

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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www.sbclafco.org

DATE: APRIL 9, 2025 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #6: LAFCO 3271 – Annexation to the Barstow Fire
Protection District (Wastewater Treatment Facility Area)

INITIATED BY:

Resolution of the Barstow Fire Protection District

RECOMMENDATION:

Staff recommends that the Commission approve LAFCO 3271 by taking the following actions:

1. For environmental review, certify that LAFCO 3271 is 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 3271, with the standard LAFCO terms and conditions that include the "hold harmless" clause for potential litigation costs; and,
3. Adopt LAFCO Resolution No. 3415, setting forth the Commission's determinations and conditions of approval concerning this annexation proposal.

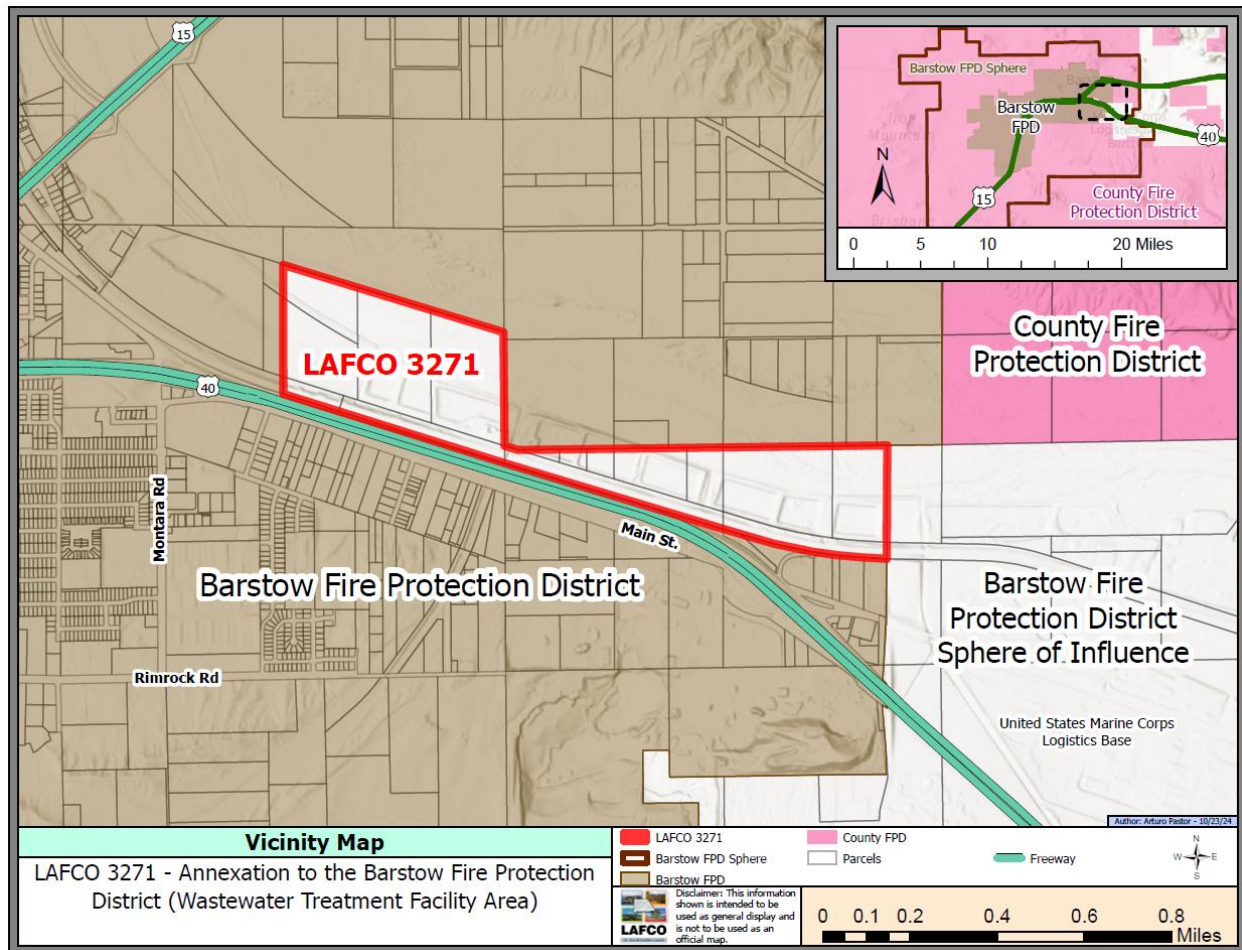
BACKGROUND INFORMATION:

LAFCO 3271 is a proposal initiated by the Barstow Fire Protection District (hereafter the District) requesting annexation of the area into its boundaries. The District, which is a subsidiary of the City of Barstow (City), is the fire service provider for the City and areas around the periphery of the City. The annexation area is within the District's sphere of influence; however, it is currently not within a fire agency's boundary. In other words, the area is not within an agency responsible for fire protection and emergency medical services, yet the District is the first to respond to the area.

