

**Draft Resolution No. 3206**

**Attachment 5**

PROPOSAL NO.: LAFCO 3196

HEARING DATE: OCTOBER 21, 2015

RESOLUTION NO. 3206

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3196 AND APPROVING THE REORGANIZATION TO INCLUDE CITY OF BIG BEAR LAKE ANNEXATIONS AND DETACHMENTS FROM COUNTY SERVICE AREA 53 AND ITS ZONES B AND C, COUNTY SERVICE AREA 54, AND COUNTY SERVICE AREA 70 AND ITS ZONES R-3 AND R-5 (NON-CONTIGUOUS MUNICIPALLY-OWNED PARCELS). The reorganization includes 19 separate areas encompassing a total of approximately 6.95 acres of non-contiguous, municipally-owned parcels throughout the unincorporated Bear Valley community including three parcels located in the community of Fawnskin, a parcel generally located southwest of the City of Big Bear Lake, three parcels located in the Moonridge area, four parcels located in the Lake Williams area, five parcels generally located in and around the unincorporated community of Sugarloaf, and four parcels generally located in and around Erwin Lake.**

**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 reorganization 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 called for October 21, 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/or opposition; 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

## RESOLUTION NO. 3206

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.

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

### **DETERMINATIONS:**

**SECTION 1.** The proposal is approved subject to the terms and conditions hereinafter specified:

### **CONDITIONS:**

**Condition No. 1.** The boundaries of this change of organization are approved as set forth in Exhibits "A", "A-1", "B", "B-1", "C", "C-1", "D", and "D-1" attached;

**Condition No. 2.** The following distinctive short-form designation shall be used through this proceeding: LAFCO 3196;

**Condition No. 3.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Big Bear Lake (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.** The City of Big Bear Lake shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County 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.** Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

**Condition No. 6.** 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).

## RESOLUTION NO. 3206

**SECTION 3. DETERMINATIONS.** The following determinations are noted in conformance with Commission policy and Government Code Section 56668:

1. The reorganization proposal is legally uninhabited, containing no registered voter within any of the 19 areas.
2. The County Assessor's Office has determined that the total assessed value of land within the reorganization area is \$211,746 as of August 6, 2015.
3. The areas being annexed through this reorganization proposal are not within the sphere of influence assigned the City of Big Bear Lake. However, the municipally-owned parcels are being annexed into the City through the non-contiguous annexation process pursuant to Government Code Section 56072; therefore, the provision regarding sphere consistency for annexation does not apply.
4. Commission consideration of this proposal has been advertised in *The Big Bear Grizzly*, a newspaper of general circulation within the reorganization area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. In compliance with Commission policy and Government Code Section 56157, the Notice of Hearing for this proposal was provided by publication in *The Big Bear Grizzly* as an 1/8th page legal ad. Comments from registered voters and landowners and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.
6. The City of Big Bear Lake will designate all the areas being annexed into the City as Public Facilities (P) through a General Plan Amendment following completion of the annexation process. Pre-zoning was not a requirement as allowed under Government Code Section 56375(a)(7) as the properties are already developed.
7. The Southern California Associated Governments (SCAG) adopted its 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3196 has no direct impact on SCAG's Regional Transportation Plan.
8. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the proposal has no potential to cause any adverse effect on the environment since no development and/or physical modification is proposed on any of the parcels being annexed. The Commission certifies it has reviewed and considered the environmental recommendation and finds that, 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 Section 15061(b)(3).

The Commission adopted 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.

**RESOLUTION NO. 3206**

9. The areas within the reorganization are served by the following local agencies: County of San Bernardino, Inland Empire Resource Conservation District, Bear Valley Community Healthcare District, Big Bear Airport District, Big Bear Municipal Water District, Big Bear Valley Park and Recreation District, Big Bear City Community Services District (portion), San Bernardino County Fire Protection District and its Mountain Service Zone (portion), CSA 53, CSA 53 Zones B and C (portion), CSA 70, and CSA 70 Zones R-3 and R-5 (portion).

County Service Area 53 and its Zones B and C along with County Service Area 70 and its Zones R-3 and R-5 will be detached as a function of this reorganization. None of the other agencies are affected by this proposal as they are regional in nature.

10. The City of Big Bear Lake submitted a plan for services as required by law. 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 for Service submitted conform to those adopted standards and requirements and show that the level of service will be maintained following annexation.

Road maintenance service will continue to be provided by CSA 70 Zones R-3 and R-5 to their respective areas by contract in order to assure continuity.

11. The reorganization proposal is in compliance with Commission policies and would be for the benefit of the water ratepayers for the City's Department of Water and Power. Annexing these municipally-owned parcels would relieve the City of a recurring annual property tax obligation of approximately \$110,000.
12. This proposal will not affect the ability of the City of Big Bear Lake to achieve its fair share of the regional housing needs since the reorganization only includes areas that will remain as public facilities.
13. With respect to environmental justice, the reorganization proposal—wherein the parcels being annexed into the City of Big Bear Lake will remain as public facilities—will not result in the unfair treatment of any person based on race, culture or income.
14. The County of San Bernardino and City of Big Bear Lake have successfully negotiated a transfer of ad valorem taxes as required by State law. Copies of the resolutions adopted by the San Bernardino county board of Supervisors and the City Council of the City of Big Bear Lake are on file in the LAFCO office outlining the exchange of revenues.
15. The maps and legal descriptions, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

**SECTION 4.** The reason for this reorganization is to relieve the City of Big Bear Lake of a recurring annual property tax obligation of approximately \$110,000, which is a significant savings that would benefit the water ratepayers of its Department of Water and Power.

**SECTION 5.** The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations of the City of Big Bear Lake through the reorganization. The regular

