

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 3229

HEARING DATE: DECEMBER 5, 2018

AMENDED RESOLUTION NO. 3280

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3229 - REORGANIZATION TO INCLUDE ANNEXATION TO THE TOWN OF APPLE VALLEY AND DETACHMENT FROM COUNTY SERVICE AREA 70. The reorganization area encompasses approximately 1,365 acres, which is generally bordered by a combination of parcel lines and Morro Road (existing Town boundaries) on the north, a combination of Fairfield Avenue and parcel lines on the east, a combination of parcel lines, Johnson Road (existing Town boundaries) on the south, and the centerline of the Interstate 15 Freeway on the west. The area is generally located in the northern Town of Apple Valley sphere of influence area.

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

WHEREAS, an application for the proposed reorganization in San Bernardino County 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 his 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 his 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 December 5, 2018 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

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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.

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 of this change of organization 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 3229.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Town of Apple Valley (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 Town of Apple Valley will accept the transfer of all previously offered or dedicated drainage easements within the affected area as shown on exhibits to the resolution of approval, which exclude any regional drainage facilities identified. The Town will assume authority over these drainage easements upon completion of LAFCO 3229.

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.

Condition No. 6. The Town of Apple Valley 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.

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Condition No. 7. 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. 8. The date of issuance of the Certification of Completion shall be the effective date of the reorganization;

SECTION 2. The Commission determines that approval of LAFCO 3229 will create an unincorporated island completely surrounded by the Town of Apple Valley. Since the east side of Interstate 15 within the Town's unincorporated sphere cannot be developed in conformity with the Town's standards unless the area is annexed, the Commission determines, pursuant to the provision of Government Code Section 56375(m), to waive the restrictions on the creation of a totally surrounded island contained within Government Code Section 56744 because it would be detrimental to the orderly development of the community, and it further determines that the area to be surrounded cannot reasonably be annexed to another city or incorporated as a new city.

SECTION 3. DETERMINATIONS. The following determinations are required to be provided by Commission policy and Government Code Section 56668:

1. The reorganization area is legally uninhabited containing zero registered voters as certified by the Registrar of Voters as of November 1, 2018.
2. The County Assessor's Office has determined that the total assessed valuation of land within the reorganization area is \$11,775,061 as of August 2, 2018, broken down as: \$11,033,461 (land) and \$741,600 (improvements).
3. The reorganization area is within the sphere of influence assigned the Town of Apple Valley.
4. Legal notice of the Commission's consideration of the proposal has been provided 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 individuals and agencies having requested such notice.
5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to:
 - landowners (206) and registered voters (0) within the reorganization area (totaling 206 notices); and,
 - landowners (220) and registered voters (23) surrounding the reorganization area (totaling 243 notices).

Comments from registered voters, landowners, and other individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.

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6. The Town of Apple Valley has assigned the reorganization area pre-zone land use designations as a part of its 2009 General Plan Update, which include the following: Estate Residential (1 unit/1 to 2.5 acres), General Commercial (retail and services), Regional Commercial (retail, services, restaurant, and hotel/motel), Office Professional (office and ancillary retail), and Planned Industrial (warehousing, light manufacturing, research/development, and administrative). These zoning designations are consistent with the Town's General Plan and is generally compatible with the surrounding land uses in the area. The Town's pre-zone designations will remain in effect for a minimum of two years following annexation unless specific actions are taken by the Town Council.
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 3229 includes the eastern portion of the I-15 Freeway, which is part of the RTP-SCS's State highway improvement (expansion/rehabilitation) program including reconstruction of Stoddard Wells Road Overcrossing and as well as Stoddard Wells Road.
8. An Addendum to the Environmental Impact Report (SCH#2008091077) was prepared and certified by the Town of Apple Valley for its 2009 General Plan and Annexation 2008-001. The Commission, its staff, and its Environmental Consultant have independently reviewed the Town's General Plan Environmental Impact Report and Addendum.

