

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**PROPOSAL NO.: LAFCO 3193**

**HEARING DATE: February 17, 2016**

## **RESOLUTION NO. 3213**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3193 AND APPROVING THE SPHERE OF INFLUENCE AMENDMENT (EXPANSION) FOR THE PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT (The sphere amendment encompasses 2,078+/- acres, which is generally bordered by a combination of El Mirage Road, Meridian Road, and Plato Street on the north, Sheep Creek Road on the east, Rancho Road (existing PPHCSD boundary) on the south, and Tanner Road on the west).**

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

**WHEREAS**, an application for the proposed sphere of influence expansion 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 called for February 17, 2016 at the time and place specified in the notice of public hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written support and opposition; the Commission considered all objections and evidence which were made, presented, or filed; 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 expansion is statutory exempt from CEQA and such exemption was adopted by this Commission on February 17, 2016. The Commission directed its Executive Officer to file a Notice of Exemption within five working days with the San Bernardino County Clerk of the Board of Supervisors; and,

## RESOLUTION NO. 3213

**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 the Phelan Piñon Hills Community Services District should be expanded, as more specifically described on the attached Exhibits “A” and “A-1” to this resolution;

**WHEREAS**, the Commission determined that the proposed sphere of influence amendment, submitted under the provisions of Government Code Section 56428, does not require a service review; and,

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

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

The District’s current sphere of influence is coterminous with its boundaries. Ninety percent of the area is designated Rural Living (which is reflective of its rural atmosphere), four percent Single Residential, and the remainder of the land uses comprise six percent of the total area designated for Multiple Residential, Special Development (Residential/Commercial), Commercial, Resource Conservation, Industrial, and Institutional.

The existing uses within the sphere of influence expansion area include a mix of a non-operating dairy farm, field crops, heavy industrial development, and primarily vacant land. There is also an existing horse stable and a well site within the area. The land uses that the County has assigned for the sphere expansion area include 480 acres designated AG (Agriculture), 838 acres designated RL (Rural Living, one unit per 2.5 acres), 640 acres designated RL-5 (Rural Living, one unit per 5 acres), and 120 acres IR (Regional Industrial).

The District recently built a solar facility in one of the parcels it currently owns within the sphere expansion area, which is expected to save the District almost \$14 Million in electricity costs over the next 30 year. This is the only development that has occurred and there are no immediate plans to develop the rest of the properties that the District acquired. Likewise, no significant change is expected to occur for the rest of the sphere expansion area within the next five years.

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

Currently, the District is authorized by LAFCO to provide water, streetlights, solid waste and recycling, and park and recreation functions and services. Other services provided by regional service providers are fire protection and emergency medical response services provided by the San Bernardino County Fire Protection District, its North Desert Service Zone, and its Service Zone FP-3; wholesale water service by the Mojave Water Agency (State Water Project Contractor for the area); and the Mojave Desert Resource Conservation District overlays the entirety of the area. In addition, the area is overlain by County Service Area 70 (multiple function agency, unincorporated County), Zone P-6 of County Service Area 70 (parks), and County Service Area 60 (Apple Valley Airport).

The sphere of influence expansion area is overlain by the same regional service providers. In addition, within the sphere expansion area, parks and recreation services are currently provided by County Service Area 70 Zone P-6 and solid waste and recycling services by Burrtec under contract with the County.

## RESOLUTION NO. 3213

There are 57 parcels within the sphere of influence expansion area. The need for public facilities and services within the area will vary with the type of land use that is assigned to each parcel and the type of development proposed in the future. However, there are no development plans anticipated at this time.

### **3. The present capacity of public facilities and adequacy of public services that the agency provides**

The District is currently authorized to provide water, streetlights, solid waste and recycling, and park and recreation.

#### Water

The District provides water to around 6,800 service connections. The District's water distribution system consists of approximately 353 miles of pipelines ranging from 4-inch to 16-inch in diameter. The District obtains its water supply from the local groundwater aquifer through the use of 11 active wells in six well fields that pump directly into the distribution system or into storage reservoirs. The District maintains 35 storage tanks ranging from 1.0 million gallon (MG) to 0.04 MG with a total capacity of 12 MG.

Also, it should be noted that within the core of the District lies the Sheep Creek Mutual Water Company, a shareholder owned water utility, serving approximately 10 square miles. The Water Company currently provides for its water from surface flows and other sources.

