

RESOLUTION NO. 2023-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, REQUESTING THE LOCAL AGENCY FORMATION COMMISSION INITIATE PROCEEDINGS FOR THE ANNEXATION OF APPROXIMATELY 145 ACRES OF LAND TO THE CITY OF CHINO LOCATED WITHIN THE CITY OF CHINO'S SPHERE OF INFLUENCE PL23-0014 (PREZONE/ANNEXATION).

WHEREAS, the proposed project consists of a prezone and annexation (PL23-0014) of approximately 145 acres of land located east of Norton Avenue, north and south of Francis Avenue, north and south of Philadelphia street, and east and west of Yorba Avenue (APN's: 1013-211-04-08, 10, 11, & 18-22, 1013-221-01-06, 09, & 11-18, 1013-341-03-07, & 09-13, 1013-351-16, 17, 20-23, 26-31, & 40, 1013-361-01-11, 14-21, & 25, 1013-371-03-22, 1013-411-11, & 14-18, 1013-421-01, 04-13, 16, 18, & 19, 1013-431-01, 02, 06, & 09-11, and 1016-121-04-07) as fully described in Exhibits "A" and "B" (the "Project"); and

WHEREAS, an Addendum to City of Chino General Plan EIR for the Annexation/Prezone and General Plan Amendment for the Ramona Francis Annexation, dated May 2023, has been prepared for this Project by T&B Planning. As outlined in CEQA Guidelines Section 15164, an Addendum is the appropriate environmental document if the proposed Project does not constitute significant new information or change the assumptions, analysis, conclusions, or mitigation measures of the EIR to a significant degree. The analysis concluded that the proposed Project would not create any new significant impacts or impacts that are significantly different than those identified in the original EIR. In addition, the Project would not substantially increase the severity of any previously identified significant impacts. Therefore, the proposed Project is within the scope of the previous General Plan EIR. The Addendum 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 of the City of Chino held a duly noticed public hearing in compliance with law on February 22, and June 7, 2023, entertained the written and oral reports of staff, took public testimony on the proposed Project, including the draft Addendum, and recommended, on a vote of 5 ayes to 2 nays, that the City Council approve the Prezone/Annexation (PL23-0014); and

WHEREAS, a notice was published in the *Chino Champion* newspaper on June 24, 2023 advising the public of a public hearing scheduled before the City Council on July 5, 2023, to consider the Project and the Planning Commission's recommendation to approve the Prezone/Annexation (PL23-0014); and

WHEREAS, on July 5, 2023, the City Council held a duly noticed public hearing for the Project in compliance with law, entertained the written and oral reports of staff, and took public testimony on the Project, including the proposed Prezone/Annexation and General Plan Amendment; 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 (PL23-0014); 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 provide 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 Stanley R. Hoffman Associates, 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, but no earlier than authorized pursuant to that certain Pre-Annexation and Development Agreement by and between the City and Yorba Villas, LLC approved concurrently with this Resolution (Pre-Annexation Agreement).

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, but no earlier than authorized pursuant to the Pre-Annexation Agreement.

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, of new or extended sewer service in accordance with the Pre-Annexation Agreement.

PASSED, APPROVED and ADOPTED THIS 5th day of July 2023.


EUNICE M. ULLOA, MAYOR

ATTEST:


NATALIE GONZAGA, CITY CLERK

State of California)
County of San Bernardino) ss
City of Chino)

I, Natalie Gonzaga, City Clerk of the City of Chino, do hereby certify the foregoing Resolution was duly adopted by the Chino City Council at a regular meeting held on the 5th day of July 2023, by the following votes:

AYES: COUNCIL MEMBERS: LUCIO, FLORES, BURTON, COMSTOCK, ULLOA

NOES: COUNCIL MEMBERS: NONE.

ABSENT: COUNCIL MEMBERS: NONE.



NATALIE GONZAGA, CITY CLERK

Attachments: Exhibit "A" – LAFCO Annexation Map/Legal Description
Exhibit "B" – Plan for Service and Fiscal Analysis