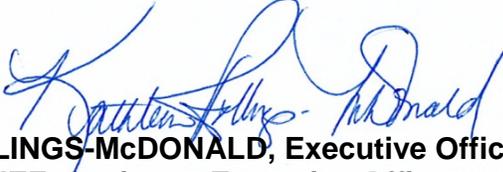


# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MARCH 10, 2014   
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
SAMUEL MARTINEZ, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #7: LAFCO 3175 – REORGANIZATION TO INCLUDE ANNEXATIONS TO THE HELENDALE COMMUNITY SERVICES DISTRICT AND ANNEXATION TO ZONE FP-5 OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT

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## **INITIATED BY:**

Resolution of the Board of Directors of the Helendale Community Services District

## **RECOMMENDATION:**

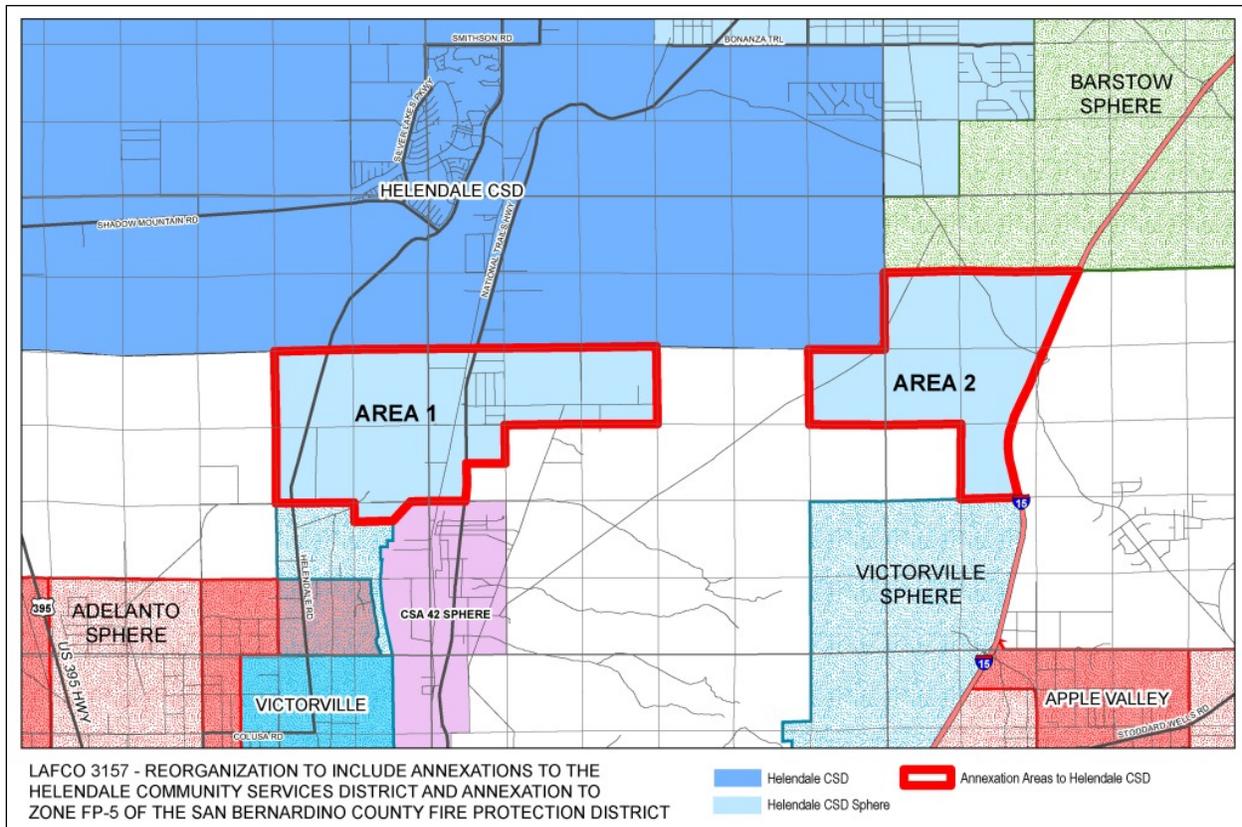
Staff recommends that the Commission approve LAFCO 3175 by taking the following actions:

1. For environmental review, Certify that LAFCO 3175 is statutorily exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3175, reorganization proposal with the standard conditions of approval, which include the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, etc.; and,
3. Adopt LAFCO Resolution #3179 setting forth the Commission’s findings, determinations, and conditions of approval concerning the reorganization proposal.

