

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3244

HEARING DATE: JANUARY 20, 2021

RESOLUTION NO. 3326

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3244 -- REORGANIZATION TO INCLUDE ANNEXATION TO THE TOWN OF APPLE VALLEY AND DETACHMENT FROM COUNTY SERVICE AREA 70 (ANNEXATION NO. 2019-001). The reorganization area encompasses approximately 1,424 acres, which includes the remaining Town of Apple Valley unincorporated island located in the Town's northwestern sphere of influence.

On motion of Commissioner Warren, duly seconded by Commissioner Bagley, 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 January 20, 2021, 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;

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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 3244.

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 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 Certification of Completion shall be the effective date of the reorganization.

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

1. The reorganization area is legally inhabited containing 64 registered voters as certified by the Registrar of Voters as of December 9, 2020.
2. The County Assessor's Office has determined that the total assessed value of land and improvements within the reorganization area is \$13,745,276 (\$10,119,098--land; \$3,626,178--improvements) as of August 21, 2020.
3. The reorganization area is within the sphere of influence assigned the Town of Apple Valley.

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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 (273) and registered voters (64) within the reorganization area (totaling 337 notices) and to landowners (287) and registered voters (9) within the reorganization area (totaling 296 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.
6. The Town of Apple Valley pre-zoned the reorganization area through its 2009 General Plan Update, which include the following: Estate Residential, Medium Density Residential, Mixed Use, General Commercial, Regional Commercial, Planned Industrial, and Public Facility. These zoning designations are consistent with the Town's General Plan and are 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") recently adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. The Plan includes the widening of Dale Evans Parkway from the I-15 Freeway to Thunderbird Road (most of which is adjacent to LAFCO 3244) from two to four lanes by 2030. The I-15 Freeway section of the Victor Valley is also scheduled to include an Express Lane in each direction by 2045.
8. The Town of Apple Valley's Local Hazard Mitigation Plan was updated in 2017. The plan does not identify threats for flood, wildfire, and/or earthquake and other natural and human-caused hazards. The reorganization area is not within a flood zone or a fault zone but is considered to be within a moderate fire hazard severity zone.
9. 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 Addendum to the Environmental Impact Report prepared by the Town for the Apple Valley 2009 General Plan Amendment and Annexation 2008-001 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

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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.

10. 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), and 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.

11. 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.

12. The reorganization proposal complies with Commission policies that indicate the preference for areas proposed for development at an urban-level land use be included within a City/Town so that the full range of municipal services can be planned, funded, extended and maintained.
13. The reorganization area can benefit from the availability and extension of municipal services from the Town of Apple Valley upon future development.
14. This proposal will assist the Town of Apple Valley's ability to achieve its fair share of the regional housing needs as some of the assigned land use designations for the area include Estate Residential, Medium Density Residential, and Mixed Use (residential), all of which allow for some type of residential development in the area.
15. 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 approval of the reorganization to annex the entire island will not result in the deprivation of service or the unfair treatment of any person based on race, culture or income.

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- 16. 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 reorganization. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
- 17. 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 3. 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 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 (Part 4, commencing with Government Code Section 57000) and set the matter for consideration of the protest proceedings, providing notice of hearing pursuant to Government Code Sections 57025 and 57026.

SECTION 6. 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 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.

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

- AYES: COMMISSIONERS: Bagley, Cox, Farrell, McCallon and Warren.**
- NOES: COMMISSIONERS: None.**
- ABSTAIN: COMMISSIONERS: Rowe.**
- ABSENT: COMMISSIONERS: Curatalo (Farrell voting in his stead) and Rutherford.**

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

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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 January 20, 2021.

DATED: January 21, 2021



SAMUEL MARTINEZ
Executive Officer



LAFCO 3244

TOWN OF APPLE VALLEY ANNEXATION NO. 2019-001

IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, A PORTION OF SECTIONS 5, 8, 17 AND 18, TOWNSHIP 6 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEAST QUARTER OF SAID SECTION 5 EXCEPT THEREFROM THAT PORTION LYING EASTERLY OF THE WESTERLY BOUNDARY OF LAFCO 2807A;

TOGETHER WITH THE NORTHEAST, SOUTHEAST AND SOUTHWEST QUARTERS OF SAID SECTION 8;

TOGETHER WITH SAID SECTION 17;

TOGETHER WITH THE SOUTHEAST QUARTER OF SAID SECTION 18 EXCEPT THEREFROM THAT PORTION LYING WESTERLY OF THE EASTERLY BOUNDARY OF LAFCO 3229.

TOTAL AREA CONTAINING 1,423.62 ACRES, MORE OR LESS.

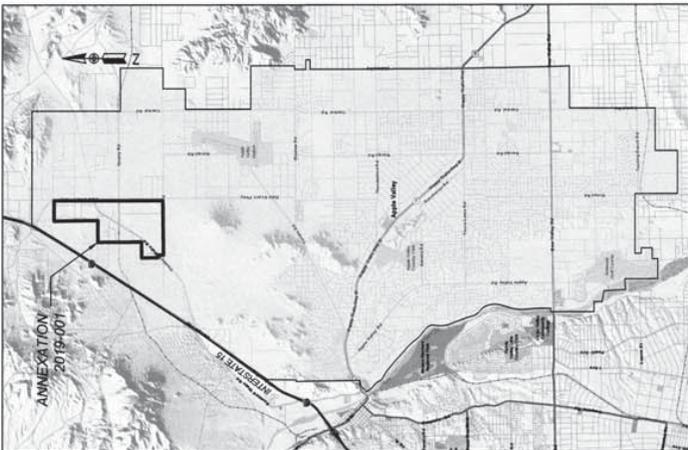
PREPARED BY:


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

NOVEMBER 5TH, 2020
DATE

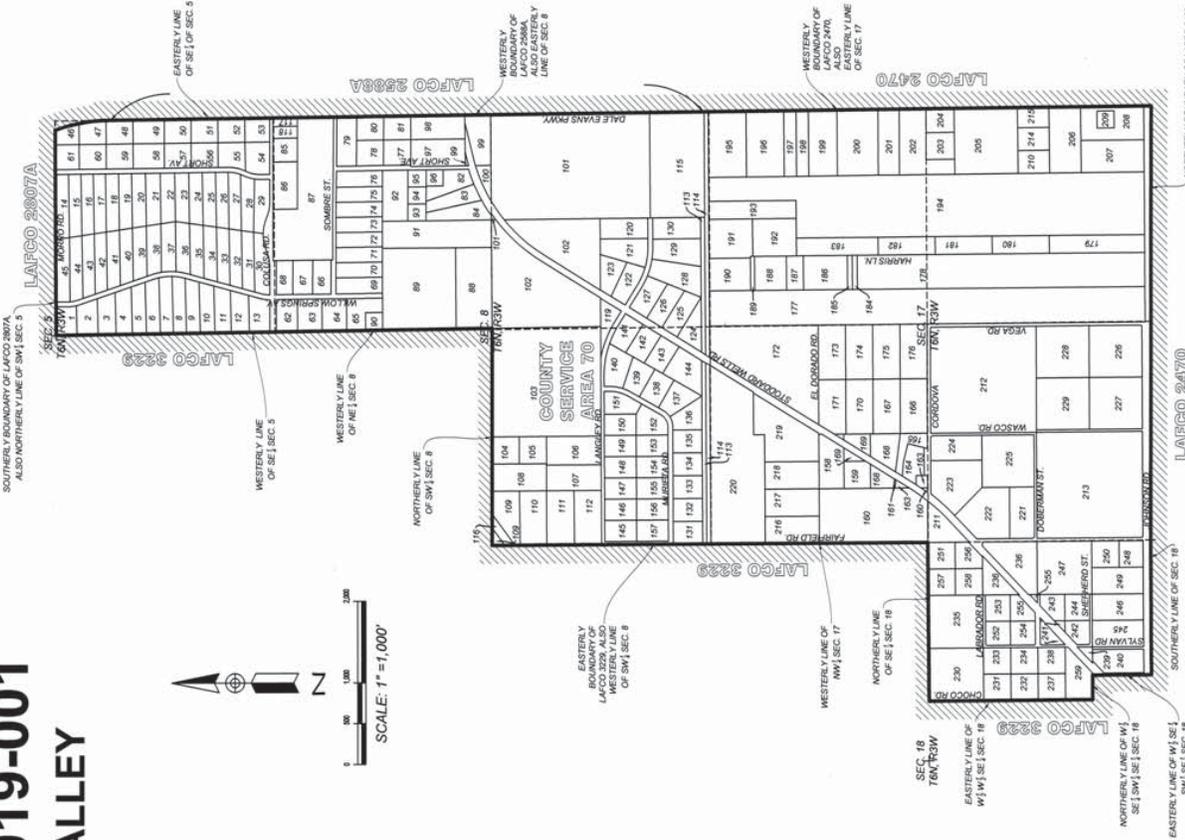
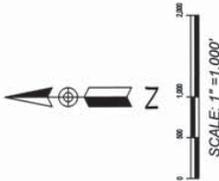


ANNEXATION 2019-001 TOWN OF APPLE VALLEY



VICINITY MAP
NOT TO SCALE

- LEGEND**
- ANNEXATION BOUNDARY
 - EXISTING TOWN OF APPLE VALLEY BOUNDARY
 - TAX ASSESSOR PARCELS
 - 1/4 SECTION LINE
 - + SECTION CORNER
 - SEC. 13, 16N, 14W SECTION, TOWNSHIP, RANGE
- AFFECTED AGENCIES**
- COUNTY OF SAN BERNARDINO
 - COUNTY SERVICE AREA 70
- ANNEXATION AREA**
- 1,423.62 ACRES
- ABBREVIATIONS**
- SEC. SECTION
 - 16N NORTH
 - NW NORTHWEST
 - S SOUTH
 - 14W WEST
 - SE SOUTHEAST



TOWN OF APPLE VALLEY

1655 DALE EVANS PARKWAY
APPLE VALLEY, CA 92307
760-340-1500 (MAY)
760-340-1222 (FAX)

PREPARED BY: *Amelia Paula* PEREIRA DATE: NOVEMBER 2020
P.L.S. NO. 8483

PREPARED: NOVEMBER 2020

SCALE: 1" = 1,000'

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RECORDATION TO INCLUDE ANNEXATION TO THE TOWN OF APPLE VALLEY AND DETACHMENT FROM COUNTY SERVICE AREA 70 - ANNEXATION 2019-001
PORTIONS OF SECTIONS 8, 17 & 18, T6N, R14W
SAN BERNARDINO MERIDIAN, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

SHEET 1 OF 1

TAX ASSESSOR PARCEL NUMBER TABLE							
#	APN	#	APN	#	APN	#	APN
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2	4724102	42	4724106	82	4724110	122	4724114
3	4724103	43	4724107	83	4724111	123	4724115
4	4724104	44	4724108	84	4724112	124	4724116
5	4724105	45	4724109	85	4724113	125	4724117
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25	4724125	65	4724129	105	4724133	145	4724137
26	4724126	66	4724130	106	4724134	146	4724138
27	4724127	67	4724131	107	4724135	147	4724139
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