

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

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PROPOSAL NO.: LAFCO 2998

HEARING DATE: October 15, 2008

AMENDED RESOLUTION NO. 3022

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2998 – A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR APPLE VALLEY FIRE PROTECTION DISTRICT (affirmation of existing sphere along northern and eastern boundary, reduction of southern boundary to exclude territory within the National Forest, and modifications to expand and reduce the western sphere of influence north and south of Bear Valley Road along the Mojave River as shown on attached maps).

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

WHEREAS, a service review mandated by Government Code 56430 and a sphere of influence update mandated by Government Code Section 56425 have been conducted by the Local Agency Formation Commission of the County of San Bernardino (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

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 her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, a public hearing by this Commission was called for August 20, 2008 and continued to September 17, 2008 at the time and place specified in the notice of public hearing and in an order or orders continuing the hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written protests; the Commission considered all plans and proposed changes of organization, objections and 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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WHEREAS, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that this service review and sphere of influence update are statutorily exempt from CEQA and such exemption was adopted by this Commission on September 17, 2008. The Clerk was directed to file a Notice of Exemption within five working days of its adoption;

WHEREAS, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that the following sphere of influence determinations should be made for the Apple Valley Fire Protection District (hereinafter shown as "District" or "AVFPD");

- (1) Affirmation of the District sphere of influence along its northern and eastern Boundary;
- (2) Reduction of the sphere of influence in the south to exclude the territory within the National Forest and retain the private lands along the Mojave River; and,
- (3) Modify the sphere of influence boundary along the Mojave River, for reductions to the south and expansion to the north

as more fully described on the maps attached hereto as Exhibit "A," "A-1," and "A-2";

WHEREAS, this resolution is amended by the Executive Officer on November 14, 2008, pursuant to the authority provided in Government Code Section 56883 to correct an error which occurred inadvertently without requiring a process of reconsideration; and

WHEREAS, the determinations required by Government Code Section 56430 and local Commission policy are included in the report prepared and submitted to the Commission dated September 8, 2008 and received and filed by the Commission on September 17, 2008, a complete copy of which is on file in the LAFCO office. The determinations of the Commission are:

1. Growth and population projections for the affected area:

The District had an estimated population of 60,076 in 2003. Historic trends indicate moderate to high growth within the district's service area, and significant growth continues in both the incorporated and unincorporated area of the District. Potential construction trends include condominium projects and tract developments through General Plan amendments, which would increase the need for fire-related public services within the area.

According to the County's General Plan, the sphere of influence of the Town has an estimated residential dwelling unit build-out of 21,450 dwelling units. Utilizing the County's General Plan coefficient of 2.68 persons per household for the Desert corresponds to an estimated build-out population of 57,486.

However, over the past four years LAFCO staff has received project notices from the County for the unincorporated area which anticipate General Plan Amendments, tentative tract developments, and Conditional Use Permits for increased residential development in areas of the District. A review of the project notices on file indicates from 2004 through the present projects with the potential for creation of 5,542 lots have been submitted for County Land Use Planning review. The larger of these projects include the following:

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PROJECT NAME	YEAR SUBMITTED	NUMBER OF RESIDENTIAL UNITS
Fairview Valley (Hacienda)	2007	3,114 residential units
Deep Creek Project (Tract 16569)		
	Unknown	220 residential unit
Tract 17252	Unknown	126 units (lot sales)
Tract 18371	2006	204 residential units
General Plan Amendment	2006	235 residential units
Conditional Use Permit for mobilehome park		
	2006	152 spaces on 39 acres
Tract 17557	2005	199 residential lots
Tract 17500	2005	97 residential lots
Tract 17252	2004	134 residential lots
Richmond Tract	2006	336 residential lots

Again utilizing the General Plan's 2.68 persons per household for the Desert region applied to the number of proposed dwelling units calculates to an estimated build-out population of 72,338. This would alter the total build-out population of the District's boundaries to an estimated 249,338 (the current build-out population of the Town estimated to be 177,000 based upon the current Town General Plan plus the revised County General Plan) in the estimated planning horizon of the year 2030. Historic trends indicate moderate to high growth within this area, and significant growth continues within the Town's boundaries and its sphere. In addition to residential development in the sphere, new industrial and service-oriented developments are planned within the Town, along with a major regional circulation improvement called the "Beltway High Desert Corridor".

