

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF SEPTEMBER 18, 2002**

REGULAR MEETING

9:00 A.M.

SEPTEMBER 18, 2002

PRESENT:

COMMISSIONERS:	Gerald W. Smith, Chairman	Richard P. Pearson
	Jim Bagley, Vice Chairman	Bill Postmus
	Bob Colven	A.R. "Tony" Sedano, Alternate
	James V. Curatalo, Alternate	Diane Williams
	Jon D. Mikels	

STAFF: **James M. Roddy, Executive Officer**
 Kathleen Rollings-McDonald, Deputy Executive Officer
 Clark H. Alsop, Legal Counsel
 Debby Chamberlin, Clerk to the Commission

ABSENT:

COMMISSIONERS: **David Eshleman, Alternate**
 Dennis Hansberger, Alternate

REGULAR SESSION - CALL TO ORDER - 9:05 A.M.

Chairman Smith calls the regular session of the Local Agency Formation Commission to order. Commissioner Williams leads the flag salute.

Chairman Smith requests those present who are involved with any of the changes of organization to be considered today by the Commission and have made a contribution of more than \$250 within the past twelve months to any member of the Commission to come forward and state for the record their name, the member to whom the contribution has been made, and the matter of consideration with which they are involved. There are none.

APPROVAL OF MINUTES FOR REGULAR MEETING OF JULY 17, 2002

Chairman Smith calls for any corrections, additions, or deletions to the minutes. There are none. Commissioner Pearson moves approval of the minutes as presented, seconded by Commissioner Postmus. Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Colven, Mikels, Pearson, Postmus, Smith, Williams. Noes: None. Abstain: None. Absent: Bagley.

CONSENT ITEMS

LAFCO considers the item listed under its consent calendar, which Chairman Smith states is approval of the Executive Officer's Expense Report. Mr. Roddy announces that he has not prepared an expense report as he has no significant reportable expenses to submit at this time.

CONTINUED ITEMS

CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 2892; AND (2) LAFCO 2892 - SERVICE REVIEW PURSUANT TO GOVERNMENT CODE SECTION 56430 AND SPHERE OF INFLUENCE STUDY PURSUANT TO GOVERNMENT CODE SECTION 56425 FOR CHINO BASIN WATER CONSERVATION DISTRICT (CONTINUED FROM JULY 17, 2002) – APPROVE STAFF RECOMMENDATION

LAFCO conducts a public hearing, continued from July 17, 2002, to consider a service review and sphere

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of influence study for the Chino Basin Water Conservation District (hereinafter referred to as “the District”). Notice of the original hearing was advertised as required by law through publication in The Sun and Inland Valley Daily Bulletin, newspapers of general circulation in the area, and individual notification was provided to affected and interested agencies, County departments, and those individuals wishing mailed notice.

Executive Officer James Roddy presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by its reference herein. Mr. Roddy states that the District includes all of the Cities of Chino and Montclair and portions of the Cities of Chino Hills, Ontario, Rancho Cucamonga and Upland.

(It is noted that Commissioner Bagley arrives at 9:10 a.m.)

Mr. Roddy says the District’s primary roles are groundwater replenishment programs and water conservation education activities and he says the staff report addresses the statutory factors required for a sphere of influence study and the findings required for a service review. He notes that this review is routine and that no sphere or service changes are proposed. He reports that notice was provided to overlaying agencies and says staff worked with the District staff in developing the information. He commends the District staff for its response provided to the sphere and service factors, indicating that about six inches of reports were provided. He says an executive summary has been attached to the staff report and notes that the additional information is available in the LAFCO office and the District offices.

Mr. Roddy discusses that about five years ago the County of San Bernardino, in participation with the LAFCO staff, explored the possibility of dissolving the District, with the water conservation functions to be succeeded to either by the Inland Empire Utilities Agency (IEUA) or the County Flood Control District. He says the water replenishment function could be provided by either agency or by both agencies in partnership. He says the County drafted legislation, which later failed to pass, to clarify the process that would occur if dissolution were proposed and explains that legislation was necessary because the District is an unusual agency that is partly under LAFCO jurisdiction and partly under the jurisdiction of its own Principal Act. He says that while LAFCO can review and consider and approve or deny reorganizations, the protest hearing follows the provisions of the Principal Act which makes it impossible for dissolution or consideration or any change to occur without agreement of the District Board of Directors. He says the Board does not agree that the District should be dissolved or consolidated with another agency but suggests that the District provides a unique service in the West End.

Mr. Roddy says that staff suggests that no sphere changes are warranted and says the staff recommendation is that the Commission: (1) determine that LAFCO 2892 is statutorily exempt from environmental review and direct the Clerk to file a Notice of Exemption within five working days; (2) make the findings related to a service review required by Government Code Section 56430 and determine that the existing sphere of influence for the Chino Basin Water Conservation District should not be changed; and (3) adopt LAFCO Resolution No. 2740 setting forth the Commission’s findings and determinations.

Commissioner Pearson asks whether there has been any more information from the Office of Planning and Research (OPR) on the Guidelines yet. Mr. Roddy reports that the draft has gone from about 170 pages down to about 30 or 40, but he says there still is internal disagreement at the OPR as to whether they will be issued.

Commissioner Colven comments that Mr. Roddy mentioned that the District chose not to associate with another agency. He asks whether that was by the District’s choice or by law. Mr. Roddy clarifies that the District indicated in its response to the issues that it participates in a variety of joint powers agencies, with the IEUA, various School Districts, the Flood Control District and others. He says he did not mean to imply that the District does not associate with other agencies. He says he was referring to the point that the District argues that its role is important and unique; that it has a legal responsibility to focus on water replenishment and conservation issues; and that the District is in the best position to provide necessary service in the West Valley area.

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Chairman Smith opens the hearing and asks whether there is anyone wishing to speak on this item.

There is no one and he closes the hearing.

Commissioner Postmus moves approval of staff recommendation, seconded by Commissioner Williams. Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Colven, Mikels, Pearson, Postmus, Smith, Williams. Noes: None. Abstain: None. Absent: None.

