

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3264

HEARING DATE: FEBRUARY 21, 2024

RESOLUTION NO. 3397

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3264 - ANNEXATION TO WEST VALLEY WATER DISTRICT (APN 0254-192-02 --GATX CORPORATION)

On motion of Commissioner Cox, duly seconded by Commissioner Farrell, 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 February 21, 2024 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:

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 3264.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the West 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 West Valley Water District 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 the 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 County Registrar of Voters Office has determined that the annexation area is legally uninhabited, containing zero registered voters as of August 22,2023.
2. The County Assessor's Office has determined that the total estimated assessed value of land and improvements within the annexation area is \$7,040,964.

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3. Through approval of the companion sphere of influence amendment, LAFCO 3263, the annexation will be within the sphere of influence assigned the West Valley Water District.
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 annexation 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 surrounding the annexation area (44 total). 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 Southern California Associated Governments (SCAG) has adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTPSCS) pursuant to Government Code Section 65080. LAFCO 3264 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy.
7. The Local Agency Formation Commission has determined that this proposal is exempt from environmental review. The basis for this determination is that the Commission's approval of the annexation has no potential to cause any adverse effect on the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). The Commission adopted the Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
8. The annexation area is currently served by the following local agencies: County of San Bernardino, Inland Empire Resource Conservation District, San Bernardino Valley Municipal Water District, San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5, County Service Area 70 (unincorporated County-wide multi-function agency).

None of the agencies are affected by this annexation.

9. The West Valley Water District submitted a plan for the provision of water service as required by Government Code Section 56653. The Plan is to continue providing the GATX facility with potable water, irrigation water, and sufficient water supply and storage to meet potential fire suppression needs of this facility. Due to the contamination issues related to its groundwater source and its inability to continue to use its onsite water system, the property owner requested connection to the Water District's water facilities. The Plan for Service has been reviewed and compared with the standards established by the Commission and

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the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements.

10. The annexation area can benefit from the availability and extension of services provided by the West Valley Water District.
11. This proposal will not affect the fair share allocation of the regional housing needs assigned the County through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) since the annexation area is a rail service facility.
12. With respect to environmental justice, the annexation proposal will not result in the unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino, acting on behalf of the West Valley Water District, adopted a resolution determining there will be a zero property tax transfer as a result of the annexation. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards.

SECTION 4. The primary reason the annexation is to continue providing the GATX facility with potable water, irrigation water, and sufficient water supply and storage to meet potential fire suppression needs of this facility. Due to the contamination issues related to its groundwater source and its inability to continue to use its onsite water system, GATX Corporation requested connection to the West Valley Water District's water facilities.

SECTION 5. The affected territory will not be taxed for existing bonded indebtedness or contractual obligations by the West Valley Water District through the annexation. The West Valley Water District 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" annexed. 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:

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AYES: COMMISSIONERS: BAGLEY, COX, DUPPER, FARREL, AND WARREN.

NOES: COMMISSIONERS: NONE.

ABSENT: COMMISSIONERS: BACA AND HAGMAN.

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 February 21, 2024.

DATED: FEBRUARY 21, 2024


SAMUEL MARTINEZ
Executive Officer



**LAFCO 3263 – Sphere of Influence Amendment (Expansion)
for West Valley Water District
LAFCO 3264 - Annexation to West Valley Water District
(APN 0254-192-02 -- GATX Corporation)**

That portion of land in the Southeast Quarter of Section 24, Township 1 South, Range 5 West, San Bernardino Meridian, in San Bernardino County, State of California, described as follows:

THAT PORTION OF FARM LOT 231 LYING SOUTH OF THE RIGHT OF WAY OF THE SOUTHERN PACIFIC RAILROAD COMPANY AND ALL OF LOT 246, ACCORDING TO MAP OF THE TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, IN SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4, PAGE 11, OF MAPS, RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE ORIGINAL CENTERLINE OF PEPPER AVENUE AND THE CENTERLINE OF SLOVER AVENUE, SAID POINT BEING THE INTERSECTION OF PEPPER AVENUE (CL SURVEY) AND SLOVER AVENUE AS SHOWN ON RECORD OF SURVEY 18-0143, FILED IN BOOK 166, PAGES 2 THROUGH 5, OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

FROM THE POINT OF BEGINNING:

COURSE 1. THENCE NORTH 00°25'54" WEST ALONG THE ORIGINAL CENTERLINE OF PEPPER AVENUE, 1208.21 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF SOUTHERN PACIFIC TRANSPORTATION COMPANY (UNION PACIFIC RAILROAD);

COURSE 2. THENCE SOUTH 76°56'59" EAST ALONG SAID RIGHT OF WAY, 610.84 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 5832.37 FEET;

COURSE 3. THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°55'40" AN ARC DISTANCE OF 705.20 FEET TO A POINT ON THE CENTERLINE OF MERIDIAN STREET, SAID CENTERLINE BEING ON THE SECTION LINE BETWEEN SECTION 24 OF TOWNSHIP 1 SOUTH, RANGE 5 WEST AND SECTION 19 OF TOWNSHIP 1 SOUTH RANGE 4 WEST, A RADIAL LINE TO SAID POINT BEARS SOUTH 06°07'10" WEST;

COURSE 4. THENCE ALONG SAID SECTION LINE, SOUTH 00°39'40" WEST, 943.11 FEET TO THE CENTERLINE OF SLOVER AVENUE;

COURSE 5. THENCE LEAVING SAID SECTION LINE, SOUTH 89°33'22" WEST ALONG SAID CENTERLINE OF SLOVER AVENUE, 1270.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 31.20 ACRES, MORE OR LESS.