During the Fire Service Review in 2020, this issue was brought to light as a result of the County Fire Reorganization back in 2008. The area was inadvertently left out due to a technical error in the map and legal description for the fire reorganization that ended up not being placed within a fire agency's boundary. The Commission recommended that staff work with the City of Barstow to get this area annexed into the District's boundary in order to address this discrepancy.

LOCATION

The proposed annexation area encompasses approximately 187 acres generally located north of the I-40 Freeway and Main Street, and west of the northerly extension of Montara Road. The area includes Assessor Parcel Numbers (APNs) 0424-101-16, 0424-081-16, 0424-081-17, 0424-081-74 (portion), 0424-081-75, 0424-191-01, 0424-191-02, 0424-191-03, 0424-191-04, 0424-191-05, 0424-152-02 & 0424-152-03. Below is a vicinity map of the annexation area (outlined in red). Included as Attachment #1 to this report is the vicinity map and official annexation map.



Vicinity Map

This report will provide the Commission with the information related to the four major areas of consideration required for a jurisdictional change: (1) boundaries, (2) land use, (3) service issues and effects on other local governments, and (4) environmental considerations.

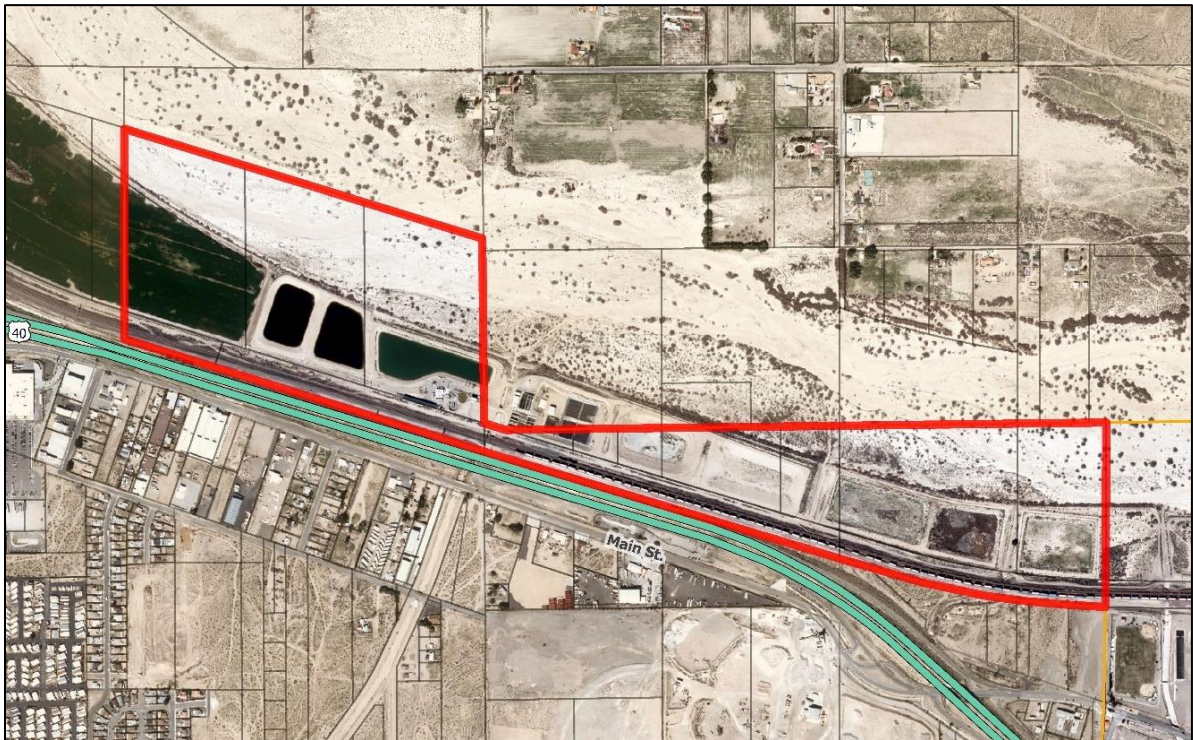
AREAS OF CONSIDERATION

1. BOUNDARIES:

The area is bounded by the Santa Fe Railroad (existing District boundary) to the south, parcel lines along the northerly extension of Mantara Road (existing District boundary) to the west, parcel lines (existing District boundary) to the north, and parcel lines along the Marine Corps Logistics Base to the east. The annexation area includes the remaining area of the District's southern sphere of influence that is not within its boundary. The annexation will place the area into an existing fire service provider; therefore, LAFCO 3271 has no boundary concerns.

2. LAND USE:

The annexation area includes the railroad right-of-way, portion of the Mojave River, and vacant city-owned property utilized by the City for its wastewater treatment facility.



Aerial Map

The City of Barstow's current land use designations for the annexation area are General Industrial, Public/Quasi Public, and Open Space. The City's zoning designations are: Industrial (I), Public Facility (PF), and Open Space (O).

