

**PROPOSAL NO.:** LAFCO 3132

**HEARING DATE:** January 19, 2011

**RESOLUTION NO. 3129**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3132 – A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR COUNTY SERVICE AREA 20 (sphere of influence expansion by approximately 5.25+/- square miles and affirmation of the balance of its existing sphere of influence, as shown on the attached map).**

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

**WHEREAS**, a service review mandated by Government Code 56430 and a sphere of influence update mandated by Government Code Section 56425 have been conducted by the Local Agency Formation Commission of the County of San Bernardino (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**, a public hearing by this Commission was called for January 19, 2011 at the time and place specified in the notice of public hearing and in an order or orders continuing the hearing; and,

**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; and,

**WHEREAS**, at this hearing, this Commission certified that the sphere of influence update including sphere amendments is statutorily exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) and such exemption was adopted by this

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Commission on January 19, 2011. The Commission directed its Executive Officer to file a Notice of Exemption within five working days of its adoption; 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 County Service Area 20 (hereafter shown as "CSA 20") shall be amended as shown on the map attached as Exhibit "A" to this resolution, defined as follows:

- (1) Expand CSA 20's sphere of influence to include the entirety of Sections 23, 24, 27, 28, 34, and the northeast ¼ of Section 29 of Township 2 North, Range 6 East, SBM; and,
- (2) Affirm the balance of CSA 20's existing sphere of influence.

**WHEREAS**, the determinations required by Government Code Section 56430 and local Commission policy are included in the report prepared and submitted to the Commission dated January 10, 2011 and received and filed by the Commission on January 19, 2011, a complete copy of which is on file in the LAFCO office. The determinations of the Commission are:

### 1. **Growth and population projections for the affected area:**

The rural desert character of the Joshua Tree Community is defined in part by the geographic location, desert environment and low-density residential development. Residential development within the plan area is characterized by large lots, the varied placement of homes, and open spaces around the homes. The character of the community is further defined by the natural environment and by the limited commercial and industrial uses.

#### Land Use

The current sphere of influence of CSA 20 coincides with the Joshua Tree Community Plan area. The most prominent County land use designation within the plan area is Rural Living (RL), which makes up approximately 74% or 37,101 acres of the total land area. The second and third most prominent land use districts within the plan area are Resource Conservation (RC) and Single Residential (RS), which make up approximately 12% and 10% of the total land area, respectively. The Joshua Tree plan area also contains Multiple Residential, Community Industrial, Institutional (IN), and several commercial land use districts; however these land use districts only make up a small percentage of the total plan area. The majority of the commercial and industrial land use districts are concentrated along Highway 62 in the southwestern portion of the plan area.

For the proposed sphere expansion, the additional 5.25 square miles (within the Homestead Valley Community Plan area) have land use designations of HV/RL-5 (approximately 1,690 acres), HV/RL (approximately 1,280 acres), HV/RL-10 (approximately 30 acres), HV/RC (approximately 40 acres) and HV/IN (approximately 320 acres wherein the Landers Landfill is located).

The Joshua Tree Community plan area contains some Bureau of Land Management (BLM) lands. Those portions of BLM lands that are within the Joshua Tree Community Plan area comprise 10,199 acres, which equates to approximately 17% of the total land area within the plan area.

Residential build-out for the community is estimated to be 37,619 units based on San Bernardino County General Plan current zoning and maximum densities. The additional 5.25 square miles is

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estimated to have a residential build-out of approximately 853 units. These residential build-out projections are not expected to occur within the 2030 horizon of this report.

### Population Projections

The Joshua Tree Community Plan provides population projections that are based on historic and expected growth trends. The County projections estimate a population range of between 9,387 and 15,500 people by 2030. The larger projections are based on regional permit data. These numbers imply that the plan area will reach between 11 to 16 percent of its potential population capacity by 2030.

The Southern California Association of Governments (SCAG) in its *2008 Regional Transportation Plan Growth Forecast* projected the population and the number of households within the unincorporated community of Joshua Tree to be similar to projections used for the Joshua Tree Community Plan. SCAG projections assume that growth potential is not constrained by a lack of public services or utilities. As such, the population estimates are not target levels, but rather reasonably foreseeable levels, based on the current trends.

Given the similar projections of the Joshua Tree Community Plan and Southern California Association of Governments, it is LAFCO's opinion is that these projections are likely to occur.

