

PROPOSAL NO.: LAFCO 3155

HEARING DATE: JUNE 16, 2010

RESOLUTION NO. 3096

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3155 AND APPROVING THE REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF VICTORVILLE AND VICTORVILLE WATER DISTRICT, AND DETACHMENTS FROM SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS NORTH DESERT SERVICE ZONE, AND COUNTY SERVICE AREA 70 (COAD ROAD ISLAND). The reorganization area is generally located south of Coad Road and east of Hesperia Road, within the City of Victorville's unincorporated sphere of influence identified as the "Coad Road Island" and defined as three separate areas: Area 1 (*Annexation to the City of Victorville and Detachment from CSA 70*), Area 2 (*Annexation to the Victorville Water District*), and Area 3 (*Detachment from San Bernardino County Fire Protection District and its North Desert Service Zone*).

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

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place specified in the notice of public hearing and in 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;

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 3155.

Condition No. 3. All previously authorized charges, fees and/or assessments 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. The date of issuance of the Certificate of Completion shall be the effective date of this reorganization.

SECTION 2. Pursuant to Government Code Section 56375.3(b) and adopted Commission policies, the Commission makes the findings related to the proposed reorganization:

- The island area comprises a total of 88 +/- acres in size, less than the 150-acre threshold; and the area constitutes the entire island of unincorporated territory;

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- The island area is totally surrounded by the City of Victorville and is within the City's sphere of influence;
- The island area is substantially developed or developing, based upon the findings that there is the availability of public services; there is the presence of public improvements in the area; and there are physical improvements on many, if not most, of the properties;
- The island area does not contain prime agricultural land;
- The island area will benefit from the reorganization and has benefited from fire and park services through the City;
- The City of Victorville has conducted outreach programs prior to submission of the reorganization application; and,
- The area is not included within an established County Redevelopment area. However, the territory is within the Victor Valley Economic Development Authority (VVEDA), a joint powers redevelopment authority made up of the Cities of Adelanto, Hesperia, Victorville, the Town of Apple Valley, and the County of San Bernardino, which was formed to carry out the redevelopment of the Southern California Logistics Airport (former George Air Force Base facility) by promoting economic development in and around the airport utilizing the airport's facilities.

Therefore, having made said determinations, the Commission determines to waive the protest proceedings. This proposal is subject to the provisions of Government Code Section 56375(a) (4) which mandates Commission approval of the proposal if it complies with the provisions of Government Code Section 56375.3.

SECTION 3. FINDINGS. The following findings are noted in conformance with Commission policy:

1. The Registrar of Voters Office has determined that the reorganization area is legally inhabited, containing 16 registered voters as of March 18, 2010.
2. The reorganization area is within the spheres of influence assigned the City of Victorville and the Victorville Water District.
3. The County Assessor's Office has determined that the value of land and improvements within the reorganization area is \$1,122,748 (land - \$448,115 -- improvements - \$674,633).
4. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to landowners and registered voters (totaling 37 notices) within the reorganization area. Individual notice was also mailed to surrounding landowners and registered voters (724) within approximately 1,350 feet of the exterior boundaries of the reorganization area. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination. No expression of support or opposition to this reorganization, and its island annexation provisions, has been received by the Commission.

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5. 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. Comments from any affected local agency have been received by the Commission.
6. The area was included in the City's General Plan Update 2030, which also pre-zoned the reorganization area C-2 (General Commercial) and M-1 (Light Industrial). Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for two years following annexation unless specific actions are taken by the City Council at a public hearing.
7. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review. The basis for this determination is that the Commission's approval of this island area reorganization can be implemented without causing any identifiable physical changes to the environment or any adverse environmental impacts. Approval of this proposal is mandated by Government Code Section 56375(a), since the Commission has made those findings contained in Government Code Section 56375.3 related to annexation of this island area without the ability for protest. Since the Commission has no discretion in this matter, approval of this proposal is a ministerial action that is exempt from environmental review under the provisions of the California Environmental Quality Act (CEQA), Section 21080(b), the State CEQA Guidelines, Section 15268, and the Commission's adopted CEQA Guidelines. The Commission adopted the Statutory Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) 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 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)(portion), and County Service Area 70 (multi-function unincorporated area Countywide).

The reorganization proposes to annex the area to the City of Victorville and the Victorville Water District and detach it 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 directly affected by completion of this reorganization proposal as they are regional in nature.
9. Upon reorganization, the City of Victorville and the Victorville Water District will extend services as required by the existing and anticipated land uses. The City and the Victorville Water District have submitted plans for the provision of services as required by Government Code Section 56653, which indicate that the City and the Victorville 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 Victorville Water District's Plans 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

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Government Code Section 56668. The Commission finds that these Plans conform to those adopted standards and requirements.

10. The reorganization proposal complies with Commission policies and directives and State law that indicate the preference for all island areas to be included within the boundaries of the City surrounding them to provide for a more efficient and effective service delivery system. The inclusion within the Victorville Water District complies with the Commission's concurrent annexation policies which require concurrent annexation to all of the local agencies serving the community.
11. 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 and have benefited from the delivery of fire and park services through the City.
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 commercial 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 unfair treatment of any person based upon 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. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.
15. The maps and legal descriptions, as revised, are in substantial compliance with LAFCO and state standards through certification by the County Surveyor's Office.

SECTION 4. The affected territory will not be taxed for existing bonded indebtedness and/or contractual obligations of the City of Victorville and/or the Victorville Water District. The regular County assessment roll will be utilized by the City of Victorville and/or the Victorville Water District.

SECTION 5. The reason for this reorganization, as provided by the City, is to comply with the Commission's directives that require cities to address its islands when requesting approval of a development-related annexation. Approval of LAFCO 3100 (a City of Victorville reorganization proposal that was approved by the Commission in November 2009) was conditioned with a requirement wherein protest proceedings were held in abeyance pending the City's initiation of the Coad Road Island.

SECTION 6. 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.

SECTION 7. The Commission hereby orders the territory described in Exhibits "A", "A-1", "B", "B-1", "C", and "C-1" reorganized to include annexations to the City of Victorville and the Victorville Water

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District and detachments from the San Bernardino County Fire Protection District, its North Desert Service Zone, and County Service Area 70. The Commission hereby directs that, following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Sections 57176 through 57203, and Statement of Boundary Changes, as required by Government Code Section 57204.

SECTION 8. 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.

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 June 16, 2010.

DATED:

KATHLEEN ROLLINGS-McDONALD
Executive Officer