

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

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PROPOSAL NO.: LAFCO 3013

HEARING DATE: October 15, 2008

RESOLUTION NO. 3018

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3013 – A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE TOWN OF APPLE VALLEY (affirmation of existing sphere along northern, eastern and southern boundary, and modifications to expand and reduce the western sphere of influence north and south of Bear Valley Road along the Mojave River as shown on attached maps).

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

WHEREAS, a service review mandated by Government Code 56430 and a sphere of influence update mandated by Government Code Section 56425 have been conducted by the Local Agency Formation Commission of the County of San Bernardino (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, a public hearing by this Commission was called for August 20, 2008 and continued to September 17, 2008 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;

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WHEREAS, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that this service review and sphere of influence update are statutorily exempt from CEQA and such exemption was adopted by this Commission on September 17, 2008. The Clerk was directed to file a Notice of Exemption within five working days of its adoption;

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 following sphere of influence determinations should be made for the Town of Apple Valley:

- (1) Affirm the existing sphere of influence for the Town along its northern, eastern, and southern boundary; and
- (2) Modify the sphere of influence along the western boundary to expand the territory north of Bear Valley Road along the Mojave River and reduce the territory along the Mojave River south of Bear Valley Road

as more specifically depicted on the maps attached hereto as Exhibit "A" and "B"; and,

WHEREAS, the determinations required by Government Code Section 56430 and local Commission policy are included in the report prepared and submitted to the Commission dated September 8, 2008 and received and filed by the Commission on September 17, 2008, a complete copy of which is on file in the LAFCO office. The determinations of the Commission are:

1. Growth and population projections for the affected area:

The Town had an estimated population of 70,297 in 2007 as determined by the State Department of Finance. According to Town staff, the build-out population within the Town's boundaries is estimated to be 177,000 based on the land use designations from its current General Plan. The most recent General Plan update for the Town was in 1998; however, the 1998 update did not include the Housing Element. The Town is in the process of updating its General Plan which is anticipated to be completed in spring 2009. The service review material provided indicates that future population and housing growth will most likely occur as infill within the developed area within the Town's limits, specifically the southern, northeast, and northwest portions of the Town. The Town has an adopted strategy for controlling growth as determined by local referendum through the implementation of Measure N (reaffirmed and clarified through Initiative Ordinance No. 06-01), which limits residential lots to a minimum of one half acre.

The Town's population projections, which were developed using the Southern California Association of Government (SCAG) projections, are listed in five-year increments, as follows:

2010 – 70,873	2025 – 89,815
2015 – 77,333	2030 – 95,675
2020 – 83,707	

As indicated above, the Town's 2007 estimated population according to the Department of Finance was 70,297; however, based upon existing development project approvals, the Town is on pace to meet the 2010 population projection before 2010 further supporting the forecast that the Town will experience significant growth through 2030 and beyond.

According to the County's General Plan, the Town's sphere has a residential build-out of 21,450 dwelling units. However, LAFCO staff has received project notices which anticipate General Plan

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Amendments, tentative tract developments, and Conditional Use Permits for increased residential development in both the eastern and southern sphere territories. A review of the project notices submitted to County Land Use Planning for review on file with LAFCO indicates from 2004 through the present the potential for creation of 5,542 lots. Utilizing the General Plan's population figure of 2.68 persons per household for the Desert region, this calculates to an estimated build-out population, as revised by the projects listed above, of 72,338. This would alter the total build-out population of the Town's boundaries/sphere to an estimated 249,338 (the current build-out population of the Town estimated to be 177,000 based upon the current Town General Plan plus the revised County General Plan) in the estimated planning horizon of the year 2030. Historic trends indicate moderate to high growth within this area, and significant growth continues within the Town's boundaries and its sphere. This trend continues even though the Town General Plan requirements for land use support a minimum half-acre residential lot size as determined by referendum. In addition to residential development in the sphere, new industrial and service-oriented developments are planned, along with a major regional circulation improvement called the "Beltway High Desert Corridor". These future projects will increase the need for public services within existing Town boundaries as well as within the unincorporated sphere territory.

2. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies:

Currently, police and fire services adequately serve the area. The Town and the Fire District are planning for future facilities and delivery of services. The Town contracts with the County Sheriff to provide law enforcement and traffic control/accident services to the incorporated area; the County Sheriff, through the Victorville office, provides for law enforcement services and the California Highway Patrol provides for traffic control/accident services in the sphere territory. The Town police force had a staff of 61 for FY 2006-07, which included 48 sworn officers. According to the Town's FY 2007-08 Budget, the Town budgeted \$8,696,647 for Sheriff Services for FY 2006-07 and used 99.1% of the budget, and budgeted \$9,368,409 for FY 2007-08. The funding for law enforcement services during FY 2007-08 accounted for 48% of the General Fund expenditures.

The Town is within the boundaries of the Apple Valley Fire Protection District and the District provides "all risk" emergency response, including emergency medical services at the EMT-P (paramedic) level. The District operates seven fire stations, all located within Town boundaries. Emergency Preparedness is budgeted at \$83,675 for FY 2007-08 and pays for a share of the cost of the emergency preparedness officer working at the Apple Valley Fire Protection District.

WATER

The Town does not provide for retail water service within its boundaries. Within existing Town boundaries this service is provided by private water companies, primarily the Apple Valley Ranchos or Golden State Water Companies or the Rancharitas Mutual Water Company. The Town coordinates its development projects with the water utilities to assure the adequate extension of service both for residential and fireflow purposes. The Apple Valley Ranchos Urban Water Management Plan indicates that it provides water services to 80% of the customers within the Town limits. Within the existing Town sphere of influence water service is provided by an array of public and private entities: five county water districts, three mutual water companies and two private water companies, discussed in greater detail in the Community of Apple Valley staff report. The County Land Use Services Department must coordinate with these various agencies in the evaluation of development projects.

SEWER

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The Town provides sewer collection and transportation for the majority of the Town's territory. Treatment of the effluent collected by the Town is provided by the Victor Valley Wastewater Reclamation Authority, a joint powers authority of which the Town is a member. Town staff indicates that the current sewer capacity and infrastructure is adequate to serve the sewer needs within its service area, is in good working condition, and continues to expand with new development. The most recent adopted Sewer Master Plan is from 1993. Following adoption of the General Plan Update (estimated for completion in Spring 2009), according to the Town's FY 2006-07 financial review, the Town will initiate an update to the Sewer Master Plan to address changes stemming from the General Plan Update.

As of 2005, 30 percent of the Town's population was served by the sanitary sewer system. The Wastewater Department of the Town operates and maintains approximately 140 miles of collector sewer, trunk lines, and interceptors as well as eight sewer lift/pump stations providing service to over 22,000 residents. In 2007, the Town had 829 new connections to its sewer system.

Additionally, the Town is developing a Sewer System Management Plan pursuant to State Water Control Board Order 2006-0003, Statewide General Discharge Requirements of Sanitary Sewer Systems. The goal of the Sewer System Management Plan is to provide a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system and to minimize the frequency and severity of sanitary sewer overflows. The plan will address management, planning, design, and operation and maintenance of the Town's sewer system. Development of the plan began in early 2007 and is estimated for completion in August 2009. As stated in Order 2006-0003, the plan must be approved by the governing body at a public meeting.

The Town's master sewer program maintains the existing and expanded collector sewer lines that are connected to the VVWRA interceptor lines that lead to VVWRA's collection facility. In January 1984, the Regional Wastewater Reclamation Facility went into operation. The facility was constructed with funds derived from Federal and State clean water grants and local share taxes. This facility provides interceptor capacity and wastewater treatment and disposal for the Town of Apple Valley, Hesperia County Water District, CSA 42, CSA 64, and the Victorville Sanitary District. According to VVWRA staff, neither the Town nor the other members are limited by VVWRA in the amount of effluent that can be sent to VVWRA reclamation facilities; however, limitations may occur at the member agency's local collection systems capacity. Town staff indicates that the current sewer capacity and infrastructure is adequate to serve the sewer needs within its service area, is in good working condition, and continues to expand with new development.

Additionally, VVWRA is planning to expand present sewer treatment services by adding two additional reclamation plants. The first plant is planned near the crossing of Stoddard Wells Road and Interstate 15 just west of the Town's corporate boundaries and east of the Mojave River in the City of Victorville. The second plant is planned in the City of Hesperia. These additional plants would increase VVWRA's capacity overall and would benefit the sewer needs of the Town and the region. In addition, these facilities are anticipated to be able to provide recycled water for use on public properties relieving the use of groundwater for turf maintenance.

PARK

The Apple Valley Recreation and Park District was dissolved in 2001 through approval and completion of LAFCO 2868 and the Town, designated the successor agency, assumed responsibility for providing recreation and park services to the territory of the former district. This

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territory included approximately 74 square miles of territory within the corporate boundaries of the Town and an additional 92 square miles outside of the Town’s boundaries with approximately 8 square miles outside the Town’s sphere of influence. The Town was required as a condition of approval within LAFCO 2868 to continue to provide the same range and level of service to the territory of the park district outside its limits in exchange for receipt of the total property tax levy of the District. Therefore, the service area of the park and recreation department remains significantly larger than the Town’s corporate boundaries. Currently, the Town maintains 10 neighborhood parks, two community parks, and a community center which includes a gym, an equestrian center, and an aquatic center. All but one of the facilities is within the boundaries of the Town, the Horsemen’s Center located on Highway 18 just east of the Town’s boundaries. The 2004 Master Plan of Park and Recreation Services submitted as a part of this service review identifies that a community pool is not available to residents, creating one of the Department’s biggest service challenges. However, a pool was constructed and began operation in September 2007.

The total size for the park and recreation facilities is 178.5 acres. Additionally, the Town owns four undeveloped properties totaling 49 acres identified as: Standing Rock and Central Roads (20 acres), Sitting Bull/River Site (2 acres), Dale Evans and Stoddard Wells Road (5 acres within sphere area), and Civic Center Community Park (22 acres). Pursuant to the Quimby Act, a minimum of three acres per thousand population should be dedicated for recreational and/or open space purposes. Utilizing the Town’s 2006 population and total developed park acreage, the Town lacks 24 acres of developed parkland. When the undeveloped properties are added, the Town has the potential to surpass the minimum Quimby Act standard.

The LAFCO approval for LAFCO 2868 required the Town to account for the revenues and expenditures for park and recreation services separately. The negative fund balances identified in the Town’s General Fund averages an annual shortfall of \$637,303. The potential for such shortfalls were known at the time that dissolution of the District was initiated by the Town.

Within Town limits development impact fees and/or Quimby Act fees are imposed upon developments in order to assure the development of adequate parklands for communities. Information has been provided that the Town and County have resolved questions regarding the imposition of Quimby Act fees for developments occurring within the prior boundaries of the Apple Valley Recreation and Park District. These fees are not a part of the development review process, but are charged at the time that a building permit is issued within the County.

Roads

According to the Town’s FY 2006-07 financial report, it has resurfaced about 400 miles of road within its boundaries since 1998 with roughly 53 miles resurfaced in FY 2007. Below is the resurfacing activity over the past 10 years:

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Street Resurfacing (miles)	44.43	30.65	9.80	4.09	28.37	68.37	29.50	97.08	31.13	52.92

Further, within the past two years the Town has funded major improvements to the Apple Valley corridor, which included the expansion of Apple Valley Road northward to connect to Interstate 15 and expanded a two-mile segment of Navajo Road from two lanes to five lanes. Capital improvement projects planned for the next five years are listed in the file and include, but are not limited to, the proposed Yucca Loma Bridge, preliminary re-alignment and engineering studies for

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the intersection of Apple Valley Road and Highway 18, and intersection re-alignment for the intersection of Apple Valley Road and Highway 18 to take place

3. Financial ability of agencies to provide services:

The Town's primary revenue sources are sales and use taxes, property taxes, utility service charges, and the redevelopment tax increment. Additional revenue sources include development impact fees and grants, which can vary from year to year. The Capital Improvement Program identifies potential sources of funding, which include special revenue funds (Measure I, community development block grants, and Transportation Equity Act funds), development impact fees, grants, and other general revenue sources. Developers, through conditions of approval and development impact fees, fund infrastructure in undeveloped areas within the Town's boundaries.

