

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

175 West Fifth Street, Second Floor, San Bernardino, CA 92415-0490
• (909) 387-5866 • FAX (909) 387-5871
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: MARCH 5, 2004

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: **Agenda Item #10** – Request for Waiver of Filing Fees for LAFCO 2955 – Reorganization to include Annexations to the City of Big Bear Lake and the Big Bear Lake Fire Protection District, et al (Holloway’s Marina)

RECOMMENDATION:

Deny the request for waiver of filing fees.

BACKGROUND:

Attached for Commission review is a request by the City of Big Bear Lake for waiver of the LAFCO filing fees in connection with its reorganization proposal which includes annexations to the City and its subsidiary fire protection district. This annexation request has been initiated at the request of the property owner who wishes to clarify his land holdings within the City of Big Bear Lake. The fees which would apply to this proposal are: LAFCO Filing Fee (\$3,750), environmental review deposit (\$750), Registrar of Voters deposit (\$450), Landowner Notice Deposit (\$0.50 per parcel for notification – surrounding area). The estimated payment would be \$5,000 (depending upon the number of parcels included). It is important for the Commission to note that the actual costs for services provided for environmental assessment, Registrar of Voter services and landowner notification are applied against the deposits identified above. If charges are less than the deposits, the amounts are refunded. If charges exceed the deposits, the proponents are billed for the additional costs.

As outlined by the City, it is their position that the application presented represents an island as such is defined by Government Code Section 56375.3

which would allow for the waiver of filing fees per the Commission's existing waiver policy (copy attached). This would require that the City provide a deposit of \$750 (\$300 environmental deposit, \$225 for landowner notice and \$225 for Voter notification). The staff disagrees with this interpretation based on the definition outlined in Government Code Section 56375.3 (b) (3). This section in part states:

"It is surrounded in either of the following ways:

- (A) Surrounded, or substantially surrounded, by the city to which annexation is proposed or by the city and a county boundary or the Pacific Ocean.
- (B) Surrounded by the City to which annexation is proposed and adjacent cities."

As outlined on the parcel map and the color map provided, the area proposed for annexation abuts the City of Big Bear Lake along its eastern side and the Lake on its remaining sides. While the Lake is a body of water, limiting access to other government jurisdictions, it does not conform to the definition of surrounded as identified in the island annexation provisions outlined above.

Staff concurs with the City's position that the annexation of this area will remove jurisdictional confusion and assist the City and property owner in fulfilling the obligations outlined in the Pre-Annexation and Development Agreement entered into in September of 2001. However, there are costs to be incurred by the Commission in processing this application through the various levels of review and the beneficiaries should pay those costs.

For the reasons stated above, staff recommends denial of the waiver request.

/krm

Attachments:

- 1 -- Vicinity map
- 2 -- City of Big Bear Lake waiver request
- 3 -- Commission Policy related to Fee Waivers
- 4 -- Government Code Section 56375.3