

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

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

SUBJECT: **Agenda Item #4:** LAFCO #2903--Service Review and Sphere of Influence Study for the City of Rancho Cucamonga; and,
Agenda Item #5: LAFCO #2904--Service Review and Sphere of Influence Study for the Rancho Cucamonga Fire Protection District

INITIATING AGENCY:

Local Agency Formation Commission

RECOMMENDATION:

1. Determine that the service reviews and sphere of influence studies for the City of Rancho Cucamonga (LAFCO #2903) and the Rancho Cucamonga Fire Protection District (LAFCO #2904) are both statutorily exempt from environmental review, and direct the Clerk to file Notices of Exemption within five days;
2. Make findings related to service reviews required by Government Code Section 56430 (service review factors), and determine that the spheres of influence for the City of Rancho Cucamonga and the Rancho Cucamonga Fire Protection District should not be changed; and,
3. Adopt LAFCO Resolution #2754 (City of Rancho Cucamonga) and LAFCO Resolution #2755 (Rancho Cucamonga Fire Protection District) setting forth the Commission's findings and determinations on these issues.

BACKGROUND INFORMATION:

These proposals were 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 #2903 is a routine, non-controversial service review and sphere of influence update for the City of Rancho Cucamonga, and the City envisions no sphere of influence changes within the next five years. LAFCO #2904 involves a service review and sphere of influence study for the Rancho Cucamonga Fire Protection District, which is a subsidiary district of the City. The District is governed by the Rancho Cucamonga City Council, whose members serve as the ex officio board of directors of the Fire District.

The City of Rancho Cucamonga was incorporated in 1977 (when it had a population of approximately 35,000), and it has had two sphere of influence amendments over the last twenty-five years. One involved a land-swap with the City of Ontario adjoining a flood control channel to make the two cities' boundaries consistent with the channel; the other involved removal of territory from the Rancho Cucamonga sphere in the "Hunter's Ridge" area, which was subsequently annexed to the City of Fontana.

City staff emphasized in discussions with LAFCO staff it did not envision any substantial sphere of influence proposals within the next five years. The only possible exception to that position may emerge if the Cities of Rancho Cucamonga and Upland agree on a possible detachment from Rancho Cucamonga and annexation to Upland. This boundary reorganization involves very minor acreage that might be included within a larger development known as "The Colonies" within the City of Upland, and would be intended to align the cities' boundaries along a flood control channel.

The potential for the boundary reorganization has been recently discussed by the two city councils, but an interagency agreement has not been reached, and there is uncertainty as to whether it will ever be reached. Accordingly, City staff suggested that the possible boundary reorganization should be omitted from this sphere of influence update, with the understanding that if an interagency accord is eventually reached, then a very minor sphere of influence change will be initiated to accommodate the shift in the two Cities' spheres.

On this basis, the City's responses to the factors of consideration for a service review are quite brief, and address only specific factors that City staff felt a need to address. The balance of the statutory factors are deemed to be not relevant to the Commission's service review and sphere of influence "update" responsibilities mandated by state law.

It should also be noted that the City's brief response is applicable to the service review/sphere update for the Rancho Cucamonga Fire Protection District. The District's service boundaries extend northerly of City

boundaries to the National Forest boundary, and are coterminous with the District's existing boundaries. In essence, the Fire District functions as a city department, although it is technically a separate legal entity requiring separate hearing notices, budgets, etc.. In the case of the Fire District, as in the case of City of Rancho Cucamonga, no sphere of influence changes are anticipated during the next five years, and as a subsidiary district, none of the service review factors are notable or particularly relevant to this Commission hearing. The reader is referred to the attached response from the City of Rancho Cucamonga and the draft LAFCO resolutions for further information relative to this review.

Based on the findings outlined above, staff recommends that the Commission uphold and affirm the existing spheres of influence for the City of Rancho Cucamonga and the Rancho Cucamonga Fire Protection District.

Attachments:

1. Response from the City of Rancho Cucamonga
2. Draft Resolution #2754 (City of Rancho Cucamonga)
3. Draft Resolution #2755 (Rancho Cucamonga Fire Protection District)
4. Responses from Tom Dodson and Associates

**RESPONSE FROM THE
CITY OF RANCHO
CUCAMONGA**

Attachment 1

T H E C I T Y O F
R A N C H O C U C A M O N G A

CERTIFIED MAIL
RECEIPT NUMBER: 7001-2510-0007-3477

RECEIVED

OCT 30 2002

October 29, 2002

James Roddy, Executive Director
Local Area Formation Commission
175 West Fifth Street, Second Floor
San Bernardino, CA 92415-0490

LAFCO
San Bernardino County

SUBJECT: LAFCO 2903 AND 2904 – SERVICE REVIEW AND SPHERE OF INFLUENCE STUDY FOR RANCHO CUCAMONGA AND RANCHO CUCAMONGA FIRE PROTECTION DISTRICT (SUBSIDIARY DISTRICT) RESPONSE.

