

**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: NOVEMBER 12, 2002
FROM: JAMES M. RODDY, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #8: LAFCO #2899--Service Review and Sphere of Influence Update for the City of Chino Hills

INITIATED BY:

San Bernardino Local Agency Formation Commission

RECOMMENDATION:

1. Determine that LAFCO #2899 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, and determine that the existing sphere of influence for the City of Chino Hills should not be changed; and,
3. Adopt LAFCO Resolution #2761 setting forth the Commission's findings and determinations on this issue.

BACKGROUND INFORMATION:

This proposal was initiated by the Local Agency Formation Commission in response to new state mandates requiring service reviews and sphere of influence updates for all cities and special districts on a rotating five-year schedule. LAFCO #2899 is a routine, non-controversial service review and sphere of influence update for the City of Chino Hills.

The City of Chino Hills was incorporated in December, 1991. With the exceptions of fire protection and emergency medical services provided by the Chino Valley Independent Fire District, and wholesale water delivery from the Monte Vista Water District, the City provides the full range of urban services to the nearly 70,000 residents within its boundaries.

The corporate boundaries of the City of Chino Hills, which are identical to the boundaries of the City's sphere of influence, have not changed since its incorporation. This is because the City is "landlocked" by the Los Angeles County boundary to the north and west, the Orange County boundary to the south, and the Riverside County boundary and the City of Chino boundaries to the east. The City of Chino Hills, therefore, cannot annex any additional territory, unless the City of Chino were to agree to detach portions of its western area to accommodate an annexation to Chino Hills. There is no likelihood of such an agreement within the foreseeable future, and there does not appear to be any strong interest in boundary reorganizations by either city.

Thus, the service review and sphere of influence study for the City of Chino Hills are extremely routine and non-controversial, with no changes to the existing sphere of influence configuration being proposed. Due to scheduling conflicts and other factors, the City of Chino Hills did not provide a written response to the service/sphere review factors of consideration. Given the routine nature of this review, however, staff included LAFCO #2899 on the November 20 agenda, and has provided written responses to the statutory factors for a service/sphere review within the attached LAFCO Resolution. This Resolution upholds and affirms the current sphere of influence for the City of Chino Hills.

Attachments:

1. Draft Resolution #2761 for the City of Chino Hills service review and sphere update
2. Response from Tom Dodson and Associates

**DRAFT RESOLUTION NO. 2761
FOR THE CITY OF CHINO HILLS
SERVICE REVIEW AND
SPHERE UPDATE**

Attachment 1

DRAFT

PROPOSAL NO.: LAFCO 2899

HEARING DATE: NOVEMBER 20, 2002

RESOLUTION NO. 2761

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2899, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE CITY OF CHINO HILLS.

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 such exemption is hereby adopted by this Commission. The Clerk is directed to file a Notice of Exemption within five working days of adoption of this resolution; and,

RESOLUTION NO. 2761

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 Hills 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.** A comprehensive capital improvement plan has been adopted by the City setting forth recommendations for a variety of projects. This plan is annually reviewed and updated as part of the City's budget process, and a copy of this plan is maintained in City offices.
2. **Growth and Population.** The City provides the broad range of urban services to an estimated population of approximately 67,000.
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, assessment district taxes, and other revenues. The City of Chino Hills, like all other cities, continually evaluates financing opportunities and constraints, but no specific opportunities are deemed relevant to this review.
4. **Cost Avoidance Opportunities.** The City of Chino Hills did not identify any specific cost avoidance opportunities relevant to this review.
5. **Rate Restructuring.** The City of Chino Hills 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 either LAFCO staff or City staff.
6. **Opportunities for Shared Facilities.** The City of Chino Hills shares facilities with the management and administrative staff of the Chino Valley Independent Fire District; however, no additional opportunities have been identified.
7. **Government Structure Options.** The City receives fire protection and emergency medical services from the Chino Valley Independent Fire District, and it receives water delivery on a wholesale basis from the Monte Vista Water District. The City provides sewer collection services, with sewer treatment provided by the Inland Empire Utilities Agency. Because the City of Chino Hills is bordered by the Los Angeles and Orange County boundaries to the north, west, and south, and is bordered by the City of Chino boundaries to the east, there are no government structure options or annexations that are available for consideration.
8. **Management Efficiencies.** No relevant issues related to this factor have been identified for Commission consideration.
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:

RESOLUTION NO. 2761

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 Hills. This sphere of influence update and service review have no 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 Hills 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 Hills, 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.

RESOLUTION NO. 2761

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 Hills 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:

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 November 20, 2002 .

DATED:

JAMES M. RODDY, Executive Officer

**RESPONSE FROM
TOM DODSON & ASSOCIATES**

Attachment 2

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



November 3, 2002

RECEIVED
NOV 04 2002

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

10000
San Bernardino County

Dear Jim:

LAFCO 2899 consists of a service review for the City of Chino Hills (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 2899 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 2899 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 2899.

Based on a review of LAFCO 2899 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 2899 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 2899 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 black ink that reads "Tom Dodson". The signature is written in a cursive style with a large, looping initial "T".

Tom Dodson