

Application Materials:

**LAFCO Application and Sphere
Supplement Forms with LAFCO
Resolution 3270**

Attachment 4

SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

GENERAL INFORMATION

1. NAME OF PROPOSAL: LAFCO 3232 – Sphere of Influence Amendment for City of Adelanto

2. NAME OF APPLICANT: LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

APPLICANT TYPE: Landowner Local Agency
 Registered Voter Other LAFCO

MAILING ADDRESS:
1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490

PHONE: (909) 388-0480

FAX: (909) 388-0481

E-MAIL ADDRESS: lafco@lafco.sbcounty.gov

3. GENERAL LOCATION OF PROPOSAL:

The City has three distinct sphere of influence (SOI) areas located outside its current boundaries. SOI Area "A", approximately 5,372 acres, is located near the northwest portion of the City and is generally north of Bartlett Avenue, east of Lessing Avenue, south of Desert Flower Road and west of Richardson Road. SOI Area "B", contains approximately 3,291 acres, is located near the northeast area of the City and is generally north of Calleja Road, south of Sierra Road, east of Aster Road and west of Adelanto Road. SOI Area "C", the smallest of the sphere areas, comprises approximately 2,939 acres and is located near the southern portion of the City, generally east of Lessing Avenue, north of Palmdale Avenue, south of Cactus Road, and west of Jonathon Street. Combined, the total acreage of the three SOI areas is approximately 11,602 acres.

4. Does the application possess 100% written consent of each landowner in the subject territory?
YES NO If YES, provide written authorization for change.
5. Indicate the reason(s) that the proposed action has been requested.

LAFCO's 2018 Countywide Service Review for Wastewater (LAFCO 3190) identified the City of Adelanto as a "hot spot" noting significant financial, operational and managerial challenges for the City and its Adelanto Public Utilities Authority. The City has previously expressed interest in expanding its sphere of influence to take advantage of its proximity to the future High Desert Corridor/E220 and increased future commercial and industrial development opportunities and their related economic benefits. At issue is the City's long-term sustainability. As part of its Countywide Service Review for Wastewater, LAFCO, at its August 15, 2018 hearing, initiated a sphere of influence amendment for the City of Adelanto to determine the appropriate sphere of influence for the City.

LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres):
The current sphere of influence for the City of Adelanto encompasses approximately 11,602 acres located in three distinct, non-contiguous areas near the northern and southern portions of the City.
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)
The City's sphere of influence is largely undeveloped. There are some scattered large lot single family homes in SOI Areas A, B and C, and two public schools are located in SOI Area C.
3. Approximate current population within area:
According to the latest Census Bureau data, as of January 1, 2018, the City of Adelanto has a population of 35,293 residents. Population within the City's SOI is minimal due to a lack of development, although no exact population figure is available.
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):
The Adelanto General Plan incorporates a wide variety of land uses, including: Airport Development District, Airport Park, Business Park, Commercial, Light Manufacturing, Manufacturing/Industrial, Mixed Use, Open Space, Public Utilities and eight categories of Residential development with varying densities. The City also recently approved designated "Cannabis Dispensary Zones" for medical/adult use cannabis-related uses.
5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the

regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:

None _____

6. Indicate the existing use of the subject territory.
Scattered large lot single family homes and two public schools. The territory is predominantly vacant open space.

7. What is the proposed land use? N/A _____

8. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES NO If YES, please explain.

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

<input type="checkbox"/> Agricultural Land Uses	<input type="checkbox"/> Agricultural Preserve Designation
<input type="checkbox"/> Williamson Act Contract	<input type="checkbox"/> Area where Special Permits are Required
<input type="checkbox"/> Any other unusual features of the area or permits required: _____	

9. Provide a narrative response to the following factor of consideration as identified in §56668(p):
The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:

N/A _____

ENVIRONMENTAL INFORMATION

1. Provide general description of topography. _____

2. Describe any existing improvements on the subject territory as % of total area.

Residential	_____1%	Agricultural	_____%
Commercial	_____%	Vacant	_____99%
Industrial	_____%	Other	_____%

3. Describe the surrounding land uses:

NORTH SOI Area A: Open Space
 SOI Area B: Open Space
 SOI Area C: Manufacturing/Industrial and Single Family Residential

EAST SOI Area A: Residential
 SOI Area B: Residential, Airport Development
 SOI Area C: Residential

SOUTH: SOI Area A: Residential
 SOI Area B: Airport Development, Residential
 SOI Area C: Open Space

WEST: SOI Area A: Residential
 SOI Area B: Open Space
 SOI Area C: Open Space

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

N/A _____

5. Will service extensions accomplished by this proposal induce growth on this site? YES
NO Adjacent sites? YES NO Unincorporated Incorporated

N/A _____

6. Are there any existing out-of-agency service contracts/agreements within the area? YES
NO If YES, please identify.

LAFCO has approved two out-of-agency services contracts allowing the City to provide wastewater collection/treatment and/or retail water with SOI Area A (southern sphere).

