

Draft Resolution No. 3201

Attachment 4

PROPOSAL NO.: LAFCO 3182

HEARING DATE: JULY 15, 2015

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A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3182 - REORGANIZATION TO INCLUDE CITY OF LOMA LINDA ANNEXATION AND DETACHMENT FROM SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS VALLEY SERVICE ZONE, AND COUNTY SERVICE AREA 70. The reorganization area encompasses approximately 20 acres, general bordered by Citrus Avenue on the north, parcel lines on the east, Orange Avenue (existing City of Loma Linda boundary) on the south, and California Street (existing City of Loma Linda boundary) on the west, within the City of Loma Linda's eastern 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 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 15, 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

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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, 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" and "A-1" attached;

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3182;

Condition No. 3. The date of issuance of the Certification of Completion shall be the effective date of the reorganization;

Condition No. 4. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Loma Linda (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. 5. The applicant, Stratus Development Partners, LLC, 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; and,

Condition No. 6. 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.

SECTION 2. DETERMINATIONS. The following determinations are required to be provided by Commission policy and Government Code Section 56668:

1. The reorganization area is legally uninhabited, containing five (5) registered voters as of June 8, 2015, as certified by the County Registrar of Voters Office.
2. The County Assessor has determined that the total assessed value of land and improvements within the reorganization area is \$733,315 (land - \$393,513 -- improvements - \$339,802).

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3. The reorganization area is within the sphere of influence assigned the City of Loma Linda.
4. Notice of this hearing has been advertised as required by Law through publication in *The Sun*, 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 agencies and individuals requesting mailed notice. Comments from any affected local agency have been reviewed by the Commission.
5. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to landowners and registered voters within the reorganization area (totaling 9 notices) and to surrounding landowners and registered voters within approximately 700 feet of the exterior boundary of the reorganization area (totaling 296 notices). Comments from landowners and registered voters have been considered by the Commission in making its determination. No expression of support or opposition to this reorganization has been received by the Commission.
6. The City of Loma Linda has pre-zoned the reorganization area for the following land uses: R-1 (Single Residence) for the Bell properties (APNs 292-161-01 and 11) and C-2 (General Business) for the Ramirez properties (APNs 292-161-08 and 12). These zoning designations are consistent with the City's General Plan. Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for two years following annexation unless specific actions are taken by the City Council.
7. The Southern California Associated Governments (SCAG) adopted its 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3182 has no direct impact on SCAG's Regional Transportation Plan.
8. The City of Loma Linda, as a function of its review for the General Plan Amendment (GPA 14-075), Pre-Zone (ZMA 14-076), Tentative Tract Map 14-073 (TTM 18963) for the Citrus Lane Project, and Annexation (ANX 14-074) on approximately 20 acres, 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 is 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. The Commission, as a responsible agency, also notes that this proposal is exempt from the California Department of Fish and Wildlife fees because the fees were the responsibility of the City of Loma Linda as lead agency.

9. The local agencies currently serving the area are: County of San Bernardino, San Bernardino County Fire Protection District (SBCFPD), SBCFPD Valley Service Zone, San Bernardino Valley Municipal Water District, Inland Empire Resource Conservation District, San Bernardino Valley Water Conservation District, County Service Area 70 (multi-function unincorporated area Countywide)

The San Bernardino County Fire Protection District, its Valley Service Zone, and County Service Area 70 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.

10. The City of Loma Linda 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. 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.
11. The reorganization area would benefit from the availability and extension of municipal services from the City of Loma Linda and has benefitted from the delivery of water service as well as fire protection and emergency medical response service (through its contract with the San Bernardino County Fire Protection District to provide the service).
12. This proposal will assist in the City's ability to achieve its fair share of the regional housing needs since a portion of the reorganization area is being proposed for development of 35 single family residential subdivision.
13. With respect to environmental justice, the reorganization area, would benefit from the extension of services and facilities from the City and, at the same time, would not result in unfair treatment of any person based on race, culture or income.
14. The County of San Bernardino and the City of Loma Linda 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 Loma Linda are on file in the LAFCO office outlining the exchange of revenues.
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 indicates that

