

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

175 West Fifth Street, Second Floor
San Bernardino, CA 92415-0490 • (909) 387-5866 • FAX (909) 387-5871
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: JULY 8, 2002
FROM: JAMES M. RODDY, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #11: LAFCO #2898--Service Review and Sphere of Influence Update for the City of Chino

INITIATED BY:

San Bernardino Local Agency Formation Commission

RECOMMENDATION:

1. Determine that LAFCO #2898 is statutorily exempt from environmental review, and direct the Clerk to file a Notice of Exemption within five days;
2. Make findings related to a service review required by Government Code Section 56430, determine that the existing sphere of influence for the City of Chino should not be changed; and,
3. Adopt LAFCO Resolution #2745 setting forth the Commission's findings and determinations on this issue.

BACKGROUND INFORMATION:

The City of Chino has submitted information in response to Government Code Section 56430 (service review factors) and has indicated that it does not propose any sphere of influence changes pursuant to Government Code Section 56425. Staff has reviewed these service review factors and sphere of influence issues with the City, and supports the City's position. In addition, staff has discussed annexation issues with the City that may be initiated in the near future. Staff will provide oral comments at the July hearing to more fully respond to the service

review/sphere review issues, and recommends that the Commission adopt the attached draft resolution setting forth the findings and determinations required by law.

Attachments:

1. Submittal from the City of Chino
2. Draft Resolution for the City of Chino's service review/sphere update
3. Response from Tom Dodson and Associates

Submittal from City of Chino

Attachment 1



EUNICE M. ULLOA
Mayor

EARL C. ELROD
Mayor Pro Tem

GLENN DUNCAN
TOM HAUGHEY
DENNIS YATES
Council Members

GLEN ROJAS
City Manager

June 10, 2002

CITY of CHINO

RECEIVED
JUN 11 2002

James M. Roddy, Executive Officer
LAFCO
175 West Fifth Street, Second Floor
San Bernardino, CA 92415-0490

LAFCO
San Bernardino County

SUBJECT: SPHERE OF INFLUENCE SERVICE REVIEW SURVEY

Dear Mr. Roddy:

The purpose of this letter is to respond to the Local Agency Formation Commission (LAFCO) Sphere of Influence survey, now required under the Cortese-Knox-Hertzberg Act of 2000. As you may be aware, the City of Chino has two distinct Sphere of Influence (SOI) areas. The areas are generally located on the southeast and west/northwest portion of the City. The area to the southeast is primarily dairies and agricultural fields. This area is known as The Preserve Subarea 2. An annexation application for this area will be submitted in June 2002. The area on the west/northwest portion of the City is primarily developed with single-family residences and some commercial centers. The City of Chino does not anticipate any sphere of influence amendment to this area. Therefore, a summary of the service review issues follows:

I. Infrastructure Needs and Deficiencies

The infrastructure needs and deficiencies for the SOI area on the west/northwest have been addressed in the adopted 1993 Master Plan of Drainage, 1992 Master Plan of Water and in the 1993 Master Plan of Sewer.

Water

For the most part this area is served by Monte Vista Water District. The Monte Vista Water District Master Plan addresses the needs and deficiencies for the existing system and future water supply and demand.

Sewer and Storm Drain

The Sewer and Storm Drain Master Plans provide an evaluation of the adequacy of the City's existing public sewerage and storm drain system's capacity for both current and future wastewater and storm drain flows. Through the master planning process, hydraulic, structural, and operational needs are defined.



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Additionally, as part of the master planning process recommended corrective programs and projects to be used in the City's yearly Capital Improvement Plan are also provided. For your convenience and review, I have attached a copy of the executive summaries for these master plans. Copies of the entire Master Plans are available upon request.

Infrastructure

The current infrastructure, based on County of San Bernardino information, is adequate to meet existing needs of the area. However, any new development project in the area requires either additional or an upgrade to the existing infrastructure. The infrastructure needs and deficiencies are reviewed on a case-by-case basis and conditions of approval are developed to address these deficiencies. The conditions of approval are put together by County of San Bernardino and City of Chino staff.

