

Carl Ross

RECEIVED
MAR 17 2010

LAFCO
San Bernardino County

3/12/2010

To: Kathleen Rollins-McDonald
LAFCO
215 North D St.
Suite 204
San Bernardino, CA 92415-0490

Dear Kathleen,

Thank you for the notice dated 3/02/10 regarding the meeting on April 21, 2010 at Victorville City Hall, re: LAFCO 3082 Sphere of Influence Expansion.

I will be there on April 21st to ask the County to move 25% of the 2,060 acres of Safari Ranch, I own, from the San Bernardino Sphere of Influence to the Helendale C.S.D. Sphere of Influence.

I want only one municipality to answer to. Since the river runs south to north in this area, I think it may be easier to get water & sewer from Helendale C.S.D. rather than pump it uphill from I do not know where.

Thank you for including my entire Ranch of 2,060 acres within the influence of Helendale C.S.D.

Sincerely,

Carl Ross



City of Adelanto

Charley B. Glasper, Mayor

Gene Plehé, Mayor Pro Tem

Council Members:

Ed Camargo

Trinidad Perez

Cari Thomas

City Manager:

D. James Hart, Ph.D.

RECEIVED
MAR 17 2010

LAFCO
San Bernardino County

March 15, 2010

Kathleen Rollings-McDonald
Executive Officer
Local Agency Formation Commission (LAFCO)
215 North "D" Street, Suite 204
San Bernardino, CA 92415-0490

Dear Ms. Rollings-McDonald:

In a letter dated January 28, 2009, the City of Adelanto objected to the proposed sphere of influence being proposed by the Helendale Community Services District. This letter was sent as a reiteration of support for the boundaries being proposed by the City of Victorville.

I have recently been made aware that the City of Victorville and the Helendale Community Services District have reached a compromise on boundaries that are acceptable to them, therefore, if that boundary, or a boundary that is still acceptable to both the City of Victorville and the Helendale Community Services District, is approved by the LAFCO Board, the City of Adelanto drops its objection.

If you have any questions, please feel free to contact me.

Sincerely,

D. James Hart, Ph.D.
City Manager

cc: Mayor and City Council
Jim Cox, Victorville City Manager

RECEIVED

MAR 09 2010

LANDOWNER PROTEST PETITION

LAFCO
San Bernardino County

I, (We), the undersigned Landowner(s) in accordance with the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Government Code Section 56000, do hereby protest:

LAFCO # 3082/3089

Victorville - Helendale Sphere Request

Assessor's Map Book #0469 Pages 01 and 05 Attached
(LIST PROPOSAL TITLE)

Each of the Undersigned states:

1. I personally signed this protest petition.
2. I am a landowner within the affected territory.
3. I personally affixed hereto the date of my signing and the Assessor's Parcel Number(s) such that the location of the property is readily ascertainable.

The landowner must sign his/her name, provide the residence address, and the date of signing in his/her own handwriting. The parcel number of the land included within the proposal for which protest is provided must be included. If signing on behalf of a business or corporation, documentation must be attached showing ability to sign as legal representative for that enterprise.

SIGN NAME	RESIDENCE ADDRESS	DATE	PARCEL NUMBER
Gary E. Thresher GARY E. THRESHER	14024 Sunflower Lane ORO GRANDE, CA 92368	02/07/2010	0469011070000
Gary E. Thresher GARY E. THRESHER	14024 Sunflower Lane ORO GRANDE, CA 92368	02/07/2010	0469011080000
Gary E. Thresher GARY E. THRESHER	14024 Sunflower Lane ORO GRANDE, CA 92368	02/07/2010	0469011100000
Gary E. Thresher GARY E. THRESHER	14024 Sunflower Lane ORO GRANDE, CA 92368	02/07/2010	0469011110000
Gary E. Thresher GARY E. THRESHER	14024 Sunflower Lane ORO GRANDE, CA 92368	02/07/2010	0469011120000
Gary E. Thresher GARY E. THRESHER	14024 Sunflower Lane ORO GRANDE, CA 92368	02/07/2010	0469011130000
Gary E. Thresher GARY E. THRESHER	14024 Sunflower Lane ORO GRANDE, CA 92368	02/07/2010	0469011280000
Gary E. Thresher GARY E. THRESHER	14024 Sunflower Lane ORO GRANDE, CA 92368	02/07/2010	0469011330000
Gary E. Thresher GARY E. THRESHER	14024 Sunflower Lane ORO GRANDE, CA 92368	02/07/2010	0469011410000
Gary E. Thresher GARY E. THRESHER	14024 Sunflower Lane ORO GRANDE, CA 92368	02/07/2010	0469011420000

