

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

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DATE: JULY 8, 2005
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #5: LAFCO 2982 – City of Chino Annexation No. 2004-01 (Walnut Avenue Island)

INITIATED BY:

City of Chino Council Resolution

RECOMMENDATION:

Staff is recommending that the Commission:

1. For environmental review, take the following actions as a responsible agency:
 - Certify that the Commission has reviewed and considered the environmental assessment and the Negative Declaration prepared by the City of Chino, and found them to be adequate for the Commission's review of the proposed annexation as a responsible agency;
 - Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project, and that mitigation was not required for the project;
 - Note that this proposal is exempt from Department of Fish and Game fees because the filing fee was the responsibility of the City of Chino, as CEQA lead agency; and,
 - Direct the Clerk to file a Notice of Determination within five (5) days of this action.

2. Approve LAFCO 2982: City of Chino Annexation No. 2004-01, as an island annexation, as defined in Government Code Section 56375.3;
3. Waive protest proceedings, as authorized by Government Code Section 56375.3; and,
4. Adopt LAFCO Resolution #2887, setting forth the Commission's findings, determinations, and conditions of approval for the proposal.

BACKGROUND:

LAFCO 2982 is a proposed annexation of a totally surrounded unincorporated island of territory located within the City of Chino's northwestern sphere of influence. The annexation, as initiated by the City, includes a total of 14.4+/- acres generally located east and west of Norton Avenue, south of Walnut Avenue. The area is generally bordered by Walnut Avenue (existing City of Chino boundaries) on the north, parcel lines and San Mina Court (existing City of Chino boundaries) on the east, and parcel lines (existing City of Chino boundaries) on the south and west. Location and vicinity maps are included as Attachment #1 to this report. The initiation of this proposal is in response to commitments made by the City of Chino during the consideration of its large annexation addressing the Agricultural Preserve (LAFCO 2908) to initiate annexation of this totally surrounded island area within six months of approval of that proposal (copy of the City's letter included as Attachment #2).

The study area is currently developed with 11 existing single-family residential units. It is surrounded by single-family residences on the north, east, south and west, all located within the City of Chino. The City's General Plan land use designation for the area is RD-4.5 (residential development with a maximum allowed density of 4.5 units per acre). The current County land use designation for the annexation area is RS-1 (single-family residential units, 1 acre minimum lot size). The land use determinations between the City and County are generally compatible. In addition, the City has pre-zoned the annexation area to RD-4.5 (residential development with a maximum allowed density of 4.5 units per acre), which is consistent with the City's General Plan designation.

The City of Chino has submitted a plan for the extension of municipal services as required by law, and that Plan is included as a part of Attachment #3 to this report. In general, the Plan identifies the following:

- Sewage collection services will be available to the area upon annexation through existing facilities of the City of Chino. However, existing residential structures that are currently on septic systems will not be required to connect to these facilities and will be allowed to continue using septic systems.

- Water service is presently provided within the area by the City of Chino and will not change as a result of the annexation.
- Fire protection and paramedic services are currently provided by the Chino Valley Independent Fire District which currently overlays the City of Chino; therefore, there will no change in service provider.
- Law enforcement responsibilities will shift from the San Bernardino County Sheriff's Department to the City of Chino. The City indicates that its Police Department will not require additional funding or police officers to provide this service since the size of the annexation area is small.

As required by Commission policy and State law, the Plan for Services submitted by the City of Chino shows that the extension of its services will maintain, and/or exceed, current service levels provided through the County.

Staff has provided approximately 750 notices to landowners and registered voters within and surrounding the annexation area, notifying them of the Commission's consideration and indicating that the consideration will be conducted as an "island annexation", removing the ability for protest. To date, staff has not received any written protests on the proposal; however, this finding will be updated at the hearing.

Mandatory Island Annexation Determinations:

In staff's view, this proposal is a ministerial action for the Commission on the basis of Government Code Sections 56375 through 56375.5 that require the Commission to approve the annexation of territory if several basic findings are made concerning the size of the island, the configuration of city boundaries, the lack of prime agricultural land within the island area, the presence of development in the area, and the ability of the study area to benefit from the use of municipal services from the City. If the Commission makes the statutory findings for LAFCO 2982, as outlined below, then State law requires that the Commission approve this annexation and waive the protest proceedings, as authorized by Government Code Section 56375.3.

Determinations required by Government Code Section 56375.3 for an island annexation as they relate to the current consideration are:

- The study area is less than 150 acres, comprising 14.4 acres.
- The area consists of the entire island of unincorporated territory.

