

PROPOSAL NO.: LAFCO 3153

HEARING DATE: September 15, 2010

RESOLUTION NO. 3111

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3153 AND APPROVING THE SPHERE OF INFLUENCE REVIEW (EXPANSION) FOR THE CITY OF YUCAIPA. The sphere expansion area encompasses approximately 335 +/- acres, generally located along the eastern edge of the City's corporate limits, between Carter Street and Oak Glen Road, in the community of Oak Glen.

On motion of Commissioner _____, duly seconded by Commissioner _____, and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, an application for the proposed sphere of influence review (expansion) in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, the public hearing by this Commission was held upon the date and at the time and place specified in the notice of public hearing and in an order or orders continuing the hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written protests; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing; and,

WHEREAS, a Negative Declaration has been prepared by the City of Yucaipa pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that the sphere of influence expansion will not have a significant effect on the environment, either directly or indirectly; and finds the information substantiating the Negative Declaration is adequate for its use in making a decision as a

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CEQA responsible agency. The Executive Officer was directed to file a Notice of Determination within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors; and,

WHEREAS, the Commission determines that a Service Review as outlined in Government Code Section 56430 is not required for this minor sphere of influence amendment; and,

WHEREAS, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that the sphere of influence for the City of Yucaipa should be expanded, as more specifically described on the attached Exhibits "A" and "A-1"; and,

WHEREAS, the following findings are made:

1. **PRESENT AND PLANNED LAND USES**

The reorganization area is mostly vacant with a single residence on one of the parcels. The area is located within the County's Oak Glen Community Plan area with land use designations OG/RL-5 (Rural Living, 5 acres minimum lot size) and OG/AG-AP (Agricultural, Agricultural Preserve) assigned to the area.

The two parcels that have an AG-AP designation, APNs 0321-121-43 and 44, previously had a Williamson Act contract on them that was initiated in 1971. However, the contract entered into the non-renewal process in 1997 and was subsequently terminated in 2007. Both parcels continue to be within the County's Agricultural Preserve. However, pursuant to City's Resolution No. 2010-19, the City is proposing to remove the Agricultural Preserve status on APNs 0321-121-43 and 44.

The City is pre-zoning the area to the following: OS (Open Space) and RL-10 (Rural Living, 1 unit per 10 acres, which are generally compatible with the County's General Plan for the area. No change in existing land use is anticipated for the area and there are no developments proposed other than the use of the City's properties as a passive recreational park.

2. **PRESENT AND PROBABLE NEED FOR PUBLIC FACILITIES AND SERVICES IN THE AREA**

Currently, the service needs within the area are minimal due to its vastly vacant nature. The residence on the private property has a well for water and is on septic system for its wastewater. Based on the City's proposed land uses which have been assigned for the area, and the fact that there are no plans to develop the area, means there is no need for additional services and/or facilities at this time.

3. **THE PRESENT CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES PROVIDED**

The City of Yucaipa provides a full range of municipal services and has submitted a Plan for Service that identifies how it will serve the area. As identified in the Plan for Service, the City has adequate facilities and services that can easily serve the area. development is anticipated at this time. However, CSA 42 is also capable of providing water and sewer service, if needed.

4. **COMMUNITIES OF INTEREST IN THE AREA**

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I, KATHLEEN ROLLINGS-MCDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of September 15, 2010.

DATED:

KATHLEEN ROLLINGS-MCDONALD
Executive Officer

DRAFT