CONTINUATION PAGE FOR LANDOWNER PROTEST PETITION

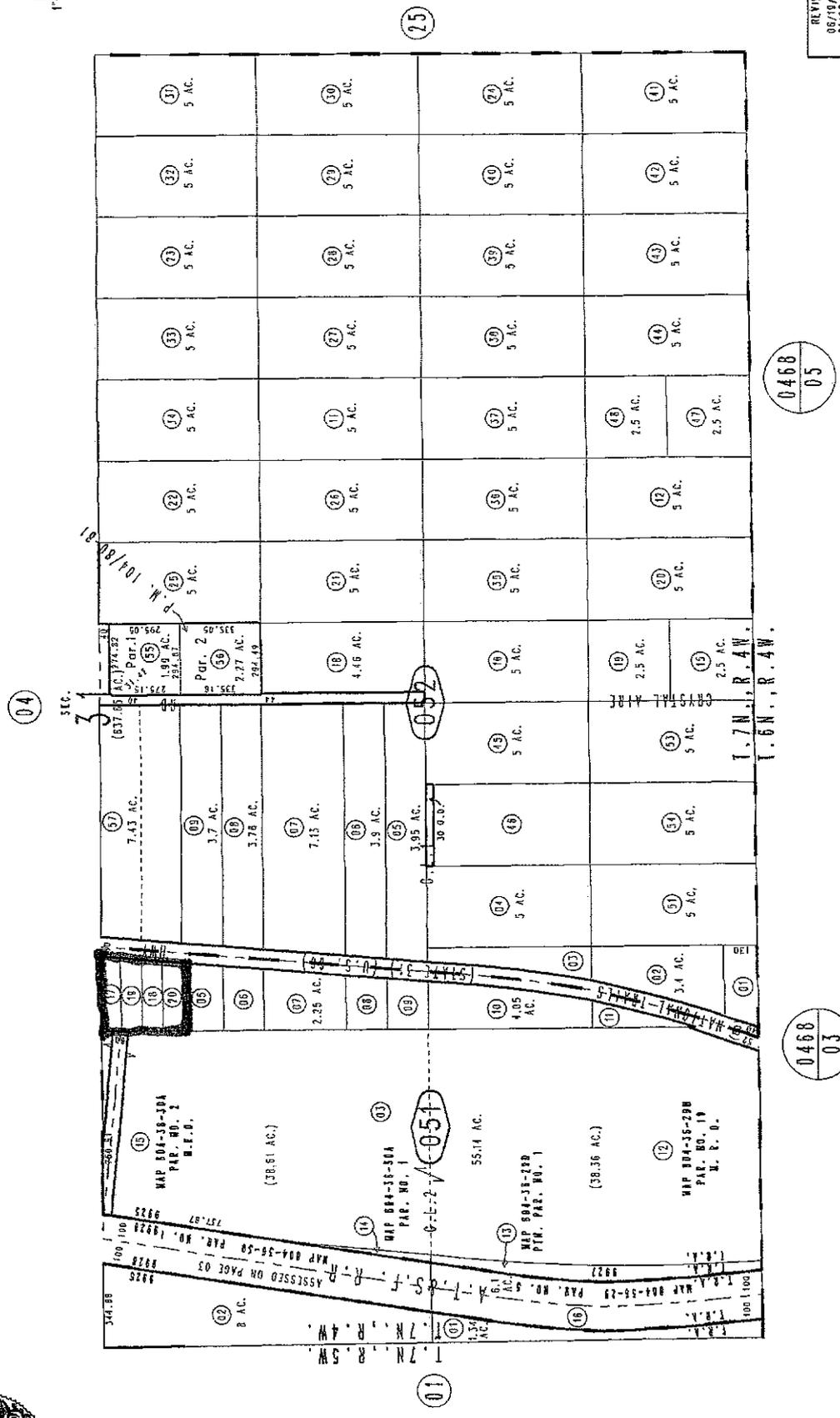
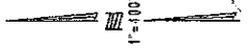
SIGN NAME PRINT NAME	RESIDENCE ADDRESS	DATE	PARCEL NUMBER
<i>Gary E. Thrasher</i> <i>Gary E. Thrasher</i>	<i>14024 Sunflower Lane</i> <i>ORO GRANDE, CA 92368</i>	<i>02/07/2010</i>	<i>0469011540 000</i>
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SIGN NAME PRINT NAME	RESIDENCE ADDRESS	DATE	PARCEL NUMBER
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South 1/2 Fractional Sec.31, T.7N.,R.4W., S.B.B.&M.