## **BACKGROUND:**

The Helendale Community Services District (hereinafter identified as “Helendale CSD” or the “District”) submitted an application for annexation of two separate areas that include the Helendale CSD’s southern and southeastern sphere of influence (location and vicinity maps

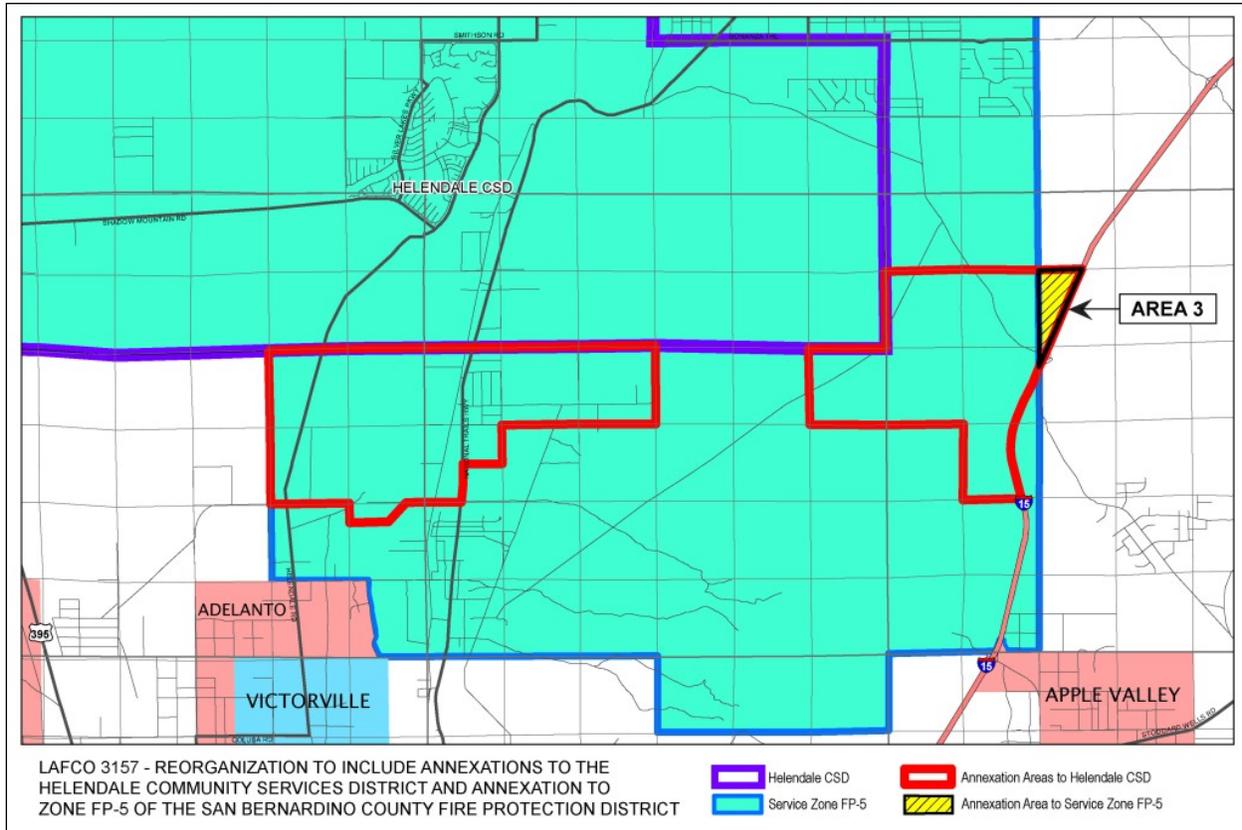
for Areas 1 and 2 are included as a part of Attachment #1 to this report). The proposed reorganization for the Helendale CSD encompasses approximately 8,832 acres within two separate areas. Area 1 includes all of the District's sphere of influence located southerly of its boundaries, east and west of both the National Trails Highway and Helendale Road. Area 2 includes all of the District's sphere of influence located southeasterly of its boundaries, generally along the Wild Wash Road and I-15 Freeway interchange.