The Commission certifies that it has considered the Town's General Plan Environmental Impact Report and the Addendum and the environmental effects as outlined in the Addendum prior to reaching a decision on the project and finds the information substantiating the Addendum adequate for the reorganization decision as a CEQA responsible agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for this project as all changes, alternations, and mitigation measures are within the responsibility and jurisdiction of the Town and/or other agencies and not the Commission, and find that it is the responsibility of the Town to oversee and implement these measures.

The Commission directs its Executive Officer to file a Notice of Determination within five (5) days within the San Bernardino County Clerk of the Board of Supervisors. The Commission, as a responsible agency, also notes that this proposal is exempt from the California Department of Fish and Wildlife fees because the fees were the responsibility of the Town of Apple Valley as a CEQA lead agency.

9. The reorganization area is served by the following local agencies: Apple Valley Fire Protection District, County of San Bernardino, County Service Area 60 (airport), County Service Area 70 (unincorporated County-wide multi-function), Mojave Desert Resource Conservation District (portion), Mojave Water Agency.

County Service Area 70 will be detached upon successful completion of this proposal. 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.

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10. The Town of Apple Valley has submitted a plan for the extension of municipal services to the study area as required by Government Code Section 56653, which indicate that the Town of Apple Valley can, at a minimum, maintain the existing level of service delivery and can improve the level and range of services currently available in the area.

The Plan for Service and Fiscal Impact Analysis have been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Plan for Service and the Fiscal Impact Analysis conform to those adopted standards and requirements.

11. The reorganization proposal complies with Commission policies that indicate the preference for areas proposed for development at an urban-level land use to be included within a Town or City so that the full range of municipal services can be planned, funded, extended and maintained.

However, the approval of this proposal will create an island of unincorporated territory to be totally surrounded by the Town. Based on the termination of LAFCO 3169 in 2012 due to registered voter protest, LAFCO 3229 cannot be expanded to eliminate the island area without the risk of termination again.

12. The reorganization area can benefit from the availability and extension of municipal services from the Town of Apple Valley upon future development.
13. This proposal will assist the Town of Apple Valley's ability to achieve its fair share of the regional housing needs as the land use designation include Estate Residential, which allows one unit to 2.5 acres.
14. With respect to environmental justice, which is 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, the following demographic and income profile was generated using ESRI's Community Analyst within the Town of Apple Valley and within and around the reorganization area (2018 data):

Demographic and Income Comparison	Town of Apple Valley (%)	Reorganization Area and Unincorporated Sphere (%)
Race and Ethnicity		
• African American Alone	9.3 %	8.5 %
• American Indian Alone	1.2 %	0.8 %
• Asian Alone	3.4 %	5.9 %
• Pacific Islander Alone	0.5 %	0.8 %
• Hispanic Origin (Any Race)	39.5 %	25.4 %
Median Household Income	\$55,261	\$82,990

Through future development, the reorganization area will benefit from the extension of services and facilities from the Town and, at the same time, the approval of the

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reorganization proposal will not result in the unfair treatment of any person based on race, culture or income.

- 15. The County of San Bernardino and the Town of Apple Valley have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this annexation. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
- 16. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

SECTION 4. 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 5. 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 6. 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 7. Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth his determination on the levels of protest filed and not withdrawn and setting forth the action on the proposal considered.

SECTION 8. 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.

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

AYES: COMMISSIONERS: Bagley, Cox, Curatalo, Williams, Warren

NOES: COMMISSIONERS: None

ABSTAIN: COMMISSIONERS: Lovingood

ABSENT: COMMISSIONERS: McCallon (Warren voting in his stead)

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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 regular meeting of December 5, 2018.

