

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3251

HEARING DATE: JANUARY 19, 2022

RESOLUTION NO. 3344

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3251 AND APPROVING THE ANNEXATION TO THE YUCAIPA VALLEY WATER DISTRICT (I-10 LOGISTICS OWNER, LLC). The annexation area comprises approximately 246 acres, consisting of three parcels (Assessor Parcel Numbers 407-220-018, 0407-220-019, and 413-270-022) located within Riverside County, generally north of Cherry Valley Boulevard, southeasterly of the Yucaipa Valley Water District boundaries and the I-10 Freeway, within the Yucaipa Valley Water District's southeastern sphere of influence.

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

WHEREAS, an application for the proposed annexation in San Bernardino County 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 his 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 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 called for January 19, 2022, 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.

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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 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 3251.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Yucaipa Valley Water District (annexing agency) 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. The property owner, I-10 Logistics Owner, LLC, 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. 5. The date of issuance of the Certificate of Completion shall be the effective date of this annexation.

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 56662(d).

SECTION 3. DETERMINATIONS. The following determinations are noted in conformance with Commission policy:

1. The reorganization area is legally uninhabited containing zero registered voters as certified by the Riverside County Registrar of Voters as of September 2, 2021.

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2. The Riverside County Assessor's Office has determined that the total assessed valuation of land within the annexation area is \$38,737,186 as of August 24, 2021.
3. The annexation area is within the sphere of influence assigned the Yucaipa Valley Water District.
4. Notice of this hearing has been advertised as required by law through publication in *The Press-Enterprise*, 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 reviewed by the Commission.
5. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to surrounding landowners and registered voters within approximately 1,350 feet of the exterior boundaries of the annexation area (totaling 279 notices). Comments from landowners, registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination.
6. For the parcel within the City of Calimesa, the existing General Plan land use designation is RL (Residential Low; 2-4 DU/AC). For the parcels within unincorporated Riverside County, the County of Riverside assigned the following land uses as part of its approval of the Project: OS-R (Open Space Recreation), RM (Rural Mountainous), PF (Public Facilities), and LI (Light Industrial). No change in land use is anticipated as a result of the annexation.
7. The Southern California Associated Governments (SCAG) adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3251 has no direct impact on SCAG's Regional Transportation Plan. However, a number of SCAG's RTP projects are in close proximity to the annexation area. The Project site is adjacent to the proposed road widening of Cherry Valley Boulevard from 2 to 4 lanes. The Project site is just west of the proposed road widening of Calimesa Boulevard and its realignment with Cherry Valley Boulevard. Finally, the Project site is west of the existing I-10 curved overcrossing that is scheduled to be realigned/replaced.
8. Riverside County has a 2018 Multi-Jurisdictional Local Hazard Mitigation Plan that was adopted by the County of Riverside and all participating jurisdictions including the City of Calimesa. The multi-jurisdictional Plan identifies vulnerabilities, provides recommendations for prioritized mitigation actions, and provides future mitigation planning and maintenance of the existing plan.
9. An Environmental Impact Report (EIR) was prepared and certified as adequate by the County of Riverside for its approval of the San Gorgonio Crossing project (SCH No. 2014011009). The Commission, its staff, and its Environmental Consultant have independently reviewed the County's Complete Final EIR, which includes the

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complete Final (Recirculated) EIR, the complete Final Supplemental EIR, and other related environmental documents prepared for the Project, and found said documents to be adequate for the annexation decision.

The Commission certifies that it has reviewed and considered the County'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 application proposal. By considering the Complete Final EIR adopted by the County of Riverside and adopting the revised Facts, Findings and Statement of Overriding Considerations, the Commission is reconfirming its position regarding the adequacy of the County's Complete Final EIR and originally-approved Statement of Overriding Considerations for purposes of its approval of LAFCO 3251 as a Responsible Agency under CEQA.

The Commission hereby acknowledges the mitigation measures and mitigation monitoring and reporting program contained in the County'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 County and other agencies, and not the Commission. The Commission finds that it is the responsibility of the County 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 annexation. The Commission finds that all feasible changes or alterations have been incorporated into the project; that these changes are the responsibility of the County and other agencies identified in the Facts, Findings and Statement of Overriding Considerations and the County's Complete Final EIR.

The Commission directs its Executive Officer to file a Notice of Determination within five (5) days with 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 County of Riverside as CEQA Lead Agency.

10. The annexation area is served by the following local agencies: Beaumont-Cherry Valley Recreation and Park District, Beaumont Library District, City of Calimesa (portion), County of Riverside (County Flood Control, Flood Control - Zone No. 5, County Waste Resources Management Sanitation, and County Regional Parks and Open Space), County Service Areas 27 and 152, Inland Empire Resource Conservation District, San Gorgonio Memorial Healthcare District, San Gorgonio Pass Water Agency, and Summit Cemetery District. None of these agencies are directly affected by this proposal.
11. The Yucaipa Valley Water District submitted a plan for the provision of water and sewer service as required by Government Code Section 56653, which indicates that the District can, at a minimum, maintain the existing level of service delivery. The

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Plan for Service has 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 Plan conforms to those adopted standards and requirements.

- 12. The annexation area can benefit from the availability and extension of water and sewer service from the District.
- 13. With respect to environmental justice, the annexation proposal – which is to provide water and sewer service to the annexation area – will not result in unfair treatment of any person based on race, culture or income.
- 14. The County of Riverside, acting on behalf of the Yucaipa Valley Water District, adopted a resolution indicating no transfer of property tax revenues would be required. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.
- 15. The map and legal description, as revised, are in substantial conformance with LAFCO and State standards.

SECTION 4. The primary reason for this annexation is to provide water and sewer service to the area which is being developed with two warehouse distribution facilities. The area is currently not within the Yucaipa Valley Water District’s boundary; therefore, annexation to the District is required in order to receive water and sewer service from the District.

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 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 7. 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: Baca, Bagley, Cox, Curatalo, Hagman, and McCallon

NOES: COMMISSIONERS: None.

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ABSENT: COMMISSIONERS: Warren

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN BERNARDINO)

I SAMUEL MARTINEZ, 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 January 19, 2022.

DATED: JANUARY 19, 2022



SAMUEL MARTINEZ
Executive Officer

LAFCO 3251
ANNEXATION TO THE YUCAIPA VALLEY WATER DISTRICT

THOSE PARCELS OF LAND LOCATED IN THE NORTH HALF OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CALIMESA AND IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 30;

COURSE 1. SOUTH $00^{\circ}24'37''$ WEST ALONG THE EASTERLY LINE OF SAID SECTION, A DISTANCE OF 2580.30 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF CHERRY VALLEY BOULEVARD (42.00 FEET IN NORTHERLY HALF WIDTH), SAID POINT BEING ON A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 54958.00 FEET, A RADIAL LINE FROM SAID POINT BEARS NORTH $0^{\circ}07'51''$ EAST;

COURSE 2. WESTERLY ALONG SAID RIGHT OF WAY LINE AND ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $0^{\circ}16'25''$, AN ARC DISTANCE OF 262.42 FEET, HAVING A CHORD BEARING NORTH $89^{\circ}43'56''$ WEST 262.42 FEET;

COURSE 3. NORTH $89^{\circ}35'44''$ WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 2330.18 FEET TO A POINT ON THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 30;

COURSE 4. NORTH $0^{\circ}54'24''$ EAST ALONG SAID LINE, A DISTANCE OF 8.00 FEET TO AN ANGLE POINT ON SAID NORTHERLY RIGHT OF WAY OF CHERRY VALLEY BOULEVARD (50.00 FEET IN NORTHERLY HALF WIDTH);

COURSE 5. NORTH $89^{\circ}41'20''$ WEST, A DISTANCE OF 838.40 FEET TO AN ANGLE POINT THEREON;

COURSE 6. NORTH $0^{\circ}54'55''$ EAST, A DISTANCE OF 5.00 FEET TO AN ANGLE POINT ON SAID NORTHERLY RIGHT OF WAY LINE OF CHERRY VALLEY BOULEVARD (55.00 FEET IN NORTHERLY HALF WIDTH);

COURSE 7. NORTH $89^{\circ}41'20''$ WEST, A DISTANCE OF 321.63 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 12555.00 FEET;

COURSE 8. WESTERLY ALONG SAID RIGHT OF WAY LINE AND ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF $1^{\circ}59'43''$, AN ARC DISTANCE OF 437.23 FEET, HAVING A CHORD BEARING SOUTH $89^{\circ}18'48''$ WEST 437.21 FEET, TO THE WESTERLY RIGHT OF WAY LINE OF ROBERTS STREET (40.00 FOOT FULL WIDTH);

COURSE 9. ALONG SAID RIGHT OF WAY LINE NORTH 0°54'08" EAST, A DISTANCE OF 1119.51 FEET;

COURSE 10. LEAVING SAID RIGHT OF WAY LINE SOUTH 83°17'01" WEST, A DISTANCE OF 836.91 FEET TO THE EXISTING YVWD BOUNDARY PER LAFCO #970;

COURSE 11. ALONG SAID EXISTING YVWD BOUNDARY, NORTH 55°25'37" EAST, A DISTANCE OF 1387.46 FEET TO AN ANGLE POINT THEREIN;

COURSE 12. ALONG SAID EXISTING YVWD BOUNDARY NORTH 0°54'55" EAST, A DISTANCE OF 773.26 FEET TO THE NORTH LINE OF SAID SECTION 30;

COURSE 13. LEAVING SAID YVWD BOUNDARY, SOUTH 89°38'47" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1296.72 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 30;

COURSE 14. SOUTH 89°25'57" EAST ALONG SAID NORTH LINE, A DISTANCE OF 2570.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 246.24 ACRES MORE OR LESS.

PREPARED UNDER MY SUPERVISION

Michael E. Johnson
MICHAEL E. JOHNSON, L.S. 7673
EXP. 12/31/2022

10/28/21
DATE



PREPARED BY: *LB*
CHECKED BY: *mf*

