

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

175 West Fifth Street, Second Floor
San Bernardino, CA 92415-0490 • (909) 387-5866 • Fax (909) 387-5871
E-mail: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: OCTOBER 8, 2004

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer



TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #6 – LAFCO 2933 – Service Review and Sphere of Influence Update for the Beaumont-Cherry Valley Water District

INITIATED BY:

San Bernardino Local Agency Formation Commission

RECOMMENDATION:

1. Determine that LAFCO 2933 is statutorily exempt from environmental review and direct the Clerk to file a Notice of Exemption within five days;
2. Make the findings related to a service review required by Government Code Section 56430 and determine that the existing sphere of influence for the Beaumont-Cherry Valley Water District should be affirmed as presently configured; and,
3. Adopt LAFCO Resolution #2840 setting forth the Commission's findings and determinations on this issue.

BACKGROUND INFORMATION:

This item was originally heard by the Commission at its August 18, 2004 hearing. The item was continued to the October hearing with the direction to staff to contact representatives of the District once again for their participation in the service review/sphere update process. On August 27th, a letter was forwarded to the District asking for participation in the review process, providing a supplemental copy of the staff report prepared for the August 18th Hearing, and asking for comments by no later than October 6th.

On September 24th, staff received a letter from the District expressing concern over the matter of the “service area” of the District as identified in the staff report but no other concerns were identified (Attachment #1). Staff in turn contacted the General Manager of Beaumont-Cherry Valley Water District, Mr. C. J. Butcher, to review this boundary question. During this telephone conversation, staff has confirmed that the “service area” identified in the correspondence outlines the actual land holdings of the District within San Bernardino County, while the defined jurisdictional boundary within San Bernardino County is confined to 5.25 acres along Oak Glen Road as outlined in the report (maps showing this boundary included as Attachment #2). No other comments regarding the prior staff report were submitted.

The letter goes on to identify a proposal to be presented to the Riverside LAFCO in the near future for the annexation of territory both within San Bernardino and Riverside Counties. The letter indicates that it will be proposing that all “District property” within San Bernardino County will be included within this annexation proposal. Staff has confirmed with Mr. Butcher that the anticipated application will include the whole of the District’s sphere of influence within San Bernardino County. As identified in the original report prepared for this service review/sphere update (copy included as Attachment #3), LAFCO staff for San Bernardino County will seek to be assured that this Commission’s policies regarding the concurrent annexation of territory to the appropriate water wholesaler is applied by Riverside County LAFCO as it conducts its principal county proceedings for this anticipated annexation.

Staff reiterates its findings and determination as outlined in the original staff report and draft resolution prepared for the service review/sphere of influence update for the Beaumont-Cherry Valley Water District. In doing so, staff recommendation is that the existing sphere of influence for the Beaumont-Cherry Valley Water District be affirmed.

/krm

Attachments:

1. September 23, 2004 Letter from Beaumont-Cherry Valley Water District
2. Maps of District Sphere of Influence within San Bernardino County and Regional Water Providers
3. Original Staff Report without Attachments for LAFCO 2933 dated August 9, 2004
4. Response from Tom Dodson and Associates
5. Draft Resolution #2840

**September 23, 2004 Letter From
Beaumont-Cherry Valley
Water District**

Attachment 1

BEAUMONT- CHERRY VALLEY WATER DISTRICT

DIRECTORS

Gerald H. Brey

President

William Lash

Vice President

Dr. Blair Ball

Albert Chatigny

Stella Parks

560 Magnolia Avenue

Beaumont, California 92223-2258

Telephone 909-845-9581

Fax 909-845-0159

OFFICERS

C.J. Butcher

Secretary/Treasurer

J.C. Reichenberger

Parsons Engineering Science

Engineer

Gerald Shoaf

General Counsel

RECEIVED
SEP 24 2004

September 23, 2004

LAFCO
San Bernardino County

Ms Kathleen Rollings-McDonald
Local Agency Formation Commission
175 West Fifth Street, Second Floor
San Bernardino, CA 92415-0490

Subject: Agenda Item #11: LAFCO 2933 – Service Review and Sphere-of-Influence Update for the Beaumont Cherry Valley Water District

Dear Ms Rollings-McDonald:

The Beaumont Cherry Valley Water District (District) is in receipt of a copy of LAFCO 2933, dated August 9, 2004. The District would like to clarify the service area and the area within the District's sphere-of-influence within San Bernardino County. LAFCO 2933 states that the present service area within San Bernardino County encompasses an area of approximately 5.25 acres. The District's present service boundary actually covers a larger area which encompasses an area of approximately 574 acres. See Exhibit A attached (shaded area). The District's sphere-of-influence, within San Bernardino County, encompasses an area of approximately 2830 acres. See Exhibit A. Presently the District is only serving property owner(s) in a 5.25 acre area.

