# LOCAL AGENCY FORMATION COMMISSION
# FOR SAN BERNARDINO COUNTY

215 North D Street, Suite 204, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 885-8170
E-MAIL: lafco@lafco.sbcounty.gov
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## CERTIFICATE OF COMPLETION

I, **KATHLEEN ROLLINGS-McDONALD**, Executive Officer of the Local Agency Formation Commission for San Bernardino County, hereby certify that the **Local Agency Formation Commission** has completed a change of organization as follows:

The Short Title of the Action Is: **LAFCO 3210 – Annexation to the Apple Valley Heights County Water District**

The name of each district involved in this change of organization or reorganization and the kind or type of change of organization ordered for each district is as follows:

| City or District | Type of Change of Organization |
|---|---|
| Apple Valley Heights County Water District | Annexation to |

The above-listed district is located within the County of San Bernardino.

As permitted by Government Code Section 56375.3(a)(1), the protest proceedings for this action have been waived. LAFCO's Resolution No. 3234, attached as LAFCO Exhibit "A", ordering the change of organization was adopted on September 21, 2016. The terms and conditions of the change of organization are set forth in this resolution. The map and legal description of the actions are set forth in Exhibits "A" and "A-1" to Resolution No. 3234.

The area is legally uninhabited.

LOCAL AGENCY FORMATION COMMISSION
CO. OF SAN BERNARDINO

**KATHLEEN ROLLINGS-McDONALD**
**Executive Officer**

**Dated: October 25, 2016**

**THE EFFECTIVE DATE OF THIS ACTION IS OCTOBER 25, 2016**

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**PROPOSAL NO.: LAFCO 3210**

**HEARING DATE: SEPTEMBER 21, 2016**

**RESOLUTION NO. 3234**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3210 AND APPROVING THE ANNEXATION TO THE APPLE VALLEY HEIGHTS COUNTY WATER DISTRICT (APN 0438-132-21). The annexation area consists of a portion of Assessor Parcel Number 0438-132-21, comprising approximately 1.25 acres, generally located on the east side of Cholla Road, southerly of Roundup Way.**

**On motion of Commissioner Lovingood, duly seconded by Commissioner Williams, and carried, the Local Agency Formation Commission adopts the following resolution:**

**WHEREAS**, an application for the proposed annexation in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (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 September 21, 2016 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, and all 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;



LAFCO EXHIBIT "A"

**RESOLUTION NO. 3234**

**NOW, THEREFORE, BE IT RESOLVED**, be the Local Agency Formation Commission for San Bernardino County, State of California, 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 3210.

**Condition No. 3.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Apple Valley Heights County Water District (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

**Condition No. 4.** The Apple Valley Heights County Water District shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County 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. 5.** 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. 6.** The date of issuance of the Certificate of Completion shall be the effective date of this annexation.

**SECTION 2.** The Commission determines that:

a) this proposal is certified to be legally uninhabited;

b) it has 100 % landowner consent; and,

c) no written opposition to a waiver of protest proceedings has been submitted by any subject agency.

Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56662(d).

**SECTION 3. DETERMINATIONS**. The following determinations are noted in conformance with Commission policy:



LAFCO EXHIBIT "A"

**RESOLUTION NO. 3234**

1. The annexation area is legally uninhabited containing 0 registered voter as determined by the Registrar of Voters as of September 8, 2016.

2. The County Assessor's Office has determined that the total assessed valuation of land and improvements within the annexation area is $38,950 (land - $12,985 -- improvements - $25,965) as of August 9, 2016

3. The annexation area is within the consolidated sphere of influence assigned for the Apple Valley Heights County Water District.

4. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to surrounding landowners and registered voters within approximately 700 feet of the exterior boundaries of the annexation area (totaling 165 notices). Comments from landowners, registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination. No expression of opposition to this annexation has been received by the Commission.

5. Notice of this hearing has been advertised as required by law through publication in *The Daily Press*, 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 agencies and individuals requesting mailed notice. Comments from any affected local agency have been reviewed by the Commission.

6. The County's land use designation for the annexation area AV/RS-1 (Apple Valley (community)/Single Residential, 1 acre minimum lot size). 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 3210 has no direct impact on SCAG's Regional Transportation Plan. The Sustainable Community Strategy includes as a goal the need to promote and improve public health, which LAFCO 3210 accomplishes.

8. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review. The basis for this determination is that the Commission's approval of the annexation 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). The Commission adopted the Statutory Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.

9. The local agencies currently serving the area are: County of San Bernardino, Mojave Desert Resource Conservation District, Mojave Water Agency (the State Water Contractor), Apple Valley Fire Protection District, County Service Area 60 (Apple Valley Airport), and County Service Area 70 (multi-function unincorporated area Countywide).