Highlights from the Town's comprehensive annual financial report for FY 2006-07 are:

- Assets exceeded liabilities by roughly \$471 million of which roughly \$26.7 million was unrestricted net assets.
- Net assets increased by roughly \$370 million. Roughly \$329 million of the increase is attributable to the implementation of Governmental Accounting Standards Board Statement No. 34 which required the retroactive recording of the Town's infrastructure.
- The Town's governmental funds combined increased roughly \$8.7 million in comparison with the prior year of which roughly \$32.1 million was unreserved.
- The Town's total debt increased by roughly \$7.7 million or 33%. This was due to the issuance of Tax Allocation Bonds in June 2007. The Town RDA issued \$8.985 million in Tax Allocation bonds which will mature in 2037.

The FY 2006-07 financial report refers to a commercial market study which indicates that 75 percent of the lost sales tax revenue could be captured by specific commercial retailers. The opening of a Lowe's Home Improvement Warehouse, a second location for Stater Bros., Walgreens, and a Super Target highlight the recent openings of commercial retailers within the Town. Additionally, to drive industrial opportunities in the industrial northern section of the Town, the Town Council approved the North Apple Valley Industrial Specific Plan in October 2006.

The Capital Improvement Budget is about \$9.6 million. Several projects are planned or in progress from Measure I, Traffic Impact Fees, and special grants received. It is anticipated that the Town will spend over \$1.9 million on various road paving projects and about \$7.65 million completing various road improvements.

The bulk of the revenue for the Park and Recreation Department comes from property tax and the Town receives Quimby and Park Development Impact Fees for developments within its corporate boundaries. The Town also now receives Quimby fees for developments outside its corporate limits within the boundary of the former Apple Valley Recreation and Park District. For FY 2006-07, the Town's financial report identifies that the Parks and Recreation fund had a total fund balance of \$(1,525,829), and the net decrease in fund balance was \$958,136. This is mainly due to the increase in operation costs for the new Civic Center Park and Aquatic Center. Moreover, as indicated in the Town's FY 2007-08 budget on page 13, "As in the past expenditures are expected to exceed revenues by approximately \$1,350,000 in fiscal year 2007/08".

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The cost of operating and maintaining the Regional Wastewater Reclamation Facility is paid from user charges that are levied throughout each of the communities on an equitable basis. During FY 2005-06, the Town remitted approximately \$2,756,700 to VVWRA. Expansion projects are funded through connection fees, and 75% of the connection fees go to VVWRA to fund expansion projects. The Town retains 25 percent for expansion projects and maintenance of the Town's facilities. Additionally, the Town requires all non-residential development to connect to the Town's sewer system at the cost of the developer.

4. Status of, and opportunities for, shared facilities:

The Town's Emergency Operations Center is located at the Apple Valley Fire Protection District's headquarters, a shared operation with the Fire District. As mentioned previously, the Regional Wastewater Reclamation Facility is shared with the other participants in the joint powers authority, VVWRA. The Town shares facilities with the School District in order to provide its range of park and recreation services.

5. Accountability for community service needs, including governmental structure and operational efficiencies:

Operational Efficiency

Operational efficiencies are realized through several joint agency practices. The Town is a participant in the Victor Valley Economic Development Authority, a joint powers authority comprised of the Town, Cities of Adelanto, Victorville and Hesperia, and the County to coordinate the transition of George Air Force Base from military to civilian use. The Town is also a member of the Victor Valley Transit Authority whose members are the same as the Victor Valley Economic Development Authority. The purpose of this authority is to implement a public transit system to serve the Victor Valley and to provide connecting services to other areas. The Town is a member of the Victor Valley Wastewater Reclamation Authority (VVWRA). The VVWRA is a Joint-Powers Authority created expressly for the purpose of treatment of wastewater at a regional facility and the ultimate disposal of effluent and solids. The Town is also involved with the Mojave Desert and Mountain Integrated Waste Management Authority.

