

PROPOSAL NO.: LAFCO 3100

HEARING DATE: October 21, 2009

RESOLUTION NO. 3070

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3100 AND APPROVING THE REORGANIZATION TO INCLUDE ANNEXATION TO CITY OF VICTORVILLE AND VICTORVILLE WATER DISTRICT, AND DETACHMENT FROM SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS NORTH DESERT SERVICE ZONE, AND COUNTY SERVICE AREA 70. The reorganization area encompasses approximately 6.46+/- acres generally located south of Terra Linda Street within the City's unincorporated "Coad Road" island. The area is generally bordered by Terra Linda Street on the north, and parcel lines (existing City of Victorville boundaries) on the east, south and west.

On motion of Commissioner _____, duly seconded by Commissioner _____, and carried, the Local Agency Formation Commission adopt

WHEREAS, an application for the proposed reorganization in the County of San Bernardino 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 her 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 her 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 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

RESOLUTION NO. 3070

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;

WHEREAS, the Commission determined to modify this proposal to include the detachment of the San Bernardino County Fire Protection District and its North Desert Service Zone as a function of the reorganization.

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

DETERMINATIONS:

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", "A-1", "B", and "B-1" attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3100.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Victorville and the Victorville Water District (annexing agencies) 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 City of Victorville shall indemnify, defend, and hold harmless the Commission 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 to impacted utility customer accounts.

Condition No. 6. Protest proceedings for LAFCO 3100 shall be held in abeyance for a period not to exceed six (6) months as permitted by Government Code Section 56663(c). The City of Victorville is required to initiate the annexation of the Coad Road Island, a totally-surrounded island, during the identified six-month abeyance period. Compliance with this condition shall be deemed completed upon issuance of the Certificate of Filing for the island proposal identified by the Commission.

Condition No. 7. The date of issuance of the Certificate of Completion shall be the effective date of this reorganization.

SECTION 2. FINDINGS. The following findings are noted in conformance with Commission policy:

RESOLUTION NO. 3070

1. The subject 6.46+/- acre reorganization area is legally uninhabited as certified by the County Registrar of Voters office as of September 21, 2009.
2. The reorganization area is within the spheres of influence of the City of Victorville and Victorville Water District.
3. The County Assessor has determined that the value of land and improvements within the reorganization area is \$681,030 (land - \$384,000 -- improvements - \$297,030). Improvements identified consisted of two-single family residences that were demolished by the landowners in April 2008 through permits issued by the County of San Bernardino.
4. Notice of this hearing has been advertised as required by law through publication in The Daily Press, 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 agencies and individuals requesting mailed notice.
5. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to landowners within the annexation area (totaling 2) and to landowners and registered voters within approximately 700 feet of the exterior boundaries of the annexation area (totaling 168 notices). Comments from landowners, registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination.
6. The City of Victorville has pre-zoned the reorganization area M-1 (Light Industrial) and M-2 (Heavy Industrial), which are consistent with the City's General Plan designation for the area. Pursuant to the provisions of Government Code Section 56375(e), these pre-zone designations shall remain in effect for two years following annexation unless specific actions are taken by the City Council.
7. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review since it does not have the potential for resulting in physical changes in the environment, directly or ultimately (Sections 15061 and 15378 of the State Guidelines for the California environmental Quality Act). The basis for this determination is that approval of the reorganization will not result in any changes in the existing physical environment. Therefore, without any identifiable physical changes, this proposal does not constitute a project and is not subject to environmental review under the provisions of the State CEQA Guidelines sections cited above or the Commission's adopted CEQA Guidelines. The Commission adopted the Statutory Exemption and directed its Clerk to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
8. The local public agencies currently serving the area are: County of San Bernardino, Mojave Water Agency (the State Water Contractor) and its Improvement Districts A and 1, Mojave Desert Resource Conservation District (portion), San Bernardino County Fire Protection District and its North Desert Service Zone (portion), County Service Area 60 (Apple Valley Airport), and County Service Area 70 (multi-function unincorporated area Countywide).

RESOLUTION NO. 3070

The proposal will annex the territory to the City of Victorville and Victorville Water District and will detach the territory from the San Bernardino County Fire Protection District, its North Desert Service Zone, and County Service Area 70, as a function of the reorganization. None of the other agencies will be affected by this reorganization.

9. Upon reorganization, the City of Victorville and the Victorville Water District will extend services as required by the proposed development. The City and the Water District have submitted plans for the provision of services as required by Government Code Section 56653, which indicate that the City and the Water District can, at a minimum, maintain the existing level of service delivery and can improve the level and range of selected services currently available in the area. The financial information presented within the City and the Water District's Plan for Service indicates that the extension of services can be maintained and operated within the existing revenue resources available through the transfer of property taxes and/or fees for service. These Plans for Service have been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that these Plans conform to those adopted standards and requirements.
10. The reorganization area can benefit from the availability and extension of municipal services from the City of Victorville and the Victorville Water District as evidenced by the Plans for Service.
11. This proposal complies with Commission policies and directives and State law that indicate the preference for areas to be included within a city so that the full range of municipal services can be planned, funded, and maintained in the most efficient and cost effective manner.
12. This proposal will not assist the City of Victorville's ability to achieve its fair share of the regional housing needs since the reorganization area is zoned for industrial use.
13. With respect to environmental justice, the reorganization area will benefit from the extension of services and facilities from the City of Victorville and the Victorville Water District; and, at the same time, will not result in the unfair treatment of any person based on race, culture or income.
14. The City and County have negotiated the transfer of ad valorem taxes as required by State law. Copies of the resolutions adopted by the City Council of the City of Victorville and the San Bernardino County Board of Supervisors are on file in the LAFCO office outlining the exchange of revenues.
15. The map and legal description, as revised, are in substantial conformance with LAFCO and State standards as determined by the County Surveyor's Office.

SECTION 3. 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.

RESOLUTION NO. 3070

SECTION 4. 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.

SECTION 5. The Commission hereby directs that, following completion of the reconsideration period specified by Government Code Section 56895(b) and compliance with the conditions of approval, the Executive Officer is hereby directed to initiate protest proceedings in compliance with this resolution and State law (Part 4, commencing with Government Code Section 57000) and set the matter for consideration of the protest proceedings, providing notice of the hearing pursuant to Government Code Section 57025 and 57026.

SECTION 6. Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth her determination on the levels of protest filed and not withdrawn and setting forth the action on the proposal considered.

SECTION 7. Upon adoption of the final resolution by the Executive Officer, either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

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, KATHLEEN ROLLINGS-MCDONALD, 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 regular meeting of October 21, 2009.

DATED:

KATHLEEN ROLLINGS-MCDONALD
Executive Officer