

Draft Resolution No. 3203

Attachment 5

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3192

HEARING DATE: SEPTEMBER 16, 2015

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A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3192 – SPHERE OF INFLUENCE AMENDMENT FOR THE CHINO BASIN WATER CONSERVATION DISTRICT (Expansion to be coterminous with the sphere of influence of the Inland Empire Utilities Agency).

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

WHEREAS, a sphere of influence amendment was initiated by the Local Agency Formation Commission (hereinafter referred to as "the Commission") for the Chino Basin Water Conservation District in San Bernardino County and was filed with the Executive Officer of 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 this 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 any 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 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, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that this sphere of influence amendment is statutorily exempt from CEQA and such exemption was adopted by this Commission on September 16, 2015. 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

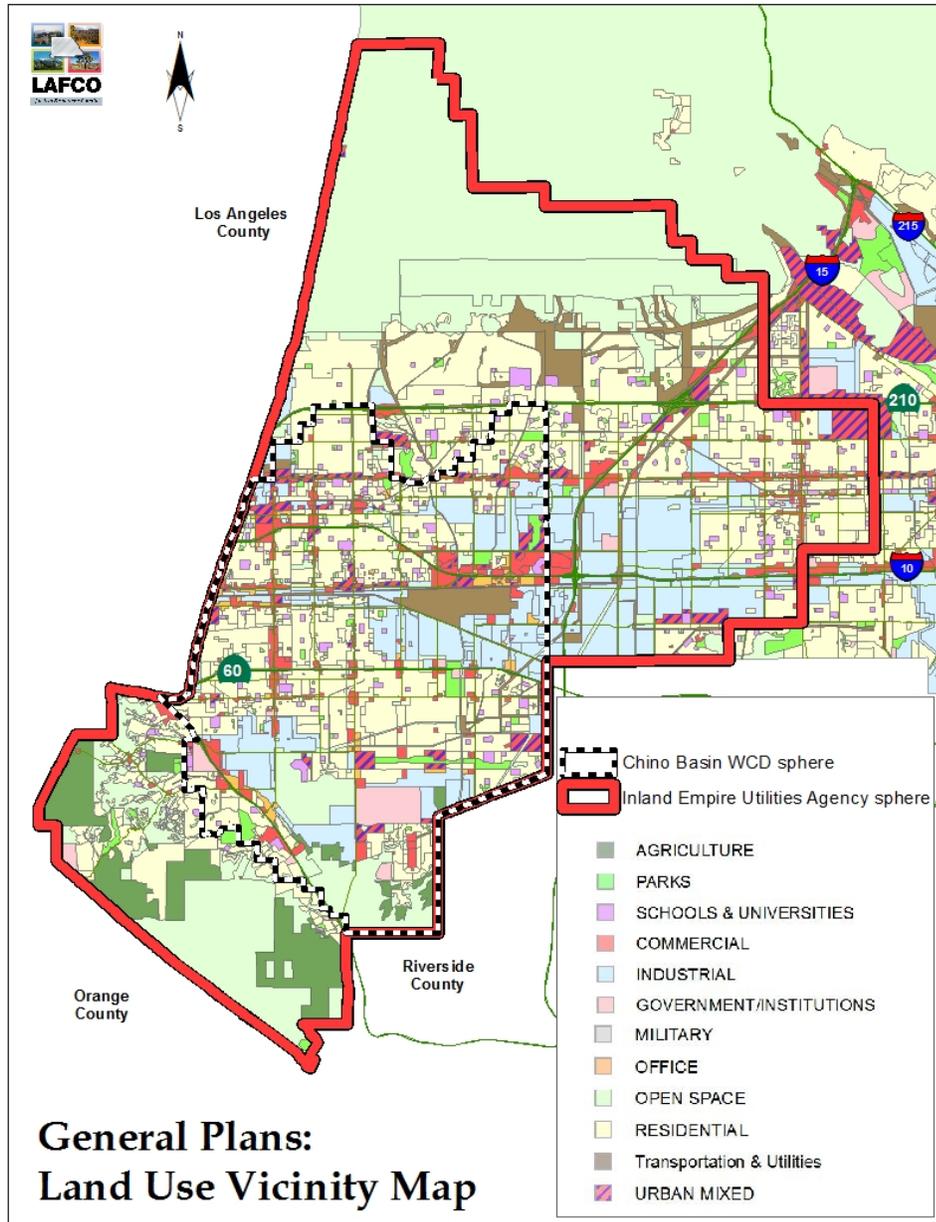
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influence for Chino Basin Water Conservation District should be expanded to be coterminous with the sphere of influence of the Inland Empire Utilities, as more specifically described on the attached Exhibit “A” and “A-1”; and,

WHEREAS, the following determinations are made:

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

The map below illustrates the land use designations of the city and county jurisdictions within the sphere of influence of the IEUA – shown in red. As shown, residential, urban mixed, and industrial uses are prevalent in the urbanized areas with commercial interspersed. Parks and Open Space are heavy at the southwestern end.



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

Present Need

The population within the IEUA sphere and Chino Basin WCD increased 23% and 6%, respectively, from 1990 to 2000. Interestingly, the IEUA sphere grew at a lesser rate from 2000 to 2010 during the construction boom (16% IEUA sphere). The 2015 estimated population is 841,210 (IEUA sphere) and 444,901 (Chino Basin WCD sphere), and projections identify the areas to grow at marked lesser rate of 0.3% annually through 2020.

There are generally two basins within the IEUA sphere: Chino and Cucamonga, both of which are adjudicated. The figure below is a summary of the two basins from the Department of Water Resources ("DWR"). As part of the California Statewide Groundwater Elevation Monitoring Program and pursuant to the California Water Code §10933, DWR is required to prioritize California groundwater basins, so as to help identify, evaluate, and determine the need for additional groundwater level monitoring. As identified by the DWR, the Chino Basin has been designated as a High Priority basin (high cumulative ratings as shown in the chart below) and the Cucamonga Basin as a Medium Priority basin for future monitoring. Both share similar population, groundwater reliance factors, and have been impacted from the increasing population.

For the first time in California's history, urban water suppliers are required to comply with new mandatory restrictions aimed at achieving a statewide 25 percent reduction in potable urban water use. The Governor's Executive Order comes as water supplies continue to decline due to the severe drought gripping the state. The need for water conservation resources has intensified due to this circumstance.

Probable Need

It is not until 2025 that the growth rate is projected to increase. LAFCO uses a 30-year horizon for its population projections, and its analysis in conjunction with Southern California Associated Governments ("SCAG") projections provides a projected population of 1.14 million in 2045 for the current IEUA sphere of influence and 603,000 for the current Chino Basin WCD. For the IEUA sphere, which includes the territory of the Chino Basin WCD sphere, the 2045 figure would be roughly twice that of 1990 with an evident corresponding increase in population density.

The population projections identified above do not include the heavy daily business, commercial, education and industrial activities. Further, the transient traffic on Interstates 10 and 15 (two of four interstates that exit Southern California to the east) has significantly increased in volume each decade and is anticipated to continue to do so. All of this signals that the west Valley Region is one of the most densely populated and traveled parts of the state and that the need for water conservation resources will only intensify for the already impacted groundwater basins.

Over the next 25 years, the subject area population is expected to significantly increase. It is paramount that the agencies recognize the need to develop and promote programs that protect existing water resources for the region's sustainability and future growth. Conservation and the efficient use of water is the most cost-effective source of water supply reliability and are essential to meeting the region's current and future demand.

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3. **The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide;**

The following agencies actively recharge the groundwater basins (not limited to surface water and stormwater/runoff) or account for recharge within the general West Valley: Chino Basin Water Conservation District, Chino Basin Watermaster (account and implement basin management), Inland Empire Utilities Agency, Monte Vista Water District, and City of Upland. The Inland Empire Utilities Agency encompasses the whole of the agencies under LAFCO purview: Chino Basin Water Conservation District, Monte Vista Water District, and City of Upland. The Chino Basin Watermaster is the court-appointed watermaster for the Chino Groundwater Basin which extends into Los Angeles and Riverside Counties. The adjudicated boundary does not encompass the entirety of the physical boundary, as depicted by the Department of Water Resources. The remaining areas of the physical boundary do not contain significant recharge activities.

Specifically, the Chino Basin WCD actively protects and replenishes its portion of the Chino Basin with rainfall and storm water discharge from the San Gabriel Mountains. Additionally, it provides water conservation education to individuals and organizations within the basin to further promote the efficient use of local water resources.

Surface Water Capture

The maps from the staff report for LAFCO 3192 illustrate the agencies that actively capture surface and storm water and the associated recharge sites in the West Valley. The maps on pages 13 and 14 identify the landowner of the recharge basins in the West Valley, and the map on page 15 identifies the type of recharge (e.g. storm, imported) within the Chino Basin WCD. The Cucamonga Valley Water District generally comprises the Cucamonga Basin (an adjudicated basin), and it does not actively recharge the basin.

The Groundwater Recharge Master Plan identifies opportunities to use captured water during wet years when surplus water is available. The Agreement for Operation and Maintenance of Facilities to Implement the Groundwater Recharge Master Plan is commonly referred to as the Four Party Agreement, and was entered into by the Watermaster, Flood Control District, Chino Basin WCD, and IEUA to cooperate in a program to implement certain portions of the Recharge Master Plan for the purpose of assuring that the Chino Basin has adequate recharge capabilities to meet its future needs. The effective date of the agreement was January 23, 2003 and continues through December 31, 2032.

The Chino Basin WCD owns eight basins that are used to percolate water from local runoff, imported water purchased by Watermaster parties, and recycled water from IEUA. Five of the basins are located in Montclair, two in Upland, and one in Ontario. The eight basins are described below:

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Drainage System, Basin	IEUA Role	CBWCD Role	Storage Capacity (AFY)	Water Recharge Source	Notes
San Antonio Channel Drainage System					
College Heights East	A,B,D,F,H,I,J,L,N	G,M	145	Storm, State Project	No need for E, no infrastructure for C
College Heights West	A,B,D,F,H,I,J,M,N	G,L	126	Storm, State Project	No need for E, no infrastructure for C
Montclair 1	A,B,D,F,H,I,K,M,N	E,G,J,L	134	Runoff, storm, State Project	No infrastructure for C
Montclair 2	A,B,D,F,H,I,K,M,N	E,G,J,L	243	Runoff, storm, State Project	No infrastructure for C
Montclair 3	A,B,D,F,H,I,K,M,N	E,G,J,L	49	Runoff, storm, State Project	No infrastructure for C
Montclair 4	A,B,D,F,H,I,K,M,N	E,G,J,L	97	Runoff, storm, State Project	No infrastructure for C
Brooks	A,B,C,D,F,H,I,K,M,N	E,G,J,L	503	Runoff, storm, recycled, State Project	
West Cucamonga Channel Drainage System					
Ely 3 *	A,B,C,D,F,H,I,J,M,N	E,G,L,K	136	Runoff, storm, recycled	
<p>* Ely #1 and #2 are owned by San Bernardino County Flood Control District.</p> <p>A) Stormwater Passive Capture and Volume Accounting B) Stormwater Active Diversion and Volume Accounting C) Recycled Water Delivery and Volume Accounting D) Imported Water Delivery and Volume Accounting E) Vector Control Coordination F) Weeding Monthly in Areas of Impact G) Landscape and Property Maintenance H) Operate and Maintain GWR Communication Infrastructure I) Operate and Maintain Diversion Infrastructure J) Infiltration Restoration Lead Agency K) Infiltration Restoration - support agency L) Basin grading maintenance - lead agency M) Basin grading maintenance - support agency N) Biologic Surveys and Biological Permitting</p> <p>sources: Chino Basin WCD and IEUA</p>					

As shown above, IEUA plays a significant role in accounting, operating, and maintaining the Chino Basin WCD basins. The outline below summarizes the activity roles from the figure above:

- **IEUA only, all basins**
 - Stormwater passive capture and volume accounting
 - Stormwater active diversion and volume accounting
 - Imported water delivery and volume accounting
 - Weeding monthly in areas of impact
 - Operate and maintain communication infrastructure
 - Operate and maintain diversion infrastructure
 - Biologic surveys and biological permitting

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- **IEUA only, various basins**
 - Recycled water delivery and volume accounting
- **Chino Basin WCD only, all basins**
 - Landscape and property maintenance
- **Chino Basin WCD only, various basins**
 - Vector control coordination
- **IEUA and Chino Basin WCD, various basins**
 - Infiltration restoration - lead agency
 - Infiltration restoration - support agency
 - Basin grading maintenance – lead agency
 - Basin grading maintenance – support agency

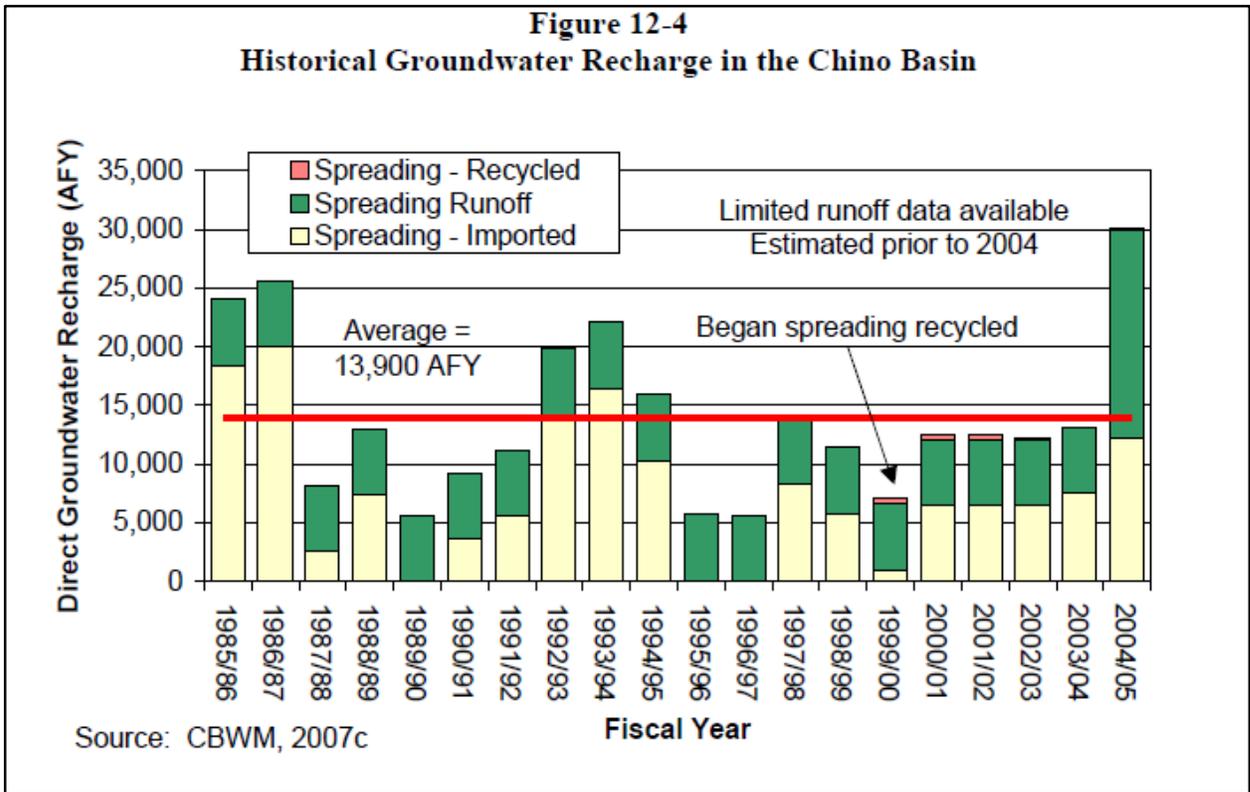
The district's basins from FY 2006-07 through FY 2013-14 captured and recharged an average of 8,325 acre-feet of water. Of the 8,325 acre feet of water captured, the annual average includes 2,225 acre-feet of storm and nuisance water; 1,351 acre-feet of recycled water; and 4,750 acre-feet of imported water. According to the district, utilizing the Metropolitan Water District's Tier 2 treated rate (\$1,032/ac. ft.), the nominal present value of the average captured and recharged water is over \$8,591,400.

Because storm runoff water represents a potential threat to both residential and commercial property owners, yet is the most economical source for recharge of the Basin water supply, Chino Basin WCD works closely with the Watermaster and the Flood Control District to provide the most effective balance between flood control and water conservation result. As a consequence, a number of Chino Basin WCD land acquisitions and construction projects for water conservation purposes have been made with the Flood Control District and others in mind. Historically, the district has also constructed diversion facilities and improvements to Flood Control District owned basins that help replenish the Chino Basin. Water retained by these facilities would otherwise be lost in flows to the Santa Ana River.

Spreading in the Chino Basin

Imported water, recycled water and runoff (which includes surface water) are currently spread in the Chino Basin. As shown in the figure below, an average of about 13,900 AFY has been spread between fiscal years 1985-86 and 2004-05. About 7,700 AFY has been recharged with imported water from Metropolitan Water District during this time. Runoff recharge was not measured prior to 2004; however, the Watermaster estimates that the historical runoff spread was approximately 5,600 AFY. In fiscal year 1999-00, recycled water began to be recharged in the Ely Basins and, an average of about 300 AFY of recycled water has been recharged in the Chino Basin through 2004-05.

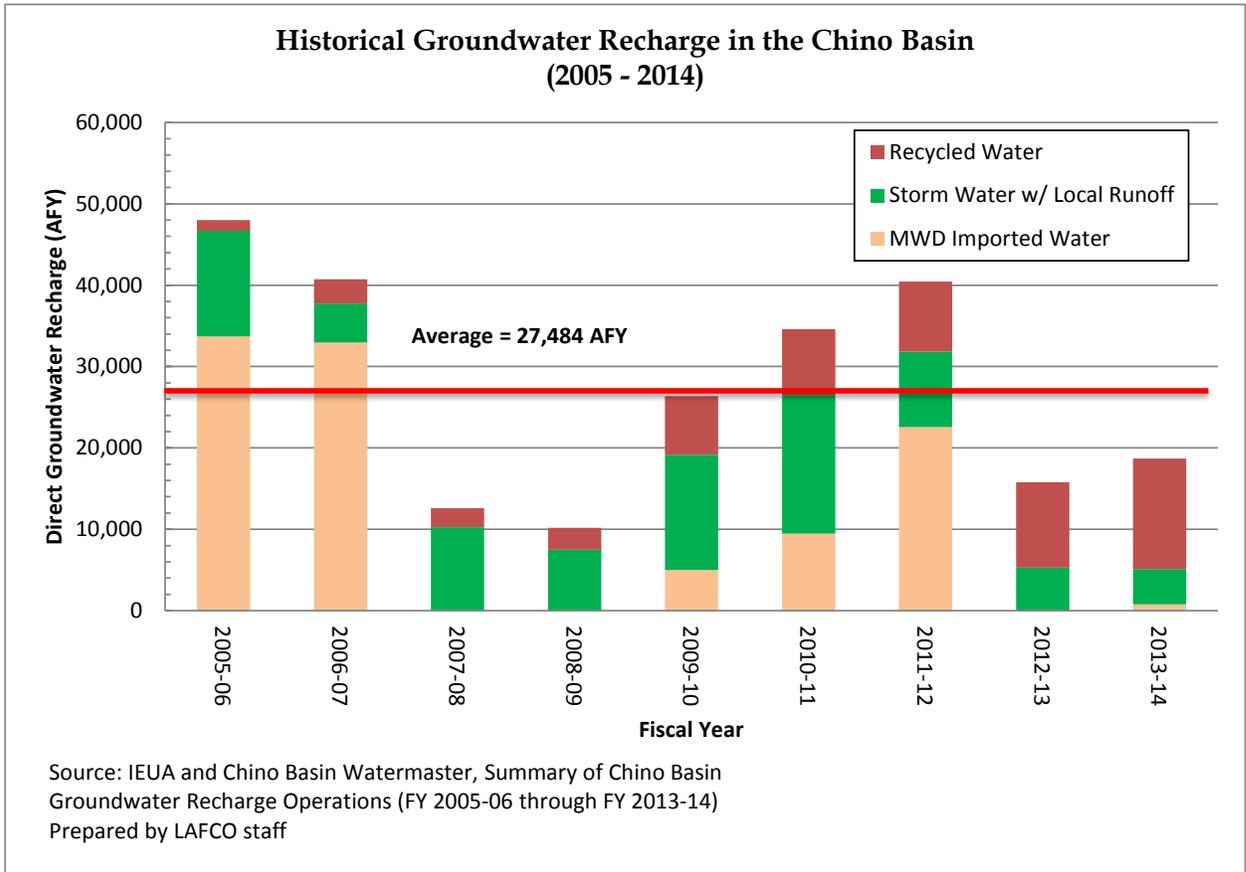
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Source: IEUA Recharge Master Plan

Expanding from the above data, 27,484 AFY has been spread from FY 2005-06 through FY 2013-14. Below LAFCO has created a figure to illustrate the amount of groundwater recharge from all three sources. As shown, storm water recharge has declined significantly since FY 2010-11 (due to the drought), being less than the storm water recharge average during this timeframe. What was first considered a recharge source to reduce reliance on imported water from Metropolitan Water District, due to the current drought recycled water has now become a necessity for the basin.

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SUMMARY OF CHINO BASIN GROUNDWATER RECHARGE OPERATIONS									
	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Recycled Water	1,304	2,989	2,340	2,684	7,210	8,065	8,634	10,479	13,593
Storm Water w/ Local Runoff	12,999	4,770	10,243	7,498	14,141	17,051	9,266	5,298	4,299
MWD Imported Water	33,705	32,968	0	0	5,001	9,465	22,560	0	795
TOTAL	48,008	40,727	12,583	10,182	26,352	34,581	40,460	15,777	18,687
units in acre-feet									
source: IEUA and Chino Basin Watermaster, Summary of Chino Basin Groundwater Recharge Operations (FY 2005-06 through FY 2013-14)									
Average = 27,484 acre feet/year									

Education and Demonstration

As for water education, the Chino Basin WCD operates a demonstration garden and opened its renovated Water Conservation Center campus in 2014 (although IEUA operates an education park in Chino and the Cucamonga Valley Water District operates a garden within the Cucamonga Basin). The Water Conservation Center includes a landscape design room where one can draft a water wise landscape, classroom that holds 50 people, an educational lobby exhibit and a dedicated classroom building and edible garden area for Children's Education. The newly renovated water-wise demonstration garden features nine demonstration zones with over 300 water wise plant species arranged by type and water needs. The 1.5 acre garden is open to the public for self-guided or staff guided tours and includes educational signage and demonstration exhibits that teach about water-wise landscaping, efficient irrigation and good maintenance practices. The district site also includes a demonstration parking lot that showcases various permeable pavements

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and Low Impact Development techniques; and a wilderness park that contains examples of 40 tree species that require low water - both are open to the public. At the Center, the district conducts workshops, hosts public events, accepts and actively pursues field trip visits from schools, and showcases various construction and landscape designs that reduce water consumption. The district taught 24 workshops in 2012-13 and seven in 2013-14, which had an average attendance of 25.

One of the district's longest running programs, an annual Earth Day field trip event, has reached over 25,000 5th graders with water conservation education since 1992. The district also offers daily teaching field trips, focused on water conservation. In addition to these on-site programs, the District runs a water conservation poster contest which received 2,500 entries from 125 classes last year and a grant program that, since 1999, has provided up to \$5,000 for college bound students who are studying towards a career in a water related field.

Landscape Audits

The district administers landscape and irrigation audits in partnership with IEUA and the eight member retail member agencies. Additionally, the district conducts landscape design consultations, and has financially assisted public schools and parks within its boundaries to help offset the costs of onsite irrigation system conversion as a result of connecting to the recycled water system, thus reducing the need for potable water. Chino Basin WCD also provides incentives for public sector schools and parks within its service area. The figure below identifies the district's landscape audit program performance from FY 2007-08 through FY 2013-14.

Chino Basin WCD – Landscape Evaluation and Audit Program

Year	Total Site Audits	Total Irrigated Acreage Audited	Total Potential Water Savings (AF/yr)
FY 07-08	24	36	196
FY 08-09	135	289	782
FY 09-10	105	114	303
FY 10-11	78	86	173
FY 11-12	114	64	71
FY 12-13	48	14	49
FY 13-14	83	15	38

Source: IEUA, Annual Water Use Efficiency Programs Report, FY 2013-14

Conservation Contracts with IEUA

Other agencies contract with Chino Basin WCD to provide conservation programs on its behalf. Documents provided by the district identify IEUA as the main agency that contracts with the district to carryout efforts to reduce consumer consumption. Below is a summary of the current contracts between Chino Basin WCD and IEUA.

- Implementation and Completion of Landscape Audits for Customer Sites Currently Identified as Potentially Significant Water Conservation Candidates within the IEUA Service Area.
 - Contract Date: September 2010
 - Latest Amendment Date: August 2014
- Residential Landscape Training Program
 - Contract Date: January 2011

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- Latest Amendment Date: August 2014
- Dedicated Irrigation Landscape Meters Water Budget Program
 - Contract Date: December 2012
 - Latest Amendment Date: August 2014
- Implementation and Completion of Landscape Transformation Services for Customer Service within the IEUA Service Area
 - Contract Date: July 2013
 - Completed July 2014
- Garden in Every School Program Services within the IEUA Service Area
 - Contract Date: September 2013
 - Latest Amendment Date: November 2014

Qualified Water Efficient Landscaper Certification Program

The Qualified Water Efficient Landscaper (QWEL) Program (developed by the Sonoma Saving Water Partnership and the Environmental Protection Agency) provides landscape professionals with 20 hours of education on principals of proper plant selection for the local climate, irrigation system design and maintenance, and irrigation system programming and operation. QWEL certification is a valuable tool for consumers to be able to select landscape and maintenance professional who understand and have value for water and resource conservation. Seven district QWEL certified and can teach the class to others. The District has received QWEL Board and EPA certification as an adopter of the QWEL program and as an EPA WaterSense Labeled Professional Certification Program provider.

IEUA

In 2009, IEUA worked with its member agencies, to create a Regional Water Use Efficiency Partnership Workgroup. The Workgroup initiated an eight-step process that resulted in the creation of a regional Water Use Efficiency Business Plan to guide its future conservation efforts. The purpose of the Plan is to create the strategy to meet the region's per capita water demand goals. The Plan also identifies cost-effective water use efficiency programs to be implemented in order to achieve regional conservation goals. These programs place a strong emphasis on landscape irrigation efficiency since landscape water use represents a significant portion of the total water demand for the IEUA service area.

IEUA is a member of the Metropolitan Water District of Southern California which provides rebates to Commercial, Industrial, and Institutional ("CII") customers for various water saving technologies through the Save a Buck Rebate Program and Public Sector Program.

Each year, IEUA prepares a comprehensive water-use efficiency report (Annual Water Use Efficiency Programs Report) which tracks the progress that has been made against the goals and objectives, identified in its long-term Water-Use Efficiency Plan. Member agencies receive service area specific data, which serves as a roadmap for developing the next annual budget and assists in evaluating overall program performances. Since 2004, IEUA has reached over 19,000 students with its Garden in Every School program, which educates the school, family, and community about water-wise usage through a garden landscape, featuring drought tolerant plants and efficient irrigation.

IEUA operates the Chino Creek Wetlands and Educational Park located adjacent to the IEUA headquarters in Chino. The park consists of 22 acres that have been landscaped with a wide

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variety of “California Friendly” trees and grasses and features a state-of-the-art irrigation management system. The park serves as a demonstration area for the community on improving water supply, storm water treatment and water efficiency. The Park’s Water Discovery program has received a total of 212 field trips with 10,890 students since the inception of the program. In addition to the field trips, 7,266 community members and 4,384 students have taken part in IEUA’s annual Earth Day celebration since 2007.

Cucamonga Valley Water District

The Cucamonga Valley Water District and the Frontier Project operate demonstration gardens which are open to visit each weekday. The gardens provide information on water wise landscaping and feature over 100 water savvy plants. Additionally, the district provides landscape consultations for the homes of district customers to identify water waste in the home’s landscape. Each spring, the district hosts a Water Savvy Garden Tour (previously Landscape Tour) to educate residents about the beauty and benefits of water saving landscapes. Since its inception in 2009, the Water Savvy Garden Tour has educated over 600 residents on how they can make changes in their yards to use water efficiently.

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

Within the existing sphere of influence for the Inland Empire Utilities Agency (Option 1), are the following social communities of interest: Cities of Chino, Chino Hills, Fontana (western portion), Montclair, Ontario, Rancho Cucamonga, and Upland; and unincorporated territory. Additionally, there are generally two basins within the IEUA sphere: Chino and Cucamonga, both of which are adjudicated.

Economic communities of interest are vast and varied. To illustrate this point, the subject area includes heavy business, commercial, education, and industrial activities, as well as an international airport. Further, the transient traffic on Interstates 10 and 15 (two of four interstates that exit Southern California to the east) has significantly increased in volume each decade and is anticipated to continue to do so. All of this signals that the area is one of the most densely populated and traveled parts of the state.

5. OTHER FINDINGS

- A. As required by State Law notice of the hearing was provided through publication in a newspaper of general circulation, *The Inland Valley Bulletin*. 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, an eighth page legal ad was provided.
- B. As required by State Law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individual requesting mailed notice.
- C. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination.

WHEREAS, pursuant to the provisions of Government Code Section 56425(i) the range of services provided by Chino Basin Water Conservation District shall be limited to the following:

