

**APPROVED
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
OCTOBER 5, 2015**

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There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Bill Horn. Also present were: Regular Commissioners – Mayor Sam Abed (arrived at 9:20 am); Supervisor Dianne Jacob; Special District Member Jo MacKenzie; City Councilmember Lorraine Wood; City Councilmember Lori Zapf; and Public Member Andy Vanderlaan. Alternate Commissioners – City Councilmember Racquel Vasquez. LAFCO Staff – Executive Officer Michael Ott; Local Governmental Analyst Robert Barry; LAFCO Consultant Harry Ehrlich and Legal Counsel Michael Colantuono. Absent were: Alternate Commissioners – Special District Member Ed Sprague; Supervisor Greg Cox; City Councilmember Chris Cate and Public Member Harry Mathis.

Item 1

Pledge of Allegiance

Commissioner Jacob led the Pledge of Allegiance at the meeting.

Item 2

Roll Call

The Commission Secretary performed the roll call for the October 5, 2015, LAFCO meeting. With the exception of Alternate Commissioners Special District Member Ed Sprague; Supervisor Greg Cox and City Councilmember Chris Cate, all other Commissioners were present.

Item 3

Approval of Minutes of Meeting Held September 14, 2015

Commissioner Sam Abed requested his name to be included in the attendance section of the September 14th meeting minutes. On motion of Commissioner MacKenzie, seconded by Commissioner Vanderlaan, and carried unanimously by the Commissioners present; the Commission dispensed with reading the minutes of September 14, 2015 and approved said minutes.

Item 4

Executive Officer's Recommended Agenda Revisions

Chairman Bill Horn asked the Executive Officer if there were any agenda revisions. Executive Officer Michael Ott indicated that Item 11 is a new item added to the agenda as a revision. Chairman Horn indicated that Commissioner Abed was delayed and therefore some of the agenda items will be presented out of sequential order.

Item 5

Commissioner / Executive Officer Announcements

Chairman Horn asked the Executive Officer if there were any announcements. Executive Officer Michael Ott indicated there were no announcements.

Item 6

Proposed “Randrock 1, LLC, et al. Annexation” to the San Diego County Sanitation District (DA 15-08)

At the request of Michael Ott, the Commission waived the staff presentation.

On motion of Commissioner MacKenzie, seconded by Commissioner Zapf, and carried unanimously by the commissioners present, the Commission approved the following actions:

- (1) Find 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 annexation area consists of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures; and
- (2) Adopt the form of resolution approving the annexation for the reasons set forth in the Executive Officer’s Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the annexation subject to the following term and condition:

Payment by the property owner of District annexation and sewer capacity fees.

Item 7

Proposed “Oak Creek Reorganization” (City of Escondido) (RO15-02)

Michael Ott provided background information to the Commission regarding Item 7. He indicated that the proposal has 100% consent of the affected landowners and does not involve a change to the City of Escondido’s adopted sphere of influence; and therefore, a public hearing is not required. However, to provide expanded public notification the item was placed in the public hearing section of the agenda.

Robert Barry provided a PowerPoint presentation of the reorganization to the Commission. He explained one of the main issues and concern was the status of the Hamilton Lane segment within the proposal area. Mr. Barry explained some of the concerns from the City of Escondido, County of San Diego Public Works and the public as follows:

- County of San Diego, Public Works Transportation staff concurred with the modification to include Hamilton Lane.
- Opposition to include Hamilton Lane from the City of Escondido was primarily due to the costs associated with street improvement for Hamilton Lane to meet city standards. The City requested the costs to be secured as part of the proposal as opposed to becoming the responsibility of the General Fund; the EIR Report also does not include any environmental analysis of the area or any required improvements; Inclusion of the modification also requires additional action by the City Council to concur with the modified reorganization area; and inclusion of the modified area into the reorganization would create a County island.
- A letter from The Escondido Neighbors United stated their reasons for opposition: Creation of jurisdictional islands of the proposal area; unresolved potential environmental impacts from the proposed development; creation of unmitigated burden on Felicita Park; application omissions or deficiencies regarding off-site contamination of local groundwater and on-site groundwater and soil vapor pollution.

