

Draft Resolution No. 3184

Attachment 5

PROPOSAL NO.: LAFCO 3177

HEARING DATE: JULY 16, 2014

RESOLUTION NO. 3184

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3177 AND APPROVING THE REORGANIZATION TO INCLUDE CITY OF FONTANA ANNEXATION NO. 173 AND DETACHMENTS FROM COUNTY SERVICE AREA 70 AND COUNTY SERVICE AREA SL-1 (ALMOND AVENUE ANNEXATION--SOUTHWEST INDUSTRIAL PARK AREA). The reorganization area encompasses approximately 486 acres, generally bordered by the centerline of Interstate 10 Freeway on the north; a combination of parcel lines and Almond Avenue on the east (existing City boundaries); parcel lines east and west of Calabash Avenue on the south (existing City boundaries) and Mulberry Avenue on the west (existing City boundaries), within the City of Fontana's unincorporated sphere of influence.)

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 the Local Agency Formation Commission for San Bernardino County (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, 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

RESOLUTION NO. 3184

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, 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

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 3177.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes 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. 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 City of Fontana shall sign the authorization form requesting Southern California Edison to transfer the specified lights to the City of Fontana's accounts.

Condition No. 5. 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. 7. 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. 8. The date of issuance of the Certificate of Completion shall be the effective date of this reorganization.

SECTION 2. Pursuant to Government Code Section 56375(a)(4), the Commission is required to make the following findings related to this proposal for reorganization: (1) the area is substantially surrounded by the City of Fontana (surrounded on three sides – east, south and west); (2) the reorganization area is substantially developed based upon the existence of public utilities within the area, public improvements within the area and physical improvements on almost all of the lands within the area; (3) the reorganization area does not contain prime agricultural lands as defined by Section 56064; (4) the area is designated for urban growth as illustrated by the adopted City of Fontana Southwest Industrial Park (SWIP) Specific Plan; and (5) the reorganization area is wholly within the boundaries of the City of Fontana sphere of influence. Based upon these determinations the Commission is required to approve LAFCO 3177 as submitted by resolution of the City of Fontana.

SECTION 3. The following determinations are noted in conformance with Commission policy and State Law:

1. The Registrar of Voters Office has determined that the reorganization area contains 149 registered voters as of June 2, 2014.

RESOLUTION NO. 3184

2. The County Assessor's Office has determined that the assessed valuation of land and improvements within the reorganization area is \$109,502,225 (land -- \$71,590,324; improvements -- \$37,911,901).
3. The area is within the sphere of influence assigned the City of Fontana and is substantially surrounded by existing City of Fontana boundaries.
4. All notices required by State law and local Commission policies have been provided. LAFCO staff has provided individual notices to landowners and registered voters within the reorganization area (totaling 318 notices) and to landowners and registered voters surrounding the study area (totaling 494 notices) in accordance with State law and adopted Commission policies. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determinations. To date, no written expression of opposition or concern has been received.
5. Legal advertisement of the Commission's consideration has been provided through publication in *The Sun*, a newspaper 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.
6. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review. The basis for this determination is that this reorganization is a ministerial action, required by the terms of Government Code Section 56375(a)(4). Without discretion in the Commission's consideration of this proposal, approval of this proposal is exempt from environmental review under the provisions of the State CEQA Guidelines, Section 15268, and the Commission's adopted CEQA Guidelines. The Commission hereby adopts the Statutory Exemption and directs its Executive Officer to file the Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
7. The City of Fontana has processed the pre-zoning of the reorganization area assigning land use districts as a part of its Southwest Industrial Park Specific Plan. The land use designations within the reorganization area are: Freeway Industrial/Commercial District (FID), Slover West Industrial District (SWD), Jurupa South Industrial District (JSD), and Residential Trucking District (RTD). These pre-zone/specific plan designations are consistent with the City's General Plan and surrounding land uses within the City and in the County. Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for at least two years following annexation unless specific actions are taken by the City Council.

The Southern California Associated Governments (SCAG) adopted its 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3177 includes the southern portion of the I-10 Freeway, which is part of the RTP's high-occupancy vehicle (HOV) lane project for completion by 2020.

The City has outlined policies related to the transfer of land use applications/entitlements and code enforcement actions that were agreed upon by both the County and the City upon completion of the annexation.

8. The area in question is presently served by the following local public agencies: County of San Bernardino, County of San Bernardino, Inland Empire Utilities Agency (regional wastewater treatment services), Inland Empire Resource Conservation District, Metropolitan Water District

RESOLUTION NO. 3184

of Southern California (the State Water Contractor), Fontana Fire Protection District (fire protection/emergency medical response), County Service Area SL-1 (streetlighting entity), County Service Area 70 (multi-function unincorporated area Countywide). Only County Service Areas 70 and SL-1 will be detached upon successful completion of this proposal. None of the other agencies will be directly affected by the completion of this proposal through an adjustment in their boundaries as they are regional in nature. Water service in the area is provided through the Fontana Water Company, a private water entity governed by the State of California Public Utilities Commission (PUC).

9. The City of Fontana has submitted a plan 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. Upon reorganization, the City will extend its services as required by the progression of development. The Fiscal Impact Analysis portion of the Plan for Service provides a general outline of the anticipated revenues/costs for the reorganization area. The financial information presented indicates that the extension of services can be maintained and operated within the existing revenue resources available through the transfer of property taxes and fees for service.
10. The reorganization proposal complies with Commission policies and directives and State law that indicate the preference for areas proposed for development at urban-level land uses to be included with a City so that the full range of municipal services can be planned, funded, extended and maintained in the most efficient and effective services delivery system.
11. The reorganization area can benefit from the availability and extension of municipal services available through the City of Fontana and has benefitted from the delivery of fire protection/emergency medical response services through the City's subsidiary district, the Fontana Fire Protection District.
12. This proposal will not assist in the City's ability to achieve its fair share of the regional housing needs since majority of the reorganization area is zoned for industrial uses and the portion zoned for residential is all built-out.
13. With respect to environmental justice, the reorganization area will benefit from the extension of services and facilities from the City of Fontana and, at the same time, will not result in the unfair treatment of any person based upon race, culture, or income.
14. The County of San Bernardino and the City of Fontana have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this reorganization. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.
15. 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 3. Approval by the Local Agency Formation Commission for San Bernardino County indicates that completion of this reorganization would accomplish the proposed changes of organization in a reasonable manner with a maximum change of success and a minimum disruption of service to the functions of other local agencies in the area.

SECTION 4. 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.

RESOLUTION NO. 3184

SECTION 5. The Commission hereby directs that, following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer is hereby directed to initiate protest proceedings in compliance with this resolution and State law (Part 4, commencing with Government Code Section 57000) and set the matter for consideration of the protest proceedings, providing notice of the hearing pursuant to Government Code Section 57025 and 57026.

SECTION 6. Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth her determination on the levels of protest filed and not withdrawn and setting forth the action on the proposal considered.

SECTION 7. Upon adoption of the final resolution by the Executive Officer, either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

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 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 July 16, 2013.

DATED:

KATHLEEN ROLLINGS-MCDONALD
Executive Officer