## **2. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies:**

The active function and services for CSA 20 are streetlighting, park and recreation, and roads. These services were confirmed by the County Special Districts Department during the considerations for seating Special District on LAFCO in 1976. The provision of these services is confined to within the boundaries of CSA 20.

### Streetlighting

CSA 20 provides streetlighting service within its boundaries. Although CSA 20's FY 2010-11 budget identifies that it funds the operation of 330 streetlights, the County Special Districts Department and Southern California Edison have provided verification that there are currently 298 streetlights funded through CSA 20, no clarification on the 32 light discrepancy was provided. In addition, LAFCO has identified that at least five of the streetlights are outside the boundaries and current sphere for CSA 20. Four of the lights are located within the City of Twentynine Palms and should be transferred to that City while one light is within the unincorporated City of Twentynine Palms sphere.

The streetlights are classified as all night service (activated from dusk until dawn). Southern California Edison owns the streetlights and responds to problems, and CSA 20 provides for payment of the utility costs associated with the individual lights. There are no plans at this time to increase the number of the streetlights. However, if the community continues to see growth in its population, the need for streetlights will also increase. As identified in the Joshua Tree Community Plan, streetlighting in the community will be implemented in accordance with the County's Night Sky Ordinance. Therefore, streetlighting shall only be provided as necessary to meet safety standards and shall be designed so as not to interfere with star-gazing opportunities within the community and in the nearby Joshua Tree National Park.

### Park and Recreation

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County Special Districts Department did not provide a park master plan or studies for this review. CSA 20 owns, maintains, and operates four park sites: Sunburst Park (6171 Sunburst Avenue), Community Park (6617 Easterly Drive), Friendly Hills Park (7800 Sunny Vista Road), and Desert View Conservation Area (635 acres).

- Sunburst Park is a 20-acre site with a community center, two baseball fields, playgrounds, water play area, skateboard park, basketball court, tennis and racquetball facilities, picnic shelters/sites.
- Community Park is a 5-acre park with a pre-school/community center building, basketball court, picnic shelters/sites.
- Friendly Hills Park is a 2-acre park with playground and picnic shelters/sites.
- Desert View Conservation Area is a 635-acre natural open space with walking paths and equestrian trails.

CSA 20 also offers a variety of recreation programs such as kids club, sports leagues, holiday celebrations, nutrition for seniors, day camps, including classes in art, music, self defense, aerobics, crafts, yoga, and dance.

For over 30 years, CSA 20 has operated a Recreational Preschool Program. Two morning sessions are offered: one on Mondays, Wednesdays, and Fridays and the other on Tuesday and Thursdays. According to Special Districts Department staff, CSA 20 is about to implement an afternoon program due to its high student enrollment numbers. This program is not directly affiliated with the Morongo Unified School District, but it coordinates with the School District to match the program's curriculum with the educational development needs for school age children.

### Roads

CSA 20 has never provided road service. At present, road service to a portion of the Copper Mountain Mesa area is provided through Zone R-19 of CSA 70. As outlined in the Joshua Tree Community Plan, the community articulated that road maintenance is an area of concern and need for improvement.

### **3. Financial ability of agencies to provide services:**

The primary source of revenue for CSA 20 is its share of the one percent ad valorem general levy. It also receives revenue from space rentals, lease/concession agreements and recreational programs.

As shown on the chart below taken from the FY 2010-11 Budget, CSA 20 generally has enjoyed excess revenues over expenditures. This had resulted in a beginning fund balance of roughly \$773,000 for FY 2010-11. For FY 2010-11, Operating Transfers Out of \$330,000 represents transfers to the capital improvement funds for various capital projects. Departmental revenue of \$1,028,274 represents property taxes and grant funds and is decreasing by \$27,459 due to an anticipated decline in property tax revenues. Also identified on the chart is \$120,000 listed under Other Financing Sources. Special Districts Department staff has identified that of this amount, \$100,000 was budgeted for anticipated revenue from a Prop 84 grant associated with the batting cage project. CSA 20 utilizes the County Special Districts Department for management of its

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operations. To pay for these functions, the FY 2010-11 Budget indicates a transfer to CSA 70 Countywide of \$165,888 for salaries and benefits and services and supplies support.

