

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**PROPOSAL NO.: LAFCO 3261**

**HEARING DATE: APRIL 19, 2023**

## **RESOLUTION NO. 3368**

### **A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3261 - REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF FONTANA AND DETACHMENT FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70**

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

**WHEREAS**, an application for the proposed reorganization 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 April 19, 2023 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.

## RESOLUTION NO. 3368

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission does hereby determine, find, resolve, and order as follows:

**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 3261.

**Condition No. 3.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Fontana (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 I-15 Logistics, 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.** 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.

**Condition No. 6.** The date of issuance of the Certification of Completion shall be the effective date of the reorganization.

**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 required to be provided by Commission policy and Government Code Section 56668:

1. The reorganization area is legally uninhabited containing zero registered voters as certified by the Registrar of Voters as of March 24, 2023.

## RESOLUTION NO. 3368

2. The County Assessor's Office has determined that the total assessed value of land within the reorganization area is \$1,191,323 as of November 29, 2022.
3. The reorganization area is within the sphere of influence for the City of Fontana.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in *The Sun*, 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 individuals and agencies having requested such notice.
5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to landowners (10) and registered voters (6) surrounding the reorganization area (totaling 16 notices). Comments from registered voters, landowners, and other individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.
6. The City of Fontana pre-zoned the reorganization area as Residential Estate (R-E) and Open Space – Natural (OS-N).
7. The Southern California Associated Governments ("SCAG") recently adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3261 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy; however, the reorganization area is close to the I-15 Freeway, which is part of the RTP-SCS's regional express lane network that will be adding two express lanes on both freeways in each direction for completion by 2040.
8. The City of Fontana approved and adopted its 2017 Local Hazard Mitigation Plan on August 14, 2018 that shows the reorganization area is adjacent to both high and very high Fire Hazard Severity Zones.
9. A Complete Final Environmental Impact Report (EIR) was prepared and certified as adequate by the City of Fontana for the I-15 Logistics Project (SCH No. 218011008). This Complete Final EIR addresses environmental impacts of the Project and an Addendum, Addendum #1 to the Final EIR was prepared for the Commission's use in considering the reorganization proposal (Copies of the City's Complete Final EIR and Addendum #1, including all associated documents, were provided to Commission). The Commission's staff and its Environmental Consultant have independently reviewed the Complete Final EIR and Addendum #1 and found them to be adequate for the LAFCO 3261 decision.

The Commission certified that it had reviewed and considered the City's Complete Final EIR and Addendum #1 and the environmental effects outlined therein prior to reaching a decision as a CEQA lead agency. The Commission acknowledged the mitigation measures and Mitigation Monitoring and Reporting Program contained in the City's Complete Final EIR and found that no additional alternatives or mitigation measures would be adopted by the Commission. The Commission found that all changes, alterations, and mitigation measures are within the responsibility and jurisdiction of the City and other agencies, not the Commission. The Commission

## RESOLUTION NO. 3368

found that it is the responsibility of the City to oversee and implement these measures and the Mitigation Monitoring and Reporting Program.

10. The reorganization area is served by the following local agencies: County of San Bernardino, Inland Empire Resource Conservation District, Fontana Fire Protection District, West Valley Water District, San Bernardino Valley Municipal Water District, and County Service Area 70 (multi-function unincorporated area Countywide)

County Service Area 70 will be detached and its sphere of influence reduced upon successful completion of this proposal.

11. A Plan of Service was prepared for the extension of services to the reorganization area, as required by law. The Plan for Service and the Fiscal Impact Analysis, as certified by the City indicates that the City can maintain and/or improve the level and range of services currently available in the area.

The Plan for Service and Fiscal Impact Analysis 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 the Plan for Service and the Fiscal Impact Analysis conform to those adopted standards and requirements.

12. The reorganization proposal complies with Commission policies that indicate the preference for areas proposed for development at an urban-level land use be included within a City so that the full range of municipal services can be planned, funded, extended and maintained.
13. The reorganization area can benefit from the availability and extension of municipal services from the City of Fontana, as evidenced by their Plans for Service.
14. This proposal will not have an effect on the City of Fontana's ability to achieve its fair share of the regional housing needs since a debris basin is being built on the property.
15. With respect to environmental justice, which is the fair treatment of people of all races, cultures, and incomes approval of the reorganization to annex the parcel into the City of Fontana to be used for a debris basin to serve the I-15 Logistics Project will not result in the deprivation of service or the unfair treatment of any person based on race, culture or income.
16. The County of San Bernardino and the City of Fontana have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this reorganization. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
17. 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 primary reason the property owner/developer initiated the reorganization proposal is to construct a debris basin (and storm drain connection) within the property that is needed to support the I-15 Logistics Project—a 1,171,788 sq. ft. high-cube warehouse logistics facility that was previously annexed into the City of Fontana.

**RESOLUTION NO. 3368**

**SECTION 5.** The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations of the City of Fontana through the reorganization. The City also utilizes the regular County assessment rolls.

**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: BACA, BAGLEY, COX, DUPPER, FARRELL AND WARREN.**

**NOES: COMMISSIONERS: NONE.**

**ABSENT: COMMISSIONERS: HAGMAN AND ROWE.**

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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 April 19, 2023.

DATED: APRIL 19, 2023



*Samuel Martinez*  
\_\_\_\_\_  
SAMUEL MARTINEZ  
Executive Officer

EXHIBIT "A"  
LEGAL DESCRIPTION  
ANNEXATION

LAFCO 3261 – REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF  
FONTANA AND DETACHMENT FROM COUNTY SERVICE AREA 70  
(APN 0239-072-02)

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, LOCATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EXISTING BOUNDARY OF THE CITY OF FONTANA PER ANNEXATION NO. \_\_\_\_\_, (LAFCO 3243), RECORDED MARCH 29, 2021, AS INSTRUMENT NO. 2021-0140584, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING THE INTERSECTION OF THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 18 WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF LYTLE CREEK ROAD (60.00 FEET WIDE) AS DESCRIBED IN DEED DATED JULY 16, 1934 AND RECORDED IN BOOK 982, PAGE 158 OF OFFICIAL RECORDS OF SAID COUNTY;

1. THENCE ALONG SAID CITY BOUNDARY AND SAID NORTHWESTERLY RIGHT-OF-WAY LINE AS ESTABLISHED PER ANNEXATION NO. \_\_\_\_\_, (LAFCO 3243), THROUGH ITS VARIOUS COURSES IN A GENERALLY WESTERLY, SOUTHERLY, AND SOUTHWESTERLY DIRECTION TO THE INTERSECTION OF SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF LYTLE CREEK ROAD AND THAT CERTAIN AGREED BOUNDARY LINE DESCRIBED IN DEED RECORDED NOVEMBER 23, 1949 IN BOOK 2491, PAGE 324, OFFICIAL RECORDS OF SAID COUNTY;
2. THENCE LEAVING SAID NORTHWESTERLY RIGHT OF WAY LINE, AND ALSO LEAVING SAID EXISTING CITY BOUNDARY, ALONG SAID AGREED BOUNDARY LINE, NORTH 00°30'32" WEST, 637.97 FEET MORE OR LESS TO THE INTERSECTION OF SAID AGREED BOUNDARY LINE WITH SAID NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 18;
3. THENCE ALONG SAID NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 18, NORTH 89°51'25" EAST, 838.74 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING: 233,114 SQUARE FEET, OR 5.352 ACRES, MORE OR LESS

EXHIBIT "B": ATTACHED HERETO AND MADE A PART HEREOF FOR CLARIFICATION PURPOSES IF NECESSARY.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

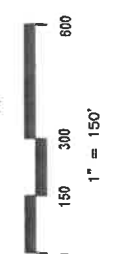
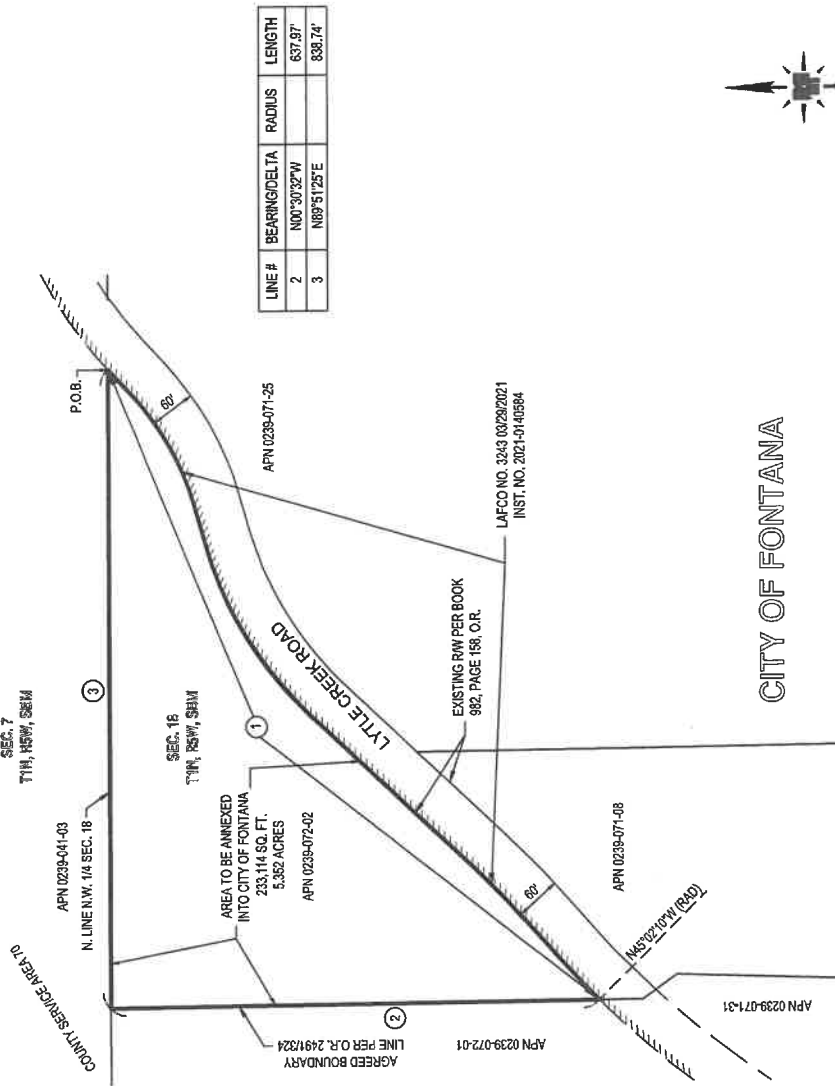


ROBERT WALKER, L.S. 7137

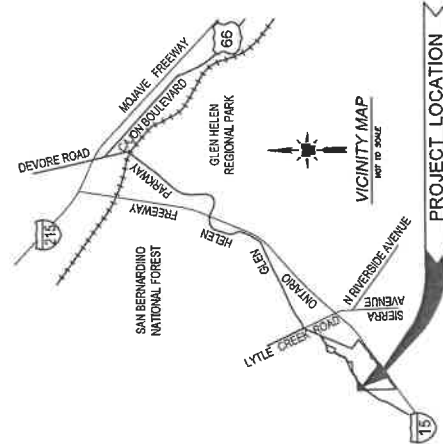
03/14/2023

DATE

EXHIBIT B  
ANNEXATION MAP  
LAFCO 3261 - REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF FONTANA  
AND DETACHMENT FROM COUNTY SERVICE AREA 70 (APN 0239-072-02)



AFFECTED AGENCIES  
CITY OF FONTANA  
COUNTY SERVICE AREA 70



- LEGEND**
- P.O.B. = POINT OF BEGINNING
  - [Symbol] = ANNEXATION/DETACHMENT BOUNDARY
  - [Symbol] = EXISTING CITY OF FONTANA BOUNDARY AND LAFCO 3243 BOUNDARY
  - # = COURSE NUMBER



*Robert Walker*  
ROBERT WALKER, PLS 7137  
DATE PREPARED: 03/14/2023

ANNEXATION TO THE CITY OF FONTANA

DAVID EVANS AND ASSOCIATES  
14141 E. Island Express Blvd., Suite 250  
Chico, California 95926  
Phone: 530.481.8750

APPR. \_\_\_\_\_  
REVISIONS: \_\_\_\_\_  
DATE: March 14, 2023  
DESIGN: RW  
CHECKED: RW  
REVISION NUMBER: \_\_\_\_\_  
SCALE: 1"=150'

PROJECT NUMBER: CPRK15L0001  
DRAWING FILE: EPRK15L0001\_AnnexationBookA.dwg  
SHEET NO. 1 OF 1