As stated in the above report, the Riverside LAFCO is acting as Principal County and will over see all proposed annexations to the District. The District is currently in the process of submitting an annexation package to the Riverside LAFCO for concurrent annexations of various developments and property owners within Riverside County. As a part of this annexation will be the annexation of all District property located in San Bernardino County. It is anticipated that the proposed annexation area within San Bernardino County will be approximately 2830 acres.

The District respectfully requests the above report be revised to reflect the above information.

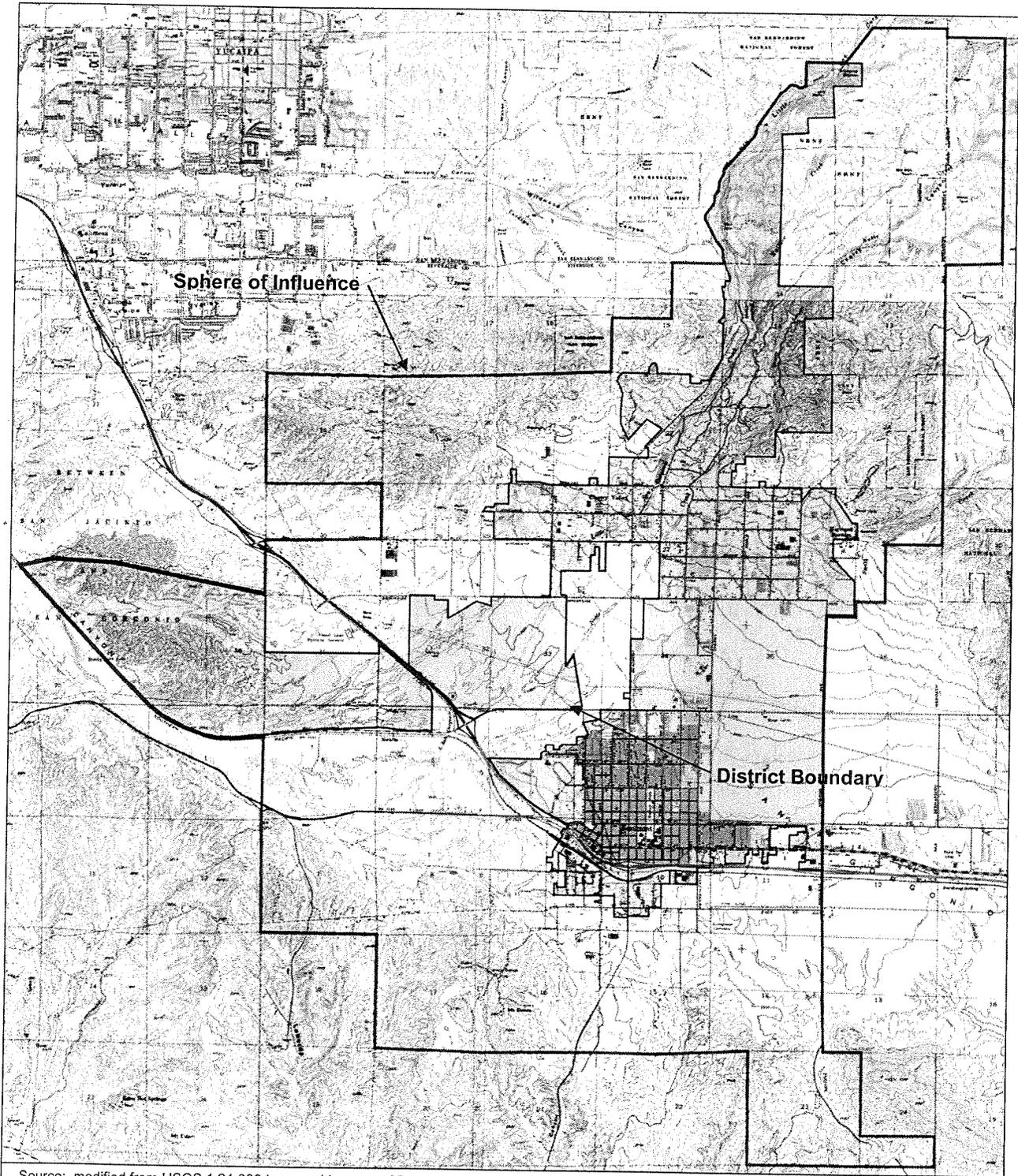
Please do not hesitate to contact the District if additional information is required.

