

PROPOSAL NO.: LAFCO 3146

HEARING DATE: September 15, 2010

RESOLUTION NO. 3109

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3146 AND APPROVING THE SPHERE OF INFLUENCE AMENDMENT (EXPANSION) FOR COUNTY SERVICE AREA 42 (ORO GRANDE). The sphere expansion consists of two separate areas totaling approximately 57.09 +/- acres. The two areas are generally located in the north desert region of the County – within the community of Oro Grande.

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, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that this sphere of influence amendment (expansion) is statutory exempt from CEQA and such exemption was adopted by this Commission on September 15, 2010. The Executive Officer was directed to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors; and,

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WHEREAS, the Commission determines that a Service Review as outlined in Government Code Section 56430 and Commission Policy #33 is not required for this minor sphere of influence amendment; and,

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 County Service Area 42 should be expanded, as more specifically described on the attached Exhibits "A" and "A-1"; and,

WHEREAS, the following findings are made:

1. **PRESENT AND PLANNED LAND USES**

The County's land use designation for Area 1 is RL (Rural Living, 2.5 acres minimum lot size) and the land use designation for Area 2 is RL-5 (Rural Living, 5 acres minimum lot size). The proposed use of the area as a school is consistent with the County's existing land use for the area since the siting of a school is allowed in any residential land use district. No change in land use is anticipated and the development of a school is allowed on both existing land uses; therefore, both areas are compatible with the County's existing land use designations assigned for each area.

2. **PRESENT AND PROBABLE NEED FOR PUBLIC FACILITIES AND SERVICES IN THE AREA**

Currently, County Service Area 42 (CSA 42) meets the service needs of those within its service area. However, through the sphere amendment, additional service needs have been identified for the expansion area. The feasibility study prepared for LAFCO 3146 requires the connection to CSA 42's existing water and sewer facilities and how the proposed school is to be served. The overall sphere expansion area already receives and/or benefits from streetlighting and/or park and recreation services provided by CSA 42.

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

The feasibility study prepared for this proposal indicates that CSA 42 is capable of providing water and sewer service to the school parcel (Area 1) subject to completion of the required on-site and off-site improvements. In general, this includes the installation of a new domestic water well, installation of additional water pipelines, and installation of the required sewer facilities. For the parcel used to access the parking and bus loading area of the school (Area 2), no development is anticipated at this time. However, CSA 42 is also capable of providing water and sewer service, if needed.

CSA 42's Free Production Allowance (FPA) in the Alto Sub-basin these past few years has been set at 60 % of its Base Annual Production (465 acre-feet), which then translates to a FPA of 279 acre-feet annually. Of this amount, CSA 42 produces only an average of less than half of its FPA. Therefore, CSA 42 has the water availability to serve the area. In addition, CSA 42's effluent is collected and routed to the Victor Valley Wastewater Reclamation Authority's (VWVRA) regional sewer treatment facility through an interceptor line and pump station that crosses the Mojave River. CSA 42's effluent is minimal compared to the other member agencies of VWVRA.

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

CSA 42's boundary and sphere of influence encompass the community of Oro Grande and is a part of the Oro Grande School District. The proposed sphere of influence expansion area is considered a part of both the Oro Grande community as well as the School District.

Economic interests include the TXI-Riverside Cement plant, which has been in the area since the early 1920s. Since the formation of CSA 42, the cement plant has been a part of CSA 42's boundaries that helps finance municipal services for the area through its ad valorem property taxes.

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. Individual notice was mailed to landowners and registered voters within approximately 1,350 feet of the exterior boundaries of the sphere expansion area (totaling 203 notices). Comments from landowners, registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination. No opposition has been received.

WHEREAS, having reviewed and considered the findings as outlined above, the Commission expands the sphere of influence for County Service Area 42.

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" and "A-1" as being within the sphere of influence of County Service Area 42, it being fully understood that the amendment of such sphere 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 County Service Area 42 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:

