

**DRAFT
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
AUGUST 4, 2008**

2

There being a quorum present, the meeting was convened at 9:00 a.m. by Vice Chairman Bill Horn. Also present were: Regular Commissioners – Supervisor Dianne Jacob, Bud Pocklington, Councilmembers Donna Frye, Carl Hilliard, and Betty Rexford. Alternate Commissioners – Mayor Mark Lewis, John Ingalls, and Harry Mathis. LAFCO Staff – Executive Officer Michael Ott; Chief, Governmental Services Ingrid Hansen; Local Governmental Analyst Robert Barry; LAFCO Consultant Harry Ehrlich; and LAFCO Legal Counsel William Smith. Absent were: Regular Commissioners – Chairman Andy Vanderlaan, and Andy Menshek; Alternate Commissioner – Supervisor Greg Cox.

Item 1

Approval of Minutes of Meeting Held June 2, 2008

On motion of Commissioner Rexford, seconded by Commissioner Pocklington, and carried unanimously by the commissioners present, the Commission dispensed with reading the minutes of June 2, 2008 and approved said minutes.

Item 2

Executive Officer's Recommended Agenda Revisions

Michael Ott recommended that when the Commission considers Items 6A & 6B (Sphere of Influence and Proposed "Oak Creek RV Park Annexation to the Lakeside Sanitation District), the proposal be continued, pending resolution of associated planning issues.

Item 3

Commissioner/Executive Officer Announcements

There were no Commissioner/Executive Officer announcements.

Item 4

Public Comment

There were no public comments.

Item 5A

Adoption of an Amendment to the Sphere of Influence for the Lakeside Sanitation District

Item 5B

Proposed “Oak Creek RV Park Annexation” to the Lakeside Sanitation District (DA08-08)

On motion of Commissioner Jacob, seconded by Commissioner Frye, and carried unanimously by the commissioners present, the Commission took the following action:

Continued the proposal until associated planning issues are resolved by the proponent.

Item 6

Proposed “North Avenue Reorganization” (City of Escondido) (RO06-18)

Robert Barry provided a PowerPoint presentation to the Commission. Mr. Barry said that the City of Escondido, Rincon del Diablo Municipal Water District (MWD), and the Valley Center MWD provided LAFCO staff with additional information regarding sewer and water service capacity for the reorganization. He provided the Commission with four options to consider for the proposed reorganization.

In the absence of Chairman Vanderlaan, Vice Chairman Bill Horn opened the public hearing.

Michael Ott indicated that City of Escondido's Assistant City Manager Charles Grimm, Community Development Director Jonathan Brindle, and Director of Utilities Lori Vereker were in the audience and available to answer any questions.

Kathy Jones, representative for the North Avenue Neighbors, addressed the Commission in opposition to the proposal. She expressed concerns about cumulative impacts to the proposal area.

Acting Chairman Horn asked Ms. Jones if there were any septic failures in her community. Ms. Jones said that she had called the County and asked if there were any septic failures on record, and she indicated that the County said no.

Commissioner Mathis asked who would be liable for septic system failures caused by the development. Robert Barry said that both the developer and the City of Escondido would be liable.

Kathy Jones said that if the proposal is approved, it is vital that LAFCO's conditions be added to the terms and conditions.

Ed Domingue, City of Escondido's Director of Engineering Services, said that the City's proposed terms and conditions require three representatives to establish a baseline on the condition of the septic systems prior to development: 1) An engineer from the City of Escondido; 2) County of San Diego Department of Environmental Health (DEH); and

3) A Forensic Engineer in Soils. He also said that LAFCO's conditions would also be included in the City's terms and conditions. Mr. Domingue said that the County's DEH would be the ultimate decision-maker on whether the development is responsible for septic system failures or not.

In response to a question from Commissioner Rexford, Ed Domingue said that the City of Escondido would handle property owners experiencing septic system failures on an individual basis.

In response to a question from Commissioner Frye regarding development phases, Ed Domingue said that a mass grading would occur – prior to building homes – so that the County's DEH could determine if the development would have an impact on the neighboring community.

Lori Vereker, Director of Utilities for the City of Escondido, said that many cities and districts have adopted drought ordinances to help determine water service capacity. She said that the City maintains a history of sewer and water services that it has provided over the years to help track cumulative effects and to ensure that the City has the capacity to provide services for future developments. She also indicated that the City has adopted an urban water management plan. She said that the City collaborates with districts to address water issues.

Acting Chairman Horn said he believes that the developer and the City of Escondido has addressed the concerns of the Commission and affected property owners adequately. He placed a motion on the floor to approve Option #1 of the August 4, 2008 LAFCO staff report.

Option #1:

If the Commission determines that the service-related information provided by the City and Districts is adequate to satisfy its concerns, and that the proposal's jurisdictional issues have been resolved, then the Commission should approve the reorganization subject to the staff recommendation from the June 2008 staff report. As discussed in the June 2008 staff report, the recommendation contained terms and conditions regarding mitigation of septic system impacts and connection to the City of Escondido sewer system.

Commissioner Jacob seconded the motion.

