

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

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DATE: JUNE 3, 2010

FROM: SAMUEL MARTINEZ, Senior LAFCO Analyst

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Items #5A & 5B: LAFCO's 3138 and 3139 (see proposal titles below)

PROPOSAL TITLES:

ITEM 5A -- LAFCO 3138 – Sphere of Influence Review for Apple Valley Fire Protection District (Expansion/Reduction) and San Bernardino County Fire Protection District (Expansion)

ITEM 5B -- LAFCO 3139 – Reorganization to Include Annexations to Apple Valley Fire Protection District and San Bernardino County Fire Protection District and its North Desert Service Zone, and Detachment from Apple Valley Fire Protection District

INITIATED BY:

Resolution of the City Council of the City of Victorville
Resolution of the Board of Directors of the Apple Valley Fire Protection District

RECOMMENDATION:

The staff recommends that the Commission approve LAFCO 3138 and 3139, by taking the following actions:

1. Certify that LAFCOs 3138 and 3139 are statutorily exempt from environmental review and direct the Executive Officer to file the Notices of Exemption within five (5) days;
2. Approve LAFCO 3138, sphere of influence expansion and reduction for Apple Valley Fire Protection District and sphere of influence expansion for San Bernardino County Fire Protection District;
3. Adopt LAFCO Resolution #3097 setting forth the Commission's findings and determinations for LAFCO 3138;

4. Approve LAFCO 3139, reorganization proposal with the inclusion of the Commission's standard terms and conditions related to Legal Defense, imposition of existing fees, charges and taxes, etc; and,
5. Adopt LAFCO Resolution #3098 setting forth the Commission's findings, determinations, and conditions of approval concerning the reorganization proposal, LAFCO 3139.

BACKGROUND:

At the time the Commission approved the dissolution of the Victorville Fire Protection District designating the City of Victorville the successor agency (LAFCO 3071); a condition of approval was imposed to address fire protection services to the unincorporated areas. LAFCO 3138 and LAFCO 3139 were initiated by the City of Victorville (hereinafter "the City"), to address this condition of approval and to place the unincorporated areas within the San Bernardino County Fire Protection District (hereinafter "County Fire").

Following the circulation of the application materials and through subsequent discussions with County Fire and LAFCO staff, the Apple Valley Fire Protection District (Apple Valley Fire) requested a revision to the proposal and initiated a sphere of influence and reorganization proposal addressing additional lands. The revised application intends to divide fire protection and emergency medical response services along the centerline of Interstate 15 Freeway (I-15), which is also the dividing line that separates the Town of Apple Valley, the City of Victorville and the County's unincorporated territory.

In 1996, both Apple Valley Fire and the former Victorville Fire Protection District agreed with the concept that fire protection and emergency services along the freeway corridor should be divided to include the entire right-of-way area (north and south bound lanes) within the respective fire service providers (LAFCO 2807B). LAFCO 3138 and LAFCO 3139, in essence, reverses the 1996 actions to align the boundaries between the fire service providers back along the centerline of the I-15.

The sphere and reorganization proposals have been modified to achieve a simple goal, divide fire protection responsibilities along the I-15 corridor between the independent Apple Valley Fire and the Board-governed County Fire. However, the proposals which are required to achieve this change are technically complex as defined below:

1. LAFCO 3138 is a sphere of influence (sphere) review proposal that recommends sphere amendments for Apple Valley Fire and County Fire, placing the three areas for reorganization within the respective fire service providers – a requirement for annexation. County Fire's sphere is being expanded to include Areas 1, Area 2 is a sphere of influence amendment that reduces Apple Valley Fire's sphere and concurrently expands County Fire's sphere, and Apple Valley Fire's sphere is being expanded to include Area 3.
2. LAFCO 3139 is the reorganization proposal that places the three areas within the respective fire service providers along the I-15. The territory for Area 1, which is located along the westerly right-of-way area of the freeway, is being annexed into

County Fire's jurisdiction. The territory for Area 2, which is also located along the westerly right-of-way area of the freeway, is being detached from Apple Valley Fire's boundary and annexed into County Fire's jurisdiction. The territory for Area 3, which is located along the easterly right-of-way area of the freeway, is being annexed into Apple Valley Fire's jurisdiction.

The two proposals are being discussed within a single report since the area being considered within each proposal is identical.

BOUNDARIES:

The sphere of influence review/reorganization proposals consists of 3 separate areas totaling approximately 230 acres. The three areas are generally located within the right-of-way of the I-15 corridor between the Dale Evans Parkway interchange on the north and the natural westerly extension of Dante Road (just south of the Stoddard Wells Road Interchange) on the south.

