), was also proposed to be developed as a self-storage facility and would, again, require water and sewer service from the City in order to develop. Since this parcel is also contiguous to the City’s boundaries along Wabash Avenue, the parcel would need to annex to the City for service as well.

LAFCO staff advised the City that in the past, the Commission had expressed its concern regarding the piecemeal approach to annexations in the Mentone/Crafton communities and its direction to review the expansion of any proposal submitted to create a more logical and efficient boundary. As a result, the City processed another annexation proposal, City of Redlands Annexation No. 89, which includes the other parcel proposed to be developed and three other parcels generally bordered by Nice Avenue on the north, the formerly BNSF Railroad on the east and south, and Wabash Avenue on the west (see Figure 2).



**FIG. 2: ANNEXATION NO. 89**

Since both Annexation Nos. 88 and 89 are adjacent to each other, LAFCO staff requested that the annexations be initiated as one proposal in order to avoid a piecemeal annexation if submitted separately. Therefore, in October 2007, Ron Simus, one of the property owners within the proposed reorganization area, submitted a property owner petition and the application materials requesting annexation of the combination of both Annexation Nos. 88 and 89.



**FIG. 3: LAFCO 3093 (COMBINATION OF ANNEXATION NOS. 88 and 89)**

The reorganization area, which encompasses a total of approximately 27.88 acres, is generally west of Wabash Avenue between Mentone Boulevard and Colton Avenue, which is located within the City’s northeastern sphere of influence within the community known as “Mentone” (see Figure 3).

In processing this application, LAFCO staff expanded the consideration to include the detachment of County Service Area 70 Improvement Zone P-7 (hereinafter “CSA 70 P-7”) as part of the overall proposal. CSA 70 P-7 is an inactive entity that was created by the County in 1991 to provide park and recreation services generally for the unincorporated Mentone community.

This report will provide the Commission with the information related to 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.

**BOUNDARIES:**

The overall reorganization area for LAFCO 3093, which is a combination of the City's Annexation Nos. 88 and 89, is generally bordered by Wabash Avenue on the west (existing City boundaries), Naples Avenue on the north (portion of existing City boundaries) and a combination of Jasper and Nice Avenues and the San Bernardino Associated Government's property (formerly the BNSF Railroad) on the east and south.

As mentioned earlier, the Commission had expressed its concern regarding the piecemeal approach to annexations. The City of Redlands has adhered to the Commission's position that it needs to propose a jurisdictional change which supports efficient delivery of urban services and, where possible, such areas should be expanded to encompass a larger area feasible for annexation. The City, together with the property owner who initiated the proposal, should be commended for working with surrounding land owners to address a more logical and efficient boundary configuration.

By consolidating both Annexation Nos. 88 and 89, it is LAFCO staff's position that LAFCO 3093 is a logical boundary since it essentially includes the whole block around Wabash, Naples, Jasper, and Nice Avenues and the entire triangular area bounded by Wabash and Nice Avenues and the Railroad Right-of-Way, which are all easily identifiable boundaries for service delivery.

**LAND USE:**

The existing land uses for the reorganization area include a mix of vacant lands and industrial development. Existing uses directly surrounding the reorganization area include: to the west, a mix of residential development, a vacant property, and a commercial shopping center; to the north, a mix of commercial and residential development; and to the east, a mix of vacant lands and industrial development.

*County Land Use Designations:*

The County's current land use designations for the reorganization area are: CG (General Commercial) for APNs 0298-051-07 and 0298-052-09 which allows for commercial uses such as retail trade and personal services, office and professional services, wholesale/warehouse services, and other similar and compatible uses; and IC (Community Industrial) for APNs 0298-061-14, 20 and 21, and 0298-062-01 which allows for light industrial uses such as light manufacturing, agriculture support services, incidental commercial and other similar and compatible uses.

*City's General Plan:*

The City's General Plan land use designations for the reorganization area are: Commercial for APN 0298-051-07; and Light Industrial for APNs 0298-052-09, 0298-061-14, 20 and 21, and 0298-062-01. These land use determinations between the City and County are generally compatible.

*City's Pre-Zone Designations:*

The City of Redlands processed the pre-zoning for the reorganization area through its review of Zone Change No. 427 (Annexation No. 88) and Zone Change No. 432 (Annexation No. 89). The City's pre-zone designations for the overall reorganization area are: C-4 (Highway Commercial) for APN 0298-051-07 and M-1 (Light Industrial) for APNs 0298-052-09, 0298-061-14, 20 and 21, and 0298-062-01.

