


LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: MARCH 13, 2019
FROM: SAMUEL MARTINEZ, Executive Officer 
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #8: LAFCO 3228 – Annexation to the Running Springs Water District, As Modified

RECOMMENDATION:

The staff recommends that the Commission approve LAFCO 3228, as modified:

1. For environmental review, certify that LAFCO 3228, as modified, is statutorily exempt from the provisions of the California Environmental Quality Act, and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3228, as modified – Annexation to the Running Springs Water District, with the following determination/conditions:
 - a) Determination: The San Bernardino County Fire Protection District and its Mountain Service Zone, both of which will continue to overlay the annexation area, will remain the responsible agency for fire protection and emergency medical response; and,
 - b) The standard LAFCO conditions including the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, etc.
3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,
4. Adopt LAFCO Resolution No. 3278, setting forth the Commission’s determinations and conditions of approval concerning LAFCO 3228, as modified.

BACKGROUND:

LAFCO 3228 was originally considered by the Commission on October 17, 2018. The original proposal was a reorganization to annex the Pali Mountain Retreat/Adventure/Institute campsite (formerly Camp O-ongo) into the Running Springs Water District (District) and detach the camp property from the San Bernardino County Fire Protection District (County Fire) and its Mountain Service Zone. However, after hearing testimony from representatives from both the District and County Fire, the Commission discussed the option of continuing the overlay of County Fire and its Mountain Service Zone. The Commission then continued the item to the January 16, 2019 hearing in order to evaluate further the provision of fire services to the camp property.

At the January hearing, the Commission was presented a staff report (included as Attachment #1) and again heard testimony from both the District and County Fire, including the property owner's representative. In the end, the Commission voted to modify LAFCO 3228 by removing the detachment of the San Bernardino County Fire Protection District and its Mountain Service Zone from the original reorganization proposal and deferred formal approval of the modified proposal to the March 20, 2019 hearing following completion of the property tax transfer renegotiation process, if requested by either the District or County Fire.

County Fire requested renegotiation of the property tax transfer and the County will be considering approval of the renegotiated property tax transfer resolution at the March 19, 2019 Board of Supervisors meeting.

Meanwhile, the District continues to object to the modified proposal and has submitted a letter (see Attachment #2) requesting that the Commission reconsider its decision related to LAFCO 3228.

WAIVER OF PROTEST PROCEEDINGS:

The annexation area is legally uninhabited and LAFCO staff verified that the annexation area possesses 100% landowner consent (see Attachment #3). Therefore, if the Commission approves LAFCO 3228, as modified, and none of the affected agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending pursuant to Government Code Section 56662(d) that protest proceedings be waived and that the Commission direct the Executive Officer to complete the action following completion of the mandatory 30-day reconsideration period.

ENVIRONMENTAL CONSIDERATIONS:

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Tom Dodson and Associates, has indicated that the review of LAFCO 3228, as modified, is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the fact that the Commission's approval of the modified proposal does not contribute to any additional potential for a physical change

in the environment. Therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). Staff recommends that the Commission adopt the General Rule Statutory Exemption for this proposal.

CONCLUSION:

At the January hearing, the Commission took the action to modify LAFCO 3228 by removing the detachment from the San Bernardino County Fire Protection District and its Mountain Service Zone and continued the item in order to complete the property tax transfer renegotiation process and adoption of the revised property tax resolution by the County Board of Supervisors.

The Commission's action now is to formally approve its recommendation on LAFCO 3228, which will continue the overlay of the San Bernardino County Fire Protection District and its Mountain Service Zone and remain the responsible agency for fire protection and emergency medical response to the area. Therefore, LAFCO staff recommends approval of LAFCO 3228, as modified, by taking the recommended actions on page one of the staff report.

DETERMINATIONS:

The following determinations are required to be provided by Commission policy and Government Code Section 56668 for any annexation proposal:

1. The annexation area is legally uninhabited containing one registered voter as certified by the County Registrar of Voters as of September 21, 2018.
2. The County Assessor's Office has determined that the total assessed valuation of land within the annexation area is \$10,009,018 as of June 20, 2018 broken down as: \$1,289,207 (land) and \$8,719,811 (improvements).
3. The annexation area is within the sphere of influence assigned the Running Springs Water District.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in the *Mountain News*, 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 individuals and agencies having requested such notice.
5. LAFCO staff has provided individual notice to landowners (129) and registered voters (70) surrounding the reorganization area (totaling 199 notices) in accordance with State law and adopted Commission policies. Comments from landowners and any affected local agency in support or opposition will be reviewed and considered by the Commission in making its determination.

6. The County's land use designations for the annexation area are Hill Top/Resource Conservation (HT/RC) and Hill Top/Institutional (HT/IN). 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 3228 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy.
8. The Local Agency Formation Commission has determined that this proposal, as modified, is statutorily exempt from environmental review. The basis for this determination is that the Commission's approval of the modified proposal does not contribute to any additional potential for a physical change in the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). Mr. Dodson recommends that the Commission adopt the Statutory Exemption and direct its Executive Officer to file a Notice of Exemption within five (5) days. A copy of Mr. Dodson's response letter is included as Attachment #4 to this report.
9. The annexation area is served by the following local agencies:

County of San Bernardino
County Service Area 70 (unincorporated County-wide multi-function)
Crestline-Lake Arrowhead Water Agency (State Water Contractor)
Mojave Desert Resource Conservation District
Rim of the World Park and Recreation District
San Bernardino Mountains Community Healthcare District
San Bernardino County Fire Protection District and its
Mountain Service Zone.

None of the agencies identified above are affected by this proposal as they are regional in nature. Although Running Springs Water District also provides fire protection and emergency medical response, said services will continue to be the responsibility of the San Bernardino County Fire Protection District and its Mountain Service Zone.

10. The Running Springs Water District submitted a Plan for Service, 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 Plan for Service conforms to those adopted standards and requirements.
11. The annexation area can benefit from the continuation of wastewater and

ambulance services, and availability of retail water service from the District.

12. This proposal will not affect the fair share allocation of the regional housing needs through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process. The land use designations [Hill Top/Resource Conservation (HT/RC) and Hill Top/Institutional (HT/IN)] do not support residential housing.
13. With respect to environmental justice, the annexation proposal will not result in the unfair treatment of any person based on race, culture or income since the camp area already receives services from the District and the southerly neighboring area already receives water, wastewater, and ambulance services from the District.
14. The County of San Bernardino (on behalf of the Running Springs Water District and the San Bernardino County Fire Protection District) adopted a revised resolution of zero property tax transfer for LAFCO 3228. This renegotiated resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.
15. The map and legal description, as revised, are in substantial conformance with LAFCO and State standards.

Attachments:

1. [Staff Report Dated January 9, 2019](#)
2. [Running Springs Water District's Letter Dated March 8, 2019](#)
3. [Landowner Consent Forms](#)
4. [Environmental Response from Tom Dodson](#)
5. [Draft Resolution No. 3278](#)