0469-05

Oro Grande
Tax Rate Area
9925,9927,9928

THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY.



REVISED
06/19/08 KA
01/20/10 LN

Assessor's Map
Book 0469 Page 05
San Bernardino County

0468
05

0468
03

Parcel Map No. 9384, P.M. 104/80-81

July 2004

Thrasher Properties

ROSENFELD ROBERSON JOHNS & DURRANT

Attorneys At Law

Of Counsel
Michael C. "Nick" Niarchos

6725 Via Austi Pkwy, Suite 200
Las Vegas, Nevada 89119

Phone 702.386.8637
Fax 702.385.3025
Email Admin@Lawrosen.com

September 19, 2008

RECEIVED
SEP 22 2008

U.S. Certified Mail Return Receipt Requested

Ms. Kathleen Rollings-McDonald
Executive Officer
Local Agency Formation Commission
215 North "D" Street, Suite 204
San Bernardino, CA 92415-0490

LAFCO
San Bernardino County

Re: *Opposition to 3089 – Sphere of Influence Establishment for Helendale
Community Services District*

Dear Ms. Rollings-McDonald:

Our firm has been retained by Transit Real Estate Development, LLC ("TRED"), an interested party with regard to the proposed LAFCO application number 3089. Our firm has received the Notice of Filing of Proposed Change of Jurisdictional Boundaries dated September 4, 2008. This letter is intended to document TRED's opposition to the geographical boundaries proposed in LAFCO application number 3089 - Sphere of Influence Establishment for Helendale Community Services District (the "SOI") as it relates to the area between the Southern California Logistics Airport and Interstate 15, north to the Barstow Sphere (the "Opposed SOI Territory"). This Opposed SOI Territory is depicted on Exhibit "A-1" as the Desert Gateway Phase II Area.

TRED is a party to that certain Master Developer Agreement dated March 28, 2007 with the City of Victorville ("Master Developer Agreement") for the Northern Triangle Properties, as such term is defined in the Master Developer Agreement, as well as approximately 37,000 acres that are adjacent and northerly of the Northern Triangle Properties that the City of Victorville wishes to be included in a proposed expansion of its Sphere of Influence. A portion of this additional 37,000 acres is located within the Opposed SOI Territory and is where TRED and the City of Victorville are planning the Desert Gateway master planned development (See Exhibit "A-1"). To date, TRED has expended substantial funds in furtherance of the Desert Gateway master planned development. Since the area depicted in Exhibit "A-1" is already contemplated for the Desert Gateway master planned development, this geographical area should not be included in the SOI. Moreover, the City of Victorville has already filed a Sphere of Influence expansion request (LAFCO 3038), as part of the Municipal Service Review in 2006, which encompasses much of the southerly section of land requested by Helendale. Additionally, it would seem most logical to limit the number of governing bodies

overseeing this master planned development, especially since much of the development is substantially intertwined and multiple governing bodies would only complicate and delay future development.