In addition the budget outlines that CSA 20 has five staff positions, identified as:

- District Services Coordinator – Supervises district functions, fiscal management, and office operations
- Recreation Coordinator - Recreation Program Development and Operation, Instructor Oversight and Contracts, Sports and Recreational Activities, Preschool Operations, Registrations
- Recreation Assistant – Assists in the planning and operation of Recreation Programs, registration of program participants, provides fiscal support, participates in Preschool operations
- Park Maintenance II – Lead worker for park and facility maintenance
- Park Maintenance I – Park and facility maintenance

Of the services and supplies category shown below for Fiscal Year 2010-11, approximately \$38,740 is associated with the cost for operation of the 298 streetlights (\$130 per year per light based upon a recent billing statement). The balance of this category fund professional services for recreation programs, equipment leases and vehicle charges.

### CSA 20 Financial Activity – Operational Fund

	2006-07 Actual	2007-08 Actual	2008-09 Actual	2009-10 Estimate	2009-10 Adopted Budget	2010-11 Recommended Budget
<b>Appropriation</b>						
Salaries and Benefits	232,809	240,382	300,247	326,039	391,204	385,514
Services and Supplies	150,505	172,609	245,908	321,681	327,773	373,110
Central Computer	584	2,461	2,700	2,521	2,521	3,724
Travel	-	-	179	2,000	-	5,000
Land and Improvements	-	-	19,050	-	100,000	50,000
Equipment	-	-	23,895	-	-	-
Transfers	503,675	605,936	195,170	166,241	166,741	165,888
Contingencies	-	-	-	-	475,008	522,994
<b>Total Exp Authority</b>	<b>887,573</b>	<b>1,021,388</b>	<b>787,149</b>	<b>818,482</b>	<b>1,463,247</b>	<b>1,506,230</b>
Reimbursements	-	-	-	-	(35,000)	(35,000)
<b>Total Appropriation</b>	<b>887,573</b>	<b>1,021,388</b>	<b>787,149</b>	<b>818,482</b>	<b>1,428,247</b>	<b>1,471,230</b>
Operating Transfers Out	-	-	195,000	40,000	305,000	330,000
<b>Total Requirements</b>	<b>887,573</b>	<b>1,021,388</b>	<b>982,149</b>	<b>858,482</b>	<b>1,733,247</b>	<b>1,801,230</b>
<b>Departmental Revenue</b>						
Taxes	1,105,593	1,059,984	853,494	683,734	738,733	683,734
Use Of Money and Prop	30,949	59,778	53,152	48,318	42,500	37,140
State, Fed or Gov't Aid	-	-	-	180,000	75,000	-
Current Services	36,238	40,135	14,255	13,669	97,000	24,000
Other Revenue	18,804	5,213	34,277	27,762	102,500	163,400
Other Financing Sources	-	-	-	-	-	120,000
<b>Total Revenue</b>	<b>1,191,584</b>	<b>1,165,110</b>	<b>955,178</b>	<b>953,483</b>	<b>1,055,733</b>	<b>1,028,274</b>
Operating Transfers In	-	625	8,389	441	-	-
<b>Total Financing Sources</b>	<b>1,191,584</b>	<b>1,165,735</b>	<b>963,567</b>	<b>953,924</b>	<b>1,055,733</b>	<b>1,028,274</b>
				<b>Fund Balance</b>	<b>677,514</b>	<b>772,956</b>
				<b>Budgeted Staffing</b>	<b>5</b>	<b>5</b>

The FY 2010-11 Budget identifies a beginning capital improvement program reserve fund balance of \$26,628 for a Community Center room partition and Sunburst Park batting cage with the transfer of \$330,000 for FY 2010-11 to fund these improvements.

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### Appropriation Limit

An appropriation limit is required by Article XIII B of the State Constitution and limits the expenditure of the proceeds of taxes. By action taken on June 28, 2010 the Board of Supervisors of the County of San Bernardino established the preliminary appropriation limit for CSA 20 at \$ 3,930,948.

#### **4. Status of, and opportunities for, shared facilities:**

The Special Districts Department consolidates the administrative operations and facilities for county service areas (and zones of CSAs) under the auspices of CSA 70.

#### **5. Accountability for community service needs, including governmental structure and operational efficiencies:**

##### *Local Government Structure and Community Service Needs*

CSA 20 is governed by the County Board of Supervisors and administered by the County Special Districts Department; it is within the political boundaries of the Third Supervisorial District. CSA 20's budget is prepared as a part of the County Special Districts Department's annual budgeting process. CSA 20's annual budget is presented to the County Administrative Office and Board of Supervisors for review and approval.

CSA 20 has a municipal advisory council (MAC), authorized under Government Code Section 31010, that meets each month at the community building. MAC members are appointed by the Third District Supervisor and must reside within CSA 20. Issues and concerns regarding CSA 20's services are placed on the monthly MAC agendas. At these meetings, Special Districts Department staff and community members have the opportunity to address the issues.