7. Is this proposal a part of a larger project or series of projects? YES NO If YES, please explain.

NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME Jesse Flores, City Manager TELEPHONE NO. 760-246-2300

ADDRESS:
11600 Air Expressway, Adelanto, CA 92301

NAME Charles Rangel, Development Services Director TELEPHONE NO. 760-246-2300

ADDRESS:
11600 Air Expressway, Adelanto, CA 92301

NAME _____ TELEPHONE NO. _____

ADDRESS:

CERTIFICATION

As a part of this application, the City/Town of N/A, or the N/A District/Agency, _____ (the applicant) and/or the _____ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

I hereby certify that the statements furnished above and in the attached supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE February 6, 2019

SIGNATURE
Prepared by LAFCO staff

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

Title and Affiliation (if applicable)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT
- SPHERE OF INFLUENCE CHANGE SUPPLEMENT
- CITY INCORPORATION SUPPLEMENT
- FORMATION OF A SPECIAL DISTRICT SUPPLEMENT
- ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT

SUPPLEMENT SPHERE OF INFLUENCE AMENDMENT

INTRODUCTION: The questions on this form are designed to obtain data about the specific sphere of influence amendment application to allow the Commission, staff and others to adequately assess the application. You may also include any additional information that you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please provide an identification of the agencies involved in the proposed sphere of influence change(s):

City of Adelanto; SOI amendment application is to determine the appropriate sphere of influence for the City.

SPHERE EXPANSION

SPHERE REDUCTION

2. Provide a narrative description of the following factors of consideration as outlined in Government Code Section 56425. (If additional room for response is necessary, please attach additional sheets to this form.)

The present and planned land uses in the area, including agricultural and open-space lands.

The Adelanto General Plan incorporates a wide variety of land uses, including: Airport Development District, Airport Park, Business Park, Commercial, Light Manufacturing, Manufacturing/Industrial, Mixed Use, Open Space, Public Utilities and eight categories of Residential uses with varying densities. The City also recently approved designated "Cannabis Dispensary Zones" for medical/adult use cannabis-related uses.

The City of Adelanto's current sphere of influence encompasses approximately 11,602 acres located in three distinct, non-contiguous areas near the northern and southern portions of the City. The territory is largely vacant open space, with scattered large lot single family homes and two public schools. The City has previously expressed interest in expanding its sphere of influence to take advantage of its proximity to the future High Desert Corridor/E220 and potential commercial and industrial development opportunities in the future.

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

Because the territory is largely undeveloped open space, there is no need for additional public facilities and services to the serve the area at the present time. Future opportunities may include industrial and commercial development, however the timing and extent of such development is unknown at this time.

The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide.

The City provides or contracts for all municipal-level services within its current service territory. The City's Public Utility Authority provides retail water and distribution within its boundaries. LAFCO's 2009 Service Review for the City of Adelanto (LAFCO 3080) determined that there were serious financial, operational and management challenges for the City and its Adelanto Public Utilities Authority. The 2018 Countywide Service Review for Wastewater (LAFCO 3190) did not reveal significant improvement in these deficiencies. The FY 2015-16 independent auditor's report indicates that the APUA's flawed reporting could lead to financial misinformation, abuse, or fraud if not changed. The 2014 audit stated that APUA may not be able to continue as a going concern due to the inability to secure financing to address the payment of an outstanding settlement. The APUA was able to satisfy this obligation, but had to incur bond debt secured by water and wastewater rates to do so. The APUA 2014-15 and 2016-17 audits are incomplete. The lack of current financial statements makes the financial picture of the City and APUA, and its ability to provide adequate public services, unclear.

The existence of any social or economic communities of interest in the area.

The City of Adelanto is the social and economic community of interest for the Adelanto community. There is no distinct social community wholly within the Adelanto sphere, but the community of El Mirage extends into the western Adelanto sphere, as defined by the boundaries of County Service Area 70 Improvement Zone P-6. Economic communities of interest are the Highway 395 and Hi-Desert Corridors and the industries adjacent to the Southern California Logistics Airport. The community is within the Adelanto Elementary School District (western county line to the Mojave River) and the Victor Valley High School District (western county line to I-15).