CONSIDERATION OF (1) CEQA STATUTORY EXEMPTION FOR LAFCO 2896; AND (2) LAFCO 2896- SERVICE REVIEW PURSUANT TO GOVERNMENT CODE SECTION 56430 AND SPHERE OF INFLUENCE STUDY PURSUANT TO GOVERNMENT CODE SECTION 56425 FOR CITY OF MONTCLAIR (CONTINUED FROM JULY 17, 2002) AND CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 2902; AND (2) LAFCO 2902 - SERVICE REVIEW PURSUANT TO GOVERNMENT CODE SECTION 56430 AND SPHERE OF INFLUENCE STUDY PURSUANT TO GOVERNMENT CODE SECTION 56425 FOR MONTE VISTA FIRE PROTECTION DISTRICT - APPROVE STAFF RECOMMENDATIONS AND CONTINUE TO OCTOBER 16, 2002

Executive Officer James Roddy announces that Items 4 and 8 on the Agenda go together. LAFCO conducts a public hearing, continued from July 17, 2002, to consider a service review and sphere of influence study for the City of Montclair (hereinafter referred to as "the City"). Notice of the original hearing was advertised as required by law through publication in The Sun and Inland Valley Daily Bulletin, newspapers of general circulation in the area, and individual notification was provided to affected and interested agencies, County departments, and those individuals wishing mailed notice. LAFCO also conducts a public hearing to consider a service review and sphere of influence study for the Monte Vista Fire Protection District (hereinafter referred to as "the Fire District"). Notice of this hearing was advertised as required by law through publication in The Sun and Inland Valley Daily Bulletin, newspapers of general circulation in the area, and individual notification was provided to affected and interested agencies, County departments, and those individuals wishing mailed notice.

Mr. Roddy presents the staff reports for these two items, and a copy of each is on file in the LAFCO office and is made a part of the record by reference herein. He reports that the City of Montclair is overlain by the Monte Vista Fire Protection District, which is a "paper district" governed by the County Board of Supervisors. He says the City provides fire and emergency medical response within its boundary and unincorporated sphere of influence and says the Fire District is the conduit for the property tax revenue it generates to go to the City for City service. He says these sphere studies and service reviews provide the opportunity for the Commission to potentially initiate the dissolution of the Fire District to eliminate the unnecessary administrative process which transfers the property tax revenue. Mr. Roddy says the staff recommendation is to continue these two items to October 16 to allow time for the Fire District and City staffs to discuss whether this is a good time to go forward with the dissolution of the Fire District.

Chairman Smith opens the hearing and asks whether there is anyone wishing to speak on either of these items. There is no one and he closes the hearing.

Commissioner Postmus moves approval of staff recommendation, seconded by Commissioner Bagley. Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Colven, Mikels, Pearson, Postmus, Smith, Williams. Noes: None. Abstain: None. Absent: None.

DISCUSSION ITEMS

CONSIDERATION OF: (1) REVIEW OF NEGATIVE DECLARATION WITH MITIGATION MEASURES PREPARED BY COUNTY OF SAN BERNARDINO FOR GENERAL PLAN LAND USE DISTRICT AMENDMENT FROM RS-20M TO CG ON 0.45 ACRES AND FROM RS-20M TO RS ON 12.27 ACRES AND TENTATIVE TRACT 16215 AS CEQA RESPONSIBLE AGENCY FOR LAFCO SC#185; AND (2) LAFCO SC#185 - IRREVOCABLE AGREEMENT TO ANNEX NO. 02-72-I-47 FOR SEWER SERVICE, CITY OF MONTCLAIR (TRACT 16215--YOUNG HOMES)

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Commissioner Postmus announces that he will recuse himself as he has a conflict on this item.

LAFCO conducts a public hearing to consider an application submitted by the City of Montclair to provide sewer service outside its corporate boundary in response to a request of the developer of Tentative Tract 16215, which is being processed through the County of San Bernardino. Notice of this hearing was advertised as required by law through publication in The Sun and the Inland Valley Daily Bulletin, newspapers of general circulation in the area.

Deputy Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by its reference herein. Ms. McDonald reports that the project is planned for development of 41 single-family residences on 12.27 acres, generally located west of Vernon Avenue, south of Mission Boulevard, in the City's southeastern sphere of influence. She discusses the land use approvals for the contract area, outlined in the staff report, and says the Conditions of Approval included a requirement for connection to the City's sewer system. She says staff has reviewed this application against the criteria established by Commission policy and Government Code Section 56133 and supports approval of the contract. She says the area is within the City's sphere and that the City and Developer have entered into an Irrevocable Agreement to Annex that specifies the requirements of both parties regarding a future annexation and the extension of service. She notes that the area has been zoned for residential uses by both the City's General Plan and the County's General Plan. Ms. McDonald states that the staff recommendation is that the Commission: (1) take the actions listed in the staff report related to the environmental review for the project; (2) approve SC#185 authorizing the City to extend sewer service outside its boundaries to Tentative Tract No. 16215; and (3) adopt LAFCO Resolution No. 2748 setting forth the Commission's findings, determinations and approval of the agreement.

Commissioner Bagley comments this seems to be a pocket area without any contiguity to City boundaries and notes that there are other service contracts existing in the area. He asks whether there is any opportunity to consolidate the areas for annexation. Ms. McDonald responds that the City does not have a contract area immediately contiguous to its boundaries but she reports that the City is working to annex larger portions of its sphere rather than propose piecemeal annexations.

Chairman Smith opens the hearing and asks whether there is anyone wishing to speak on this item. There is no one and he closes the hearing.

Commissioner Bagley moves approval of staff recommendation, seconded by Commissioner Colven. Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Colven, Mikels, Pearson, Smith, Williams. Noes: None. Abstain: Postmus. Absent: None.

With the consensus of the Commission, Chairman Smith announces that Item 7 will be heard before Item 6.