The District has interties with the Sheep Creek Mutual Water Company, the City of Victorville, and San Bernardino County CSA 70 Zone J (Oak Hills area). These interties are typically only used during short-term emergencies or during planned shutdowns of a primary source, not during normal operating conditions when regular supplies are available.

The District is within the Alto and Oeste sub-regions of the Mojave Groundwater Basin. The District has water production rights of 1,416 acre-feet (AF) in the Oeste sub-basin. The recently acquired water rights from the dairy farm adds another 2,335 AF bringing the total to 3,751 AF, which is now higher than the historical demand of approximately 2,725 AF. The District also has water production rights of 355 AF in the Alto Sub-basin.

Properties within the sphere of influence expansion area generally rely on underground water wells. Water service from the District is not anticipated to be extended to the sphere expansion area in the near future; however, if the need arises, the cost to extend water service will be the responsibility of the property owners/developer.

#### Streetlighting

The District succeeded to the streetlights previously operated by the former County Service Area 9. It should be noted that the area of Phelan/Piñon Hills is a part of the County's Night Sky Ordinance, which limits the introduction of new streetlights in the area except to address safety issues. The District's streetlighting service is primarily located in the business district of Phelan with some at strategic intersections within the District for safety needs.

## RESOLUTION NO. 3213

There are no streetlights within the sphere of influence expansion area because most of the properties are primarily vacant. No streetlighting service is anticipated to be installed anytime soon; however, if the need arises, the cost to install streetlights will be the responsibility of the property owners/developer.

### Solid Waste and Recycling

The District administers solid waste and recycling programs. The solid waste and recycling services are contracted with CR&R Waste and Recycling Services (CR&R). The District works closely with CR&R to coordinate various programs and provide a variety of recycling events within the community.

The sphere of influence expansion area is currently served by the San Bernardino County through its Solid Waste Management Division under contract with AVCO/Burrtec for solid waste disposal services.

### Park and Recreation

The District operates two community centers with associated park facilities utilized by the entire community, the district provides for recreation activities at these facilities such as the Phelan Farmers Market (weekly event) and the Senior Lunch Program (twice a month). The District has been improving its park operations, provided additional training for staff, and worked with school officials and local sporting associations for other recreation programs to meet community needs.

The sphere of influence expansion area is within the boundaries of County Service Area 70 P-6 that operates a community park and community/senior center on an approximate 4.25 acre parcel. The park contains a baseball field, basketball court, playground, picnic areas, and an open grass area.

This sphere of influence amendment application will allow for the delivery of water, streetlights, solid waste and recycling, and park and recreation services. However, no increase in service is anticipated through the completion of this sphere of influence expansion or its corresponding annexation proposal since no development is anticipated in at least the next five years.

#### **4. The existence of any social or economic communities of interest**

The District currently serves the communities of Phelan and Piñon Hills.

The sphere of influence expansion area is within the community identified as El Mirage. This community extends west of the City of Adelanto to the westerly County line north of the communities of Phelan and Piñon Hills. The El Mirage community is also generally defined by the service entities of County Service Area 70 Zone P-6 (for park and recreation) and the San Bernardino County Fire Protection District Service Zone FP-3 (for fire protection and emergency medical response). The community is generally associated with the El Mirage Off-Highway Vehicle Area which is managed by the Bureau of Land Management.

**RESOLUTION NO. 3213**

**5. Additional Determinations**

- As required by State Law, notice of the Commission’s consideration of this issue has been advertised as required by State law through publication in *The Daily Press*, a newspaper of general circulation in the area..
- LAFCO staff has also provided individual notices to landowners and registered voters within the sphere expansion area (totaling 48) and to landowners and registered voters surrounding the sphere expansion area (totaling 181) in accordance with state law and adopted Commission policies. To date, no written comments in support or opposition have been received regarding the consideration of this proposal
- As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice. The Commission reviewed and considered all comments in making its determinations.

**WHEREAS**, pursuant to the provisions of Government Code Section 56425(i) the range of services provided by the Phelan Piñon Hills Community Services District shall be limited to the following:

<b><u>FUNCTION</u></b>	<b><u>SERVICES</u></b>
Water	Supply water for any beneficial use as outlined in the Municipal Water District law of 1911 (commencing with Section 71000) of the Water Code.
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.
Streetlighting	Acquire, construct, improve, maintain and operate streetlighting and landscaping on public property, public right-of-way, and public easements.
Solid Waste and Recycling	Collect, transfer, and dispose of solid waste 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.