Notwithstanding TRED's objection to the Opposed SOI Territory's inclusion in the SOI, there exists inherent problems with the proposed SOI itself. The following illustrate the issues with the SOI and its supporting Municipal Service Review (the "MSR"):

- The geographic extent of the proposed SOI (88,354 acres) is not justified by any evidence of a need to provide an urban level of services to an expansion area that is designated by the San Bernardino County General Plan for rural uses (26,909 acres designated as Rural Living and 1,479 acres designated as Agricultural = 38,888 total acres). In addition, a total of 4,818 acres of the expansion area are designated as Floodway and 54,483 acres are designated as Resource Conservation, which primarily consist of BLM lands. Per the County General Plan, no portion of the expansion area is designated for urban residential or commercial use. Although the Helendale CSD Sphere Amendment shows 665 acres of the expansion area are designated for industrial use, the location of this planned industrial area was not evident from a review of the affected County General Plan maps. Even if this planned industrial area is located within the proposed SOI, only 0.8 percent of the SOI consists of land for which an urban level of public services would be needed.
- As shown in Figure 2-4 of the MSR, Study Area Drainage Map, the southeastern portion of the proposed SOI, which is adjacent to the northeast boundary of the Victorville Northern Expansion Area, is all located up-gradient from the existing Helendale Water Treatment Plant and at a distance of five or more miles from the existing plant. It would be an inefficient use of electrical energy to pump water from Helendale to serve potential development located in these southeastern areas of higher elevation.
- Section 4.2 of the MSR states that Helendale CSD has a surplus supply of less than 1 percent of the total amount of water pumped from the currently operating wells. The conclusion of Section 4.2 states: "At this time, it is not economically feasible, nor is it desired by residents to extend water services to scattered dwellings outside of the existing water system. Rather, as concentrated development occurs in these areas, developers will pay connection fees to extend the water system to serve future residents." No evidence is provided that it would be economically feasible for developers to pay for the extension of water services five or more miles up-gradient from the Helendale CSD to the southeast area of the proposed CSD in comparison to obtaining water service from alternative existing or future sources.
- Human resources necessary for the administration of a total future service area of 162,578 acres would be unduly concentrated in the residents of the Silver Lakes Subdivision whose goals and objectives would presumably be focused on maintaining their golf course and private lakes and the boating and fishing.

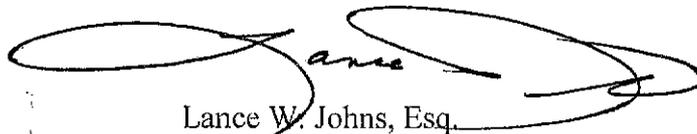
lifestyle the lakes provide. This concentration of governmental decision-making would be unfair to rural residents and landowners who do not have the opportunity to participate in the lifestyle amenities available to Silver Lakes residents.

- The statement in MSR Section 2.4, Justification for Proposed SOI Establishment, indicates that the current CSD Board of Directors want to have influence on land use decisions made within the SOI. This statement suggests that the CSD Board would be inclined to withhold water and sewer services to future land use plans within the SOI that they do not support.
- The decision on a governmental structure to provide future urban services to the large and currently undeveloped areas in the southeast portion of the proposed SOI should be part of a more comprehensive land use planning study conducted by the County or the adjacent City of Victorville. This more comprehensive study would include evaluation of a full range of urban services and a detailed evaluation of alternative sources of these services, including establishment of independent districts. A public facility financing plan would be required as part of the land use studies.
- Establishment of a SOI would require a determination of potential significant impacts pursuant to the California Environmental Quality Act. The current proposal would have potentially significant growth inducing impacts. In addition, a more thorough analysis of potential impacts to the full range public services and to sensitive environmental resources within the proposed SOI should require evaluation in an environmental impact report.

Based on the foregoing, TRED is requesting that application number 3089 for the SOI Establishment for Helendale CSD be denied. Alternatively, TRED requests that the Opposed SOI Territory be removed from any approved SOI.