The purpose of the reorganization is to respond to future landowner requests for annexation. In particular, the Helendale CSD initiated this proposal in anticipation of the growth planned for the area, particularly associated with the Helendale Specific Plan. The District wants to plan for growth that is projected and to ensure that services are provided adequately within these areas. Currently, the District provides water and sewer service to the developed portion of the Silver Lakes community and its immediate periphery. In addition, the District also provides solid waste disposal, parks and recreation, streetlighting, and graffiti abatement within its boundaries.

In processing this application, LAFCO staff expanded the consideration to include the annexation to the San Bernardino County Fire Protection District (SBCFPD) Service Zone FP-5 (hereinafter identified as "Service Zone FP-5") as part of the overall proposal (location and vicinity map for Area 3 are also included as a part of Attachment #1 to this report). Service Zone FP-5 is a special taxing entity for fire protection and emergency response for the Helendale community and it was determined that the eastern boundary for Service Zone

FP-5 split a parcel along its existing boundary near the Wild Wash Interchange. Therefore, in order to fix this boundary discrepancy LAFCO staff modified the District's proposal to include Area 3, the annexation to Service Zone FP-5.



This report will provide the Commission with the information related to the four major areas of consideration required for a jurisdictional change – boundaries, land uses, service delivery and the effects on other local governments, and environmental considerations for the proposal.

### **BOUNDARIES:**

As outlined above, the reorganization as modified consists of three (3) separate areas that are wholly within the District's sphere of influence. Areas 1 and 2 are annexations to the Helendale CSD:

**Area 1** encompasses approximately 5,133 acres generally located southerly of the Helendale CSD. The study area includes all of Sections 16, 17, 18, and a portion of Section 19 of Township 7 North, Range 4 West; and all of Sections 13, 14, 23, 24, and a portion of Section 25 of Township 7 North, Range 5 West.

**Area 2** encompasses approximately 3,699 acres generally east of the existing Helendale CSD boundary and west of the centerline of the Interstate 15 freeway.

The study area includes all of Sections 7, 8, 18, and portions of Sections 9, 17 and 20 of Township 7 North, Range 3 West; and all of Section 13 of Township 7 North, Range 4 West.

Area 3 is the annexation to Service Zone FP-5 of the San Bernardino County Fire Protection District.

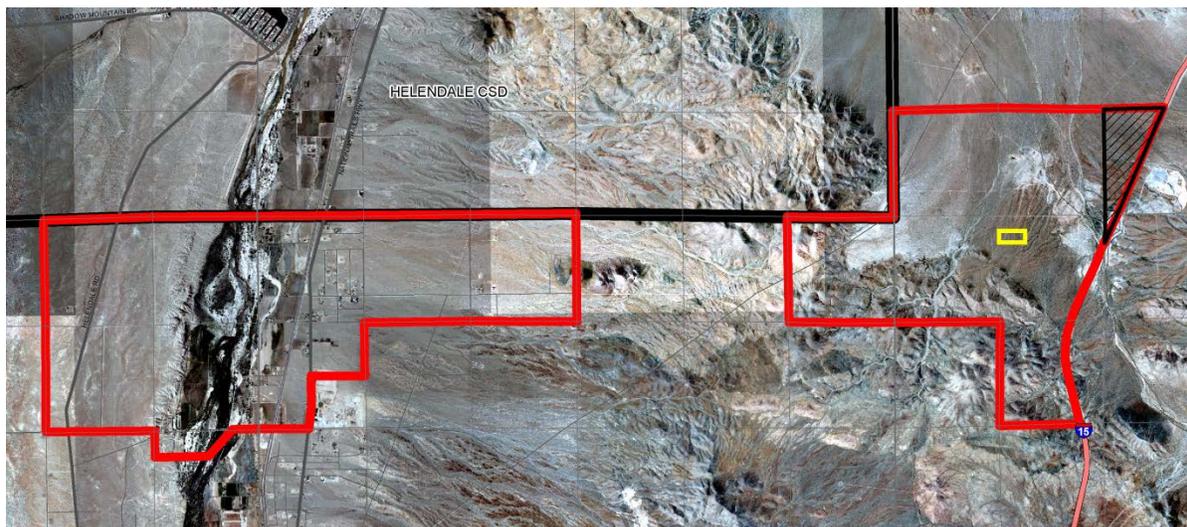
**Area 3** encompasses approximately 240 acres generally east of the existing SBCFPD Service Zone FP-5 boundary along the Wild Wash Road Interchange of the I-15 Freeway. The territory includes a portion of Section 9, Township 7 North, Range 3 West and is a part of Area 2 proposed for annexation to the Helendale CSD.