DATED: December 7, 2018



SAMUEL MARTINEZ
Executive Officer

LAFCO 3229 REORGANIZATION TO INCLUDE ANNEXATION TO THE TOWN OF
APPLE VALLEY AND DETACHMENT FROM COUNTY SERVICE AREA 70

TOWN OF APPLE VALLEY ANNEXATION NO. 2018-001

IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, A PORTION OF
SECTIONS 5, 6, 7, 8 AND 18, TOWNSHIP 6 NORTH, RANGE 3 WEST AND A PORTION
OF SECTION 13, TOWNSHIP 6 NORTH, RANGE 4 WEST, SAN BERNARDINO
MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHWEST QUARTER OF SAID SECTION 5 EXCEPT THEREFROM THAT
PORTION LYING NORTHWESTERLY OF THE SOUTHEASTERLY BOUNDARY OF
LAFCO 2533;

TOGETHER WITH THE SOUTHEAST QUARTER OF SAID SECTION 6 EXCEPT
THEREFROM THAT PORTION LYING NORTHWESTERLY OF THE SOUTHEASTERLY
BOUNDARY OF LAFCO 2533;

TOGETHER WITH SAID SECTION 7, EXCEPT THEREFROM THAT PORTION LYING
NORTHWESTERLY OF THE SOUTHEASTERLY BOUNDARY OF LAFCO 2533;

TOGETHER WITH THE NORTHWEST QUARTER OF SAID SECTION 8;

TOGETHER WITH THE NORTH HALF OF SAID SECTION 18 EXCEPT THEREFROM
THAT PORTION LYING NORTHWESTERLY OF THE SOUTHEASTERLY BOUNDARY
OF LAFCO 2533;

TOGETHER WITH THE SOUTHWEST QUARTER OF SAID SECTION 18;

TOGETHER WITH THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST
QUARTER OF SAID SECTION 18;

TOGETHER WITH THE WEST HALF OF THE SOUTHEAST QUARTER OF THE
SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18;

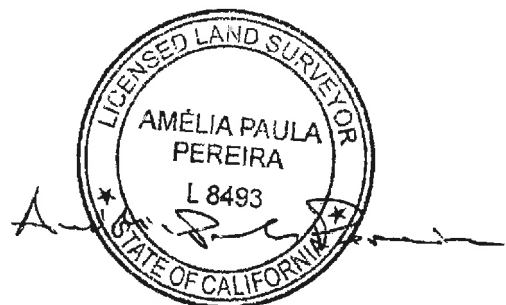
TOGETHER WITH SAID SECTION 13 EXCEPT THEREFROM THAT PORTION LYING
NORTHWESTERLY OF THE SOUTHEASTERLY BOUNDARY OF LAFCO 2533.

TOTAL AREA CONTAINING 1,365.11 ACRES, MORE OR LESS.

PREPARED BY:

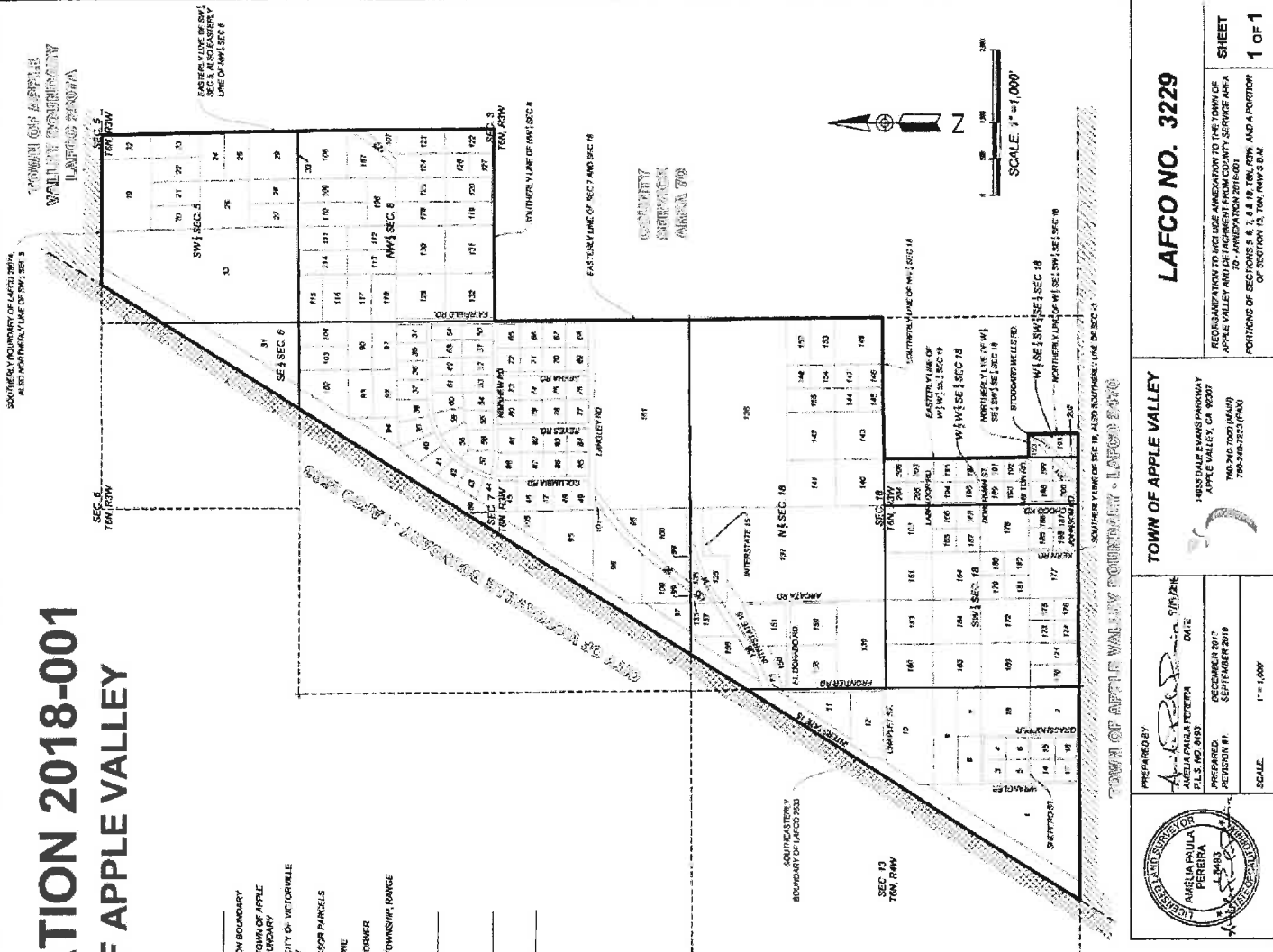

AMÉLIA PAULA PEREIRA - P.L.S. NO. 8493

SEPTEMBER 19, 2018
DATE

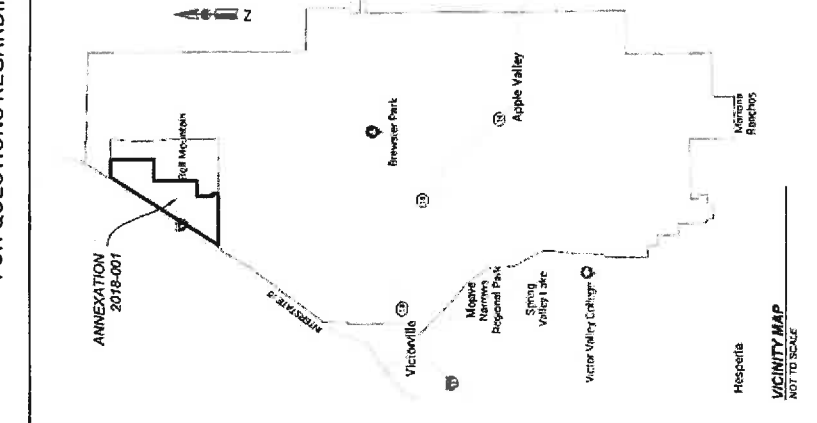


FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY

ANNEXATION 2018-001 TOWN OF APPLE VALLEY



- LEGEND**
- ANNEXATION BOUNDARY
 - EXISTING TOWN OF APPLE VALLEY BOUNDARY
 - EXISTING CITY OF VICTORVILLE BOUNDARY
 - TAX ASSESSOR PARCELS
 - SECTION LINE
 - SECTION CORNER
 - SEC. 12, 16N, 16W SECTION TOWNSHIP RANGE
 - AGENCIES
 - TOWN OF APPLE VALLEY COUNTY SERVICE AREA TO
 - ANNEXATION AREA
 - 1,385,17 ACRES
 - ABBREVIATIONS
 - FOR POINT OF BEGINNING
 - SEC. SECTION