CONSIDERATION OF: (1) REVIEW OF NEGATIVE DECLARATION PREPARED BY CITY OF HIGHLAND FOR GENERAL PLAN AMENDMENT AND PRE-ZONE OF PROPERTIES WITHIN CITY OF SAN BERNARDINO (GPA 02-001 AND ZC 02-001) AS CEQA RESPONSIBLE AGENCY FOR LAFCO 2889 (PARCEL 3); (2) CEQA STATUTORY EXEMPTION FOR LAFCO 2889 (PARCELS 1 AND 2); AND (3) LAFCO 2889 - SPHERE OF INFLUENCE REVIEW FOR CITY OF SAN BERNARDINO (EXPANSIONS AND REDUCTION) AND CITY OF HIGHLAND (EXPANSION AND REDUCTIONS) (AREA ALONG PORTIONS OF THIRD STREET, EAST OF TIPPECANOE AVENUE

AND

CONSIDERATION OF: (1) REVIEW OF NEGATIVE DECLARATION PREPARED BY CITY OF HIGHLAND FOR GENERAL PLAN AMENDMENT AND PRE-ZONE OF PROPERTIES WITHIN CITY OF SAN BERNARDINO (GPA 02-001 AND ZC 02-001) AS CEQA RESPONSIBLE AGENCY FOR LAFCO 2890 (PARCEL 3); (2) CEQA STATUTORY EXEMPTION FOR LAFCO 2890 (PARCELS 1 AND

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**2); AND (3) LAFCO 2890 - REORGANIZATION TO INCLUDE ANNEXATIONS TO AND
DETACHMENTS FROM CITY OF SAN BERNARDINO AND CITY OF HIGHLAND (AREA ALONG
PORTIONS OF THIRD STREET, EAST OF TIPPECANOE AVENUE)**

LAFCO conducts a public hearing to consider a sphere of influence review and reorganization to transfer territory along Third Street between the Cities of San Bernardino and Highland. Notice of this hearing has been advertised as required by law through publication in The Sun, a newspaper of general circulation in the area, and by providing individual mailed notice to affected and interested agencies, County departments, those individuals requesting mailed notice, and landowners and registered voters pursuant to State law and Commission policy.

Deputy Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by reference herein. Commissioner Mikels comments that this exchange is a "strip and a bump" and he asks what is in the bump and what the purpose of the exchange is. Ms. McDonald responds that the bump includes mixed uses, including a public water well, a tire repair shop, and non-conforming residential uses. She says the purpose of this exchange is to resolve confusion and she says the Cities have negotiated to give to San Bernardino the eastbound lanes on Third Street which front the entrance to the San Bernardino International Airport. She discusses the proposed sphere and reorganization changes which will take place, and the existing land uses within the areas, all as outlined in the staff report. She reports that Highland conducted the required pre-zoning for the area that will be included within its boundaries and assigned it a land use designation of Business Park, which will allow those uses listed in the staff report. She says the roadway areas to be annexed to San Bernardino will be included within the Norton Air Force Base/Inland Valley Development Agency Specific Plan upon annexation. She notes that the Cities, in their joint resolutions of application, have indicated the reasons for these proposals which include: (1) to assist the public in understanding the jurisdictional boundaries of the two Cities; (2) to improve services by dividing the jurisdictions at the centerline of Third Street; and (3) to allow the City of San Bernardino to address development of the San Bernardino International Airport. Ms. McDonald says that staff supports these changes and commends both Cities, noting that if either City objected to the detachment of territory, the reorganization proposal would have to be terminated.

(It is noted that Commissioner Curatalo arrives at 9:30 a.m.)

Ms. McDonald states that the factors required by Commission policy and State law for a sphere review are outlined in the staff report. She says the Commission is being requested to make the finding that this is a minor sphere of influence change and is not subject to a service review, as it represents less than three percent of either City's sphere. She says no objections to this exchange have been received from any overlaying agencies. Ms. McDonald reports that in processing this application, a unique situation was discovered. She explains that there is an existing parcel, owned by the County since the 1960's, which is a part of Del Rose Avenue and should have been abandoned but was not when this area was annexed to the City of San Bernardino in 1975. She says staff has proposed a condition of annexation that the County transfer title to the City of Highland upon completion of the annexation so that Highland can abandon the parcel.

Ms. McDonald says the joint Plan for Service indicates that there are no anticipated financial impacts upon transition of service. She notes that the area to be annexed to the City of Highland will lose the obligation for payment of a utility tax but will be included within the City of Highland's paramedic assessment as well as its Consolidated Landscape and Lighting District. Ms. McDonald states that the staff report contains the findings required by Commission policy and State law for annexation. She says the staff recommendation is outlined on pages one and two of the staff report and includes: (1) taking the actions listed related to the environmental assessment for the projects; (2) approval of LAFCO 2889, the sphere of influence changes, and LAFCO 2890, the reorganization; and (3) adoption of LAFCO Resolution No. 2749 setting forth the Commission's conditions, findings and determinations on the sphere of influence changes, and LAFCO Resolution No. 2750 setting forth the Commission's terms, conditions, findings and determinations on the reorganization.

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Commissioner Pearson says the staff report mentions a water company in the area which does not provide water. Ms. McDonald responds that is the East Woods Farms Mutual Water Company, which is the domestic water provider in the area proposed for inclusion in the City of Highland. She explains it has suffered difficulties with its supply and connects to the East Valley Water District to receive water for distribution to its customers. She points out that the problems of that Mutual Water Company will not be resolved by this exchange, but says it would include the whole of the company within the City of Highland. Commissioner Pearson asks whether the City of Highland is aware of this situation and is willing to go along with it. Ms. McDonalds responds it is.

Commissioner Colven asks whether there will be any tax exchange. Ms. McDonald reports that the City of San Bernardino's property tax share will go to the City of Highland and the Library District.

Commissioner Bagley asks whether the County has agreed to the transfer of the parcel mentioned earlier. Ms. McDonald responds that there is agreement on the process.

Chairman Smith opens the public hearing and calls on Sam Racadio, City Manager of the City of Highland.

Mr. Racadio says this situation is unique because it involves detachments from and an annexation to the City of Highland and that they worked with the City of San Bernardino. He says San Bernardino needs control of the frontage road to the Airport so that it does not have to come to Highland for permits for development, and he says they decided to also clean up the "bump" area. He says this cooperation between the two Cities will make things work better.

Chairman Smith calls for further testimony. There is none and he closes the hearing.

Commissioner Bagley moves approval of staff recommendation, seconded by Commissioner Pearson. Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Colven, Mikels, Pearson, Postmus, Smith, Williams. Noes: None. Abstain: None. Absent: None.

Chairman Smith states that with the consensus of the Commission, Item 9 will be heard before Item 6.

NOTE RECEIPT OF PROPOSAL INITIATED BY LANDOWNER PETITION - LAFCO 2910 – YUCAIPA VALLEY WATER DISTRICT ANNEXATION (DICKINSON--RIVERSIDE COUNTY)

LAFCO considers an information item to note receipt of LAFCO 2910-Yucaipa Valley Water District Annexation (Dickinson--Riverside County). Notice of this item was advertised in The Sun, a newspaper of general circulation, and the Yucaipa-Calimesa News Mirror, a newspaper of general circulation in the area.