The pre-zone designations C-4 and M-1 for Zone Change No. 427 were determined through the City's consideration of Ordinance No. 2675, which was adopted on August 7, 2007. The pre-zone designation M-1 for Zone Change No. 432 was determined through the City's consideration of Ordinance No. 2680, which was adopted on October 2, 2007. These land use designations are consistent with the City's General Plan designations for the area and are 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 County Service Area 38 (fire protection) and County Service Area 70 (multi-function entity primarily utilized to fund fire administration) and Improvement Zone P-7 of CSA 70. In addition, the Inland Empire Resource Conservation District, the San Bernardino Valley Water Conservation District, and the San Bernardino Valley Municipal Water District (the 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 #3 to this report). The Plan for Service, which was prepared by David Taussig and Associates, Inc. and 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:

- Fire protection is currently provided by County Service Area 38 through the San Bernardino County Consolidated Fire Agency and would be replaced by the City of Redlands Fire Department upon annexation.

However, the County is anticipated to be the first responder to any emergency or non-emergency calls within the reorganization area as provided in the City and County's automatic aid agreement (see Attachment #4). This agreement, through the provisions of Amendment No. 1, specifically outlines that the

County will provide “first response” within the five areas identified in the agreement, one of which is LAFCO 3093. The County’s closest fire station, Station No. 9, is generally located at the northeast corner of Mentone Boulevard and Crafton Avenue, approximately one (1) mile from the reorganization area.

Paramedic services are currently funded within the City through a special paramedic tax assessment. Upon annexation, the developed parcels will be subject to this assessment which is calculated based on building floor area for commercial and industrial uses. The developed parcels within the reorganization area, including the parcels proposed for development, will be charged between \$39.90 and approximately \$278.05 annually.

- Law enforcement responsibilities will shift from the San Bernardino County Sheriff’s Department to the City of Redlands. Given that the area is adjacent to an existing patrol beat, the City of Redlands can provide law enforcement service to the area efficiently and effectively.
- Sewage collection services will be provided by the City of Redlands. Sewer system treatment and trunk sewer capital costs are offset by development impact fee charges, while operation and maintenance costs will be offset by user fees. Upon annexation, sewer service will be extended to the two parcels proposed for development.
- Water service will be provided by the City of Redlands. Water service is currently provided by the City to, at least, one of the developed parcels. Water system production and transmission capital costs are offset by development impact fee charges, while operation and maintenance costs will be offset by user fees. Again, upon annexation, water service will be extended to the two parcels proposed for development.
- Street sweeping will be provided by the City on a bi-weekly basis.
- Upon annexation, the reorganization area will also have an additional special tax assessment of 0.0103 percent (for Fiscal Year 2007-08) of the assessed valuation of the property to fund the City’s Measure “O” debt service. This bond measure was passed in 1987 to fund the purchase of land for parks, recreation, citrus preservation, and open space within the City.

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:**

The City of Redlands prepared two (2) environmental assessments and Negative Declarations for the pre-zoning of the entire reorganization area:

- Zone Change No. 427, Street Vacation No. 140, Commission Review and Approval No. 837, Lot Line Adjustment No. 515, and Annexation No. 88 for a total of +/-15.65 acres; and,
- Zone Change No. 432, Commission Review and Approval No. 854, and Annexation No. 89 for a total of +/-12.6 acres.

The Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has determined that, if the Commission approves LAFCO 3093, the City's Initial Studies and Negative Declarations are adequate for Commission's use as a responsible agency under CEQA. Mr. Dodson recommends that the following actions be taken by the Commission as a responsible agency:

- a) Certify that the Commission, its staff and its Environmental Consultant have independently reviewed and considered the City's Initial Studies and Negative Declarations for: a) Zone Change No. 427, Street Vacation No. 140, Commission Review and Approval No. 837, Lot Line Adjustment No. 515, and Annexation No. 88; and, b) Zone Change No. 432, Commission Review and Approval No. 854, and Annexation No. 89;
- b) Determine that the City's environmental assessments and Negative Declarations are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO 3093;
- 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/or others, not the Commission; and,
- d) Direct the Clerk to file the Notices of Determination within five (5) 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 for its environmental determinations.

**CONCLUSION:**

The proposal was submitted in response to two development proposals within the reorganization area that require receipt of water and sewer service from the City of Redlands. The proposal was modified, through discussion between the City and property owners, to provide an efficient and effective boundary for service delivery. Staff supports the reorganization proposal since the City's Municipal Code clearly states that all projects that are contiguous to the City's boundaries must annex prior to receiving service and the application responds to this requirement.

