


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

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DATE: APRIL 10, 2012 
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
SAMUEL MARTINEZ, Assistant Executive Officer
MICHAEL TUERPE, Project Manager
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #8 – LAFCO 3148 – Service Review and Sphere of Influence Update for the Bighorn-Desert View Water Agency

RECOMMENDATION:

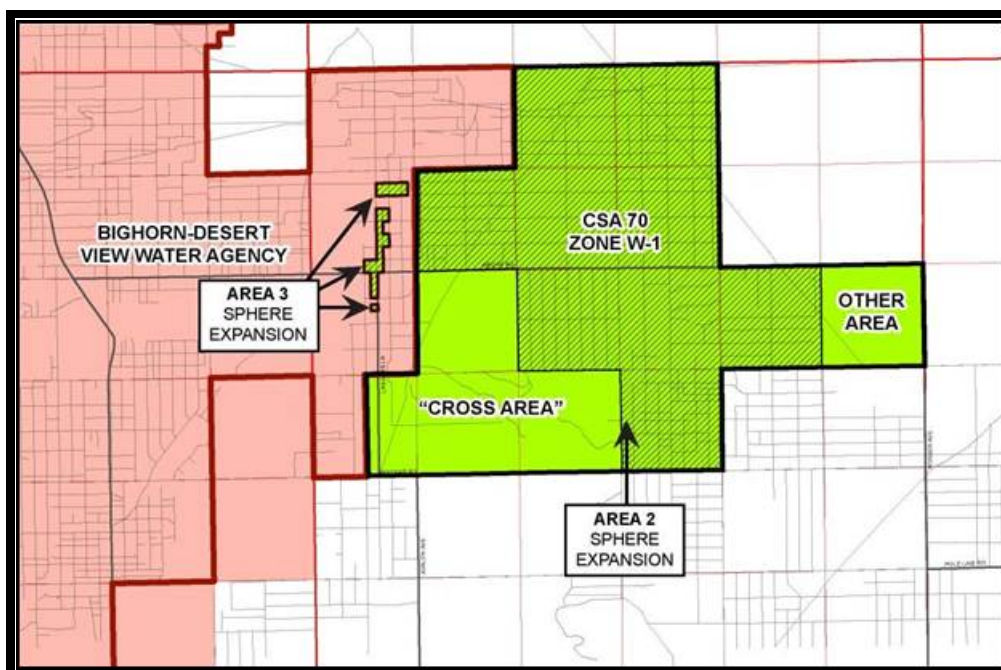
Staff recommends that the Commission take one of the following options:

1. If the Commission determines that the LAFCO and Bighorn Desert View Water Agency surveys and additional information is insufficient to change the sphere update approved at the January 18, 2012 hearing, then adopt Resolution No. 3155 reflecting its determinations for the Service Review and Sphere of Influence Update for the Bighorn-Desert View Water Agency (LAFCO 3148)
2. If the Commission determines that the results of the LAFCO and Bighorn Desert View Water Agency surveys and additional information are sufficient to include Area 2 or any portion of Area 2 within the District's sphere of influence, take the following actions:
 - a. Certify that the sphere of influence modifications to include expansions (Areas 2 and 3) and reduction (Area 1) are statutorily exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days;
 - b. Approve the sphere of influence expansions (Areas 2 as determined by the Commission and 3) and reduction (Area1);
 - c. Adopt LAFCO Resolution No. 3155, as modified at this hearing, reflecting the Commission's determinations for the Service Review and Sphere of Influence Update.

BACKGROUND:

At the January hearing, the Commission considered the Service Review and Sphere of Influence Update for the Bighorn-Desert View Water Agency (hereafter shown as BDVWA or Agency). At that hearing, the Commission received and filed the service review for the Agency, adopted the environmental finding for LAFCO 3148, and made its determinations related to the service review and sphere of influence update for the Agency.

The actions taken at that hearing for the sphere of influence update by the Commission modified staff's recommendation by approving only the sphere of influence reduction (Area 1) and the proposed sphere of influence expansion for Area 3, which included three totally surrounded islands (Areas 3a, 3b, and 3c) generally located along Landers Lane, north and south of Reche Road. The Commission specifically indicated its preference not to add any additional sphere area for the Agency, except for the three islands that it already serves.



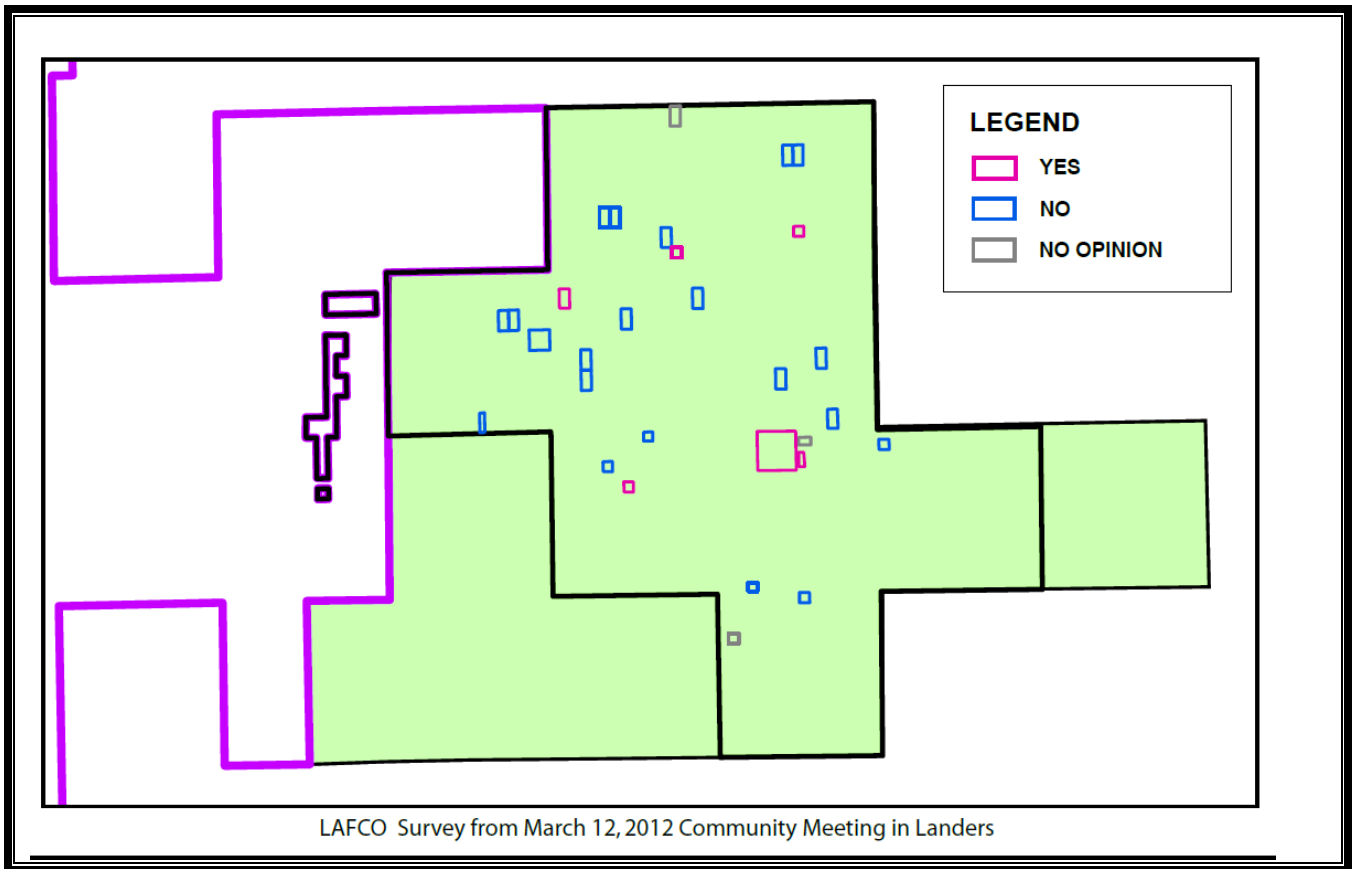
However, it was noted at the February hearing that when the Commission began its consideration of the South Desert region service review starting with the Yucca Valley community, it identified the 4.5-square mile "cross area" (approximately 2,880 acres) that was entirely surrounded by four water agencies – the Hi-Desert Water District, the Joshua Basin Water District, CSA 70 W-1, and the Agency. After the hearing in January, the Agency reminded LAFCO staff that Area 2 not only included the CSA 70 W-1 area (or the portion easterly of CSA 70 W-1 that had development potential), but also included the remainder of the "cross area" that the Commission previously had signaled its intent to include within the Agency's sphere. A copy of the staff report for the January and February hearings are included as Attachment #1 to this report.