Given this, significant growth impacts the service delivery provided by the District and its resources to fund those services.

2. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies:

The District owns and operates seven fire stations within its boundaries all of which are within the existing boundaries of the Town of Apple Valley. The locations of these stations are shown on maps in Attachment #2 and are identified as:

- Station 331 22400 Headquarters Drive (Headquarters)
- Station 332 18857 Hwy 18
- Station 333 20604 Hwy 18
- Station 334 12143 Kiowa Rd
- Station 335 21860 Tussing Ranch Rd
- Station 336 19235 Yucca Loma Rd
- Station 337 19305 Jess Ranch Rd (Newest Station)

Staffing levels meet the needs of the community with full-time, part-time, and volunteer personnel providing for fire suppression, prevention, and paramedic services.

According to the Master Plan, the Fire District serves territory within many older water systems operated by small water districts as a well as two larger private water companies. According to the District, the majority of the water purveyors meet the District's minimum standards (500 gallons per minute) required for fire flow for residential developments. However, new County standards require increased fire flows depending upon the location of the development which are not met by the smaller public water agencies.

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Those areas without adequate water systems must be served differently by the AVFPD. There are also homes built outside of the area served by a water purveyor. While these homes may have wells, the District must provide additional equipment to provide adequate water for suppression purposes. These areas require different types of fire apparatuses, as well as more apparatuses to respond than those areas where the water systems provide sufficient and reliable fire flow, to augment capabilities.

The District covers a large geographical area in comparison to other fire agencies of similar budgets and resources. Therefore, consideration must be made for future facilities and their placement to accommodate anticipated future growth. An increase in the population will require additional fire fighting resources. According to the Master Plan, land use density affects the required level of fire service delivery. More intense land use equals a greater potential for large fires and large dollar losses and requires a substantial increase in the efforts of fire prevention related activities. In addition, an increased population produces a correspondingly higher volume of emergency responses. Infrastructure needs will include roads and water improvements as well as fire station facilities.

The District has made projections for future growth and has purchased property in those areas in anticipation of future facility needs. The seventh fire station, located in the Jess Ranch/Pulte Development area, became operational in 2007. The District also owns four sites in different areas of the district, currently vacant, which are anticipated to serve as potential sites for future use.

Additionally, to mitigate the effects of increased population and land use density, the District coordinates with water purveyors to increase water/fire flow storage capacity in developing areas. The District works with the Town and County to ensure fire related public safety matters are considered when developing zoning and related codes/ordinances.

3. Financial ability of agencies to provide services:

Overall, the District is in good financial shape. The District's primary source of revenue is generated from property taxes. In addition, a fire suppression special tax is levied on all parcels within the District for the funding of fire and emergency medical/rescue (paramedic) service. When the special tax was approved at an election in 1997 it established categories of tax with an annual inflation factor not to exceed 2%. The chart below identifies the original rate and the rate placed upon the 08-09 Tax Bills:

	1997 Rate	Current Rate (FY 08-09)
Vacant Lands:		
0-10 acres	\$15.00	\$18.25
10.01 – 24.99 acres	\$38.00	\$46.23
25 or more acres	\$61.00	\$74.22
Residences	\$47.00	\$57.21
Commercial:		
0-5000 sq. ft	\$135.00	\$164.25
5,001—20,000 sq. ft.	\$200.00	\$243.33
20,001—50,000 sq. ft.	\$300.00	\$364.99
50,001 sq. ft or more	\$400.00	\$486.63
OTHER (includes agricultural buildings and	\$40.00 per building/unit	\$48.66 per

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private owned light aircraft, T-hangers)		building/unit
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However, this revenue source was imposed for a maximum 20 year period which will end in 2018. Prior to expiration of the special tax, the District will need to take action to replace these revenues, either by an extension vote or a new tax, since it accounts for approximately 34% of district revenues according to the materials submitted.