No change in land uses is anticipated as a result of the annexation. In addition, approval of this proposal will have no direct impact on the current land use and zoning designations assigned to the area. Therefore, there are no land use concerns related to this proposal.

3. SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. The service providers within the entire annexation area include the City of Barstow, Odessa Water District (City subsidiary district – water planning), Mojave Water Agency (the State Water Contractor), Barstow Cemetery District, County Service Area 40 (television translator) and Mojave Desert Resource Conservation District. The Golden State Water Company, a private water company that provides retail water service overlays the annexation area.

The application includes a Plan for Service (included as part of Attachment #2 to this report). The Plan identifies that the District already serves the area and that no change in service delivery is anticipated since the area is generally vacant except for the wastewater treatment facility and its associated percolation ponds. Since the District already serves the area, there will also be no additional financial effect to the District.

As required by Commission policy and State law, the Plan for Service shows that the extension of the District's services will maintain, and/or exceed, current service levels.

4. ENVIRONMENTAL:

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Tom Dodson and Associates, has indicated that the review of LAFCO 3271 is exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the annexation to the District has no potential to cause a significant adverse impact on the environment. Therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3). Staff recommends that the Commission adopt the "Common Sense" Exemption for this proposal. A copy of Mr. Dodson's analysis is included as Attachment #3 to this report.

CONCLUSION:

LAFCO 3271 is an area that is currently not within an agency responsible for fire protection and emergency medical services. The area was inadvertently left out during the County Fire Reorganization that ended up not being placed within an existing fire agency's boundary. However, the fire service provider for the area is the Barstow Fire Protection District. Therefore, for these reasons and those outlined throughout the staff report, staff supports the approval of LAFCO 3271.

DETERMINATIONS:

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

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.
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, Barstow 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.

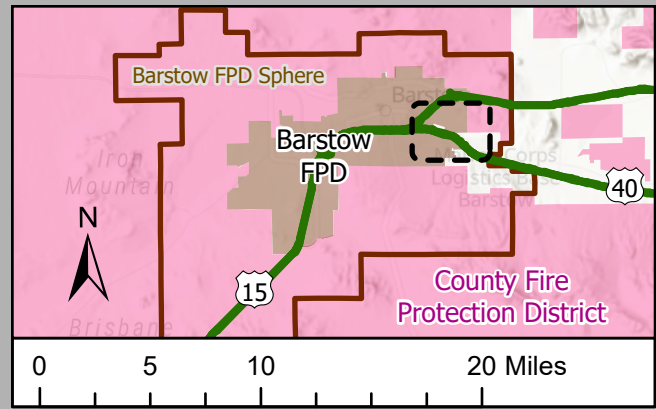
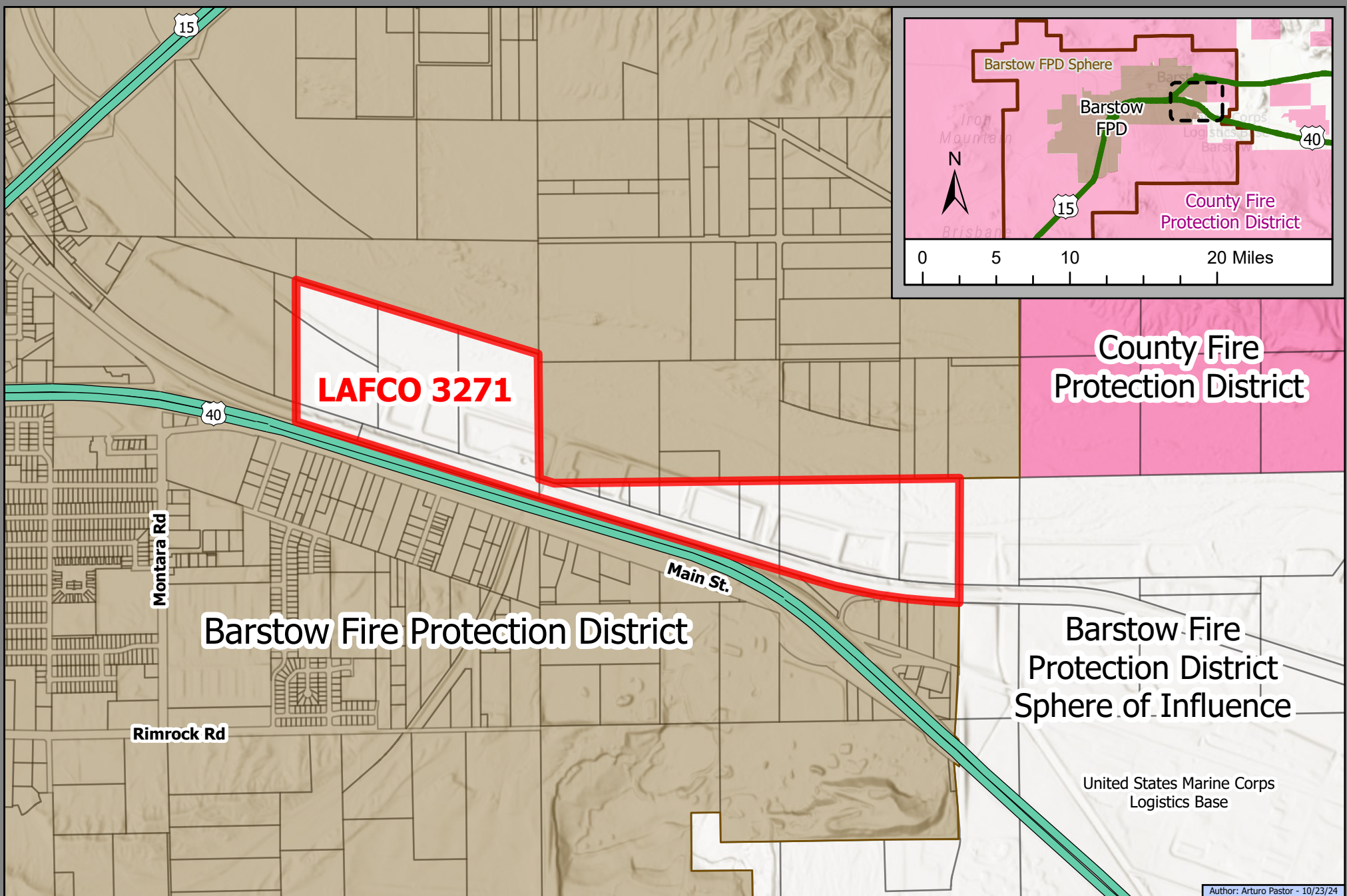
10. A plan was prepared for the extension of services to the annexation area, as required by law. The Plan for Service indicates that the Barstow Fire Protection District currently provides and can continue to provide fire protection and emergency medical service to the area and can maintain and/or exceed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