##### *Operational Efficiency*

As a mechanism to control costs, the County of San Bernardino Special Districts Department has consolidated many of the administrative and technical functions necessary to manage the various services provided under CSA 70. Therefore, CSA 20 pays for a proportional share of salaries and benefits costs necessary to serve it for overall management and pays a proportional cost of the administrative functions of the County Special Districts Department. One regional manager oversees all streetlighting districts and another oversees all of the park districts. In the case for CSA 20, the regional manager for streetlighting districts oversee the streetlighting function for CSA 20 and the regional manager for park districts oversee CSA 20's park and recreation function and supervises CSA 20 employees.

##### *Government Structure Options*

While the discussion of some government structure options may be theoretical, a service review should address possible options. Special Districts Department staff in preparing the service review indicated that there were no consolidations or other structure options available for the operation of CSA 20. However, LAFCO has identified a number of possible options for future consideration:

1. Reorganization of Joshua Basin Water District and CSA 20 into a single multi-function entity:

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- Consolidation of JBWD and CSA 20 with CSA 20 as Successor Agency. As a county service area, CSA 20 could provide water service to the community through assumption of the water service provided by Joshua Basin Water District as well as other services the community may desire. LAFCO is not aware of any community interest in this option which would eliminate local control of service delivery (water). The option of Joshua Basin Water District as the successor is not possible as it cannot provide streetlighting services under its parent act.
- Consolidation of JBWD and CSA 20 through Formation of a Community Services District. The option of forming an independent single, multi-purpose special district, through reorganization of the existing service providers, is a preferred form of government that is feasible for the Joshua Tree community. The agencies within the community could be reorganized into a community services district (CSD), which would assume the responsibility for providing the services provided by the agencies proposed to be reorganized (Joshua Basin Water District and CSA 20 and possibly others). The new CSD would assume the responsibilities and all functions, obligations, assets, liabilities, and equipment of the agencies that are to be reorganized. This scenario would provide for an efficient service delivery pattern for the full range of services available within the community through a single agency. Formation of a CSD could also include the detachment of Joshua Tree portion of CSA 70 R-19 with the CSD assuming responsibility for road service.

The preamble to CSD law, states that a CSD can be one of four mechanisms for governance for a community. They are outlined as:

- “... (1) A permanent form of governance that can provide locally adequate levels of public facilities and services.  
(2) An effective form of governance for combining two or more special districts that serve overlapping or adjacent territory into a multifunction special district.  
(3) A form of governance that can serve as an alternative to the incorporation of a new city.  
(4) A transitional form of governance as the community approaches cityhood.

For San Bernardino LAFCO, the establishment of Community Services District has been used to establish independent government structures that allow for the fostering and nurturing of communities for a future incorporation, maintaining their separate identity. With the support of the Joshua Tree community such an entity could be achieved for the area. The establishment of the community designation for Joshua Tree is a potential first step in this process.

2. Expansion of boundaries (through annexation) to serve adjacent territory. Should the sphere of influence area outside of CSA 20 desire streetlighting or park service through the location of facilities within the area, one option would be to expand its boundaries through annexation. Theoretically, CSA 20 could receive a share of the general levy from a potential annexation; however, existing County policy related to annexations does not provide for a transfer of a share of the general levy to annexing special districts. Existing County policy is to transfer the share of property tax revenues generated by detaching special districts for service. Outside of a general levy transfer, any additional special tax or charge would be subject to the requirements of Prop 218.
3. Maintenance of the status quo. At this time, CSA 20, landowners, or residents have not formally expressed interest in any of the options outlined above. Maintenance of the existing

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organizational structure would maintain the delivery of streetlighting and/or park and recreation within CSA 20 with no additional services to be provided. Since CSA 20 has never provided road services in the past, LAFCO is recommending that the Roads function for CSA 20 be removed through proceedings initiated by the County Board of Supervisors.

With no expression of interest for a change in government structure at this time, LAFCO is not recommending any changes or conditions be placed upon CSA 20 at this time.

**WHEREAS**, the following determinations are made in conformance with Government Code Section 56425 and local Commission policy:

### 1. **Present and Planned Uses:**

Both RL (Rural Living, 2.5 acre lot size) and RL-5 (Rural Living, five acre lot size) make up majority of the residential land use for the area (approximately 74% of the total land area). The second and third most prominent land use districts within the plan area are Resource Conservation (RC) and Single Residential (RS), which make up approximately 12% and 10% of the total land area, respectively. The Joshua Tree Community Plan area also contains Resource Conservation (approximately 12%), Single Residential (approximately 10%), and other land uses such as Multiple Residential, Community Industrial, Institutional, and several commercial land use districts that make up a small percentage of the total plan area. The majority of the commercial and industrial land use districts are concentrated along Highway 62 in the southwestern portion of the plan area.