**WHEREAS**, having reviewed and considered the determinations as outlined above, the Commission determines to expand the sphere of influence for the Phelan Piñon Hills Community Services District, encompassing approximately 2,078 acres.

**NOW, THEREFORE, BE IT RESOLVED** by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall consider the territory described in Exhibits “A” and “A-1” as being within the sphere of influence of the Phelan Piñon

RESOLUTION NO. 3213

Hills Community Services District, it being fully understood that the amendment of such sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

**BE IT FURTHER RESOLVED** that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that the Phelan Piñon Hills Community Services District shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

**THIS ACTION APPROVED AND ADOPTED** by the Local Agency Formation Commission for San Bernardino County by the following vote:

**AYES: COMMISSIONERS:** Bagley, Cox, Curatalo, Lovingood, Ramos, Warren, Williams

**NOES: COMMISSIONERS:** None

**ABSENT: COMMISSIONERS:** McCallon (Ms. Warren voting in his stead)

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STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN BERNARDINO )

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 regular meeting of February 17, 2016.

DATED: February 17, 2016



*Kathleen Rollings-McDonald*  
\_\_\_\_\_  
KATHLEEN ROLLINGS-MCDONALD  
Executive Officer

LAFCO NO. 3193

SPHERE OF INFLUENCE AMENDMENT (EXPANSION) FOR PHELAN  
PINON HILLS COMMUNITY SERVICES DISTRICT

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT REAL PROPERTY LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 14, T6N, R7W, S.B.M, TOGETHER WITH SECTION 23, SECTION 26, AND SECTION 35, T6N, R7W, S.B.M., IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHWEST CORNER OF SAID SECTION 35, SAID POINT BEING ON THE EXISTING PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT BOUNDARY LINE;

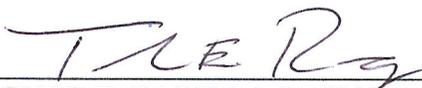
1. THENCE LEAVING THE EXISTING PINON HILLS COMMUNITY SERVICES DISTRICT BOUNDARY LINE, NORTHERLY ALONG THE WESTERLY LINE OF SAID SECTION 35, A DISTANCE OF 5280 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID SECTION 26;
2. THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID SECTION 26, A DISTANCE OF 5280 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID SECTION 23;
3. THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID SECTION 23, A DISTANCE OF 5280 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID SECTION 23;
4. THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID SECTION 23, A DISTANCE OF 2640 FEET, MORE OR LESS, TO THE SOUTH QUARTER CORNER OF SECTION 14;
5. THENCE NORTHERLY ALONG THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 2640 FEET, MORE OR LESS, TO THE CENTER QUARTER CORNER OF SAID SECTION 14;
6. THENCE EASTERLY ALONG THE NORTHERLY LINE OF THE SAID SOUTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 2640

FEET, MORE OR LESS, TO THE EAST QUARTER CORNER OF SAID SECTION 14;

7. THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID SECTION 14, A DISTANCE OF 2640 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID SECTION 23;
8. THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID SECTION 23, A DISTANCE OF 5280 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID SECTION 26;
9. THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID SECTION 26, A DISTANCE OF 5280 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID SECTION 35;
10. THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID SECTION 35, A DISTANCE OF 5280 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 35;
11. THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 35 AND SAID SOUTH LINE BEING THE NORTHERLY BOUNDARY LINE OF THE PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT BOUNDARY LINE, A DISTANCE OF 5280 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID SECTION 35 AND THE **POINT OF BEGINNING.**

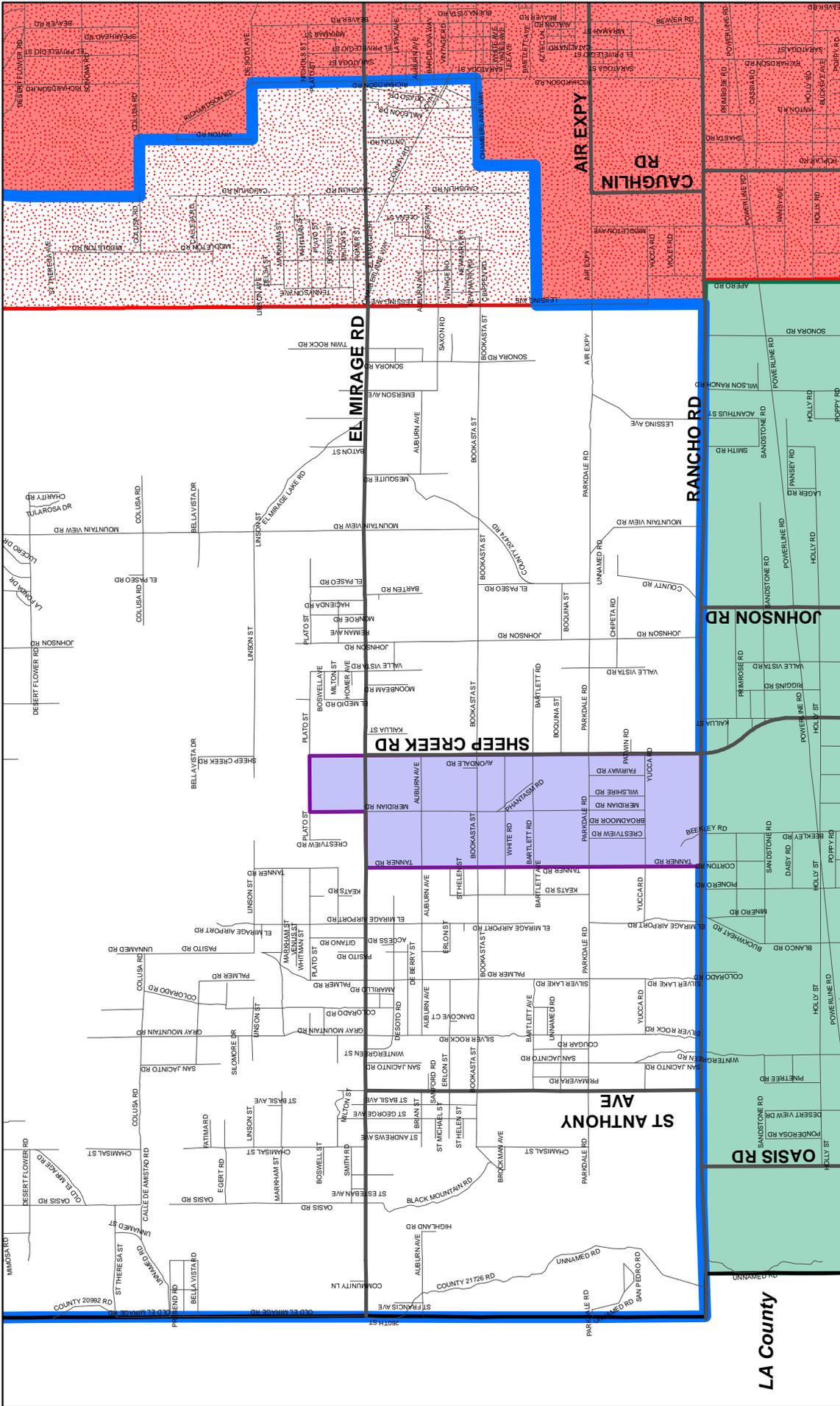
CONTAINING APPROXIMATELY 2080 ACRES

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION

  
\_\_\_\_\_  
THOMAS E. RAGEN, L.S. 6205  
EXPIRES: 3/31/2014

SEPTEMBER 29, 2015  
DATE





-  Sphere Expansion Area (3193)
-  Phelan Piñon Hills CSD Boundary & Sphere
-  CSA 70 Zone P-6
-  City of Adelanto Sphere
-  City of Adelanto Boundary
-  County Boundary

