

**SAN DIEGO LAFCO  
MINUTES OF THE REGULAR MEETING  
MAY 5, 2003**

There being a quorum present, the meeting was convened at 9:00 a.m. by Chairwoman Dianne Jacob. Also present were: Regular Commissioners – Councilmember Patty Davis, Councilmember Jill Greer, Supervisor Bill Horn, Bud Pocklington, Andrew Vanderlaan and Ron Wootton; Alternate Commissioners – Harry Mathis, and Andrew Menshek; LAFCO and County Staff – Executive Officer Michael Ott, and LAFCO Counsel William Smith. Absent were: LAFCO Commissioner – Councilmember Donna Frye; and Alternate Commissioner – Supervisor Greg Cox.

**Item 1**

**Approval of Minutes  
of Meeting Held April 7, 2003**

With Commissioner Horn abstaining, on motion of Commissioner Greer, seconded by Commissioner Davis, the commissioners dispensed with reading the minutes of April 7, 2003, and approved said minutes.

**Item 2**

**Executive Officer's Recommended Agenda Revisions**

Michael Ott indicated there were no revisions to the agenda.

**Item 3**

**Public Comment**

No members of the public requested to speak.

**Item 4**

**Proposed "Mitchell/Nielson Annexation"  
to the Buena Sanitation District (DA03-01)**

On motion of Commissioner Pocklington, seconded by Commissioner Greer, and carried unanimously by the commissioners present, the Commission 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, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the annexation.

**Item 5**  
**Proposed "Marchesini Reorganization"**  
**(Helix Water District) (RO03-04)**

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

- (1) Found in accordance with the Executive Officer's determination, that pursuant to Section 15320 of the State CEQA Guidelines, the reorganization is not subject to the environmental impact evaluation process because the proposal consists of a change in organization of government agencies which does not change the area in which previously existing powers are exercised; and
- (2) Adopted 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:
  - (a) Payment by the property owner to Helix Water District of all associated reorganization and processing fees;
  - (b) Payment by the property owner to Helix Water District of annexation fees totaling \$11,402.20;
  - (c) Payment by the property owner of all Local Agency Formation Commission fees including, but not limited to, the State Board of Equalization fees;
  - (d) If upon annexation, the property owner develops the property in a manner requiring extension of water facilities, the owner shall install at its sole cost and expense, all water and fire protection facilities as may be required by Helix, and no water service shall be provided to the annexation area until such facilities are installed and accepted by Helix;
  - (e) The property owner shall obtain and transfer to Helix, at no cost to Helix, easements and rights-of-way for any facilities necessary to service the annexation area; and
  - (f) Water service by Helix to the annexation area shall be subject to and in accordance with the rules and regulations of Helix.

**Item 6A**

**Adoption of an Amendment to the Sphere of Influence for the Lakeside Sanitation District (SA02-36)**

**Item 6B**

**Proposed “Tavelman (a.k.a. M&L Properties) Reorganization” (Lakeside Sanitation District & Lakeside Water District) (RO02-36)**

Chairwoman Jacob opened the public hearing.

With no members of the public wishing to speak in support or opposition of this item, on motion of Commissioner Horn, seconded by Commissioner Greer, 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(a) of the State CEQA Guidelines, this sphere of influence amendment and reorganization 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, and any utility extensions would only have the capacity to serve existing structures;
- (2) Adopted a minor amendment to the sphere of influence for the Lakeside Sanitation District to include the territory as shown on the attached map, and adopt the written Statement of Determinations as proposed in Exhibit A; and
- (3) Adopted the form of resolution approving the minor sphere amendment and reorganization for the reasons set forth in the Executive Officer’s report, waiving the Conducting Authority proceedings according to Government Code Section 56663, and ordering the reorganization, subject to the following terms and conditions.

Payment by the property owner of Districts’ annexation fees and State Board of Equalization charges.

**Item 7A**

**Adoption of an Amendment to the Sphere of Influence for the Spring Valley Sanitation District (SA03-03)**

**Item 7B**

**Proposed “Elms Annexation” to the Spring Valley Sanitation District (DA03-03)**

Mr. Ott presented a brief staff report.

Chairwoman Jacob opened the public hearing.

With no members of the public wishing to speak in support or opposition of this item, on motion of Commissioner Pocklington, seconded by Commissioner Davis, 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, this annexation and minor sphere of influence amendment are not subject to the environmental impact evaluation process because the proposal area contains not more than three single-family residences to be constructed or converted as defined by Section 15303;
- (2) Included the territory as shown on the attached map, and adopt the written Statement of Determinations as proposed in Exhibit A; and
- (3) Adopted the form of resolution approving the minor sphere amendment and annexation for the reasons set forth in the Executive Officer's report, waiving the Conducting Authority proceedings according to Government Code Section 56663, and ordering the annexation.