Attachments:

1. [Vicinity Map and Official Map](#)
2. [Application and Plan for Service](#)
3. [Environmental Recommendation](#)
4. [Draft Resolution No. 3415](#)



Vicinity Map

LAFCO 3271 - Annexation to the Barstow Fire Protection District (Wastewater Treatment Facility Area)

LAFCO 3271

Barstow FPD Sphere

Barstow FPD

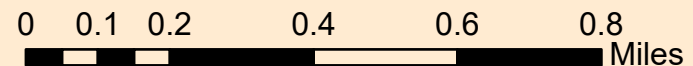
County FPD

Parcels

Freeway



Disclaimer: This information shown is intended to be used as general display and is not to be used as an official map.

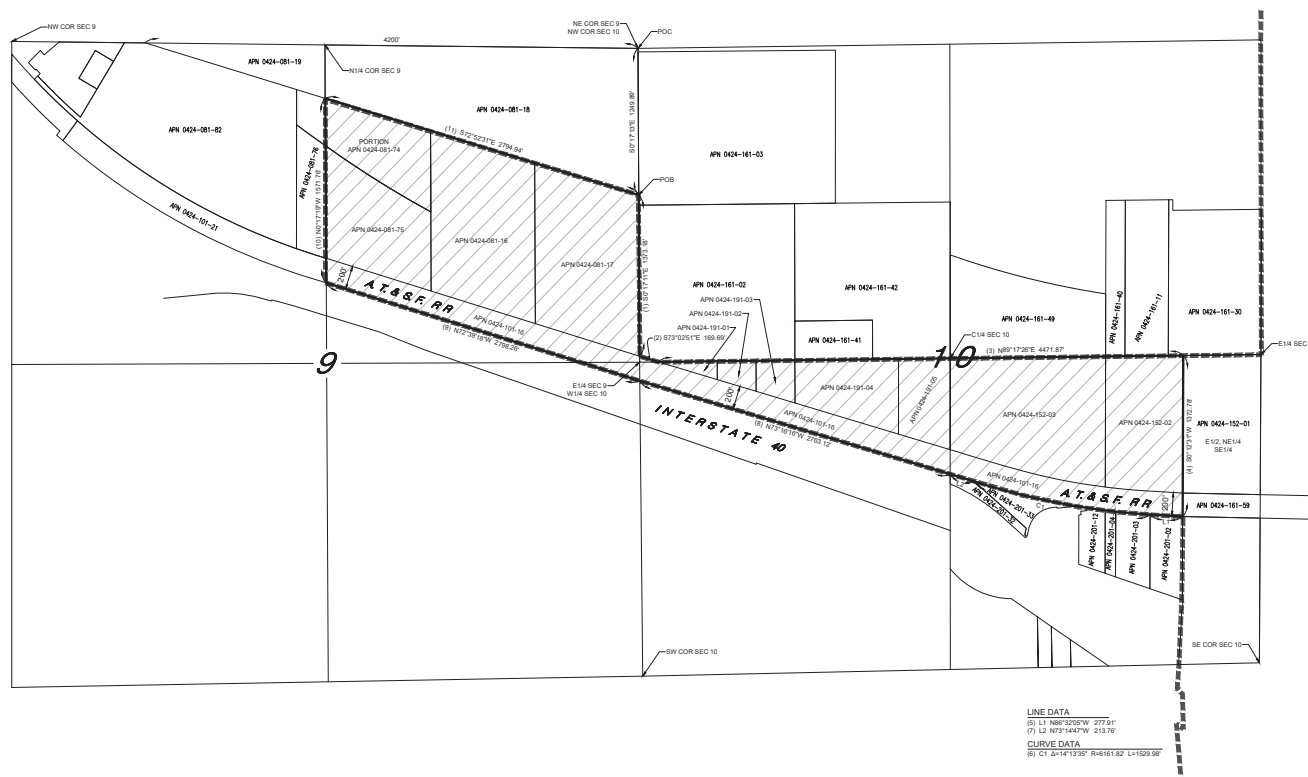


Author: Arturo Pastor - 10/23/24



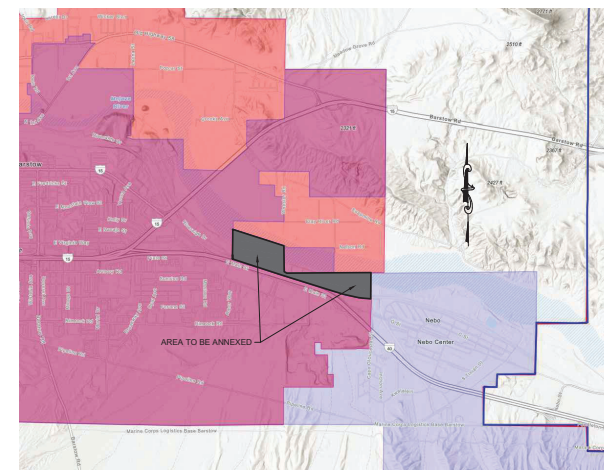
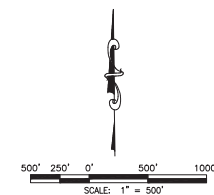
BEING PORTIONS OF SECTION 9 AND SECTION 10,
TOWNSHIP 9 NORTH, RANGE 1 WEST, S.B.M.

	PROPOSED ANNEXATION AREA
	EXISTING BARSTOW FPD DISTRICT BOUNDARY
	PROPERTY LINE
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
ANNEXATION AREA = 41.187.5 ACRES	



LINE DATA
(5) L1 N86°32'05"W 277.91'
(7) L2 N73°14'47"W 213.76'

CURVE DATA
(6) C1 Δ=14°13'35" R=6161.82' L=1529.98'



VICINITY MAP
NOT TO SCALE

Cities/Towns

Cities/Towns' Spheres of Influence

Cities/Towns' Boundaries

Fire Protection District

Fire Protection District Spheres

Fire Protection District Boundaries

PREPARED BY:
MERRELL JOHNSON ENGINEERING, INC.
22221 HIGHWAY 18, APPLE VALLEY, CA 92037


CRAIG JOHNSON
L.S. 7562



SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

GENERAL INFORMATION

1. NAME OF PROPOSAL: Annexation to Barstow Fire Protection District of City-owned property
(Wastewater Treatment Facility)

2. NAME OF APPLICANT: Barstow Fire Protection District

APPLICANT TYPE: ☐ Landowner ☒ Local Agency
☐ Registered Voter ☐ Other _____

MAILING ADDRESS:

220 E. Mountain View Ave. Barstow CA 92311

PHONE: (760) 256-3531

FAX: (760) 256-4472

E-MAIL ADDRESS:

afespinoz@barstowca.org

3. GENERAL LOCATION OF PROPOSAL

East Barstow adjacent to Interstate 40 and abutting the Marine Corps Logistics Base

