

Draft Resolution #3208

Attachment 5

**LOCAL AGENCY FORMATION COMMISSION
FOR SAN BERNARDINO COUNTY**

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PROPOSAL NO.: LAFCO SC#400

HEARING DATE: NOVEMBER 18, 2015

RESOLUTION NO. 3208

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#400 – CITY OF CHINO IRREVOCABLE AGREEMENT TO ANNEX FOR WATER AND SEWER SERVICE (TENTATIVE TRACT 18902 -- APNs 1016-521-03, -04, and -05))

On motion of Commissioner _____, duly seconded by Commissioner _____ and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, Government Code Section 56133 requires the Local Agency Formation Commission to review and approve or deny applications for agencies to provide services outside their existing boundaries; and,

WHEREAS, an application for the proposed service extension in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation 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 determined 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 held upon the date and at the time and place specified in the notice of public hearing and in order or orders continuing the hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written protests; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the contract, in evidence presented at the hearing;

NOW, THEREFORE, BE IT RESOLVED, that the Local Agency Formation Commission of the County of San Bernardino does hereby determine, find, resolve and order as follows:

RESOLUTION NO. 3208

DETERMINATIONS:

SECTION 1. FINDINGS. The following findings are noted in conformance with Commission policy:

1. The project area, which includes three parcels—Assessor Parcel Numbers (APN) 1016-521-03, 1016-521-04, and 1016-521-05—is located on the west side of Pipeline Avenue generally north of Riverside Drive. The parcels are within the sphere of influence assigned the City of Chino and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Chino water and sewer service for the proposed Planned Development and Tentative Tract 18902. This requirement is a condition of approval placed upon the project by the County Land Use Services Department. Therefore, approval of the City's request for authorization to provide water and sewer service is necessary in order to satisfy this condition of approval.
2. The Irrevocable Agreement to Annex considered is for the provision of water and sewer service by the City of Chino to Assessor Parcel Numbers 1016-521-03, 1016-521-04, and 1016-521-05. This contract will remain in force in perpetuity for the parcel or until such time as the area will be annexed. Approval of this application will allow the property owner/developer and the City of Chino to proceed in finalizing the contract for the extension of water and sewer service.
3. The fees charged this project by the City of Chino for water and sewer service are identified as totaling \$305,385.74. Payment of these fees is required prior to connection to the City's water and sewer facilities. The property owner/developer shall bear all costs to complete improvements needed to extend the water and sewer service to the parcel. All construction costs for all improvements needed to extend the water and sewer facilities are estimated at \$455,813.
4. As required by State Law, notice of the Commission's consideration was provided through publication in a newspaper of general circulation, *The Inland Daily Bulletin*. Individual notice was provided to registered voters (2 within the project area and 257 surrounding) and landowners (the landowner/developer within and 162 surrounding) as required by Government Code Section 56157 as well as affected and interested agencies, County departments, and those agencies and individual requesting mailed notice. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination.
5. In November 2014, acting as the CEQA lead agency, the County of San Bernardino, prepared an environmental assessment for the proposed General Plan Land Use Zoning District Amendment, Planned Residential Development, and Tentative Tract Map 18902 on 6.86+/- acres, and adopted a Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment. The County's Initial Study and Negative Declaration have been reviewed by the Commission's staff and Environmental Consultant who have found them to be adequate for the service contract decision.

The Commission certifies that it has reviewed and considered the County's Negative Declaration and environmental effects as outlined in the Initial Study prior to reaching a decision on the project and finds the information substantiating the Negative Declaration as

