

**Draft Resolution No. 3198
(Sphere of Influence Amendment)**

Attachment 4

PROPOSAL NO.: LAFCO 3183

HEARING DATE: May 20, 2015

RESOLUTION NO. 3198

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3183 AND APPROVING THE SPHERE OF INFLUENCE AMENDMENTS FOR THE CITY OF CHINO (REDUCTIONS) AND CITY OF CHINO HILLS (EXPANSIONS) (sphere amendment encompassing a total of approximately 9,411 square feet generally described as parcels located along the southwest side of Chino Creek—Flood Control Channel—immediately south of Chino Hills Parkway).

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 sphere of influence amendment (expansion/reduction) 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,

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 20, 2015 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 opposition; the Commission considered all objections and evidence which were made, presented, or filed; 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; and,

WHEREAS, this Commission reviewed and considered the Mitigated Negative Declaration prepared by the City of Chino Hills for the Fairfield Ranch Commons Project prior to reaching a decision on the proposal, finding that the information substantiating the Mitigated Negative Declaration as adequate for its use in making a decision as a CEQA responsible agency and that it

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does not intend to adopt alternatives or mitigation measures for this project as all changes, alternations and mitigation measures are within the responsibility and jurisdiction of the City and/or other agencies and not the Commission, and directed its Executive Officer to file a Notice of Determination within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors; and,

WHEREAS, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that Areas 1 and 2 are to be removed from the City of Chino's sphere of influence and added to the City of Chino Hills' sphere of influence, as more specifically described on the attached Exhibits "A", "A-1", "B", and "B-1" to this resolution; and,

WHEREAS, the Commission determined that because the sphere of influence amendments being considered are intended to fix a boundary problem between the Cities of Chino and Chino Hills along the Flood Control Channel, and because the two areas will generally remain vacant (ancillary to the project's parking and landscape facilities), and because there will be no change in public facilities and/or services available within the sphere areas to be amended that a Service Review would not be necessary to fulfill the determinations required by Government Code Section 56430;

WHEREAS, the following determinations are made in conformance with Government Code Section 56425 and local Commission policy:

1. The Present and Planned Land Uses in the area including agricultural and open-space lands

Currently, the service needs within the area are minimal due to its vacant nature. Upon development of the project, which is a proposal to create 346 very high density residential apartment units and a 326,641 square foot industrial park on the overall project site, the two areas being considered for sphere amendment are located within the residential portion of the project. However, the areas will generally remain vacant as ancillary to the parking and landscape facilities for the overall project.

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

There will be no change to the public facilities and/or utility services within the areas proposed for annexation. Being that the areas are located westerly of the channel, any facilities and/or services have been provided by the City of Chino Hills and will continue to do so upon approval of the concurrent reorganization proposal, LAFCO 3184. The sphere amendment (and ultimately the reorganization) simply places the two areas within the appropriate jurisdiction in order to facilitate the development of the proposed project.

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

The City of Chino Hills provide a full range of municipal services. These include municipal facilities within the proposed development such as water mains, sewer mains, etc. However, the sphere amendment (and ultimately the reorganization) simply places the two areas within the appropriate jurisdiction in order to facilitate the development of the proposed project.

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4. The existence of any social or economic communities of interest

The centerline of Chino Creek has been the common boundary line between the Cities of Chino and Chino Hills from Chino Hills Parkway all the way to Pine Avenue. The Chino Creek has been channelized from north of State Highway 60 to just south of the project site. The sphere amendment will bring the sphere (and ultimately the boundary) of both cities for these two areas to the westerly right-of-way line of the channel.

5. Additional Determinations

- Notice of the Commission’s consideration of this issue has been advertised as required by State law through publication in *The Inland Daily Bulletin*, a newspaper of general circulation in the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies wishing mailed notice.
- The map and legal description for these spheres of influence amendment, was certified by the County Surveyor’s office.

WHEREAS, having reviewed and considered the determinations as outlined above, the Commission determines to expand the sphere of influence for the City of Chino Hills and reduce the sphere of influence for the City of Chino, encompassing a total of approximately 9,411 square feet.

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall consider the territory described in Exhibits “A”, “A-1”, “B”, and “B-1” as being within the sphere of influence for the City of Chino Hills and removed from the sphere of influence for the City of Chino, it being fully understood that the amendment of such spheres of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

BE IT FURTHER RESOLVED that the Local Agency Formation Commission for San Bernardino County, State of California, does hereby determine that the City of Chino Hills 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.

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:

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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 20, 2015.

DATED:

KATHLEEN ROLLINGS-MCDONALD
Executive Officer

DRAFT