These two sources (property and special taxes) combined represent 89% of the District's revenue according to its most recent audit, for FY 2005-06. For the same year, governmental revenues increased 7.3%, assets exceed liabilities by roughly five million dollars, and the governmental funds ended with balances of slightly over two million dollars, an increase of \$109,348 over the prior year. For FY 2004-05, the District experienced similar increases in its general funds.

Effective FY 2007-08 the District receives development impact fees from the territory within the Town of Apple Valley. The Town collects these fees on behalf of the District. However, the County lands within the District are not charged a development impact fee. Imposition of this source of funding throughout the District would provide additional revenues to fund the provision of additional facilities to provide the full range of their services without regard for affiliation. The current system is not equitable in funding resources. However, to date, the District has not formally contacted the County in regard to imposition of a development impact fee within district boundaries. The County is currently analyzing the potential for imposition of development impact fees for various types of service, fire protection being one. If such a development impact fee system is approved by the County, the Commission recommends that the territory within the Apple Valley FPD and other independent fire providers also be provided these revenues.

According to the service review materials provided, sources of funding for future fire stations and related facilities may include revenue generated by an increased tax base, benefit assessments, developer assessments, formation of Mello-Roos Community Facilities Districts, or a combination of the above. The District coordinates with the Town and County land use departments to assure adequate funding resources for fire services are a part of the development approval process.

4. Status of, and opportunities for, shared facilities:

The District has a cooperative agreement with the Apple Valley Ranchos Water Company to utilize emergency standby power generators and fueling facilities. The District has also engaged with other agencies, such as the Town and the school district, to explore future co-location of facilities where it will serve the public interest. The Town's Emergency Operations Center is located at the District headquarters. The District also allows the use of its meeting rooms by other local agencies and community groups.

5. Accountability for community service needs, including governmental structure and operational efficiencies:

The District provides "all risk" emergency response, including emergency medical services at the EMT-P (paramedic) level. Staffing levels meet the needs of the community through the use of full-time, part-time, and volunteer personnel. The District has upgraded its communications systems for intra-agency communication, emergency dispatching, and national and state reporting systems.

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Operational efficiencies are realized through several joint agency practices. The District is a member of two Joint Powers Authorities (JPA): (1) the Regional Fire Protection Authority provides emergency dispatching services. Other members of this JPA include the Town of Apple Valley and the City of Victorville. Through contract, this JPA provides dispatching service to the community of Barstow, Big Bear City, Big Bear Lake, Daggett, Newberry Springs, and Yermo. And (2) the Public Agencies Self-Insurance System, provides worker's compensation protection to workers. Additionally, the District and the Town have developed partnerships that provide cost-sharing and efficiency opportunities for each agency. Such practices include a cooperative agreement whereby the Town provides grant writing and management for the District and a cost sharing Disaster Preparedness Management Services Program, which is administered by the District on behalf of the Town.

Government Structure Options

There are two types of government structure options:

1. Areas served by the agency outside its boundaries through "out-of-agency" service contracts;
2. Other potential government structures changes such as consolidations, reorganizations, dissolutions, etc.

Out-of-Agency Agreements:

The AVFPD provides for service outside its boundaries through automatic and mutual aid agreements. It has automatic aid agreements with the Victorville, Hesperia and Barstow Fire Protection Districts and the newly reorganized San Bernardino County Fire Protection District North Desert Service Zone which succeeded to agreements with CSA 38 and CSA 29. No other out-of-agency agreements have been identified.

