

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

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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 Young, duly seconded by Commissioner Colven 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,

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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.

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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.

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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.

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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: Bagley, Biane, Colven, Cox, Pearson, Young

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Williams

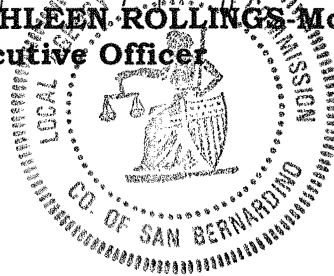
STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

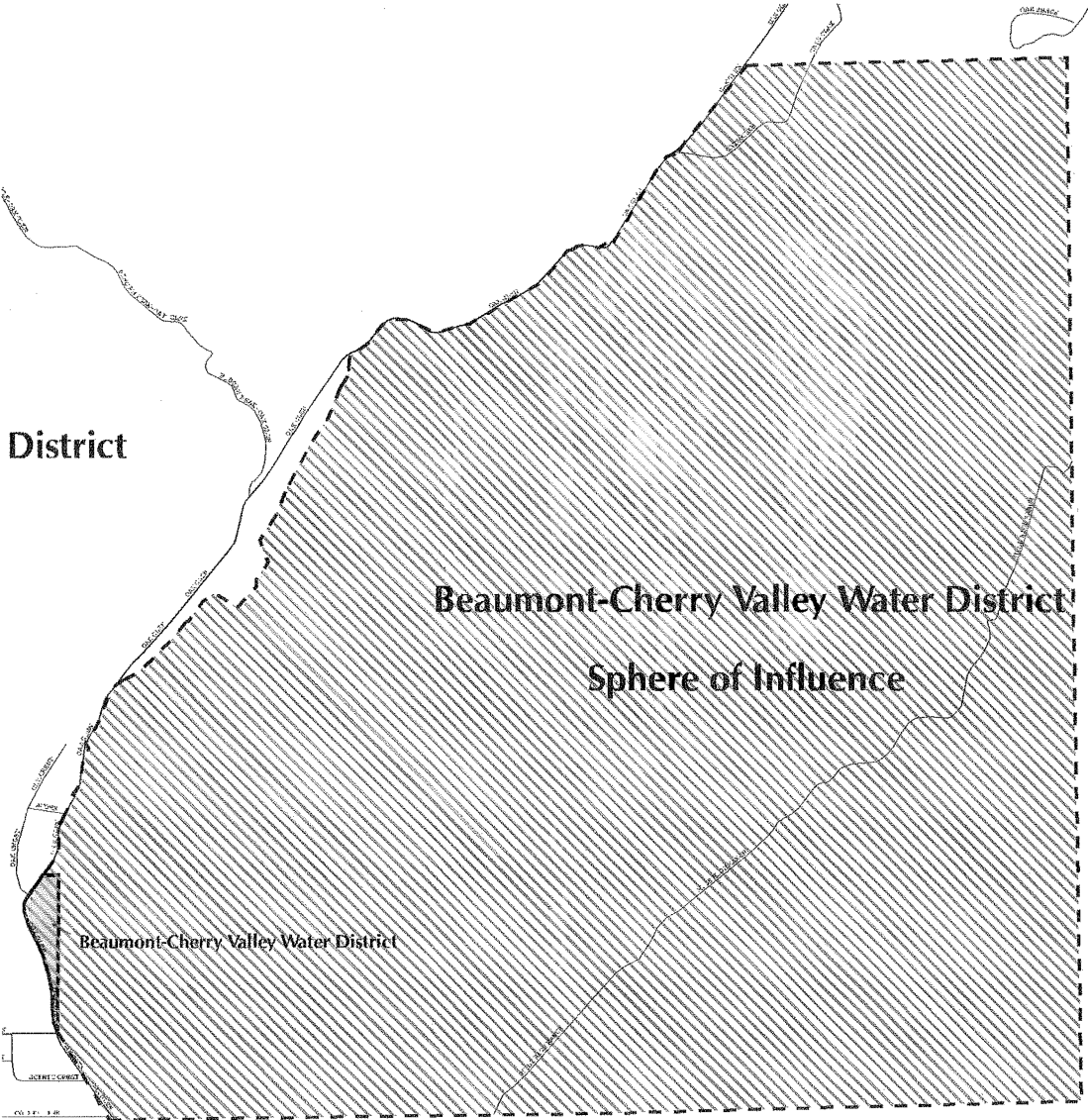
I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of October 20, 2004.

DATED: October 22, 2004

Kathleen Rollings McDonald

KATHLEEN ROLLINGS-McDONALD
Executive Officer





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

Map Prepared On July 20, 2004