

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

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**DATE:** MAY 7, 2004  
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: Agenda Item #10:** LAFCO #2955 — Reorganization to Include Annexations to City of Big Bear Lake and Big Bear Lake Fire Protection District and Detachments from County Service Area 53 and its Improvement Zones A, B, and C (Holloway's Marina)

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**INITIATED BY:**

City Council Resolution, City of Big Bear Lake

**RECOMMENDATION:**

1. Certify that the Commission has reviewed and considered the City's environmental assessment for this proposal, take the actions identified in the staff report, and direct the Clerk to file a Notice of Determination within five days;
2. Approve LAFCO #2955;
3. Waive protest proceedings, as permitted by Government Code Section 56663(c), with the findings that the area is legally uninhabited, all landowners have consented to the reorganization in writing and all subject agencies have consented to the waiver; and,
4. Adopt LAFCO Resolution #2819, setting forth the Commission's findings, determinations, and standard conditions of approval.

**BACKGROUND INFORMATION:**

LAFCO 2955 is a routine proposal to annex approximately 4.1 acres, comprised of two areas, to the City of Big Bear Lake and its subsidiary Big

Bear Lake Fire Protection District. The application was initiated by the City Council/Fire District Board at the request of the landowner. The study area is generally located along the Big Bear Lake shoreline, westerly of Lakeview Drive/Metcalf Bay Landing. The area is generally bordered by parcel lines on the east (City's existing boundary) and parcel lines on the south, west and north. The reorganization area is generally located west of Edgemoor Drive, between Metcalf Landing and Lake Drive, and includes the remaining portions of the development known as "Holloway's Marina" not a part of the City of Big Bear Lake. Attachment #1 includes maps of the area under consideration. Surrounding land uses include vacant and residential uses to the north, east and south within the City of Big Bear Lake. Land use to the west is a part of Big Bear Lake within the unincorporated area.

The County of San Bernardino land use designation for the annexation areas is Bear Valley Floodway (BV/FW) with an improvement level identified as "5" indicating no service extensions are necessary. This land use designation does not acknowledge the reclamation of these lands from Big Bear Lake which purportedly took place sometime in 1972 or thereafter.

In September 2001, the City of Big Bear Lake pre-zoned the study area for Commercial Resort (CR) consistent with the City General Plan designation for the area. As a part of the City's land use approval, consideration was given to a site approval and design review (2000-136) and Development Agreement (2000-140). The development contemplated through this process is to acknowledge the marina operation with 116 recreational vehicle spaces, construction of a new maintenance and storage building, and installation of new fuel tanks on a total development site of 9.87 acres. Of the entire development site, 4.1 acres are outside the City's jurisdiction and proposed for annexation. The development agreement entered into provides the framework for the overall development of the Marina including a development schedule, a code compliance schedule to rectify existing violations, and specifications for use of fire rings. In September 2003, the City of Big Bear Lake adopted a revised Official Zoning Map which changed the land use designation from Commercial Resort to Commercial Recreation. No additional restrictions or limitations were placed upon this land use type through this change in name.

The City of Big Bear Lake and Big Bear Lake Fire Protection District have submitted a joint Plan for Services which outlines the extension of municipal services as required by law, and that Plan is attached to this report for Commission review (included as a part of Attachment #2). The Plan in general identifies the following:

- Sewage collection services are currently extended to the marina site by the City of Big Bear Lake. The City of Big Bear Lake is responsible for wastewater collection, while treatment is provided by the Big Bear Area Regional Wastewater Authority (BBARWA), a regional joint powers authority for Big Bear Valley.
- Water service is currently provided by the City of Big Bear Lake's Department of Water and Power (DWP) and the expansion of facilities anticipated through the site plan will not generate a substantial demand for new water service. The DWP Board of Directors has established a 200 equivalent dwelling unit connection limitation per calendar year beginning in 2003.
- Fire protection and paramedic responsibilities will shift from County Service Area 53 Improvement Zone B to the Big Bear Lake Fire Protection District (a city subsidiary district). County Fire has expressed concern regarding the effect of the transfer of revenues while lacking a corresponding reduction in operating costs. The Big Bear Lake Fire Protection District has responded indicating the Plan for Service identifies that, due to the location of the area, it has historically been providing service and has the capacity to respond to service demands. (Copies of County Fire and Big Bear Lake Fire Protection District correspondence are included as Attachment #3 to this report.)
- Law enforcement responsibilities will shift to the City of Big Bear Lake which receives its law enforcement services by contract with the County Sheriff's Department. The City indicates that the annexation will not adversely impact police services.

The City of Big Bear Lake has conducted the environmental assessment for Site Approval and Design Review 2000-136, Pre-Zone 2000-137, and Development Agreement 2000-140 addressing the study area. The assessment has been reviewed by the Commission's environmental consultant, Tom Dodson and Associates. Mr. Dodson has determined that the City documents are adequate for Commission use, and his response is attached to this staff report. Mr. Dodson has indicated that the necessary environmental actions to be taken by the Commission, as a responsible agency under CEQA, are as follows:

- a. Indicate that the Commission has reviewed and considered the environmental assessment and Mitigated Negative Declaration certified by the City of Big Bear Lake;
- b. Determine that these environmental documents are adequate for the Commission's use in making its decision related to the annexation;
- c. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project, and that mitigation required by the City of Big Bear Lake included in the City's environmental documents are the responsibility of the City or others, not the Commission; and,
- d. Direct the Clerk to file a Notice of Determination within five days.

