

## SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

**INTRODUCTION:** The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

### GENERAL INFORMATION

1. NAME OF PROPOSAL: **Annexation APN 631-071-12 (Madrigal, M. Owner)**

2. NAME OF APPLICANT: Bighorn-Desert View Water Agency/M. Madrigal

APPLICANT TYPE:     Landowner                       Local Agency

Registered Voter     Other \_\_\_\_\_

MAILING ADDRESS:    **622 Jemez Trail, Yucca Valley, CA 92284**

PHONE:                **(760) 364-2315**

FAX:                    **(760) 364-3412**

E-MAIL ADDRESS:    **mwest@bdvwa.org**

3. GENERAL LOCATION OF PROPOSAL:    **Ms. Madrigal purchased 20-acres near the corner of Kuna and Napa in Landers, The land lies adjacent at the Agency water service boundary within the Sphere of Influence as determined by San Bernardino Local Area Formation Commission.**

4. Does the application possess 100% written consent of each landowner in the subject territory?  
YES  NO  If YES, provide written authorization for change.

5. Indicate the reason(s) that the proposed action has been requested.

**Applicant was told by real estate company that the property was in Bighorn-Desert View Water Agency service boundary. They assumed access as there are fire hydrants and water meters on Napa west of Kuna directly adjacent to the property. Upon inquiring to purchase a water meter they discovered the property is just outside the Agency boundary. They were informed of the need to annex in order to gain access to water.**

### LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres): One 20-acre parcel

2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)

**This is vacant land which has not undergone any development to date.**

3. Approximate current population within area: **Zero**

4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):

**N/A – not annexing to a city**

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):

**HV/RL**

5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:

**None**

6. Indicate the existing use of the subject territory.

**Vacant Land**

What is the proposed land use?

**Owner has not determined the ultimate use as they cannot make that decision until they secure a water source in order to pursue any kind of development.**

7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES  NO  If YES, please explain.

**The Agency is not operating at or near capacity. Therefore, this project would have not impact the Agency's ability to supply water to any development on this property.**

**There is no sanitary sewer planned for the BDVWA service area.**

**The Agency cannot determine whether or not the project would have a negative impact on police, fire or schools.**

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

- |  |  |
|--|--|
| <input type="checkbox"/> Agricultural Land Uses  | <input type="checkbox"/> Agricultural Preserve Designation       |
| <input type="checkbox"/> Williamson Act Contract   | <input type="checkbox"/> Area where Special Permits are Required |
| <input type="checkbox"/> Any other unusual features of the area or permits required: _____ |  |
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9. Provide a narrative response to the following factor of consideration as identified in §56668(p): *The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means 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:*

**This parcel, as well as those around it, are located within the Sphere of Influence of the Bighorn-Desert View Water Agency as determined by San Bernardino Local Agency Formation Commission. Therefore, given that the sole owner of the parcel desires to annex in order to get access to water service, the annexation process positively PROMOTES environmental justice by providing a pathway to water service while meeting all the goals and objectives of SB LAFCO.**

**The Agency understands that the State of California, through SB1263 (Wieckowski/2016), has trampled on the rights of property owners to utilized a potable "hailed water" solution to obtain a building permit in San Bernardino County. This has the opposite effect on Environmental Justice as it directly discriminates against those who seek an affordable way of life in the high desert.**

**The only other option for the property owner would be to drill a water well. However, local geologic data and institutional knowledge tends to support a lack of groundwater, sustainable or suitable, for development of the property.**

**This is the primary driver of the request to annex the parcel into the boundaries of Bighorn-Desert View Water Agency.**

**ENVIRONMENTAL INFORMATION**

1. Provide general description of topography.

**Generally flat alluvial plain with one "blue line" stream crossing approximately thru the center of the parcel from west to east.**

2. Describe any existing improvements on the subject territory as % of total area.

(FOR LAFCO USE ONLY)

Residential	_____0_____%	Agricultural	_____0_____%
Commercial	_____0_____%	Vacant	_____0_____%
Industrial	_____0_____%	Other	_____0_____%

3. Describe the surrounding land uses:

NORTH        Residential and agricultural uses

EAST         Residential and agricultural uses

SOUTH        Immediately south is vacant land (private and public/BLM)

WEST         Vacant land with County Landfill southwest (within 1 mile of the sw property boundary)

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

The water meter would be installed on the mainline running east to west on Napa Road immediately adjacent to the north property boundary. The meter would be placed on either the NW or NE corner of the parcel.

5. Will service extensions accomplished by this proposal induce growth on this site? YES   
NO X Adjacent sites? YES  NO  Unincorporated X Incorporated

Currently the parcel owner is seeking one water meter connection. The Agency could require additional meters be purchased under conditions outlined in Agency's Rules and Regulations for Water Service. The Agency cannot determine if this proposal would induce growth at the site in the future.

6. Are there any existing out-of-agency service contracts/agreements within the area? YES   
NO X If YES, please identify.

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7. Is this proposal a part of a larger project or series of projects? YES  NO X If YES, please explain.

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**NOTICES**

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME Bighorn-Desert View Water Agency \_\_\_\_\_ TELEPHONE NO. \_\_\_760-364-2315\_\_\_\_\_

ADDRESS:  
\_\_\_622 Jemez Trail, Yucca Valley, CA 92284\_\_\_\_\_

NAME Ms. Mirian Araceli Madrigal\_ \_\_\_\_\_ TELEPHONE NO. (951) 760-2294

ADDRESS: du 21860 Walnut St. Midomar CA 92595

**CERTIFICATION**

As a part of this application, the **Bighorn-Desert View Water Agency** (the applicant) and/or **Mirian Araceli Madrigal** (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

I hereby certify that the statements furnished above and in the attached supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE 11-19-2020 \_\_\_\_\_ Minan M.  
SIGNATURE

\_\_\_\_\_  
Minan A. Madrigal  
Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

\_\_\_\_\_  
land owner  
Title and Affiliation (if applicable)

(FOR LAFCO USE ONLY)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT
- SPHERE OF INFLUENCE CHANGE SUPPLEMENT
- CITY INCORPORATION SUPPLEMENT
- FORMATION OF A SPECIAL DISTRICT SUPPLEMENT
- ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT

KRM-Rev. 8/19/2015