

PROPOSAL NO.: LAFCO 3138

HEARING DATE: June 16, 2010

RESOLUTION NO. 3097

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3138 AND APPROVING THE SPHERE OF INFLUENCE REVIEW FOR APPLE VALLEY FIRE PROTECTION DISTRICT (EXPANSION/REDUCTION) AND SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT (EXPANSION). The sphere of influence review area consists of three separate areas totaling approximately 230 acres. The three areas are generally located within the Right-of-Way of the I-15 Freeway 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.**

**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 sphere of influence expansion 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,

**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 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 determines that a Service Review as outlined in Government Code Section 56430 is not required for these sphere of influence amendments; and,

**RESOLUTION NO. 3097**

**WHEREAS**, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that the sphere of influence for the San Bernardino County Fire Protection District should be expanded to include Areas 1 and 2 and that the sphere of influence for the Apple Valley Fire Protection District should be expanded to include Area 3 and reduced to exclude Area 2, as more specifically described on the attached Exhibits "A", "A-1", "B", "B-1", "C" and "C-1"; and,

**WHEREAS**, the following findings are made:

1. **PRESENT AND PLANNED LAND USES**

The proposed sphere amendment areas consist primarily of the I-15 Freeway corridor right-of-way area and a vacant parcel located at the Stoddard Wells Road/Bell Mountain northbound off-ramp.

The portion of the territory within the County's unincorporated area have the following land use designations: RC (Resource Conservation), IR (Regional Industrial), and IN (Institutional). The one parcel within the Town of Apple Valley has a C-R (Regional Commercial) land use designation. No change in land use is anticipated for the I-15 Freeway right-of-way area and no development is currently being proposed on the vacant parcel.

2. **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 both the San Bernardino County Fire Protection District and the Apple Valley Fire Protection District. No additional services and/or facilities (fire vehicles, apparatus, and/or equipment) are required.

3. **THE PRESENT CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES PROVIDED**

The San Bernardino County Fire Protection District and the Apple Valley Fire Protection District can provide adequate fire protection and emergency medical services to the area. Both districts currently have adequate facilities and capacity to serve the area.

4. **COMMUNITIES OF INTEREST IN THE AREA**

The centerline of the I-15 Freeway (within the sphere review 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.

5. **ADDITIONAL DETERMINATIONS**

A. Notice of this hearing has been advertised as required by law through publication in The Daily Press, 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.

B. All notices required by State law and local Commission policies have been provided.

**RESOLUTION NO. 3097**

Individual notice was mailed to landowners within the sphere review area (1 notice) and to landowners within approximately 1,350 feet of the exterior boundaries of the sphere review area (totaling 165 notices). Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination.

- C. 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 the sphere of influence expansion for San Bernardino County Fire Protection District and the sphere of influence expansion/reduction for Apple Valley Fire Protection District will not result in any changes in the 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.

LAFCO hereby adopts the Statutory Exemption and directs its Executive Officer to file a Notice of Determination within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

**WHEREAS**, having reviewed and considered the findings as outlined above, the Commission expands the sphere of influence for the San Bernardino County Fire Protection District to include Areas 1 and 2 and expands the sphere of influence for Apple Valley Fire Protection District to include Area 3 with a corresponding reduction of its sphere of influence to exclude Area 2.

**NOW, THEREFORE, BE IT RESOLVED** by the Local Agency Formation Commission of the County of San Bernardino, State of California, that this Commission shall consider the territory described in Exhibits "A", "A-1", "B", "B-1", "C" and "C-1" as being within the sphere of influence for San Bernardino County Fire Protection District (Areas 1 and 2) and within the sphere of influence for Apple Valley Fire Protection District (Area 3), it being fully understood that the amendment of such spheres of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

**BE IT FURTHER RESOLVED** that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that San Bernardino County Fire Protection District and the Apple Valley Fire Protection 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.

**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:**

RESOLUTION NO. 3097

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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 June 16, 2010.

DATED:

\_\_\_\_\_  
KATHLEEN ROLLINGS-MCDONALD  
Executive Officer

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