

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

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DATE: **APRIL 3, 2008**

FROM: **SAMUEL MARTINEZ, LAFCO Analyst**

TO: **LOCAL AGENCY FORMATION COMMISSION**

SUBJECT: **Agenda Item #6A:** LAFCO 3090 – Sphere of Influence Review for City of Chino (Expansion/Reduction) and City of Chino Hills (Expansion/Reduction)

Agenda Item #6B: LAFCO 3091 – Reorganization to Include Annexations to and Detachments from City of Chino and City of Chino Hills (Chino Hills Parkway)

INITIATED BY:

Resolution of the City Councils of the City of Chino and the City of Chino Hills

RECOMMENDATION:

The staff recommends that the Commission approve LAFCO 3090 and LAFCO 3091 by taking the following actions:

1. Certify that LAFCO 3090 and LAFCO 3091 are statutorily exempt from environmental review and direct the Clerk to file Notices of Exemption within five days;
2. Approve LAFCO 3090 – Sphere of Influence Review for City of Chino (Expansion/Reduction) and City of Chino Hills (Expansion/Reduction);
3. Adopt LAFCO Resolution #2998 for the sphere of influence expansion, setting forth the Commission’s findings and determinations on this issue;
4. Approve LAFCO 3091 – Reorganization to Include Annexations to and Detachments from City of Chino and City of Chino Hills (Chino Hills Parkway), with the standard terms and conditions;

5. Waive protest proceedings, as permitted by Government Code Section 56663(c), with 100% landowner consent to the reorganization; and,
6. Adopt LAFCO Resolution 2999 for the reorganization, setting forth the Commission’s findings, determinations, and conditions of approval concerning this proposal.

BACKGROUND:

LAFCOs 3090 and 3091 are proposals submitted jointly by the Cities of Chino and Chino Hills in order to adjust the boundaries between both cities along a portion of the Chino Hills Parkway to match the current centerline of the road. In 2003, the City of Chino completed the widening of Chino Hills Parkway and the realignment of Chino Hills Parkway Bridge located west of Monte Vista Avenue. The realignment shifted the original centerline of the parkway, which is also the common boundary line between both cities. Therefore, the adjustment of the boundary to the new centerline of the road is necessary in order to clarify jurisdictional boundaries between the two cities.

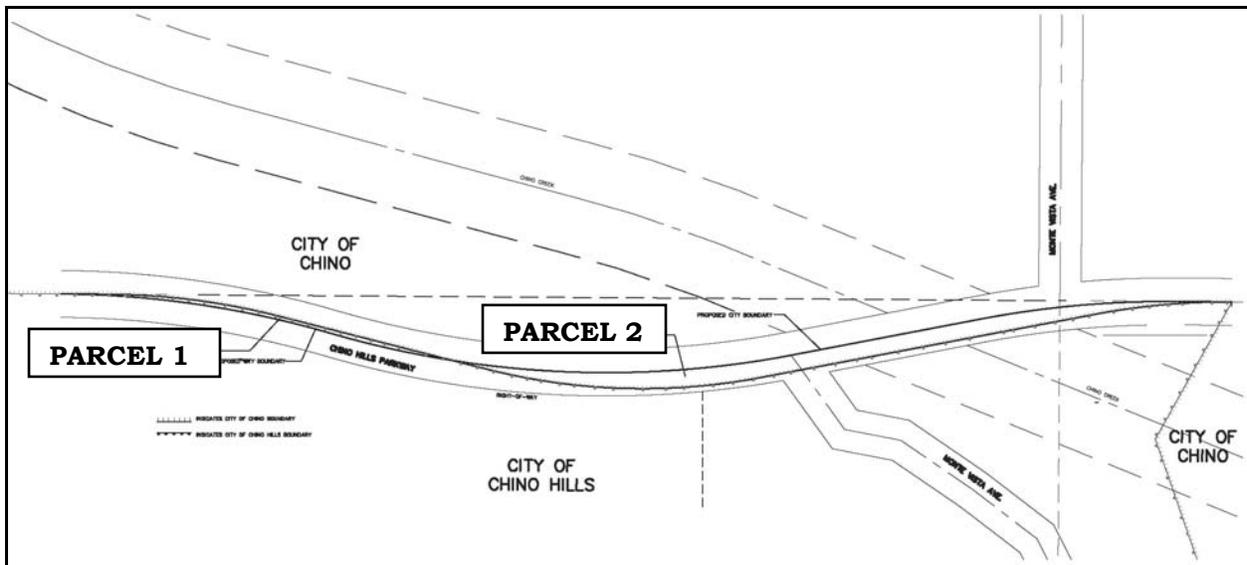


FIGURE 1

There are two separate areas being considered as a part of LAFCO 3090/3091 (see Fig.1). These areas are identified as Parcels 1 and 2:

Parcel 1 is a 0.05-acre area that is proposed to be removed from the City of Chino’s sphere and added to the City of Chino Hills’ sphere and then subsequently detached from the City of Chino and annexed to the City of Chino Hills.

Parcel 2 is a 0.45-acre area that is proposed to be removed from the City of Chino Hill’s sphere and added to the City of Chino’s sphere and then

subsequently detached from the City of Chino Hills and annexed to the City of Chino.

LAFCO 3090 is a sphere review proposal that places the two areas into their respective spheres of influence, which is a requirement for annexation. LAFCO 3091 is the reorganization that will realign current boundaries of both cities to the new centerline of the parkway. The two proposals are being discussed concurrently within this report since the areas being considered for both proposals are identical. Therefore, the “factors of consideration” for the sphere of influence review and the required annexation findings are included within this single report.

Boundaries:

The two areas being considered, Parcels 1 and 2, are generally described as within the road right-of-way area of the Chino Hills Parkway, east and west of Monte Vista Avenue, encompassing a total of 0.5 acres. Location and vicinity maps of the reorganization area are included as Attachment #1 to this report.

SPHERE OF INFLUENCE REVIEW (LAFCO 3090)

The staff responses to the “factors of consideration” for the sphere of influence review (as required by Government Code Section 56425) are identified below:

Factors of Consideration:

The present and planned land uses in the area

The areas proposed for sphere exchange (Parcels 1 and 2) are located within the road right-of-way of Chino Hills Parkway. The Cities of Chino and Chino Hills both identify the present and proposed land use for the parkway as public right-of-way.

The present and probable need for public facilities and services in the area

There will be no change to the public facilities and utility services within the areas proposed for exchange. Currently, both the Cities of Chino and Chino Hills provide street maintenance and law enforcement services to the area. These areas will not require any change in present service other than to provide a clear delineation of the common boundary between both cities in order to facilitate better service delivery.

The present capacity of public facilities and adequacy of public services that the agency provides

The Cities of Chino and Chino Hills both provide a full range of municipal services. These include municipal facilities along the parkway such as water

mains, sewer mains, and storm drains. However, these areas will not require any change in present service other than to provide a clear delineation of the common boundary between both cities in order to facilitate better service delivery.

The existence of any social or economic communities of interest

The centerline of Chino Hills Parkway, between State Highway 71 and Monte Vista Avenue, has been the common boundary line between the Cities of Chino and Chino Hills since the City of Chino Hills incorporated in 1991. These actions will bring the current boundary of both cities to the new centerline of the parkway.

REORGANIZATION (LAFCO 3091)

The companion application to the sphere of influence expansion is the reorganization proposal, identified as LAFCO 3091. The following discussion provides the information required to evaluate the change in jurisdiction:

Land Use:

As mentioned earlier, the current land use designation for the reorganization area (Parcels 1 and 2), within the Chino Hills Parkway, is identified as public right-of-way. Existing land use surrounding the parkway includes a combination of vacant land, the Chino Creek (flood channel), and industrial land use north of the parkway (within the City of Chino), and a combination of vacant land, Chino Creek, and residential land use south of the parkway (within the City of Chino Hills).

Plan for Service:

The Plan for Service jointly submitted by the Cities of Chino and Chino Hills indicate that the level and range of services within the areas will not change. The realignment of the boundary to the new centerline of the road is necessary in order to clarify jurisdictional boundaries between the two cities. Having the boundary consistently along the centerline of the parkway will clearly define area of responsibility for service delivery, most importantly law enforcement, between the Cities of Chino and Chino Hills.

Waiver of Protest Proceedings:

The Registrar of Voters has certified that the study area is legally uninhabited. The Cities of Chino and Chino Hills, through their respective resolutions of initiation and their joint application to LAFCO, have consented to the waiver of protest proceedings. Therefore, if the Commission approves LAFCO 3091, staff is recommending that it waive further protest proceedings, and direct the Executive

Officer to complete the action after completion of the mandatory reconsideration period of 30-days.

Reorganization 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 reorganization area is legally uninhabited, containing no registered voter as of December 28, 2007.
2. Through approval of the companion proposal, LAFCO 3090, Parcel 1 will be within the sphere of influence assigned the City of Chino Hills and Parcel 2 will be within the sphere of influence assigned for the City of Chino.
3. The County Assessor has determined that the value of land and improvements within the reorganization area is \$0 due to the parkway being tax exempt property.
4. Commission review of this proposal has been advertised in *The Sun* and the *Chino Champion*, 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 237 notices) in accordance with state law and adopted Commission policies. To date, no opposition has been received to the notice provided regarding the consideration of this proposal.
6. The reorganization area has been designated public right-of-way and will continue to be designated as such upon approval of the exchange territory.
7. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed LAFCO 3090 (sphere of influence review) and LAFCO 3091 (reorganization proposal) submitted by the Cities of Chino and Chino Hills.

Mr. Dodson has indicated that the review of LAFCO 3090/3091 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of both actions 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 #3.

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

City of Chino (portion)
City of Chino Hills (portion)
Chino Valley Independent Fire District
Inland Empire Resource Conservation District
Chino Basin Water Conservation District
West Valley Vector Control District
Metropolitan Water District of Southern California
Inland Empire Utilities Agency (formerly known as Chino Basin
Municipal Water District) and its Improvement District C

The only agencies affected by this proposal are the Cities of Chino and Chino Hills. The rest of the agencies are regional in nature.

9. The City of Chino and the City of Chino Hills submitted a joint plan for services as required by law. This plan is included as a part of Attachment #2 to this report indicating that there will be no change in the level and range of any of the existing public services provided by both cities. The realignment of the boundary to the new centerline of the road is necessary in order to clarify jurisdictional boundaries between the two cities.
10. This proposal will not affect the ability of both cities to achieve its fair share of the regional housing needs since the reorganization only includes areas designated as public right-of-way.
11. With respect to environmental justice, the boundary exchange within the road right-of-way will not result in the unfair treatment of any person based on race, culture or income.
12. The Cities of Chino and Chino Hills have adopted tax resolutions, as required by law, outlining there will be no exchange of property tax revenues between cities upon completion of this reorganization. This fulfills the requirements 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:

As outlined within the narrative portions of this report, staff supports the sphere of influence expansion/reduction between both the Cities of Chino and Chino Hills

and the reorganization proposal that include annexations to and detachments from both cities:

- Through the sphere of influence expansion/reduction, Parcel 1 will be a part of the City of Chino Hills' sphere, and Parcel 2 will be a part of the City of Chino's sphere, a requirement for annexation;
- Both cities will continue the level and range of any of the existing public services provided by both cities; and,
- Through the reorganization process, the current boundary of both cities will be adjusted to reflect the new centerline of the parkway. The realignment of the boundary to the new centerline of the road is necessary in order to clarify jurisdictional boundaries between the two cities.

For these reasons and those outlined in the staff report, staff recommends approval of LAFCOs 3090 and 3091.

KRM/sm

Attachments:

1. Vicinity Maps for the Sphere of Influence Review/Reorganization
2. City of Chino/City of Chino Hills Application (Sphere and Reorganization) and Plans for Service
3. Tom Dodson's Environmental Response for LAFCO 3090 and 3091
4. Draft Resolution No. 2998 (Sphere of Influence Review)
5. Draft Resolution No. 2999 (Reorganization)