The additional 5.25 square miles to the northwest (within the Homestead Valley Community Plan area) primarily also has a County land use designation of Rural Living (one unit to 2.5 acres). Roughly 320 acres within the expansion area, where the Landers Landfill is located, has a land use designation of Industrial.

### 2. **Present and Probable Need for Public Facilities and Services:**

CSA 20 currently provides streetlighting services within its boundaries and operates 298 streetlights. LAFCO has identified that at least five of the streetlights are outside CSA 20's boundary and sphere of influence. Currently, CSA 20 meets the service needs of those within its boundaries. The future need for streetlights may increase with population growth; however, any additional streetlighting will have limitations based on the type of development and the restrictions set by the County's Night Sky ordinance for the Joshua Tree community. Four of the lights outside the boundary of CSA 20 are within the City of Twentynine Palms and need to be transferred to that City for operation. The remaining light is within the unincorporated area and there is no existing streetlight provider for the area; therefore, the option would be to cease operation of the light.

CSA 20 maintains and operates four parks: 1) Sunburst Park, a 20-acre site with a community center, ball fields, playgrounds, water play area, skateboard park, basketball court, tennis and racquetball facilities, picnic shelters/sites; 2) Community Park, a 5-acre park with a pre-school/community center building, basketball court, picnic shelters/sites; 3) Friendly Hills Park, a 2-acre park with playground and picnic shelters/sites; and 4) Desert View Conservation Area, a 635-acre natural open space with walking paths and equestrian trails. CSA 20 is in the process of applying for Prop 84 grant funding through the State of California Department of Parks and Recreation (under its Nature Education Facilities Program) for the Desert View Conservation

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Area Project. The project includes installation of various informational kiosks, parking facilities, and other recreational facilities.

CSA 20 has never provided road service and has no plans to actively pursue this service. At present, road service within a portion of the Copper Mountain Mesa area is provided through Zone R-19 of CSA 70.

### 3. Present Capacity of Public Facilities and Adequacy of Public Services:

CSA 20 provides streetlighting within its boundaries and adequately serves the area. Revenues are generally adequate to support the current streetlighting activities. However, with electricity costs rising and property tax revenues remaining level or slightly reduced due economic conditions, the choice for the County to sustain this service would be to evaluate the location of lights and turn off those deemed of lesser priority. However, for those lights outside the boundaries CSA 20 the options are: 1) transfer the four lights currently located within the City of Twentynine Palms over to the City; and then for the remaining single light either 2) turn it over to the residents since their property taxes do not support the service, or 3) turn it off.

CSA 20 maintains and operates four park sites: Sunburst Park, Community Park, Friendly Hills Park, and the Desert View Conservation Area. These park facilities, including the recreational programs offered by CSA 20, are adequate for the Joshua Tree community. CSA 20 has implemented a number of CIP projects for its park facilities (i.e. irrigation systems, ADA compliance projects, facility renovations and/or retrofits, etc.) and are now in the process of applying for additional grant funding for its Desert View Conservation Area Project.

### 4. Social and Economic Communities of Interest:

The social and economic communities of interest are the Morongo Unified School District, the properties and residents within the Joshua Tree community as defined by the Community Plan and service providers, and the commercial activity along Twentynine Palms Highway. Other economic communities of interest are the neighboring Joshua Tree National Park and the Twentynine Palms Marine Corps Air Ground Combat Center.

### 5. Additional Determinations

- As required by State Law notice of the hearing was provided through publication in a newspaper of general circulation, *The Sun*. Individual notice was not provided as allowed under Government Code Section 56157 as such mailing would include more than 1,000 individual notices. As outlined in Commission Policy #27, in-lieu of individual notice the notice of hearing publication was provided through an eighth page legal ad.
- As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice.
- Comments from landowners/registered voters and any affected agency have been reviewed and considered by the Commission in making its determinations.

**WHEREAS**, pursuant to the provisions of Government Code Section 56425(i) the range of services provided by County Service Area 20 shall be limited to the following:

#### FUNCTIONS

#### SERVICES



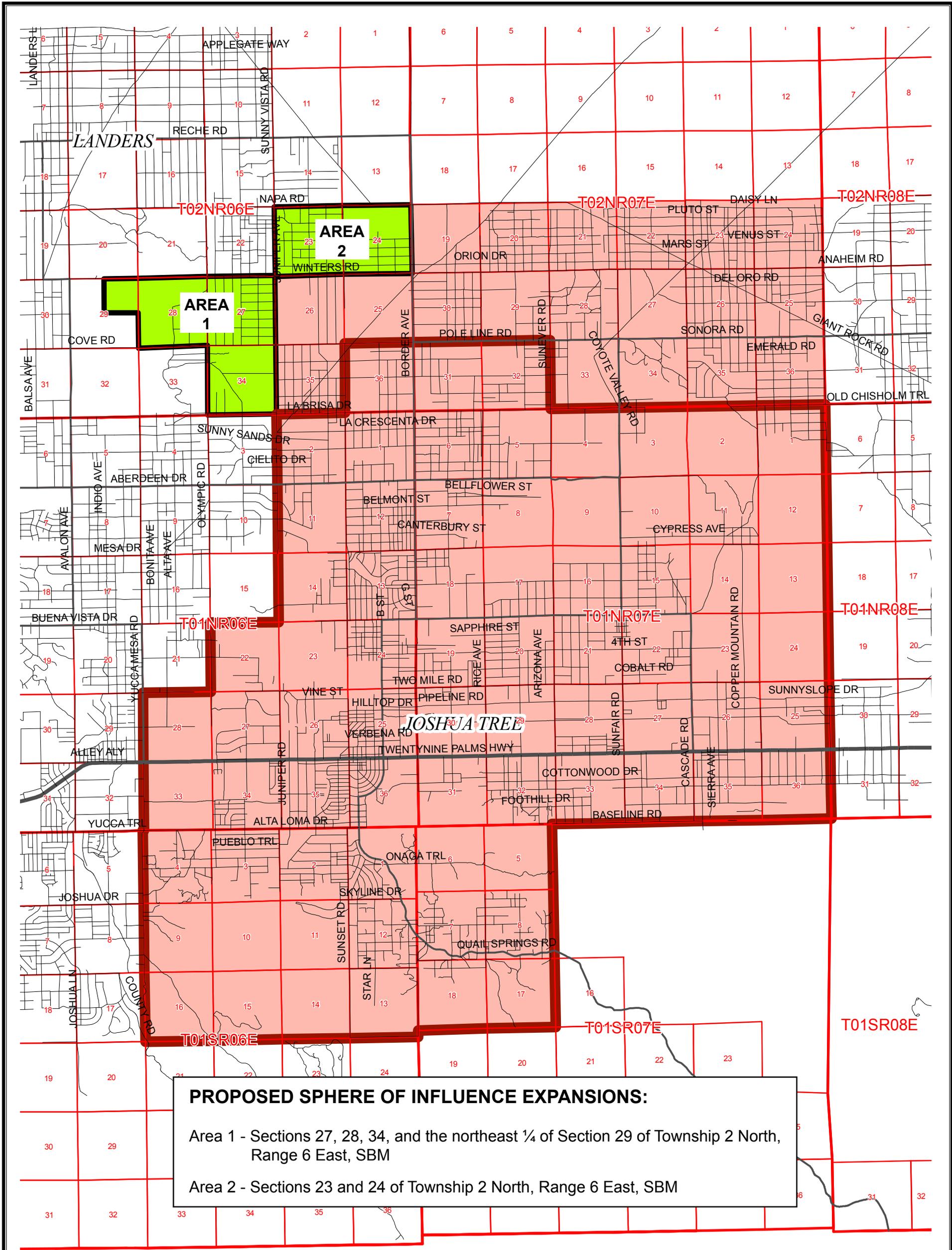
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**I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of January 19, 2011.**

**DATED:**

\_\_\_\_\_  
**KATHLEEN ROLLINGS-McDONALD**  
**Executive Officer**

**DRAFT**



**PROPOSED SPHERE OF INFLUENCE EXPANSIONS:**

Area 1 - Sections 27, 28, 34, and the northeast ¼ of Section 29 of Township 2 North, Range 6 East, SBM

Area 2 - Sections 23 and 24 of Township 2 North, Range 6 East, SBM

**LAFCO 3132 - SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR COUNTY SERVICE AREA 20**

-  CSA 20 Boundary
-  CSA 20 Existing Sphere
-  Proposed Sphere Expansion Areas

