

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**PROPOSAL NO.: LAFCO 3249**

**HEARING DATE: JULY 21, 2021**

## **RESOLUTION NO. 3334**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3249 AND APPROVING THE ANNEXATION TO THE BIGHORN-DESERT VIEW WATER AGENCY AND BIGHORN-DESERT VIEW WATER AGENCY IMPROVEMENT ZONE CSA 70 W-1 (APN 0631-071-12). The annexation area consists of Assessor Parcel Number 0631-071-12, comprising approximately 20 acres, generally located on the south side of Napa Road between Gerber and Ducor Avenues.**

**On motion of Commissioner Denison, duly seconded by Commissioner Curatalo, 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 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 July 21, 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, 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;

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**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 3249.

**Condition No. 3.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Bighorn-Desert View Water Agency (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 Bighorn-Desert View Water Agency 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.** 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:

1. The annexation area is legally uninhabited containing zero registered voter as certified by the County Registrar of Voters as of June 15, 2021.
2. The County Assessor has determined that the total assessed value of land within the annexation area is \$85,000 as of March 31, 2021.

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3. The annexation area is within the sphere of influence assigned the Bighorn-Desert View Water Agency.
4. Notice of this hearing has been advertised as required by law through publication in the *Hi Desert Star*, 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.
5. 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 1,350 feet of the exterior boundaries of the annexation area (totaling 80 notices). Comments from landowners, registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination.
6. The County's land use designation for the annexation area is HV/RL (Homestead Valley/ Rural Living). No change in land use is anticipated as a result of the annexation.
7. The Southern California Associated Governments (SCAG) adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3249 has no direct impact on SCAG's Regional Transportation Plan.
8. The Local Agency Formation Commission has determined that this proposal is 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 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 and its Improvement Zones 1 and M, Morongo Basin Healthcare District, San Bernardino County Fire Protection District, its Desert Service Zone and its Service Zone FP-5, County Service Area 70 Zone R-15, and County Service Area 70 (multi-function unincorporated area Countywide).  
  
None of these agencies are affected by this proposal as they are regional in nature.
10. The Bighorn-Desert View Water Agency submitted a plan for the provision of water service as required by Government Code Section 56653, which indicates that the Agency 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.

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- 11. The annexation area can benefit from the availability and extension of water service from the Agency.
- 12. With respect to environmental justice, the annexation proposal—which is to provide water service to the 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 Bighorn-Desert View Water Agency, 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, as revised, are in substantial conformance with LAFCO and State standards.

**SECTION 4.** The primary reason for this annexation is to provide water service to APN 0631-071-12, which is proposed to be developed for residential use in the future. The parcel is currently not within the Agency’s boundary; therefore, annexation to the Agency is required in order to receive water service.

**SECTION 5.** 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 6.** 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.

**SECTION 7.** 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: Baca, Bagley, Cox, Curatalo, Hagman, McCallon and Denison.**

**NOES: COMMISSIONERS: None.**

**ABSENT: COMMISSIONERS: Dammeier and Warren.**

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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 July 21, 2021.

DATED: JULY 21, 2021



SAMUEL MARTINEZ  
Executive Officer



LAFCO 3249  
ANNEXATION TO THE BIGHORN-DESERT VIEW WATER AGENCY  
AND ITS IMPROVEMENT ZONE CSA 70 W-1 (APN 0631-071-12)

BEING THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 6 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICAL PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21 SAID POINT ALSO BEING ON THE EXISTING BOUNDARY OF BIGHORN-DESERT VIEW WATER AGENCY PER LAFCO ACTION #3181;

COURSE 1. THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 21 AND ALONG SAID EXISTING BOUNDARY, SOUTH 89° 34' 00" EAST A DISTANCE OF 660.95 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21;

COURSE 2. THENCE LEAVING SAID EXISTING BOUNDARY, ALONG THE EASTERLY LINE OF SAID WEST HALF, SOUTH 00° 08' 45" WEST A DISTANCE OF 1325.62 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF;

COURSE 3. THENCE ALONG THE SOUTHERLY LINE OF SAID WEST HALF, NORTH 89° 30' 00" WEST A DISTANCE OF 661.63 FEET TO THE SOUTHWEST CORNER OF SAID WEST HALF;

COURSE 4. THENCE ALONG THE WESTERLY LINE OF SAID WEST HALF, NORTH 00° 10' 30" EAST A DISTANCE OF 1324.85 FEET TO POINT OF BEGINNING.

SAID ABOVE DESCRIBED AREA CONTAINS 20.12 ACRES, MORE OR LESS.

SUBJECT TO ALL COVENANTS, RIGHTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

AS DEPICTED IN EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECTION, BASED ON RECORD INFORMATION.



PHILLIP K. FOMOTOR, P.L.S.

DATE 6/10/2024



W 1/2 OF THE NE 1/4 OF THE NE 1/4, SEC. 21, T.2N.,R.6E., S.B.M.

① NAPA ROAD

S89°34'00"E 660.95'

660.95'

NE CORNER SEC. 21

POINT OF BEGINNING

W 1/2 OF THE NE 1/4 OF THE NE 1/4, SEC. 21, T.2N.,R.6E., S.B.M. AREA= 20.12 ACRES

N0°10'30"E 1324.85'

S0°08'45"W 1325.62'

N89°30'00"W 661.63'

661.63'

③

INDICATES THE EXISTING BOUNDARY OF BIGHORN--DESERT VIEW WATER AGENCY

LAFCO 3249 ANNEXATION TO THE BIGHORN-DESERT VIEW WATER AGENCY AND ITS IMPROVEMENT ZONE CSA 70 W-1 (APN 0631-071-12)

NOTE:

1. BEARING AND DISTANCES SHOWN HEREON ARE CALC'D PER THE US GOV PLAT DATED 1/25/1955.



NORTH



SCALE: 1"=200'

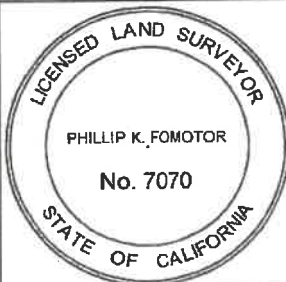
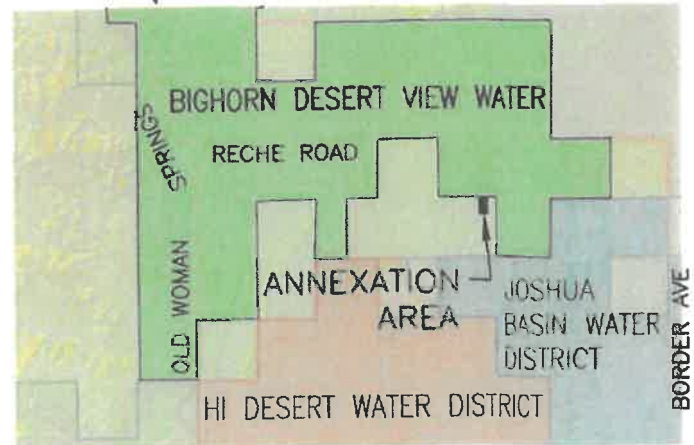
KUNA AVENUE

VICINITY MAP

(NO SCALE)



NORTH



THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECTION, BASED ON RECORD INFORMATION.

*[Handwritten signature]*

PHILLIP K. FOMOTOR, P.L.S.

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

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