

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3172

HEARING DATE: JUNE 18, 2014

RESOLUTION NO. 3182

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3172 AND APPROVING THE REORGANIZATION TO INCLUDE ANNEXATION TO THE BIG BEAR CITY COMMUNITY SERVICES DISTRICT, FORMATION OF AN IMPROVEMENT DISTRICT OF THE BIG BEAR CITY COMMUNITY SERVICES DISTRICT AND DETACHMENT FROM THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT AND ITS MOUNTAIN SERVICE ZONE (Baldwin Lake Fire). The reorganization area consists of approximately 4,840 acres located in the Big Bear City Community Services District sphere of influence generally encompassing the area identified as the community of Baldwin Lake in the eastern Big Bear Valley area.

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

WHEREAS, the original application for the proposed reorganization in the County of San Bernardino was filed with the Executive Officer of 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 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 June 18, 2014 and 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, objections and 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;

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WHEREAS, the Commission determined to adopt the modified proposal to:

1. Annex the territory identified on the map and legal description for LAFCO 3172 to the Big Bear City Community Services District for the provision of fire protection and emergency medical response services only, excluding the extension of the authorized services of water, sewer, streetlights, solid waste and park and recreation services and any associated taxes, fees or charges by the District, and close the proposal to form an independent fire protection district to be known as the Baldwin Lake Fire Protection District; and,
2. To expand the proposal to include the formation of an improvement district of the Big Bear City Community Services District to identify the area within the Baldwin Lake community for detachment from County Franchise Area 17.

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby determine, find, resolve, and order as follows:

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 3172.

Condition No. 3. The revenues attributable to the San Bernardino County Fire Protection District and its Mountain Service Zone from within the affected Tax Rate Areas shall be transferred to the Big Bear City Community Services District rather than the transfer determined by the County of San Bernardino under Government Code Section 56810 for the formation of a new fire protection district for the territory as authorized by Government Code Section 56886(v).

Condition No. 4. The current special fire tax currently imposed by the Big Bear City Community Services District shall be extended to the annexing area pursuant to the terms of Government Code Section 56886(t). In addition, the service charges, standby fees, and other taxes and charges for the services provided by the Big Bear City Community Services District are not authorized for extension. All other services and charges, fees, assessments and/or taxes are excluded from extension to the area pursuant to Government Code Section 56886(v). Any future extension of these fees, taxes and/or charges for services will require the consent of the landowner/registered voters of the area to be served.

Condition No. 5. The services to be provided by the Big Bear City Community Services District shall be limited to those authorized under its fire function as outlined in the Local Agency Formation Commission Exhibit A of the Special District Section of the Policy and Procedure Manual; specifically excluding the delivery of water, sewer, streetlights, park and recreation and solid waste. The solid waste franchise currently authorized Big Bear Disposal through the County of San Bernardino for County Franchise Area 17 shall be retained.

Condition No. 6. The Plan for Service identifies the assumption of the facility and contracts currently a function of the Baldwin Lake Volunteer Fire Department. The negotiation of the transfer of these assets and obligations shall be conducted between the Big Bear City Community Services District, the Fire Chief/Landowner of the facilities utilized by the Baldwin Lake Volunteer Fire

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Department and CALFire upon issuance of the Certificate of Completion and a copy of the signed transfer document(s) shall be provided to the Local Agency Formation Commission.

Condition No. 7. The Big Bear City Community Services District shall indemnify, defend, and hold harmless the Commission 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. 8. 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. 9. The date of issuance of the Certificate of Completion shall be the effective date of this reorganization.

SECTION 2. DETERMINATIONS. The following determinations are required to be provided by Commission policy and Government Code Section 56668:

1. The Registrar of Voters Office has determined that the study area is legally inhabited as determined on May 15, 2014.
2. The study area is within the sphere of influence assigned the Big Bear City Community Services District by approval of LAFCO 3150 in 2011 as a part of the Service Review/Sphere of Influence Update process for the Bear Valley community
3. The County Assessor's Office has determined that the assessed valuation of land and improvements for the area as modified is \$86,249,616 (\$34,784,707 land; \$51,464,909 improvements) as of August 19, 2013.
4. Legal advertisement of the Commission's consideration of the original and alternative proposal has been provided through publication in *The Sun* a newspaper of general circulation in 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 (totaling 1,743 notices) and registered voters (totaling 266 notices) within the reorganization area as directed by the Commission. Comments from registered voters and landowners and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.
6. The proposed reorganization including annexation and formation of an improvement district of the Big Bear City Community Services District and the assumption of the functions and services previously provided by the Baldwin Lake Volunteer Fire Department for fire/ambulance/disaster preparedness does not conflict with the established County General Plan and its adopted Bear Valley Community Plan within this territory and has no direct impact on such land use designations. The Southern California Associated Governments (SCAG) has adopted a Regional Transportation Plan and Sustainable Community Strategy pursuant to the provisions of Government Code Section 65352.5 and approval of LAFCO 3172 has no direct impact on these determinations.
7. The Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has prepared an environmental assessment for the reorganization and recommended a Mitigated Negative Declaration which indicates that approval of the reorganization will not have a significant adverse impact on the environment. The Initial Study and Mitigated Negative Declaration have