Area 1 – Sphere of Influence Expansion for San Bernardino County Fire Protection District and Annexation to San Bernardino County Fire Protection District and its North Desert Service Zone

Area 1 (shown on Figure 1) encompasses approximately 41+/- acres, which includes the westerly right-of-way (southbound lanes) of the I-15 from the Stoddard Wells Road/Bell Mountain exit (Exit 157) to the logical extension of Norco Street.

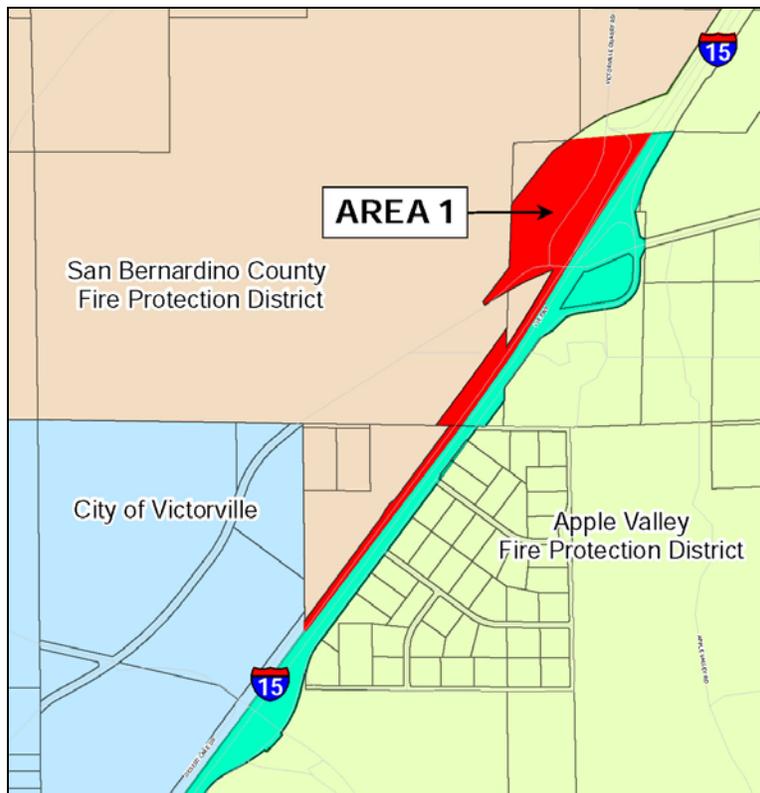


Figure 1 – Area 1

Area 2 – Sphere of Influence Review for Apple Valley Fire Protection District (Reduction) and for San Bernardino County Fire Protection District (Expansion) and Reorganization to Include Annexation to San Bernardino County Fire Protection District and its North Desert Service Zone and Detachment from Apple Valley Fire Protection District

Area 2 (shown on Figure 2) encompasses approximately 130+/- acres, which includes the westerly right-of-way (southbound lanes) of the I-15 from the Dale Evans Parkway exit (Exit 161) to the Stoddard Wells Road/Bell Mountain exit (Exit 157).

