

**SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
OCTOBER 1, 2007**

There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Andy Vanderlaan. Also present were: Regular Commissioners – Supervisors Bill Horn and Dianne Jacob, Mayor Carl Hilliard, Bud Pocklington, and Councilmember Betty Rexford. Alternate Commissioners – Mayor Mark Lewis, Harry Mathis, and John Ingalls; LAFCO Staff – Executive Officer Michael Ott; Local Governmental Analysts Robert Barry and Claire Riley; and LAFCO Legal Counsel William Smith. Absent were: Regular Commissioners – Councilmember Toni Atkins and Andy Menshek; Alternate Commissioners – Supervisor Greg Cox.

Item 1

Approval of Minutes of Meeting Held August 6, 2007

On motion of Commissioner Pocklington, seconded by Commissioner Horn, and carried unanimously by the commissioners present, the Commission dispensed with reading the minutes of August 6, 2007, and approved said minutes.

Item 2

Executive Officer's Recommended Agenda Revisions

Michael Ott indicated that there were no revisions to the agenda.

Item 3

Commissioner/Executive Officer Announcements

Michael Ott announced that both Ingrid Hansen and William Smith received recognition awards at the 2007 CALAFCO Annual Conference in Sacramento.

Chairman Andy Vanderlaan announced that the 2008 CALAFCO Annual Conference will be held in Los Angeles.

Item 4

Public Comment

Michael Ott indicated that there were no public comments.

Item 5A

Adoption of an Amendment to the Sphere of Influence for the Spring Valley Sanitation District (SA07-07)

Item 5B

Proposed "Morton Annexation" to the Spring Valley Sanitation District (DA07-07)

Claire Riley provided a staff report to the Commission.
Chairman Andy Vanderlaan opened the public hearing.

With no speaker slips submitted to the Commission in opposition of LAFCO staff's recommendation, and no discussion from the Commission, on motion of Commissioner Jacob, seconded by Commissioner Horn, and carried unanimously by the commissioners present, the Commission closed the public hearing and took the following action:

- (1) Found in accordance with the Executive Officer's determination that pursuant to Section 15319 (a) of the State CEQA Guidelines, the annexation and sphere amendment are not subject to the environmental impact evaluation process because the proposal area contains existing structures and is developed to the density allowed by current zoning/prezoning of either the gaining or losing governmental agency (whichever is more restrictive), and any utility extensions would only have the capacity to serve existing structures;
- (2) Amended the sphere of influence of the Spring Valley Sanitation District as shown on the attached map and adopted the written Statement of Determinations as proposed in Exhibit A; and
- (3) Adopted the form of resolution approving the sphere amendment and annexation for the reasons set forth in the Executive Officer's Report, waived the Conducting Authority proceedings according to Government Code Section 56663(c), and ordered the annexation, subject to the following term and condition:

Payment of State Board of Equalization fees

Item 6

Borrego Valley Municipal Service Review and Updates to the Spheres of Influence for the Borrego Water District and Borrego Springs Park Community Services District (MSR05-52; SR05-52[A]; SR05-52[B])

Robert Barry provided a PowerPoint presentation to the Commission.

Chairman Andy Vanderlaan opened the public hearing.

In response to questions from Commissioners Horn and Rexford, Robert Barry said that the Borrego Air Ranch and Tubb Canyon Road areas are designated as Special Study Areas for the purpose of future consideration of inclusion in the Borrego WD sphere.

Jerry Rowland, General Manager of Borrego Water District, addressed the Commission in support of the MSR and SOI updates and said that he would be available to answer any questions.

With no additional speaker slips submitted to the Commission, and no further discussion from the Commission, on motion of Commissioner Pocklington, seconded by Commissioner Rexford, and carried unanimously by the commissioners present, the Commission closed the public hearing and took the following actions:

- (1) Found in accordance with the Executive Officer's determination, that pursuant to §15306 of the State CEQA Guidelines, the municipal service review is not subject to the environmental impact evaluation process because the service review consists of data collection and research that will not result in a disturbance to an environmental resource;
- (2) Found in accordance with the Executive Officer's determinations that pursuant to §15061 (b) (3) of the State CEQA guidelines, the sphere affirmations and amendments are not subject to the environmental impact evaluation process because it can be seen with certainty that there is no possibility for the proposed project to significantly impact the environment, and the activity is not subject to CEQA;
- (3) For the reasons set forth in the Borrego Valley Municipal Service Review, adopted the Municipal Service Review & Sphere of Influence Update and the associated Determinations;
- (4) Amended the sphere of influence for the Borrego Water District to include APN 140-010-08, as shown on Map 4, and adopted the Statement of Determinations as proposed in Exhibit 1;
- (5) Affirmed the existing sphere of influence for the Borrego Water District Latent Sewer Service Area, as shown on Map 2B, and adopted the Statement of Determinations as proposed in Exhibit 1;
- (6) Designated the Borrego Air Ranch and Tubb Canyon Road areas, as shown on Map 4, as Special Study Areas for future consideration of inclusion in the Borrego WD sphere;
- (7) Authorized the Executive Officer to consult with the Borrego Water District and perform a technical adjustment to the Borrego Water District Latent Sewer Service Area Sphere of Influence, to align the adopted sphere with existing parcel lines;
- (8) Designated the sphere of influence for the Borrego Springs Park Community Services District as a transitional (Zero) Sphere, in anticipation of a potential future consolidation with the Borrego Water District, and adopted the Statement of Determinations as proposed in Exhibit 2.

Item 7

Proposed "Country Creek RV Park Annexation" to the Lakeside Sanitation District (DA05-53)

Robert Barry provided a staff report to the Commission. Mr. Barry said that the proposal item was continued from the February and March 2006 LAFCO meetings.

Chairman Andy Vanderlaan opened the public hearing.

In response to a question from Commissioner Jacob, Robert Barry said that the proposal includes a condition that authorizes only 58 spaces in the RV Park to receive “full hook-up.” Mr. Barry indicated that the RV Park no longer has outstanding code violations and is in compliance with county codes.

Patrick Brown, Planner for the Department of Planning and Land Use (DPLU) – Code Enforcement Division, said that the RV Park is in compliance with county codes. Mr. Brown indicated that the owner of the RV Park obtained a building permit to upgrade the spaces, and that he would be working with the property owner to make sure the RV Park is in compliance with DPLU Code Enforcement and to ensure that only 58 spaces are to be “full hook-up.” Mr. Brown indicated that the Lakeside Sanitation District has acknowledged that they do have the capacity to provide sewer services to the 58 spaces.

Kevin Spence, Department of Environmental Health (DEH) representative, said that the RV Park is in compliance with county codes and that the DEH is in full agreement with the proposal.

Sandra Lee, RV Park resident, addressed the Commission with concerns regarding the proposed annexation. She provided a handout to the Commission.

In response to a question from Commissioner Jacob, Michael Ott said that the Lakeside Sanitation District has indicated that the District has sufficient capacity to provide sewer services from an existing line adjacent to the proposed annexation area within Olde Highway 80. Mr. Ott said that there are 127 spaces in the RV Park, but LAFCO staff is recommending that sewer capacity be limited to 58 spaces.

Jack Lohman, AICP Planning Consultant, addressed the Commission in support of the proposed annexation. He said that the owners have complied with regulations of DPLU - Code Enforcement, and the Department of Environmental Health, and requested that the Commission approve the proposal.

In response to a question from Commissioner Ingalls, Michael Ott said that LAFCO staff has received verbal communication from Rick Smith, Chairperson of the Lakeside Planning Group, who said that the planning group is pleased with LAFCO staff’s recommendation for a condition to be placed on the annexation to specify the limitation of the subject territory’s sewer capacity rights to serve a maximum connection total of 58 RV spaces.

Commissioner Jacob said that the property owners are in compliance with the Code Enforcement Division of the County of San Diego Department of Planning and Land Use, as well as the County of San Diego Department of Environmental Health, and motioned to move forward with the proposal.

With no additional speakers, and no further discussion from the Commission, on motion of Commissioner Jacob, seconded by Commissioner Pocklington, and carried unanimously by the commissioners present, the Commission closed the public hearing and took the following actions:

- (1) Found in accordance with the Executive Officer's determination, that pursuant to Section 15319(b) of the State CEQA Guidelines, the annexation is not subject to the environmental impact evaluation process because the proposal area involves annexation of individual small parcels of the minimum size for facilities exempted by Section 15303; and
- (2) Adopted the form of resolution approving this annexation for the reasons set forth in the Executive Officer's Report, waived the Conducting Authority proceedings according to Government Code Section 56663(c), and ordered the annexation subject to the following conditions:
 - A. Payment by property owner of District annexation fees, and State Board of Equalization charges.
 - B. The sewer capacity rights of the annexation area are limited to a total of 58 recreational vehicle spaces in accordance with the County of San Diego's legal non-conforming use.

Item 8
Local Agency Formation Commission Rules Update

Chairman Andy Vanderlaan opened the public hearing.

Commissioner Jacob requested that the LAFCO Rules Update be accepted and approved with the exception of Section 1.8; she requested that the Section be continued. Mr. Ott indicated that Article VI (Personnel Rules) should also be continued.

On motion of Commissioner Jacob, seconded by Commissioner Hilliard, and carried unanimously by the commissioners present, the Commission closed the public hearing and took the following action:

Accepted and approved the Local Agency Formation Commission Rules Update with the exception of Section 1.8 and Article VI (Personnel Rules), which are to be continued for future Commission consideration.

Item 9
2007 Legislative Report Update

Michael Ott reported that AB 1744 (Assembly Committee on Local Government) 2007 Omnibus Bill has been signed and passed by Governor Schwarzenegger.

There being no further business to come before the Commission, the meeting adjourned at 10:00 a.m. to the October 1, 2007 meeting, in Room 302, County Administration Center.

Tita Jacque Mandapat
Administrative Assistant