LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3191

HEARING DATE: NOVEMBER 18, 2015

RESOLUTION NO. 3207

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3191 - REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RIALTO AND WEST VALLEY WATER DISTRICT AND DETACHMENTS FROM SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS VALLEY SERVICE ZONE, AND COUNTY SERVICE AREA 70. The reorganization area encompasses 19 +/- acres comprising a single parcel APN 0239-12-20, general located northeast of Riverside Avenue between Locust and Linden Avenues, within the City of Rialto's northern sphere of influence.

On motion of Commissioner McCallon, duly seconded by Commissioner Williams, 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 November 18, 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.

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 3191;

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 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. 5. The applicant, Boral Roofing 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. 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 required to be provided by Commission policy and Government Code Section 56668:

1. The reorganization area is legally uninhabited, containing zero registered voters as of September 10, 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 $6,820,342 (land - $5,713,578 -- improvements - $1,106,764).

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 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 surrounding the reorganization area within approximately 700 feet of the exterior boundary of the reorganization area (totaling 21 notices:15 landowner—6 registered voter). 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 Rialto has pre-zoned the reorganization area to Village Center Commercial through the approval of the Lytle Creek Ranch Specific Plan. The specific plan also has an overlay of M-2 zoning which permits the continuation of its existing industrial use. This zoning designation is 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 3191 has no direct impact on SCAG's Regional Transportation Plan.

8. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the proposal has no potential to cause an adverse effect on the environment since no development and/or physical modification is proposed on any of the parcels being annexed. The Commission certifies it has reviewed and considered the environmental recommendation and finds that, without any identifiable physical changes,

this proposal does not constitute a project and is not subject to environmental review under the provisions of the State CEQA Guidelines Section 15061(b)(3).

The Commission adopted the Statutory Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.

9. The areas within the reorganization are served by the following local agencies: County of San Bernardino, Inland Empire Resource Conservation District, San Bernardino County Fire Protection District and its Valley Service Zone, San Bernardino Valley Municipal Water District and County Service Area 70.

   San Bernardino County Fire Protection District, its Valley Service Zone, and County Service Area 70 will be detached as a function of this 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 submitted plans for service as required by law. The 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 finds that such Plans for Service submitted conform to those adopted standards and requirements and show that the level of service will be maintained following annexation.

11. The reorganization proposal is in compliance with Commission policies and would be for the benefit of the property owner by placing its land holdings under a single jurisdiction to address service levels and land use requirements.

12. This proposal will not affect the ability of the City of Rialto to achieve its fair share of the regional housing needs since the reorganization area is fully developed as an industrial use for manufacture of roofing materials.

13. With respect to environmental justice, the reorganization proposal will not result in the unfair treatment of any person based on race, culture or income.

14. The County of San Bernardino (on behalf of itself and the West Valley Water District) and City of Rialto have successfully negotiated a 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 Rialto are on file in the LAFCO office outlining the exchange of revenues.

15. 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 4. The reason for this reorganization is to consolidate the landowner's holdings under a single jurisdiction for the future delivery of service and the processing of land use approvals.

SECTION 5. The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations of the City of Rialto or the West Valley Water District through completion

of the reorganization. The regular County assessment rolls are utilized by the City of Rialto and the West Valley Water District.

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" and "A-1" reorganized. The Commission hereby directs, that following completion of the 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:**	**Bagley, Cox, Curatalo, McCallon, Williams**
NOES:	**COMMISSIONERS:**	**None**
ABSENT:	**COMMISSIONERS:**	**Lovingood, Ramos**

* *

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 November 18, 2015.

