

**Draft Resolution No. 3083 (LAFCO 3097)**

**Attachment 11**

PROPOSAL NO.: LAFCO 3097

HEARING DATE: January 20, 2010

RESOLUTION NO. 3083

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3097, AS MODIFIED, AND APPROVING THE SPHERE OF INFLUENCE AMENDMENT FOR BEAUMONT-CHERRY VALLEY WATER DISTRICT (EXPANSION/REDUCTION) AND YUCAIPA VALLEY WATER DISTRICT (REDUCTION). The sphere of influence amendment between Beaumont-Cherry Valley Water District (expansion) and Yucaipa Valley Water District (reduction) encompasses approximately 24+/- acres generally bordered by parcel lines on the west and north, and Oak Glen Road (Beaumont-Cherry Valley Water District's existing sphere of influence) on the east and south. The sphere of influence reduction for Beaumont-Cherry Valley Water District encompasses approximately 265+/- acres along the northern portion of the District's existing sphere of influence boundaries. The sphere of influence amendment areas (expansion/reduction) include portions of Sections 1 and 2, Township 2 South, Range 1 West, San Bernardino Meridian.

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

**WHEREAS**, an application for the proposed sphere of influence amendment in the County of San Bernardino 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,

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

**WHEREAS**, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was held upon the date and at the time and place specified in the notice of public hearing and in an order or orders continuing the hearing; and,

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**WHEREAS**, at the hearing, this Commission heard and received all oral and written protests; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing;

**WHEREAS**, the Commission determines that a Service Review as outlined in Government Code Section 56430 is not required for this sphere of influence amendment; and,

**WHEREAS**, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that the sphere of influence for Beaumont-Cherry Valley Water District should be expanded to include an additional 24+/- acres, with a concurrent reduction in the sphere of influence for Yucaipa Valley Water District, as well as a reduction in the existing sphere of influence for Beaumont-Cherry Valley Water District of approximately 265+/- acres, as more specifically described on the attached Exhibits "A", "A-1", "B", and "B-1"; and,

**WHEREAS**, the following findings are made:

1. **PRESENT AND PLANNED LAND USES**

The existing land use within the Beaumont-Cherry Valley Water District (District) current sphere of influence is generally vacant with few residential developments. The unincorporated portion of the District's sphere of influence is within the Oak Glen Community Plan area, which include: RL (Rural Living, 2.5 acres minimum lot size), RL-5 (5 acres minimum lot size), and RL-20 (20 acres minimum lot size). The area of the District's sphere of influence located within the City of Yucaipa has a land use designation of RL-5.

The proposed sphere of influence amendment between the District (expansion) and Yucaipa Valley Water District (reduction) consists of vacant lands owned by the District. The County's land use designation for the area is RL. No change in land use is anticipated for the area and the District does not intend to develop the area.

The proposed sphere of influence reduction for the District, as modified, consists of a mix of residential development, vacant lands, and an apple orchard. The County's land use designations for the area are RL and RL-20. No change in land use is anticipated for the sphere of influence area that is being reduced.

2. **PRESENT AND PROBABLE NEED FOR PUBLIC FACILITIES AND SERVICES IN THE AREA**

Currently, the District meets the service needs within its service area. The sphere of influence amendment area consists of properties owned by the District used for watershed management and water supply. The District has no plans of extending additional water lines or facilities into the area.

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Additionally, the Yucaipa Valley Water District does not provide any service within the sphere of influence area that is being reduced. The District has indicated that it has no intention of extending additional water lines or facilities into the area.

### 3. **THE PRESENT CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES PROVIDED**

The District presently extracts water from two local groundwater sources, the Edgar Canyon and the Beaumont Basin. To augment existing water sources, the District is developing a project to capture stormwater flows, and delivering the water to recharge the basins. The District's recharge sites will also be capable of receiving State Water Project water. In addition, the District is partnering with the City of Beaumont in developing a recycled water distribution system for delivery of recycled water from the City's wastewater treatment facility to irrigate golf courses, parks, schools, and other open space areas.

### 4. **COMMUNITIES OF INTEREST IN THE AREA**

The proposed sphere of influence amendment areas are a part of the community of Yucaipa and Oak Glen. The Oak Glen community is known for its apple orchards and farms.

### 5. **ADDITIONAL DETERMINATIONS**

- A. The Yucaipa Valley Water District consents to the reduction of its sphere of influence;
- B. Notice of this hearing has been advertised as required by law through publication in The Sun, a newspaper of general circulation in the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice.
- C. All notices required by State law and local Commission policies have been provided. Individual notice was mailed to landowners and registered voters within the sphere of influence amendment area as well as to landowners and registered voters within the concurrent sphere of influence amendment proposal, LAFCO 3141 (totaling 43 notices) and to landowners and registered voters within approximately 1,350 feet of the exterior boundaries of the sphere of influence amendment area as well as to landowners and registered voters within approximately 1,350 feet of the exterior boundaries of the concurrent sphere of influence amendment proposal, LAFCO 3141 (totaling 307 notices). Comments from landowners, registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination.
- D. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review since it does not have the potential for resulting in physical changes in the environment, directly or ultimately (Sections 15061 and 15378 of the State Guidelines for the California environmental Quality Act). The basis for this determination is that the sphere of influence expansion for Beaumont-Cherry Valley Water District and the sphere of influence reduction for Yucaipa Valley Water District will not result in any changes in the existing physical environment.



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the members present as the same appears in the Official Minutes of said Commission at its regular meeting of January 20, 2010.

**DATED:**

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**KATHLEEN ROLLINGS-MCDONALD**  
**Executive Officer**

**DRAFT**