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


CARLA E. BERARD, P.L.S. 7224

12/11/2023

DATE

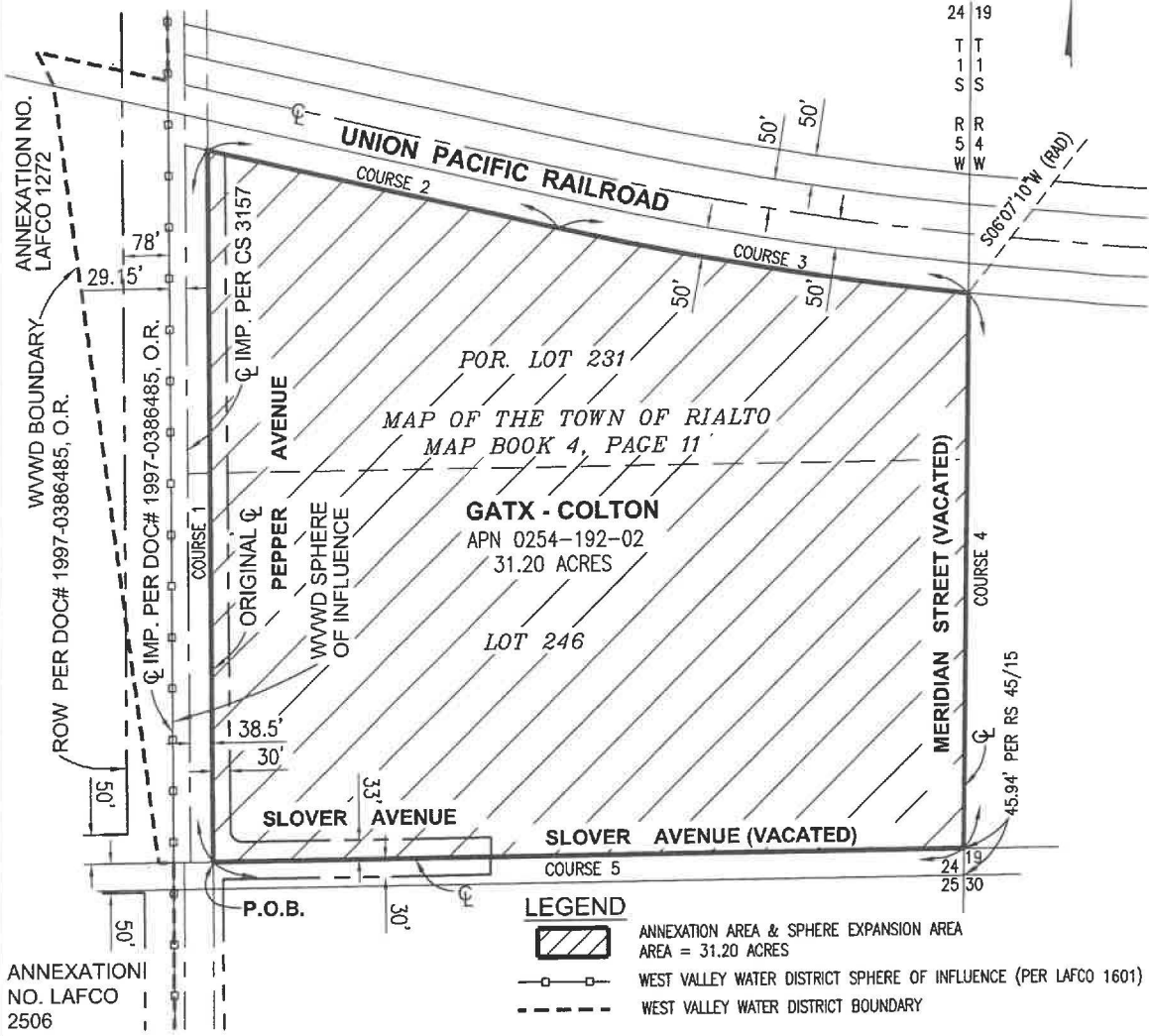


GENERAL DESCRIPTION

LOCATED ON THE EAST SIDE OF PEPPER AVENUE, BETWEEN THE UNION PACIFIC RAILROAD AND SLOVER AVENUE, WITHIN THE CITY OF COLTON'S UNINCORPORATED SPHERE OF INFLUENCE. POR. S.E. 1/4, SEC 24, T.1S., R.5W. (APN 0254-192-02)

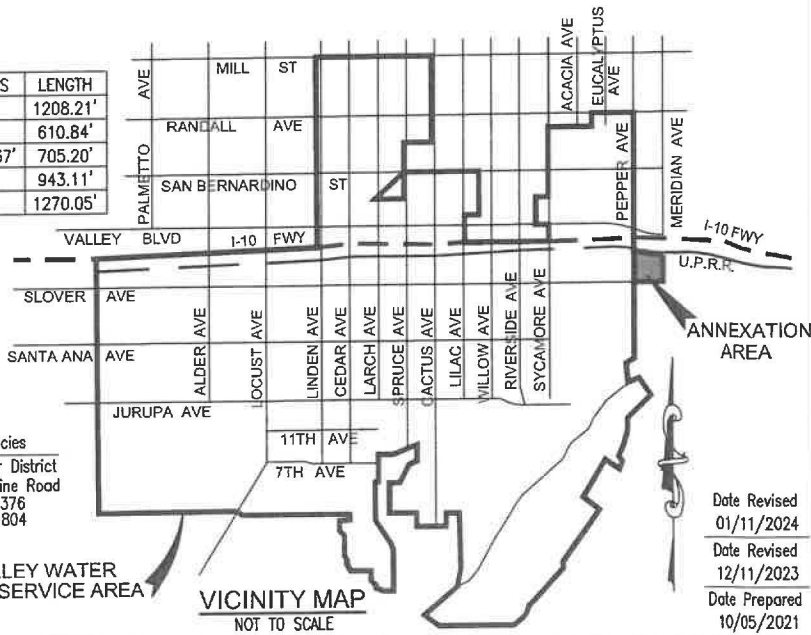
LAFCO 3263 - Sphere of Influence Amendment (Expansion)
for West Valley Water District
LAFCO 3264 - Annexation to West Valley Water District
(APN 0254-192-02 - GATX Corporation)

SCALE: 1"=200'



COURSE TABLE

COURSE	BEARING	DELTA	RADIUS	LENGTH
COURSE 1	N00°25'54"W	-	-	1208.21'
COURSE 2	N76°56'59"W	-	-	610.84'
COURSE 3	-	06°55'40"	5832.37'	705.20'
COURSE 4	N00°39'40"E	-	-	943.11'
COURSE 5	N89°33'22"E	-	-	1270.05'



LDKING
Engineers/Surveyors
975 N. Haven Avenue
Suite 200
Ontario, CA 91764
Phone: (909) 945-0526

Affected Agencies
West Valley Water District
855 West Base Line Road
Rialto CA 92376
(909) 875-1804

WEST VALLEY WATER
DISTRICT SERVICE AREA

Date Revised
01/11/2024
Date Revised
12/11/2023
Date Prepared
10/05/2021

GATX
JUN 735002