

Draft Resolution No. 3185

Attachment 6

PROPOSAL NO.: LAFCO 3171A

HEARING DATE: July 16, 2014

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A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3171A AND APPROVING THE REORGANIZATION TO INCLUDE DETACHMENT FROM THE CITY OF REDLANDS AND ANNEXATIONS TO SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT AND ITS VALLEY SERVICE ZONE AND COUNTY SERVICE AREA 70 AND ITS ZONE EV-1. The reorganization area encompasses approximately 35 acres, generally bordered by the centerline of Pioneer Avenue (existing City boundaries) on the north, the apparent centerline of the Interstate 210 Freeway on the east, the centerline of San Bernardino Avenue (existing City boundaries) on the south, and parcel lines (existing City boundaries) on the west.

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 July 16, 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

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Bernardino County, State of California, 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 3178.

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

Condition No. 4. The applicant, TREH Partners, LLC, 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. Prior to issuance of the Certificate of Completion, the County of San Bernardino and City of Redlands shall approve the amendment to Agreement No. 03-0856 to include the reorganization area as part of the apportionment of Sales and Use Tax revenue and the provision of municipal services within the unincorporated “Donut Hole” area. This amendment was authorized by the signing of Resolution No. 2013-193 for the County and Resolution No. 7320 by the City of Redlands. This condition shall be completed within six months of the Commission’s approval of LAFCO 3171A as authorized pursuant to Government Code Section 56885.5(b).

Condition No. 6. Prior to issuance of the Certificate of Completion, the County of San Bernardino and City of Redlands shall execute an agreement that outlines the sharing of County General Fund property tax revenues including future growth related to the five parcels within the project area as well as the continuing obligation for road maintenance for road widths detaching from the City. This obligation was agreed to by the signing of Resolution No. 2013-193 for the County and Resolution No. 7320 by the City of Redlands and the signing of the letters of intent by the City and County. This condition shall be completed within six months of the Commission’s approval of LAFCO 3171A as authorized pursuant to Government Code Section 56885.5(b).

Condition No. 7. 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.

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Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56662(d).

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 County Assessor has determined that the value of land within the reorganization area is \$4,043,000.
3. 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 1,350 feet of the exterior boundaries of the reorganization area (totaling 31 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.
4. 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.
5. The reorganization area was included in the County's approval of a General Plan Amendment, a Conditional Use Permit and Tentative Parcel Map 19500 that assigned a land use designation of EV/SD (East Valley/Special Development) for APN 0292-072-07 and 0292-072-12, the two parcels being detached from the City of Redlands.

The Southern California Associated Governments (SCAG) adopted its 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3171A has no direct impact on SCAG's Regional Transportation Plan.

6. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review.

The County, as a function of its review for the General Plan Amendment and assignment of a land use designation of East Valley/Special Development for Parcels 0292-072-07 and 0292-072-12, the Conditional Use Permit for the construction of a 777,620 square foot industrial building with 30,000 square feet of office area to be used as a high cube warehouse distribution facility, and Tentative Parcel Map 19500 for a one lot subdivision on 34.22 acres, prepared an environmental assessment and adopted a Mitigated Negative Declaration which indicates that approval of the proposed reorganization will not have a significant adverse impact on the environment. The County's Initial Study and Mitigated Negative Declaration has been reviewed by the Commission, its staff, and its Environmental Consultant, who have found it to be adequate for the Commission's use as CEQA responsible agency.

The Commission certifies that it has reviewed and considered the County's Mitigated Negative Declaration and the environmental effects as outlined in the Initial Study prior to reaching a

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decision on the project and finds the information substantiating the Mitigated Negative Declaration is adequate for its use in making a decision as a CEQA responsible agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for this project; that the mitigation measures identified in the County's environmental documents are the responsibility of the County and/or others.

The Commission, as a responsible agency, notes that this proposal is exempt from Department of Fish and Wildlife fees because the filing fees were the responsibility of the County, as the CEQA lead agency. The Commission directs its Executive Officer to file a Notice of Determination within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.

7. The local agencies currently serving the area are: City of Redlands, Inland Empire Resource Conservation District, San Bernardino Valley Municipal Water District (the State Water Contractor), San Bernardino Valley Water Conservation District).

The area will be detached from the City of Redlands and annexed into the San Bernardino County Fire Protection District and its Valley Service Zone and County Service Area 70 and its Zone EV-1 as a function of the reorganization. None of the other agencies are affected by this proposal as they are regional in nature.

8. The County has submitted a plan for the provision of services as required by Government Code Section 56653, which indicates that the County 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 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.
9. The reorganization proposal would be for the benefit and interest of the property owner of the parcels being detached from the City as required by Government Code Section 56668.3(2). The entitlement of its proposed development project is subject to the Commission's approval of LAFCO 3171A. In addition, current and future landowners and/or residents within the City could also benefit from the reorganization proposal through economic growth and potential job creation anticipated upon completion of the proposed development project.
10. This proposal will not assist the County's ability to achieve its fair share of the regional housing needs since the reorganization area is zoned for industrial use and the proposed development is for a warehouse distribution facility.
11. With respect to environmental justice, the reorganization will not result in unfair treatment of any person based on race, culture or income.
12. The County and the City of Redlands have negotiated the transfer of ad valorem taxes as required by State law. Copies of the resolutions adopted by the San Bernardino County Board of Supervisors and the City Council of the City of Redlands are on file in the LAFCO office outlining the exchange of revenues.
13. 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 facilitate the development of a high cube warehouse distribution facility that has been processed through the County. Since a portion of the

