

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: NOVEMBER 12, 2019 
FROM: SAMUEL MARTINEZ, Executive Officer
JEFFREY LUM, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #9: LAFCO 3238 – Reorganization to include Annexation to the Running Springs Water District and Detachment from the San Bernardino County Fire Protection District, Its Mountain Service Zone, and its Zone FP-5

INITIATED BY:

Resolution of the Board of Directors of the Running Springs Water District

RECOMMENDATION:

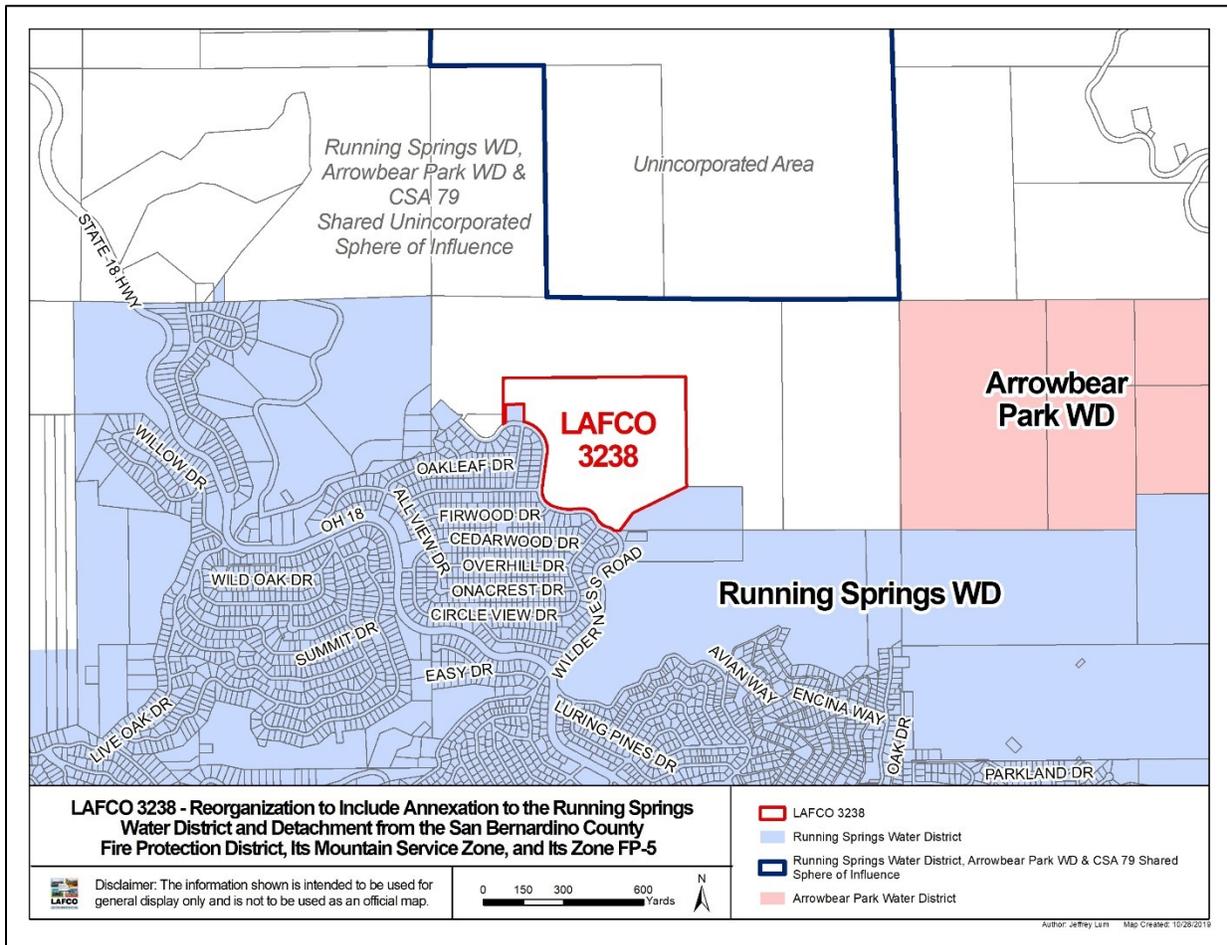
The staff recommends that the Commission approve LAFCO 3238 by taking the following actions:

1. For environmental review, certify that LAFCO 3238 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 3238, with the standard terms and conditions including the condition for 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. 3296, setting forth the Commission’s determinations and conditions of approval concerning LAFCO 3238.