Robert Barry indicated LAFCO staff is recommending the Commission to review and provide direction regarding two options for approval of the proposed reorganization;

- 1) Modify the proposed reorganization area to include the approximate 565 foot Hamilton Lane segment so that 100% of Hamilton Lane would be located within the incorporated territory of the City of Escondido;
- 2) Do not modify the submitted proposal area, and leave the adjacent Hamilton Lane roadway outside the incorporated boundary of the City of Escondido following the proposed reorganization.

Commissioners Horn, Jacob, MacKenzie, Abed and Zapf inquired and made comments on the following issues: Creation of an island; road improvements to meet City standards; road traffic and safety issues; environmental issues; future developments, improvements; possible maintenance agreements between agencies; public and emergency services; eminent domain; and reasons for annexation to the City.

Homi Namdari, Assistant City Engineer, City of Escondido answered questions from the Commission related to the development and road improvements for this proposal.

Jason Han, New Urban West answered questions from the Commission. Mr. Han indicated the main reason for the request to annex into the City of Escondido was for the purpose of obtaining sewer services from the city.

With no further discussion from the Commissioners or staff, Chairman Horn opened the public hearing.

Laura Hunter, representing Escondido Neighbors United, requested to speak in opposition of Item 7. Ms. Hunter stated that her opposition is due to the following issues: loss of open space land (converting prime agriculture lands); public transportation, poor planning; impacts to Felicita Creek and Park and resources; creating islands. She indicated they have offered constructive alternatives but all have been rebuffed by the developers.

Tina Iki, Escondido Neighbors United, submitted a speaker slip in opposition of Items 7 but did not wish to speak to the Commission.

The following individuals submitted speaker slips in support for Item 7 but did not wish to speak to the Commission: Dennis Bowling, Rick Engineering; Jerry Carter, Escondido resident; Eugene Toxell; Kathleen Zapata, Chalice UV Congregation; Emily Troxell; Ann Cunningham; Mona L. Durney; Deborah J. Coon; Manuel Welchez; Fran Welchez; Robert Nelson; Andrea Stout; Alf E. Riggi; Larry Simpson; James Idell; Deborah Streett-Idell; Susan Spoto; Kathleen Swift, Chalice UV Congregation; Judy Wind, Chalice UV Congregation; and Rich Miller, MetroPlan LLC (New Urban West).

Jason Han, representing New Urban West, requested to speak to the Commission in support of Item 7 and provided a PowerPoint presentation. Mr. Han indicated that community outreach and agency involvement has been open and continuous throughout the development.

Bill Martin, Deputy Planning Director, City of Escondido, requested to speak to the Commission in support of Item 7. Mr. Martin indicated that the project has been under extensive review by City staff for the past few years. He stated, all of the potential impacts were identified and will be mitigated. He indicated several meetings were held with the public and County and LAFCO staff. Transportation and traffic issues will also be addressed as well as those associated with Felicita Creek and Park. Mr. Martin indicated the residents located on Hamilton Lane requested to leave the road in its current structure. Mr. Martin thanked Robert Barry for his assistance with the project.

