

**Draft Resolution No. 3199
(Reorganization)**

Attachment 5

PROPOSAL NO.: LAFCO 3184

HEARING DATE: OCTOBER 22, 2014

RESOLUTION NO. 3199

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3184 AND APPROVING THE REORGANIZATION TO INCLUDE DETACHMENTS FROM THE CITY OF CHINO AND ANNEXATIONS TO THE CITY OF CHINO HILLS. (The reorganization area includes two areas 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 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 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/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 opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing.

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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 of this change of organization are approved as set forth in Exhibits "A", "A-1", "B", and "B-1" attached;

Condition No. 2. The following distinctive short-form designation shall be used through this proceeding: LAFCO 3184;

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Chino Hills (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 Chino Hills 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:

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1. The Registrar of Voters Office has determined that the reorganization area is legally uninhabited, containing no registered voter as of April 15, 2015.
2. Through approval of the companion proposal, LAFCO 3183, Areas 1 and 2 are within the sphere of influence assigned the City of Chino Hills.
3. The County Assessor's Office has determined that the total assessed value of land and improvements within the reorganization area is \$0 as of April 9, 2015. The zero value is based on the reorganization area being tax exempt property owned by a public agency.
4. Commission consideration of this proposal has been advertised in *The Inland Daily Bulletin*, a newspaper of general circulation within the reorganization area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. LAFCO staff has provided individual notices to landowners and registered voters surrounding the reorganization area (totaling 227 notices) in accordance with state law and adopted Commission policies. Comments from registered voters and landowners and any affected local agency in support or opposition were reviewed and considered by the Commission in making its determination.
6. The City of Chino Hills designates the project area as Business Park (BP) but is proposing a zone-change for the northern portion of the overall project site, which includes the areas identified for the reorganization, from Business Park to Very High Density Residential (RM-3). However, the two areas, which are currently vacant, will generally remain vacant as ancillary to the parking and landscape facilities for the overall project.

The Southern California Associated Governments (SCAG) adopted its 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3184 has no direct impact on SCAG's Regional Transportation Plan.

7. The City of Chino Hills, as a function of its review for the General Plan Amendment (14GPA01), Zone Change (14ZC01), Tentative Parcel Map 19539, Site Plan Review (14SPR02), Major Variance (14MJV02), Minor Variance (14MNV06), and Development Agreement for the Fairfield Ranch Commons Project, prepared an environmental assessment and adopted a Mitigated Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment.

The Commission certifies that it has reviewed and considered the City's Mitigated Negative Declaration and the environmental effects as outlined in the Initial Study prior to reaching a decision on the project and finds the information substantiating the Mitigated Negative Declaration adequate for its use in making a decision as a CEQA responsible agency. The Commission finds that it 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 finds that it is the responsibility of the City to oversee and implement these measures.

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The Commission directs its Executive Officer to file a Notice of Determination within five (5) days within the San Bernardino County Clerk of the Board of Supervisors.

8. The local agencies currently serving the area are: City of Chino, Chino Valley Independent Fire Protection District, Inland Empire Resource Conservation District, Chino Basin Water Conservation District, West Valley Vector Control District, Metropolitan Water District of Southern California, and Inland Empire Utilities Agency (formerly known as Chino Basin Municipal Water District) and its Improvement District C

The City of Chino will be detached as a function of the reorganization. None of the other agencies are affected by this proposal as they are regional in nature.

9. The City of Chino Hills submitted a plan for services as required by law. This plan indicates that there will be no change in the level and range of any of the existing public services. The reorganization proposal simply places the two areas within the appropriate jurisdiction, which is the City of Chino Hills, in order to facilitate the development of the proposed project.
10. This proposal will not affect the ability of the City of Chino Hills to achieve its fair share of the regional housing needs since the reorganization only includes areas that will remain generally vacant as ancillary to the parking and landscape facilities for the overall project.
11. With respect to environmental justice, the reorganization area, which will remain generally vacant upon completion of the overall project, will not result in the unfair treatment of any person based on race, culture or income.
12. The Cities of Chino and Chino Hills have adopted tax resolutions, as required by law, outlining there will be no exchange of property tax revenues between cities upon completion of this reorganization. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
13. 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 primary reason for this reorganization is to simply place the two areas within the appropriate jurisdiction, which is the City of Chino Hills, in order to facilitate the development of the proposed project.

SECTION 5. The affected territory shall be taxed for existing bonded indebtedness or contractual obligations of the City of Chino Hills through the reorganization. The regular County assessment rolls are utilized by the City Chino Hills.

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", "A-1", "B", and "B-1" reorganized. The Commission hereby directs, that following completion of the

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reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a 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 20, 2015.

DATED:

KATHLEEN ROLLINGS-MCDONALD
Executive Officer