BACKGROUND:

In November 2018, the property owner of the Getaway House project in Running Springs requested the Running Springs Water District (“District”) to annex its entire camp property in order to save on its outside water and sewer service costs. Additionally, the District supported the annexation request to provide for a more logical, efficient, and effective delivery of its services including water, sewer (collection and treatment) and fire protection/emergency medical response services to the area. In March 2019, the District initiated the reorganization proposal—with 100% landowner consent—to annex the entire camp parcel (Assessor Parcel Number 0328-101-29) encompassing approximately 59 acres to the District. The reorganization includes the detachment from the San Bernardino County Fire Protection District, its Mountain Service Zone, and its Service Zone FP-5.

As shown on the map below, the proposed reorganization area is generally located northeast of Highway 18 and east of Wilderness Road. The reorganization area is within the Running Springs Water District’s sphere of influence. The map below, which is included as part of Attachment #1 to this report, provides a general location of the area to be annexed into the District.



The purpose of the reorganization is to provide financial relief to the Getaway House camp property. By annexing to the District, the property would be relieved from the higher out-of-agency water and wastewater rates currently charged by the District to the camp property. The reorganization proposes to (continue to) provide water and wastewater services (currently provided by the District through contract) and provide fire protection and emergency medical response to the Getaway House camp property.

This report will provide the Commission with the information related to the four major areas of consideration required for a jurisdictional change – boundaries, land uses, service issues and the effects on other local governments, and environmental considerations.

BOUNDARIES:

As outlined above, the reorganization area includes a single parcel (APN: 0328-101-29) located adjacent to the District's boundary on the east side of Wilderness Road (2001 Wilderness Road) within the community of Running Springs encompassing approximately 59 acres. The reorganization area is bounded by a combination of Wilderness Road and parcel lines (along the District's boundary) on the south and parcel lines on the west, north, and east.

LAFCO 3238 has no boundary concern since the property already receives water and sewer service from District by contract. Upon annexation, the camp property will continue to receive water and sewer service from the District as well as fire protection and emergency medical response.

LAND USE:

The Getaway House camp property has an existing commercial campground facility with approximately 43 cabins and other ancillary structures. The County's land use designation for the reorganization area is Hilltop/Resource Conservation (HT/RC).

No change in land use is anticipated as a result of the annexation. In addition, approval of this proposal will have no direct impact on the current land use designation assigned for the parcels. Therefore, there are no land use concerns related to this proposal.

SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. Current County service providers within the reorganization area include the San Bernardino County Fire Protection District, its Mountain Region Service Zone and its Zone FP-5, and County Service Area 70 (unincorporated countywide multi-function). The following entities overlay the reorganization area: County of San Bernardino, Crestline-Lake Arrowhead Water Agency (State Water Contractor), Mojave Desert Resource Conservation District,

Rim of the World Park and Recreation District, and San Bernardino Mountains
Community Healthcare District.

The application includes a Plan for Service as required by State Law and Commission Policy (included as a part of Attachment #2 to this report).

Water

Water service has been provided by the District on an as needed basis since 2002 through an agreement with the prior owner of the camp, the Boy Scouts of America (California Inland Empire Council). Currently, the District provides temporary outside water service through an agreement with the new owner of the camp. District potable water infrastructure already exists adjacent to the property.

The private onsite water facility will continue to be owned, operated and maintained by the property owner.

Wastewater

Wastewater service has been provided by the District since 1975 through an agreement with the prior owner of the camp, the Boy Scouts of America. Currently, the District provides temporary outside wastewater service through an agreement with the new owner of the camp. The District will be responsible for providing wastewater service at the existing point of connection.

Fire Protection

The San Bernardino County Fire Protection District (“County Fire”) and its Mountain Service Zone is the responsible agency for fire protection and emergency medical services to the area. Due to the proximity of its stations, the District is first on-scene for fire and/or emergency medical response services to the camp property. Upon annexation, the area would detach from County Fire, its Mountain Service Zone and Zone FP-5, and the District will assume responsibility for structural fire and emergency medical services to the reorganization area.