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. The City of Rancho Cucamonga has only one unincorporated Sphere of Influence area. The Rancho Cucamonga Fire Protection District is in co-terminus with the City's incorporated boundary and Sphere of Influence as well as the District's own boundary. The City's Sphere of Influence has a varying topography of hills, gullies and alluvial plain, with a diverse range of natural habitat and flood control improvements. This Sphere is sparsely occupied with fewer than 20 single-family residences in existence.

The City of Rancho Cucamonga does not anticipate any Sphere of Influence amendments to this area. Therefore, a summary of the service review issues is presented as follows:

1. Infrastructure Needs and Deficiencies

The infrastructure needs and deficiencies are examined in the City's 2001 General Plan Update (entire Sphere) and the Etiwanda North Specific Plan (east half of Sphere). Based on current conditions, the infrastructure for the sphere is deficient in most categories. New development is conditioned to provide upgrades or extensions of needed infrastructure items.

Water

The Cucamonga County Water District (CCWD) serves almost all the Sphere area. The CCWD Water Master Plan addresses the service needs for this area.

2. Growth and Population

The City does not anticipate any significant development in the western half of the Sphere in the near future (3-5 years). However, there are currently three development

Mayor William J. Alexander
Mayor Pro-Tem Diane Williams
Jack Lam, AICP, City Manager



Councilmember Paul Biane
Councilmember Bob Dutton
Councilmember Grace Curatalo

proposals that could generate a total of 692 residential units within the next 5 years. These projects, if approved as proposed, would generate an estimated population of 2,214 persons.

3. Local Accountability and Governance

The City of Rancho Cucamonga is a General Law City as provided for by the State of California. The City has a Council Manager form of government. The Mayor and City Council Members are elected at large. City offices are generally open to the public from 7:00a.m. to 6:00p.m, Monday through Thursday. In addition, the City provides many automated services through phone and Internet access 24 hours a day, and seven days a week.

If you need more information or have questions, please contact Larry Henderson, Principal Planner, at (909) 477-2750, extension 4303.

Planning Division

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Buller', with a long horizontal line extending to the right.

Brad Buller
City Planner

BB:LHVs

cc: Mayor and Members of the Rancho Cucamonga City Council
Jack Lam, City Manager
Dennis Michael, Fire Chief

**DRAFT RESOLUTION #2754
(CITY OF RANCHO
CUCAMONGA)**

Attachment 2

DRAFT

PROPOSAL NO.: LAFCO 2903

HEARING DATE: NOVEMBER 20, 2002

RESOLUTION NO. 2754

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2903, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE CITY OF RANCHO CUCAMONGA.

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 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. 2754

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 Rancho Cucamonga 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. A copy of this plan is maintained in City offices. Specifically, the City of Rancho Cucamonga notes that development proposals within its unincorporated sphere of influence are conditioned on developer-financed infrastructure upgrades or extensions of needed infrastructure items.
2. **Growth and Population.** The City essentially provides the full range of urban services, with the exception of water and sewer service (which is provided by the Cucamonga County Water District), and fire protection functions (which are provided through the City's subsidiary fire protection district) to an estimated population of approximately 137,200.
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 specific financing opportunities or constraints were identified by City of Rancho Cucamonga staff.
4. **Cost Avoidance Opportunities.** The City of Rancho Cucamonga did not identify any specific cost avoidance opportunities relevant to this review.
5. **Rate Restructuring.** The City of Rancho Cucamonga 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.
6. **Opportunities for Shared Facilities.** No relevant findings related to this factor were identified by the City of Rancho Cucamonga.
7. **Government Structure Options.** The City has annexed much of its existing northeasterly sphere of influence over the last year, and further annexations are anticipated. In addition, the City of Rancho Cucamonga has already taken action to establish and re-name the former Foothill Fire Protection District as a subsidiary district of the City. The only other governmental option in the area is to consider establishing the Cucamonga County Water District as a subsidiary district, but there is no immediate interest at either the City or District level for such an action.
8. **Management Efficiencies.** No relevant issues related to this factor were identified by the City of Rancho Cucamonga.
9. **Local Accountability and Governance.** The City of Rancho Cucamonga is governed by a five-member Council elected at large, including an elected position of Mayor, all of whom are elected to four year terms of office. 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.

RESOLUTION NO. 2754

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 Rancho Cucamonga. 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 Rancho Cucamonga 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 Rancho Cucamonga, 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. 2754

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 Rancho Cucamonga 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

**RESPONSES FROM
TOM DODSON AND
ASSOCIATES**

Attachment 4

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



RECEIVED

OCT 04 2002

LAFCO
San Bernardino County

October 3, 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 2903 consists of a service review for the City of Rancho Cucamonga (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 2903 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 2903 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 2903.

Based on a review of LAFCO 2903 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 2903 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 2903 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, appearing to read "Tom Dodson". The signature is written in a cursive, slightly slanted style.

Tom Dodson