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been reviewed by the Commission's staff who has found them to be adequate for the Commission's decision.

The Commission certifies that it has reviewed and considered the Mitigated Negative Declaration and environmental effects as outlined in the Initial Study prior to reaching a decision on the project and finds the information substantiating the Mitigated Negative Declaration adequate for its use in making a decision as a CEQA Lead Agency. The Commission hereby approves the mitigation measure contained in the Negative Declaration. The Commission directs its Clerk to file a Notice of Determination within five (5) working days.

8. The study area is presently served by the following public agencies: County of San Bernardino, Inland Empire Resource Conservation District, Big Bear Municipal Water District, Big Bear Airport District, Bear Valley Healthcare District, Big Bear Valley Park and Recreation District, San Bernardino County Fire Protection District and its Mountain Service Zone, County Service Area 53 (Big Bear) and County Service Area 70 (County-wide multi-function agency).

The San Bernardino County Fire Protection District and its Mountain Service Zone will be detached through successful completion of this reorganization. None of the other agencies will be directly affected by the completion of this proposal through an adjustment in their boundaries as they are regional in nature.

9. The Commission modified the proposal to include annexation to the Big Bear City Community Services District and the formation of an Improvement District thereof and has received a Plan for Service from the Big Bear City CSD which addresses the issues required in a plan for the provision of services as required by Government Code Section 56653. This Plan for Service identifies the manning of a station within Baldwin Lake, anticipated to be housed at the current Baldwin Lake station along with the necessary staffing for a 24/7 coverage. A determination that the revenues available through a property tax transfer and imposition of the existing special fire tax of the District are sufficient to provide the service as identified was included in the Report. The Plan for Service and its supplemental information have 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 Plan for Service and its supplemental data conform to those adopted standards and requirements.

The original proponents for the Formation of the Baldwin Lake Fire Protection District submitted a Plan for Service, a Fiscal Impact Analysis along with amendments and supplements, which identifies that the creation of the District would provide a model for 24/7 volunteer coverage of the community along with the necessary administrative support. LAFCO staff identified questions regarding the financial model and its reserves which are less than the minimum 10% required by LAFCO policies in years three and after.

10. The reorganization area can benefit from the assumption of continuing fire service through the Big Bear City CSD from the Baldwin Lake Volunteer Fire Department, as evidenced by the Plan for Service submitted by the Big Bear City CSD.
11. The Commission's modification to the proposal to include an annexation to the Big Bear City CSD and the related changes complies with Commission and State policies that indicate the preference for the utilization of an existing multi-function entity rather than the creation of a new single purpose agency to serve growing communities. This position is taken on the basis that areas proposed for development can be planned, funded, services extended and maintenance funding put in place for the full range of fire protection and emergency response service needs as identified by the adopted community and general plans.

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12. With respect to environmental justice, the reorganization area will benefit from the continuation of fire protection and emergency medical response under the auspices of the Big Bear City Community Services District; and, at the same time, will not result in unfair treatment of any person based upon race, culture or income.
13. The County of San Bernardino provided the determinations required by Government Code Section 56810 for the original proposal for transfer of the general ad valorem property tax revenues, determining a transfer of \$137,024 from the County General Fund, San Bernardino County Fire Protection District and its Mountain Service Zone based upon audited full year expenditures for FY 2011/12 and revenues generated in the affected Tax Rate Areas (TRAs). Through the modification by the Commission for an annexation to the Big Bear City Community Service District and detachment from San Bernardino County Fire Protection District and its Mountain Service Zone, the amount to be transferred is limited to the existing revenues of the San Bernardino County Fire Protection District and its Mountain Service Zone within the effected TRAs.
14. The maps and legal descriptions, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's office.
15. At the June 18, 2014 Hearing the Commission determined that if the annexation to the Big Bear City Community Services District and its related changes were to be terminated due to protest, that the Commission will authorize the waiver of the one year filing restriction on a substantially similar proposal, that the materials submitted to date shall be accepted as the application filing, fees and deposits would be waived, and a new petition of initiation for the formation of the Baldwin Lake Fire Protection District would be accepted for processing. This determination shall remain in effect for one year following the issuance of a Certificate of Termination for LAFCO 3172.

