

RESOLUTION NO. 2023-057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, REQUESTING THE LOCAL AGENCY FORMATION COMMISSION INITIATE PROCEEDINGS FOR THE ANNEXATION OF 56.87 ACRES OF LAND TO THE CITY OF CHINO LOCATED WITHIN THE CITY OF CHINO'S SPHERE OF INFLUENCE PL20-0003 (PREZONE/ANNEXATION).

WHEREAS, the proposed project consists of a prezone and annexation of 56.87 acres of land generally located south of Francis Avenue, west of East End Avenue, north of Philadelphia Street, and a small portion south of Philadelphia Street (APNs: 1013-261-17, 1013-271-01, -10, -11, -06, -13, -14, 1013-521-04, -05, -11, -14, -15, -16, -18, 1013-531-04, -07, 1016-011-02, -03, -05, -06, -08, -09, -10, & -15) as fully described in Exhibits "A" and "B" (the "Project"); and

WHEREAS, a Mitigated Negative Declaration (MND) has been prepared that concludes the proposed project will not have a significant adverse effect on the environment. Potentially significant effects were identified, and mitigation measures have been incorporated to ensure the effects remain at less than significant levels. The MND satisfies the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines (California Public Resources Code §§21000 *et seq.*; 14 Cal. Code Regs. §§ 15000 *et seq.*); and

WHEREAS, the Planning Commission held a duly noticed public hearing in compliance with the law on July 19, 2023, entertained the written and oral report of staff, took public testimony on the proposed Project, including the draft MND, adopted Resolution No. PC2023-023, conditionally approved the Site Approval (PL20-0004) and Tentative Parcel Map (PL20-0005), adopted Resolution No. PC2023-022, recommending that the City Council approve the Prezone/Annexation (PL20-0003), and adopted Resolution No. PC2023-021, recommending the City Council adopt the MND for the Project, on a vote of 4 ayes to 3 nays; and

WHEREAS, a notice was published in the *Chino Champion* newspaper on September 23, 2023, advising the public of a public hearing scheduled before the City Council on October 3, 2023, to consider the Project, the Planning Commission's recommendation to approve the Prezone/Annexation (PL20-0003) and adoption of the MND, and to deny the appeal of the Planning Commission's action, conditionally approving the Site Approval (PL20-0004) and Tentative Parcel Map (PL20-0005); and

WHEREAS, on October 3, 2023, the City Council held a duly noticed public hearing for the Project in compliance with law, entertained the written and oral report of staff, and took public testimony on the Project, including the proposed MND; and

WHEREAS, the City Council of the City of Chino desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for Prezone/Annexation (PL20-0003); and

WHEREAS, the territory proposed for annexation is set forth in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, the reason for this proposed annexation is to provided municipal services for the proposed Project; and

WHEREAS, the proposed annexation is consistent with the Sphere of Influence of the City of Chino; and

WHEREAS, the City of Chino has reviewed and approved the Plan for Service and Fiscal Analysis prepared by The Natelson Dale Group, Inc. (Exhibit "B") for the subject property.

NOW, THEREFORE, the City Council of the City of Chino, California, does hereby FIND, DETERMINE, and RESOLVE as follows:

1. The Local Agency Formation Commission (LAFCO) for San Bernardino County is hereby requested to take proceedings for the annexation of territory as described in Exhibit "A" according to the terms and conditions stated below and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. The City of Chino further requests that the annexation be subject to the following terms and conditions:
 - a. The proposed annexation territory shall be annexed into City Council Election District No. 4; and
 - b. The standard terms and conditions imposed by the Local Agency Formation Commission shall be applied to the annexation territory.
3. The City acknowledges and agrees to abide by the LAFCO for San Bernardino County's requirement for imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Internal Operations, Accounting, and Financial Section of its Policy and Procedure Manual.
4. The City Manager is hereby directed and authorized to execute, on behalf of the City of Chino, the application forms for the annexation which includes the preparation and certifying of the Plan for Service and Fiscal Analysis (PFS/FA), copies of which are on file in the office of the City Clerk. As part of the application process with the LAFCO, staff will work with the County of San Bernardino to increase the City's share of property tax to be more consistent with the City's historic share found throughout the City to allow for greater future tax revenues to better serve the project.

5. The City Clerk of the City of Chino is hereby authorized and directed to file, or cause to be filed, a certified copy of this Resolution with the Executive Officer of the LAFCO for San Bernardino County.
6. The City Manager of the City of Chino is hereby authorized and directed to prepare and deliver, or cause to be prepared and delivered, to the Executive Officer of the LAFCO for San Bernardino County all application documents necessary for the initiation of proceedings for the proposed annexation.
7. The City Manager of the City of Chino is hereby authorized and directed to prepare and deliver, or cause to be prepared and delivered, to the Executive Officer of LAFCO for San Bernardino County all application documents necessary for LAFCO's approval, pursuant to Section 65133 of the Government Code.

PASSED, APPROVED AND ADOPTED THIS 3RD DAY OF OCTOBER 2023.



EUNICE M. ULLOA, MAYOR

ATTEST:



NATALIE GONZAGA, CITY CLERK