Chairwoman Jacob recognized members of the public, who arrived late for the meeting after having been erroneously directed to the wrong meeting room. Chairwoman Jacob asked if anyone wished to speak to this item, and two members of the public indicated that they wished to speak.

On motion of Commissioner Pocklington, seconded by Commissioner Davis, and carried unanimously by the Commissioners present, the Commission rescinded their motion and vote approving this item, and reopened the public hearing.

Donald Neuman addressed the Commission, indicating he is a neighbor of the person who agreed to have the easement. Mr. Neuman said he is concerned because he does not know the impact the easement will have on his property. He said he wanted to know if more than one property owner will be attaching to the sewer line, and said he wanted to get more information about this proposal before it is approved.

Mr. Ott said that the annexation is a single property, and the sewer line is adjacent to the property and any additional connections would require annexation to the Spring Valley Sanitation District and final approval by the Local Agency Formation Commission.

Alternate Commissioner Mathis asked if a notice was mailed to the neighbors regarding the annexation. Mr. Neuman said that he did receive a notice, but that the notice did not explain what the impact would be to his property.

Pat Neuman addressed the Commission regarding her concerns. She asked if a County study has been done to see if the sewer line would accommodate the additional sewerage. She asked if there is a plan as to how the sewer line would be extended, and asked if it would be along their property line.

Rosemarie Elms addressed the Commission, indicating the property is 1.5 acres and her husband purchased the property in the 1950s. She said they want to build a home on the property for their retirement years. She said that a septic system is not a feasible solution for their property.

Bill Snipes, from Snipes-Dye Associates, addressed the Commission and said that Mrs. Elms had approached him a number of years ago to prepare a feasibility study to develop their property. Mr. Snipes said he contacted the health department and registered sanitarians about the feasibility of installing a septic system. He said that it was determined the property was too rocky and too steeply sloping for a standard septic system or a horizontal seepage pit. Mr. Snipes said he investigated the feasibility of connecting to public sewer. He said that Mrs. Elms approached two or three of the neighbors that were on the public sewer system, and said that one neighbor was willing to grant an easement and an agreement was reached for a 10-foot private sewer easement across the property to install one single 4-inch sewer lateral. He stated this would not be a public sewer line and cannot be extended in the future for any other properties, but is only for the single-family residence. He said there would be about a 30-foot trench, which would be 2-feet wide. He indicated the installation could be accomplished in one day, and the work for the private sewer lateral will be accomplished completely on the property of the neighbor who agreed to the easement across his property. He said there should be no disturbance to either adjoining property owners. He said there is plenty of room in the easement to construct the sewer lateral.

Chairwoman Jacob asked Mr. Snipes if he had plans or drawings that the Neumans, and others, could review to establish a "level of certainty" about what is going to happen during the construction phase. Chairwoman Jacob said she understands there will be no costs associated with this action in relationship to the neighboring property owners. Mr. Snipes said that was correct.

Chairwoman Jacob asked Mr. Snipes if there was adequate sewage capacity for this action. Mr. Snipes said the sewer main in Jeffer Lane is an 8-inch sewer main, and that there are currently six single-family homes in this area. He said that an 8-inch sewer main could probably handle three to five hundred single-family homes, and that there was more than enough sewer capacity in the public sewer main for this action. Mr. Snipes indicated the plans were presented to the Valle de Oro Community Planning Group meeting approximately 6-8 weeks ago. He said the Valle de Oro Community Planning Group approved the proposal.

Chairwoman Jacob said the item would be trailed to allow the Neumans and other neighbors time to review the plans.

Mr. Ott indicated the opponents to the item informed him that they wished to have the item continued to resolve their questions and issues. Mr. Ott said if cost is of concern to them, it would be possible to impose an additional term and condition so that it would be clear that costs associated with the sewer line extension would be the responsibility of the applicant.

Chairwoman Jacob indicated the public hearing was reconvened for Items 8A and 8B.

Donald Neuman addressed the Commission, indicating this was the first time he had seen the plans and that the plans follow the edge of his property. He asked if the project could be delayed so they could think about it and make contacts so that they can "sort this out." He said that he would like to have time to get more information.

Commissioner Horn asked Mr. Neuman if the sewer line would be on his property. Mr. Neuman said the line is not on his property, but is "along his fence." Commissioner Horn said that it was his understanding that the Elms purchased an easement from the property owner where the line is to be installed. Mr. Neuman said that was correct, but he would like to have time to think about this and to look at what the impact would be to his property. He said there is a lot of vegetation along the fence and the installation of the sewer line extension would be harmful to the roots.