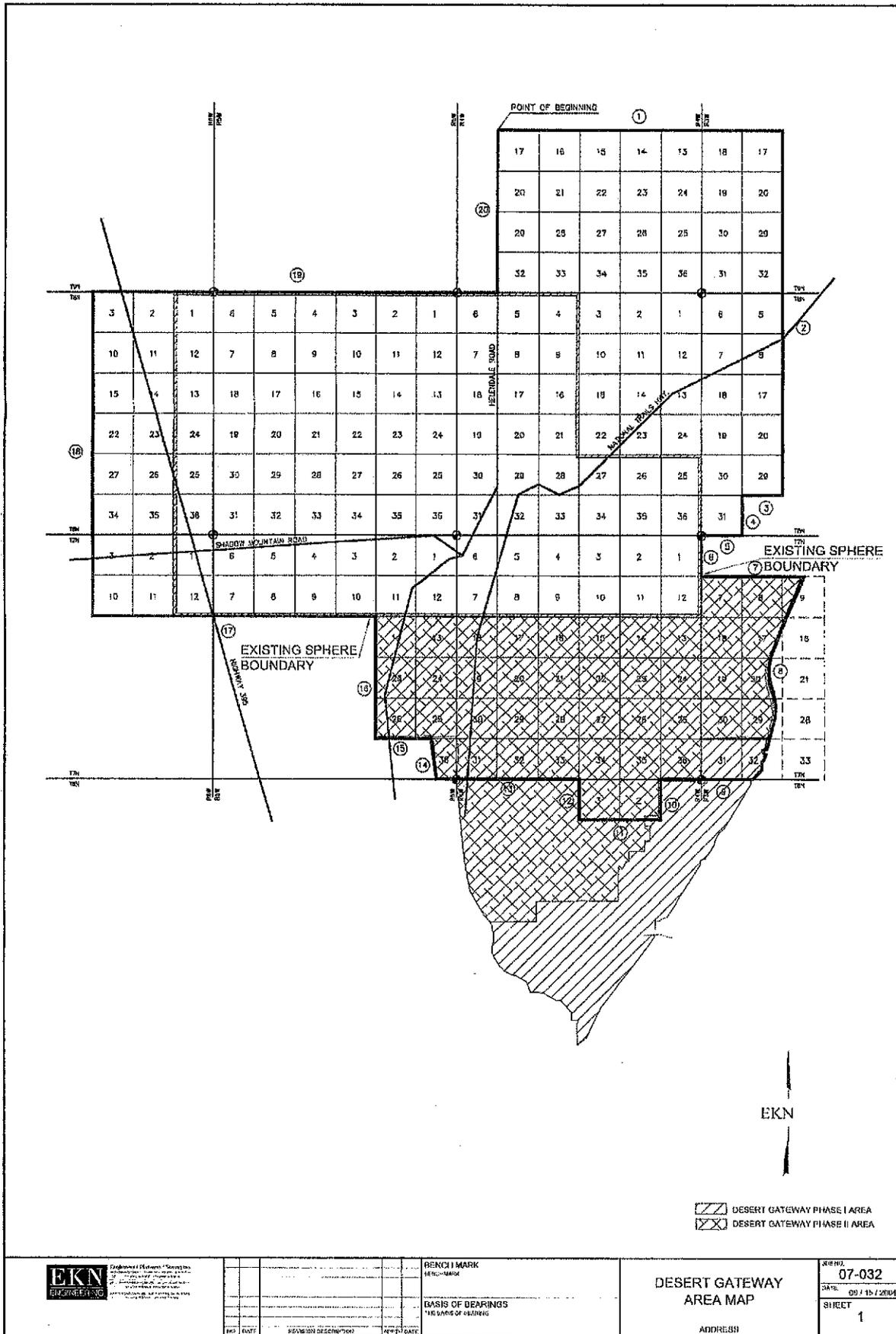
Very truly yours,

ROSENFELD ROBERSON JOHNS & DURRANT



Lance W. Johns, Esq.

cc: Client



 DESERT GATEWAY PHASE I AREA
 DESERT GATEWAY PHASE II AREA



ENGINEER	DATE	REVISION DESCRIPTION	DATE

BENCH MARK
 REFERENCE MARK
 BASIS OF BEARINGS
 TRUE NORTH OF BEARING

DESERT GATEWAY
AREA MAP
 ADDRESS:

SHEET NO. **07-032**
 DATE: **09/15/2004**
 SHEET **1**

10/15/04 10:00 AM 10/15/04 10:00 AM 10/15/04 10:00 AM



City of Adelanto & City of Victorville



September 18, 2008

Kathleen Rollings-McDonald
Executive Officer
San Bernardino LAFCO
215 N. "D" St., Suite 204
San Bernardino, CA 92415-0490

RECEIVED
SEP 19 2008

LAFCO
San Bernardino County

Dear Ms. Rollings-McDonald,

On behalf of the cities of Adelanto and Victorville, we appreciate the opportunity to provide input on the proposed Helendale CSD Sphere of Influence Establishment (LAFCO 3089). We recognize the Helendale community's ultimate goal of forming a new city. Adelanto and Victorville have long supported local control.