DATED: November 18, 2015

KATHLEEN ROLLINGS-McDONALD
Executive Officer

LOCAL AGENCY FORMATION COMMISSION
CO. OF SAN BERNARDINO

LAFCO 3191 –
REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF RIALTO AND THE WEST VALLEY WATER DISTRICT AND DETACHMENT FROM THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS VALLEY SERVICE ZONE, AND COUNTY SERVICE AREA 70

In the County of San Bernardino, State of California, described as follows:

Commencing at the intersection of the centerlines of Riverside Avenue and Locust as shown on Records of Survey, Book 72, Pages 12 – 18, Records of San Bernardino County, California,

Thence South 55° 24' 54" East, along said centerline of Riverside Avenue, 659.98 Feet to the intersection of said centerline with the northeasterly prolongation of the northwesterly line of Lot 56 of the Semi Tropic Land and Water Company Subdivision per Map recorded in Book 6 of Maps, Page 12, Records of San Bernardino County, California,

Thence North 36° 27' 54" East, along the said northeasterly prolongation of said northwesterly line and said northwesterly line, 601.00 feet to at a point on the existing City of Rialto boundary per Annexation No. 134, LAFCO No. 2169 per Certificate of Completion Recorded April 19, 1983 as Instrument No. 83-082922 said point being the intersection of said boundary and the northwesterly line of said Lot 56,

Thence South 44° 43' 32" East along said City of Rialto boundary line a distance of 29.39' to the Point of Beginning, thence,

Course 1. Leaving said City Boundary, North 36° 27' 54" East, a distance of 44.50', thence,

Course 2. North 26° 05' 25" East, a distance of 137.29', thence,

Course 3. North 15° 59' 28" East, a distance of 8.31', thence,

Course 4. North 37° 35' 38" East, a distance of 63.44', thence,

Course 5. North 47° 26' 20" East, a distance of 28.04', thence,

Course 6. North 75° 15' 43" East, a distance of 32.64', thence,

Course 7. South 84° 41' 56" East, a distance of 434.18', thence,

Course 8. South 84° 14' 04" East, a distance of 453.86' to the beginning of a non-tangent curve concave to the southwest and having a radius of 99.47', a radial line through said point bears North 12° 57' 04" East, thence,

Course 9. Southeasterly, along the arc of said curve through a central angle of 50° 33' 54" a distance of 87.79', thence,

Course 10. South 64° 08' 10" East, a distance of 20.59', thence,

Course 11. South 83° 58' 21" East, a distance of 393.71', thence,

Course 12. South 36° 35' 14" West, a distance of 957.45', thence,

Course 13. North 53° 51' 29" West, a distance of 364.57', thence,

Course 14. South 35° 52' 31" West, a distance of 73.43', thence,

Course 15. South 34° 00' 34" West, a distance of 19.15' more or less to the said City of Rialto Boundary, thence,

Course 16. North 55° 26' 26" West, along said boundary a distance of 211.64', thence,

