

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3271

HEARING DATE: APRIL 16, 2025

RESOLUTION NO. 3415

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3271 AND APPROVING THE ANNEXATION TO THE BARSTOW FIRE PROTECTION DISTRICT (WASTEWATER TREATMENT FACILITY AREA). The annexation area comprises approximately 187 acres generally located north of the I-40 Freeway and Main Street, and west of the northerly extension of Montara Road.

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

WHEREAS, an application by the Barstow Fire Protection District Board of Directors for the proposed annexation in San Bernardino County 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 April 16, 2025, 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, 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.

RESOLUTION NO. 3415

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:

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 3271.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Barstow Fire Protection District (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 Barstow Fire Protection District 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. DETERMINATIONS. The following determinations are required to be provided by Commission policy and Government Code Section 56668:

1. The County Registrar of Voters has determined that the annexation area is legally uninhabited, containing zero (0) registered voters as of December 17, 2024.
2. The County Assessor has determined that the value of land and improvements within the annexation area is \$0 since the parcels are tax exempt property.
3. The annexation area is within the sphere of influence assigned the Barstow Fire Protection District.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication of a 1/8th page legal advertisement in *The Daily Press*, a newspaper of general circulation in the area. As required by State law, individual notices were provided to all affected and interested agencies, County departments, and those individuals and agencies having requested such notice.

RESOLUTION NO. 3415

5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to landowners (12) within the annexation area and landowners (167) and registered voters (113) 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 City of Barstow's current land use designations for the annexation area are General Industrial, Public/Quasi Public, and Open Space. This annexation has no direct impact on said land use designations.
7. The Southern California Associated Governments (SCAG) has adopted its 2024-2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS), referred to as Connect SoCal 2024, pursuant to Government Code Section 65080. LAFCO 3271 has no direct impact on SCAG's Connect SoCal 2024.
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 a significant adverse impact 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: City of Barstow, Odessa Water District, Mojave Water Agency, Bastow Cemetery District, County Service Area 40 (TV translator), and Mojave Desert Resource Conservation District.

None of these agencies are affected by this annexation proposal as they are either regional in nature or identified for other services for the annexation area.

10. A plan was prepared for the extension of services to the annexation area, as required by law. The Plan for Service indicates that the Barstow Fire Protection District currently provides and can continue to provide fire protection and emergency medical service to the area and can maintain and/or exceed the level of said services currently available in the area.

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 area can benefit from the availability and extension of fire protection and emergency medical services from the Barstow Fire Protection District.
12. This proposal will not affect the fair share allocation of the regional housing needs assigned to the City of Barstow through the Southern California Association of

RESOLUTION NO. 3415

Government's (SCAG) Regional Housing Needs Allocation (RHNA) since the annexation area will remain vacant and used for public facilities.

13. With respect to environmental justice, the annexation proposal—wherein the parcels being annexed into the Barstow Fire Protection District used for public facilities (wastewater treatment facility)—will not result in the unfair treatment of any person based on race, culture or income.
14. The County of San Bernardino, acting on behalf of the Barstow Fire Protection District, adopted a resolution determining there will be a zero property tax transfer as a result of the annexation. This resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.
15. The maps and legal descriptions as revised are in substantial compliance with LAFCO and State standards.

SECTION 3. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed annexation 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 4. 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.

SECTION 5. The Commission hereby directs that, following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer is hereby directed to initiate protest proceedings in compliance with this resolution and State law (Part 4, commencing with Government Code Section 57000) and set the matter for consideration of the protest proceedings, providing notice of hearing pursuant to Government Code Sections 57025 and 57026.

SECTION 6. Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth his determination on the levels of protest filed and not withdrawn and setting forth the action on the proposal considered.

SECTION 7. Upon adoption of the final resolution by the Executive Officer, either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

RESOLUTION NO. 3415

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

AYES: COMMISSIONERS: ARMENDAREZ, BACA, BAGLEY, COX, DENISON, FARRELL, AND WARREN.

NOES: COMMISSIONERS: NONE.

ABSENT: COMMISSIONERS: DUPPER (Denison voting in his stead) and HAGMAN (Armendarez voting in his stead).

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 April 16, 2025.

DATED: April 16, 2025



SAMUEL MARTINEZ
Executive Officer



LAFCO 3271
ANNEXATION TO THE BARSTOW FIRE PROTECTION DISTRICT
(WASTEWATER TREATMENT FACILITY AREA)

PORTION OF SECTIONS 9 & 10, TOWNSHIP 9 NORTH, RANGE 1 WEST, SBM

COMMENCING AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 9 NORTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN

THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 9 A DISTANCE OF 1,250 FEET TO THE **POINT OF BEGINNING**;

FROM THE **POINT OF BEGINNING**:

COURSE 1. SOUTH $01^{\circ} 17' 11''$ EAST A DISTANCE OF 1,373.18' +/- TO THE INTERSECTION WITH THE NORTH BOUNDARY OF THE ATCHISON TOPEKA SANTA FE RAILROAD RIGHT-OF-WAY, BEING 200.00 FEET WIDE, THENCE;

COURSE 2. SOUTH $73^{\circ} 02' 51''$ EAST A DISTANCE OF 169.69' +/- ALONG SAID NORTHERLY RIGHT-OF-WAY TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SECTION 10, THENCE;

COURSE 3. NORTH $89^{\circ} 17' 26''$ EAST A DISTANCE OF 4,471.87' +/- ALONG SAID NORTH LINE OF THE SOUTH ONE-HALF TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, THENCE;