TAX ASSESSOR PARCELS NUMBER RANGE		APN		APN		APN		APN	
#	APN	#	APN	#	APN	#	APN	#	APN
1	46916201	36	47226103	71	47216303	106	47212305	141	47235312
2	46916310	37	47226104	72	47216304	107	47212306	142	47235313
3	46916411	38	47226105	73	47216305	108	47212307	143	47235314
4	46916512	39	47226106	74	47216306	109	47212308	144	47235315
5	46916613	40	47226107	75	47216307	110	47212309	145	47235316
6	46916714	41	47226108	76	47216308	111	47212310	146	47235317
7	46916815	42	47226109	77	47216309	112	47212311	147	47235318
8	46916916	43	47226110	78	47216310	113	47212312	148	47235319
9	46917017	44	47226111	79	47216311	114	47212313	149	47235320
10	46917118	45	47226112	80	47216312	115	47212314	150	47235321
11	46917219	46	47226113	81	47216313	116	47212315	151	47235322
12	46917320	47	47226114	82	47216314	117	47212316	152	47235323
13	46917421	48	47226115	83	47216315	118	47212317	153	47235324
14	46917522	49	47226116	84	47216316	119	47212318	154	47235325
15	46917623	50	47226117	85	47216317	120	47212319	155	47235326
16	46917724	51	47226118	86	47216318	121	47212320	156	47235327
17	46917825	52	47226119	87	47216319	122	47212321	157	47235328
18	46917926	53	47226120	88	47216320	123	47212322	158	47235329
19	47223008	54	47226121	89	47216321	124	47212323	159	47235330
20	47223009	55	47226122	90	47216322	125	47212324	160	47235331
21	47223010	56	47226123	91	47216323	126	47212325	161	47235332
22	47223011	57	47226124	92	47216324	127	47212326	162	47235333
23	47223012	58	47226125	93	47216325	128	47212327	163	47235334
24	47223013	59	47226126	94	47216326	129	47212328	164	47235335
25	47223014	60	47226127	95	47216327	130	47212329	165	47235336
26	47223015	61	47226128	96	47216328	131	47212330	166	47235337
27	47223016	62	47226129	97	47216329	132	47212331	167	47235338
28	47223017	63	47226130	98	47216330	133	47212332	168	47235339
29	47223018	64	47226131	99	47216331	134	47212333	169	47235340
30	47223019	65	47226132	100	47216332	135	47212334	170	47235341
31	47223020	66	47226133	101	47216333	136	47212335	171	47235342
32	47223021	67	47226134	102	47216334	137	47212336	172	47235343
33	47223022	68	47226135	103	47216335	138	47212337	173	47235344
34	47223023	69	47226136	104	47216336	139	47212338	174	47235345
35	47223024	70	47226137	105	47216337	140	47212339	175	47235346

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RECOMMENDATION TO INCLUDE ANNEXATION TO THE TOWN OF APPLE VALLEY AND DETACHMENT FROM COUNTY SERVICE AREA 70 - ANNEXATION 2018-001

PORTIONS OF SECTIONS 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, AND A PORTION OF SECTION 20, 16N, 16W, 16E

SHEET 1 OF 1

TOWN OF APPLE VALLEY

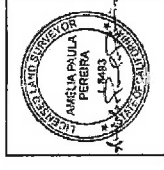
1455 DALE EVARS PARKWAY
APPLE VALLEY, CA 92307
760.240.7000 (MAD) / 760.240.7333 (FAX)

PREPARED BY: ANGELA GALLA PERERA DATE: SEPTEMBER 2017

APPROVED BY: [Signature] DATE: SEPTEMBER 2018

REVISION #1: SEPTEMBER 2018

SCALE: 1" = 1,000'



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