The present and probable need for public facilities or services related to sewers, municipal and industrial water, or structural fire protection for any disadvantaged unincorporated community, as defined by Govt. Code Section 56033.5, within the existing sphere of influence.

Not applicable

3. If the sphere of influence amendment includes a city sphere of influence change, provide a written statement of whether or not agreement on the sphere change between the city and county was achieved as required by Government Code Section 56425. In addition, provide a written statement of the elements of agreement (such as, development standards, boundaries, zoning agreements, etc.) (See Government Code Section 56425)

An agreement between the County and the City has not been reached.

4. If the sphere of influence amendment includes a special district sphere of influence change, provide a written statement: (a) specifying the function or classes of service provided by the district(s) and (b) specifying the nature, location and extent of the functions or classes of service provided by the district(s). (See Government Code Section 56425(i))

Not applicable

5. For any sphere of influence amendment either initiated by an agency or individual, or updated as mandated by Government Code Section 56425, the following service review information is required to be addressed in a narrative discussion, and attached to this supplemental form (See Government Code Section 56430): **(Not Required)**
- a. Growth and population projections for the affected area.
 - b. Location and characteristics of disadvantaged unincorporated communities within or contiguous to the sphere of influence.
 - c. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, including those associated with a disadvantaged unincorporated community.
 - d. Financial ability of agencies to provide services.
 - e. Status of, and opportunities for, shared facilities.
 - f. Accountability for community service needs, including governmental structure and operational efficiencies.

If additional sheet are submitted or a separate document provided to fulfill Item #5, the narrative description shall be signed and certified by an official of the agency(s) involved with

the sphere of influence review as to the accuracy of the information provided. If necessary, attach copies of documents supporting statements.

CERTIFICATION

As a part of this application, the City/Town of N/A, or the N/A District/Agency, _____ (the applicant) and/or the _____ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs, imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

I hereby certify that the statements furnished above present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE February 6, 2019

SIGNATURE

Prepared by LAFCO staff

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

Title and Affiliation (if applicable)

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sbclafco.org

PROPOSAL NO.: LAFCO 3190

HEARING DATE: AUGUST 15, 2018

RESOLUTION NO. 3270

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3190 – COUNTYWIDE SERVICE REVIEW FOR WASTEWATER (COLLECTION, TREATMENT, DISPOSAL).

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

WHEREAS, a service review mandated by Government Code 56430 has been conducted by the Local Agency Formation Commission for San Bernardino County (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 his 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 15, 2018 at the time and place specified in the notice of public hearing and in any order or orders continuing the 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 service review, in evidence presented at the hearing; and,

WHEREAS, at this hearing, this Commission certified that the service review is statutorily exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) and such exemption was adopted by this Commission on August 15, 2018. The Commission directed its Executive Officer to file a Notice of Exemption within five working days of its adoption; 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 June

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20, 2018 and was recommended for acceptance and filing by the Commission on August 15, 2018, a complete copy the service review is on file in the LAFCO office.

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

- Each wastewater system identified in this review was provided a draft of the report for review and comment. Comments from the water purveyors are included in Appendix A of the service review.
- A meeting with LAFCO staff and affected agency representatives was held within each region (Valley on June 4, 2018; Mountain on May 31, 2018; North Desert on June 5, 2018; and South Desert on May 31, 2018) to review the draft service review and receive input.
- As required by State Law, notice of the hearing was provided through publication in newspapers of general circulation within the area, the *Big Bear Grizzly*, *Daily Press*, *Hi-Desert Star*, *Inland Valley Daily Bulletin*, *Mountain News*, and *San Bernardino Sun*. Individual notice was not provided as allowed under Government Code Section 56157 as such mailing would include more than 1,000 individual notices. As outlined in State Law and Commission Policy, in-lieu of individual notice the notice of hearing publication was provided through an eighth page legal ad.
- As required by State law, individual notification of the hearing was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice.
- Due to the size and scope of the report, the service review document was provided in advance of the staff report to allow additional time for review. The service review document was published June 20, 2018 and a copy was provided to affected and interested agencies and County departments, as well as those agencies and individuals requesting mailed notice. The service review document was also made accessible on the LAFCO website.