- The study area is totally surrounded by the city to which annexation is proposed, and that the area is within the City of Chino's sphere of influence.
- The study area is substantially developed or developing, based on the findings that public services are available, public improvements in the area are present, and there is physical improvement on many, if not most, of the properties.
- There is no prime agricultural land within the study area.
- The study area has benefited, and will benefit from the availability of municipal services from the City of Chino.

Staff suggests that, in its view, these findings are clear; therefore, the Commission is required by Government Code Section 56375(a) to approve this annexation and waive the protest proceedings.

FINDINGS:

The following findings are required to be provided by Commission policy and Government Code Section 56668 for any change of organization/reorganization proposal.

1. The Registrar of Voters Office has certified that the study area is legally inhabited, containing nineteen (19) registered voters as of May 9, 2005.
2. The study area is within the sphere of influence assigned for the City of Chino.
3. The County Assessor has determined that the assessed value of land and improvements within the annexation area is \$2,906,798 (land - \$1,265,674 -- improvements - \$1,641,124).
4. Commission review of this proposal has been advertised in *The Sun* and the *Inland Valley Daily Bulletin*, newspapers of general circulation within the study area. Individual notice has been provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notification.
5. LAFCO staff has provided individual notices to landowners and registered voters within the annexation area (totaling 30 notices), and to landowners and registered voters surrounding the study area (totaling 723 notices) in accordance with State law and adopted Commission policies. To date, no comments or protest have been received to the notice provided regarding the consideration of this proposal.

6. The City of Chino has pre-zoned the study area to RD-4.5 (residential development with a maximum allowed density of 4.5 units per acre). This zoning designation conforms to the adopted General Plan for the City of Chino and is consistent with surrounding land uses. Pursuant to the provisions of Government Code Section 56375(e), this zoning designation shall remain in effect for two years following annexation unless specific actions are taken by the City Council.
7. As a function of its pre-zoning process, the City of Chino has conducted the environmental assessment for the annexation. The Commission's environmental consultant, Tom Dodson and Associates, has reviewed the City of Chino's Initial Study and Negative Declaration and determined that they are adequate for the Commission's review of the proposed annexation as a responsible agency. A copy of the City's environmental assessment, Negative Declaration, and Mr. Dodson's response are attached for the Commission's review (Attachment #4).
8. The area in question is presently served by the following local agencies:

County of San Bernardino
Metropolitan Water District of Southern California
Inland Empire Resource Conservation District
Inland Empire Utilities Agency (formerly known as Chino Basin
Municipal Water District) and its Improvement District C
Chino Basin Water Conservation District
Chino Valley Independent Fire District
West Valley Mosquito and Vector Control District
County Service Area 70 (multi-function unincorporated area
Countywide)

County Service Area 70 will be detached upon successful completion of this proposal. None of the other agencies will be directly affected by the completion of this proposal through an adjustment in their boundaries.

9. The City of Chino has submitted a plan for the extension of municipal services to the study area, as required by law. This plan is included as a part of Attachment #3 to this report and indicates that the City can, at a minimum, maintain and/or improve the level and range of services currently available in the area.
10. The annexation proposal complies with Commission policies and directives and State law that indicate the preference for all island areas to be included within the boundaries of the City surrounding them.

11. The annexation area has benefited and can benefit from the availability and extension of municipal services from the City of Chino.
12. This proposal will assist the City's ability to achieve its fair share of the regional housing needs since the current/proposed land use designation permits the development of additional residential units.
13. The County of San Bernardino and the City of Chino have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this annexation. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

CONCLUSION

It is the staff's position that LAFCO 2982 is essentially a ministerial action. The Commission is required by Government Code Section 56375(a) to approve this proposal. In addition, if it makes the mandatory findings outlined in Section 56375.3, no protest will be allowed. Staff's position is that those findings are easily made in this case, as follows:

- The study area comprises a total of 14.4 acres, which makes the island less than the 150 acre threshold;
- The territory constitutes the entire unincorporated island;
- The study area is totally surrounded by City of Chino boundaries on the north, east, south and west and is wholly within the City of Chino's sphere of influence;
- The area is substantially developed or developing based on the presence of existing development in the area and the availability of public services, as indicated in the Plan for Service;
- The area does not contain any prime agricultural land; and
- The area can benefit from the availability of municipal services from the City of Chino as reflected in the Plan for Service.

If the Commission concurs with these staff determinations, then it is required to approve this proposal and waive the protest hearing as part of its approval of this application, regardless of any protest that might be submitted for the item.

KRM/

Attachments:

1. Vicinity Maps and Annexation Area Map
2. City of Chino Letter Committing to Initiating Island Annexation
3. City of Chino's Application and Plan for Services
4. Response from Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates
5. Draft Resolution #2887