

**Sphere of Influence Application Materials
Submitted by the San Geronio Pass
Water Agency for LAFCO 3141**

Attachment 3

RECEIVED
JUN 25 2009

3141

(FOR LAFCO USE ONLY)

LAFCO
San Bernardino County

Justification for Proposal and Preliminary Environmental Description Form

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the proposed project site to allow the Commission, its staff and others to adequately assess the project. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your project. 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: Sphere of Influence Amendments for San Gorgonio Pass Water Agency (expansion) and San Bernardino Valley Municipal Water District (reduction)
2. NAME OF APPLICANT: San Gorgonio Pass Water Agency
MAILING ADDRESS:
1210 Beaumont Avenue
Beaumont, CA 92223
PHONE: (951) 845-2577
FAX: (951) 845-0281
E-MAIL ADDRESS: jdavis@sgpwa.com
3. GENERAL LOCATION OF PROPOSAL: East of Oak Glen Road, north and west of Riverside and San Bernardino County line.
4. Does the application possess 100% written consent of each landowner in the subject territory?
YES ___ NO X If YES, provide written authorization for change.
5. Indicate the reasons that the proposed action has been requested. Beaumont Cherry Valley Water District wishes to annex all of its lands within San Bernardino County. San Bernardino LAFCO local policy requires that whenever an area is annexed into a water district/agency, the area must also be within an existing State Water Contractors's boundary. Currently, the area is within the San Bernardino Valley Municipal Water District (Valley District) sphere.

However, the Agency and Valley District have agreed that the Agency should be the sole State Water Contractor for Beaumont Cherry Valley Water District. Since the area is currently not within the Agency's sphere, prior to annexing the territory into the Agency's boundary, the area must first be added into the Agency's sphere.

Therefore, this action requests the expansion of the Agency's sphere and the reduction of Valley's sphere for the entirety of the Beaumont Cherry Valley Water District's sphere within San Bernardino County.

6. Would the proposal create a totally or substantially surrounded island of unincorporated territory? YES ___ NO X If YES, please provide a written justification for the proposed boundary configuration.

LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area (defined in acres): 2157.6 acres
2. Current dwelling units in area: Less than 10 (we counted four that we could find).
3. Approximate current population in area: Less than 20.
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):

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

Most of the area is within the Oak Glen Community Plan with the following land use designations: RL, RL-5, and RL-20. The parcels are all designated as Rural Living with 2.5-acre minimum, 5-acre minimum, or 20-acre minimum lot sizes. Land uses permitted would include residential development, primarily ranches.

5. Describe any special land use concerns expressed in the above plans. There are no concerns about any of these land uses.
6. Indicate the existing land use. Virtually all of the land is vacant. Much of it is owned by the Beaumont Cherry Valley Water District to protect its watershed. Portions of it are in the national forest. Portions of the area along the north and along Mile High Ranch Road can be developed. However, most of the area is unbuildable, characterized by rugged terrain along the canyons. Aside from Oak Glen Road, which forms the Western boundary of the proposed project, there is only one road in the area. This is where the four residences are located.

What is the proposed land use? There is no proposal for any changes in land use. Beaumont Cherry Valley Water District wishes to continue the protection of its watershed, so it is unlikely that it would sell its vast holdings in the area. Because of the zoning, it is unlikely that more than a few more homes could ever be constructed in the area. Each would have to provide its own water and septic system.

7. For a city annexation, State law requires pre-zoning of the territory proposed for annexation. Provide a response to the following: **Not Applicable.**

- 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.

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

- Agricultural Land Uses
- Williamson Act Contract
- Any other unusual features of the area or permits required: **Streams flow through the area (Little San Geronio Creek, Wallace Creek, and Noble Creek).**
- Agricultural Preserve Designation
- Area where Special Permits are Required

9. 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.
Not applicable.

10. 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 X If YES, please explain.

ENVIRONMENTAL INFORMATION

1. Provide general description of topography. The land is generally mountainous, with three creeks carving three canyons through the middle of it, generally from northeast to southwest.

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

Residential Less than 1 _____% Agricultural _____%

Commercial _____%	Vacant _____99%
Industrial _____%	Other _____%

3. Describe the surrounding land uses:

NORTH Commercial and residential development (within the Oak Glen community, San Bernardino County)

EAST Vacant (national forest—within Riverside County)

SOUTH Mostly vacant with a few homes (within Riverside County)

WEST Residential development and vacant lands (within City of Yucaipa and the Oak Glen community, San Bernardino County).