Executive Officer James Roddy presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by reference herein. Mr. Roddy says that State law requires that any proposal for annexation to a special district, which was not initiated by resolution of that district, shall be placed as an information item on the next available Commission agenda for which notice can be provided, which sets in motion a 60-day time period in which the district involved may submit a resolution of opposition to the proposal. He notes that the District has submitted a resolution in support of the application, a copy of which is attached to the staff report. He reports this is a property owner-initiated annexation to the District in the Wildwood Canyon area within Riverside County. He says the annexation area is contiguous to existing residential development currently served by the District and he says the District is the only logical service provider for this area.

Mr. Roddy states this appears to be a routine proposal and asks that the Chairman be authorized to sign the waiver of legal counsel conflict letter, a copy of which has been placed before the Commission. He notes that another attorney in Legal Counsel Clark Alsop's firm represents the owner of this site. He

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suggests that the Commission retain Mr. Alsop due to the non-controversial nature of this proposal.

Chairman Smith asks whether there is anyone in the audience wishing to address this item. There is no one.

On motion by Commissioner Postmus, seconded by Commissioner Pearson, the Commission authorizes the Chairman to sign the waiver of Legal Counsel conflict letter.

Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Colven, Mikels, Pearson, Postmus, Smith, Williams. Noes: None. Abstain: None. Absent: None.

REQUEST FOR RECONSIDERATION SUBMITTED BY REBECCA LEWIS ON BEHALF OF VARIOUS SUMMIT VALLEY RESIDENTS OF THE COMMISSION'S APPROVAL OF : (1) FINAL ENVIRONMENTAL IMPACT REPORT ADOPTED BY CITY OF HESPERIA FOR SUMMIT VALLEY RANCH SPECIFIC PLAN (STATE CLEARINGHOUSE NO. 92062020) AND NEGATIVE DECLARATION PREPARED BY CITY OF HESPERIA FOR PREZONING ZC-2001-07 AS CEQA RESPONSIBLE AGENCY FOR LAFCO 2888; (2) ADOPTION OF FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS; AND (3) LAFCO 2888 - CITY OF HESPERIA REORGANIZATION NO. 2001-01 INCLUDING ANNEXATIONS TO CITY OF HESPERIA, HESPERIA FIRE PROTECTION DISTRICT, HESPERIA RECREATION AND PARK DISTRICT, AND HESPERIA WATER DISTRICT (SUMMIT VALLEY RANCH AREA)

LAFCO conducts a hearing to consider a Request for Reconsideration submitted by various Summit Valley landowners of the Commission's approval of LAFCO 2888 - City of Hesperia Reorganization No. 2001-01 including Annexations to the City of Hesperia, Hesperia Fire Protection District, Hesperia Recreation and Park District, and Hesperia Water District (Summit Valley Ranch Area). Notice of this hearing was advertised as required by law in the same manner as the hearing on the reorganization through publication in The Sun and the Daily Press, newspapers of general circulation in the area, and by providing individual mailed notice to affected and interested agencies, County departments, those individuals requesting mailed notice, and landowners and registered voters pursuant to State law and Commission policy.

Executive Officer James Roddy presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by reference herein. Mr. Roddy says the Commission considered the annexation of 1,111 acres to the City and its Districts on July 17 during a lengthy hearing that covered a number of issues. He says that about a month prior to the hearing, the Commission was provided with a number of environmental documents to review before the July hearing. He reports that the Commission unanimously approved the annexation and that staff scheduled a public hearing to consider written protest to the annexation. He says that at the protest hearing on August 22, staff found that valid written protest was submitted representing two parcels within the annexation area, which was not sufficient to terminate proceedings. Mr. Roddy reports, however, that prior to the protest hearing, a request for reconsideration was received from landowners who primarily own land outside the annexation area within the larger Summit Valley area, so staff had to continue the protest hearing as no further action could be taken until the Commission took up the question of reconsideration. He says the law provides that the petitioners shall "state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously, or applicable new, are claimed to warrant the reconsideration." He says the question for the Commission is whether or not it believes there is any new information which could not have been available and considered at the July 17 hearing which would warrant a rehearing and possibly a different decision.

Mr. Roddy says the staff report outlines the issues for reconsideration, which generally fall into three categories: (1) environmental questions raised regarding the interim rock quarry (2) concern about the notification process by LAFCO staff; and (3) concern about the service issues. He says the environmental issues will be discussed first and notes that the Commission, acting as a CEQA responsible agency, reviewed the environmental documents prepared by Hesperia as the lead agency. He says Tom Dodson will address the specific issues.

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Commissioner Postmus announces that he has two conflicts and will recuse himself.

Tom Dodson, LAFCO Environmental Consultant, discusses his letter dated September 1, 2002, a copy of which is attached to the staff report, which addresses the concerns submitted by the petitioners. He says many of the issues deal with concerns related to the underlying land uses rather than the Commission's role, which is who should administer the land uses--the City or the County. He says the Commission must rely on the original certified Final Environmental Impact Report (EIR) and cannot make any changes unless there is evidence in the record that circumstances have changed or there are impacts different than those identified in the document. Mr. Dodson summarizes his responses to the nine issues raised related to environmental topics as follows: (1) The blasting effects were considered in the original EIR. There was no specific discussion in the EIR as to the blasting causing any damage to the Dam. However, the EIR was circulated to the State and no comments were received. Based on his personal experience, the distance where the blasting will occur would be the equivalent of a loaded semi-truck driving by the Dam. (2) The occurrence of the arroyo toad in the area was addressed in the EIR. Permits must be obtained from the U.S. Fish and Wildlife Service; the process to do that has been established; and the City is working with other agencies on a Habitat Conservation Plan (HCP). (3 and 4) Issues regarding compatibility of mining with surrounding uses were adequately evaluated in the EIR. The emission of nitrogen oxides from truck travel operations that exceed the standard established were identified in the EIR, as summarized in the City's and Commission's Statements of Overriding Considerations. Fugitive dust was identified but deemed controllable through the mitigation measures identified. (5) Measures are included in the EIR to minimize noise from blasting. (6) Water availability and water consumption effects were evaluated in the EIR and sufficient water supplies were identified to support the proposed project.

Contrary to statements by petitioners, recharge does occur in the upper Mojave River. (7) Accidental release of contaminants is addressed and mitigated in the EIR. (8) Traffic issues are fully addressed in the EIR. (9) If the City fails to implement its oversight responsibilities for the mining operation, the State can assume control or shift the responsibility to the County.

Mr. Dodson states he believes the environmental documents are sufficient for the Commission's use in making its decision approving the reorganization in July. He says he does not believe that the issues raised justify reconsideration.

Commissioner Sedano thanks Mr. Dodson for an excellent report. Chairman Smith asks Mr. Dodson if he has any responses to concerns mentioned as to how long the quarry will be in operation and who will replenish the water to be used for development. Mr. Dodson responds that his impression is that there is a set volume of material that is available and that the quarry will be temporary and stop operating once the surrounding land uses become residential. Commissioner Pearson comments that he believes he read that there is a certain amount of material by volume and/or ten years. Mr. Dodson states that any water consumed above and beyond the free production allowance given to current water producers is replaced by purchasing State water to offset that use.

Mr. Roddy says the Commission is prohibited by State law from approving a proposal based on conditions of land use decisions or subdivision requirements and says the Commission can only review whether or not the ultimate land use is appropriate and can benefit from municipal-level services. He says the development identified in the Specific Plan for the use of this territory does require a high level and broad range of municipal services.

Mr. Roddy says the Commission has read the reconsideration letters which express the concern that the City cannot provide the appropriate level of service. He reads the Commission's adopted policy regarding plans for service and says that the Plan for Service prepared by the Hesperia Recreation and Park District and the Plan prepared for the City and its Districts, clearly show that the service levels can and will be maintained and will be improved in all categories. He says specific concern regarding fire protection was expressed and he reports that in July, the Commission heard about an agreement reached between the Hesperia Fire Protection District and County Fire regarding the continued operation

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of the Summit Valley fire station. Mr. Roddy says staff believes service issues were fully addressed and that there is no new information in the request for reconsideration justifying approval.

Mr. Roddy says the third issue in the request for reconsideration concerns the notification process. He summarizes the notices provided, as outlined in the staff report.

Mr. Roddy says staff believes there is no new information justifying reconsideration; that the hearing in July was thorough and the scope of review was exhaustive; and that the public testimony in July represents a fair disposition of those in favor and those opposed. On the basis of a lack of new information, he says the staff recommendation is that the requests for reconsideration be denied. He states the Commission has been presented this morning with a letter from Barbara Allard-Ward requesting a continuance of this hearing so that the Commission members can visit the site. He says the Mayor of Hesperia has asked to make some brief opening comments before the hearing is opened to the public.

Commissioner Pearson discusses that there seems to be more focus on the development planned for an area as opposed to the actual annexation. He notes that even though this area is within the City's sphere of influence, it is still under the jurisdiction of the County. He discusses that if the landowner wants to develop under the County, then the Commission would not be a part of that process, unless a service contract was required if the project needed service from the City of Hesperia.

Mr. Roddy comments that State law now requires pre-zoning of an area, so even if an area is vacant, the Commission must be apprised of the probable land uses to occur after annexation. He points out that any part of the County could be developed through establishment of an improvement zone to County Service Area 70, so he says to assume an area will remain rural if it stays in the County is erroneous.

Commissioner Bagley states that LAFCO is not a land use planning commission but he says the Commission will determine who will have the planning jurisdiction in the future. He says if this goes forward, the City will conduct public hearings on the land use issues.

Mayor Bill Jenson, speaking on behalf of the City Council, states that they want to see this annexation move forward today. Mr. Jenson says the City Council is sensitive to the quality of life issue. He says no mining operation will be allowed to overwhelm the Valley or the wildlife. He notes that the City passed laws giving a 2 ½ acre minimum zoning allowance. He says if compromise to the size and location of the mining operation is to be achieved, he is confident the City staff, the EIR, CEQA, and the HCP will be the defining tool to insure that a fair and equitable position is reached to preserve the quality of life out there. He reiterates that there have been at least ten meetings over the past ten years on the project and says the public is invited to speak to the Council to address issues on the site. He reiterates that the City Council is sensitive to what goes on in this area and will not destroy the habitat, and he says the landowner also has taken every precaution to be sensitive. Mr. Jenson invites the public to meet with him to address the issues one-on-one.

Dave Reno, Senior Planner for the City, discusses the various documents prepared by the City that were distributed for public review, as well as the public meetings where the Specific Plan and EIR were discussed, as outlined in his letter of September 5 in response to the reconsideration issues. He says the EIR and project have undergone an extensive public review process and opportunities for comment. He points out that CEQA is clear on what is new information and reports that the applicant has not requested any changes on the project that would require revision to the EIR. He says the EIR accounts for the arroyo toad habitat; that conditions required the applicant to consult with the U.S. Fish & Wildlife Service to address habitat issues; and that an agreement has been entered into among the City, Summit Valley Ranch, Rancho Las Flores, and Caltrans initiating the HCP to address the toad and two State-listed birds. He reports that the City will have to hold additional public hearings to approve any portion of the mining operation and must hold a separate conditional use permit hearing on any mining as well as the nursery and specific plan itself. He adds that any tentative tracts and site plans must also be approved at a public hearing. Mr. Reno states that no issues have been raised that have not already been addressed during the City's EIR process. He says LAFCO staff has stated that the City's environmental review process

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was complete; that notice was properly given; and that the petitioners have not provided any new information justifying reopening this annexation. He says the City requests that the Commission deny the reconsideration and uphold its decision to approve the annexation. He notes that other City representatives are present to answer questions.

Chairman Smith states there are about 15 people who want to speak. He asks that they try to limit their comments to three minutes, if possible, and says they will be timed. He says if their comments will take more than three minutes, they should ask someone else to discuss them.

Commissioner Bagley reminds the speakers that they must provide new or relevant information that was missed.

Judy Weatherly notes that some people in the audience live within the annexation area and some do not. She points out that they had to collect \$750 in order to file the request for reconsideration. She asks all those in the audience who support reconsideration to stand.

Dr. Barbara Allard-Ward, a resident of Summit Valley and member of Friends of Summit Valley, reads her letter of September 18 in support of reconsideration into the record, a copy of which has been presented to the Commission and is on file in the LAFCO office and is made a part of the record by reference herein. She discusses that development of the Specific Plan cannot proceed without the installation of the sewer and domestic water systems; that these will be extensions of the Rancho Las Flores systems; and that Rancho Las Flores has not yet begun development. As new information, she discusses that the interim land use activities for the area have the potential to overdraft the aquifer and she says there is no recharge point that can add water to the aquifer in the immediate area of Summit Valley Ranch. She notes that the recharge points mentioned by Mr. Dodson are two or three miles downstream to Summit Valley Ranch and says there is no water delivery system or recharge point above or at the level of the proposed project. She says Summit Valley is totally dependent on well water and will be until a water delivery system is developed and she says lands that depend on wells for water cannot support urban development. She discusses two new laws, SB 221 and SB 610, and she says the reliability of the water supply and delivery system needs to be addressed in more detail. Dr. Ward asks that the Commission rescind its resolution approving annexation and either deny annexation or continue the matter for further review.

Judy Weatherly, a resident of Summit Valley and member of Friends of Summit Valley, reads her presentation into the record, a copy of which has been presented to the Commission and is on file in the LAFCO office and is made a part of the record by reference herein. Ms. Weatherly states they have presented their issues and concerns repeatedly to the City and she says the City has refused to listen. She discusses concerns about the City's land use planning practices and says the Specific Plan is incompatible with the current land use in Summit Valley. She notes that on Highway 138 there are 50 homes, one restaurant and one country store and says the homes are on lots no smaller than one acre. She says they question the City's accepting a plan for Summit Valley that ignores the rural nature of the Valley and allows lots of only 5,000 square feet and apartments and condos. She discusses that approval for a mining and cement batch plant operation in this rural residential neighborhood is a violation of good planning practice. She discusses that they do not believe the City is the agency which should have jurisdiction over Summit Valley and says the City employees who will oversee the mining cement batch plant operation are not trained in monitoring and confirming that the mitigation measures in the EIR are being followed. She says the City is young in years and planning practice and has difficulty attracting viable commercial and industrial projects. She discusses concerns about the City being solely responsible for the cost of suppressing fires in Summit Valley and notes that the City is experiencing financial difficulties now with its Fire Department. She discusses that they are not sure the City is ready to incur road expenses, since it is unable to take care of its existing streets. She discusses Highway 138 and concerns regarding the number of trips cement trucks will make to the batch plant and the proposed realignment and straightening of the Highway. Ms. Weatherly says the Specific Plan says that the development of Summit Valley Ranch is fully dependent on the infrastructure improvements to be made by Rancho Las Flores and says continuing the annexation until that infrastructure has been completed

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will provide an opportunity for everyone to have a second look and an opportunity to develop in Summit Valley the right way.

Elmer Fischer, a resident of Summit Valley, says he and his wife are foster parents to medically-fragile infants with health problems and have adopted two medically-fragile children. He says he has information from pediatricians who have said that a dust and gravel pit would be very harmful to these children and may cause them to have to relocate.

Gerald Rubendall, a resident of Summit Valley and owner of Circle J Ranch, says he is concerned about water usage and the harm it will do to the water table for the people in the area. He says many people in Summit Valley own 40, 80 and 100 acre parcels and feel that the rural living should be maintained for horse property and larger parcels of land. He comments that he would have attended the July meeting but says his notice was received three days after the meeting. He discusses there is a lack of police manpower to patrol Summit Valley and Honda Valley. He says County Fire Station 48 is on Summit Valley Road; that the County fire engines protected their homes during the recent fires; and that unless the City has a mutual aid agreement, it would not be able to furnish the manpower and equipment the County could. He points out that the City Fire Department does not drive on Summit Valley Road because the road is in very poor condition and damages their equipment, so he says it takes about 35 minutes to drive from the Olive Street Station to the Summit Valley Restaurant. He questions whether extra police and fire protection will start when the quarry starts operating or when the houses are developed. He reads from a newspaper article in which the Mayor Pro Tem said that the property owners came to the City seeking annexation. Mr. Rubendall says that the only person who requested annexation was Mark Eagleton, although, when annexation was proposed, he says a few other people, who will speak later, thought they might want to be annexed. He says the area does not need access to City services as they have services of the California Highway Patrol, County Sheriff, and the County Fire Department. He asks that the Commissioners come and see the area.

Commissioner Bagley asks him if he attended the public hearings the City held on the proposed land uses. Mr. Rubendall responds he did attend several meetings. Ms. Weatherly comments they are not saying that they were not notified by the City or LAFCO, but rather that the people did not understand what the notification meant or that it was important to attend the meeting or provide written comments.

(It is noted that Commissioner Williams leaves the hearing at 11:00 a.m.)

James Uli speaks on behalf of his father, Peter Uli, who owns property in the annexation area and property adjacent to the batch plant. Mr. Uli says the EIR states that the Uli Ranch is 1,400 feet from the batch plant and that there will be a significant short-term impact of noise to residents closer than 1000 feet. He says his father's house is less than 400 feet from the access road into the batch plant and that the noise and dust from the sand and gravel trucks going back and forth to Highway 138 have not been addressed in the EIR. He says there will be excessive water used for dust control for the batch plant which will lower the water table and may require residents to dig deeper wells. He says this problem was addressed in a letter to the City, with a copy to the Commissioners; that the letter was hand delivered to the Mayor; and that no response has been received to date.

Ellie Uli, on behalf of her father-in-law, Peter Uli, discusses that the batch plant cannot benefit the land or the people, noting that it is an interim use and could receive an extension since development is ten to twelve years away. She says the people will have to live with sand and gravel and breathe that air; asks how a volume control can be put on the blasting; and says this will bring down the property values and quality and standard of living. She says many people did not understand the need to come to these meetings and says that she and her husband just learned of the impacts this project will generate. She says if the batch plant is approved the materials will be shipped down the road to whoever will buy them and that they may never be used in the Summit Valley and she says the batch plant is unlikely to close once it goes in. She asks that a continuance be granted so that the people can have more time to present a better case.

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Joe Felts, a resident of Summit Valley, says the Aqueduct is at ground level and that it is exposed; and that trucks will be hauling sand and gravel down behind Rue Ranch. He discusses that the water level is going down and says it is now at about 35 feet below ground, and he says if annexation is allowed, Mr. Eagleton has four big wells and he will be pumping water.