For these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3093.

**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 one (1) registered voter as of May 1, 2008.
2. The County Assessor has determined that the total assessed value of land and improvements within the reorganization area on the secured assessment roll is \$3,029,592 (land - \$2,209,520 -- improvements - \$820,072).
3. The reorganization area is within the sphere of influence assigned the City of Redlands, within the Mentone community.
4. Commission review of this proposal has been advertised in *The Sun* and the *Redlands Daily Facts*, 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 an individual notice to the landowners and registered voters within the reorganization area (7) and to landowners and voters surrounding the reorganization area (1,475) in accordance with State law and adopted Commission policies. To date, one (1) letter in support has been received to the notice provided regarding the consideration of this proposal. The letter is included as Attachment #5 to this report.
6. The City of Redlands has pre-zoned the reorganization area for the following land uses: C-4 (Highway Commercial) for APN 0298-051-07 and M-1 (Light Industrial) for APNs 0298-052-09, 0298-061-14, 20 and 21, and 0298-062-01. These zoning designations are consistent with the City's General Plan and are generally compatible with the surrounding land uses in 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. The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the City of Redlands' two (2) Initial Studies and Negative Declarations that were prepared for the pre-zoning of the entire reorganization area. Mr. Dodson has determined that the City's Initial Studies and Negative Declarations are adequate for the Commission's review of the reorganization proposal as a responsible agency. The necessary actions to be taken by the Commission, as a responsible agency, are outlined in the narrative portion of this report. Copies of the City's environmental assessments are included as Attachments #7 and #8 to this report.

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

County of San Bernardino  
San Bernardino Valley Municipal Water District  
Inland Empire Resource Conservation District  
San Bernardino Valley Water Conservation District  
County Service Area 70 Improvement Zone P-7 (inactive park and recreation district within the Mentone community)  
County Service Area 38 (fire protection)  
County Service Area 70 (multi-function unincorporated area Countywide)

The proposal will detach the territory from CSA 70 Improvement Zone P-7 as a function of the reorganization. Detachment of County Service Area 38 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 prepared by David Taussig and Associates, Inc., and was certified by the City, indicates that the City can maintain and/or improve the level and range of services currently available in the area.

As a result of the negotiations between the City and the County regarding fire protection within the area, the automatic aid agreement and the amendment (Amendment No. 1) which was signed by both parties, identifies that both the City and the County will provide emergency fire response to the reorganization area. In addition, the agreement also identifies that the County will be the first to respond to any emergency or non-emergency calls within the five areas identified, one of which is LAFCO 3093.

10. The reorganization 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 reorganization area can benefit from the availability and extension of municipal services from the City of Redlands.
12. 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 and light industrial uses.
13. Government Code Section 56668(o) requires that LAFCO consider the extent to which a proposal will promote environmental justice. Using the U.S. 2000

Census data, the following statements have been generated with regard to race and income within and around the area:

The City of Redlands has a citywide population that is 24.1 percent Hispanic (Hispanics being the largest minority). Based on data taken from the census tract for the reorganization area (San Bernardino County Census Tract #86), the area has a population that is approximately 24.4 percent Hispanic. With regard to income, the City of Redlands has a citywide median family income of \$48,155. Again, based on census tract data, the area has a median family income of \$41,793.

Unfortunately, block-level data was not available for the reorganization area. However, based on the general information that was generated at a tract-level, LAFCO staff believes that the reorganization area would benefit from the extension of services and facilities from the City and, at the same time, would not result in unfair treatment of any person based on race, culture or income.

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 reorganization. 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.

SM/

Attachments:

1. Vicinity Maps and Reorganization Area Maps
2. Chapter 13.62 of the City's Municipal Code
3. Application and Plan for Service
4. Copy of Amendment No. 1 to Automatic Aid Agreement No. 06-435 and Automatic Aid Agreement No. 06-435 Between the County and the City for Fire Protection
5. Letter in Support
6. Response from Tom Dodson and Associates
7. City of Redlands' Environmental Assessment for Zone Change No. 427, Street Vacation No. 140, Commission Review and Approval No. 837, Lot Line Adjustment No. 515, and Annexation No. 88
8. City of Redlands' Environmental Assessment for Zone Change No. 432, Commission Review and Approval No. 854, and Annexation No. 89
9. Draft Resolution No. 3004