4. Does the application possess 100% written consent of each landowner in the subject territory?
YES ☒ NO ☐ If YES, provide written authorization for change.

5. Indicate the reason(s) that the proposed action has been requested. _____

To correctly include City's 187-acre wastewater treatment facility in the BFPD service area.

LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres): Approximately 187 acres
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)
N/A
3. Approximate current population within area:
N/A
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):
Public Facility

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):
N/A

5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:
No change in use.

6. Indicate the existing use of the subject territory. Wastewater Treatment Facility

What is the proposed land use? Continue as a wastewater treatment facility

7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ☐ NO ☒ If YES, please explain.

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

- | | |
|--|--|
| <input type="checkbox"/> Agricultural Land Uses | <input type="checkbox"/> Agricultural Preserve Designation |
| <input type="checkbox"/> Williamson Act Contract | <input type="checkbox"/> Area where Special Permits are Required |
| <input type="checkbox"/> Any other unusual features of the area or permits required: _____ | |

9. Provide a narrative response to the following factor of consideration as identified in §56668(p):
The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:

The City of Barstow's wastewater treatment facility will continue to provide fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public service.

ENVIRONMENTAL INFORMATION

1. Provide general description of topography. The general topography is flat with minimal elevation changes. Some of the northern portion of the property lies within the Mojave River.