SECTION 3. Approval by the Local Agency Formation Commission for San Bernardino County 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 4. 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.

SECTION 5. The Commission hereby directs that, following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer is hereby directed to initiate protest proceedings in compliance with this resolution and State law.

SECTION 6. Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth her determination on the levels of protest filed and not withdrawn and setting forth the action on the proposal considered.

SECTION 7. Upon adoption of the final resolution by the Executive Officer, either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

**LAFCO 3172 - Reorganization to include Annexation to the
Big Bear City Community Services District, Formation of an Improvement District,
and Detachment from San Bernardino County Fire Protection District and its
Mountain Service Zone**

That portion of Section 12, Township 2 North, Range 1 East, S.B.M., portions of Sections 7 and 16 along with Sections 5, 6, 8 and 9, Township 2 North, Range 2 East, S.B.M. and Sections 31 and 32, Township 3 North, Range 2 East, S.B.M., in the unincorporated territory of the County of San Bernardino, State of California, lying within the following described boundary:

Point of Beginning being the intersection of the west line of said Section 12, Township 2 North, Range 1 East, S.B.M. and the north sixteenth line of said Section 12, said intersection being a point on the north line of the existing boundary of the Big Bear City Community Services District per Formation of said District, LAFCO 348 and also being a point on the existing boundary of the San Bernardino County Fire Protection District (Mountain Service Zone) per Reorganization of said District, LAFCO 3000;

1. Thence leaving said north line of the existing boundary of the Big Bear City Community Services District and leaving said existing boundary of the San Bernardino County Fire Protection District, North along said west line of Section 12, a distance of 1439.87 feet, per Record of Survey filed in Book 37, Page 14, records of said San Bernardino County and entering said Fire Protection District's territory, to the Northwest Corner of said Section 12;
2. Thence East along the north line of said Section 12, a distance of 5280 feet, more or less to the Southwest Corner of Section 6, Township 2 North, Range 2 East, S.B.M.;
3. Thence North along the west line of said Section 6, a distance of 5280 feet, more or less to the Southwest Corner of Section 31, Township 3 North, Range 2 East, S.B.M.;
4. Thence North along the west line of said Section 31, a distance of 5280 feet, more or less to the Northwest Corner of said Section 31;
5. Thence East along the north line of said Section 31 and continuing East along the north line of Section 32, a distance of 10560 feet, more or less to the Northeast corner of said Section 32, same township and range;
6. Thence South along the east line of said Section 32, a distance of 5280 feet, more or less to the Northeast corner of Section 5, Township 2 North, Range 2 East, S.B.M.;
7. Thence South along the east line of said Section 5, a distance of 5280 feet, more or less to the Northwest Corner of Section 9, same township and range;
8. Thence East along the north line of said Section 9, a distance of 5280 feet, more or less to the Northeast Corner of said Section 9;

EXHIBIT A

**LAFCO 3172 - Reorganization to include Annexation to the
Big Bear City Community Services District, Formation of an Improvement District,
and Detachment from San Bernardino County Fire Protection District and its
Mountain Service Zone**

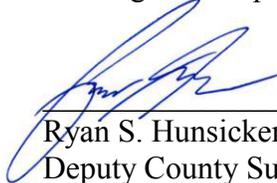
9. Thence South along the east line of said Section 9 and continuing South along the east line of Section 16, same township and range, a distance of 7920 feet, more or less to the East Quarter Corner of said Section 16, same township and range, said Quarter Corner also being a point on said existing boundary of the Big Bear City Community Services District, per Annexation to said District, LAFCO 2800B and said existing boundary of the San Bernardino County Fire Protection District (Mountain Service Zone) per Reorganization of said District, LAFCO 3000;
10. Thence leaving said Fire Protection District's territory, West along the eastwest center section line of said Section 16, along said existing boundary of the Big Bear City Community Services District and along said existing boundary of the San Bernardino County Fire Protection District, a distance of 5280 feet, more or less, to the West Quarter Corner of said Section 16;
11. Thence North along the east line of Section 17 and said existing boundary of the Big Bear City Community Services District per Annexation of said District, LAFCO 646 and said existing boundary of the San Bernardino County Fire Protection District, a distance of 2640 feet, more or less to the Northeast Corner of Said Section 17, same township and range;
12. Thence West along the north line of said Section 17, along said existing boundary of the Big Bear City Community Services District and said existing boundary of the San Bernardino County Fire Protection District, a distance of 5280 feet, more or less to the Northwest Corner of Said Section 17;
13. Thence North along the east line of Section 7, along said existing boundary of the Big Bear City Community Services District per said LAFCO 348 and said existing boundary of the San Bernardino County Fire Protection District per LAFCO 3000, a distance of 1320 feet, more or less to the north line of the south half of the southeast quarter of said Section 7, same township and range;
14. Thence West along said north line, along said existing boundary of the Big Bear City Community Services District and along said existing boundary of the San Bernardino County Fire Protection District, a distance of 2640 feet, more or less to the north-south center section line of said Section 7;
15. Thence North along said north-south center section line of Section 7, along said existing boundary of the Big Bear City Community Services District and along said existing boundary of the San Bernardino County Fire Protection District, a distance of 1320 feet, more or less to the north line of the south half of said Section 7;
16. Thence West along said north line, along said existing boundary of the Big Bear City Community Services District and along said existing boundary of the San Bernardino County Fire Protection District, a distance of 2640 feet, more or less to the east line of said Section 12, Township 2 North, Range 1 East, S.B.M.;

