

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: SEPTEMBER 9, 2019 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #10: Status Report Outlining the Progress of the Town of Apple Valley in Fulfilling its Obligation to Initiate an Island Annexation as a Condition of LAFCO 3229

RECOMMENDATION:

Staff recommends that the Commission receive and file the update.

BACKGROUND:

At the December 5, 2018 LAFCO hearing, the Commission approved LAFCO 3229, the reorganization that included the annexation of the I-15 Freeway portion of the Town of Apple Valley's northwestern sphere of influence, including adoption of Resolution No. 3280 setting forth the Commission's conditions and determinations (copy included as Attachment #1). As a condition of approval, the Town of Apple Valley (hereafter the "Town") is required to initiate the annexation of the remainder of its northwestern sphere of influence within a year. The condition, as approved by the Commission, reads as follows:

Condition No. 5. The Town of Apple Valley shall be required to initiate annexation of the remainder of the island within one year of the Commission's approval of LAFCO 3229. A resolution by the Town Council of the Town of Apple Valley shall be submitted to the Executive Officer of LAFCO outlining the Town's commitment to fulfilling this requirement prior to the issuance of the Certificate of Completion for LAFCO 3229. A status report shall be provided to the Commission at the six month date outlining the progress of the Town of Apple Valley in fulfilling its obligation. Failure on the part of the Town of Apple Valley to fulfill its commitment for annexation of the remainder island shall require that the next annexation proposed to the Town of Apple Valley, either by

the Town through resolution or by property owner/registered voter petition, include a condition requiring the initiation of annexation of the remainder island. Said condition of approval shall be deemed completed upon the issuance of the Certificate(s) of Filing for the island.

At its February 12, 2019 Town Council meeting, the Town adopted a resolution (No. 2019-03) to commit to initiating the annexation of the remainder portion of the island (see Attachment #2).

In response to staff's request for an update on fulfilling its obligation, the Town's staff indicated that the proposed annexation of the remainder island was, in fact, included in its budget for Fiscal Year 2019-20 and had recently selected Terra Nova Planning and Research, a consultant, to help the Town in processing said annexation. As outlined in the Town's letter dated September 5, 2019, it hopes to have the proposed island initiated and submitted by early 2020 (see Attachment #3).

CONCLUSION:

LAFCO staff is providing the Commission with the required update on the status of the Town's compliance with Condition No. 5 as outlined in LAFCO Resolution No. 3280.

Since the Town has executed an agreement with Terra Nova Planning and Research to help the Town in processing the annexation, staff believes the Town is moving forward with its commitment to annex the remainder of the island within one year of approval of LAFCO 3229. Therefore, staff is recommending that the Commission take the action outlined on page one of this staff report and direct staff to continue to monitor the Town's progress in annexing the remainder island and return to the Commission with an update on any actions of the Town related to initiating the remainder island.

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Attachment:

1. [LAFCO Resolution No. 3280](#)
2. [Town of Apple Valley's Resolution No. 2019-03](#)
3. [Town of Apple Valley's Letter Dated September 5, 2019.](#)