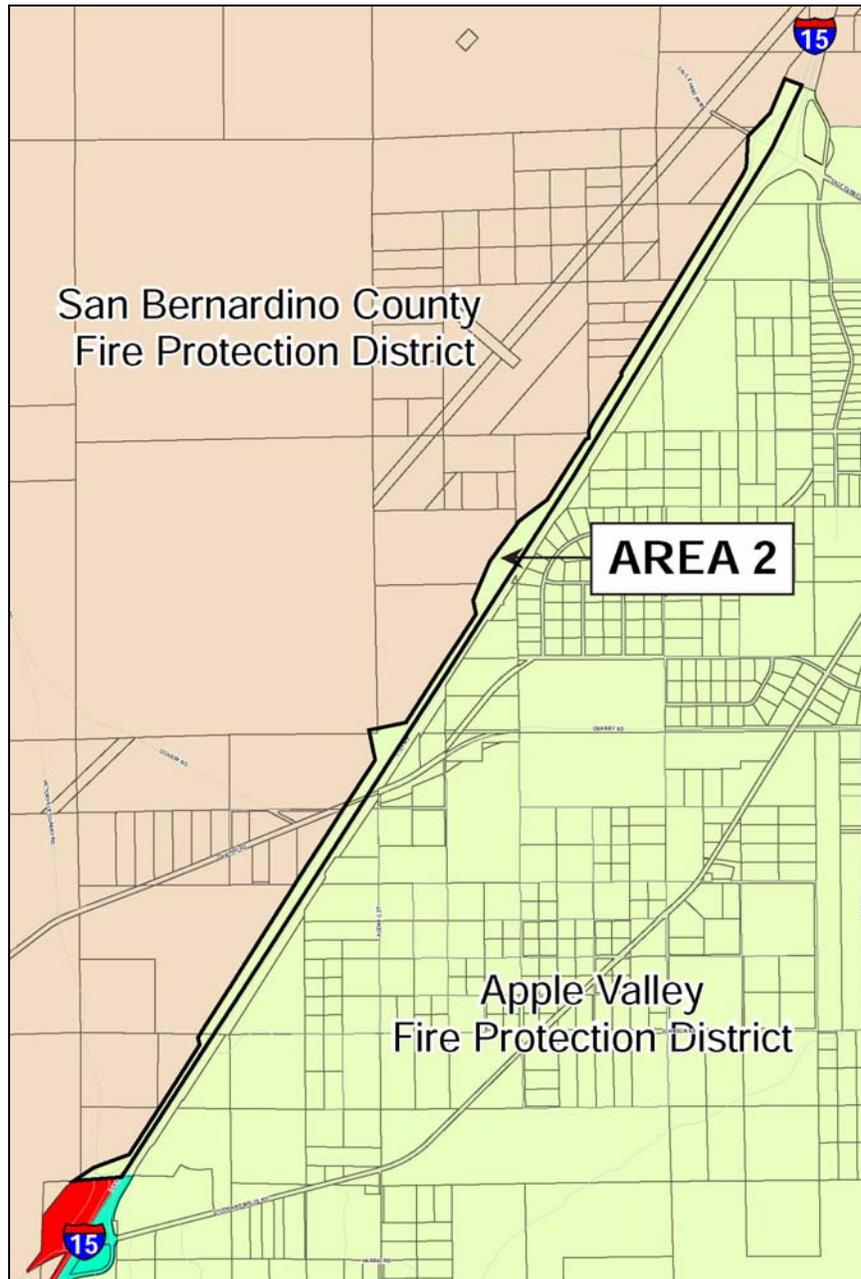


Figure 2 – Area 2

*Area 3 – Sphere of Influence Expansion for Apple Valley Fire Protection District and
Annexation to Apple Valley Fire Protection District*

Area 3 (shown on Figure 3) encompasses approximately 59+/- acres, which includes the easterly right-of-way portion of the I-15 (northbound lanes) from the logical extension of Dante Street to the Stoddard Wells Road/Bell Mountain exit (Exit 157).