When the issue of forming the Helendale CSD first went to LAFCO, we supported the concept but took issue with the proposed southern and western boundaries. After several meetings, these issues could not be resolved and this ultimately caused the cities of Adelanto and Victorville to not support the formation of the CSD when it went before the Commission. As you recall, at the Commission hearing the boundary was adjusted to the logical Helendale School District Boundary. This adjustment removed our opposition and it was subsequently approved by the electorate in November 2006.

Currently, the bulk of services provided by the Helendale CSD occurs within an area of approximately six square miles yet its boundary extends to 138 square miles. This sphere expansion request is for an additional 116 square miles for a total of 254 square miles. Under this request, if Helendale were to incorporate and annex the entire requested sphere territory, it would be the third largest city in the state behind only Los Angeles and San Diego and approximately one fourth the size of Rhode Island. Adelanto and Victorville applaud its ambition but question the ability of an organization less than two years old to effectively serve such a large area.

Unfortunately, when Helendale submitted its application for the establishment of its Sphere of Influence, it ignored the previous action of the board and once again requested land south of the Helendale School District boundary. While we understand LAFCO does not have jurisdiction over school district boundaries, we maintain it is the logical boundary when defining the community of Helendale.

The Helendale School District boundary provides the appropriate separation between the development activity in and around the Southern California Logistics Airport. As has been demonstrated at all major airports, when the negative effects of an airport impact a community that does not gain the economic benefit from the airport, those communities have a difficult time agreeing how to develop. A much better model is to have one agency control both the airport

and the surrounding land so it has the authority and responsibility to develop the land in a compatible manner. Victorville has been successful at developing the SCLA area and would be best equipped to continue the development in the surrounding areas. Victorville should have the responsibility to appropriately plan the land uses in the areas impacted by the noise contours of aircraft takeoffs and landings. Please see the attached letter from Victorville's Airport Director that further explains these issues.

Victorville filed a Sphere of Influence expansion request (LAFCO 3038) as part of the Municipal Service Review in 2006. The sphere expansion request encompasses all of the southerly section of land requested by Helendale. Victorville's sphere request was put on hold pending a General Plan update. The first public meeting for the General Plan update is scheduled for September 24, 2008, and barring significant setbacks, will go to the City Council on October 21, 2008. LAFCO staff has given input in the General Plan and has been made aware of its progress. Part of this General Plan update includes environmental impact analysis and general plan designations of the area requested by both Victorville and Helendale. (See attached map)

Victorville has been working directly with developers on the area between the Mojave River and Interstate 15 for three years. Plans are drawn for a master planned community exemplified by transit-oriented development and sustainable practices, higher density housing supported by outstanding architectural character and public amenities including the potential high-speed passenger rail to connect to Victorville with Las Vegas.

In the past, Helendale has expressed an interest in acquiring the Palisades Ranch area. Inasmuch as this area is planned for residential development, we do not desire to provide service and would consider carving out this territory should a request come from the property owner. Such an action would create a peninsula served by a different school district. Both of these conditions are contrary to typical LAFCO direction.

In closing, the cities of Adelanto and Victorville look forward to working with the Helendale CSD in the future as they continue to grow as an agency into full cityhood. However, the area south of the current boundary and south of the Helendale School District boundary should be planned and developed by the City of Victorville as requested in LAFCO 3038.