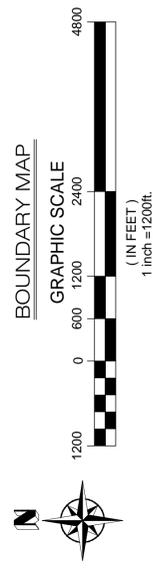
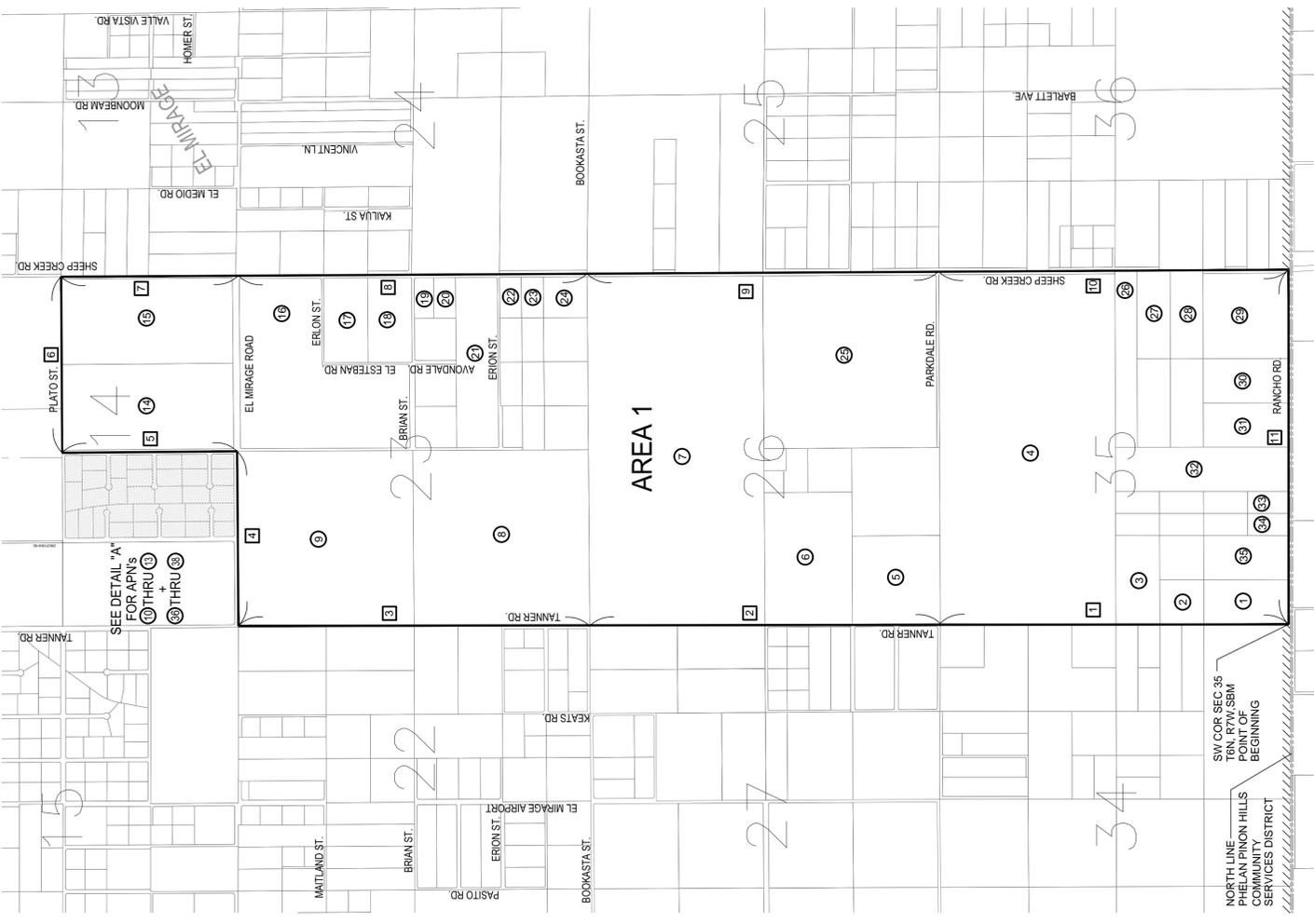
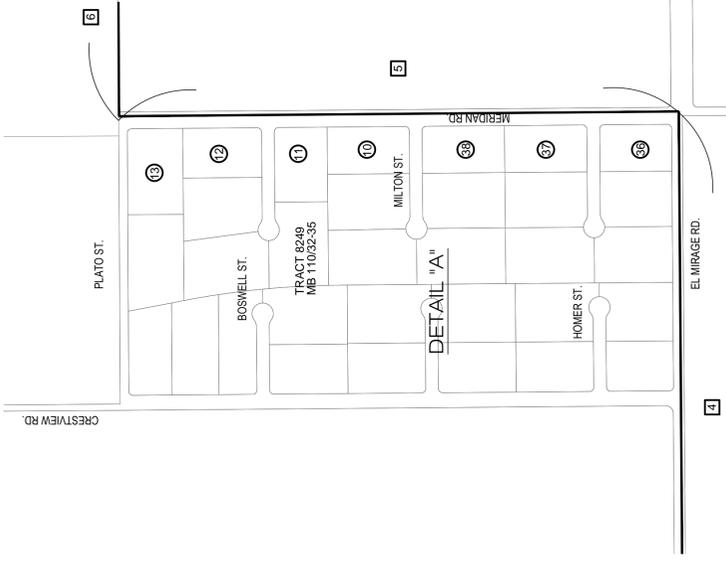