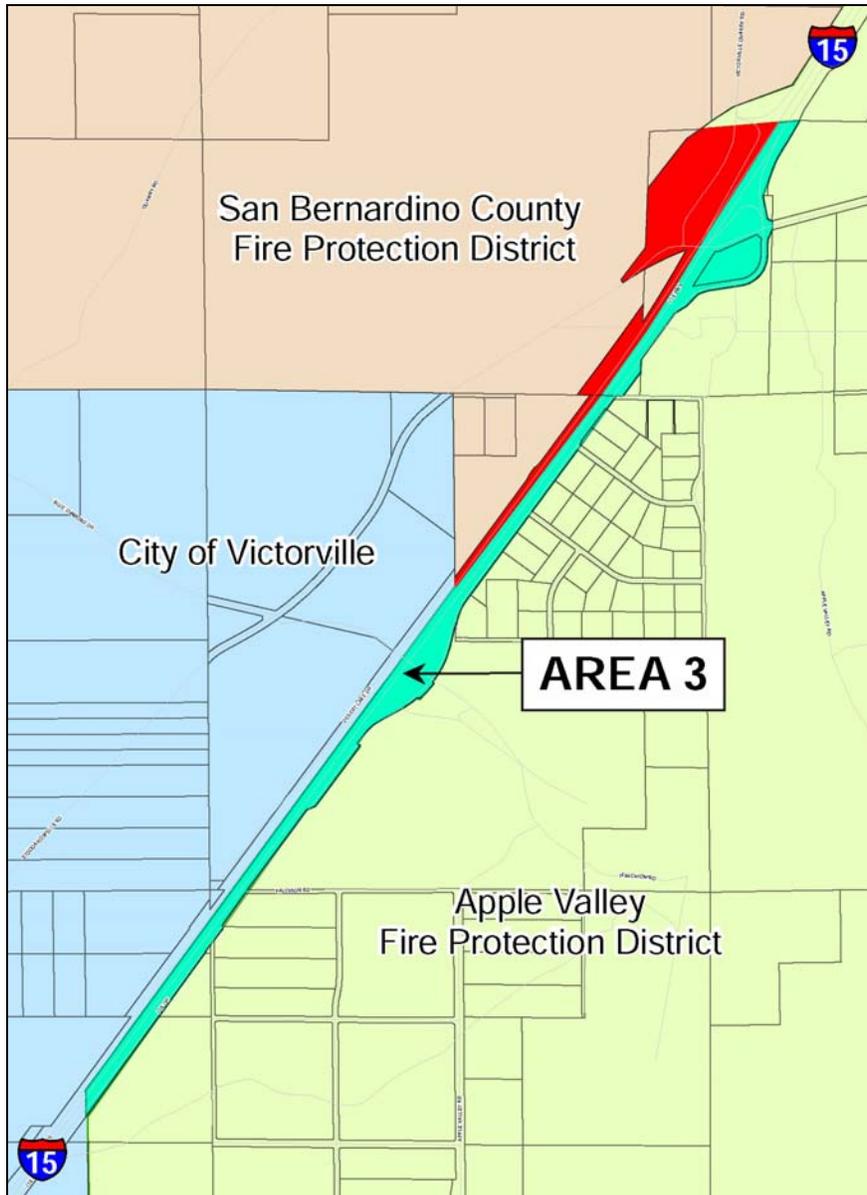


Figure 3 – Area 3

Approval of Both LAFCO 3138 and LAFCO 3139 would divide the boundaries between the fire service providers along the centerline of the I-15. It is LAFCO staff's position that this proposed boundary division is a logical boundary configuration since it provides an easily identifiable boundary for service delivery. In addition, the division along the centerline of the

I-15 is also the boundary that separates the Town of Apple Valley, the City of Victorville and the County's unincorporated area; therefore, this reorganization will provide for the provision of service along the recognized community designations of LAFCO.

The information which follows will address the environmental considerations required for both proposals, the factors of consideration which are required for every sphere of influence consideration, and service considerations for the reorganization proposal.

ENVIRONMENTAL CONSIDERATIONS:

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has indicated that the review of LAFCO 3138 and 3139 are statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the sphere of influence amendments and reorganization has no potential to cause any adverse effect on the environment; and therefore, the proposals are exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3).

SPHERE OF INFLUENCE REVIEW PROPOSAL (LAFCO 3138)

The staff responses to the "factors of consideration" for the sphere of influence amendments for Apple Valley Fire and County Fire (as required by Government Code Section 56425) are identified below:

Apple Valley Fire Protection District:

The Apple Valley Fire Protection District is an independent special district formed in 1951 and reorganized in 1962. The District provides fire protection and emergency medical services to the community of Apple Valley which includes the entirety of the Town of Apple Valley and its surrounding defined community area. Apple Valley Fire is currently authorized by LAFCO to provide fire protection services, ambulance, and emergency rescue services.

Factors of Consideration:

The staff responses to the "factors of consideration" for the sphere of influence amendment related to the Apple Valley Fire portion (as required by Government Code Section 56425) are identified as follows:

- *The present and planned land uses in the area*

The proposed sphere of influence expansion area for Apple Valley Fire (Area 3) includes the I-15 corridor (easterly right-of-way area) located within the Town of Apple Valley. The vacant parcel within the area (located at the Stoddard Wells Road/Bell Mountain northbound off-ramp) currently has a Regional Commercial (C-R) land use designation assigned by the Town of Apple Valley. No change in land use is anticipated for the area and no development is currently being proposed on the vacant parcel.

The proposed sphere of influence reduction area (Area 2) includes the I-15 corridor (westerly right-of-way area) located within the County's unincorporated area. The freeway right-of-way within the area has an RC (Resource Conservation) land use designation. Again, no change in land use is anticipated for the area.

- *The present and probable need for public facilities and services in the area*

Fire protection and emergency medical services to the area are currently being provided by Apple Valley Fire (in coordination with County Fire through mutual aid) and will continue to be provided. No additional services and/or facilities are required.

- *The present capacity of public facilities and adequacy of public services that the agency provides*

Apple Valley Fire can provide adequate fire protection and emergency medical services to the area and currently provides that service when called upon through Mutual Aid. No additional services and/or facilities (fire vehicles, apparatus, and/or equipment) are required.