LAFCO EXHIBIT "A"

None of these agencies are affected by this proposal.

10. The Apple Valley Heights County Water District submitted a plan for the provision of water service as required by Government Code Section 56653, 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 Commission finds that such Plan conforms to those adopted standards and requirements.

11. The annexation area can benefit from the availability and extension of water service from the Apple Valley Heights County Water District and has benefited from water service previously provided by the District.

12. With respect to environmental justice, the annexation proposal—which simply provides water service to a single parcel—will not result in unfair treatment of any person based on race, culture or income.

13. The County of San Bernardino, acting on behalf of the Apple Valley Heights County Water District, adopted a resolution indicating no transfer of property tax revenues would be required. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.

14. The map and legal description prepared by the County Surveyor are in substantial conformance with LAFCO and State standards.

**SECTION 4.** The primary reason for this annexation is to provide water services to 9125 Cholla Road as required per the settlement agreement between the property owner and the Apple Valley Heights County Water District. Only a small portion of the parcel associated with 9125 Cholla Road is currently within the District; therefore, the entirety of the parcel is being annexed into the District for the receipt of water service.

**SECTION 5.** The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations of the Apple Valley Heights County Water District through the annexation. The regular County assessment rolls are utilized by the Apple Valley Heights County Water District.

**SECTION 6.** Approval by the Local Agency Formation Commission 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 7.** The Commission hereby orders the territory described in Exhibits "A" and "A-1" reorganized. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

**RESOLUTION NO. 3234**

**SECTION 8.** 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.

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

| | | |
|---|---|---|
| **AYES:** | **COMMISSIONERS:** | **Bagley, Cox, Curatalo, Lovingood, McCallon, Williams** |
| **NOES:** | **COMMISSIONERS:** | **None** |
| **ABSENT:** | **COMMISSIONERS:** | **Ramos** |

**********

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

**I, KATHLEEN ROLLINGS-MCDONALD, 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 regular meeting of September 21, 2016.**

**DATED: September 21, 2016**

**KATHLEEN ROLLINGS-MCDONALD**
**Executive Officer**

# LAFCO 3210
# Annexation to Apple Valley Heights County Water District
# (Portion of APN 0438-132-21)

That portions of the County of San Bernardino, State of California, lying within Section 22 of Township 4 North, Range 3 West, San Bernardino Meridian, described as follows:

**Beginning** at the southwest corner of Section 22, Township 4 North, Range 3 West, San Bernardino Meridian (S.B.M.);

1. Thence northerly along the west line of said Section 22 a distance of 1155.00 feet to an intersection with the south line of the north half of the north half of the north half of the south half of the southwest quarter of said Section 22, said intersection being the **True Point of Beginning**;
2. Thence continuing northerly along the west line of said Section 22 a distance of 165.00 feet to an intersection with the south line of the north half of the southwest quarter of said Section 22 and to the existing boundary of the Apple Valley Heights County Water District;
3. Thence along said existing District boundary easterly along the south line of the north half of the southwest quarter of said Section 22 a distance of 330.00 feet to an intersection with the east line of the west half of the northwest quarter of the southwest quarter of the southwest quarter of said Section 22;
4. Thence leaving said existing District boundary southerly along the east line of the west half of the northwest quarter of the southwest quarter of the southwest quarter of said Section 22 a distance of 165.00 feet to an intersection with the south line of the north half of the north half of the north half of the south half of the southwest quarter of said Section 22;
5. Thence westerly along the south line of the north half of the north half of the north half of the south half of the southwest quarter of said Section 22 a distance of 330.00 feet to an intersection with the west line of said Section 22 and the **True Point of Beginning**.

Containing 1.25 acres, more or less.

