

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3250

HEARING DATE: SEPTEMBER 15, 2021

RESOLUTION NO. 3336

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3250 AND APPROVING THE ANNEXATION TO THE BIGHORN-DESERT VIEW WATER AGENCY AND ITS IMPROVEMENT ZONES 1 AND A (APN 0631-051-28). The annexation area consists of Assessor Parcel Number 0631-051-28, comprising approximately 10 acres generally located west of Landers Lane between Winters Road and the natural extension of Napa Road.

On motion of Commissioner Hagman, duly seconded by Commissioner Farrell, 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 September 15, 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; 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:

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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 3250.

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 reorganization area is legally uninhabited containing zero registered voters as certified by the Registrar of Voters as of July 13, 2021.
2. The County Assessor's Office has determined that the total assessed value of land and improvements within the annexation area is \$76,539 (land--\$35,325; improvements--\$41,214) as of July 7, 2021.
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

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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 63 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 3250 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, Hi-Desert Memorial Healthcare District, Mojave Desert Resource Conservation District, Mojave Water Agency, its Improvement Zones 01 and M, San Bernardino County Fire Protection District, its South Desert Service Zone, 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.
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.

LAFCO 3250

ANNEXATION TO THE BIGHORN-
DESERT VIEW WATER AGENCY AND
ITS IMPROVEMENT ZONES 1 AND A
(APN 0631-051-28)

BEING THE NORTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 19, 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 SOUTHEAST QUARTER OF SAID
SECTION 19, SAID CORNER ALSO BEING THE EXISTING BIGHORN-DESERT VIEW WATER
AGENCY BOUNDARY PER LAFCO 2595;

COURSE 1. THENCE LEAVING SAID EXISTING BOUNDARY AND ALONG THE NORTHERLY
LINE OF SAID NORTH HALF, NORTH 89° 50' 19" EAST A DISTANCE OF 663.61 FEET TO THE
NORTHEAST CORNER OF SAID NORTH HALF;

COURSE 2. THENCE ALONG THE EASTERLY LINE OF SAID NORTH HALF, SOUTH 00° 36'
51" WEST A DISTANCE OF 662.64 FEET TO THE SOUTHEAST CORNER OF SAID NORTH
HALF;

COURSE 3. THENCE ALONG THE SOUTHERLY LINE OF SAID NORTH HALF, SOUTH 89° 50'
44" WEST A DISTANCE OF 662.71 FEET TO THE SOUTHWEST CORNER OF SAID NORTH
HALF AND THE EXISTING BOUNDARY OF THE BIGHORN-DESERT VIEW WATER AGENCY
PER LAFCO 2595;

COURSE 4. THENCE ALONG THE WESTERLY LINE OF SAID NORTH HALF AND ALONG
SAID EXISTING BOUNDARY, NORTH 00° 32' 10" EAST A DISTANCE OF 662.55 FEET TO THE
POINT OF BEGINNING.

SAID ABOVE DESCRIBED AREA CONTAINS 10.09 ACRES, MORE OR LESS.

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.

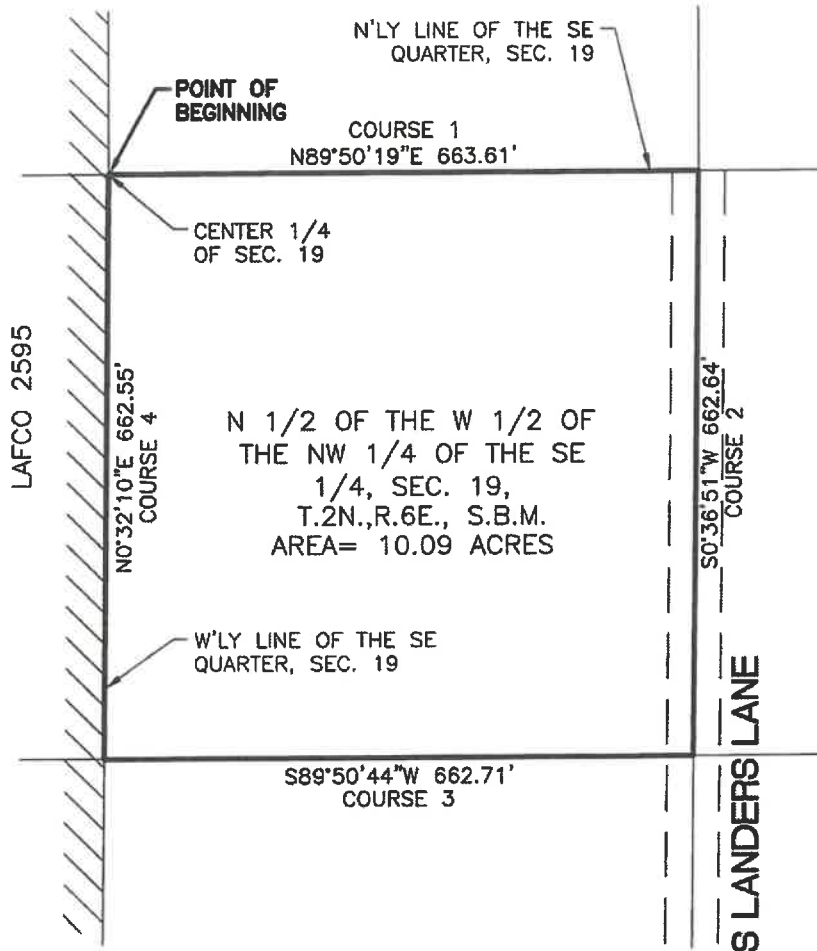
DATE 8/31/21



LAFCO 3250
ANNEXATION TO THE BIGHORN-DESERT
VIEW WATER AGENCY AND ITS
IMPROVEMENT ZONES 1 AND A
(APN 0631-051-28)

NOTE:

1. BEARING AND DISTANCES
SHOWN HEREON ARE CALC'D PER
RS 8/54 AND RS 99/46.

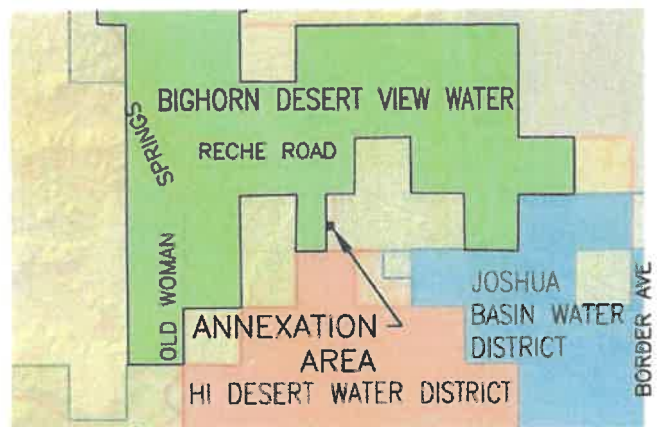


LEGEND

EXISTING BIGHORN-DESERT VIEW WATER AGENCY BOUNDARY

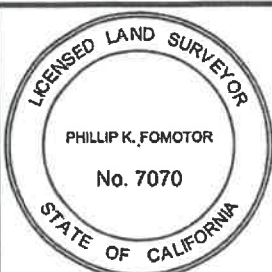
VICINITY MAP

(NO SCALE)



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

8/31/21
PHILLIP K. FOMOTOR, P.L.S.