The annexations to the Helendale CSD, Areas 1 and 2, present no boundary concerns since the reorganization includes the entirety of its existing sphere of influence southerly (Area 1) and southeasterly (Area 2) of the District's boundaries. The annexation to Service Zone FP-5 (Area 3) is an annexation proposed by LAFCO staff (with concurrence from the San Bernardino County Fire Protection District) to address a split parcel discrepancy along its existing boundary near the Wild Wash Interchange. In addition, this expansion keeps the Helendale CSD's easterly boundary wholly within the boundaries of Service Zone FP-5, which is a special taxing entity for fire protection and emergency response for the Helendale community.

For these reasons, LAFCO staff supports the annexation boundaries for the Helendale CSD and Service Zone FP-5 as presented.

### **LAND USES:**

The reorganization proposal is predominantly vacant. Area 1 is primarily vacant with approximately 80 dwelling units. Areas 2 and 3 consist entirely of vacant lands. The surrounding land uses are also predominantly vacant with a few scattered dwelling units.



The County's current land use designations for the reorganization areas are RL-5 (Rural Living, one unit per 5 acres), RL (one unit per 2.5 acres), AG (Agricultural), and FW (Floodway) for Area 1, and RC (Resource Conservation) for Areas 2 and 3.

Nonetheless, the approval of this proposal will have no direct impact on the current County land use designations assigned for the area.

However, there have been proposals initiated with the County Land Use Services department to intensify the zoning designations through the now tabled Helendale Specific Plan and the project commonly known as Safari Ranch.

In addition, Wild Wash Road connects westerly from the I-15 Freeway to National Trails Highway. This access road is largely unpaved at this time; however, this ultimately can be a viable alternative access route into the community. The Helendale CSD recently purchased a parcel within Area 2 (parcel shown in yellow) intended as a public facility, service center, and other maintenance responsibilities when future development occurs in the area.

#### **SERVICE DELIVERY AND EFFECT ON LOCAL GOVERNMENT SERVICE PROVIDERS:**

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. Current County service providers within the reorganization area include County Service Area 60 (Apple Valley Airport (portion) County Service Area 70 (multi-function entity), and San Bernardino County Fire Protection District, its North Desert Service Zone, and Service Zone FP-5. In addition, the following entities overlay the reorganization area: Mojave Water Agency (the State Water Contractor), and Mojave Desert Resource Conservation District (portion).

The Helendale CSD has submitted a "Plan for Service and Fiscal Impact Analysis" for LAFCO 3175. In addition, the San Bernardino County Fire Protection District (hereinafter "County Fire"), on behalf of its Service Zone FP-5, has also provided a plan for service for Area 3 that is being annexed into its Service Zone FP-5. Both plans have been submitted as required by law and Commission policy. A copy of the Helendale CSD's Plan for Service and Fiscal Impact Analysis is included as a part of Attachment #2 and County Fire's plan for service is included as Attachment #3 to this report.

Upon reorganization, the area will receive water, sewer, solid waste collection and disposal, park and recreation, graffiti abatement, and/or streetlighting services from the Helendale CSD. Since the annexation areas are predominantly vacant, current services provided and/or needed are minimal.

The plans, in general, identify the following:

- Wastewater collection and treatment will be provided by the Helendale CSD and can be extended to the reorganization area when proper economic and development conditions take place. Existing properties or new development would require a

feasibility study to connect to the District's wastewater facilities. The cost to connect to sewer will be the responsibility of the property owner and/or developer.

