

Draft Resolution No. 3222 for LAFCO 3201

Attachment 7

PROPOSAL NO.: LAFCO 3201

HEARING DATE: MAY 18, 2016

RESOLUTION NO. 3222

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3201 AND APPROVING THE REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RIALTO AND THE WEST VALLEY WATER DISTRICT AND DETACHMENTS FROM THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT AND ITS VALLEY SERVICE ZONE, THE FONTANA FIRE PROTECTION DISTRICT, COUNTY SERVICE AREA SL-1 AND COUNTY SERVICE AREA 70 (LYTLE CREEK RANCH), AS MODIFIED. (The reorganization area includes seven separate areas generally located along the Lytle Creek Wash area, northerly of the 210 Freeway, easterly of Riverside Avenue, and southerly of the I-15 Freeway, within the City of Rialto's northern 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 May 18, 2016 at the time and place specified in the notice of public hearing; and,

RESOLUTION NO. 3222

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 and all 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;

WHEREAS, the Commission determines to modify this proposal to include the detachment from Fontana Fire Protection District as a function of the reorganization;

NOW, THEREFORE, BE IT RESOLVED, by the Local Agency Formation Commission for San Bernardino County, State of California, 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 are approved as set forth in Exhibits "A", "A-1", "B", "B-1", "C", "C-1", "D", "D-1", "E", "E-1", "F", and "F-1" attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3201.

Condition No. 3. All previously authorized charges, fees and/or assessments currently in effect by the City of Rialto and the West Valley Water District (annexing agencies) 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. Prior to the issuance of the Certificate of Completion for the reorganization to include annexations and detachments, the City of Rialto shall initiate the annexation of the five North Rialto Islands identified on the map included as Exhibit "G". Compliance with this condition of approval shall be deemed completed upon the issuance of the Certificate(s) of Filing for the five North Rialto Islands either individually or as a reorganization;

Condition No. 5. The City of Rialto 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. 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

RESOLUTION NO. 3222

recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

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

SECTION 3. The Commission determines that approval of LAFCO 3201 will make the existing unincorporated “El Rancho Verde” community completely surrounded by the City of Rialto. Since the entire reorganization area of LAFCO 3201 is a master planned community that cannot be developed unless the area is annexed, the Commission determines, pursuant to the provision of Government Code Section 56375(m), to waive the restrictions on the creation of a totally surrounded island contained within Government Code Section 56744 because it would be detrimental to the orderly development of the community and it further determines that the area to be surrounded cannot reasonably be annexed to another city or incorporated as a new city.

SECTION 4. 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 zero (0) registered voter as of October 14, 2015, as certified by the County Registrar of Voters Office.
2. The County Assessor’s Office has determined that the total assessed value of land and improvements within the reorganization area is \$10,294,424 (land--\$9,187,660; improvements--\$1,106,764) as of November 5, 2015.
3. The reorganization area is within the spheres of influence assigned the City of Rialto and the West Valley Water District.
4. Notice of this hearing has been advertised as required by Law through publication in *The Sun*, a newspaper of general circulation within the 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 received by the Commission.
5. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to landowners (totaling 6 notices) within the reorganization area. Individual notice was also mailed to surrounding landowners and registered voters (3,144) within approximately 1,350 feet of the exterior boundaries of the reorganization area. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination.
6. The City of Rialto pre-zoned the reorganization area through its approval process as the “Lytle Creek Ranch Specific Plan” with the following underlying specific plan zone designations: Single-Family Residential One (SFR-1), Single-Family Residential Two (SFR-2), Single-Family Residential Three (SFR-3), Multi-Family Residential (MFR),

RESOLUTION NO. 3222

High Density Residential (HDR), Elementary/Middle School (ES/MS), Open Space/Recreation, and Open Space (undisturbed). These pre-zone/specific plan zone 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 pre-zone designations shall remain in effect for two years following annexation unless specific actions are taken by the City Council.

7. A Complete Final Environmental Impact Report (EIR) was prepared and certified as adequate by the City of Rialto for its approval of Annexation No.170, General Plan Amendment No. 29, Specific Plan No. 12, and the Pre-Annexation and Development Agreement for the Lytle Creek Ranch Specific Plan (SCH No. 2009061113). Copies of the applicable environmental review documents were previously provided to the Commission. The Commission, its staff, and its Environmental Consultant have independently reviewed the City's Complete Final EIR and found it to be adequate for the reorganization decision.