With verification by the County Assessor that the study area possesses 100% landowner consent and a determination that it is legally uninhabited by the County Registrar of Voters, the staff requested the concurrence of the City of Big Bear Lake, Big Bear Fire Protection District, and County Service Area 53 to waive the protest proceeding for this proposal as allowed under Government Code Section 56663. All the entities have consented to this waiver as a "subject agency"; therefore, the staff is recommending that the Commission approve this proposal, waive further protest proceedings, and direct the Executive Officer to complete the action. Copies of the City, Fire Protection District, and County Service Area 53 responses, along with the landowner consent, are included as Attachment #4 to this report.

**FINDINGS:**

The following findings are required to be provided by Commission policy and Government Code Section 56668 for any change of organization/ reorganization proposal:

1. State law indicates that an area containing 12 or more registered voters is "legally inhabited." The Registrar of Voters Office has determined that the study area is legally uninhabited, containing 0 registered voters as of February 23, 2004.
2. The County Assessor has determined that the total assessed value of land within the study area is \$56,758 and that 100% of the landowners have consented to the annexation.

3. Commission review of this proposal has been advertised in *The Sun* and *Big Bear Grizzly*, newspapers of general circulation within the study area.
4. LAFCO staff has also provided an individual notice to the landowner within the annexation area (1), and to landowners and voters surrounding the study area (138) in accordance with state law and adopted Commission policies. To date, no comments or protest have been received to the notices provided regarding consideration of this proposal.
5. The City of Big Bear Lake has pre-zoned the study area for Commercial Recreation uses (C-R). This zoning designation conforms to the adopted General Plan for the City of Big Bear Lake and is consistent with surrounding land uses. Pursuant to the provisions of Government Code Section 56375(e), this zoning designation shall remain in effect for two years following annexation unless specific actions are taken by the City Council.
6. As a function of its review of Site Approval and Design Review 2000-136, Pre-Zone 2000-137, and Development Agreement 2000-14, the City of Big Bear Lake acted as the lead agency for the environmental assessment for the annexation proposal. The Commission's environmental consultant, Tom Dodson and Associates, has reviewed the City of Big Bear Lake's Initial Study and Mitigated Negative Declaration and determined that they are adequate for the Commission's review of the proposed annexation as a responsible agency. A copy of the City's environmental assessment and Mr. Dodson's response are attached for the Commission's review (Attachment #5). The necessary actions to be taken by the Commission, as a responsible agency under CEQA, are listed in the narrative section of this report.
7. The area in question is presently served by the following local agencies:
  - County of San Bernardino
  - Bear Valley Community Healthcare District
  - Big Bear Valley Recreation and Park District
  - Big Bear Municipal Water District
  - Big Bear Airport District
  - East Valley Resource Conservation District
  - County Service Area 53 and its Improvement Zones A (streetlights), B (fire and sewer) and C (water)
  - County Service Area 70 (multi-function unincorporated area)

Detachment of CSA 53 and its Improvement Zones A, B, and C and CSA 70 will automatically occur upon successful completion of this proposal. None of the other agencies are affected by this proposal.

8. The City of Big Bear Lake and Big Bear Lake Fire Protection District have submitted a plan for the extension of municipal services to the study area, as required by law. This plan is attached for Commission review, and indicates that the City and District can maintain and improve the level and range of services currently available in the area.
9. The reorganization proposal complies with Commission policies that indicate the preference for areas proposed for development at an urban-level land use to be included within a City so that the full range of municipal services can be planned, funded, extended and maintained.
10. The study area can benefit from the availability and extension of municipal services from the City of Big Bear Lake and the services offered by the Big Bear Lake Fire Protection District.
11. This proposal will not assist the City's ability to achieve its fair share of the regional housing needs upon improvement of the existing marina and recreational vehicle park.
12. To date, no comments or protests to this proposal have been received from area landowners or registered voters.
13. The County of San Bernardino and the City of Big Bear Lake have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this annexation. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and state standards through certification by the County Surveyor's Office.

**CONCLUSION:**

Staff supports the proposed reorganization since it will clarify service boundaries and allow for a single jurisdiction to be responsible for service delivery. In addition, the proposal will correct a longstanding boundary problem for this development which occurred at the time the City of Big

Bear Lake incorporated. In 1980, the northerly boundary of the City of Big Bear Lake incorporation was established using the Sanitation District boundary that was defined as the “high waterline” for Big Bear Lake. This elevation point did not take into account lands reclaimed from Big Bear Lake through authority of either the Bear Valley Mutual Water Company (until 1977) or the Big Bear Municipal Water District thereafter. The staff supports the approval of this proposal in order to clarify the City boundaries and address development issues that have occurred over the years.

Attachments:

1. Maps of Annexation Area
2. City Application, Plan for Services, and Development Agreement
3. Comments from County Fire and Big Bear Lake Fire Protection District
4. Landowner Consent Form and City, Fire District, and County Service Area 53 Consent to Waiver
5. Response from Tom Dodson and Associates and City Environmental Documents
6. Draft Resolution #2819