Sincerely



C. J. Butcher

General Manager



Source: modified from USGS 1:24 000 topographic maps of Beaumont, Forest Falls, Yucaipa, and El Casco, CA



NORTH

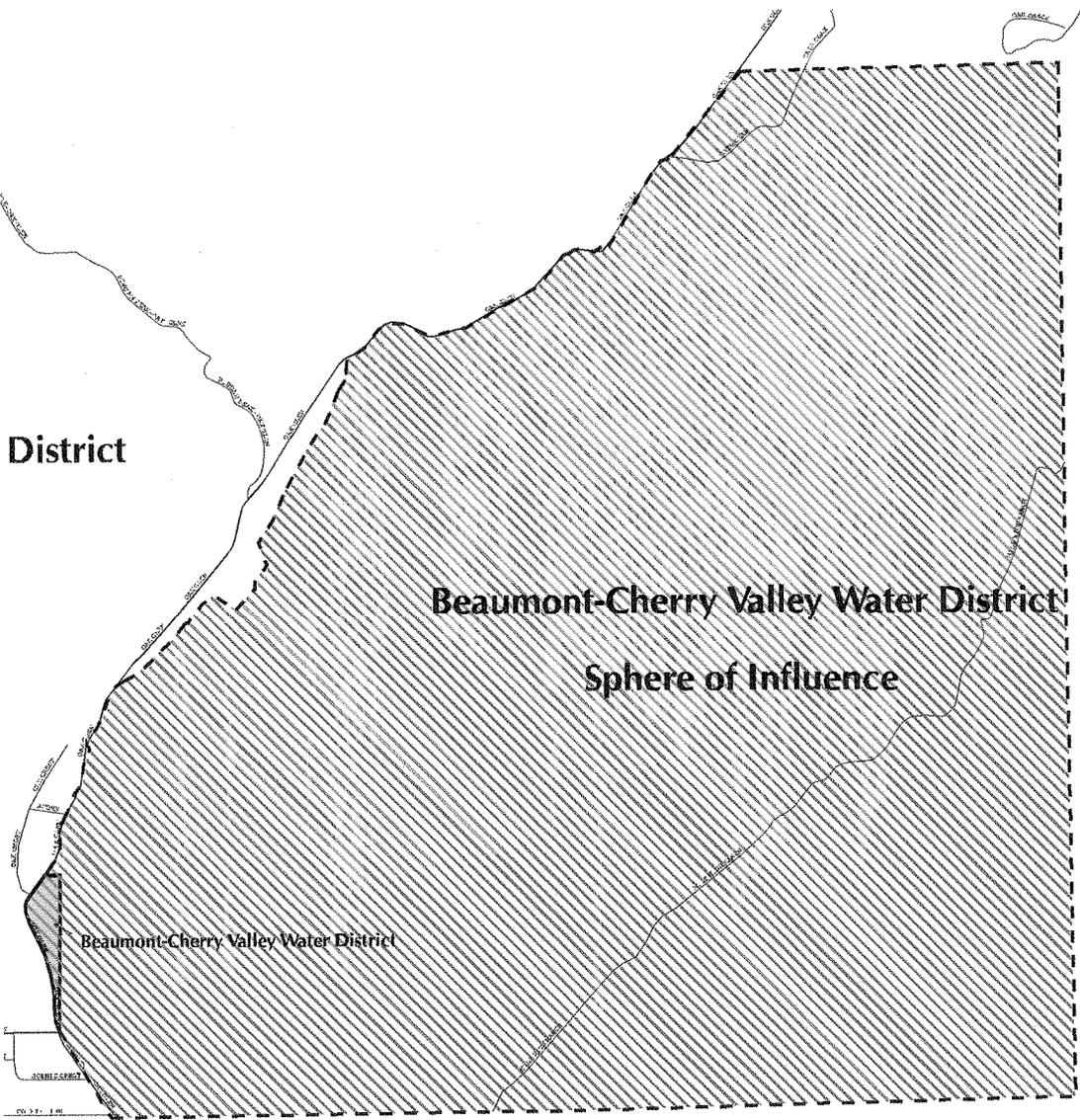


Approximate Scale in Feet

Exhibit A
District Boundary and Sphere of Influence
Beaumont Cherry Valley Water District
Beaumont, California