- *The existence of any social or economic communities of interest*

The centerline of the I-15 within the area defines the existing division between the Town of Apple Valley, the City of Victorville, and the County's unincorporated area. The division of the fire service providers along municipal boundaries supports the community definition for the area.

San Bernardino County Fire Protection District:

The San Bernardino County Fire Protection District is the County's fire service provider that was created in 2008 through a reorganization of all the County-governed special districts that provided fire protection and emergency medical response services. This single consolidated fire protection district serves the areas of San Bernardino County that are not within an independent fire service provider (city or independent special district). The provision of fire protection services through County Fire is done through one of four regional service zones and the area proposed for inclusion within County Fire would also be included in the North Desert Service Zone, the district's regional service provider serving the Victor Valley area, Barstow, and the Yermo-Daggett-Newberry regions outside a fire service provider. County Fire is currently authorized by LAFCO to provide structural fire, rescue, first aid, ambulance transportation, and emergency response services including other services such as watershed, prevention, inspection, suppression, weed abatement, hazardous materials, and disaster preparedness planning.

Factors of Consideration:

The staff responses to the "factors of consideration" for the sphere of influence amendment (as required by Government Code Section 56425) are identified as follows:

- *The present and planned land uses in the area*

The proposed sphere of influence expansion areas (Areas 1 and 3) include the I-15 corridor (westerly right-of-way area) located within the County's unincorporated area. The freeway right-of-way within the two areas have RC (Resource Conservation), IR (Regional Industrial), and IN (Institutional) land use designations. No changes in land use are anticipated.

- *The present and probable need for public facilities and services in the area*

Fire protection and emergency medical services to the area are currently being provided by County Fire (in coordination with Apple Valley Fire through mutual aid) and will continue to be provided. No additional services and/or facilities are required.

- *The present capacity of public facilities and adequacy of public services that the agency provides*

County Fire currently can provide adequate fire protection and emergency medical services to the area. No additional services and/or facilities (fire vehicles, apparatus, and/or equipment) are required.

- *The existence of any social or economic communities of interest*

The centerline of the I-15 within the area defines the existing division between the Town of Apple Valley, the City of Victorville, and the County's unincorporated area. The division of the fire service providers along municipal boundaries supports the community definition for the area.

REORGANIZATION PROPOSAL (LAFCO 3139)

The companion application to the sphere of influence expansions/reduction is the reorganization proposal identified as LAFCO 3139. The following discussion provides the information required to evaluate the changes in jurisdictions for service delivery which has not been previously discussed in the sphere of influence factors

Service Issues and Effects on Other Local Governments:

In every consideration for reorganization, the Commission is required to look at the existing and proposed service providers within an area. Current service providers within the reorganization area include the Mojave Desert Resource Conservation District, Mojave Water Agency (the State Water Contractor), County Service Area 60 (Apple Valley Airport), Town of Apple Valley (portion), Apple Valley Fire Protection District (portion), and County Service Area 70 (multi-function entity).

As a part of the application, County Fire and Apple Valley Fire have submitted plans for service for the reorganization area as required by law and Commission policy, which is included as Attachment #2 and Attachment #3 to this report

Fire Service

Currently, both County Fire and Apple Valley Fire meet the service needs within their respective service areas. The Plan for Service submitted by County Fire outlines how it already provides service to the area through its contract with the City of Victorville and mutual aid and that it can continue to provide the services needed for the area. Likewise, Apple Valley Fire also identifies that it already provides service to the area and that it will continue to provide the services within the area. It should be noted that both County Fire and Apple Valley Fire have mutual aid agreements.

Apple Valley Fire has indicated in its application materials that a fire suppression special tax is levied on all parcels within the district depending on the type of use of the parcel (i.e. vacant, residential, commercial, etc.). Based on Fiscal Year 2009-10 rates, the vacant parcel within the reorganization area (which is less than 10 acres) will be charged an annual assessment of \$18.92.