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.).

There are no proposed site alterations under this proposed action. There are no plans to provide water or sewer facilities in the area.

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

N/A

6. Is this project a part of a larger project or series of projects? YES X NO ___ If YES, please explain.

This project is required by LAFCO in order for Beaumont Cherry Valley Water District to annex the property, which it owns, into its service area. In addition, a portion of this property must be removed from Yucaipa Valley Water District's sphere and a small portion must be removed from San Bernardino Valley MWD's sphere. The initial action, that of BCVWD to annex its own property in San Bernardino County, is the driving force for all of these actions.

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 Jeff Davis _____ TELEPHONE NO. 951/845-2577 _____

ADDRESS:
1210 Beaumont Avenue Beaumont, Cal. 92223

NAME _____ TELEPHONE NO. _____

ADDRESS:

NAME _____ TELEPHONE NO. _____

ADDRESS: _____

CERTIFICATION

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. I understand that if this proposal is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

DATE 6-23-09

Jeffrey W Davis
SIGNATURE OF APPLICANT

Jeff Davis
PRINTED NAME OF APPLICANT

General Manager
TITLE

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT
- SPHERE OF INFLUENCE CHANGE SUPPLEMENT
- CITY INCORPORATION SUPPLEMENT
- FORMATION OF A SPECIAL DISTRICT SUPPLEMENT
- ACTIVATION OF LATENT POWERS SUPPLEMENT

APPLICATION TO BE SUBMITTED TO:

LOCAL AGENCY FORMATION COMMISSION
215 NORTH D STREET, SUITE 204
SAN BERNARDINO, CA 92415-0490
PHONE: (909) 383-9900 • FAX: (909) 383-9901
E-MAIL ADDRESS: lafco@lafco.sbcounty.gov

RECEIVED
JUN 25 2009

(FOR LAFCO USE ONLY)

LAFCO
San Bernardino County

SUPPLEMENT SPHERE OF INFLUENCE CHANGE

INTRODUCTION: The questions on this form are designed to obtain data about the specific sphere of influence change proposal to allow the Commission, staff and others to adequately assess the project. You may also include any additional information that you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please provide an identification of the agencies involved in the proposed sphere of influence change(s):

SPHERE EXPANSION
San Gorgonio Pass Water Agency

SPHERE REDUCTION
San Bernardino Valley MWD

2. Provide a narrative description of the following factors of consideration as outlined in Government Code Section 56425. (If additional room for response is necessary, please attach additional sheets to this form.)

The present and planned land uses in the area, including agricultural and open-space lands.

SEE ATTACHED

The present and probable need for public facilities and services in the area.

SEE ATTACHED

The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide.

SEE ATTACHED

The existence of any social or economic communities of interest in the area.

SEE ATTACHED

3. If the proposal includes a city sphere of influence change, provide a written statement of whether or not agreement on the sphere change between the city and county was achieved. In addition, provide a written statement of the elements of agreement (such as, development standards, boundaries, zoning agreements, etc.) (See Government Code Section 56425)

N/A

4. If the proposal includes a special district sphere of influence change, provide a written statement: (a) specifying the function or classes of service provided by the district(s) and (b) specifying the nature, location and extent of the functions or classes of service provided by the district(s). (See Government Code Section 56425(i))

SEE ATTACHED

5. For any sphere of influence amendment either initiated by an agency or individual, or updated as mandated by Government Code Section 56425, the following service review information is required to be addressed in a narrative discussion, and attached to this supplemental form (See Government Code Section 56430):

- a. Growth and population projections for the affected area.
- b. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
- c. Financial ability of agencies to provide services.
- d. Status of, and opportunities for, shared facilities.

- e. Accountability for community service needs, including governmental structure and operational efficiencies.

The narrative description shall be signed and certified by an official of the agency(s) involved with the sphere of influence review as to the accuracy of the information provided. If necessary, attach copies of documents supporting statements.