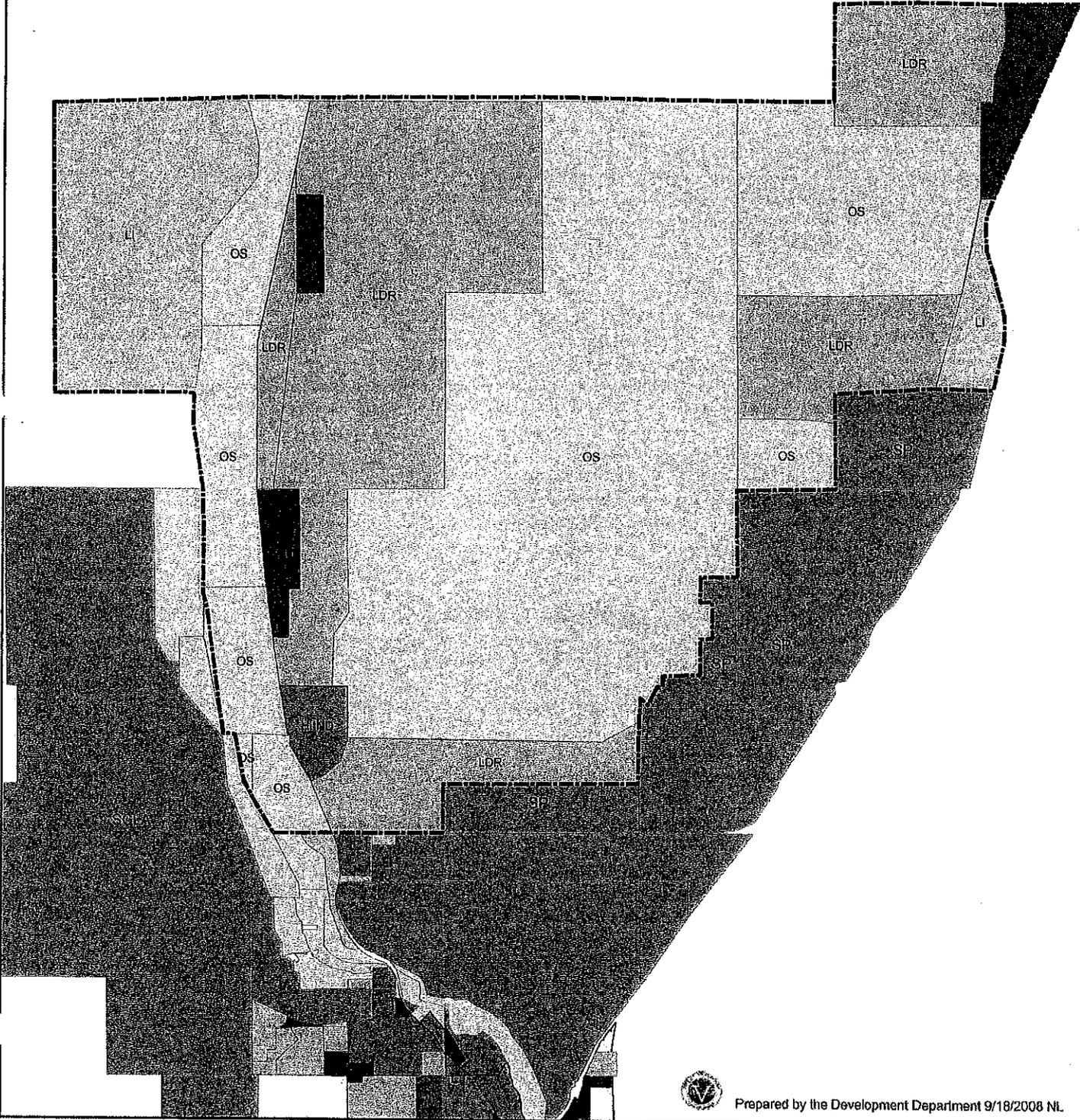
Sincerely,


D. James Hart
City Manager, Adelanto


Jon B. Roberts
City Manager, Victorville

cc: Adelanto City Council
Victorville City Council
Helendale CSD Board
Kimberly Cox, Helendale CSD General Manager

Northern Expansion General Plan Designations





MEMORANDUM

DATE: September 10, 2008
TO: Doug Robertson, Deputy City Manager
FROM: Peter R. *Soderquist*
SUBJECT: Proposed Expansion of the Helendale Community Services District

I just learned that the Helendale CSD is petitioning the Local Area Formation Commission (LAFCo) for an expansion of their Sphere of Influence. This memo serves to call your attention to potential negative impacts this action will impart on the Southern California Logistics Airport (SCLA).