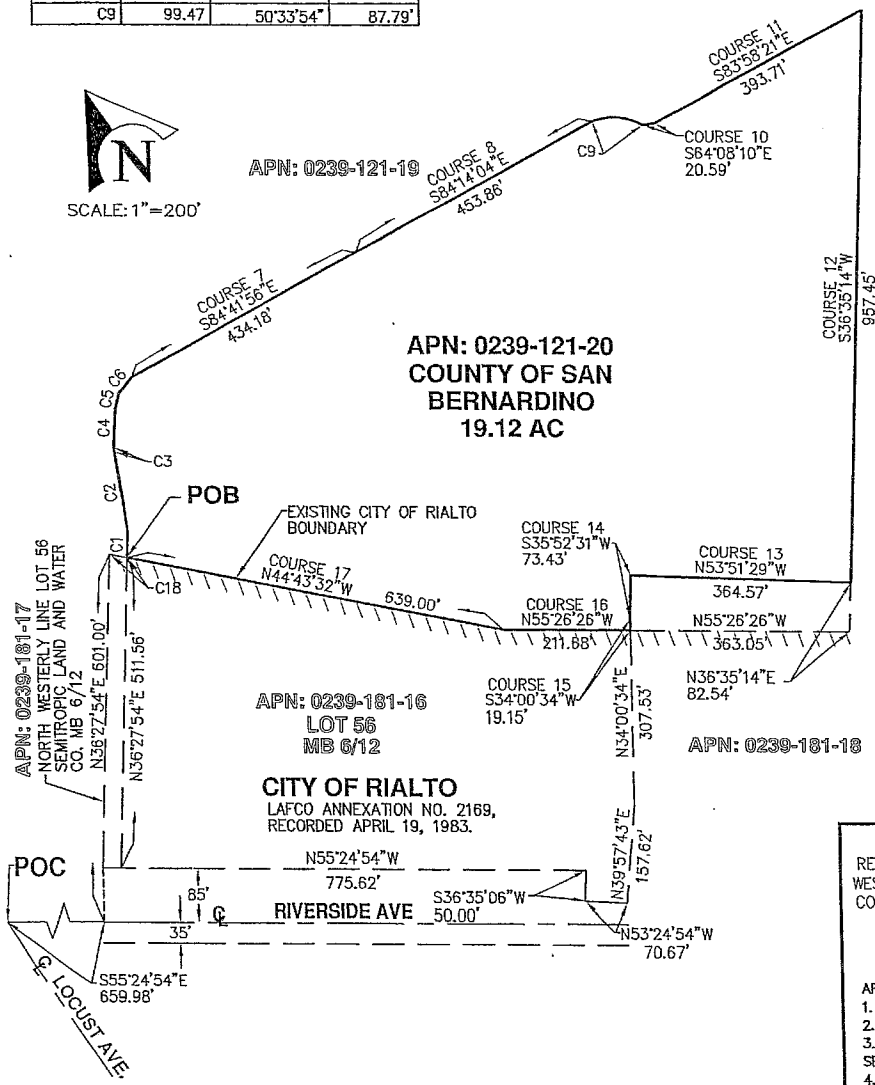
Course 17. North 44° 43' 32" West, along said boundary a distance of 639.00' to the Point of Beginning.

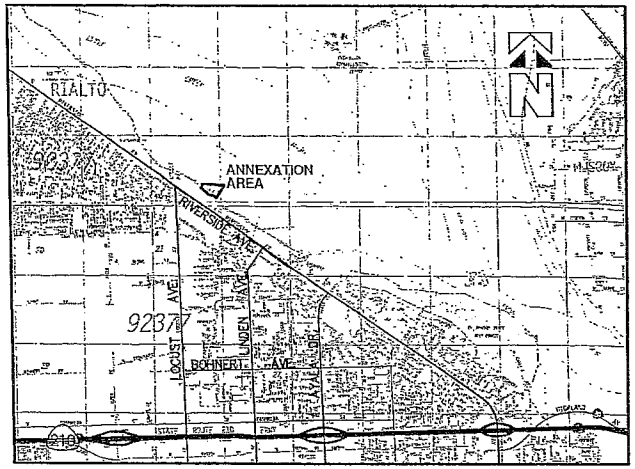
Contains 19.12 Acres, more or less.

REGISTERED PROFESSIONAL ENGINEER
WILLIAM J. McKEEVER
No. 22502
Exp. 12-31-15
CIVIL
STATE OF CALIFORNIA

10/16/15

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C9	99.47	50°33'54"	87.79'





VICINITY MAP

LEGEND:

\\\\\\\ – INDICATES EXISTING CITY BOUNDARY

LINE TABLE		
LINE	LENGTH	BEARING
C1	44.50	N36°27'54"E
C2	137.29	N26°05'25"E
C3	8.31'	N15°59'28"E
C4	63.44	N37°35'38"E
C5	28.04	N47°26'20"E
C6	32.64	N75°15'43"E
C18	29.39	S44°43'32"E

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DATE PREPARED 10-16-15

LAFCO 3191

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A PORTION OF THE NE 1/4 SEC 21 & NW 1/4
SEC 22 T N1R 5W S.B.M.

AFFECTED AGENCIES
1. CITY OF RIALTO.
2. WEST VALLEY WATER DISTRICT.
3. SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, VALLEY SERVICE ZONE.
4. COUNTY OF SERVICE AREA 70.

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EXHIBIT A-1

EXHIBIT A-1