II. Growth and Population

As previously mentioned the City of Chino does not anticipate any changes to the SOI area on the northwest section of the City. Additionally, there are no development projects proposed for the area at this time. Therefore, no changes to the population within the City or its Sphere of Influence is anticipated.

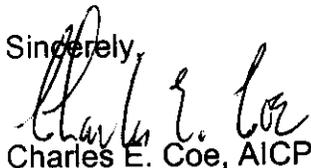
III. Local Accountability and Governance

Governing Body and Access

The City of Chino is a General Law City incorporated under the Laws of the State of California. The City of Chino has a Council Manager form of government. The City Council is elected at large. City offices are accessible to the public from 8:00 a.m. to 6:00 p.m. Monday to Friday. The offices are open to the public 45 hours. City staff, therefore, is available more time than any other City in the western San Bernardino County Area.

Should you need additional information please call Salvador M. Salazar at (909) 464-8324. Thank you.

Sincerely,



Charles E. Coe, AICP

Director of Community Development

Attachments

1992 Master Plan of Water
1993 Master Plan of Drainage
1993 Master Plan of Sewer.

**Draft Resolution for the
City of Chino's
Service Review/Sphere Update**

Attachment 2

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

175 West Fifth Street, Second Floor
San Bernardino, CA 92415-0490 • (909) 387-5866 • FAX (909) 387-5871
E-MAIL: lafco@lafco.sbcounty.gov
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PROPOSAL NO.: LAFCO 2898

HEARING DATE: JULY 17, 2002

RESOLUTION NO. 2745

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2894, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE CITY OF CHINO.

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

WHEREAS, a service review mandated by Government Code Section 56430 and a sphere of influence update mandated by Government Code Section 56425 have been conducted by the Local Agency Formation Commission of the County of San Bernardino (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,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by this Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including his 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 an order or orders continuing the hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written protests; the Commission considered all objections and evidence which were made, presented, or filed; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the review, in evidence presented at the hearing; and,

WHEREAS, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that this service review and sphere of influence update are statutorily exempt from CEQA and such exemption has been adopted by this Commission. The Clerk has been directed to file a Notice of Exemption within five working days of adoption of this resolution; and,

RESOLUTION NO. 2745

WHEREAS, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that the sphere of influence for the City of Chino should be affirmed as it currently exists, as more specifically described in maps and legal descriptions on file in the LAFCO staff office; and,

WHEREAS, the following findings are made in conformance with Government Code Section 56430 and local Commission policy:

1. **Infrastructure Needs and Deficiencies.** The infrastructure needs and deficiencies have been addressed in the adopted 1993 Master Plan of Drainage, the 1992 Master Plan of Water, and in the 1993 Master Plan of Sewer. Copies of these plans are on file in City offices.
2. **Growth and Population.** The City provides most municipal services to an estimated population of 66,700. Fire protection is provided by the Chino Valley Independent Fire District, and portions of the northwestern city sphere of influence receive retain water service from the Monte Vista Water District.
3. **Financing Opportunities and Constraints.** The City receives a share of the general levy of property tax revenue, but the bulk of its revenue is derived from fees for service, sales and use revenue, and other revenues. No relevant issues concerning financing opportunities and constraints were identified by the City of Chino.
4. **Cost Avoidance Opportunities.** The City of Chino is already participating in cost avoidance programs through joint agency practices, grant programs, and sharing public facilities. No specific cost avoidance opportunities were presented by the City.
5. **Rate Restructuring.** The City of Chino regularly evaluates its cost of services in order to stay in conformance with state requirements and the competitive market place. No relevant issues related to this factor were identified by the City of Chino.
6. **Opportunities for Shared Facilities.** No relevant issues related to this factor were identified by the City of Chino.
7. **Government Structure Options.** The City has indicated that it has planned to extend the full range of its urban services into its sphere of influence area, and that it is actively working on various annexation plans, specifically in the southern sphere of influence area and in an unincorporated island in the central Chino area..
8. **Management Efficiencies.** No relevant issues related to this factor were identified by the City of Chino.
9. **Local Accountability and Governance.** The City is governed by a five-member Council elected at large. The City maintains a web site, and conforms with provisions of the Brown Act requiring open meetings. No other relevant issues concerning this factor have been identified.