**Maps of District
Sphere of Influence Within
San Bernardino County and
Regional Water Providers**

Attachment 2



District

Beaumont-Cherry Valley Water District
Sphere of Influence

Beaumont-Cherry Valley Water District

CO. 241. 1. 00



DISTRICT & SPHERE OF INFLUENCE BOUNDARIES
Beaumont-Cherry Valley County Water District



Map Prepared On July 20, 2004

**Original Staff Report without
Attachments for LAFCO 2933
Dated August 9, 2004**

Attachment 3

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

175 West Fifth Street, Second Floor
San Bernardino, CA 92415-0490 • (909) 387-5866 • Fax (909) 387-5871
E-mail: lafco@lafco.sbcounty.gov
www.sbciafco.org

DATE: AUGUST 9, 2004

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer



TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: **Agenda Item #11:** LAFCO 2933 – Service Review and Sphere Of Influence Update for the Beaumont-Cherry Valley Water District

INITIATED BY:

San Bernardino Local Agency Formation Commission

RECOMMENDATION:

1. Determine that LAFCO 2933 is statutorily exempt from environmental review and direct the Clerk to file a Notice of Exemption within five days;
2. Make the findings related to a service review required by Government Code Section 56430 and determine that the existing sphere of influence for the Beaumont-Cherry Valley Water District should be affirmed as presently configured; and,
3. Adopt LAFCO Resolution #2840 setting forth the Commission's findings and determinations on this issue.

BACKGROUND INFORMATION:

LAFCO 2933 was initiated by the Commission on January 15, 2003 in response to state mandates requiring service reviews and sphere of influence updates for all cities and special districts on a five-year schedule and is the service review and sphere of influence update for the Beaumont-Cherry Valley Water District (BCVWD). As LAFCO staff began the service review/sphere

updates for the East Valley Region, including for the BCVWD, we contacted the District on numerous occasions outlined as follows:

1. The Notice of Hearing and staff report initiating the service reviews for the East Valley were provided to the District in December 2002.
2. A letter was forwarded, following initiation, identifying a meeting on January 29, 2003 to review with affected agencies the Commission's policies and requirements for conduct of the mandated sphere update/service reviews. Included was a survey response form.
3. February 27, 2003 -- correspondence was forwarded to BCVWD and those other agencies not participating in the January 29th meeting providing an additional copy of the Commission's policies, and the survey form with a request that the information be provided by March 2003.
4. March 26, 2003 -- a reminder letter outlining the need for submission of the District's response to the survey questionnaire was forwarded to those districts not providing a response, including the BCVWD.
5. August 6, 2003 -- a request for completion of the survey form was again provided with the notation that a meeting would be scheduled with the Executive Officer to go over the form and any questions or difficulties the District was experiencing in completion of the survey response.
6. A meeting was scheduled for September 15, 2003 at the BCVWD office. Arriving at the appointed time, staff was informed that the General Manager had left for another meeting. Another copy of the survey response was left with District staff, with no response forthcoming.

In March 2004, a copy of the District's 2002 Urban Water Management Plan was received in the staff office following discussions with the Riverside LAFCO staff for assistance in completing this review. Therefore, this service review and sphere update are based upon this document only.

Included as Attachment #1 to this report are location and vicinity maps which identify the boundaries and existing/proposed sphere of influence for the BCVWD within San Bernardino County. Attachment #2 to this report is a District Summary Profile Sheet and excerpts from the BCVWD 2000 Urban Water Management Plan.

As required by the Commission's policies to address a sphere of influence, a community-by-community approach is employed. LAFCO staff has addressed

the BCVWD service review/sphere update along with the larger Yucaipa community for its territory within San Bernardino County. The service area of the BCVWD is primarily within Riverside County, and its sphere territory within San Bernardino County relates to lands easterly of Oak Glen Road, southerly of the Oak Glen community. The sphere of influence designation for the District addresses lands which it owns in order to produce water for distribution to its customers to the south. Staff has examined this District's relationship to the sphere of influence update/service review and proposes no change for the BCVWD sphere of influence.

For information purposes, it should be noted that should this District propose annexation of territory within San Bernardino County, the Riverside LAFCO would conduct those proceedings as Principal County for BCVWD. However, it should be noted that in doing so, San Bernardino LAFCO staff would seek to be assured that its policies for concurrent annexation of territory to the water wholesaler within the area would be applied by Riverside LAFCO. The water wholesaler designated for this area is the San Bernardino Valley Municipal Water District (SBVMWD) and its sphere of influence includes the whole of the area assigned to the BCVWD sphere within San Bernardino County (attachment #4 to this report provides a map of the location of the San Bernardino Valley Municipal Water District and its sphere of influence).

