

Draft Resolution No. 3180

Attachment 7

PROPOSAL NO.: LAFCO 3178

HEARING DATE: May 21, 2014

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A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3178 AND APPROVING THE REORGANIZATION TO INCLUDE CITY OF REDLANDS ANNEXATION NO. 91 AND DETACHMENT FROM THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT AND ITS VALLEY SERVICE ZONE AND COUNTY SERVICE AREA 70 AND ITS ZONE P-7 (APN 0299-331-01). The reorganization area encompasses approximately 0.75 acres, which includes a single parcel, APN 0299-331-01, generally located east of Wabash Avenue (existing City of Redlands' boundary) between 7th Street and Panorama Drive.

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 reorganization 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 called for May 21, 2014 at the time and place specified in the notice of public hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written support and/or opposition; the Commission considered all plans and proposed changes of organization, and all 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;

NOW, THEREFORE, BE IT RESOLVED, be the Local Agency Formation Commission for San Bernardino County, State of California, that the Commission does hereby determine, find, resolve, and

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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 3178.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Redlands (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 Redlands shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County 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. 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.

Condition No. 6. The date of issuance of the Certificate of Completion shall be the effective date of this reorganization.

SECTION 2. The Commission determines that:

- a) this proposal is certified to be legally uninhabited;
- b) it has 100 % landowner consent; and,
- c) no written opposition to a waiver of protest proceedings has been submitted by any subject agency.

Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56663(c).

SECTION 3. DETERMINATIONS. The following determinations are noted in conformance with Commission policy:

- 1. The reorganization area is legally uninhabited as certified by the County Registrar of Voters office as of March 4, 2014.
- 2. The reorganization area is within the sphere of influence of the City of Redlands, within the Crafton community.
- 3. The County Assessor has determined that the value of land within the reorganization area is

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\$85,337.

4. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to surrounding landowners and registered voters within approximately 700 feet of the exterior boundaries of the reorganization area (totaling 87 notices). Comments from landowners, registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination. No expression of support or opposition to this reorganization has been received by the Commission.
6. Notice of this hearing has been advertised as required by law through publication in *The Sun*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice. Comments from any affected local agency have been reviewed by the Commission.
7. The City of Redlands has pre-zoned the reorganization area to RE (Residential Estate). Pursuant to the provisions of Government Code Section 56375(e), this pre-zone designation shall remain in effect for two years following annexation unless specific actions are taken by the City Council.
8. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review. The basis for this determination is that the Commission's approval of the reorganization has no potential to cause any adverse effect on the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). The Commission adopted the Statutory Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors..
9. The local agencies currently serving the area are: County of San Bernardino, Inland Empire Resource Conservation District, San Bernardino Valley Municipal Water District (the State Water Contractor), San Bernardino County Fire Protection District and its Valley Service Zone (fire protection), County Service Area 70 (multi-function unincorporated area Countywide) and Zone P-7 of County Service Area 70 (inactive park and recreation district within the Mentone/Crafton community).

The proposal will detach the territory from the San Bernardino County Fire Protection District and its Valley Service Zone and CSA 70 and its Zone P-7 as a function of the reorganization. None of the other agencies are affected by this proposal as they are regional in nature.
10. The City of Redlands submitted plans for the provision of services as required by Government Code Section 56653, which indicates that the City can, at a minimum, maintain the existing level of service delivery and can improve the level and range of selected services currently available in the area. The financial information presented within the City's Plan for Service indicates that the project will have a positive financial effect for the City. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements.

As a supplement to the Plan for Service, 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 No. 06-435. This agreement, through the provisions of Amendment No. 2 that was approved and signed by the City on September 3, 2008 and by the

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County on September 9, 2008, specifically outlines that the County will provide “first response” within the reorganization area identified in the agreement.

11. The reorganization area can benefit from the availability and extension of municipal services from the City of Redlands, as evidenced by the Plan for Service.
12. This proposal complies with Commission policies that indicate the preference for areas proposed for future 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.

The Commission recommends that the City and County work together to develop a contractual framework for road maintenance within the Redlands sphere of influence to address issues which arise through the implementation of Measure U's requirements. A contract would offer the ability to exchange maintenance responsibility for certain stretches of a roadway so that a more comprehensive approach can be achieved in order to alleviate any future road maintenance service concerns. This type of sharing service obligation better serves the community using the road system.

13. This proposal will assist the City's ability to achieve its fair share of the regional housing needs since the reorganization area is zoned for residential and the proposed development is for a single-family residence.
14. With respect to environmental justice, the reorganization area will benefit from the extension of services and facilities from the City and, at the same time, will not result in unfair treatment of any person based on race, culture or income.
15. The City and County have negotiated the transfer of ad valorem taxes as required by State law. Copies of the resolutions adopted by the City Council of the City of Redlands and the San Bernardino County Board of Supervisors are on file in the LAFCO office outlining the exchange of revenues.
16. The map and legal description, as revised, are in substantial conformance with LAFCO and State standards as determined by the County Surveyor's Office.

SECTION 4. The primary reason for this reorganization is to receive municipal services from the City for a proposed single-family residential development. The reorganization area is contiguous to the City and, through the procedure set forth in the City's Municipal Code, it must be annexed to the City for the receipt of services.

SECTION 5. The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations of the City of Redlands through the reorganization. The regular County assessment rolls are utilized by the City Redlands.

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” reorganized. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a

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Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

SECTION 8. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, KATHLEEN ROLLINGS-MCDONALD, Executive Officer of the Local Agency Formation Commission for San Bernardino County, 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 May 21, 2014.

DATED:

KATHLEEN ROLLINGS-MCDONALD
Executive Officer