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall:

1. Accept and file the Countywide Service Review for Wastewater, included as Exhibit A to this resolution (available at the LAFCO office and on the San Bernardino LAFCO website www.sbclafco.org), which sets forth the written statements for the six determinations outlined in Government Code Section 56430 as presented and as amended at the hearing.
2. **Initiate a sphere of influence amendment for the City of Adelanto to determine the appropriate sphere of influence for the City, and direct that this process include a meeting between City and County representatives to discuss the current sphere area and LAFCO staff's proposed sphere amendment.**
3. Direct LAFCO staff to continue to monitor the Victorville Water District and the City of Victorville, and direct staff to return to the Commission six months following the completion of this service review.

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4. Direct LAFCO staff to continue to monitor the Victor Valley Wastewater Reclamation Authority, and direct staff to return to the Commission six months following the completion of this service review.
5. Identify the Twentynine Palms community as a “hot spot” and recognize that an opportunity exists for the community to develop a joint wastewater system with the nearby Marine Corps base.
6. For the Inland Empire Utilities Agency (“IEUA”):
 - a) Determine the following for IEUA service outside its boundary, as shown in Figure 3-3 to the service review in yellow color:
 - i. Parcels connected on or before January 1, 2001 are exempt from LAFCO review pursuant to Gov. Code §56133(e)(4).
 - ii. Parcels connected after January 1, 2001, including the currently developed parcels as listed by the City of Fontana per maps included in Attachment #1 to the staff report for LAFCO 3190 dated August 8, 2018, as a result of the 1995 settlement agreement between IEUA and the City of Fontana which outlines an agreement for services to be rendered by IEUA.
 - iii. Connecting the remaining unserved area will come under the provisions of Gov. Code §56133.5, which can be considered by the Commission through a blanket authorization for the entire area.

- b) Reflect the following for IEUA in the LAFCO Policy and Procedure Manual, Section VI (Special Districts), Chapter 3 (Listing of Special Districts within San Bernardino County LAFCO Purview – Authorized Functions and Services), as these are the functions and services that IEUA has historically and actively provides:

<u>Water</u>	Wholesale, replenishment
<u>Sewer</u>	Collection, regional treatment, reclamation, disposal, recycled water, composting, non-reclaimable wastewater collection
<u>Energy</u>	Energy recovery and production
<u>Total Basin Management</u>	Planning for Chino hydrological basin

7. For the City of San Bernardino:

- a) Determine that the parcels identified in Section III of the service review were provided service on or before January 1, 2001 and are exempt from LAFCO review pursuant to Gov. Code §56133(e)(4).

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- b) Request the City of San Bernardino submit an Out-of-Agency Service application to LAFCO to encompass all of the parcels that were provided wastewater service after January 1, 2001, to date, as identified in Section III of this report.
8. For the City of Upland, determine that its 1982 agreement with the City of Claremont and Los Angeles County Sanitation District is exempt from LAFCO review as it is:
- a) Service between two public agencies where the public service provided is an alternative to, or substitute for, public services already being provided by an existing public service provider (the City of Upland) and where the service provided is consistent with the level of service of the existing service provider (the City of Upland). (Gov. Code §56133(e)(1))
 - b) An extended service that was provided on or before January 1, 2001. (Gov. Code §56133(e)(4))
9. For the City of Rialto:
- a) Determine that the three parcels identified in Section III of the service review provided service by the City of Rialto are exempt from LAFCO review as they are an extended service that was provided on or before January 1, 2001 pursuant to Gov. Code §56133(e)(4).
 - b) Determine that the 1991 Rialto/Fontana Extraterritorial Wastewater Service Agreement is exempt from LAFCO review as it is:
 - i. Service between two public agencies where the public service provided is an alternative to, or substitute for, public services already being provided by an existing public service provider (the City of Rialto) and where the service provided is consistent with the level of service of the existing service provider (the City of Rialto). (Gov. Code §56133(e)(1)).
 - ii. An extended service that was provided on or before January 1, 2001. (Gov. Code §56133(e)(4)).
 - c) Request the City of Rialto submit an Out-of-Agency Service application to LAFCO to encompass all of the City's other extraterritorial service agreements that have not been authorized by LAFCO to date.

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

AYES: COMMISSIONERS: Bagley, Cox, Curatalo, McCallon, Ramos, Williams

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Lovingood

RESOLUTION NO. 3270

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

I, SAMUEL MARTINEZ, 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 meeting of August 15, 2018.

DATED: August 20, 2018



SAMUEL MARTINEZ
Executive Officer