Grace Lester, a resident of Yucaipa, says she lived in the Desert area and was a waitress at the Palm Café for over 30 years. She says the people are being "hoodwinked" and that this is all about price fixing of water and the sand, gravel and cement monopoly of Supervisor Dennis Hansberger. She says indexes of properties owned by the Hansbergers shows L. Hansberger under Las Flores Ranch. She says there is racketeering in Hesperia. She says this is the worst County in the nation for breathing problems, air, water and ground contamination, and yet they are being told the EIR is adequate.

Mele Bond, a resident of Oak Hills, says she and her husband own 112 acres in the annexation area and had indicated to Dave Reno their willingness to be included in the annexation. Mrs. Bond says their concern is the timing of the annexation. She says Summit Valley Ranch cannot begin development until infrastructure for Las Flores Ranch is put in and points out that Rancho Las Flores Ranch was annexed ten years ago and its development still has not begun. She says they do not have reasonable legal access to their property and feel the annexation should wait until it is more clear when its development can begin. Commissioner Bagley asks her if they notified the City or LAFCO in writing about the change of heart regarding annexation. Mrs. Bond responds that her husband talked to Dave Reno.

Bob Nelson, a resident of Summit Valley, discusses his arrests, which he says were made to dissuade him from speaking out against the development of Summit Valley. He says he was afraid to attend the July meeting because he thought there might be a warrant out for his arrest. Mr. Nelson reads his presentation dated July 17, 2002, into the record, a copy of which is on file in the LAFCO office and is made a part of the record by reference herein. His concerns relate to the impact the build out of Summit Valley will have on the motorists and the Summit Valley roads. Commissioner Bagley comments that he is perplexed by Mr. Nelson's objection since he is a notorious opponent of County administration and this reconsideration is to take the land use authority back from the City and give it to the County. Mr. Nelson says he objects to Hesperia first and then the County Board of Supervisors for suppressing free speech. As to land use authority, Mr. Nelson says there is not much choice between "the fire and the frying pan."

Ed Killgore, the owner of a three-acre parcel next to Summit Valley Ranch, says today is his first opportunity to see this document and he has a number of concerns and thinks the document is flawed in many ways. Mr. Killgore says he does not think there is enough water to service the project; that the road cannot take all the sand & gravel trucks traveling over it and that 70 trucks a day will be a big impact; and that the blasting and dust will not be desirable for the people to live with. He asks that the Commission continue the annexation and go out and see the area. He mentions that Don Swindle, the owner of 40 acres within the annexation area, could not be here today, and Mr. Killgore says Mr. Swindle does not want to be included in the annexation and he believes he filed a protest. He discusses drainage problems in the area.

Commissioner Sedano comments that Mr. Killgore is an elected official who knows what is going on in the area; and he says he is shocked to hear him say he knew nothing about this annexation months or even years ago, since he owned the property during the EIR process. Mr. Killgore responds that he was aware of the annexation but was not aware of all the things contained in the document he is looking at today. He says he spoke with Mr. Reno, who told him the annexation does not affect him; however, he says he is building out there now, so it does affect him. Commissioner Bagley asks Mr. Killgore who he wants to have the land use planning jurisdiction over the area. Mr. Killgore says he does not have a problem with the City except that they continue to push ahead with annexation and the people cannot seem to get any answers from them about what is going on. He says he feels there will be a lawsuit filed over the EIR.

Matt Lewis, a resident of Summit Valley, discusses his concerns about the level of service the City can provide, specifically fire service. He points out that an initiative on the ballot last year requesting money

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for a new tax for fire service was voted down and he questions how the City can annex more lands and provide more service even though they are lacking funds. He says they will not be able to patch up the roads if they are traveled by trucks going to and from the gravel pit.

Shirley Goodwin reads into the record a letter from Ann Bellis, a copy of which is on file in the LAFCO office and is made a part of the record by reference herein. Her letter states concern that this annexation will eventually negatively impact the waters of Lake Arrowhead; it addresses Public Forest Reservation lands; and it questions whether the Summit Valley Ranch area has water rights.

Jessie Mason, a resident of Summit Valley, says the batch plant and quarry will affect her health problems. She points out that her restaurant, which is zoned C-2, not C-1 as indicated in the staff report, is not abandoned, saying that when no one is operating it, there are people there repairing things. She says the City says it will pay additional money to Station 48 and she asks how the City can do that when it is having trouble and, according to the paper, has to lay off people and close a fire station. She asks whether a survey has been taken of people in Summit Valley regarding water shortages on their property.

(It is noted that Commissioner Mikels leaves the hearing at 11:38 a.m.)

Rebecca Lewis, a resident of Summit Valley and member of Friends of Summit Valley, states that she does not believe the EIR provided accurate information to the groups that were notified, such as the Sierra Club. She says if people only received the "Justification for Proposal and Preliminary Environmental Description Form", there is no mention of a land use for a mine quarry or batch plant, so she thinks people were given the wrong information. Ms. Lewis says she has an aerial view during a drought that shows there is water in the Basin that has been considered prehistorically not occupied by water, and says that is where the mining operation will be. She says she has an earthquake catalog of seismic activities that have occurred when blasting happens and says she does not believe the EIR addressed that. She discusses that if the water, ground, and mining are affected by blasting and it can cause earthquakes, that might be why within 3 or 4 days after there was an earthquake in Fontana, a state of emergency was declared by the Board of Supervisors for a water shortage in Wrightwood.

Commissioner Bagley states seismic information and the rock quarry are beyond this Commission's scope. He says Ms. Lewis' issues are valid land use planning issues that will be considered by the land use authority, which will be the County or the City.

Ms. Lewis continues, stating that she received a memo indicating that the applicant (Mark Eagleton) had requested withdrawal of his proposal. (This was a notice of withdrawal of LAFCO 2877, a similar proposal filed by Mr. Eagleton in February, 2001, that was later withdrawn because of failure to complete the property tax negotiation process.) She says that based on this confusing information, she "thought this was a done deal". She discusses the annexation to Hesperia of the "Golden Triangle" and problems related to Assessment District 91-1. She discusses lawsuits against the City related to the levying of these assessments and the violation of citizens' constitutional rights. She presents to the Commission a letter signed by several people regarding a claim that the property owners will file for potential damages to homes and property if the mining operation is allowed. She says the EIR does not satisfactorily address how the interim use of the mining plant will affect the loss of property and health and environment and that people were not notified accurately about the mine and the batch plant.