- Water service will also be provided by the Helendale CSD and can be extended to the area when proper economic and development conditions take place. Existing properties or new development would require a feasibility study to connect to the District's water facilities including a response on availability of water rights pursuant to the District's existing policies at the time of development. The cost to connect to water will be the responsibility of the property owner and/or developer.
- The County's Solid Waste Management Division (SWMD), through a contract with AVCO/Burrtec, currently provides solid waste services (collection and disposal) within the reorganization area. Solid waste services will transfer to the Helendale CSD who also contracts with AVCO/Burrtec for its services. Upon annexation, the District will be providing the billing for solid waste services.
- Local park service will be provided by the Helendale CSD. Current park and recreation services by the District include exercise classes, arts/crafts classes, a teen center, a dog park and the annual Mojave River Trail Days Festival. In addition, a 3-acre park facility is also currently being developed.

County Regional Parks will continue to provide regional park services to all residents within the area. The closest County Regional Park is Mojave Narrows located within 20 to 30 minutes from the annexation areas.

- Streetlighting services will also be available through the Helendale CSD and can be extended to the reorganization area when proper economic and development conditions take place in these areas. The District currently provides streetlighting services within public right-of-ways, and public easements. The cost to provide streetlighting will be the responsibility of the property owner and/or developer.

Due to the undeveloped nature of the area, no immediate service provision is anticipated.

- Graffiti abatement will also be available through the Helendale CSD. The County, through its Public Works Department, will continue to provide graffiti abatement to road signs and bridges along Historic Route 66.
- Law enforcement responsibilities are currently provided by the San Bernardino County Sheriff's Department, and no change will occur to this service provider through the reorganization.
- Fire protection and paramedic services are currently provided by County Fire through its Fire Station No. 4 (Silver Lakes/Helendale Station). County Fire and its North Desert Service Zone will continue to be the service provider for fire protection and emergency response for the Helendale community. Service Zone FP-5 is a

special taxing entity that provides funding for an increased level of fire protection and emergency medical services to the community.

Upon completion of the reorganization proposal, the only financial effect will be for the single parcel within Area 3, APN 0418-011-77, which will be charged an annual tax assessment of approximately \$135.95 (with an annual cost-of-living increase of up to 3 percent) for fire protection and emergency response associated with County Fire's special taxing entity Service Zone FP-5.

For the rest of the reorganization area, there will be no financial effect as the Helendale CSD does not have any fees or special taxes to be extended. However, it should be noted that the current annual refuse disposal fee for developed parcels (approximately \$85/year), will be transferred from the County (shown on the property tax bill as *County Land Use-SWMD*) to the Helendale CSD (*Helendale-Refuse Land Use*) upon completion of the reorganization proposal.

It is the position of LAFCO staff that LAFCO 3175 is a straightforward and logical extension of service delivery through the Helendale CSD and County Fire's Service Zone FP-5. As required by Commission policy and State law, the plans submitted by the Helendale CSD and County Fire indicate that the extension of services within the reorganization area will maintain, and/or exceed, current service levels provided through the County and its special districts.

#### **ENVIRONMENTAL:**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has indicated that the review of LAFCO 3175 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the reorganization has no potential to cause any adverse effect on the environment. The Helendale CSD's decision to extend services in the future, responding to either individual property owner requests or potential development projects planned for the area, will require their own separate environmental review and County Fire already provides service within the area being annexed into its Service Zone FP-5. Therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). A copy of Mr. Dodson's analysis is included as Attachment #4 to this report.

#### **CONCLUSION:**

The primary purpose of the reorganization was to respond to future landowner requests for service. In addition, the Helendale CSD initiated this proposal in anticipation of growth planned for the area, particularly that associated with the Helendale Specific Plan.

Staff supports approval of LAFCO 3175 for the following reasons:

- It allows the Helendale CSD to plan and respond to requests for extension of its municipal services; and,

- It ensures that the services available from the Helendale CSD can be adequately provided within the reorganization area.

For these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3175.