At the February hearing the Agency presented a request from a property owner within the "cross area" and referred to others with W-1 as being interested in becoming a part of the BDVWA sphere of influence. Following this discussion, the Commission directed staff to

conduct a community meeting in the area to review with landowners and registered voters the options available and to seek their opinion on a potential expansion.

On March 12, 2012, the community meeting was held in the Landers community with Commissioners Coleman, Cox, and Derry in official attendance. Individual notices of the community meeting were provided to 1068 individual landowners representing 1437 parcels and 308 registered voters. Minutes of this community meeting were prepared and are Item # 3 on the April 18, 2012 agenda provide the general tenor of the meeting. In addition an opinion request was made at the community meeting and the survey of the responses submitted are shown on the map below:

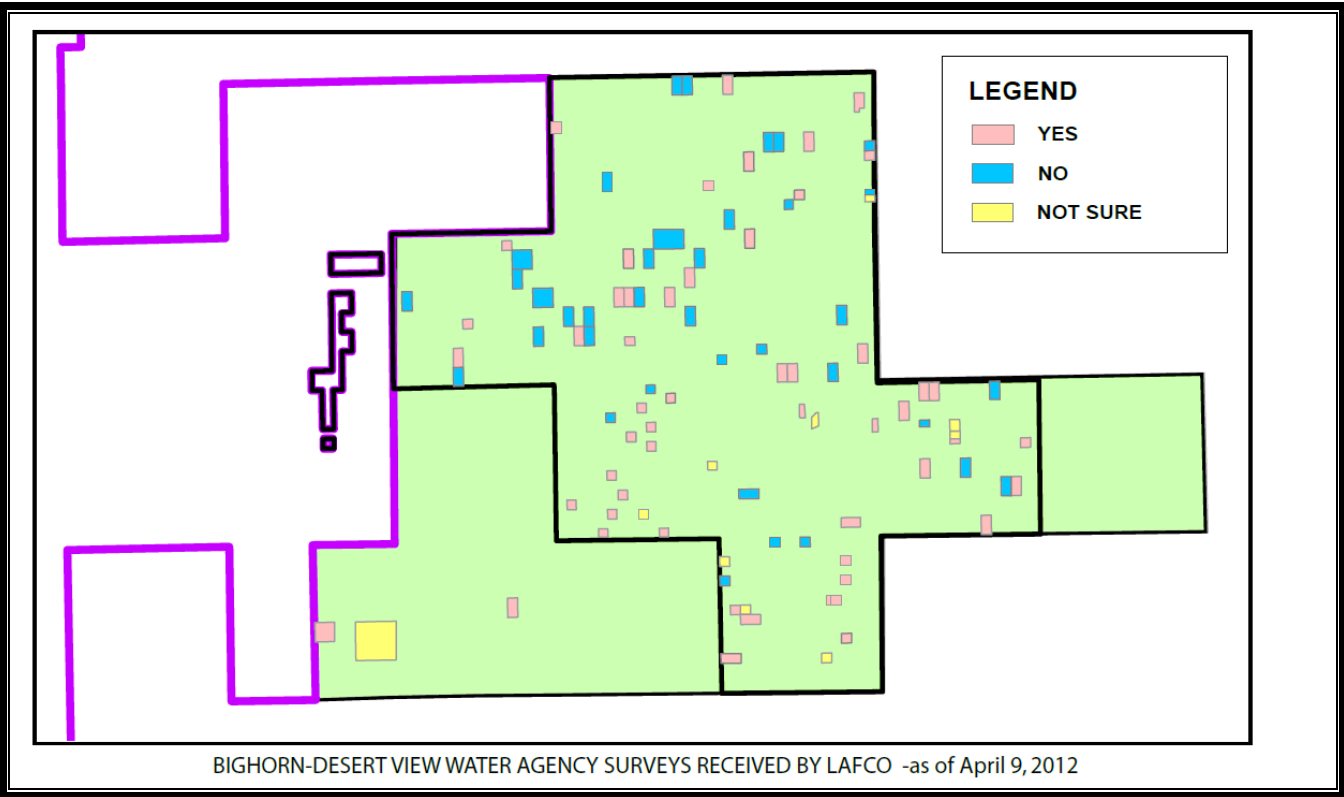
Yes	6
No	20
No (unverified name/address)	2
No Opinion	3
Disqualified for being out of the area	12
TOTAL SUBMITTED RESPONSES	43