Joint projects include the design and construction of the Yucca Loma Bridge with the County and the City of Victorville. The Town is also a participant in the future High Desert Corridor with the County and the Cities of Victorville, Hesperia, and Adelanto.

Of note for financial accountability, the Town's comprehensive annual financial report for the years ending June 30, 2005 and June 30, 2006 was awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada.

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Government Structure Options

There are two types of government structure options:

1. Areas served by the agency outside its boundaries through “out-of-agency” service contracts;
2. Other potential government structures changes such as consolidations, reorganizations, dissolutions, etc.

Out-of-Agency Agreements:

The Town does not provide for service outside its boundaries. However, the extension of sewer service would be a possibility for those developments anticipated within its unincorporated sphere of influence.

Other Government Structure Options:

Town staff, in preparing the municipal service review, indicated that there were no consolidations or other structure options available for the operation of the Town. The materials did identify that the Town recommends that LAFCO support local jurisdictions in their pursuit of regional solutions to municipal problems and issues. While the discussion of some government structure options may be theoretical, a service review should address all possible options. Some of those include:

1. Expansion of the Town through annexation to encompass its existing sphere which would require that the full-range of its service be provided to the area. Such services would include police protection, land use services, road maintenance, recreation and park, and code enforcement. The Town addressed the issue of annexation of its sphere in 2005 and adopted an annexation policy. The Town agenda report for its annexation policy indicates that initial annual costs would be between \$1.3 million and \$1.63 million with revenues being about \$801,000. The primary cost change would have been the need for increased road maintenance and law enforcement services. With revenues being roughly half of the expenditures, the Town did not pursue the annexation.
2. Assumption of domestic water service through acquisition of the private and mutual water companies within the Town’s corporate boundaries. Such an action would require the Town to purchase the water companies through the processes defined by either the Public Utilities Commission (PUC) for the private water companies or the Department of Corporations for the mutual water companies. The Town has researched the issue of acquiring the Apple Valley Ranchos Water Company and it was determined to be too costly to pursue. No further interest on the part of the Town to pursue these options has been provided. The public water agencies are located outside the boundaries of the Town and could not be merged or established as a subsidiary district of the Town without annexation. The Town has not identified any plans for future annexations in these areas.
3. Dissolution of the Apple Valley Fire Protection District with the Town named the successor agency to be responsible for providing fire protection services. When the Town incorporated in 1988, the chief proponents intentionally left the Apple Valley Fire Protection District and the Apple Valley Park and Recreation District as independent agencies, unaffected by cityhood, to serve the Town and the surrounding community. In 2001, the Town Council initiated a proposal to LAFCO, for the dissolution of the Apple Valley Park and Recreation District with the Town deemed the successor agency for the provision of park and recreation

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services within the former boundaries of the District. Like the Fire Protection District, the Park and Recreation District's territory was vastly larger than the Town's boundaries. The Town's interest in preserving and enhancing the Recreation and Park District's activities was clear, despite the significant difference in the land areas of the two agencies. However, there is no expressed interest by the Town or the Fire District to consider this option.

4. Maintenance of the Status Quo in general, no change in sphere of influence or range of services.

Based upon its evaluation, the Commission supports the retention of the current sphere of influence determination for the Town with minor changes along the Mojave River

WHEREAS, the following determinations are made in conformance with Government Code Section 56425 and local Commission policy:

1. Present and Planned Uses:

Overall, the Town's existing boundaries and sphere include the full range of densities from high density to non-developable land. Land uses also include the full range which includes open space, residential, and industrial. The Town on March 10, 2008, approved a General Plan Amendment and Zone Change to assign Town land use designations to the territory within its sphere of influence as well as approximately 70 square miles beyond the existing sphere designation. In general, these land use designations mirror those of the County General Plan as adopted in March 2007. In addition, the Town is currently in the process of updating its General Plan with an anticipated completion during the spring 2009.

