

PROPOSAL NO.: LAFCO 3147

HEARING DATE: September 15, 2010

RESOLUTION NO. 3110

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3147 AND APPROVING THE REORGANIZATION TO INCLUDE ANNEXATIONS TO COUNTY SERVICE AREA 42 (ORO GRANDE SCHOOL DISTRICT – RIVERSIDE PREPARATORY SCHOOL). The reorganization area 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 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,

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby determine, find, resolve, and order as follows:

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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" and "A-1" attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3147.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by County Service Area 42 (annexing agency) 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. 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.

Condition No. 5. The date of issuance of the Certificate of Completion shall be the effective date of this reorganization.

SECTION 2. The Commission determines that:

- a) this proposal is certified to be legally uninhabited;
- b) it has 100% landowner consent; and,
- c) no written opposition to a waiver of protest proceedings has been submitted by any subject agency.

Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56663(c).

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

1. The subject 57.09 +/- acre reorganization area is legally uninhabited as certified by the County Registrar of Voters office as of August 16, 2010.
2. Through approval of the companion proposal, LAFCO 3146, the reorganization area will be within the sphere of influence assigned for CSA 42.
3. The County Assessor has determined that the total assessed value of land within the reorganization area is \$175,000.
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.

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5. All notices required by State law and local Commission policies have been provided. In compliance with Government Code Section 56157, individual notice was mailed to surrounding landowners and registered voters (203) within approximately 1,350 feet of the exterior boundaries of the reorganization area. Comments from landowners, registered voters, 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 has been received by the Commission.
6. The County's land use designations for the unincorporated portion of the reorganization area are: RL (Rural Living, 2.5 acres minimum lot size), and RL-5 (Rural Living, 5 acres minimum lot size). The reorganization area does not conflict with the County's General Plan for the area.
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). 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 Water Agency (the State Water Contractor), San Bernardino County Fire Protection District and its North Desert Service Zone, County Service Area 60, and County Service Area 70 (multi-function unincorporated area Countywide). None of these agencies will be affected by the completion of this reorganization.
9. The County's Special District's Department, on behalf of CSA 42, submitted a plan for the provision of services as required by Government Code Section 56653, which indicate that CSA 42 can extend water and sewer service to the reorganization area upon completion of the required on-site and off-site water and sewer improvements identified in the feasibility study. The plan for service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such plan conforms to those adopted standards and requirements.
10. The reorganization area can benefit from the availability and extension of water and sewer service from CSA 42. The reorganization area already receives and/or benefits from streetlighting and/or park and recreation services provided through CSA 42.
11. With respect to environmental justice, the reorganization proposal will not result in the unfair treatment of any person based on race, culture or income.
12. The County has negotiated the transfer of ad valorem taxes as required by State law. A copy of the resolution adopted by the San Bernardino County Board of Supervisors is on file in the LAFCO office outlining there will be no exchange of revenues.
13. The map and legal description, as revised, are in substantial conformance with LAFCO and State standards as determined by the County Surveyor's Office.

SECTION 4. The reason for this reorganization is to provide water and sewer service to the proposed