In addition, the Agency sent out its own survey cards to landowners and voters in the area seeking a response as to whether or not they wanted to be included within the sphere of influence and asked that the response be mailed to the LAFCO office. Those responding made their decision in the privacy of their own home, after many had called the LAFCO office with questions. The submission date was listed in the Agency's materials as April 10, 2012 which is after the date for publication of this report, so the data included is as of April 9, 2012. At the

hearing staff will update the information related to responses received after the posting of the report. The map below shows the survey response at the close of business on April 9, 2012, which are:

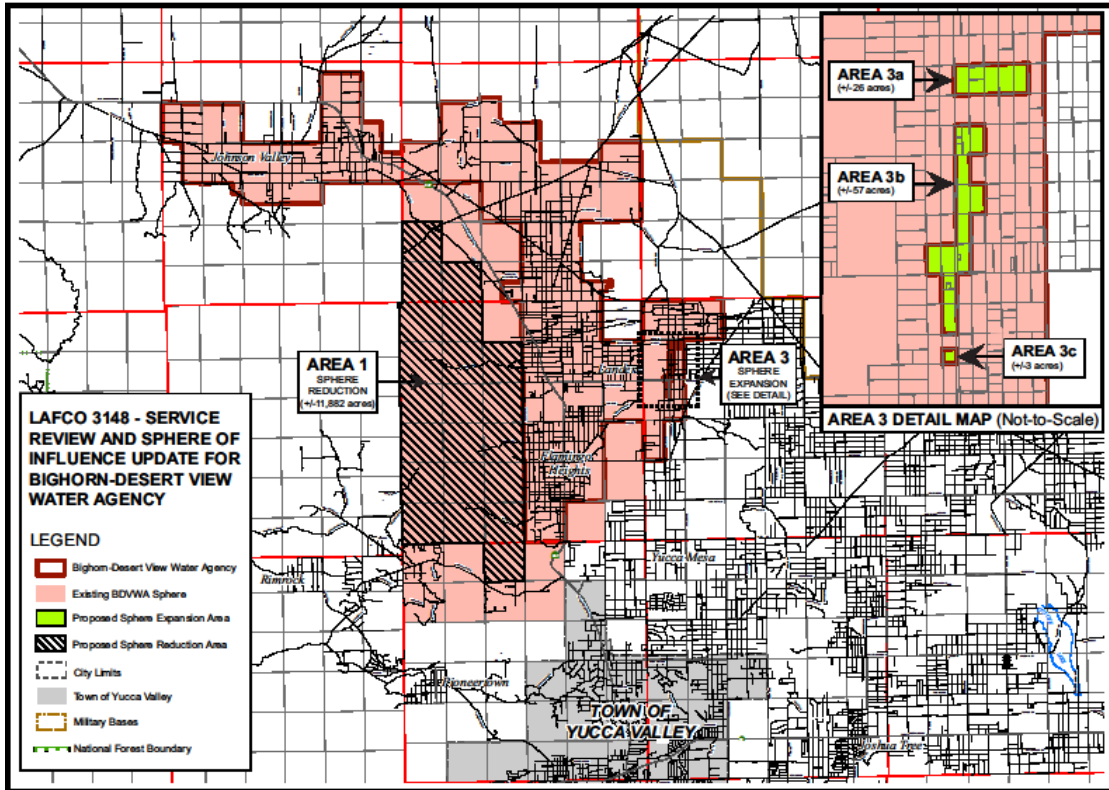
Yes	54
No	37
Not Sure	11
Other (not sure; no name, etc.)	6
TOTAL BDVWA SURVEY	108