As mentioned previously, the area within the Town's boundaries and sphere has experienced significant growth since the year 2000. Furthermore, current development in the sphere is significant. Such developments include residential tracts, with varying lots sizes from condominiums and 7,200 square foot lot projects to equestrian developments through general plan amendments. With roughly 86% of the Town zoned residential, efforts and resources have been allocated toward balancing the Town's economy by attracting commercial and industrial enterprises. The County's Development Code establishes "sphere standards overlay" to allow the implementation of County development standards or standards that closely conform to city development standards. The intent of this sphere overlay standard is to, "ensure that the County's approval of a proposed development in a sphere of influence is consistent with the shared objectives of the County" and the city.

Pursuant to Government Code 56425(b), as a part of the sphere of influence updates for cities conducted by LAFCO, the cities and the County are required to meet and discuss the sphere of influence of the city. The Town and the County fulfilled the meeting requirement, through a series of discussions related to implementation of development standards within its unincorporated sphere. At the July 8, 2008 Town Council Meeting it adopted a "Memorandum of Understanding between the Town of Apple Valley and the County of San Bernardino regarding future development within the Town's sphere of influence". The County Board of Supervisors was originally scheduled to consider adoption of the Memorandum at its October 7, 2008 hearing, but the matter has been continued.

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2. Present and Probable Need for Public Facilities and Services:

The Town currently provides a full range of municipal services to its residents, including park and recreation, sewer, police (through contract with the County Sheriff), and economic development; while fire protection and emergency response are provided by the independent Apple Valley Fire Protection District. The Town indicates that as the sphere develops, the County will have to determine the need for public facilities and infrastructure in the sphere area and through joint adoption of the Memorandum of Understanding on future development, the standards for those developments will be compatible. When adopted, the County's sphere overlay standards would allow the County to address the Town's development and service delivery philosophies.

3. Present Capacity of Public Facilities and Adequacy of Public Services

The Town provides or contracts for most municipal-level services within its current service territory, with the exception of retail water service and fire protection. Overall, current facilities and services delivered are adequate.

Wastewater capacity will have to be expanded to meet future growth needs. Currently, VVWRA is planning to expand present sewer treatment services by adding an east regional facility and a sub-regional facility in the City of Hesperia. This would increase VVWRA's capacity overall and support the sewer needs of the Town and the region.

The Town indicates that funding of facilities and services to developing areas within its boundaries will possibly require development-driven funding sources such as the formation of community facilities districts.

Traffic is a concern as development increases. The Town is planning over \$162 million in road and street improvements over the next five years with the largest improvements planned for the Yucca Loma Bridge, widening the west end of Highway 18, and Apple Valley Road. Other Capital Improvement Projects include improving the community center, construction of an animal shelter and public works building, and expansion of the Town Hall.

4. Social and Economic Communities of Interest:

The Town of Apple Valley is the hub of the social and economic community of interest for the community. Various other definers for the social community of interest would include the Apple Valley Unified School District which, in general, corresponds to the existing Town sphere of influence on the north, and is larger than the Town or community definition on the south. In addition, the Mojave River presents an easily identifiable boundary for service delivery; however, its present location splits parcels. The Commission determines to approve the sphere of influence amendment to align the sphere of influence/community definition along the parcel boundaries recognizing their service relationship.

5. Additional Determinations

- The Commission's Environmental Consultant, Tom Dodson and Associates, has determined the changes outlined for the Town of Apple Valley sphere of influence are statutorily exempt from environmental review

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as the same appears in the Official Minutes of said Commission at its meeting of October 15, 2008.

DATED:

KATHLEEN ROLLINGS-McDONALD
Executive Officer

DRAFT