WHEREAS, the following findings are made in conformance with Government Code Section 56425 and local Commission policy:

1. **PRESENT AND PLANNED LAND USES**

The full range of urban, suburban, and rural land uses are included within the boundaries and current sphere of influence of the City of Chino. This sphere of influence update and service review have no

RESOLUTION NO. 2745

potential whatsoever to change present or planned land uses within the City sphere, since no changes to the sphere of influence are contemplated.

2. PRESENT AND PROBABLE NEED FOR PUBLIC FACILITIES AND SERVICES IN THE AREA

No changes to the City sphere of influence are proposed or contemplated through this review. The City has adopted a master plan for service which addresses this issue, and is on file in the City offices.

3. PRESENT CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES PROVIDED

No changes to the City sphere of influence are proposed or contemplated through this review. The City has adopted a master plan for service which addresses this issue, and is on file in the City offices.

4. COMMUNITIES OF INTEREST IN THE AREA

No changes to the City sphere of influence are proposed or contemplated through this review. The Commission therefore determines that this factor of determination is not relevant to this review, as permitted by Government Code Section 56425.

5. OTHER FINDINGS

- A. Notice of this hearing has been published as required by law in The Sun and the Inland Valley Daily Bulletin, newspapers of general circulation in the area. As required by state law, individual notification was provided to affected and interested local agencies, County departments, and those individuals wishing mailed notice.
- B. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination.

WHEREAS, having reviewed and considered the findings as outlined above, the Commission affirms and upholds the sphere of influence for the City of Chino as it currently exists, and is depicted on maps and legal descriptions on file in the office of the San Bernardino Local Agency Formation Commission.

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission of the County of San Bernardino, State of California, that this Commission shall consider the territory, described on maps and legal descriptions on file in the LAFCO office, as being within the sphere of influence of the City of Chino, it being fully understood that establishment of such a sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

BE IT FURTHER RESOLVED that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that the City of Chino shall indemnify, defend, and hold harmless the Local Agency Formation Commission of the County of San Bernardino from any legal expense, legal action, or judgment arising out of the Commission's affirmation of this sphere of influence, including any reimbursement of legal fees and costs incurred by the Commission.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission of the County of San Bernardino by the following vote:

RESOLUTION NO. 2745

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, JAMES M. RODDY, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, 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 meeting of July 17, 2002 .

DATED:

JAMES M. RODDY, Executive Officer

**Response from Tom Dodson
And Associates**

Attachment 3

TOM DODSON & ASSOCIATES
2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL tda@tstonramp.com



July 5, 2002

Mr. James M. Roddy, Executive Officer
Local Agency Formation Commission
175 West Fifth Street, Second Floor
San Bernardino, CA 92415-0490

Dear Jim:

LAFCO 2898 consists of a service review for the City of Chino (City) pursuant to Government Code Section 56430 and Sphere of Influence Study Pursuant to Government Code 56425. If approved by the Commission, the service and Sphere review would not result in any change to the services or the Sphere of Influence for the City. Based on the above proposal, it appears that LAFCO 2898 can be implemented without causing any physical changes to the environment or any adverse environmental impacts. The service and Sphere review does not appear to have any potential to alter the existing physical environment in any manner. Since no projects are pending or will occur as a result of approving this review, no physical changes in the environment are forecast to result from approving the action before the Commission.

Without a potential for causing physical changes in the environment, I recommend that the Commission find that a Statutory Exemption applies to LAFCO 2898 under the Section 15061 (b) (3) which states: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." It is my opinion, and recommendation to the Commission, that this circumstance applies to LAFCO 2898.

Based on a review of LAFCO 2898 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 2898 does not constitute a project under CEQA and adoption of the Statutory Exemption and filing of a Notice of Exemption is the most appropriate determination to comply with the CEQA process for this action. The Commission can approve the review and findings for this action and I recommend that you notice LAFCO 2898 as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed.

A copy of this exemption should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Tom Dodson".

Tom Dodson