

Draft LAFCO Resolution No. 3195

Attachment 5

PROPOSAL NO.: LAFCO 3185

HEARING DATE: March 18, 2015

RESOLUTION NO. 3195

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3185 AND APPROVING THE SPHERE OF INFLUENCE EXPANSION FOR THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT AND REDUCTION FOR THE CREST FOREST FIRE PROTECTION DISTRICT (sphere amendments encompassing approximately 10,429 acres expanding the sphere of influence for the San Bernardino County Fire Protection District to include the Crest Forest Fire Protection District and to designate a zero sphere of influence for the Crest Forest Fire Protection District).

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 amendment (expansion/reduction to zero) 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 called for March 18, 2015 at the time and place specified in the notice of public hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written support and opposition; the Commission considered all objections and evidence which were made, presented, or filed; 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,

WHEREAS, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that the sphere of influence amendments

RESOLUTION NO. 3195

(expansion/reduction to zero) is statutory exempt from CEQA and such exemption was adopted by this Commission on March 18, 2015. The Commission directed its Executive Officer to file a Notice of Exemption within five working days with the San Bernardino County Clerk of the Board of Supervisors; 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 the San Bernardino County Fire Protection District should be expanded to include the Crest Forest Fire Protection District and to designate a zero sphere of influence for the Crest Forest Fire Protection District, as more specifically described on the attached Exhibits "A" and "A-1" to this resolution; and,

WHEREAS, the Commission determined that the service review conducted for the Crest Forest Fire Protection District adequately fulfills the determinations required by Government Code Section 56430. A complete copy of the report dated November 30, 2010 and received and filed by the Commission on December 8, 2010, is on file in the LAFCO office;

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

1. **The Present and Planned Land Uses in the area including agricultural and open-space lands:**

The land area proposed to be included in the sphere of influence of the San Bernardino Fire Protection District includes land use designations from the most urban intensity to territory anticipated for preservation as open space. Development in the San Bernardino Mountains is naturally constrained by rugged terrain, limited access, and lack of support infrastructure, as well as by planning and environmental policies which place much of the area off limits to significant development. Maximum build-out potential is substantially constrained by the slope-density standards and fuel modification requirements of the County General Plan Fire Safety Overlay. The private lands within the district have land use designations of predominantly residential (RS-14M and RL-5), with scattered commercial along State Route 138 and along Lake Drive west of Lake Gregory. The public lands within the community are designated Resource Conservation.

Roughly 81% of the lands within the community is privately owned with the remainder within the San Bernardino National Forest (owned by the federal government), which are devoted primarily to resource protection and recreational use.

In general, the San Bernardino Mountains is one of the most densely populated mountain areas within the country, and is the most densely populated urban forest west of the Mississippi River. However, there is a large seasonal population component as well as a substantial influx of visitors to the mountain resort areas. The seasonal population and visitors are not reflected in available demographic statistics, which count only year-round residents. The current estimate of population within the Crest Forest community for 2014 is 18,753 year-round residents.

RESOLUTION NO. 3195

As an unincorporated area, the County General Plan addresses the land use issues for the community along with the Crest Forest Community Plan. These plans include the following goals related to fire protection and emergency response:

Goal LU8-3 (Subsection 1) "Create a County Fire Master Plan that will identify the various areas of the County and provide standards of coverage commensurate with the various characteristics of the County but whose goal is to achieve the levels of service established by the National Fire Protection Association (NFPA) 1710 and 1720.

Goal CI 16.1 "Continue the consolidation efforts of the Fire Department to maintain the continued operation, services, facilities, and current infrastructure but also to ensure the provision of operations, service facilities and internal infrastructure into the future.

Approval of this sphere of influence amendment proposal will move these goals forward for the unincorporated community of Crest Forest.

2. The present and probable need for public facilities and services in the area

The Crest Forest Fire Protection District has submitted a response to the Factors of Consideration for the sphere of influence amendment and the San Bernardino County Fire Protection District has developed a Plan for Service which outlines the continuing delivery of fire protection, emergency medical response and ambulance service to the Crest Forest community. The need for a maintenance of a community emergency response agency in a mountain community cannot be minimized. There are generally two ways off the mountain for the Crest Forest community and the development of a Strategic Plan to address this emergency response is critical to the community. In the past, financial constraints within the Crest Forest Fire Protection District prevented this plan from being prepared. However, through the completion of the companion annexation proposal, the community will continue to receive the fire protection, emergency medical response and ambulance services they have enjoyed in the past and may receive the much needed Strategic Plan document through the San Bernardino County Fire Protection District.

3. The present capacity of public facilities and adequacy of public services that the agency provides

The package of applications submitted by the Crest Forest Fire Protection District is intended to maintain the current level of fire protection, emergency response, and ambulance service provided to the community. In 2013 the District contracted with the San Bernardino County Fire Protection District to provide its range of services in order to resolve financial concerns related to ongoing operations and the desire to maintain staffing and service levels provided to the community. This sphere of influence amendment application will allow for the delivery of fire protection, emergency response and ambulance service to continue through completion of the reorganization process. No increase in service is anticipated through the completion of this set of proposals.

4. The existence of any social or economic communities of interest

The 16+/- square mile area of the Crest Forest Fire Protection District is the heart of the Crest Forest community, which includes areas commonly known as Crestline, Cedarpines

RESOLUTION NO. 3195

Park, Valley of the Moon, Twin Peaks, and Sawpit Canyon. The assurance of continuing fire protection, emergency response and ambulance service is critical to the long term viability of this area as a year-round community with opportunities for commerce, housing, education and recreational pursuits.

5. Additional Determinations

- Notice of the Commission’s consideration of this issue has been advertised as required by State law through publication in *The Sun* and *Alpenhorn*, newspapers of general circulation in the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies wishing mailed notice.
- The map and legal description of this sphere of influence amendment, was prepared and certified by the County Surveyor’s office.

WHEREAS, pursuant to the provisions of Government Code Section 56425(i) the range of services provided by the San Bernardino County Fire Protection District shall be limited to the following:

FUNCTIONS	SERVICES
Fire	Structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services. rescue, first aid, paramedic, ambulance transportation, emergency response, and disaster preparedness planning

The nature and location of the provision of these services to the Crest Forest community will be considered within the companion proposal, LAFCO 3186. The Crest Forest Fire Protection District is currently authorized the following services under its Fire Function all of which are included within the authorized services for the San Bernardino County Fire Protection District and delivered through its Mountain Service Zone.

FUNCTIONS	SERVICES
Fire Protection	Structural, watershed, suppression, prevention, rescue, communications, ambulance, paramedic

WHEREAS, having reviewed and considered the determinations as outlined above, the Commission determines to expand the sphere of influence for the San Bernardino County Fire Protection District, encompassing approximately 10,429 acres and to designate a zero sphere of influence for the Crest Forest Fire Protection District.

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission for San Bernardino County, 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 the San Bernardino County Fire Protection District, it being fully understood that the amendment of such sphere of

RESOLUTION NO. 3195

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 for San Bernardino County, State of California, does hereby determine that San Bernardino County Fire Protection District 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 for San Bernardino County by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, KATHLEEN ROLLINGS-MCDONALD, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of March 18, 2015.

DATED:

KATHLEEN ROLLINGS-MCDONALD
Executive Officer