

Draft Resolution No. 3234

Attachment 6

PROPOSAL NO.: LAFCO 3210

HEARING DATE: SEPTEMBER 21, 2016

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A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3210 AND APPROVING THE ANNEXATION TO THE APPLE VALLEY HEIGHTS COUNTY WATER DISTRICT (APN 0438-132-21). The annexation area consists of a portion of Assessor Parcel Number 0438-132-21, comprising approximately 1.25 acres, generally located on the east side of Cholla Road, southerly of Roundup Way.

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 called for September 21, 2016 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, and all 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;

NOW, THEREFORE, BE IT RESOLVED, be the Local Agency Formation Commission for San Bernardino County, State of California, 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 3210.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Apple Valley Heights County Water District (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 Apple Valley Heights County Water District 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 annexation.

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 56662(d).

SECTION 3. DETERMINATIONS. The following determinations are noted in conformance with Commission policy:

1. The annexation area is legally uninhabited containing 0 registered voter as determined by the Registrar of Voters as of September 8, 2016.
2. The County Assessor's Office has determined that the total assessed valuation of land and

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improvements within the annexation area is \$38,950 (land - \$12,985 -- improvements - \$25,965) as of August 9, 2016

3. The annexation area is within the consolidated sphere of influence assigned for the Apple Valley Heights County Water District.
4. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to surrounding landowners and registered voters within approximately 700 feet of the exterior boundaries of the annexation area (totaling 165 notices). 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 opposition to this annexation has been received by the Commission.
5. Notice of this hearing has been advertised as required by law through publication in *The Daily Press*, a newspaper of general circulation within 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 reviewed by the Commission.
6. The County's land use designation for the annexation area AV/RS-1 (Apple Valley (community)/Single Residential, 1 acre minimum lot size). No change in land use is anticipated as a result of the annexation.
7. The Southern California Associated Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3210 has no direct impact on SCAG's Regional Transportation Plan. The Sustainable Community Strategy includes as a goal the need to promote and improve public health, which LAFCO 3210 accomplishes.
8. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review. The basis for this determination is that the Commission's approval of the annexation has no potential to cause any adverse effect on the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in 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.
9. The local agencies currently serving the area are: County of San Bernardino, Mojave Desert Resource Conservation District, Mojave Water Agency (the State Water Contractor), Apple Valley Fire Protection District, County Service Area 60 (Apple Valley Airport), and County Service Area 70 (multi-function unincorporated area Countywide).

None of these agencies are affected by this proposal.
10. The Apple Valley Heights County Water District submitted a plan for the provision of water service as required by Government Code Section 56653, which indicates that the District can, at a minimum, maintain the existing level of service delivery. 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

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Plan conforms to those adopted standards and requirements.

11. The annexation area can benefit from the availability and extension of water service from the Apple Valley Heights County Water District and has benefited from water service previously provided by the District.
12. With respect to environmental justice, the annexation proposal—which simply provides water service to a single parcel—will not result in unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino, acting on behalf of the Apple Valley Heights County Water District, adopted a resolution indicating no transfer of property tax revenues would be required. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The map and legal description prepared by the County Surveyor are in substantial conformance with LAFCO and State standards.

SECTION 4. The primary reason for this annexation is to provide water services to 9125 Cholla Road as required per the settlement agreement between the property owner and the Apple Valley Heights County Water District. Only a small portion of the parcel associated with 9125 Cholla Road is currently within the District; therefore, the entirety of the parcel is being annexed into the District for the receipt of water service.

SECTION 5. The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations of the Apple Valley Heights County Water District through the annexation. The regular County assessment rolls are utilized by the Apple Valley Heights County Water District.

SECTION 6. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization 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.

SECTION 7. The Commission hereby orders the territory described in Exhibits “A” and “A-1” reorganized. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

SECTION 8. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

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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 September 21, 2016.

DATED:

KATHLEEN ROLLINGS-MCDONALD
Executive Officer

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