

Draft Resolution No. 3084

Attachment 7

PROPOSAL NO.: LAFCO 3098

HEARING DATE: January 20, 2010

RESOLUTION NO. 3084

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3098, AS MODIFIED, AND APPROVING THE REORGANIZATION TO INCLUDE ANNEXATIONS TO BEAUMONT-CHERRY VALLEY WATER DISTRICT AND SAN GORGONIO PASS WATER AGENCY, AND DETACHMENT FROM SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT. The reorganization area encompasses approximately 595+/- acres generally bordered by the Riverside County line on the south, a combination of parcel boundaries and Oak Glen Road (portion of Beaumont-Cherry Valley Water District's existing boundary) on the west, and parcel boundaries on the north and east. The reorganization area includes portions of Sections 1, 2, 10 and 11, Township 2 South, Range 1 West, San Bernardino Meridian.

On motion of Commissioner _____, duly seconded by Commissioner _____, and carried, the Local Agency Formation Commission adopts the following resolution:

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,

RESOLUTION NO. 3084

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 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; and,

WHEREAS, the Commission determines to modify the reorganization proposal by expanding it to include an additional 0.85+/- acres for annexation to the Beaumont-Cherry Valley Water District and the San Gorgonio Pass Water Agency and expanding it to include an additional 6+/- acres, to be removed from the San Bernardino Valley Municipal Water District and annexed into the San Gorgonio Pass Water Agency (existing Beaumont-Cherry Valley Water District in San Bernardino County);

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 3098.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Beaumont-Cherry Valley Water District and the San Gorgonio Pass Water Agency (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). The reorganization area will be relieved of current authorized charges, fees, assessments, and/or taxes in effect by the San Bernardino Valley Municipal Water District.

Condition No. 4. Beaumont-Cherry Valley Water District 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. The date of issuance of the Certificate of Completion shall be the effective date of this annexation.

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

1. The subject 595+/- acre reorganization area is legally uninhabited as certified by the County Registrar of Voters office as of October 13, 2009.

RESOLUTION NO. 3084

2. Through approval of the companion proposal, LAFCO 3097, the entire reorganization area will be within the sphere of influence assigned for Beaumont-Cherry Valley Water District. Through approval of LAFCO 3141, the reorganization area will be within the sphere of influence assigned for the San Geronio Pass Water Agency.
3. The County Assessor has determined that the total assessed value of land and improvements within the reorganization area is \$439,025 (land - \$180,345 -- improvements - \$258,680). Pursuant to the provisions of Government Code Section 56126, the County Assessor was requested to assign values to the exempt lands within the reorganization area for protest purposes only. The values for these publicly held lands are listed separately as shown below for the individual parcels:

Landowner Name	Assessor Parcel Number	Land Values as of 12/2/2009 for Protest Purposes
Beaumont-Cherry Valley Water District	0325-031-09	\$35,000
Beaumont-Cherry Valley Water District	0325-031-10	\$65,000
Beaumont-Cherry Valley Water District	0325-051-02	\$15,000
Beaumont-Cherry Valley Water District	0325-051-03	\$65,000
Beaumont-Cherry Valley Water District	0325-061-01	\$160,000
Beaumont-Cherry Valley Water District	0325-071-02	\$40,000
Beaumont-Cherry Valley Water District	0325-081-05	\$75,000
Beaumont-Cherry Valley Water District	0325-101-07	\$35,000
Beaumont-Cherry Valley Water District	0325-111-12	\$65,000
Beaumont-Cherry Valley Water District	0325-122-01	\$610,000
	Total	\$1,165,000

4. Notice of this hearing has been advertised as required by State law through publication in The Sun, a newspaper of general circulation in 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 and registered voters within the reorganization area (totaling 5) and to landowners and registered voters within approximately 1,350 feet of the exterior boundaries of the reorganization area (totaling 292 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 County's land use designations for the unincorporated portion of the reorganization area are: OG/RL (Rural Living, 2.5 acres minimum lot size) and OG/RL 20 (Rural Living, 20 acres minimum lot size). The portion of the reorganization area located within the City of Yucaipa has a land use designation of RL-5 (Rural Living, 5 acres minimum lot size). No change in land use is anticipated for the reorganization area.

RESOLUTION NO. 3084

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 proposal to annex to Beaumont-Cherry Valley Water District and San Gorgonio Pass Water Agency, and Detachment from San Bernardino Valley Municipal Water District 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 hereby adopts the Statutory Exemption and directs its Executive Officer to file the Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.
8. The local agencies currently serving the area are: County of San Bernardino, Inland Empire Resource Conservation District, City of Yucaipa (portion), Beaumont-Cherry Valley Water District (portion), San Bernardino Valley Municipal Water District (portion), San Bernardino County Fire Protection District, its Valley Service Zone, and its Service Zone PM-3 (Yucaipa Paramedic)(portion), County Service Area 63 (park and recreation)(portion), and County Service Area 70 (multi-function unincorporated area Countywide)(portion).

The proposal will annex a portion of the territory to the Beaumont-Cherry Valley Water District (Area 1), annex the entire territory to the San Gorgonio Pass Water Agency (Area 1 and 2), and will detach a portion of the territory from the San Bernardino Valley Municipal Water District (Area 2), as a function of the reorganization. None of the other agencies will be affected by this reorganization.
9. The Beaumont Cherry Valley Water District and the San Gorgonio Pass Water Agency have submitted plans for the provision of services as required by Government Code Section 56653, which indicate both entities 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. 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 water service from the Beaumont-Cherry Valley Water District and the San Gorgonio Pass Water Agency in the future. However, the Beaumont-Cherry Valley Water District has indicated that it does not intend to extend any additional water lines or facilities into the reorganization area. A parcel within the reorganization area already receives and/or benefits from water service provided by the Beaumont-Cherry Valley Water District. Likewise, the San Gorgonio Pass Water Agency has also indicated that it does not anticipate extension of any facilities to the reorganization area.
11. With respect to environmental justice, the reorganization proposal will not result in the unfair treatment of any person based on race, culture or income.

RESOLUTION NO. 3084

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 January 20, 2010.

DATED:

KATHLEEN ROLLINGS-MCDONALD
Executive Officer

DRAFT