CERTIFICATION

I hereby certify that the statements furnished above 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 6-23-09

Jeff Davis
SIGNATURE OF APPLICANT
Jeff Davis
PRINTED NAME
General Manager
TITLE

Supplement

Sphere of Influence Change

2. The present and planned land uses in the area, including agricultural and open-space lands.

Virtually all of the land is currently vacant. Most of it is either owned by the Beaumont Cherry Valley Water District to protect its Edgar Canyon watershed, or part of the San Bernardino National Forest. There are no plans to change these land uses. The Beaumont Cherry Valley Water District wishes to annex the property in San Bernardino County that it has long owned. Because of San Bernardino local policies on concurrent annexation to State Water Contractors, this sphere expansion is necessary in order for the annexation to proceed.

The present and probable need for public facilities and services in the area.

Since there are no plans to develop the area, there is very little likelihood that any public services or facilities will be required. There is some property that is privately owned and zoned for rural living in the eastern portion of the area, but the existing homes in the area are on private wells and septic systems. Any new development would have to rely on these as well. Beaumont Cherry Valley Water District has no plans to extend its water lines into this area.

The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide.

The San Gorgonio Pass Water Agency provides imported supplemental water to its service area in Riverside County. While three sections in San Bernardino County were annexed to the Agency's service area two years ago, that annexation was driven by watershed protection issues and the Agency has no ability to serve supplemental water in San Bernardino County. Similarly, the Agency has no ability to serve supplemental water in the Oak Glen area. The Agency's supplemental water is primarily used for groundwater replenishment, and there are virtually no areas where recharge programs could be implemented in the project area.

The existence of any social or economic communities of interest in the area.

The area is within the Oak Glen Community area. Oak Glen is a rural agricultural community well known for its apple ranches. Riley's Farm, an apple orchard, is located within the area.

4. Function or classes of service provided by the Agency

The Agency provides imported supplemental water to retail water agencies in its service area. As a State Water Contractor, it imports supplemental water from the Delta through the California Aqueduct. Water imported by the Agency is either treated and directly delivered to consumers (Yucaipa and Calimesa) or used to recharge groundwater basins (Beaumont, Cherry Valley, and Banning). While the Agency is authorized under the San Gorgonio Pass Water Agency Act to provide other services, such as hydroelectric power generation, wastewater treatment, and stormwater capture, the Agency has never exercised any of these powers and has no plans to do so in the future.

Nature, location and extent of the functions or classes of service provided by the Agency

The Agency operates, with the San Bernardino Valley Municipal Water District, the East Branch Extension, the portion of the California Aqueduct that conveys water to the San Bernardino Valley and the San Gorgonio Pass region. This facility includes piping, pump stations, reservoirs, and other appurtenances. The hydraulic grade of the water delivered through this system peaks at just over 3000 feet. The elevation of the project area is considerably higher than this, and hence this water could not be delivered to the project area without extensive further pumping. The water is provided on a wholesale level, not to the end user.

5a. Growth and population projections for the affected area.

To our knowledge, there are no official population projections for the affected area. This is likely because there is virtually no probability of any significant growth. Most of the land is either owned by the Beaumont Cherry Valley Water District, who wants to protect it from development to protect its watershed, or in the San Bernardino National Forest.

5b. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.

There are no public water or sewer facilities in the affected area. All residences are either on private wells or, in the case of the one or two homes owned by Beaumont Cherry Valley Water District and occupied by its employees, served by water from District wells in the area (virtually all of the water from these wells serves customers in Riverside County). All homes are on septic systems. No sewer system exists in the area.

5c. Financial ability of agencies to provide services.

Since there are no plans to expand services to the project area, either on a wholesale or retail level, the financial ability of wholesale and retail water agencies should not be an important factor in the consideration of this action. However, if additional water service were required at the retail level, Beaumont Cherry Valley Water District has wells and infrastructure in the area and could easily provide that service.

5d. Status of, and opportunities for, shared facilities.

Since the Agency is a wholesale water agency with no facilities in the area, and Beaumont Cherry Valley Water District is a retail water agency with facilities already present, there is little opportunity for shared facilities. The Agency will not be able to supply supplemental water to the project area, as stated above, due to the elevation difference. Since there will be virtually no growth in the area, and any growth outside Beaumont Cherry Valley Water District's service area would have to rely on private wells, it is plain that there will be no need for additional facilities, including shared facilities.

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

Since the Agency only provides supplemental water, the only service at issue in this action is supplemental water. Since Beaumont Cherry Valley Water District wishes to protect its watershed by not allowing development, and since opportunities for development outside of BCVWD's property are very limited, there would appear to be no need for additional community service needs, at least water, at any time in the future.