Reorganization Determinations:

The following findings and determinations are required to be provided by Commission policy and Government Code Section 56668 for any change of organization/reorganization:

1. The Registrar of Voters Office has certified that the reorganization area is legally uninhabited, containing no registered voter as of March 18, 2010.
2. Through approval of the companion proposal, LAFCO 3138, the portion to be annexed into Apple Valley Fire will be within its assigned sphere of influence and the portion to be annexed into County Fire will be within its assigned sphere of influence.
3. The County Assessor has determined that the total assessed value of land within the reorganization area is \$159,181.
4. Commission review of this proposal has been advertised in *The Daily Press*, a newspaper of general circulation within the reorganization area. Individual notice has been provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notification.
5. LAFCO staff has provided individual notices to the landowner within the reorganization area (totaling 1 notice) and to the landowners surrounding the reorganization area (totaling 165 notices) in accordance with state law and adopted Commission policies. To date, no written comments in support or opposition have been received regarding the consideration of this proposal.
6. The County's land use designations for the unincorporated portion of the reorganization area are: RC (Resource Conservation), IR (Regional Industrial), and IN (Institutional). The portion of the reorganization area located within the Town of Apple Valley has a freeway designation and a C-R (Regional Commercial) for the vacant parcel within the reorganization area.

7. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has indicated that the review of LAFCO 3138 and LAFCO 3139 are statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of both actions has no potential to cause any adverse effect on the environment; and therefore, the proposals are exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b) (3). A copy of Mr. Dodson's report is included for the Commission's review as Attachment #4 to this report.
8. The area in question is presently served by the following local agencies:

- County of San Bernardino
- Town of Apple Valley (portion)
- Apple Valley Fire Protection District (portion)
- Mojave Desert Resource Conservation District
- Mojave Water Agency (the State Water Contractor)
- County Service Area 60 (Apple Valley Airport)
- County Service Area 70 (multi-function entity)

As a function of the reorganization, the proposal will annex a portion of the territory (Areas 1 and 2) to the San Bernardino County Fire Protection District and its North Desert Service Zone, detach a portion of the territory (Area 2) from the Apple Valley Fire Protection District, and annex a portion of the territory (Area 3) to the Apple Valley Fire Protection District. None of the other agencies will be affected by this proposal since they are regional in nature.

9. The San Bernardino County Fire Protection District has submitted a "Plan for Service" as required by law and Commission policy. This plan is included as part of Attachment #2 to this report, which indicates that County Fire can, at a minimum, maintain the level of service delivery and can improve the level and range of service currently available in the area.

The Apple Valley Fire Protection District has also submitted a "Plan for Service" as required by law and Commission policy. This plan is included as Attachment #3 to this report, which indicates that Apple Valley Fire can, at a minimum, maintain the level of service and can improve the level and range of service currently available in the area. In addition, the Plan identifies that the Apple Valley Fire Protection District levies a fire suppression special tax on all parcels within the district. Based on FY 2009-10 rates, \$18.92 will be assessed annually on the vacant parcel within Area 3.

10. The reorganization area can benefit from fire and paramedic services from the San Bernardino County Fire Protection District and the Apple Valley Fire Protection District and already receives and/or benefits from fire and paramedic services from both entities.
11. With respect to environmental justice, the reorganization will not result in the unfair treatment of any person based on race, culture or income.

12. The County of San Bernardino (on behalf of the San Bernardino County Fire Protection District and the Apple Valley Fire Protection District) has successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this reorganization. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
13. The map and legal description as revised are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

CONCLUSION:

As outlined within the narrative portions of this report, the premise of these proposals is simple, divide fire protection and emergency response responsibilities along the centerline of I-15. LAFCO staff supports the sphere of influence amendments between County Fire and Apple Valley Fire, and the reorganization proposal that annexes a portion of the area to County Fire (Areas 1 and 2), a portion of the area to Apple Valley Fire (Area 3) including the detachment from Apple Valley Fire's territory (Area 2):

- Through the sphere of influence expansions/reduction, the three areas for reorganization are being placed within the respective fire service providers – a requirement for annexation;
- Through approval of reorganization, the area that was left un-served by a fire service provider through the dissolution of the Victorville Fire Protection District are now placed within an appropriate fire service provider; and,
- The boundary division between the fire service providers along the centerline of the I-15 is a logical boundary configuration since said centerline is an easily identifiable boundary for service delivery, which is also the division between the underlying municipalities of the City of Victorville and the Town of Apple Valley, and the County's unincorporated territory.

For these reasons and those outlined in the staff report, staff recommends approval of LAFCOs 3138 and 3139.

KRM/sm

Attachments:

1. [Vicinity Maps for the Sphere of Influence Amendments/Reorganization](#)
2. [Application Materials Submitted by the San Bernardino County Fire Protection District](#)
3. [Application Materials Submitted by the Apple Valley Fire Protection District](#)
4. [Response from Tom Dodson and Associates](#)
5. [Draft Resolution No. 3097 \(Sphere of Influence Expansions/Reduction\)](#)
6. [Draft Resolution No. 3098 \(Reorganization\)](#)