Other Government Structure Options:

While the discussion of some government structure options may be theoretical, a service review should address all possible options. For the AVFPD those options include:

1. **Dissolution** – A proposal could be submitted to dissolve the district and have the Town of Apple Valley or the San Bernardino County Fire Protection District succeed to the Apple Valley Fire Protection District. When the Town incorporated in 1988, the chief proponents intentionally left the Apple Valley Fire Protection District and the Apple Valley Park and Recreation District as independent agencies serving the communities, unaffected by cityhood. This choice was based upon the factor that these agencies were not eligible for establishment as subsidiary districts, as they did not meet the territory and legal requirements. The District still does not meet the eligibility requirements for consideration as a subsidiary district. The staff report for the Town's incorporation states that other options to merge the fire protection function with the new city were explored but were not proven to be financially feasible. The Town and District have expressed no interest in pursuing such reorganization at this time.
2. **Consolidation** with the surrounding fire agencies (Barstow, Hesperia, and Victorville Fire Protection Districts) is also an option. However, there are geographical and political

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hurdles relating to local control, which have proven to be the main sticking points in previous discussions with surrounding agencies.

3. A third option would be for the consolidation of the District with the San Bernardino County Fire Protection District. This consolidation would allow for broad coverage, but would need to not only have support from the Apple Valley FPD, it would also require consent from the Town of Apple Valley to a board governed fire protection district overlaying its territory and that the district would be governed by the Board of Supervisors as the ex-officio board of directors. While there are benefits to regionally providing services such as fire protection and potential economies of scale that could be achieved, neither the District nor the Town has indicated support for this option. Therefore the Commission does not support this option at the present time since the administrative steps required for fulfilling the reorganization of County Fire have only just begun and they need some time to be resolved. Therefore, those issues would need resolution before undertaking any discussion of additional responsibilities for the San Bernardino County Fire Protection District.

In addition, during the County Fire Reorganization, the territory within the District's sphere of influence was included within the boundaries of the San Bernardino County Fire Protection District. It was noted that the County would not oppose the expansion of fire agencies through the annexation process. No detailed discussion of assumption of the District's services was included in that review.

4. Maintenance of the Status Quo – in this scenario the District would continue to operate as an independent special district governed by the Fire Protection District Law of 1987, Health and Safety Code 13000 et seq.

Based upon its evaluation, the Commission supports the retention of the current independent status of the District.

WHEREAS, the following determinations are made in conformance with Government Code Section 56425 and local Commission policy:

1. **Present and Planned Uses:**

Present uses within the sphere include the full range of densities from high density to non-developable land. Land uses also include the full range that includes open space, residential, and industrial. The existing land within the sphere is predominantly undeveloped, open land with scattered residential homes.

As outlined in the Municipal Service Review materials, the area within the District's boundaries and sphere has experienced significant growth since the year 2000. Furthermore, current development in the unincorporated territory is significant. Developments reviewed by LAFCO staff as a part of the County land use review process include condominium and 7,200 square foot lot projects through general plan amendments. The District indicates that service needs for areas within its sphere will be addressed as development projects are proposed and the need for annexation and financing needs are defined.

The exclusion of the area in the southern portion of the District's sphere of influence is not anticipated for significant development due to the fact that it is primarily publicly owned lands.

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The few private in-holdings within the area are removed from access to public facilities and are assigned a Resource Conservation (RC) designation by the County indicating a one unit to forty acre minimum parcel size.

2. Present and Probable Need for Public Facilities and Services:

At this time, the District is meeting the needs of the community. However, as the population increases and the uses of the land intensify, the area will require additional fire fighting resources. Therefore, consideration must be made for future facilities and their placement to accommodate anticipated future growth. According to the Master Plan, land use density affects the required level of fire service delivery. More intense land use equals a greater potential for large fires and large dollar loses and requires a substantial increase in the efforts of fire prevention related activities. In addition, an increased population produces a correspondingly higher volume of emergency responses. Infrastructure needs will include roads and water improvements as well as fire station facilities.

The District has made projections for future growth and has purchased property in those areas in anticipation of future facility needs. The District also owns four sites in different areas of the district, currently vacant land use, which could serve as potential sites for future use. Additionally, to mitigate the effects of increased population and land use density, the District works with water purveyors to increase water/fire flow storage capacity in developing areas and works with the Town and County to ensure fire related public safety matters are considered when developing zoning and related codes/ordinances.

