

**LOCAL AGENCY FORMATION COMMISSION
FOR SAN BERNARDINO COUNTY**

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DATE: FEBRUARY 10, 2016
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
ROBERT ALDRICH, Consultant
TO: LOCAL AGENCY FORMATION COMMISSION



**SUBJECT: AGENDA ITEM #7 - LAFCO 3199 – Sphere of Influence Amendments
(Expansion) for the San Bernardino County Fire Protection District
(Twentynine Palms Fire Department territory)**

INITIATED BY:

Jointly initiated by the Board of Directors of the Twentynine Palms Water District and the Board of Directors of the San Bernardino County Fire Protection District

RECOMMENDATION:

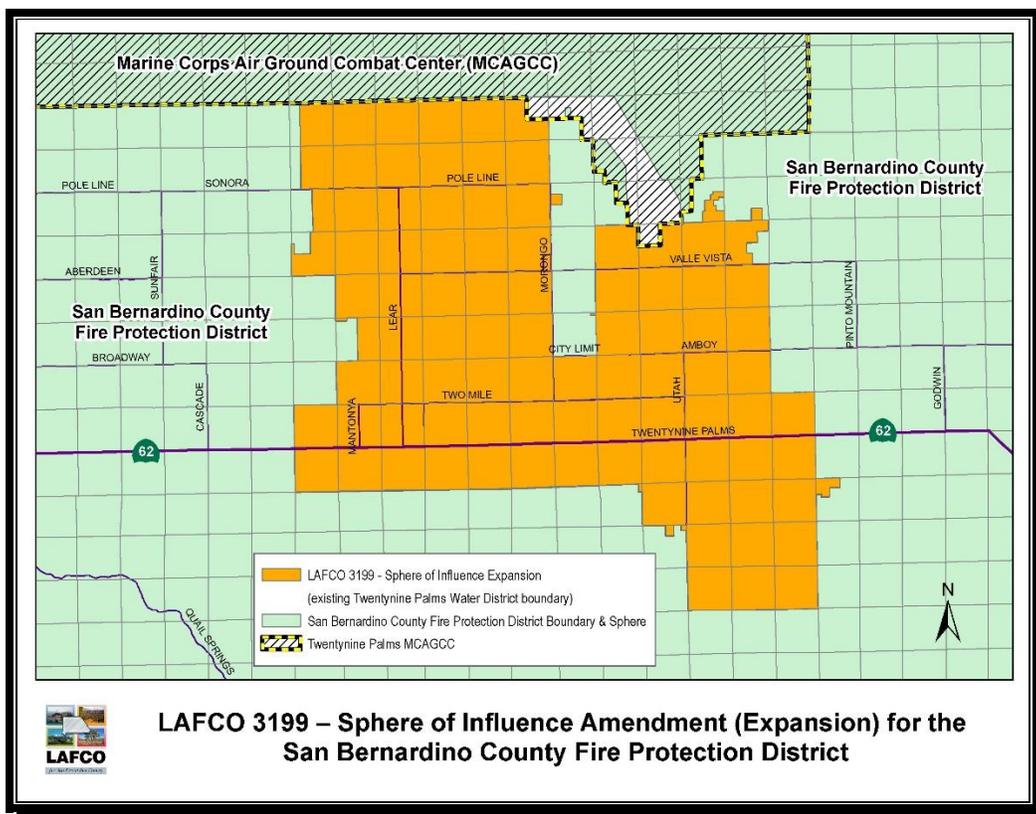
Staff recommends that the Commission make the following determinations:

1. Determine that the proposal presented for sphere of influence amendment, submitted under the provisions of Government Code Section 56428, does not require a service review.
2. Certify that LAFCO 3199 is statutorily exempt from environmental review, and direct the Executive Officer to file a Notice of Exemption within five (5) days.
3. Approve the expansion of the sphere of influence for the San Bernardino County Fire Protection District to include the territory of the Twentynine Palms Fire Department territory.
4. Adopt LAFCO Resolution No. 3215 reflecting the Commission's determinations and findings for the sphere of influence changes identified.

BACKGROUND:

On August 26, 2015, the Twentynine Palms Water District (hereafter shown as “TPWD” or “Water District”) adopted Resolution No. 15-14 formally initiating an application with LAFCO to expand the sphere of influence of the San Bernardino County Fire Protection District (hereafter shown as “County Fire”) to include the entirety of the Twentynine Palms Water District Fire Department (hereafter shown as “29 Palms Fire”) boundary. The District’s Resolution also initiated the annexation of its territory to County Fire, its South Desert Service Zone and Service Zone FP-5, the divestiture of the fire functions of the TPWD, and the designation of the County’s South Desert Service Zone and Service Zone FP-5 as the successor agency. A resolution supporting TPWD’s application to LAFCO was adopted by the San Bernardino County Board of Supervisors on September 15, 2015.

The proposed sphere expansion encompasses the entirety of the 29 Palms Fire service territory. 29 Palms Fire is generally located in the south desert region of the County and is generally bordered by the Joshua Tree National Park on the south, the Joshua Tree community, defined by the Joshua Basin Water District, on the west, the Twentynine Palms Marine Corps Base on the north, and the Wonder Valley community, defined by County Service Area 70 Zone M, on the east. The City of Twentynine Palms, except that portion of the City located on the Twentynine Palms Marine Corps Base, is located within the boundaries of the TPFD. A map illustrating the proposed sphere expansion is included as Attachment #1 to this report and is shown below:



At LAFCO's September 16, 2015 hearing, the Commission determined that it would not require a municipal service review for the sphere of influence amendments proposed for County Fire. At that hearing, the Commission supported staff's position that sphere of influence "amendments" submitted under the provisions of Government Code Section 56428 do not require a service review unless they meet the criteria of the Commission's adopted policy. In this case, LAFCO 3199 does not fit the Commission's policy requirements which address retail water service provision or areas outside a wholesale water purveyor to require a service review for an amendment as outlined in Policy and Procedure Manual, Section IV Application Processing, Chapter 3 Service Reviews, Policy 2 Service Review Requirement for Sphere of Influence Amendments.

Expansion of the sphere of influence will allow for the annexation of the entirety of 29 Palms Fire by County Fire, its South Desert Service Zone, and Service Zone FP-5 by separate action (LAFCO 3200). The proposed annexation also includes the area outside the Water District (already served by County Fire) generally identified as the peninsula of land between Morongo Road and the City of Twentynine Palms. This item will be heard following consideration of the proposed sphere expansion. This set of proposals is intended to maintain adequate fire protection, emergency medical response and ambulance service within the TPDF service area. Attachment #2 provides a copy of the resolutions initiating the sphere of influence amendment and the application materials.

The data and analysis, below, address the factors of consideration required for a sphere of influence amendment as outlined in Government Code Section 56425. Each of these requires a determination adopted by the Commission.

SPHERE OF INFLUENCE DETERMINATIONS:

The TPWD has submitted an application requesting that LAFCO amend the sphere of influence of County Fire to include the entirety of the TPWD (which includes the City of Twentynine Palms and surrounding communities encompassing approximately 56,919 acres). The proposal, along with a concurrent application (LAFCO 3200) to annex the entirety of TPWD by County Fire, its South Desert Service Zone, and Service Zone FP-5, will allow for residents to continue to receive adequate fire and emergency medical response services. TPWD's immediate and long-term financial constraints preclude the District from continuing to provide these services at acceptable levels. Therefore, LAFCO staff is recommending that the Commission:

- Expand the sphere of influence of the San Bernardino County Fire Protection District to include the entirety of the Twentynine Palms Water District.

The following address the mandatory factors as outlined in Government Code Section 56425:

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

The land area proposed to be included in the sphere of influence of County Fire includes 56,919 acres of varied land uses. Approximately 45 percent of the expanded sphere area is within the City of Twentynine Palms. The City includes areas of rural living (45 percent), single family residential (34 percent), open space residential (3 percent) and public uses/floodway (3 percent).

The remainder of the sphere expansion area (outside the City) is also primarily residential in nature and includes: rural living (40 percent), single family residential (34 percent), open space residential (7 percent), multi-family residential (3 percent), commercial (4 percent), industrial (3 percent), and public uses and floodway (3 percent).

The chart, below, depicts the General Plan land use districts (in acres) within the TPWD (proposed sphere expansion area):

Land Use	Acres
City of Twentynine Palms Land Use Designations	
Rural Living	16,184
Single-Family Residential	11,962
Open Space Residential	2,463
Multi-Family Residential	1,056
Commercial	1,407
Institutional	1,056
Public and Floodway	1,056
County (unincorporated) Land Use Designations	
Resource Conservation (RC)	2,680
Rural Living (RL)	4,444
RL-5	14,571
RL-10	40
Floodway (FW)	
Service Commercial (CS)	
Institutional	
TOTAL SPHERE EXPANSION AREA	56,919

Source: Twentynine Palms Water District

Census data indicate that the TPWD population was approximately 18,072 in 2010. The District's 2012 Service Review indicates that the service territory population is projected to reach 31,974 by 2040, an increase of 44 percent.¹ However, as stated in the Service Review, these projections may represent an

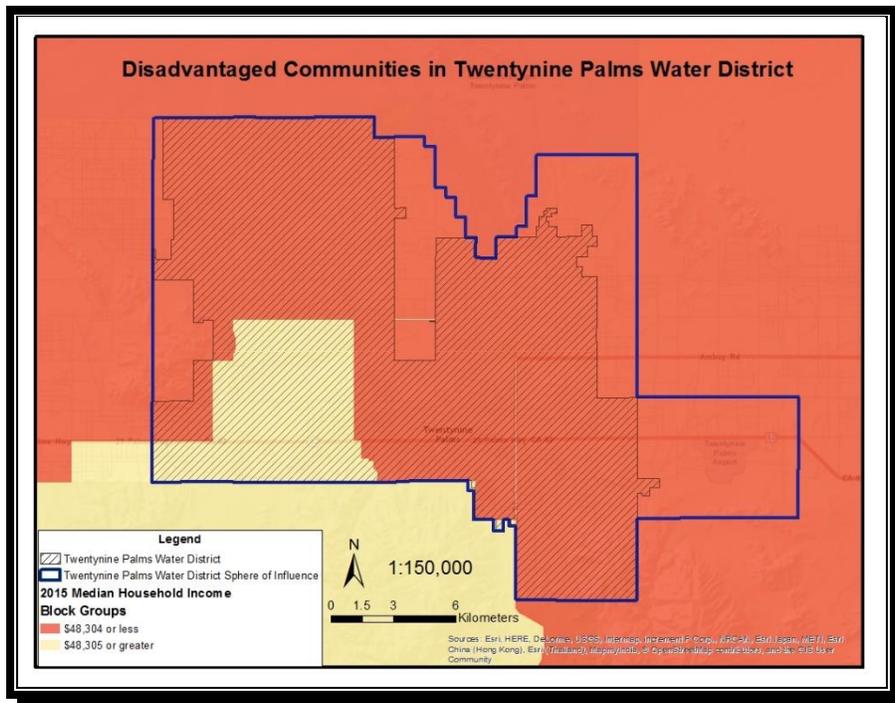
¹ The projected District growth was calculated using a combination of growth rates identified in the Southern California Association of Governments (SCAG) Draft 2012 Regional Transportation Plan's Integrated Growth Forecast for the City of Twentynine Palms and County unincorporated data forecasts.

unattainable growth trend based on the historic growth of the region. In addition to marginal growth over the last ten years, there are other circumstances in the region that tend to restrict growth (i.e. water quality issues, potential for development restrictions related to the use of septic systems, etc.). Based on these issues, actual growth is expected to be lower.

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

The current provision of fire protection and emergency medical response services provided by 29 Palms Fire was reduced from two fire stations to one staffed fire station on June 1, 2013 due to a lack of a sustainable revenue source. Without a change in governance, further reductions in service will be required to be implemented on July 1, 2016. Should these additional service cuts be implemented, the level of fire and emergency protection services provided by TPFD may jeopardize public safety for residents and businesses within the TPWD boundary.

Government Code Section 564215(e) (5) directs the Commission to evaluate the present and probable need for the delivery of structural fire protection within a disadvantaged unincorporated community. LAFCO 3199 addresses unincorporated area as well as an incorporated city area not required by the code section. However, the questions for assurance of service delivery to a disadvantaged community are real in this situation for both incorporated and unincorporated territory. The 2015 Disadvantaged Community Maps maintained by LAFCO identify that the bulk of the area within the TPWD is disadvantaged and the Commission has an inherent responsibility to assure the continuation of this critical public health and safety service. The map below outlines the disadvantaged areas meeting the criteria of State law as earning less than \$48,305 per year (80% of Statewide median income):



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

County Fire operates 75 fire stations serving approximately 750,000 residents in approximately 16,535 acres of unincorporated territory plus seven incorporated cities including Adelanto, Fontana, Grand Terrace, Hesperia, Needles, Victorville, and Yucca Valley. County Fire provides a full range of emergency services, including ladder trucks, fire boats for water rescues, snow cats for winter operations, heavy equipment for flooding and earth moving, ambulance transportation in seven ambulance operating areas, paramedics and large incident command and control capability. County Fire is the largest provider of pre-hospital care in the County and the second largest ambulance provider.

The package of applications submitted by the TPWD is intended to ensure adequate, long-term fire protection and emergency medical response services for the residents of the District. TPWD can no longer afford to continue funding these services at appropriate levels.

4. The existence of any social or economic communities of interest as determined by the Commission to be relevant to the agency:

Social and economic communities of interest include: the City of Twentynine Palms, the Twentynine Palms Marine Corps Base, Joshua Tree National Park and the Morongo Unified School District. The Commission’s 2012 Municipal Service Review clearly identified the community of Twentynine Palms as being

the area of the sphere of influence assigned the Twentynine Palms Water District. The implementation of a fiscally sustainable agency to provide adequate levels of fire protection, and emergency response, supports the economic and social community defined by the boundaries of the TPWD over the long-term and is critical for the safety and well-being of the community's residents and travelers along Highway 62.

Services of the Agency:

Government Code Section 56425(i) requires that during a sphere of influence amendment or update for a special district, the Commission is required to review and identify the range of services to be provided, as well as the nature and location of those services. At present, the Commission's "Exhibit A" (which lists the functions and services of special districts) identifies the following services for the San Bernardino County Fire Protection District:

San Bernardino County	Fire	Structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services, rescue, first aid, ambulance transportation, emergency response, and disaster preparedness planning
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As a function of LAFCO 3200, it is proposed that the Twentynine Palms Water District be divested of its fire authorities which would change its listing of active functions and services to the following:

Twentynine Palms	Water	Retail, agricultural, domestic, replenishment
	Sewer	Planning and engineering

ADDITIONAL DETERMINATIONS:

1. The Commission is the lead agency for review of the potential environmental consequences of the sphere of influence modifications. LAFCO staff has provided the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, with the application materials for review. Mr. Dodson has indicated the proposed sphere amendment is not judged to pose any adverse changes to the physical environment. Therefore, his recommendation is that the sphere amendment is exempt from the requirements of CEQA, as

outlined in the State CEQA Guidelines, Section 15061(b) (3). A copy of this letter is included as Attachment #3 to this report.

2. Legal notice of the Commission's consideration of the proposal has been provided through publication of a 1/8th page advertisement in *The Sun* and *The Desert Trail*, newspapers of general circulation in the area. In addition, individual notice was provided to affected and interested agencies, County departments and those individuals and agencies requesting special notice.
3. The map and legal description of this sphere of influence amendment was prepared and certified by the County Surveyor's Office.

CONCLUSION:

LAFCO 3199 is the first step in a two-part process to provide for continuing fire protection, and emergency medical response services to the territory of the Twentynine Palms Water District which includes the City of Twentynine Palms and surrounding communities. The current provision of fire protection and emergency medical services provided by 29 Palms Fire was reduced from two staffed fire stations to one staffed fire station on June 1, 2013 due to a lack of a sustainable revenue source. Without a change in governance, further reductions in service will be required to be implemented on July 1, 2016.

Should these additional service cuts be imposed, the level of fire and emergency protection services provided by 29 Palms Fire may jeopardize public safety for residents and businesses within the TPWD boundary. To address this situation, a transfer of responsibility for fire services from the TPWD to County Fire is warranted.

For all the reasons outlined in this report, LAFCO staff supports the change in sphere of influence designation to expand the sphere for County Fire and its related service zones.

Attachments:

1. [Vicinity Map and Map of Proposed Sphere expansion](#)
2. [Twentynine Palms Water District/County Fire Application for Sphere of Influence Expansion, Twenty-Nine Palms Band of Mission Indians Resolution of Consent to Overlay and Supplemental Data](#)
3. [Letter from Commission Environmental Consultant Tom Dodson of Tom Dodson and Associates Dated February 8, 2016](#)
4. [Draft LAFCO Resolution No. 3212](#)