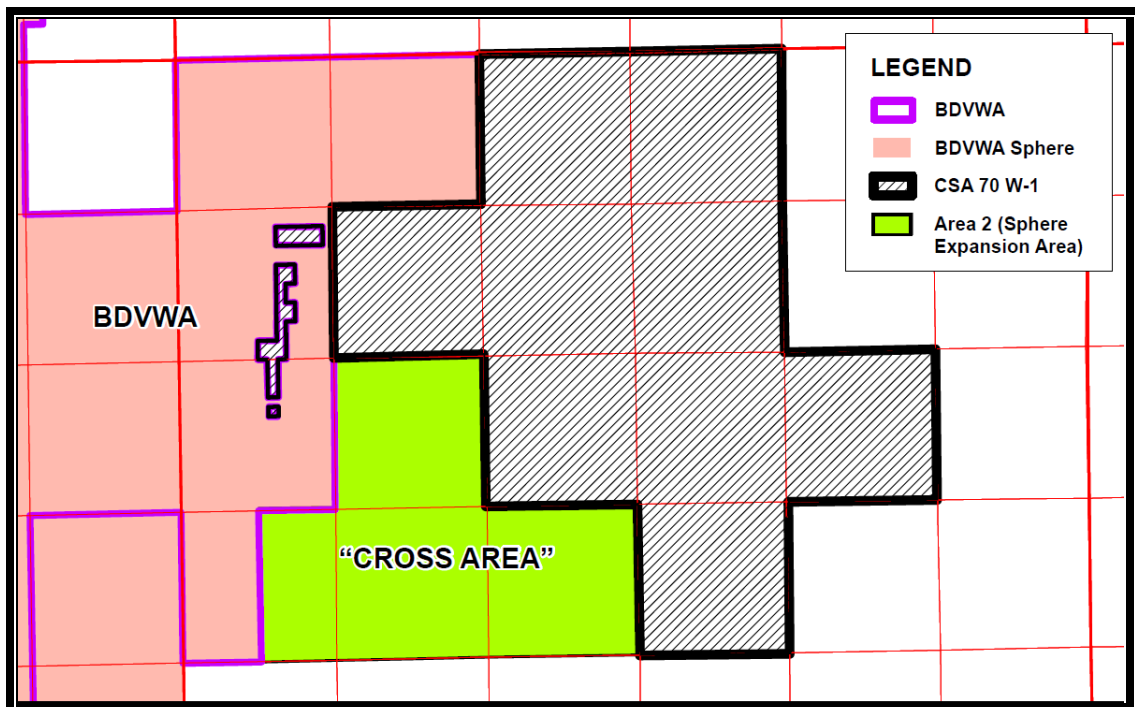
In addition at the April 3, 2012 Board of Directors meeting for the Agency, it adopted Resolution No. 12R-15 requesting that the Commission include Area 2 within its sphere of influence. A copy of Resolution No. 12R-15 is included as Attachment #2.

So, the Commission has three options in the staff's view:

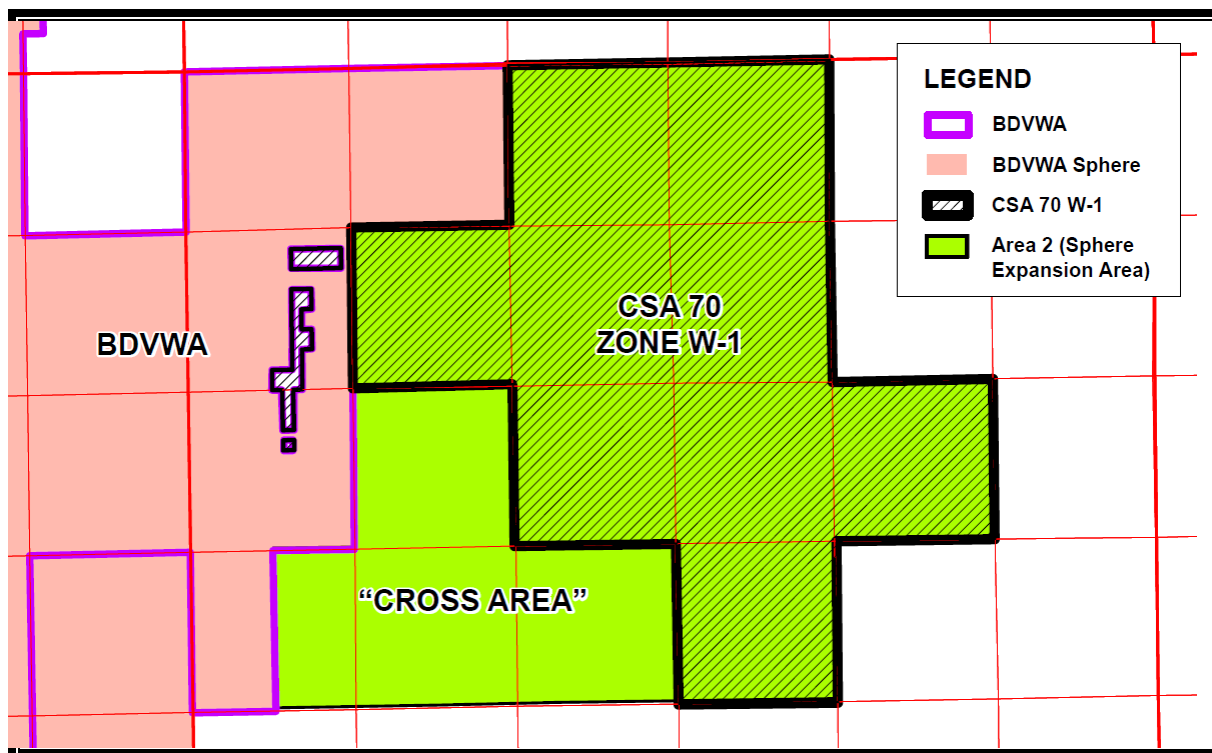
1. Uphold its decision from the January 18, 2012 hearing and determine to only expand the sphere of influence to address Area #3 currently being served by the Agency. This would entail adoption of the draft Resolution No. 3155 as presented at the last hearing (copy included as Attachment #4) for the area shown below.



- Based upon written requests for inclusion within the sphere of influence for the Agency and the previous discussions regarding the "cross area" add the following additional areas to the sphere of influence identified as Area #2:



3. Based upon the survey responses received expand the sphere of influence as shown on the map below to be identified as Area 2:



Staff's assessment of the service review/sphere of influence update for the Agency presented at the January 18, 2012 hearing recommended the inclusion of Area #2 in its entirety. However, any of the options outlined above can be supported based upon the factors outlined in the service review/sphere of influence update. The determination, therefore, is one for the Commission to make. Should the Commission choose either Option #2 or #3, the environmental assessment conducted by the Commission's environmental consultant, Tom Dodson and Associates, would apply to the area and was included as a part of the legal advertisement for this consideration. A copy of the letter from Mr. Dodson is included as Attachment #3.

Attached to this report is the draft resolution reflecting the Commission's final determinations related to LAFCO 3148 which can be modified if either Option #2 or #3 is chosen by the Commission.

KRM/

ATTACHMENTS:

- 1 -- [Staff Reports from the February 15, 2012 and January 18, 2012 Hearings Related to LAFCO 3148](#)
- 2 -- [Bighorn Desert View Water Agency Resolution No. 12R-15](#)
- 3 -- [December 4, 2011 Letter from Tom Dodson of Tom Dodson and Associates](#)
- 4 -- [Draft Resolution No. 3155 Prepared for Commission Determination of Sphere of Influence at the February 15, 2012 Hearing](#)