

PROPOSAL NO.: LAFCO 3139

HEARING DATE: June 16, 2010

RESOLUTION NO. 3098

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3139 AND APPROVING THE 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. The reorganization 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 annexation 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 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,

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

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3139.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the San Bernardino County Fire Protection District and the Apple Valley Fire Protection 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 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.

Condition No. 5. 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:

1. The subject 230+/- acre reorganization area is legally uninhabited as certified by the County Registrar of Voters office as of March 18, 2010.
2. Through approval of the companion proposal, LAFCO 3138, Areas 1 and 2 will be within the sphere of influence assigned the San Bernardino County Fire Protection District and Area 3 will be within the sphere of influence assigned the Apple Valley Fire Protection District
3. The County Assessor has determined that the total assessed value of land within the reorganization area is \$159,181.
4. Notice of this hearing has been advertised as required by State law through publication in The Daily Press, 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. Comments from any affected local agency have been received by the Commission.
5. In compliance with the requirements of Government Code Section 56157 and Commission policy, a notice was mailed to the landowner within the reorganization area. Individual notice was also mailed to surrounding landowners (165) within approximately 1,350 feet of the exterior boundaries of the reorganization area. Comments from landowners and any affected local

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agency have been reviewed and considered by the Commission in making its determination. No expression of support or opposition to this reorganization has been received by the Commission.

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 land use designation of C-R (Regional Commercial).
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 the Apple Valley Fire Protection District and the San Bernardino County Fire Protection District (and its North Desert Service Zone), and detachment from the Apple Valley Fire Protection 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, Mojave Desert Resource Conservation District, Mojave Water Agency (the State Water Contractor), Town of Apple Valley (portion), Apple Valley Fire Protection District (portion), County Service Area 60, and County Service Area 70 (multi-function unincorporated area Countywide).

The proposal will annex a portion of the territory to the San Bernardino County Fire Protection District (Areas 1 and 2), annex a portion of the territory to the Apple Valley Fire Protection District (Area 3), and will detach a portion of the territory from the Apple Valley Fire Protection District (Area 2) as a function of the reorganization. None of the other agencies will be affected by completion of this reorganization proposal.

9. The San Bernardino County Fire Protection District and the Apple Valley Fire Protection District 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 fire protection and emergency medical 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.

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 the availability and extension of fire protection and emergency medical services from the San Bernardino County Fire Protection District and the Apple Valley Fire Protection District as evidenced by the Plans for Service and have benefited

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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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