The Commission certifies that it has reviewed and considered the City's Complete Final EIR and the effects outlined therein, and as referenced in the Facts, Findings and Statement of Overriding Considerations, prior to reaching a decision on the project and finds the information substantiating the Complete Final EIR adequate for its use in making a decision as a CEQA responsible agency. The Commission hereby acknowledges the mitigation measures and mitigation monitoring and reporting program contained in the City's Complete Final EIR and finds that no additional feasible alternatives or mitigation measures will be adopted by the Commission. The Commission finds that all changes, alterations, and mitigation measures are within the responsibility and jurisdiction of the City and other agencies, and not the Commission. The Commission finds that it is the responsibility of the City to oversee and implement these measures and the mitigation monitoring and reporting program.

The Commission hereby adopts the Facts, Findings and Statement of Overriding Considerations regarding the environmental effects of the reorganization (a copy of which is attached). The Commission finds that all feasible changes or alterations have been incorporated into the project; that these changes are the responsibility of the City and other agencies identified in the Facts, Findings and Statement of Overriding Considerations and the Complete Final EIR; and that specific economic, social or other considerations make infeasible adoption of the alternatives identified in the Complete Final EIR.

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 Rialto as the CEQA lead agency.

8. The Southern California Associated Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3201 includes the southern

RESOLUTION NO. 3222

portion of the I-15 Freeway, which is part of the RTP-SCS's State highway improvement (expansion/rehabilitation) program adding two express lanes in each direction for completion by 2030 and adding high-occupancy vehicle (HOV) lane in each direction for completion by 2039. The Sustainable Communities Strategy also include, among others, determinations related to the need for residential densities and housing for all segments of the population, which approval of LAFCO 3201 will support.

9. The local agencies currently serving the area are: County of San Bernardino, Inland Empire Resource Conservation District, San Bernardino Valley Municipal Water District, San Bernardino County Fire Protection District and its Valley Service Zone, Fontana Fire Protection District (portion), West Valley Water District (portion), County Service Area SL-1 (streetlights)(portion), and County Service Area 70 (multi-function unincorporated area Countywide).

The proposal area will be detached from the San Bernardino County Fire Protection District, its Valley Service Zone, Fontana Fire Protection District, County Service Area SL-1 and County Service Area 70 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 Rialto and the West Valley Water District have submitted plans for the provision of services as required by Government Code Section 56653, which indicate that the City of Rialto and the West Valley Water District can improve the level and range of services currently available in the area. The financial information presented within the City's Plan for Service indicates that the extension of services can be maintained and operated within the existing revenue resources available through the transfer of property tax revenues and existing fees for service. These Plans for Service have been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission determines that these plans conform to those adopted standards and requirements.
11. The reorganization area will benefit from the availability of services from the City of Rialto and the West Valley Water District and has benefitted from the delivery of fire protection and emergency medical response services from the City (through its contract with the San Bernardino County Fire Protection District to provide the service) as evidenced by the Plans for Service.
12. This proposal complies with State directives and Commission policies that indicate the preference for areas proposed for future development at an urban-level land use to be included within a City so that the full range of municipals services can be planned, funded, extended and maintained.
13. This proposal will assist in the City's ability to achieve its fair share of the regional housing needs as it proposes the addition of 619 single-family units, 563 multi-family units, and 2,005 senior single-family units, for a total of 3,187 residential units.

RESOLUTION NO. 3222

14. With respect to environmental justice, the following profile was generated using ESRI's Community Analyst with regard to race and income within the City of Rialto and within areas adjacent to the reorganization area (2015 population data):

The City of Rialto has a citywide population of 70.7 percent that is of Hispanic origin. Based on information taken from the adjacent unincorporated El Rancho Verde and Rosena Ranch communities, said areas have an Hispanic origin population of 50.1 percent and 48 percent, respectively, which are lower than the City's overall data. With regard to income, the City of Rialto has a citywide median household income of \$49,205. Again, based on information taken from the two adjacent unincorporated communities, said areas reflects a higher median household income of \$75,499 and \$76,024, respectively.

Therefore, LAFCO staff believes that the reorganization area would benefit from the extension of services and facilities from the City of Rialto and the West Valley Water District and, at the same time, would not result in unfair treatment of any person based on race, culture or income.

15. The County of San Bernardino and the City of Rialto 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. Renegotiation of the property tax transfer may be requested due to the Commission's modification to include the detachment from the Fontana Fire Protection District, which receives a share of the ad valorem tax. This process is outlined in Revenue and Taxation Code Section 99(b)(7).
16. The maps and legal descriptions, as revised, are in substantial compliance with LAFCO and state standards through certification by the County Surveyor's Office.

SECTION 5. 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 6. 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.

SECTION 7. 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 hearing pursuant to Government Code Sections 57025 and 57026.

SECTION 8. 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.