**DETERMINATIONS:**

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

1. The Registrar of Voters Office has determined that the reorganization area is legally inhabited, containing 75 registered voters (all within Area 1) as of February 19, 2014.
2. The County Assessor has determined that the assessed value of land and improvements within the reorganization area is \$22,494,939 (land--\$16,358,706; improvements--\$6,136,233).

	AREA 1	AREA 2	AREA 3
Land Value	\$14,203,776	\$2,154,930	\$232,071
Improvement Value	\$6,136,233		
Total	\$20,340,009		

3. The reorganization area is within the sphere of influence assigned the Helendale Community Services District. San Bernardino County Fire Protection District Service Zone FP-5 does not have a sphere of influence since zones to a fire protection district are not assigned a sphere.
4. Notice of the Commission's review of this proposal has been advertised in *The Daily Press*, a newspaper of general circulation within the reorganization area. Individual notice has been provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notification.
5. LAFCO staff has provided individual notices to landowners and registered voters within the annexation area (totaling 357), and to landowners and registered voters surrounding the reorganization area (totaling 436) in accordance with state law and adopted Commission policies. To date, no written comments in support or opposition have been received regarding the consideration of this proposal.
6. The County's land use designations for the reorganization proposal are RL-5 (Rural Living, one unit per 5 acres), RL (one unit per 2.5 acres), AG (Agricultural), and FW (Floodway) for Area 1, and RC (Resource Conservation). This reorganization proposal has no direct effect on the County's General Plan land use designations assigned for the area.

7. The Commission's Environmental Consultant, Tom Dodson and Associates, has recommended that this proposal is statutorily exempt from environmental review based on the finding that the Commission's approval of the reorganization 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). Mr. Dodson recommends that the Commission adopt the Statutory Exemption and direct its Executive Officer to file a Notice of Exemption within five (5) days. A copy of Mr. Dodson's response letter is included as Attachment #4 to this report.
  
8. The area in question is presently served by the following local agencies:  
  
County of San Bernardino  
Mojave Water Agency (the State Water Contractor)  
Mojave Desert Resource Conservation District (portion)  
San Bernardino County Fire Protection District, its North Desert Service Zone, and its Service Zone FP-5 (portion)  
County Service Area 60 (Apple Valley Airport)(portion)  
County Service Area 70 (multi-function)  
  
None of these agencies will be affected by this proposal.
  
9. The Helendale Community Services District has submitted a plan for the extension of its services (Plan for Service and Fiscal Impact Analysis) as required by law and Commission policy (included as a part of Attachment #2 to this report). The financial information presented within the Fiscal Impact Analysis indicates that the extension of services can be maintained and operated through existing revenue resources available. The Plan for Service indicates that the Helendale CSD, at a minimum, can maintain the level of service delivered and can improve the level and range of selected services currently available in the area.  
  
The San Bernardino County Fire Protection District, on behalf of its Service Zone FP-5, has submitted a plan for the extension of its fire protection and emergency medical service. The plan for service indicates that County Fire already provides fire service; thus, services can be maintained and operated through its existing revenues that fund the increased level of fire protection and emergency medical services. The Plan for Service indicates that the San Bernardino County Fire Protection District, at a minimum, can maintain the level of service delivered and can improve the level and range of services currently available in the area.
  
10. The reorganization area can benefit from the availability of services from the Helendale CSD and has benefitted from fire protection and emergency medical services from the San Bernardino County Fire Protection District, its North Desert Service Zone, and its Service Zone FP-5. Service Zone FP-5 is a special taxing entity that provides funding for an increased level of fire protection and emergency medical services.

11. With respect to environmental justice, the reorganization area will benefit from the extension of services and facilities from the Helendale Community Services District and Service Zone FP-5 of the San Bernardino County Fire Protection District; and, at the same time, not result in the unfair treatment of any person based on race, culture or income.
12. The County of San Bernardino 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.
13. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

KRM/sm

Attachments:

1. [Maps—Vicinity and Location](#)
2. [Helendale Community Services District Application including Plan for Service and Fiscal Impact Analysis](#)
3. [San Bernardino County Fire Protection District's Plan for Service for its Service Zone FP-5](#)
4. [Response from the Commission's Environmental Consultant, Tom Dodson and Associates, on Environmental Determination](#)
5. [Draft Resolution No. 3179](#)