Mark Eagleton, an independent managing member of the partnership for Summit Valley Ranch, says he is available to answer questions. He reminds the residents in the audience that in 1980-81 Summit Valley Ranch started the Fire Department in the area. He says they are pro safety and community and that his track record speaks for itself. He says they will keep the dust down and are not drawing down the water. He says the mining/batch plant will use about 18 acre feet of water; that he is pumping over 30 acre feet now; and that he has to conform to the Mojave Basin adjudication.

Commissioner Pearson comments that much of the concern is with the batch plant--when it will start, how long it will be in operation, and the mitigation for it. He says it might be beneficial if Mr. Eagleton discussed the project plans with the residents sometime, since many missed the hearing in July.

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Mr. Eagleton responds that he sees more than ten people in the audience today who were out to his ranch for an open house to go over the project and walk the mine site. He says over \$50,000 were committed for the West Summit Valley Community Plan to see what people wanted to do in the area outside Las Flores Ranch and that people voted for commercial development.

Commissioner Bagley inquires about the two landowners within the annexation area who have had a change of heart about inclusion in the annexation. Mr. Reno says he had a discussion with Mr. Swindle and asked that he submit his concerns in writing. He says Mr. Swindle is a member of the partnership and that his property is part of the Specific Plan.

Mr. Roddy reports that during the protest hearing, written protest was received for the Mason property representing five acres, and Mr. Uli's property representing 15 acres.

Chairman Smith asks whether the City's Fire Chief has any response to the concerns mentioned about fire service.

Chief Tom Pambianco states that the fire service that has been provided to this area prior to annexation will continue to be provided through the automatic mutual aid/mutual agreement with the County that was signed six months ago. He says there no plans to put any fire station there, but he says a benefit of annexation will be improved paramedic service because the City's ambulance is closer to the area than the private ambulance in Victorville. He discusses the Blue Cut fire and says it was contained under the mutual aid system. He says that once dirt starts being moved for Rancho Las Flores, there will be a staffed fire station with paramedic capability there instead of a paid-call station.

Mr. Dodson says the issue for the Commission is whether the project has complied with CEQA and whether the Commission understands the consequences of the environmental impacts before it makes a decision. He reiterates that the EIR is not the Commission's to certify as adequate, but he says the Commission is making a second tier decision as a responsible agency. He says issues have been brought up about blasting activities and water resources and notification to the Sierra Club. He reports that the Sierra Club commented on the EIR and had the opportunity to participate in the review process. He discusses that water availability has been addressed in the EIR and mitigation measures and says this project cannot use more than the safe yield; and, if it does, it must connect to Hesperia's water system. He says blasting effects, evaluations of noise and traffic levels all have been addressed in the EIR. Mr. Dodson reiterates that he believes the Commission has enough information to make a decision based on what the total impacts will be from implementing the project.

Judy Weatherly again requests that the annexation be continued until the infrastructure comes through Rancho Las Flores.

Chairman Smith asks if there is anyone else wishing to speak on this matter. There is no one and he closes the hearing.

The Commission takes a break at 12:05 p.m. and reconvenes at 12:15 p.m. with no change in Commission members.

Commissioner Bagley states that he has not heard anything new presented today other than that there are some landowners within the area with a change of heart about annexation. He notes that he foresees contentious public hearings before the City in the future. He says the only advantage to a thirty-day continuance would be if the residents and the City could meet and address these issues.

Commissioner Colven states he wishes this many people would have attended the July hearing. He reiterates that the issue for the Commission is simply whether land use issues in Summit Valley will be under the jurisdiction of the County or the City. He notes that the batch plant is the number one concern, followed by concerns about water and fire service, and he questions whether a thirty-day continuance would be enough. He comments that he does not want to see any litigation on this issue.

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Commissioner Pearson states that he appreciates Commissioner Bagley's point, but he says even if they continue this, there will still be disagreements. He says if reconsideration is denied, then the annexation will go forward and the City will pick up the ball. He says he flew over the area yesterday; that it is beautiful; and that he empathizes with the residents who want to protect the area and maintain their quality of life. He points out that the issues range from densities to water, which he believes have been addressed and should not be the point of the Commission's discussion, and says there are other issues that must be resolved in the future. He says he does not opt for a continuance; that this has gone on for a lengthy period of time; that the comments of the people have been heard; and he asks what new information has been provided. He says mitigation measures were provided by the people who are experts and that the Commission should deny reconsideration. He says he hopes that the residents of Summit Valley will work together with Mr. Eagleton and the City to make it a beautiful area.

Commissioner Sedano says he has listened to the testimony; that he is a non-voter. He says this area will be annexed to the City today, next week, or some time in the future; and he suggests that the people in the area take their fight and concerns to the City and make the City their friend.

Commissioner Bagley moves for a thirty-day continuance to allow for additional public input through the City of Hesperia to address issues discussed today. The motion is seconded by Commissioner Colven.

Chairman Smith says comments were made about the City and the bad things that had been done. He says there are new elected officials now; that the City has changed; and the whole area is being cleaned up. Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley and Colven. Noes: Pearson and Smith. Abstain: Postmus. Absent: Mikels and Williams. The motion fails.

Commissioner Bagley moves approval of staff recommendation, seconded by Commissioner Pearson. Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Colven, Pearson, Smith. Noes: None. Abstain: Postmus. Absent: Mikels and Williams. The motion passes.

PENDING LEGISLATION REPORT

Mr. Roddy says the Commissioners can review the written report that has been provided and let him know if there are any questions at the next hearing. Commissioner Pearson inquires about the bills which would impact Williamson Act Contracts. Mr. Roddy reports that Clark Alsop and CALAFCO are continuing to review those bills and he notes that one of the bills has been tabled. He says none of them will take effect until January of next year and that a full report will be presented prior to that time.

EXECUTIVE OFFICER'S ORAL REPORT

Mr. Roddy states that some information regarding the CALAFCO Conference has been provided to the Commissioners. He says the next hearing will be October 16 and that the Agenda will include service reviews and annexation of an island to the City of Barstow.

COMMENTS FROM THE PUBLIC

Chairman Smith calls for comments from the public. There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE HEARING IS
ADJOURNED AT 12:30 p.m.**

ATTEST:

DEBBY CHAMBERLIN

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Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

GERALD W. SMITH, Chairman