**LAFCO 3193 - Sphere of Influence Amendment (Expansion)**

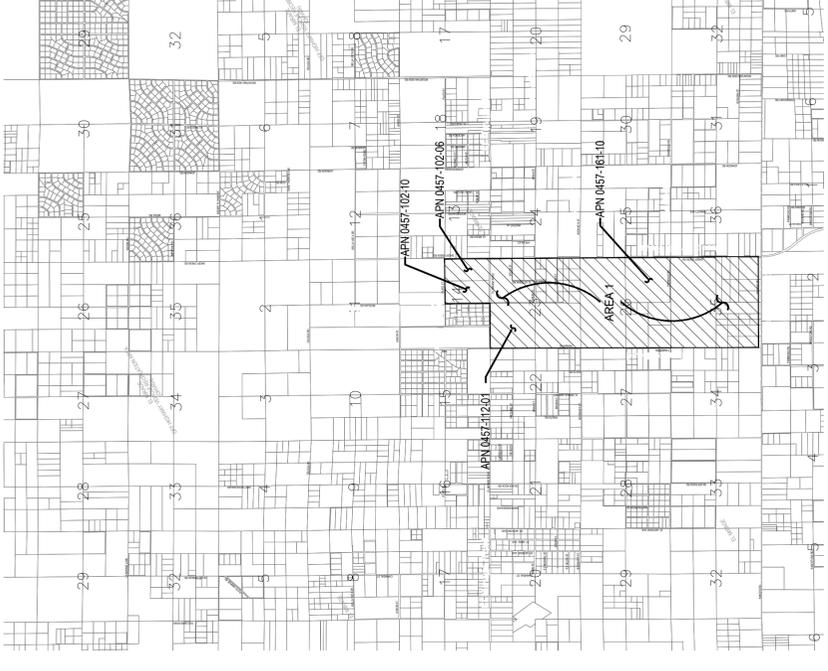
**for Phelan Piñon Hills CSD**

**Vicinity Map**

EXHIBIT "A"



**LAFCO NO. 3193**  
**SPHERE OF INFLUENCE AMENDMENT (EXPANSION) FOR**  
**PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT**  
 THE SOUTHEAST QUARTER OF SECTION 14, T6N, R7W, S.B.M., TOGETHER WITH SECTION 23, SECTION 26, AND SECTION 35, T6N, R7W, S.B.M., IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA



APPROXIMATE ACREAGE:  
2080 ACRES

**COURSE TABLE**

DIRECTION/CURVE DATA	DISTANCE
1 NORTHERLY	5280'
2 NORTHERLY	5280'
3 NORTHERLY	5280'
4 EASTERLY	2640'
5 NORTHERLY	2640'
6 EASTERLY	2640'
7 SOUTHERLY	2640'
8 SOUTHERLY	5280'
9 SOUTHERLY	5280'
10 WESTERLY	5280'

**BOUNDARY PARCEL LISTING**

- 1 0457-173-09
- 2 0457-112-19
- 3 0457-173-05
- 4 0457-173-02
- 5 0457-112-11
- 6 0457-173-01
- 7 0457-161-12
- 8 0457-161-20
- 9 0457-161-13
- 10 0457-112-06
- 11 0457-112-01
- 12 0457-371-24
- 13 0457-371-23
- 14 0457-371-19
- 15 0457-371-18
- 16 0457-102-10
- 17 0457-173-15
- 18 0457-173-14
- 19 0457-102-06
- 20 0457-112-02
- 21 0457-112-03
- 22 0457-371-01
- 23 0457-112-04
- 24 0457-371-30
- 25 0457-371-29

- LEGEND:**
- PROPOSED PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT ANNEXATION BOUNDARY
  - NORTH LINE PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT
  - ▭ BOUNDARY DESCRIPTION REFERENCE NUMBER
  - ⊙ ASSESSOR'S PARCEL NUMBER (REFERENCE NUMBER)
  - ▨ PROPOSED ANNEXATION AREA

DATE OF PREPARATION:  
AUGUST 27, 2015

**TRLS ENGINEERING Inc.**  
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 Hesperia, CA 92345  
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