With no further speakers from the public and no further discussion from the Commission, Chairman Horn closed the public hearing item, on motion of Commissioner Abed, seconded by Commissioner Vanderlaan, and carried unanimously by the commissioners present, the Commission approved the following actions:

- (1) Determine that the approximate 565 foot unincorporated segment of Hamilton Lane should not be included within the proposed "Oak Creek Reorganization." and,
- (2) Certify, pursuant to Section 15091 of the State CEQA Guidelines, that the Commission has reviewed and considered the attached EIR. The mitigation measures approved by the City of Escondido for the impacts identified in the attached EIR have been adopted by the City of Escondido, and that the mitigation is within the jurisdiction of the City and not LAFCO because the affected resources and services will be within the city limits upon annexation; and
- (3) Approve the reorganization involving annexation to the City of Escondido and concurrent detachment from County Service Area No. 135 (San Diego Regional Communications System) and exclusion from Rincon Del Diablo Municipal Water District Improvement District "E"; and,
- (4) Adopt the form of resolution approving this reorganization for the reasons set forth in the Executive Officer's Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the reorganization subject to the following conditions:

Payment of City of Escondido fees and State Board of Equalization charges.

Item 8

"Crestview Heights Annexation" to the San Diego County Sanitation District (Ref No.: DA15-10)

Michael Ott indicated this was an information item and requested to waive the staff presentation.

This item is for information purposes only and no action is required.

Item 9

Legislative Status Report

Harry Ehrlich provided an update to the Commission regarding the current legislation activities. He informed the Commission about the current status on the following bills:

AB 851: (Mayes R) Local Government: organization: disincorporations. Signed by the Governor.

SB 239: (Hertzberg D) Cities and districts: extended fire services. Pending. LAFCO sent a letter of opposition to the author and a letter to the Governor requesting a veto.

AB 3: (Williams) The Isla Vista Community Services District Formation. Pending. LAFCO continues to maintain a watch position on this bill

Mr. Ehrlich informed the Commission that SB 25 (VLF transfer) was vetoed by the Governor. He also indicated that the following bills were passed: AB 402 (Pilot Program in San Bernardino/Napa Counties – updates Code Section 56133) and SB134; SB184 (Committee on Governance and Finance); and SB272 (The CA Public Records Act).

Michael Colantuono, LAFCO General Counsel commented on some of the changes associated with SB 88 (Authorize Consolidation of Small Water Systems).

Mr. Ehrlich informed the Commission that staff will continue to monitor activity as the legislative session comes to an end. He informed the Commission that the Governor has up to thirty days from September 11, 2015 to sign or veto bills. Therefore, it was recommended that the Commission receive, discuss and provide direction on the Legislative Status Report.

There was no action required by the Commission for this item.

Item 10

Public Comment

Chairman Horn asked if there were any members of the public requesting to speak to the Commission on a subject matter within the Commission's jurisdiction but not on the agenda. He indicated there were no speaker slips received from members of the public for comments.

Item 11

Ratification of Resolution: Ratification and Adoption of the Resolution Disapproving the Municipal Service Review, Sphere of Influence Review and Associated Sphere Amendments, and the Fallbrook Public Utility District and Rainbow Municipal Water District Reorganization (Ref Nos.: SA 14-04(a); SA14-04(b); RO14-14; LPE14-04; MSR13-66; SR13-66; MSR13-82; SR13-82

Michael Ott presented to the Commission for the approval and ratification of the resolution related to the Fallbrook Public Utility District and Rainbow Municipal Water District reorganization. Mr. Ott indicated the resolution is to disapprove

the reorganization and is requested for acceptance and ratification by the Commission. Mr. Ott indicated that if a Commissioner voted against the reorganization at the September 14, 2015 meeting, the ratification of the resolution at the October 5, 2015 meeting will not change that vote.

On motion of Commissioner Zapf, seconded by Commissioner Wood, and carried unanimously by the commissioners present, the Commission approved the following actions:

Rartify and adopt the Resolution Disapproving the Municipal Service Review, Sphere of Influence Review and Associated Sphere Amendments, and the Fallbrook Public Utility District and Rainbow Municipal Water District Reorganization.

There being no further business to come before the Commission, the meeting adjourned at 10:20 p.m. to the November 2, 2015 meeting, in Room 302, County Administration Center.

Ruth Arellano
Administrative Assistant
San Diego Local Agency Formation Commission