The District has two fire stations located at 32150 Hunsaker Way (Fire Station #50) and 31250 Hilltop Boulevard (Fire Station #51). Fire Station #51 is the closest fire station and is approximately 0.5 miles from the reorganization area. The District is equipped with two Type I Fire Engines, one Brush Engine, three Ambulances, one Squad and two Snow Cats. The District is staffed with two Chief Officers, two Firefighter Captain/Paramedics, one Firefighter Engineer/Paramedic, three Firefighter Paramedics and 20 part time Paid Call Firefighters which will respond to emergencies with three personnel 24/7. All Equipment is cross staffed based on need.

In addition, the California Department of Forestry and Fire Protection (CALFIRE) will continue to provide Wildland Fire service to the reorganization area as the property falls

within the State Responsibility Area. CALFIRE also has a mutual aid agreement with the District to jointly operate Fire Station #51 in providing wildland fire, fire rescue and BLS medical service to the Running Springs community.

County Fire has indicated that it does not oppose LAFCO 3238. As a part of County Fire's request for information, the District provided additional information related to fire service, which is included as Attachment #3. The information relates to the District's response to County Fire's questions along with the agreements between the District and other agencies for service.

Ambulance

Ambulance service is currently provided by the District, as it is assigned Exclusive Operating Area ("EOA") 19 by the Inland Counties Emergency Medical Agency (ICEMA). The District is required to provide ambulance service throughout the EOA as defined by the memorandum of agreement with ICEMA, which extends beyond the District's boundary. LAFCO 3238 would not affect the EOA assignment by ICEMA.

As required by Commission policy and State law, the Plan for Service shows that the continuation and extension of its services will maintain, and/or exceed, current service levels provided to the parcel.

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 3238 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the fact that the annexation will not result in any physical impacts on 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. A copy of Mr. Dodson's analysis is included as Attachment #4 to this report.

WAIVER OF PROTEST PROCEEDINGS:

The reorganization area is legally uninhabited and LAFCO staff verified that the reorganization area possesses 100% landowner consent. Therefore, if the Commission approves LAFCO 3238 and none of the affected agencies have submitted written opposition to a waiver of protest proceedings, staff recommends 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 reconsideration period of 30-days.

CONCLUSION:

LAFCO 3238 was submitted in order for the property owner to save on their outside water and sewer service costs and to provide for a more logical, efficient, and effective delivery of services provided by the District including water, sewer (collection and treatment), and fire protection and emergency medical response services. For these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3238.

DETERMINATIONS:

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

1. The reorganization area, as modified by LAFCO staff, is legally uninhabited containing no registered voters as determined by the Registrar of Voters as of August 8, 2019.
2. The County Assessor's Office has determined that the total assessed valuation of land within the reorganization area is \$1,300,000 as of July 24, 2019, broken down as: \$1,100,000 (land) and \$200,000 (improvements).
3. The reorganization 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 (413) and registered voters (375) surrounding the reorganization area (totaling 788 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 reorganization area are Hill Top/Resource Conservation (HT/RC). No change in land use is anticipated as a result of the reorganization.
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 3238 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy.

8. The Commission's Environmental Consultant, Tom Dodson and Associates, has recommended that this proposal is statutorily exempt from environmental review based on the finding that the Commission's approval of the reorganization 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). 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 reorganization area is served by the following local agencies:

County of San Bernardino
County Service Area 70 (unincorporated countywide 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 (County Fire), its
Mountain Service Zone, and its Zone FP-5

County Fire, its Mountain Service Zone, and its Zone FP-5 will be detached as a function of the reorganization. None of the other agencies identified above are affected by this proposal as they are regional in nature.

10. A plan was prepared for the continuation of water and wastewater services (and ambulance service through its assigned EOA 19), and the extension of fire protection and emergency medical response services to the reorganization area. The Plan for Service shows that the continuation and extension of its services will maintain, and/or exceed, current service levels provided to the parcel. A copy of this plan is included as a part of Attachment #2 to this report.

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 can benefit from the continuation of water and wastewater services (and ambulance service through its assigned EOA), and the extension of fire protection and emergency medical response services 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 current use of the property does not support or anticipate 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, fire protection, and ambulance services from the District.
14. The County of San Bernardino (on behalf of County Fire and the District) adopted a resolution determining the transfer of ad valorem property tax revenues upon completion of this reorganization. This resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.
15. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards.

SM/JL

Attachments:

1. [Vicinity Map](#)
2. [Application and Plan for Service](#)
3. [Additional Information Related to Fire Service](#)
4. [Environmental Response from Tom Dodson](#)
5. [Draft Resolution No. 3296](#)