Commissioner Jacob asked Michael Ott to clarify LAFCO's terms and conditions of the proposal. Michael Ott said that in addition to the City of Escondido's terms and conditions, LAFCO staff added a condition to appoint the County of San Diego Department of Environmental Health as the ultimate decision-maker to determine the impacts to the septic systems at the conclusion of all project-related grading associated with TR-916R. Mr. Ott said that the Commission should include this condition in the proposal.

Charles Grimm, City of Escondido Assistant City Manager, said that the developer should be responsible for septic system failures during grading process. He said that if any septic system failures occur years after the grading process, it would most likely be due to the natural decline of the septic systems.

In response to a question from Commissioner Mathis, a representative from Innovative Resort Communities said a pre-survey of septic systems will be conducted prior to grading.

Commissioner Ingalls suggested that future LAFCO staff reports include information regarding reclaimed water.

Ed Domingue said that the City of Escondido's standard condition of proposals is to make use of reclaimed water. He indicated that the City is currently providing reclaimed water to the Rincon del Diablo MWD.

Commissioner Frye recommended that a term and condition be added for a pre-survey of septic systems to be conducted prior to the grading process. Commissioner Frye asked Mr. Ott to summarize Option #4 in the staff report.

Option #4:

Because of the drought-related regional water supply concerns, capacity-related sewer service concerns, and sub-regional community character issues, the Commission could require all future Escondido annexation proposals to address these subjects with a supplemental application form. This supplemental information would then be available to the Commission and factored into the LAFCO staff report.

Michael Ott indicated that Option #4 essentially applies to future annexation proposals. He said that if the Commission approves Option #4, LAFCO's application would be amended to include additional questions about water/wastewater and service capacity.

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

- (1) Certified that the information contained in the Mitigated Negative Declaration (ER2005-12) prepared by the City of Escondido has been reviewed and considered; and
- (2) Adopted the form of resolution approving this reorganization for the reasons set forth in the Executive Officer's Report, delegating to the Executive Officer of the Local Agency Formation Commission the responsibility for holding Conducting Authority proceedings, and ordered the reorganization subject to the following conditions:

- (a) In the event that the proposed “North Avenue Estates” development (TR-916R) impacts the adjacent septic systems serving the Laurashawn Lane residences or any other adjacent parcels, and connection to the City of Escondido sewer system is necessary in order to respond to a documented threat to the public health and safety, the City of Escondido and subject property owner/developer of TR-916R (Innovative Resort Communities or subsequent owner/developer of TR-916R) will, at no expense to the affected property owner(s):
 - (1) Provide for and grant through TR-916R property any easements necessary to extend sewer services to the affected property(ies);
 - (2) Construct all necessary sewer lines and connections to the City of Escondido public sewer system; and
 - (3) Pay all applicable fees and charges, including but not limited to City and LAFCO annexation fees, associated with extending public sewer services to the affected property(ies).

- (b) A determination by the County of San Diego Department of Environmental Health, as to the necessity to connect adjacent properties to the City of Escondido public sewer system shall be made at the conclusion of all project-related grading associated with TR-916R. If it is subsequently determined that connection to the City sewer system is necessary in order to respond to the failure or impending failure of an adjacent septic system, the City of Escondido and subject property owner/developer of TR-916R (Innovative Resort Communities or subsequent owner/developer of TR-916R) shall provide for the execution of a binding commitment between the City of Escondido and the affected property owner(s) to satisfy the above conditions.

Item 7

Status of the Proposed “Pilot Travel Center Annexation” to the Rural Fire Protection District (SA07-06; DA07-06)

Ingrid Hansen provided a PowerPoint presentation to the Commission. Ms. Hansen reported that the Pilot Travel facility is currently operational despite the fact that the site is not in any entity that is legally responsible for providing fire protection and emergency medical services (EMS). She said that LAFCO staff is offering to facilitate a meeting between the City of San Diego and the Rural Fire Protection District to help determine who would provide fire and EMS protection.

This was an information item and no action was taken by the Commission.

Item 8
August 2008 Legislative Report

Harry Ehrlich provided a staff presentation to the Commission. He reported that the Governor signed the following: SB 1458 (Committee on Local Government - County Service Area Rewrite), AB 1998 (Silva - Political Reform Act of 1974: Local Agency Formation Commissions), and AB 2484 (Caballero - Local Government: Special Districts).

No action was taken by the Commission.

Item 9
Fourth Quarter Budget Update FY 2007-08

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

On motion of Commissioner Pocklington, seconded by Commissioner Rexford, and carried unanimously by the commissioners present, the Commission took the following action:

Received and ratified the FY 2007-08 Fourth Quarter Budget Update.

Item 10
Quarterly Self-Approved Expense Claims Report

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

On motion of Commissioner Pocklington, seconded by Commissioner Rexford, and carried unanimously by the commissioners present, the Commission took the following action:

Accepted and ratified the Quarterly Self-Approved Expense Claims Report.

Item 11
Cancellation of the September 8, 2008 Meeting

On motion of Commissioner Jacob, seconded by Commissioner Frye, and carried unanimously by the commissioners present, the Commission took the following action:

Approved the cancellation of the September 8, 2008 LAFCO meeting.

There being no further business to come before the Commission, the meeting adjourned at 10:20 a.m. to the October 6, 2008 meeting, in Room 302, County Administration Center.

Tita Jacque Mandapat
Administrative Assistant