Such a future change of organization would also require the clarification of the impacts on the state water contractors within the area. The area southerly of the County line is a part of San Gorgonio Pass Water Agency (a state water contractor) boundary and sphere, while the sphere of influence territory of the District within San Bernardino County is, as noted above, part of the SBVMWD (a state water contractor) sphere. As the Commission is aware, delivery of water extracted within the boundaries of one state water contractor and delivered in another creates conflicts with many state water contracts. This situation has been addressed in the case of the West Valley Water District (WVWD) through adoption of an agreement between the four parties involved in that area. The Yucaipa Valley Water District service review/sphere update addressed the same question indicating that it would be recommended that the same type of agreement be considered for use to address the transfers of water. If necessary, a similar agreement would also be suggested between the affected state water contractors and the BCVWD.

SERVICE REVIEW:

The BCVWD is an independent special district formed under the provisions of Irrigation District Law, Water Code Sections 20500 through 29976. The only BCVWD service territory within the County of San Bernardino relates to 5.25

acres along the easterly side of Oak Glen Road, a part of the City of Yucaipa. An excerpt from the Urban Water Management Report prepared for the BCVWD is included as a part of Attachment #2 and this document has been used to address the service review factors. As noted earlier, no survey response has been provided by the District. The response to the review factors is outlined in the draft resolution included as Attachment #6 to this report, summarized as:

1. Infrastructure Needs and Deficiencies – The District’s sphere of influence area within San Bernardino County primarily encompasses lands used for water production by the District. The document provided does not identify specific infrastructure needs, but does indicate that the District will stabilize its demands on the Beaumont Storage Unit and Edgar Canyon areas, develop recycled water use, capture and percolate stormwater and use imported water for water supply to its customers.

The document indicates that the District’s well facilities within San Bernardino County account for 10 of its 19 wells and the production of approximately 4,190 acre feet (calculated for the 2002 report). In addition, it notes that the District has 40 to 50 ponds within the Upper Edgar Canyon area (within San Bernardino County) to capture and percolate storm water.

2. Cost Avoidance Opportunities and Shared Facilities Opportunities – The San Timoteo Watershed Management Authority (STWMA), a joint powers authority consisting of the Yucaipa Valley Water District, the City of Beaumont, the BCVWD, and the South Mesa Water Company, has been formed to study and implement a regional water resource management program. The area encompassed by the STWMA includes 140 square miles and includes the upper parts of the San Timoteo and San Gorgonio water sheds to maximize this local water resource.
3. Government Structure Options – The District was formed in 1919 as the Beaumont Irrigation District, operating under Irrigation District Law, defined by the lands provided water by the Beaumont Land and Water Company. In 1920, the District became the Beaumont-Cherry Valley Water District and still operates under Irrigation District law.

Figure 1-1 of the District Urban Water Management Plan provides a map showing the District’s boundary and sphere of influence. The sphere of influence boundary within San Bernardino County is accurately reflected; however, the District’s boundary shows vast lands

within San Bernardino County a part of the District. As a part of the development of digitized maps of independent special districts, LAFCO staff researched government records for the agencies within our County, provided each with a map of the service area, and requested their review and confirmation in 1999. At that time it was confirmed with BCVWD District staff that the territory of the BCVWD within San Bernardino County is confined to 5.25 acres along Oak Glen Road, while the balance of the area illustrated on the map is owned by the District, but not a part of its jurisdictional boundaries. Attachment #1 to this report provides the sphere and boundary definitions as confirmed in 1999 for the District within San Bernardino County.

4. Local Accountability and Governance – The District is governed by a five-member Board of Directors, elected at-large. The District conducts its business at regularly scheduled meetings at its administrative facilities open to the public.
5. Since the BCVWD is governed by the Riverside LAFCO as its Principal County, it is Riverside LAFCO that determines the authorized powers and services for this District. Through this process, BCVWD is currently authorized the active services and functions as follows:

| SERVICE | FUNCTIONS |
|---------|---|
| Water | Domestic, industrial, commercial, irrigation and agricultural |