COURSE 4. SOUTH $0^{\circ} 12' 31''$ WEST A DISTANCE OF 1,372.78' +/- ALONG THE EAST LINE OF SAID WEST ONE-HALF TO A POINT OF INTERSECTION WITH THE SOUTHERLY BOUNDARY OF THE ATCHISON TOPEKA SANTA FE RAILROAD RIGHT-OF-WAY, BEING 200.00 FEET WIDE, THENCE;

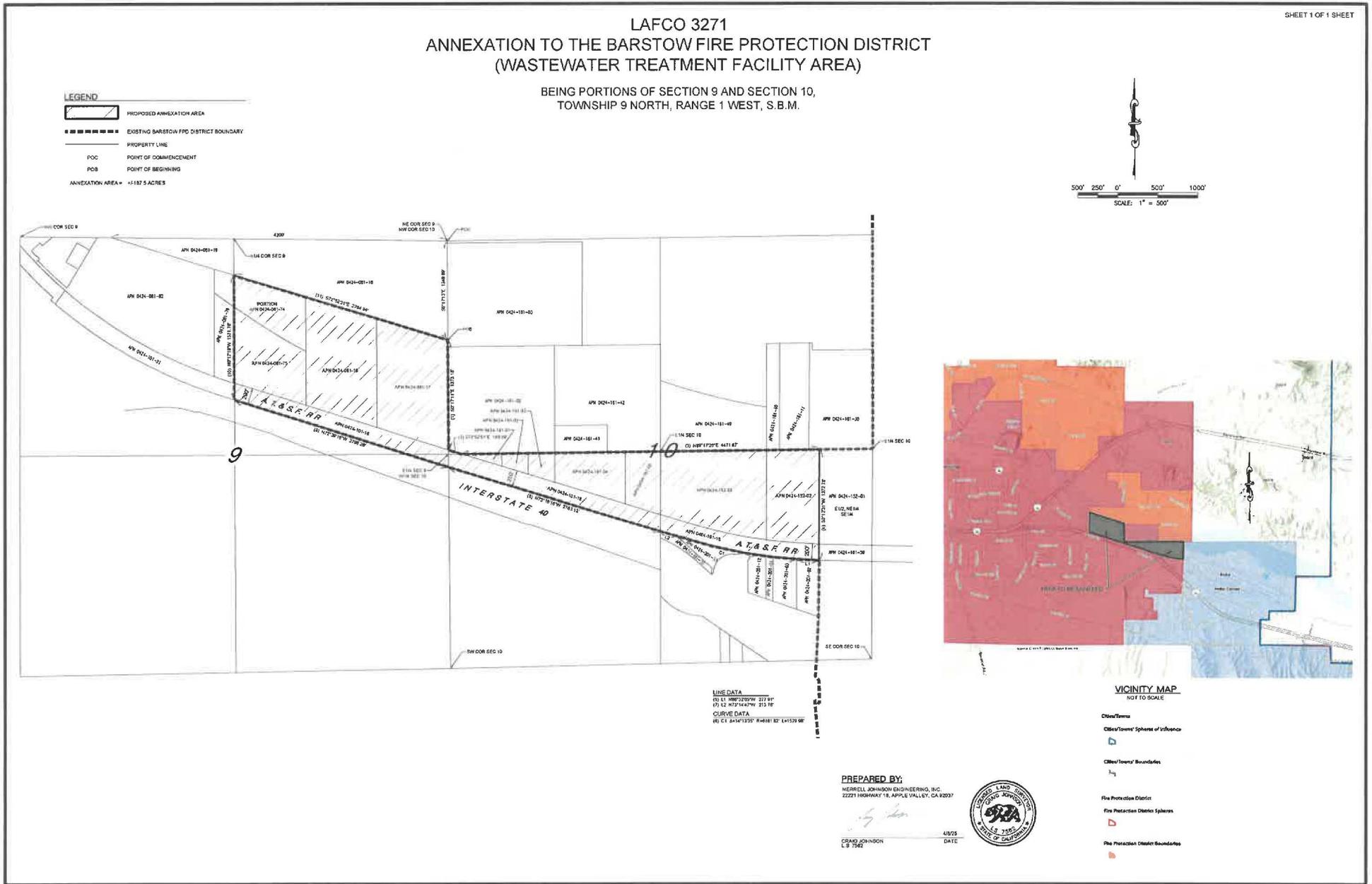
COURSE 5. NORTH $86^{\circ} 32' 05''$ WEST A DISTANCE OF 277.91' +/- ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, THENCE;

COURSE 6. ON A CURVE TO THE RIGHT HAVING A RADIUS OF 6,161.82', AN ARC LENGTH OF 1,529.98' THROUGH A CENTRAL ANGLE OF $14^{\circ} 13' 35''$ ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, THENCE;

COURSE 7. NORTH $73^{\circ} 14' 47''$ WEST A DISTANCE OF 213.76' +/- TO THE POINT OF INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE WITH THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 10, THENCE;

COURSE 8. NORTH $73^{\circ} 16' 16''$ WEST A DISTANCE OF 2,763.12' +/- TO A POINT OF INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE WITH THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 9, THENCE;

COURSE 9. NORTH $72^{\circ} 39' 18''$ WEST A DISTANCE OF 2,798.26' +/- TO A POINT OF INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY AND THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 9, THENCE;



PREPARED BY:
 MERRILL JOHNSON ENGINEERING, INC.
 52221 HIGHWAY 18, APPLE VALLEY, CA 92307

8/9/25
DATE

CRAIG JOHNSON
L.S. 7542

EXHIBIT A-1

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