

**Draft LAFCO Resolution No. 3153**

**Attachment 6**

PROPOSAL NO.: LAFCO 3167

HEARING DATE: NOVEMBER 16, 2011

RESOLUTION NO. 3153

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3167 AND APPROVING THE ACTIVATION OF SOLID WASTE AND RECYCLING FUNCTION AND SERVICES FOR THE PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT** (territory encompasses the boundaries of the Phelan Piñon Hills Community Services District as shown on the map attached as Exhibit "A" to this resolution).

On motion of Commissioner \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:

**WHEREAS**, an application to expand the authorized functions and services for the Phelan Piñon Hills Community Services District 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;

**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 Local Agency Formation Commission for San Bernardino County hereby approves the amendment of the Exhibit "A" of its Rules and Regulations of Special Districts and hereby finds and determines:

1. That the Rules and Regulations affecting the functions and services of Special Districts were originally adopted on November 10, 1976;
2. That the Exhibit "A" of the Rules and Regulations lists each special district and its services and functions pursuant to the requirements of Section 6 of the Rules and Regulations;
3. That the Board of Directors of the Phelan Piñon Hills Community Services District desire to activate latent powers for the Phelan Piñon Hills Community Services District for the following function: Solid Waste and Recycling;
4. That said Commission proposed to consider the proposal without reference to a special district advisory committee; and,
5. That said Commission approves the activation of Solid Waste and Recycling function and services within the boundaries of the Phelan Piñon Hills Community Services District and determines, pursuant to Government Code Section 56824.14 that the Plan for Service, combined with other information received, identifies that the Phelan Piñon Hills Community Services District will receive franchise fees to fund its obligations and responsibilities for providing this service. Approval of this action will amend the Exhibit "A" of the Rules and Regulations to read as follows:

	<b><u>FUNCTION</u></b>	<b><u>SERVICES</u></b>
<b><u>Phelan Piñon Hills</u></b> <b><u>(District formed 3/18/08)</u></b>	Water	Supply water for any beneficial use as outlined in the Municipal Water District Law of 1911 (commencing with Section 71000) of the Water Code
	Park and Recreation	Acquire, construct, improve, maintain and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law (commencing with Section 5780) of the Public Resources Code
	Streetlighting	Acquire, construct, improve, maintain and operate streetlighting and landscaping on public property, public right-of-way, and public easements

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Solid Waste and  
Recycling

Collect, transfer, and dispose of solid waste and provide solid waste handling service, including, but not limited to, source reduction, recycling, composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code.

**SECTION 2.** The proposal is approved subject to the terms and conditions hereinafter specified

**Condition No. 1.** The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3167.

**Condition No. 2.** Prior to issuance of the Certificate of Completion for LAFCO 3167, the Phelan Piñon Hills Community Services District shall submit to LAFCO a copy of the signed franchise agreement between the Phelan Piñon Hills Community Services District and CR&R Waste and Recycling Service related to the transfer of County Franchise Area 20 territory.

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

1. The Registrar of Voters Office has determined that the study area contains 9,906 registered voters as of April 14, 2011.
2. The County Assessor's Office has determined that the assessed valuation of land and improvements within the study area is \$1,311,171,969 (\$597,717,600 – Land; \$713,454,369 – Improvements).
3. In compliance with the requirements of Government Code Section 56157 and Commission Policy, notice has been provided through publication of an 1/8<sup>th</sup> page legal advertisement in the *Daily Press* a newspaper of general circulation in-lieu of individual notice due to the number of landowners and voters exceeding 1,000. Comments from landowners, registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination. No protest or expression of opposition to this service expansion has been received.
4. Legal advertisement of the Commission's consideration has been provided through publication in the *Daily Press*, a newspaper of general circulation within the study area. Individual notice has been provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notification.
5. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review. The basis for this determination is that this expansion of function and service authorized the Phelan Piñon Hills Community Services District to include solid waste and recycling will not alter the area in which the service is provided and can be implemented without causing any identifiable physical changes to the environment or any adverse environmental impacts. Without identifiable physical changes in the environment, approval of this proposal 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

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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.

6. The proposal does not conflict with the adopted County of San Bernardino General Plan or the Phelan Piñon Hills Community Plan, both adopted in March 2007.
7. The area in question is presently served by the following local public agencies: County of San Bernardino, Phelan Piñon Hills Community Services District, San Bernardino County Fire Protection District and its North Desert Services Zone, County Service Area 60 (Apple Valley Airport) (portion), County Service Area 70 (multi-function) and its Zones G (road maintenance), R-32 (road maintenance), R-38 (road maintenance), R-39 (road maintenance) Zone G Permanent Road Division (road maintenance), Mojave Water Agency, and Mojave Desert Resource Conservation District (portion). Only the County of San Bernardino and Phelan Piñon Hills Community Services District are affected by this application. None of the agencies are directly affected.
8. The Plan for Service combined with the other documents and information submitted by the Phelan Piñon Hills Community Services District as a part of the application, has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668 and 56824.12. The Plan identifies that the Phelan Piñon Hills Community Services District will assume implementation of the franchise contract for waste collection and recycling operation and in turn it will receive the franchise fees currently paid by CR&R Waste and Recycling Service to fund its obligations and reporting responsibilities. The Commission finds that such Plan conforms to those adopted standards and requirements.
9. LAFCO 3167 complies with the directives of State law and Commission policies that articulate the need for multi-function special districts to serve identified communities within the County. The consolidation of services under the elected board of directors of the PPHCSD allows the residents and landowners of the communities of Phelan and Piñon Hills a forum to determine service levels and needs.
10. This application will have no effect on the ability of the County of San Bernardino to achieve their fair share of the regional housing needs assessment (RHNA). The County of San Bernardino has an adopted Housing Element, prepared in conjunction with its General Plan Update approved in March 2007.
11. With respect to environmental justice, the application study area will benefit from the consolidation of service responsibilities and authorities under a single multi-function special district. Approval of this action will not result in unfair treatment of any person based upon race, culture, or income.

**SECTION 4.** The reason for this request for activation of solid waste and recycling function and service is in direct response to requests of the voters and landowners within the Phelan Piñon Hills Community Services District to clarify service obligations and responsibilities under one multi-purpose special district for the community.

**SECTION 5.** Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization to activate the solid waste and recycling function and service for the Phelan Piñon Hills Community Services District 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.