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

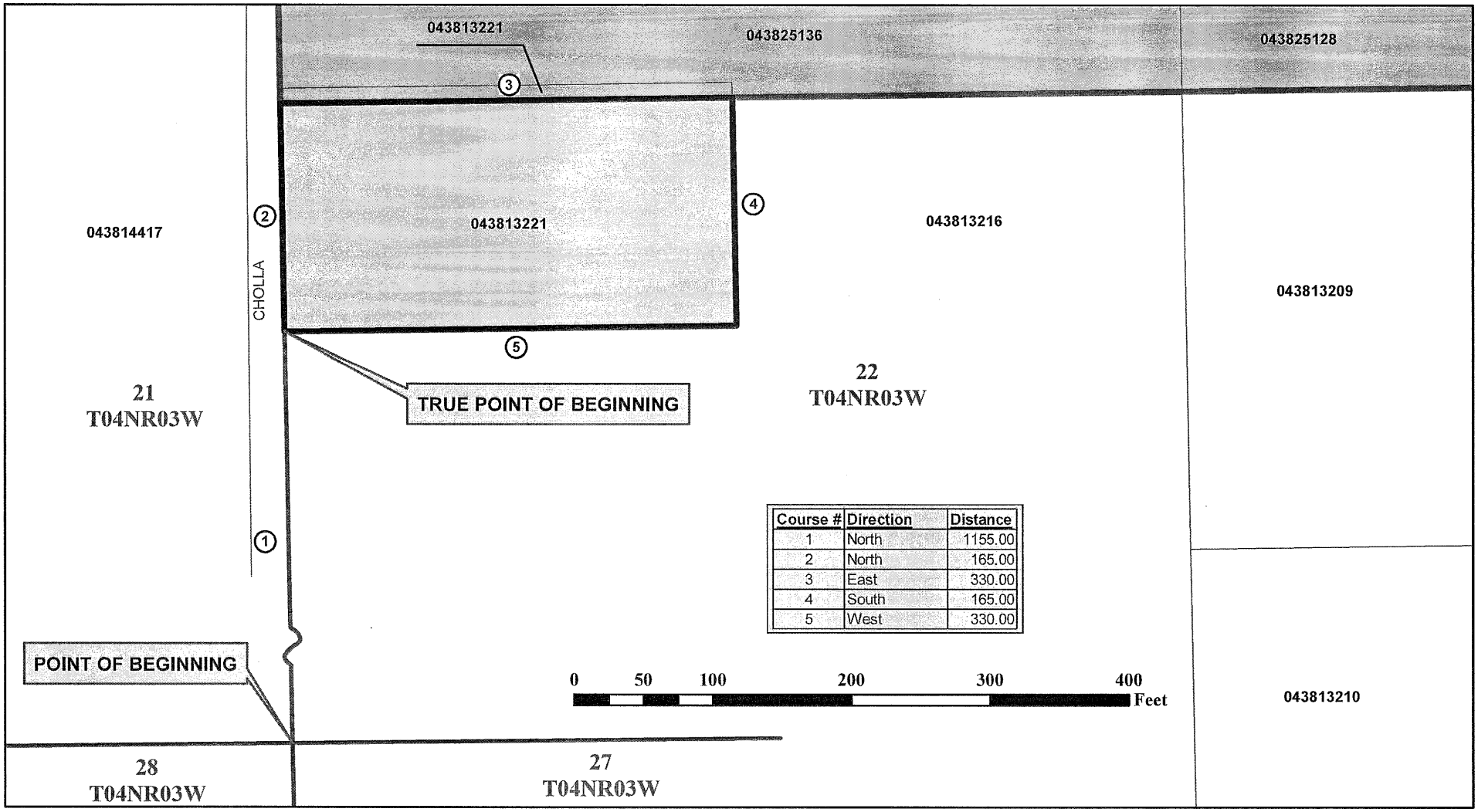
05/26/2016

James I. Stone — Date

Deputy County Surveyor

PLS 9075, Expiration: March 31, 2018

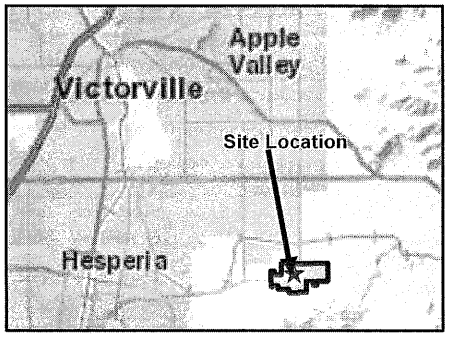
PROFESSIONAL LAND SURVEYOR
JAMES I. STONE
PLS No. 9075
Exp. 03-31-18
STATE OF CALIFORNIA




| Course # | Direction | Distance |
|---|---|---|
| 1 | North | 1155.00 |
| 2 | North | 165.00 |
| 3 | East | 330.00 |
| 4 | South | 165.00 |
| 5 | West | 330.00 |

# LAFCO 3210: Annexation to Apple Valley Heights County Water District (Portion of APN 0438-132-21)

Those Portions of: Sections 22 , Township 4 North, Range 3 West, S.B.M., San Bernardino County, State of California.




AVHCWD Annexation Area Containing 1.25 Acres, More or Less

Existing AVHCWD Area Containing 862.32 Net Acres, More or Less

APN Assessors Parcel Number

Parcels

Section Lines

Course Number

Course Endpoint

N

1 inch = 100 feet

**THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION**

PROFESSIONAL LAND SURVEYOR JAMES I. STONE PLS No. 9075 Exp. 03-31-18 STATE OF CALIFORNIA

05/26/2016

James I. Stone — Date
Deputy County Surveyor
PLS 9075 — Exp. 3/31/2018

Job Number 00145CP0 - Revised May 26, 2016

EXHIBIT A-1

EXHIBIT A-1

FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY