

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JULY 11, 2018 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Project Manager
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM # 8 - LAFCO 3227 – Sphere of Influence
Establishment for the Wrightwood Community Services District
(within San Bernardino County)

INITIATED BY:

Local Agency Formation Commission for San Bernardino County

RECOMMENDATION:

Staff recommends that the Commission take the following actions related to the sphere of influence establishment for the Wrightwood Community Services District:

1. Certify that LAFCO 3227 is statutorily exempt from environmental review, and direct the Executive Officer to file a Notice of Exemption within five (5) days;
2. Confirm the authorized functions and services of the Wrightwood Community Services District as identified within the Commission's adopted "Rules and Regulations Affecting Special Districts";
3. Approve the sphere of influence establishment for the Wrightwood Community Services District as conterminous with the District's boundaries (*San Bernardino County portion of the District only*) as outlined in this report; and
4. Adopt LAFCO Resolution No. 3271 reflecting the Commission's determinations and findings for the sphere of influence establishment as identified.

BACKGROUND:

The community of Wrightwood is a small mountain community located in the Swarthout Valley in the eastern San Gabriel Mountains. At present, the community is located in Los Angeles and San Bernardino Counties and has population of approximately 4,510 residents (2012-2016 American Community Survey data). Wrightwood is generally located east of Big Pine, south of the Phelan-Piñon Hills Community Services District, and west and north of parcel lines. Highway 2 traverses the community in a general east/west direction.

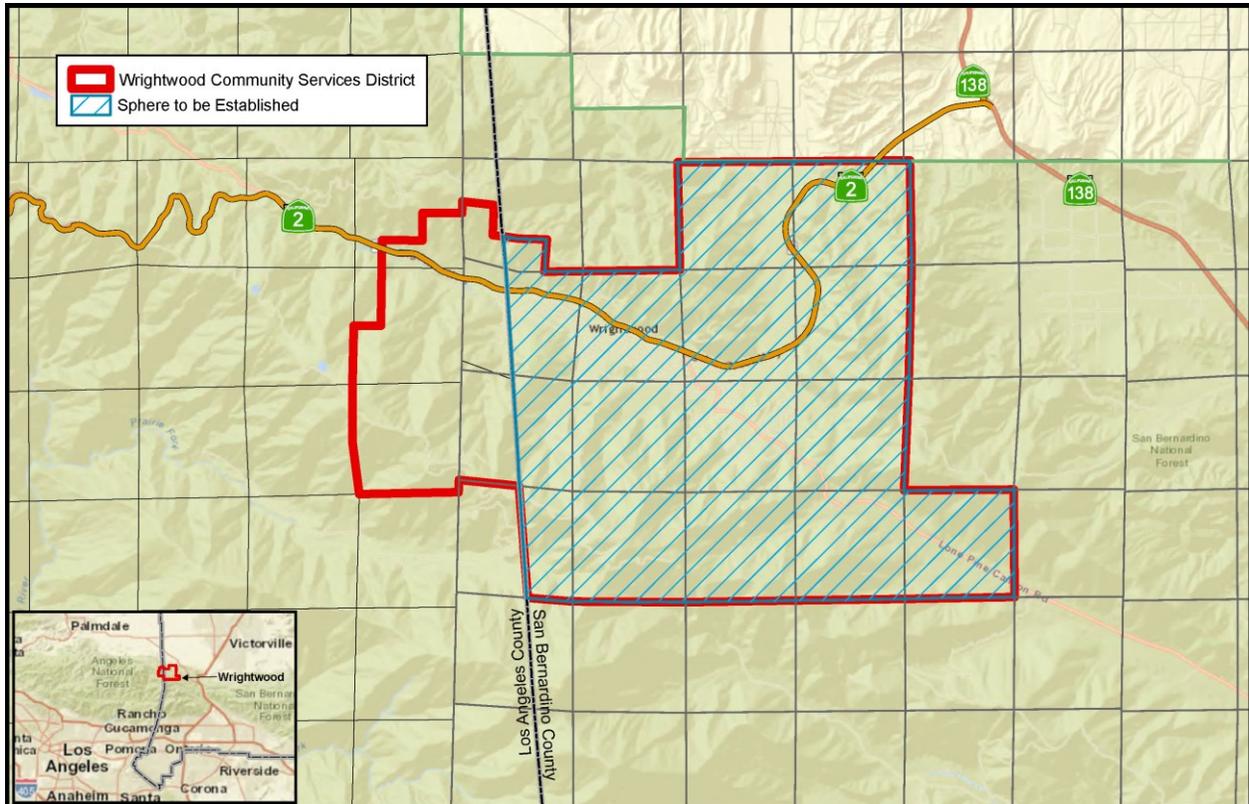
CSD Formation

On November 3, 2015, the Board of Supervisors for San Bernardino County initiated the formation of a community services district to provide for a single, multi-purpose special district to govern the Wrightwood community in both Los Angeles and San Bernardino Counties (LAFCO 3202). The Wrightwood Community Services District (“Wrightwood CSD” or “District”) formation was approved by LAFCO on July 11, 2016 with the following functions and services as active powers: street lighting, parks and recreation, solid waste and recycling, and planning and engineering for wastewater service. Subsequently, the CSD formation was approved by Wrightwood voters on March 7, 2017 with an effective date of July 1, 2017.

Sphere Establishment within San Bernardino County

In the past, the Commission has generally established a sphere of influence for a newly formed agency within one year of its formation pursuant to the statutory direction identified in Government Code Section 56426.5(b). However, Section 56430(e) requires that the Commission, in conjunction with establishing a sphere of influence, also conduct a service review. Since its formation, the Wrightwood CSD has been addressing fiscal related issues. In order to have a better understanding of the District’s finances, the Commission in April 2018, directed LAFCO staff to defer the service review until June 2019, while moving forward to establish the District’s sphere of influence.

For new agencies, it has been the practice of the Commission to establish a sphere of influence coterminous with the agency’s boundaries. This fulfills its requirement of establishing a sphere of influence for the newly formed agency within one year of its formation without obligating the agency to plan for the extension of its range of services beyond its existing boundaries. In this case, because the Wrightwood CSD’s boundary extends beyond San Bernardino County into Los Angeles County, the sphere of influence establishment being proposed only addresses the Wrightwood CSD boundary within San Bernardino County (as shown on the map below). Therefore, LAFCO 3227 proposes to establish a sphere of influence for the Wrightwood CSD that is coterminous with its boundary in San Bernardino County.



Sphere Establishment within Los Angeles County

In November 2011 San Bernardino LAFCO and Los Angeles LAFCO entered into a Memorandum of Understanding for exchange of principal county status for sphere of influence matters that cross county boundaries to the county where the sphere of influence territory is located. Los Angeles LAFCO expressed its intention to utilize the provisions of this MOU to address the proposed establishment of the Wrightwood CSD sphere in Los Angeles County following San Bernardino LAFCO's completion of LAFCO 3227.

SPHERE OF INFLUENCE DETERMINATIONS:

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 the Wrightwood CSD (*San Bernardino County portion only*) comprises 8,801 acres. The Wrightwood community is essentially nestled in a valley surrounded by forest lands. Within the subject territory, approximately 70 percent of the land is forest lands, 25 percent residential (both single family and multi-family) and five percent commercial. Currently, there are approximately 2,650 residential units.

Land use planning and development entitlements within the Wrightwood CSD sphere of influence area under consideration are administered through the County of San Bernardino. According to the County's Land Use Services Department, the current County General Plan Land Use Designations for the sphere establishment area are: Special Development Residential (SD-RES), Multiple Residential (RM), Single Residential (RS), Single Residential – 10,000 sq. ft. min. (RS-10M), Service Commercial (CS), General Commercial (CG), Neighborhood Commercial (CN), Floodway (FW), and Resource Conservation (RC).

No agricultural land uses are designated within the subject sphere of influence territory.

According to the County's Land Use Services Department, there are not any known special land use concerns within the subject area.

Because a sphere of influence is a planning tool only, no land use changes are anticipated as a result of the proposed sphere establishment.

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

Present Need

The Wrightwood CSD currently provides street lighting, park and recreation and solid waste disposal (through a contract with CR&R Waste and Recycling Services). The District has been providing these services for one year with a level determined by its finances.

The District is also authorized to provide wastewater services, but is limited to planning and engineering services only.

Probable Need

Wrightwood is located at an elevation of approximately 6,000 feet above sea level and has no municipal sewer services. As a result, all development in this area requires Onsite Wastewater Treatment Systems ("OWTS" - septic tanks, package plants). By 2020, the developed area is anticipated to increase to 68% of the total service area, with 3,024 dwelling units. By 2050, the proportion of area developed is anticipated to grow to 88%, with 3,581 dwelling units.

In response to the formation of the Wrightwood Community Services District in 2016 (LAFCO 3202), the Lahontan Water Board provided information on the community's wastewater circumstance¹:

¹ Lahontan Water Board. Jehiel Cass for Mike Plaziak. Letter dated 30 June 2016.

These are septic tanks for solids removal followed by sub-surface disposal, typically a seepage pit². The Lahontan Water Board has long desired that some form of common sewerage be implemented in Wrightwood to deal with problems that periodically arise. Options include centralized or de-centralized sewer collection, treatment, and disposal, and OWTS maintenance.

OWTS failures have occurred in the older sections of Wrightwood with a high density of small lots. Failures have also occurred in years with elevated precipitation when shallow groundwater rises to the surface. Many underdeveloped lots do not meet the Water Board's minimum lot size for installing an OWTS.

The requirement for sewerage is not locally made - it is a requirement which may be imposed by a regional regulatory agency. The approval of LAFCO 3202 in 2017 authorized the CSD the function of wastewater (limited to planning of a regional sewer entity).

Just formed in July 2017, the Wrightwood CSD is in its infancy and continues to work through the administrative, budgetary and service challenges common of any newly formed agency. From LAFCO staff's perspective, for the CSD to take on an additional service at this time, especially one as complex and labor intensive as sewer, would be extremely challenging in the near term. However, the lack of a sanitary sewer system in Wrightwood is a core infrastructure deficiency and should remain a high level community concern.

The CSD is positioned to play a key role in coordinating with the Lahontan Board and representing the Wrightwood community on this issue. LAFCO staff encourages both parties to have ongoing communication and continue to inform the Wrightwood community on important sewer and water quality related issues. Should the CSD, at some point in the future, desire to actively provide wastewater collection and treatment service, it would be required to return to San Bernardino LAFCO for approval under the provisions outlined in Government Code Section 56824.10 et seq.

Additionally, roughly two and half miles to the west of the Wrightwood CSD in Los Angeles County is the Mountain High Ski Area, which has two wastewater treatment plants. The Lahontan Regional Board identified that an additional opportunity may be for a single system to encompass the Wrightwood and Mountain High communities. From LAFCO's staff view, a single sewer collection and treatment system for the entire Wrightwood/Mountain High area has the potential to provide a long-term solution to the larger community's sewer needs. The viability of this option should be explored in any sewer planning efforts for this area.

² A drilled or dug excavation three to six feet in diameter. It is also gravel filled but has a hollow core with a minimum depth below the inlet of feet and receives effluent discharge for dispersal from a septic tank or other OWTS treatment unit.

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

The Wrightwood CSD is able to adequately provide its authorized services: street lighting, park and recreation, solid waste disposal (through a contract with CR&R Waste and Recycling Services), and planning and engineering for wastewater services. No expansion of services will result from this proposed sphere of influence establishment.

In the event the Lahontan Regional Water Quality Control Board issues an order prohibiting wastewater discharge in the area, the District (given its wastewater planning function) will be the logical entity to ultimately provide wastewater collection and treatment services. This will require the District to return to LAFCO in order to activate its collection and treatment services under its wastewater function.

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

The Wrightwood community is a small, isolated mountain community located in the Angeles National Forest. As referenced earlier in this report, the community includes territory in both San Bernardino and Los Angeles Counties. Although this report addresses the establishment of a sphere of influence for the San Bernardino County portion of the Wrightwood CSD, formation of the CSD has provided a single, unifying form of governance which considers the social and economic interests of the entire Wrightwood community.

Services of the Agency:

Government Code Section 56425(i) requires that when adopting, amending, or updating a sphere of influence 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 Policy and Procedure Manual "Chapter 3 Listing of Special Districts within San Bernardino LAFCO -- Authorized Functions and Services" identifies the following services for the Wrightwood Community Services District:

Streetlighting – Acquire, construct, improve, maintain and operate streetlighting and landscaping on public property, public right-of-way, and public easements (§61100(g)).

Park and Recreation – Acquire, construct, improve, maintain and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law (commencing with Section 5780) of the Public Resources Code (§61100(f)).

Solid Waste and Recycling -- Collect, transfer, and dispose of solid waste and refuse and provide solid waste handling service, including, but not limited to, source reduction, recycling, composting activities, pursuant to Division 30 (commencing with Section 40000) and consistent with Section 41821.2 of the Public Resources Code (§61100c).

Wastewater – Planning and engineering for the potential development of a regional wastewater treatment system should such be required by the Lahontan Regional Water Quality Control Board in the same manner as a sanitary district, formed pursuant to Sanitary District Act of 1923 Division 6 (commencing with Section 6400) of the Health and Safety Code (§61100b).

LAFCO staff recommends that the Commission confirm the authorized functions and services of the Wrightwood Community Services District as identified above.

ADDITIONAL DETERMINATIONS:

1. The Commission is the lead agency for review of the potential environmental consequences of the sphere of influence establishment. 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 that the determination of a sphere establishment, which is a planning boundary, does not cause modification to the physical environment. Therefore, his recommendation is that the sphere establishment is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3).
2. Legal notice of the Commission's consideration of the proposal has been provided through publication of a 1/8th page advertisement in *The Mountaineer*, a newspaper of general circulation in the area.
3. Individual notices were provided to all affected and interested agencies, County departments and those individuals and agencies requesting special notice.

CONCLUSION:

The Wrightwood CSD was officially formed on July 1, 2017. In the past, the Commission's past practice has been to establish a coterminous sphere of influence for new agencies within one year of formation (pursuant to the statutory direction identified in Government Code Section 56426.5(b)) in conjunction with completion of a service review (Government Code Section 56430(e)). To allow additional time for the Wrightwood CSD to stabilize its finances, the Commission deferred completion of the service review until July 2019.

Consistent with the Commission's past practices, staff recommends approval of a coterminous sphere of influence for the San Bernardino County portion of the Wrightwood CSD. A coterminous sphere, for this newly formed agency, will allow the District to focus its efforts within its current boundaries at this point in time.

Attachments:

1. [Vicinity Map and Map of Proposed Sphere Establishment](#)
2. [Wrightwood CSD Application for Sphere of Influence Establishment](#)
3. [Staff Report for LAFCO 3202 from July 2016](#)
4. [Letter from Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates dated July 9, 2018](#)
5. [Draft LAFCO Resolution No. 3271](#)