3. Present Capacity of Public Facilities and Adequacy of Public Services:

Current facilities and services delivered are adequate. The District owns and operates seven fire stations within its boundaries. Staffing levels meet the needs of the community with full-time, part-time, and volunteer personnel. According to the Master Plan, the Fire District has many older water systems operated by small water districts within its boundaries as well as two larger companies. Areas without adequate water systems must be served differently by the fire agency than areas with upgraded water systems. Areas not meeting fireflow and supply standards require different types of fire apparatuses, as well as more apparatuses to respond than those areas where the water systems provide sufficient and reliable fire flow.

The funding of facilities and services to developing areas within its boundaries will possibly require development-driven funding sources such as the formation of community facilities districts. In addition, the provision of development impact fees for projects within the boundaries of the Town of Apple Valley versus those developments within the unincorporated area without development impact fees will require that the District establish an equitable mechanism for funding of facilities. The materials submitted have not identified such a mechanism. However, at present the County is evaluating the possibility of imposing development impact fees to address service facilities, including those related to fire protection. The Commission recommends that if such fees are imposed that the independent fire district be included in the distribution.

4. Social and Economic Communities of Interest:

The Town of Apple Valley is both a social and economic community of interest within the District's boundaries and sphere. The community of Apple Valley is in general defined by the

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boundaries of the Cities of Hesperia and Victorville to the west, the City of Barstow sphere of influence and the Stoddard Wells Off-Highway Vehicle Recreation Area on the north, the Community Plan boundary for the Lucerne Valley Community, which represents the County Service Area 29 boundary, to the east, and the National Forest boundary to the south.

5. Additional Determinations:

- Legal advertisement of the Commission’s consideration has been provided through publication in *The Daily Press* through publication of a 1/8 page legal ad and in *The Apple Valley News*, as required by law. In accordance with Commission Policy #27, a 1/8th page legal ad was provided in lieu of individual notice because the service review sphere of influence update for the community of Apple Valley would have exceeded 1,000 notices.
- As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice.
- Comments from landowners/registered voters and any affected agency will need to be reviewed and considered by the Commission in making its determinations.

WHEREAS, pursuant to the provisions of Government Code Section 56425(h) the range of services provided by Apple Valley Fire Protection District shall be limited to the following:

FUNCTIONS

SERVICES

Fire

Structural, watershed, rescue, ambulance, paramedic, suppression, prevention

WHEREAS, having reviewed and considered the findings as outlined above, the Commission affirms the sphere of influence of Apple Valley Fire Protection District along its northern and eastern boundary, reduces the southern territory to exclude the lands within the National Forest, and modifies the western boundary of the sphere of influence along the Mojave River north and south of Bear Valley Road.

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission of the County of San Bernardino, State of California, that this Commission shall consider this to be the sphere of influence for the Apple Valley Fire Protection District; it being fully understood that establishment of such a sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants;

BE IT FURTHER RESOLVED that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that Apple Valley Fire Protection District shall indemnify, defend, and hold harmless the Local Agency Formation Commission of the County of San Bernardino from any legal expense, legal action, or judgment arising out of the Commission’s designation of the modified sphere of influence, including any reimbursement of legal fees and costs incurred by the Commission.

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

AYES: COMMISSIONERS: Cox, Hansberger, Pearson, Colven, McCallon, Williams

NOES: COMMISSIONERS: None

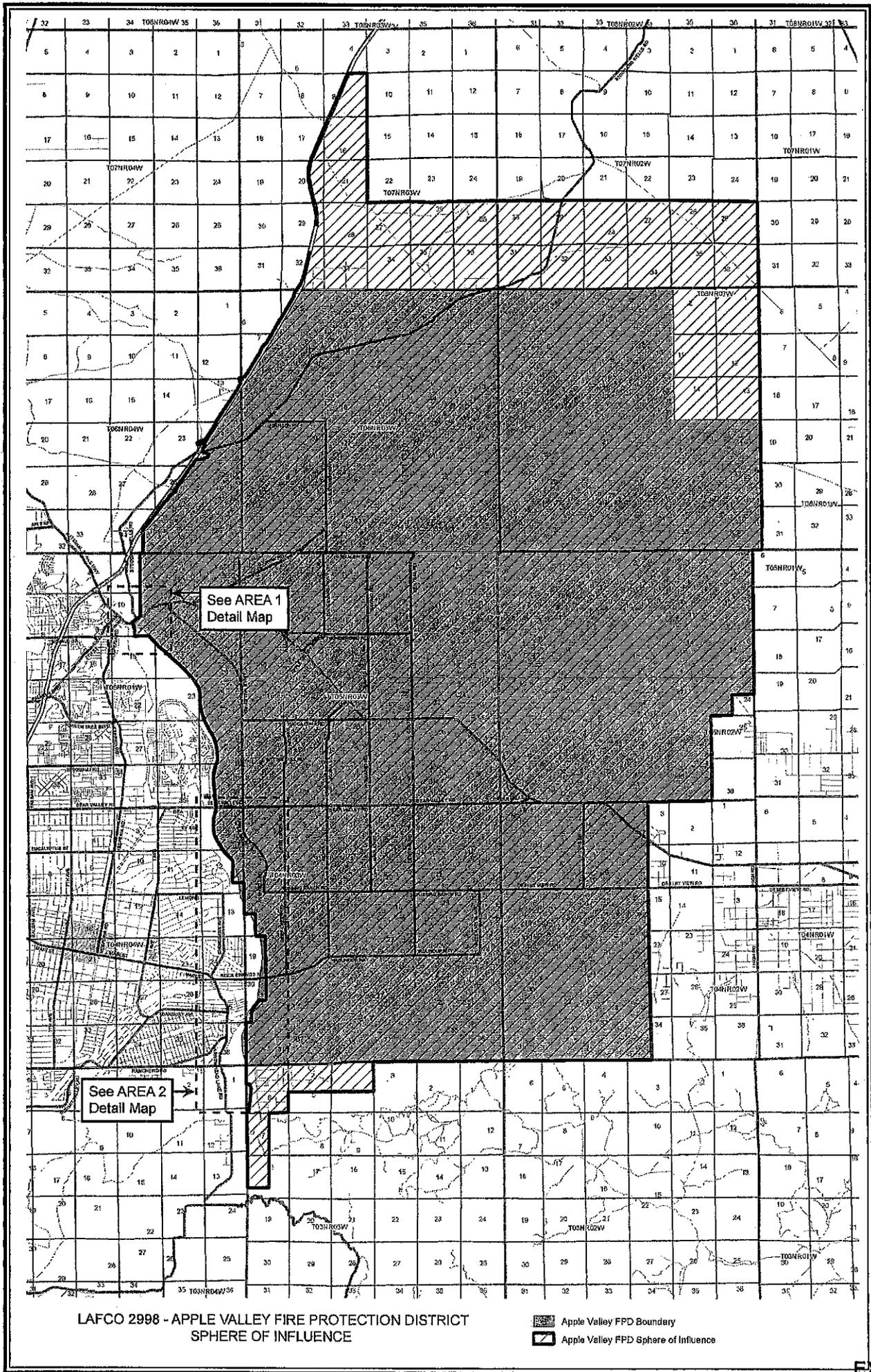
ABSENT: COMMISSIONERS: Biane, Nuaimi (Commissioner Williams voting in his stead)

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, 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 meeting of October 15, 2008.

DATED: November 17, 2008


KATHLEEN ROLLINGS-McDONALD
Executive Officer



LAFCO 2998 - APPLE VALLEY FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE

Apple Valley FPD Boundary
Apple Valley FPD Sphere of Influence

LAFCO 2998 - APPLE VALLEY FIRE PROTECTION DISTRICT: AREA 1



Apple Valley Fire Protection District Boundary



Apple Valley Fire Protection District Sphere of Influence

LAFCO 2998 - APPLE VALLEY FIRE PROTECTION DISTRICT:
AREA 2