**LAFCO 3172 - Reorganization to include Annexation to the
Big Bear City Community Services District, Formation of an Improvement District,
and Detachment from San Bernardino County Fire Protection District and its
Mountain Service Zone**

17. Thence West along the east-west center section line of said Section 12, along said existing boundary of the Big Bear City Community Services District and along said existing boundary of the San Bernardino County Fire Protection District, a distance of 1980 feet, more or less to the Southeast Corner of the southwest quarter of the southwest quarter of the northeast quarter of said Section 12;
18. Thence North along the east line of said southwest quarter, along said existing boundary of the Big Bear City Community Services District and along said existing boundary of the San Bernardino County Fire Protection District, a distance of 660 feet, more or less to a point on the north line of the south half of the south half of the north half of said Section 12;
19. Thence West along said north line, along said existing boundary of the Big Bear City Community Services District and along said existing boundary of the San Bernardino County Fire Protection District, a distance of 1980 feet, more or less to the east line of the southwest quarter of the northwest quarter of said Section 12;
20. Thence North along said east line, along said existing boundary of the Big Bear City Community Services District and along said existing boundary of the San Bernardino County Fire Protection District, a distance of 660 feet, more or less to said north sixteenth line of Section 12;
21. Thence West along said north sixteenth line, along said existing boundary of the Big Bear City Community Services District and along said existing boundary of the San Bernardino County Fire Protection District, a distance of 1320 feet, more or less to the **Point of Beginning**.

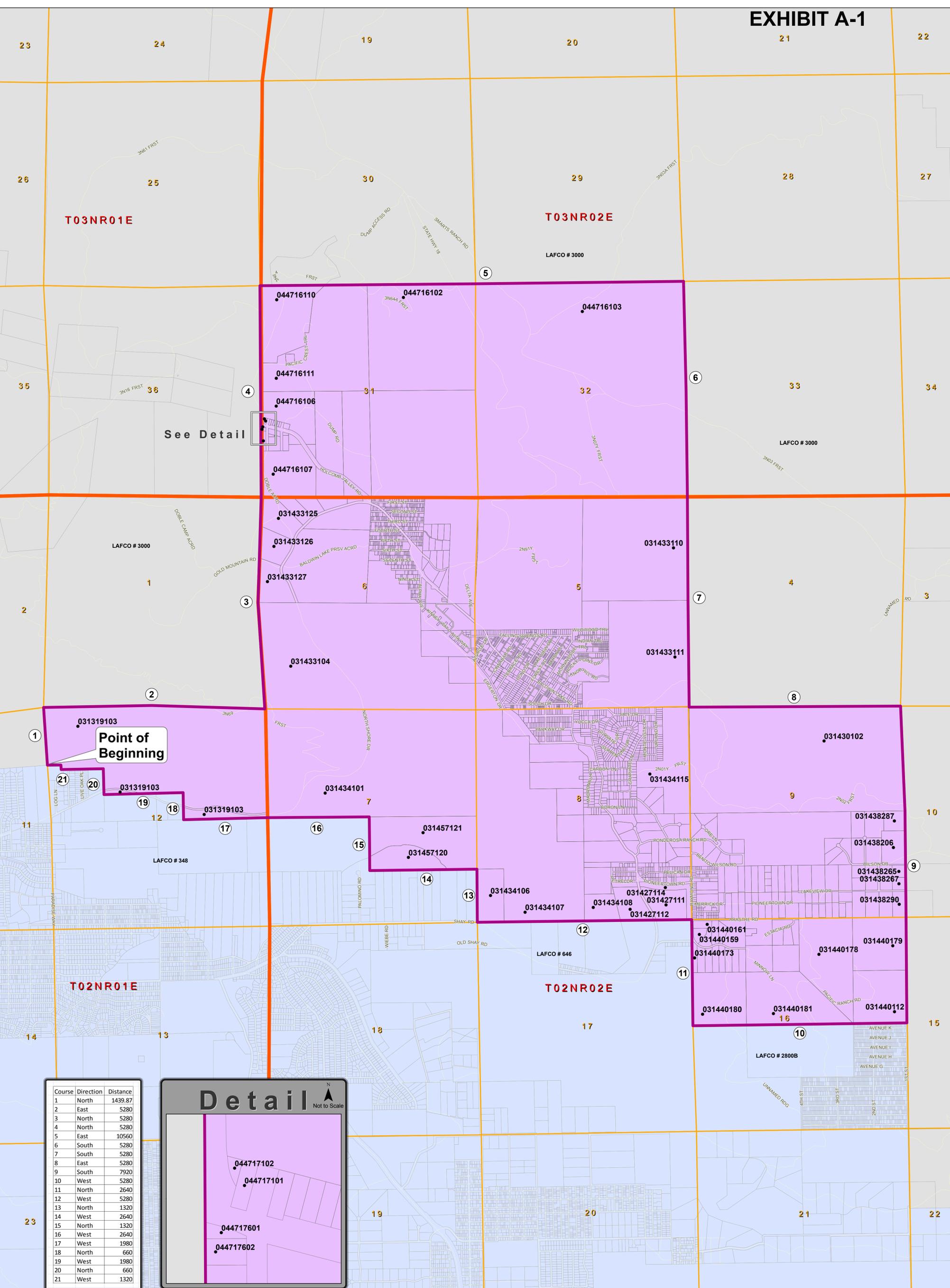
Containing 4810 Acres, more or less.

This legal description was prepared by me or under my direction.

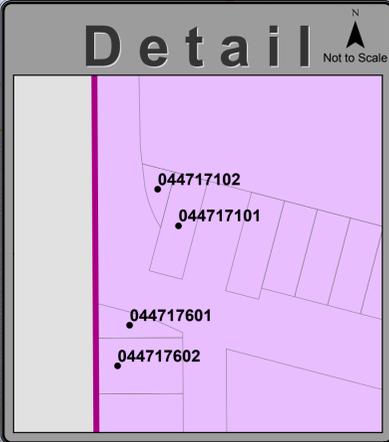
 07/01/2013

Ryan S. Hunsicker Date
Deputy County Surveyor

PLS 8302, Expiration; December 31, 2013



Course	Direction	Distance
1	North	1439.87
2	East	5280
3	North	5280
4	North	5280
5	East	10560
6	South	5280
7	South	5280
8	East	5280
9	South	7920
10	West	5280
11	North	2640
12	West	5280
13	North	1320
14	West	2640
15	North	1320
16	West	2640
17	West	1980
18	North	660
19	West	1980
20	North	660
21	West	1320

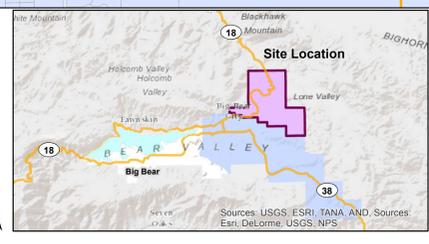


LAFCO 3172 - Reorganization to include Annexation to the Big Bear City Community Services District, Formation of an Improvement District, and Detachment from San Bernardino County Fire Protection District and its Mountain Service Zone

That portion of Section 12, Township 2 North, Range 1 East, S.B.M., portions of Sections 7 and 16 along with Sections 5, 6, 8 and 9, Township 2 North, Range 2 East, S.B.M. and Sections 31 and 32, Township 3 North, Range 2 East, S.B.M., in the unincorporated territory of the County of San Bernardino, State of California

- Assessor Parcel Number
 - Ⓢ Course Number
 - LAFCO 3172 - Containing 4810 Acres, More or Less
 - Parcels
- Affected Agencies**
- San Bernardino County Fire Protection District and its Mountain Service Zone
 - Big Bear City Community Services District

0 500 1,000 2,000 Ft
1 inch = 1,000 feet



THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION

Ryan S. Hunsicker 07/01/2013
 Ryan S. Hunsicker Date
 Deputy County Surveyor
 PLS 8302 Exp. 12/31/2013
 Job Number 00125CPO