

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3265

HEARING DATE: FEBRUARY 21, 2024

RESOLUTION NO. 3391

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3265 AND APPROVING THE ANNEXATION TO THE BIGHORN-DESERT VIEW WATER AGENCY AND BIGHORN-DESERT VIEW WATER AGENCY IMPROVEMENT ZONE CSA 70 W-1 (APN 0631-071-29). The annexation area consists of Assessor Parcel Number 0631-071-29, comprising approximately 10 acres, generally located on the south side of Napa Road between Alta and Covelo Avenues.

On motion of Commissioner Bagley, duly seconded by Commissioner Cox, and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, an application for the proposed annexation in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 *et seq.*), and the Executive Officer has examined the application and executed his certificate in accordance with law, determining and certifying that the filings are sufficient; and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including his recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, the public hearing by this Commission was called for February 21, 2024 at the time and place specified in the notice of public hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written support and/or opposition; the Commission considered all plans and proposed changes of organization, and all evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing;

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NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby determine, find, resolve, and order as follows:

DETERMINATIONS:

SECTION 1. The proposal is approved subject to the terms and conditions hereinafter specified:

CONDITIONS:

Condition No. 1. The boundaries are approved as set forth in Exhibits "A" and "A-1" attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3265.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Bighorn-Desert View Water Agency (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

Condition No. 4. The Bighorn-Desert View Water Agency shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

Condition No. 5. The date of issuance of the Certificate of Completion shall be the effective date of this annexation.

SECTION 2. The Commission determines that:

- a) this proposal is certified to be legally uninhabited;
- b) it has 100 % landowner consent; and,
- c) no written opposition to a waiver of protest proceedings has been submitted by any subject agency.

Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56662(d).

SECTION 3. DETERMINATIONS. The following determinations are noted in conformance with Commission policy:

- 1. The County Registrar of Voter's Office has determined that the annexation area is legally uninhabited, containing zero registered voters as of January 22, 2024.
- 2. The County Assessor's Office has determined that the total assessed valuation of land within the annexation area is \$30,692 as of October 12, 2023.

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3. The annexation area is within the sphere of influence assigned the Bighorn-Desert View Water Agency.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in the *Hi Desert Star*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff provided individual notice to landowners (25 total) and registered voters (9 total) surrounding the annexation area. Comments from landowners, registered voters, and other individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.
6. The County's land use designation for the annexation area is HV/RL (Homestead Valley/Rural Living). No change in land use is anticipated as a result of the annexation.
7. The Southern California Associated Governments (SCAG) adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3265 has no direct impact on SCAG's Regional Transportation Plan.
8. The Local Agency Formation Commission has determined that this proposal is exempt from environmental review. The basis for this determination is that the Commission's approval of the annexation has no potential to cause any adverse effect on the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). The Commission adopted the Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
9. The annexation area is served by the following local agencies: County of San Bernardino, Mojave Desert Resource Conservation District, Mojave Water Agency and its Improvement Zones 1 and M, Morongo Basin Healthcare District, San Bernardino County Fire Protection District and its South Desert Service Zone and its Service Zone FP-5, County Service Area 70 (unincorporated County-wide multi-function agency) and its Zones R-15 and TV-5.

None of these agencies are affected by this proposal as they are regional in nature.
10. The Bighorn-Desert View Water Agency submitted a plan for the provision of water service as required by Government Code Section 56653. The Plan for Service indicates that the Agency can provide water service to APN 0631-071-29 and can maintain and/or improve the level of service currently available.

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The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that the Plan for Service conforms to those adopted standards and requirements.

11. The annexation can benefit from the availability and extension of water service from the Bighorn-Desert View Water Agency as evidenced by the Plan for Service.
12. With respect to environmental justice, the annexation—which is to provide water service to the parcel—will not result in the unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino, acting on behalf of the Bighorn-Desert View Water Agency, adopted a resolution determining there will be no transfer of property tax revenues. This resolution fulfills the requirement 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.

SECTION 4. The primary reason for this annexation is to provide water service to APN 0631-071-29, which is proposed to be developed for residential use in the future. The parcel is currently not within the Agency's boundary; therefore, annexation to the Agency is required in order to receive water service.

SECTION 5. The affected territory will not be taxed for existing bonded indebtedness or contractual obligations by the Bighorn-Desert View Water Agency through the annexation. The Bighorn-Desert View Water Agency utilizes the regular County assessment rolls.

SECTION 6. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

SECTION 7. The Commission hereby orders the territory described in Exhibits "A" and "A-1" reorganized. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

SECTION 8. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

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AYES: COMMISSIONERS: BAGLEY, COX, DUPPER, FARRELL, AND WARREN.

NOES: COMMISSIONERS: NONE.

ABSENT: COMMISSIONERS: BACA AND HAGMAN.

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN BERNARDINO)

I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of February 21, 2024.

DATED: FEBRUARY 21, 2024



SAMUEL MARTINEZ
Executive Officer



LAFCO 3265 - ANNEXATION TO THE BIGHORN-DESERT VIEW WATER AGENCY AND ITS IMPROVEMENT ZONE CSA 70 W-1 (APN 0631-071-29)

BEING THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 6 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN SAN BERNARDINO COUNTY, STATE OF CALIFORNIA ACCORDING TO THE OFFICIAL PLAT THEREOF, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 21, SAID CORNER ALSO BEING ON THE EXISTING BOUNDARY OF THE BDVWA PER LAFCO ACTION 3181;

COURSE 1. THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 21, AND ALSO ALONG SAID BOUNDARY, SOUTH 89°34'00" EAST A DISTANCE OF 661.32 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21;

COURSE 2. THENCE LEAVING SAID BOUNDARY AND ALSO SAID NORTHERLY LINE OF SAID SECTION 21, SOUTH 00°12'43" WEST A DISTANCE OF 662.02 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21; SAID CORNER ALSO BEING THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 21, ALONG SAID WEST LINE;

COURSE 3. THENCE NORTH 89°32'04" WEST A DISTANCE OF 661.57 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21;

COURSE 4. THENCE ALONG SAID WEST LINE, NORTH 00°14'00" EAST A DISTANCE OF 661.65 FEET TO THE **POINT OF BEGINNING.**

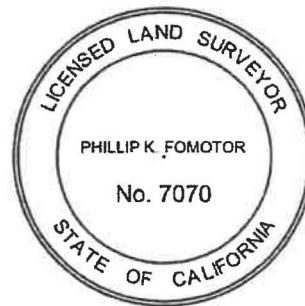
SAID ABOVE DESCRIBED AREA CONTAINS 10.05 ACRES, MORE OR LESS.

AS DEPICTED IN EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

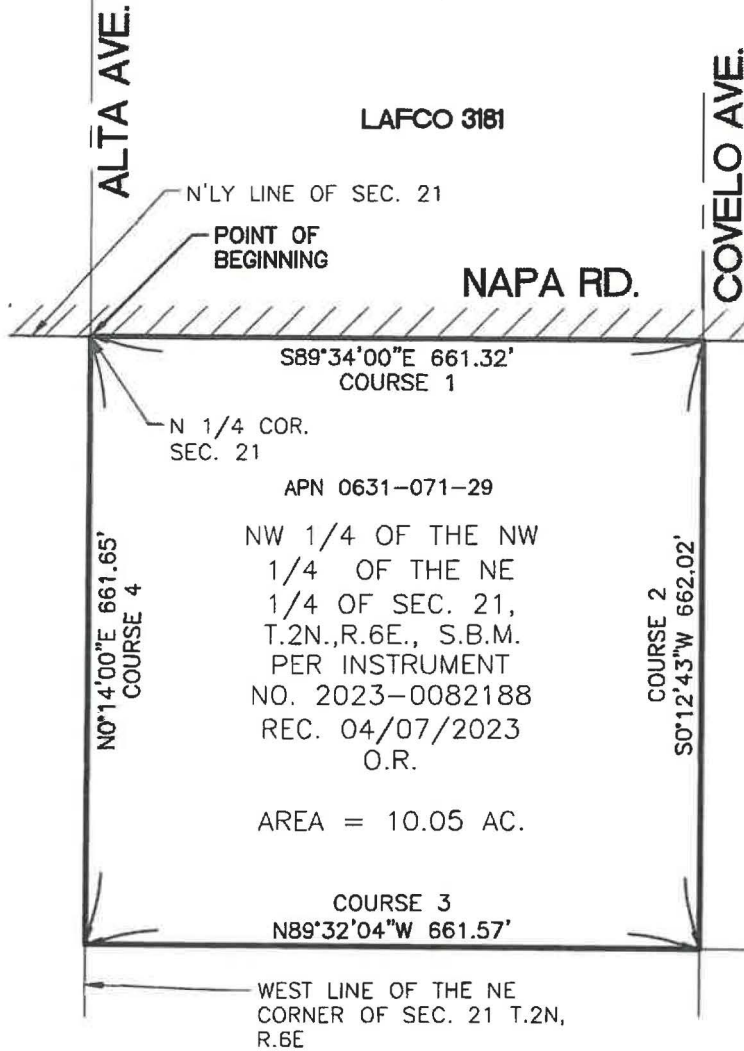
THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECTION, BASED ON RECORD INFORMATION.

PHILLIP K. FOMOTOR, P.L.S.

DATE 12/7/23



LAFCO 3265
 ANNEXATION TO THE BIGHORN-DESERT VIEW WATER AGENCY
 AND ITS IMPROVEMENT ZONE CSA 70 W-1
 (APN 0631-071-29)
 THE NW 1/4 OF THE NW 1/4 OF THE
 NE 1/4 OF SEC. 21, T2N, R6E, S.B.M.



LEGEND

EXISTING BIGHORN-DESERT VIEW WATER AGENCY BOUNDARY

NOTE

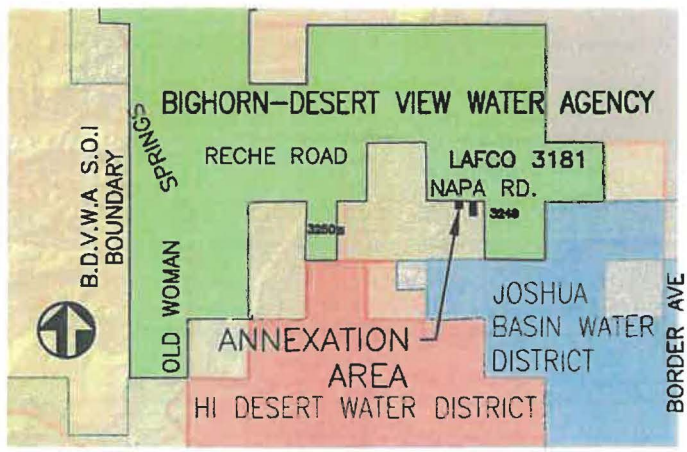
BEARINGS AND DISTANCES SHOWN HEREON ARE CALC'D PER BLM PLAT 282912 DATED 01/25/1955.

AFFECTED AGENCIES

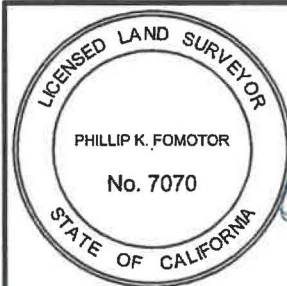
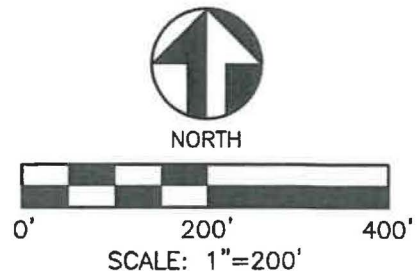
SAN BERNARDINO COUNTY
 BIGHORN-DESERT VIEW WATER AGENCY

APN 0631-071-29
 NW 1/4 OF THE NW
 1/4 OF THE NE
 1/4 OF SEC. 21,
 T.2N., R.6E., S.B.M.
 PER INSTRUMENT
 NO. 2023-0082188
 REC. 04/07/2023
 O.R.

 AREA = 10.05 AC.



VICINITY MAP
 (NO SCALE)



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

 12/7/23
 PHILLIP K. FOMOTOR, P.L.S.