Latent powers are those powers authorized to a special district through its principal act, but which are not being actively provided. According to the BCVWD’s principal act, the Irrigation District Law (Water Code Sections 20500 to 29976), the latent powers of the District are:

| SERVICE | FUNCTIONS |
|------------------|---|
| Drainage | Provide any and all drainage made necessary by the irrigation provided by the District. |
| Electrical Power | Purchase or lease electric power and provide for the acquisition, operation and control of plants for the generation, transmission, etc. of power. After January 1999, District may not construct, lease, acquire, install, or operate facilities for distribution or transmission of power within the territory of an electrical corporation unless it has first applied for and received approval of the PUC. |
| Flood Control | Operate flood control works in districts having more than 200,000 acres. |

| | |
|---------------------|--|
| Sewage Disposal | Disposal; reclamation of wastewater for beneficial use. |
| Park and Recreation | Construct, maintain, and operate recreational facilities in connection with dams, reservoirs, or other work owned and constructed by the District. |
| Airport | Acquire and operate an airport or aviation school. |

None of the adjacent or overlaying agencies have identified any current concerns with the existing sphere of influence for the Beaumont-Cherry Valley Water District within San Bernardino County addressed by this review.

CONCLUSION:

Based on the information outlined above staff recommends that the Commission affirm the District's sphere of influence within San Bernardino County. Staff recommends that the Commission adopt Resolution #2840 setting forth written responses to the statutory factors related to service reviews and sphere of influence studies.

KRM

Attachments:

1. Maps of the current Water Districts within the East Valley and the Existing Sphere of Influence for the Beaumont-Cherry Valley Water District
2. Summary District Profile Sheet and Excerpt from Urban Water Management Plan for Beaumont-Cherry Valley Water District
3. Commission Policy Regarding Sphere of Influence Determinations
4. Map of the Sphere of Influence and Boundary of the San Bernardino Valley Municipal Water District
5. Response from Tom Dodson and Associates
6. Draft Resolution #2840

**BEAUMONT-CHERRY VALLEY WATER DISTRICT
DISTRICT PROFILE SUMMARY SHEET**

CONTACT PERSON:

Charles "Chuck" Butcher, General Manager

ADDRESS: 560 N. Magnolia Avenue
Beaumont, CA 92223

Mailing Address:

P O Box 2037, Beaumont, CA 92223

Phone: (951) 845-9581

Fax: (951) 845-0159

WEBSITE: www.bcvwd.org

E-MAIL ADDRESS: julie.salinas@bcvwd.org

DATE OF FORMATION: March 1919

PRINCIPAL ACT:

Irrigation District Law (Water Code Section 20500 through 29976)

IMPROVEMENT DISTRICTS: ____ YES XX NO

If yes, please indicate name and define area of service.

GOVERNING BODY:

5 member board of directors, elected at-large

MEMBERSHIP:

| | |
|----------------|------------------------|
| President | Gerald "Gerry" H. Brey |
| Vice-President | Will Lash |
| Director | Dr. Blair Ball |
| Director | Albert Chatigny |
| Director | Stella Parks |

PUBLIC MEETINGS: 2nd Wednesday of the month at 7:00 p.m. at
District offices

SERVICES PROVIDED:

CURRENTLY AUTHORIZED POWERS (SERVICES) PURSUANT TO DETERMINATION OF RIVERSIDE COUNTY LAFCO:

| SERVICE | FUNCTIONS |
|---------|--|
| Water | Domestic, industrial, commercial, irrigation, and agricultural |

LATENT POWERS (SERVICES) those services authorized by the Agency's principal act, but not activated through the LAFCO process:

| SERVICE | FUNCTIONS |
|---------------------|--|
| Drainage | Provide any and all drainage made necessary by the irrigation provided by District. |
| Electric Power | Purchase or lease electric power and provide for the acquisition, operation and control of plants for the generation, transmission, etc. of power. After January 1999, Districts may not construct, lease, acquire, install, or operate facilities for distribution or transmission of power within the territory of an electrical corporation unless the district has first applied for and received approval of the Public Utilities Commission. |
| Flood Control | Operate flood control works in districts having more than 200,000 acres. |
| Sewage Disposal | Disposal; reclamation of waste water for beneficial use. |
| Park and Recreation | Construct, maintain, and operate recreational facilities in connection with dams, reservoirs, or other work owned and constructed by the district. |
| Airport | Acquire and operate an airport or aviation school. |

AREA SERVED

| | |
|------------------------------|-------------------------------|
| Within San Bernardino County | 5.25 acres |
| Within Riverside County | 10 square miles (6,400 acres) |

POPULATION

| | |
|------------------------------|-------------------------------|
| Within San Bernardino County | 0 |
| Within Riverside County | 14,550 Defined by 2000 Census |

SERVICES PROVIDED OUTSIDE AGENCY BOUNDARIES: No information provided

Special Charges for service outside boundaries: No information provided

SPHERE OF INFLUENCE:

ESTABLISHED:

| LAFCO NUMBER | RESOLUTION NO./ DATE ADOPTED | LOCATION |
|--------------|-------------------------------|---|
| LAFCO 2032 | Res. No. 1675/October 8, 1980 | Approximately 6 square miles east and west of Oak Glen Road, north of the Riverside/ San Bernardino County line |

CHANGES:

| LAFCO NUMBER | RESOLUTION NO./ DATE ADOPTED | TYPE OF CHANGE | LOCATION |
|--------------|--------------------------------|----------------|---|
| LAFCO 2133 | Res. No. 1777/October 14, 1981 | Reduction | Removal of territory westerly of Oak Glen Road |
| LAFCO 2814 | Res No. 2510/February 19, 1997 | Reduction | Minor change to address removal of area within the Wildwood Canyon Mutual Water Company to become a part of Yucaipa Valley Water District |

BUDGETARY INFORMATION:

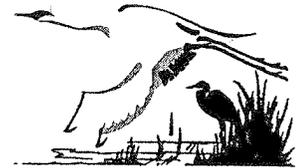
| | | | | | |
|--------------|--|--|--|--|--|
| Not Provided | | | | | |
|--------------|--|--|--|--|--|

**Response from
Tom Dodson & Associates**

Attachment 4

TOM DODSON & ASSOCIATES

2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL tda@tstonramp.com



August 5, 2004

RECEIVED
AUG 06 2004

Ms. Kathleen Rollings-McDonald
Local Agency Formation Commission
175 West Fifth Street, Second Floor
San Bernardino, CA 92415-0490

LAFCO
San Bernardino County

Dear Kathy:

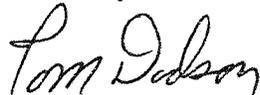
LAFCO 2933 consists of a service review for the Beaumont-Cherry Valley Water District (District) pursuant to Government Code Section 56430 and Sphere of Influence Study pursuant to Government Code 56425. If approved by the Commission, the service and Sphere review would not result in any change to the services by the District and it would also not modify the District's existing Sphere of Influence. Based on the above proposal, it appears that LAFCO 2933 can be implemented without causing any physical changes to the environment or any adverse environmental impacts.

The service and Sphere review does not appear to have any potential to alter the existing physical environment in any manner. Without a potential for causing physical changes in the environment, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCO 2933 under the Section 15061 (b) (3) which states: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." It is my opinion, and recommendation to the Commission, that this circumstance applies to LAFCO 2933.

Based on a review of LAFCO 2933 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 2933 does not constitute a project under CEQA and adoption of the Statutory Exemption and filing of a Notice of Exemption is the most appropriate determination to comply with CEQA for this action. The Commission can approve the review and findings for this action and I recommend that you notice LAFCO 2933 as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed.

A copy of this exemption should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson

Draft Resolution No. 2840

Attachment 5

PROPOSAL NO.: LAFCO 2933

HEARING DATE: OCTOBER 20, 2004

RESOLUTION NO. 2840

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2933, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE BEAUMONT-CHERRY VALLEY WATER DISTRICT WITHIN SAN BERNARDINO COUNTY.

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

WHEREAS, a service review mandated by Government Code Section 56430 and a sphere of influence update mandated by Government Code Section 56425 have been conducted by the Local Agency Formation Commission of the County of San Bernardino (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 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; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the review, in evidence presented at the hearing; and,

RESOLUTION NO. 2840

WHEREAS, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that this service review and sphere of influence update are statutorily exempt from CEQA and such exemption is hereby adopted by this Commission. The Clerk has been directed to file a Notice of Exemption within five working days of adoption of this resolution; 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 influence for the Beaumont-Cherry Valley Water District should be affirmed as it currently exists, as more specifically described on the map attached to this resolution; and,

WHEREAS, the following findings are made in conformance with Government Code Section 56430 and local Commission policy:

- 1. Infrastructure Needs and Deficiencies.** The District has an Urban Water Management Plan (UWMP) adopted in 2002, which addresses the District's sphere of influence area within San Bernardino County. The territory within the District's sphere of influence primarily encompasses lands used for water production by the District. The UWMP provided does not identify specific infrastructure needs, but does indicate that the District will stabilize its demands on the Beaumont Storage Unit and Edgar Canyon areas, develop recycled water use, capture and percolate stormwater and use imported water for water supply to its customers. In addition, the UWMP indicates that the District's well facilities within San Bernardino County account for 10 of its 19 wells and the production of approximately 4,190 acre feet (calculated for the 2002 report). It also notes that the District has 40 to 50 ponds within the Upper Edgar Canyon area (within San Bernardino County) to capture and percolate storm water.
- 2. Growth and Population.** The District's estimated population within its boundaries and sphere of influence is 66,000. Based upon the current growth rates experienced by the Southern California region as a whole, and the Southern California Association of Governments (SCAG) specifically, the District has an anticipated growth rate of 2.4% per year.
- 3. Financing Opportunities and Constraints.** The UWMP does not specifically address this finding, so no response has been provided by the District or LAFCO.
- 4. Cost Avoidance Opportunities.** The San Timoteo Watershed Management Authority (STWMA), a joint powers authority consisting of the Yucaipa Valley Water District, the City of Beaumont, the BCVWD, and the South Mesa Water Company, was created to implement a regional water resource management program. The area encompassed by the STWMA includes 140 square miles and includes the upper parts of the San Timoteo and San Gorgonio water sheds to maximize this local water resource.

RESOLUTION NO. 2840

5. **Rate Restructuring.** The UWMP does not specifically address this finding, so no response has been provided for the District or by LAFCO.
6. **Opportunities for Shared Facilities.** The UWMP does not identify any shared facilities within the San Bernardino County portion of the District's sphere of influence. No other relevant findings related to this factor were identified by the UWMP or LAFCO staff.
7. **Government Structure Options.** The District has operated successfully as a single-purpose special district for 50 years, during which time the District's customer base and service area have expanded significantly. The District was formed in 1919 as the Beaumont Irrigation District, operating under Irrigation District Law, defined by the lands provided water by the Beaumont Land and Water Company. In 1920, the District became the Beaumont-Cherry Valley Water District, and still operates under Irrigation District Law.
8. **Management Efficiencies.** The UWMP does not specifically address this finding, so no response has been provided for the District or by LAFCO.
9. **Local Accountability and Governance.** The District is governed by a five-member Board of Directors, elected at-large. The District conducts its business at regularly scheduled meetings at its administrative facilities open to the public. No other relevant issues concerning this factor have been identified; and,

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

1. **PRESENT AND PLANNED LAND USES**

The territory within San Bernardino County within the current sphere of influence of the Beaumont-Cherry Valley Water District is designated as Resource Conservation by the County General Plan. This land use designation does not anticipate development of the area. This sphere of influence update and service review have no potential to change present or planned land uses within the District sphere, since no changes to the sphere of influence are contemplated.

2. **PRESENT AND PROBABLE NEED FOR PUBLIC FACILITIES AND SERVICES IN THE AREA**

No changes to the District sphere of influence are proposed or contemplated through this review.

RESOLUTION NO. 2840

3. **PRESENT CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES PROVIDED**

No changes to the District sphere of influence are proposed or contemplated through this review.

4. **COMMUNITIES OF INTEREST IN THE AREA**

No changes to the District sphere of influence are proposed or contemplated through this review. The Commission, therefore, determines that this factor of determination is not relevant to this review, as permitted by Government Code Section 56425.

5. **OTHER FINDINGS**

- A. Notice of the original hearing on August 18, 2004 was published as required by law in The Sun and the Yucaipa News Mirror, newspapers of general circulation in the area. As required by state law, individual notification was provided to affected and interested local agencies, County departments, and those individuals wishing mailed notice.
- B. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination; and,

WHEREAS, the functions and services for the Beaumont-Cherry Valley Water district are determined by the Riverside County Local Agency Formation Commission as the Principal County for this agency; therefore, they are not included in the Rules and Regulations affecting the functions and services of Special Districts (originally adopted on November 10, 1976) of this Commission; and,

WHEREAS, having reviewed and considered the findings as outlined above, the Commission affirms and upholds the sphere of influence for the Beaumont-Cherry Valley Water District as it currently exists, and is depicted on the attached map.

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission of the County of San Bernardino, State of California, that this Commission shall consider the territory described on the attached map as being within the sphere of influence of the Beaumont-Cherry Valley Water District, it being fully understood that establishment of such a 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.

RESOLUTION NO. 2840

BE IT FURTHER RESOLVED that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that the Beaumont-Cherry Valley Water District shall indemnify, defend, and hold harmless the Local Agency Formation Commission of the County of San Bernardino from any legal expense, legal action, or judgment arising out of the Commission's affirmation of this sphere of influence, including any reimbursement of legal fees and costs incurred by the Commission.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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 meeting of October 20, 2004.

DATED:

KATHLEEN ROLLINGS-McDONALD
Executive Officer