

**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
www.sbclafco.org

PROPOSAL NO.: LAFCO 3048A

HEARING DATE: NOVEMBER 15, 2006

RESOLUTION NO. 2933

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3048A AND APPROVING THE CITY OF FONTANA ANNEXATION NO. 168, AS MODIFIED (ISLAND 27). The annexation area, as modified, encompasses approximately 20+/- acres consisting of all the unincorporated area within the City of Fontana sphere of influence generally east of Sierra Avenue, south of Slover Avenue, west of Tamarind Avenue, and north of Santa Ana Avenue.

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

WHEREAS, an application for the proposed annexation 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 the Executive Officer has examined the application and executed her certificate in accordance with law, determining and certifying that the filings are sufficient; 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 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;

WHEREAS, the Commission determines to modify LAFCO 3048A to exclude the detachment of the Bloomington Recreation and Park District from consideration, as requested by the City of Fontana, and to exclude those islands identified as Island 4, Island 5 and Island 26, to be established as a separate proposal for further consideration, to be known as LAFCO 3048A-1;

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NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby determine, find, resolve, and order, as follows:

DETERMINATIONS:

SECTION 1. The proposal is approved subject to the terms and conditions hereinafter specified:

CONDITIONS:

Condition No. 1. The boundaries are approved as set forth in Exhibits A and A-1 attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3048A.

Condition No. 3. All previously authorized charges, fees and/or assessments currently in effect by the City of Fontana (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

Condition No. 4. The City of Fontana shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

Condition No. 5. The Commission determines there is no conflicting proposal regarding the area proposed for annexation through LAFCO 3048A as outlined in Government Code Section 56655.

Condition No. 6. The City of Fontana's 5% Utility Users Tax on commercial properties will not be extended to the annexation area.

Condition No. 7. All streetlights currently the responsibility of County Service Area SL-1 within the annexation area shall be transferred to the City of Fontana upon successful completion of the annexation. The County Special Districts Department shall prepare the appropriate documentation to transfer the lights; LAFCO staff shall verify the data; and the City of Fontana shall sign the authorization form requesting Southern California Edison to transfer the specific lights to the City of Fontana accounts, prior to issuance of the Certificate of Completion.

Condition No. 8. The date of issuance of the Certificate of Completion shall be the effective date of this annexation.

Condition No. 9. Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

SECTION 2. Pursuant to Government Code Section 56375.3(a) and adopted Commission policies, the Commission makes the following determinations related to this proposal for annexation:

- (a) The area is 20 +/- acres in size, as verified by the County Surveyor's Department, within the 150 acre threshold, and encompasses the entire substantially-surrounded island;
- (b) The area is substantially surrounded. The island is 67% surrounded by existing City of Fontana boundaries in compliance with Commission policy as verified by the County Surveyor's Department;

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- (c) The area is substantially developed or developing, on the basis that public utilities are available in the area; there are public improvements in the area; and there are physical improvements on many, if not most, of the properties;
- (d) The area does not contain prime agricultural land as such is defined by LAFCO statutes;
- (e) The area will benefit from the annexation or is receiving benefits from the annexing city;
- (f) The City of Fontana has conducted an extensive outreach program prior to submission of the annexation application; and,
- (g) The area is not included within an established County Redevelopment Area. The County Redevelopment Agency had established a preliminary redevelopment area for the community of Bloomington but it has never been finalized.

Therefore, having made said determinations, the Commission determines to waive the protest proceedings. This annexation proposal is subject to the provisions of Government Code Section 56375(a)(3) which mandates Commission approval of the proposal if it complies with the provisions of Government Code Section 56375.3.

SECTION 3. FINDINGS. The following findings are noted in conformance with Commission policy:

1. The subject 20+/- acre annexation area is legally inhabited as certified by the Registrar of Voters Office.
2. The annexation area is within the sphere of influence assigned the City of Fontana.
3. The County Assessor's Office has determined that the assessed valuation of land and improvements within the annexation area is \$976,208 (\$661,857—land; \$314,351—improvements).
4. Notice of the August 16, 2006 hearing was advertised as required by law through publication in The Sun and the Fontana Herald News, newspapers of general circulation in the area. As required by State law, individual notification of the August 16 and November 15, 2006 hearings was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notification.
5. All notices required by State law and local Commission policies have been provided. Individual notice of the August 16, 2006 hearing was mailed to landowners and registered voters within the boundaries of the annexation area and to landowners and registered voters surrounding the exterior boundaries of the annexation area. Comments from landowners, registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination. Protest to this annexation, and its island provisions, has been received and considered.
6. The City of Fontana pre-zoned its sphere of influence through adoption of its General Plan Update in October 2003 and its Zoning Map was updated to include the pre-zoning of its sphere of influence on April 15, 2004. The land use designation to be applied within the annexation area upon annexation is Light Industrial (M-1) . Pursuant to the provisions of Government Code Section 56375(e), this zoning designation shall remain in effect for a minimum of two years following annexation unless specific actions are taken by the City Council at a public hearing.

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7. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review. The basis for this determination is that approval of this annexation is mandated by Government Code Section 56375, since the Commission has made those findings contained in Government Code Section 56375.3 related to annexation of this island. Since the Commission has no discretion in this matter, approval of this proposal is a ministerial action that is exempt from environmental review under the provisions of the California Environmental Quality Act (CEQA), Section 21080(b), the State CEQA Guidelines, Section 15268, and the Commission's adopted CEQA Guidelines. The Commission adopted the Statutory Exemption and directed its Clerk to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
8. The local agencies currently serving the area are: County of San Bernardino, Inland Empire Resource Conservation District, Inland Empire Utilities Agency (portion), San Bernardino Valley Municipal Water District (portion), Bloomington Recreation and Park District, Central Valley Fire Protection District, West Valley Water District and its Improvement District No. 1, County Service Area SL-1 and County Service Area 70.

County Service Areas SL-1 and 70 will be detached from the annexation area upon successful completion of the annexation pursuant to the provisions of Government Code Section 25210.90. The proposal has been modified to retain the Bloomington Recreation and Park District within the annexation area as requested by the County of San Bernardino and concurred to by City of Fontana Resolution No. 2006-92. None of the other agencies will be directly affected by the completion of this annexation through an adjustment in their boundaries as they are regional in nature.

9. Upon annexation, the City of Fontana will extend its services as required by the existing and anticipated land uses. The City has submitted a "Plan for Service" as required by law which indicates that revenues are anticipated to be sufficient to provide the level of services identified by the City for such items as law enforcement, planning, street maintenance, etc. The Plan notes that additional personnel will be required for provision of law enforcement services and other services to the annexation area. Solid Waste Services are franchised to be provided within the City of Fontana by Burrtec Waste Industries, while the current provider is EDCO Company. The transfer of solid waste provider will be required to be completed within four months of the annexation completion. Water service to the island area is currently provided by the West Valley Water District; fire protection/paramedic services are currently provided by the Central Valley Fire Protection District; and ambulance service is provide by American Medical Response. All of these service providers will remain unchanged.

The City of Fontana has indicated in its application and Plan for Service that its 5% Utility Users Tax on commercial properties will not be extended to the area upon annexation. In addition, this resolution includes a condition that indicates that the Utility Users Tax will not be applied to the island annexation area.

The City of Fontana has requested that the Commission override its policy and retain the Bloomington Recreation and Park District within the annexation area. This proposal has been modified to exclude the detachment of the Bloomington Recreation and Park District, which alleviates concerns expressed by the County Special Districts Department that detachment would impact the District's ability to continue to provide its services.

The Plan for Service, and its amendments, have been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission determines that such Plan conforms to those adopted standards and requirements.

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10. This 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 to provide for a more efficient and effective service delivery system.
11. The annexation area can benefit from the availability and extension of municipal-level services from the City of Fontana, as evidenced by the Plan for Service, and numerous parcels within the annexation area have benefited in the past from the receipt of out-of-agency sewer service from the City.
12. This proposal will have minimal effect on the City's ability to achieve its fair share of the regional housing needs as it is zoned for industrial use.
13. The County of San Bernardino and the City of Fontana have negotiated a transfer of ad valorem taxes as required by State law. Copies of the resolutions adopted by the City Council of the City of Fontana and the San Bernardino County Board of Supervisors are on file in the LAFCO office outlining the exchange of revenues. Renegotiation of the ad valorem tax transfer will be required due to the modification to exclude the detachment of the Bloomington Recreation and Park District from the annexation proposal and the modification to exclude Islands 4, 5 and 26 from this consideration. This process is outlined in Revenue and Taxation Code Section 99(b)(7).
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.

SECTION 4. The affected territory will not be taxed for existing bonded indebtedness and/or contractual obligations of the City of Fontana. The regular County assessment roll will be utilized by the City of Fontana.

SECTION 5. The reasons for this annexation, as provided by the City, are: (1) in response to Senate Bill 1266 (the "island" annexation bill) and the annexation policy adopted by the Local Agency Formation Commission, the City of Fontana is initiating the annexation of 32 unincorporated island areas, which will assist in strengthening the City's tax base without raising taxes; (2) the annexation of the island areas will assist in reducing jurisdictional confusion between the City's limits and the County's unincorporated area and will aid in the delivery of public services in an efficient manner; (3) the annexation of the island areas will assist in ensuring consistency in development standards; and (4) the annexation of the island areas is in keeping with the City Council's economic and General Plan goals and objectives."

SECTION 6. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

SECTION 7. The Commission hereby orders the territory described in Exhibits A and A-1 annexed to the City of Fontana. The Commission hereby directs that, following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer prepare and file a Certificate of Completion, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

08/02/06

LAFCO 3048A
CITY OF FONTANA ANNEXATION NO. 168
(ISLAND AREA 27)

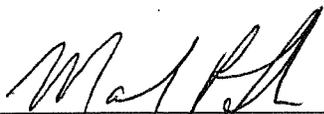
Revised Legal #2 8/8/06

ALL THAT PROPERTY SITUATED IN SECTION 29, TOWNSHIP 1 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EXISTING BOUNDARY OF THE CITY OF FONTANA, AS ESTABLISHED BY ANNEXATION NO. 111, LAFCO 2247, SAID POINT BEING THE INTERSECTION OF THE CENTERLINE OF TAMARIND AVENUE WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF LOT 596, SEMI-TROPIC LAND AND WATER COMPANY SUBDIVISION, AS PER PLAT RECORDED IN BOOK 11 OF MAPS, PAGE 12, RECORDS OF SAN BERNARDINO, CALIFORNIA;

- 1) THENCE WESTERLY, ALONG SAID ANNEXATION NO. 111 AND SAID PROLONGATION AND ALONG THE SOUTHERLY LINE OF SAID LOT 596 TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF THE WEST 1/2 OF SAID LOT 596;
- 2) THENCE CONTINUING ALONG SAID ANNEXATION NO. 111, NORTHERLY, ALONG SAID EASTERLY LINE AND ALONG THE EASTERLY LINE OF THE WEST 1/2 OF LOT 593 OF SAID SUBDIVISION, TO A POINT OF INTERSECTION WITH SOUTHERLY LINE OF LOT 588 OF SAID SUBDIVISION, SAID POINT BEING ON THE EXISTING BOUNDARY OF THE CITY OF FONTANA, AS ESTABLISHED BY THE EAST SLOVER ANNEXATION NO. 2, LAFCO 370;
- 3) THENCE LEAVING ANNEXATION NO. 111, EASTERLY, ALONG SAID EAST SLOVER ANNEXATION NO. 2 AND ALONG THE SOUTHERLY LINE OF SAID LOT 588 AND ITS EASTERLY PROLONGATION TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SAID TAMARIND AVENUE;
- 4) THENCE LEAVING SAID EAST SLOVER ANNEXATION NO. 2, SOUTHERLY, ALONG THE CENTERLINE OF SAID TAMARIND AVENUE TO THE POINT OF BEGINNING.

CONTAINING 20 ACRES, MORE OR LESS.



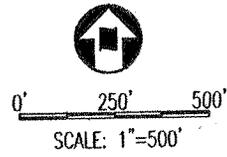
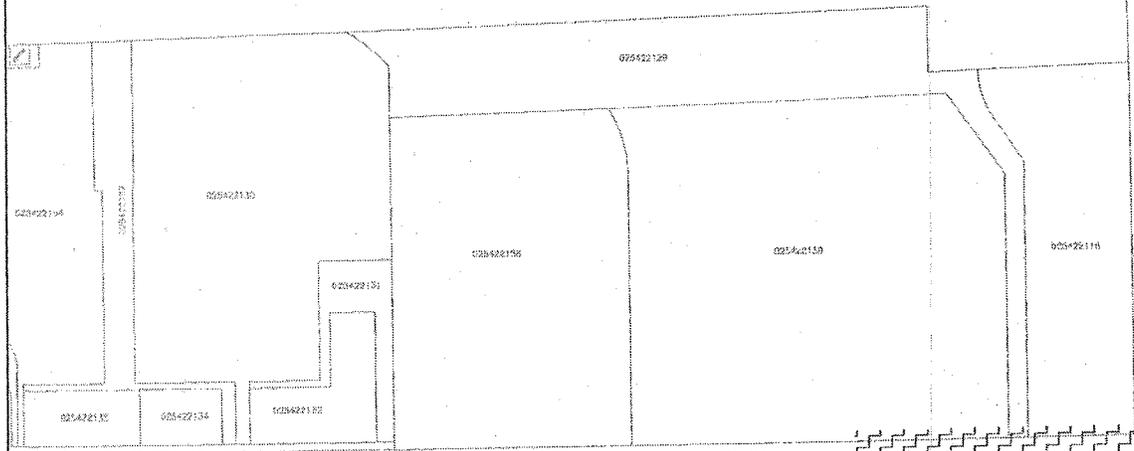
MARK P. PFEILER L.S. 5959
EXPIRES: 12-31-06.

8/2/06
DATE



PFEILER & ASSOCIATES ENGINEERS, INC.
14181 FERN AVENUE
CHINO, CALIFORNIA 91710

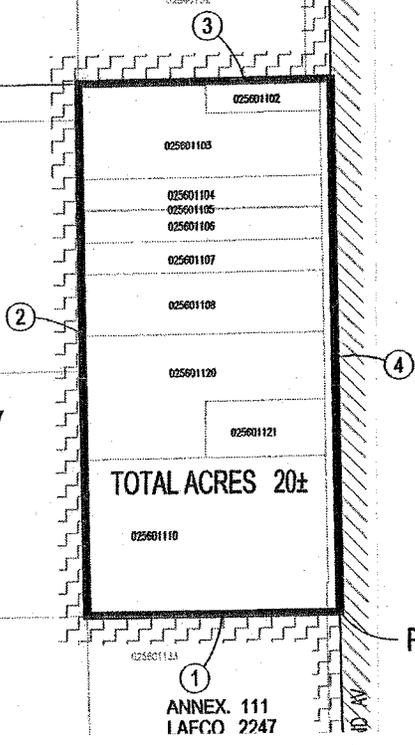
IFIC: RR



SLOVER AV

SLOVER AV

EAST SLOVER
ANNEX. 2
LAFCO 370

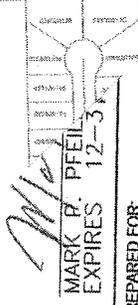


ANNEX. 111
LAFCO 2247

ANNEX. 111
LAFCO 2247

P.O.B.

SANTA ANA AV


 MARK R. PFEIL
 EXPIRES 12-3-84

PREPARED FOR:
City of Fontana
 8353 Sierra Avenue
 Fontana, CA 92335

REV. 1/84
 POSSIBLE REVISIONS: AMT AREAS DWG