My immediate concern is the effect this action will have on aircraft operations arriving from, and departing to, the north. As you know, the future of SCLA is considerable in terms of the number and size of aircraft. Today, approximately 50,000 annual operations occur at SCLA. Projections are for this to increase to 230,000 annual operations. The fact that these operations will occur over an area for which there has been little or no discussion relative to future land uses is objectionable. There will be noise impacts in this area.

Federal and state guidelines dictate that for airport planning purposes, the 65CNEL noise contour represents that area within which residential uses are not permitted. Land uses that would be permitted in this area are primarily aviation-related, both commercial and industrial. The airport's Comprehensive Land Use Plan indicates the 65 CNEL noise contour extends over five miles to the north. This is well within Helendale CSD's proposed Sphere of Influence.

The final approach corridor to the airport's main runway is from the north. Circle to land procedures on all of the airport's runways are predicated on arrivals from the north. Nearly 50% of our departures are to the north. The Air Force conducts C-5 and C-17 Assault Landing Zone (ALZ) training at SCLA by way of approaches from the north. The AN-124 (one of the world's largest aircraft) carries freight in to SCLA from the north. The area north of the airport is heavily impacted in terms of noise and overflight. This area demands close scrutiny in order to allow for planned, orderly development while at the same time not constraining the airport's ability to grow in response to the demands of the region.

Those agencies involved in the long term development planning of SCLA – specifically, those that have a stake in the airport's future by reason of the fact that they are physically close to the airport, have actively participated in the development of the Airport Master Plan. Likewise, these agencies (Victorville, Adelanto, San Bernardino County) have been involved in the development of the Airport's Comprehensive Land Use Plan. Being ten miles away from the airport, the community of Helendale has not been involved in this process. It is very likely the development interests of Helendale and/or the Helendale CSD will be contrary to the development interests of SCLA and its neighboring stakeholders.

I would like to think that the Helendale CSD would want to ensure areas north of SCLA remain available for airport compatible development. However, since they have not been involved in the most recent master planning effort, my comfort level is less strong. Adding to my discomfort is the fact that there are Helendale residents who call to complain about aircraft overflight and noise. Having been in the industry for as long as I have, and being aware of the extraordinary measures neighboring residents have taken to stifle airport growth, the cynic in me questions why the Helendale CSD would want to engage so much land, much of it immediately north of SCLA.

I cannot overemphasize the importance of examining the implications of Helendale CSD's request to expand its Sphere of Influence, and the negative impacts it could have on the future of SCLA.

MEMORANDUM



DATE: September 18, 2008
FROM: Chris Borchert, Assistant Director of Planning
TO: Doug Robertson, Deputy City Manager

SUBJECT: HELENDALE CSD SPHERE OF INFLUENCE

The Development Department has reviewed the proposal and has the following comments:

The reasons for the request given in the "Justification for Proposal" are not adequately supported. To state that Helendale is working to conserve natural resources and supports "maintenance of existing development patterns in the sphere expansion area" is not supported elsewhere in the document. Table 3-6 of the Municipal Service Review document provides information on nine proposed residential developments without providing information on the locations. In addition, the City of Victorville does not support the existing land use plan and potential residential development located north of Southern California Logistics Airport.

The document continues by stating that 58% of the sphere land is managed by the Bureau of Land Management or by the Resource Conservation designation. Why does the CSD feel a need to oversee this type of low intensity development?

Sections 2.2 and 2.3 of the Municipal Service Review discuss the background and development of the CSD, however, it fails to mention anything about the original boundary request being further south, and that upon negative comments from the City's of Adelanto and Victorville, the current boundary was established. Nor does it address the City of Victorville Municipal Service Review which proposes a sphere of influence which overlaps the entire southern portion of the Helendale request.

A portion of the proposed sphere is located along Interstate 15, south of the Barstow Sphere. This is discussed in Section 2.3 and recommended for inclusion "to allow more freeway frontage for the CSD." This statement conflicts with the rationale of preserving natural resources and maintaining low-intensity development, and raises questions of how a CSD which is over 7.5 miles away over a mountain range proposes to service the area.

It is difficult to ascertain how many more units can be built within the community of Silver Lakes and what impact on existing services and the CSD that will have.

The proposed sphere boundary would leave an odd island of county land between the City of Victorville and Helendale which includes the community of Oro Grande and Quartzite Mountain.