2. Describe any existing improvements on the subject territory as % of total area.

Residential	<u>0</u> %	Agricultural	<u>0</u> %
Commercial	<u>0</u> %	Vacant	(142 acres) <u>72</u> %
Industrial	(8 acres) <u>4</u> %	Other (ponds)	(44 acres) <u>24</u> %

3. Describe the surrounding land uses:

NORTH	<u>Mojave River</u>
EAST	<u>Marine Corps Logistics Base</u>
SOUTH	<u>Interstate 40</u>
WEST	<u>Interstate 15</u>

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

N/A

(FOR LAFCO USE ONLY)

5. Will service extensions accomplished by this proposal induce growth on this site? YES ☐
NO ☒ Adjacent sites? YES ☐ NO ☒ Unincorporated ☐ Incorporated ☐

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐
NO ☒ If YES, please identify.

7. Is this proposal a part of a larger project or series of projects? YES ☐ NO ☒ If YES, please explain.

NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME _____ TELEPHONE NO. _____

ADDRESS: _____

NAME _____ TELEPHONE NO. _____

ADDRESS: _____

NAME _____ TELEPHONE NO. _____

ADDRESS: _____

CERTIFICATION

As a part of this application, the City/Town of _____, or the _____
District/Agency, _____ (the applicant) and/or the _____ (real party in

interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

I hereby certify that the statements furnished above and in the attached supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE 9/18/24



SIGNATURE
Andrew Espinoza Jr., Interim City Manager

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

Title and Affiliation (if applicable)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- ☒ ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT
- ☐ SPHERE OF INFLUENCE CHANGE SUPPLEMENT
- ☐ CITY INCORPORATION SUPPLEMENT
- ☐ FORMATION OF A SPECIAL DISTRICT SUPPLEMENT
- ☐ ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT

SUPPLEMENT

ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS

INTRODUCTION: The questions on this form are designed to obtain data about the specific annexation, detachment and/or reorganization proposal to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please identify the agencies involved in the proposal by proposed action:

ANNEXED TO

Barstow Fire Protection District

DETACHED FROM

2. For a city annexation, State law requires pre-zoning of the territory proposed for annexation. Provide a response to the following:

a. Has pre-zoning been completed? YES ☐ NO ☐

b. If the response to "a" is NO, is the area in the process of pre-zoning? YES ☐ NO ☐

Identify below the pre-zoning classification, title, and densities permitted. If the pre-zoning process is underway, identify the timing for completion of the process.

Public Facilities

3. For a city annexation, would the proposal create a totally or substantially surrounded island of unincorporated territory?

YES ☐ NO ☐ If YES, please provide a written justification for the proposed boundary configuration.

4. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

No (government owned)

5. Will the territory be relieved of any existing special taxes, assessments, district charges or fees required by the agencies to be detached?

No

6. If a Williamson Act Contract(s) exists within the area proposed for annexation to a City, please provide a copy of the original contract, the notice of non-renewal (if appropriate) and any protest to the contract filed with the County by the City. Please provide an outline of the City's anticipated actions with regard to this contract.

No

7. Provide a description of how the proposed change will assist the annexing agency in achieving its fair share of regional housing needs as determined by SCAG.

N/A

8. **PLAN FOR SERVICES:**

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

- A. A description of the level and range of each service to be provided to the affected territory.
- B. An indication of when the service can be feasibly extended to the affected territory.
- C. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.
- D. The Plan shall include a Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditures. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.

- E. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
- F. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).

CERTIFICATION

As a part of this application, the City/Town of Barstow, or the _____ District/Agency, _____ (the applicant) and/or the _____ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

As the proponent, I acknowledge that annexation to the City/Town of Barstow or the _____ District/Agency may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles XIII C and XIII D of the State Constitution (Proposition 218) to a hearing, assessment ballot processing or an election on those existing taxes, fees and assessments.

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE

9/18/24

SIGNATURE

Andrew Espinoza Jr., Interim City Manager
Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

Title and Affiliation (if applicable)

Plan of Services:

The Barstow Fire Protection District already serves the 187-acre Barstow Wastewater Treatment Plant. (See attached Fire Station Information.) There will be no change in service delivery to the property.

This will be certified by the acting Fire Chief.

Fiscal Impact Analysis:

This property is government owned and is therefore tax exempt. The Barstow Fire Protection District already serves the area so there will be no additional financial effect to the District.

Barstow Fire Protection District

Fire Station Information

Fire Station	Fire Apparatus	Staffing (Daily)	Capability	Safety/Non-Safety
Fire Station 361 881 Barstow Road Barstow, CA. 92311	Engine 361	3	Type-1/Advanced Life Support	Safety
	Medic Squad 361	2	Advanced Life Support	Safety
	Battalion Chief 4710	1	Basic Life Support	Safety
	Investigator 4751	1	Fire Investigator/Prevention	Non-Safety
	Chief 4700	1	Fire Chief	Safety
	Administrative Staff	1	Office Assistant	Non-Safety
	Water Tender 361	0	Type-S3	N/A
	Office of Emergency Services Engine 328	0	Type-1	N/A
	Reserve Engine (328)	0	Type-1	N/A
	Reserve Engine (325)	0	Type-1	N/A
	Utility 361	0	N/A	N/A
	HAZMAT 361	0	DECON	N/A
Fire Station 362 36808 North Marial Drive Barstow, CA. 92311	Water Purification Trailer	0	Water Purification	N/A
	UASI Mass Casualty Trailer	0	Mass Casualty Response	N/A
	CERT Trailer	0	Community Emergency Response	N/A
	FLAG Trailer	0	Flammable Liquids/Gas Trainer	N/A
Fire Station 366 2600 West Main Street Barstow, CA. 92311	Engine 361	3	Type-1/Advanced Life Support	Safety
	Reserve Engine (327)	0	Type-1	N/A
FY23/24 FTE Budgeted Positions (30)				



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TOM DODSON & ASSOCIATES

Mailing Address: PO Box 2307, San Bernardino, CA 92406-2307

Physical Address: 2150 N. Arrowhead Avenue, San Bernardino, CA 92405

Tel: (909) 882-3612 ♦ **Fax:** (909) 882-7015 ♦ **Email:** tda@tdaenv.com

Web: tdaenvironmental.com



April 5, 2025

Mr. Samuel Martinez
Local Agency Formation Commission
1601 E. 3rd Street
San Bernardino, CA 92415-0490

Dear Sam:

LAFCO 3271 consists of an Annexation to the Barstow Fire Protection District (District or BFPD). The proposed Annexation encompasses approximately 187 acres that is generally used by the City of Barstow for its Wastewater Treatment Facility. The proposed Annexation area is located north of the I-40 Freeway Corridor and Main Street, and west of the northerly extension of Montara Road within the District's Sphere of Influence. The BFPD currently serves the area and is the first responder to the site for fire and emergency medical services. This Annexation will extend District boundaries to the area, but it would not result in any specific changes to the physical environment.

Therefore, after careful review, I am recommending that the Commission consider the adoption of a Common Sense Exemption for LAFCO 3271. I recommend that the Commission find that an Exemption applies to LAFCO 3271 under Section 15061 (b) (3) of the State CEQA Guidelines, which states: *"The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."* It is my opinion, and recommendation to the Commission, that this circumstance applies to LAFCO 3271 because the District will simply continue to be the first responder to emergencies within the identified action area.

Based on this review of LAFCO 3271 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3271 does not constitute a project under CEQA and adoption of the Common Sense exemption and filing of a Notice of Exemption is the most appropriate determination to comply with CEQA for this action. The Commission can approve the review and findings for this action and I recommend that you notice LAFCO 3271 as exempt from CEQA for the reasons outlined in the State CEQA Guideline sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed and assuming the project is approved.

A copy of this exemption recommendation should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink. The signature is written in a cursive, flowing style. The first name, 'Tom', is clearly legible. The last name, 'Dodson', is also legible but more stylized. The signature is written on a white background.

Tom Dodson

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sbclafco.org

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 _____, duly seconded by Commissioner _____, 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

RESOLUTION NO. 3415

matter relating to the application, in evidence presented at the hearing.

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, Barstow 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.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

RESOLUTION NO. 3415

ABSENT: COMMISSIONERS:

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:

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;

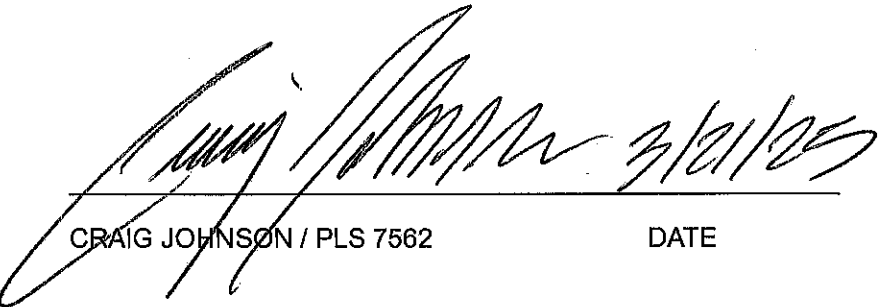
COURSE 8. NORTH $73^{\circ} 16' 16''$ WEST A DISTANCE OF 2,763.12' +/- TO A POINT OF INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE WITH THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 9, THENCE;

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;

COURSE 10. NORTH 0° 17' 19" WEST A DISTANCE OF 1,571.76' +/- ALONG SAID WESTERLY LINE TO A POINT OF INTERSECTION WITH A LINE THAT ORIGINATES AT THE POINT OF BEGINNING AND TERMINATES ON THE NORTH LINE OF SAID SECTION 9, 4,200 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID SECTION 9, ALSO BEING THE **POINT OF COMMENCEMENT**, THENCE:

COURSE 11. SOUTH 72° 52' 31" EAST ALONG SAID LINE IN COURSE 10 A DISTANCE OF 2794.94' +/- TO THE **POINT OF BEGINNING**.

TOTAL ANNEXATION AREA = 187.45 ACRES +/-



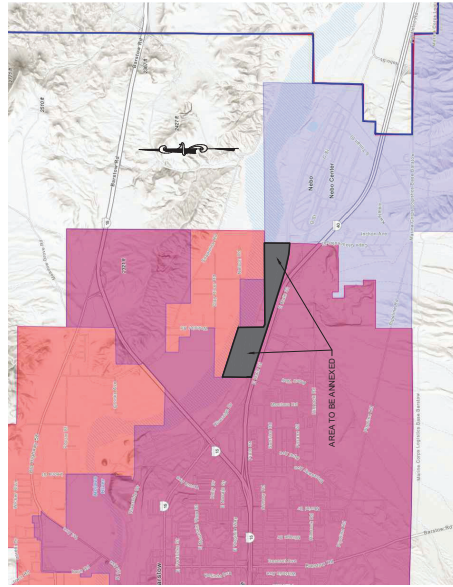
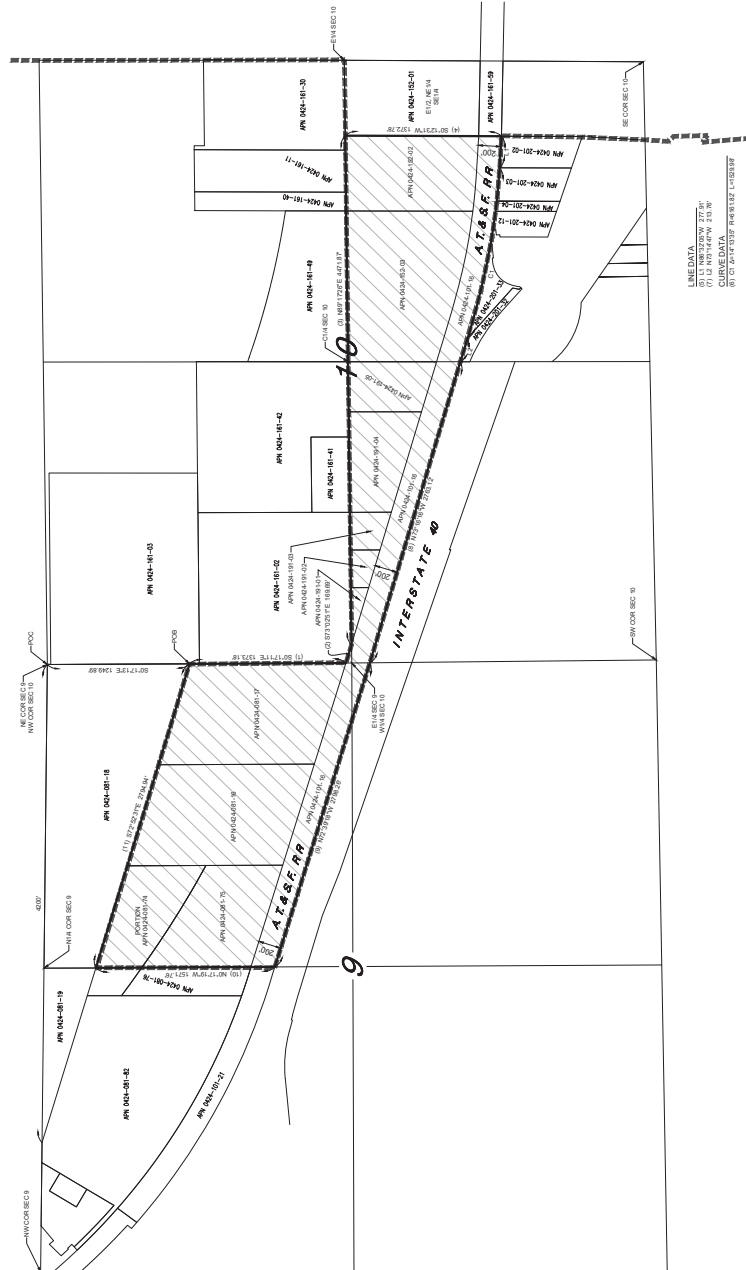
CRAIG JOHNSON / PLS 7562

DATE

FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY

SHEET 1 OF 1 SHEET

A graphic scale bar is located at the bottom of the page. It is a horizontal bar with alternating black and white segments, marked with the following values from left to right: 500', 250', 0', 250', 500', and 1000'. To the right of the scale bar, the text "SCALE: 1" = 500'" is written vertically. To the left of the scale bar, a north arrow points towards the top of the page, consisting of a vertical line with a crossbar and a small circle at the top.



VICINITY MAP

Cities/Towns

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Fire Protection District

Fire Protection District Sphere

0

Fire Protection District Boundaries

PREPARED BY:
MERRELL JOHNSON ENGINEERING, INC.
22221 HIGHWAY 18, APPLE VALLEY, CA 923037

PREPARED BY:
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4/18/25
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CRAIG JOHNSON
L.S. 7562

15 JULY 2005

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I, PLEASE CON