Rosemarie Elms said the easement is ten feet wide and goes to the property line, but the excavation will only be about two feet wide. She said the width of the easement does not necessarily indicate where the line will be installed. She said the contractor would be able to stay within the ten-foot limit and not damage other property. She said that if she needed to sign a stipulation that she would repair whatever damage might be done, she would do so.

Chairwoman Jacob asked if Mrs. Elms was opposed to a continuance. Mrs. Elms said that this has already been in process for approximately one and one-half years, and that she had hoped the house would be finished when she retired. Mrs. Elms said she would not support a continuance of this item.

Commissioner Pocklington said the Valle de Oro Planning Group is very complete and thorough and they approved the sewer line extension. He said if it was possible to move this annexation forward, the Commission should do so.

Commissioner Wootton said that since this request is not a public sewer main extension, and the easement is of minimal width to accomplish the extension, any added conditions would be redundant, and said he does not think any conditions need to be added to staff's recommendations.

At the request of Chairwoman Jacob, Mr. Ott read language that he and Bill Smith, Legal Counsel, prepared in the event the Commission desired to add an additional condition to staff's recommendations.

Commissioner Wootton asked “how” and “when” the condition would be satisfied. He asked if that meant the sewer lateral needed to be completed to show there was no damage.

Legal Counsel Bill Smith said the annexation would have to be completed before the sewer line extension construction could begin. He said the only way to enforce the proposed additional condition would be through court action.

Mrs. Neuman addressed the Commission indicating that they were not aware of the plans or they would have done some investigating on their own. She said they have put a lot of money into their property, which is where they are retiring; therefore, they want to know how the construction would affect their property.

Chairwoman Jacob said she wanted to know exactly what the Neuman’s and the neighbor’s concerns are. She said that an additional condition would not necessary because the applicant is already responsible for all costs.

Mrs. Neuman again said that she would like to have time to “do some homework,” to find out about what machines they will bring in to do the construction, and that she would also like to go to the sanitation department to find out about the accommodations and get a more accurate evaluation.

Chairwoman Jacob said there is nothing in LAFCO’s action that will prevent the Neuman’s from talking to the Spring Valley Sanitation District. She said that there is sufficient sewer capacity available in the district, and that she would hesitate to delay the proposal based on what she has heard from public testimony. She said the concerns raised by the Neumans could be adequately addressed by the applicant.

Mrs. Neuman said that perhaps, in the future, there should be a notice of intent sent to the neighbors before a public hearing is held, so they have time to do some investigating.

Chairwoman Jacob said that LAFCO staff would address the notification issue.

Alternate Commissioner Mathis said he appreciates the neighbors wanting information, but the neighbors do not have veto authority. He said that he appreciates the Neuman’s concerns, but the property owner needs to connect into the sewer for valid reasons, and have chosen the legal way to accomplish the connection. He said the Commission’s function is to facilitate their ability to do that. He said that if the Neuman’s feel that their property is threatened, they should work out their concerns with Mrs. Elms. He said that giving the neighbors time to “think about it” is not appropriate based on the facts presented to LAFCO.

Commissioner Davis commented that the proposal is before the Commission for annexation to the sewer district. She said that she would think the neighbors would want the Elms to be attached to the sewer district. She said the Neuman’s concern about a

two-foot trench is not warranted, and the Commission should move forward with the proposal.

On motion of Commissioner Horn, seconded by Commissioner Wootton, 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, this annexation and minor sphere of influence amendment are not subject to the environmental impact evaluation process because the proposal area contains not more than three single-family residences to be constructed or converted as defined by Section 15303;
- (2) Included the territory 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 minor sphere amendment and annexation for the reasons set forth in the Executive Officer's report, waiving the Conducting Authority proceedings according to Government Code Section 56663, and ordering the annexation.

**Item 8A**

**Proposed "Onyx Ridge Reorganization" (Ranch Santa Fe Fire Protection District/County Service Area No. 107 – Elfin Forest) (RO01-02)**

**Item 8B**

**Proposed "Onyx Ridge Latent Sewer Powers Expansion" (Olivenhain Municipal Water District) (LP01-02)**

This was an information item and no action was required.

**Item 9**

**Proposed "McMaster Annexation" to the Vallecitos Water District (DA03-08)**

This was an information item and no action was required.



**Item 10A**  
**Adoption of an Amendment to the Sphere of Influence  
for the Lakeside Sanitation District (SA03-09)**

**Item 10B**  
**Proposed “Caster Properties Annexation” to  
the Lakeside Sanitation District (DA03-09)**

This was an information item and no action was required.

**Item 11**  
**Proposed “Vande Vegte Reorganization”  
(Vallecitos Water District) (RO03-10)**

This was an information item and no action was required.

**Item 12A**  
**Adoption of an Amendment to the Sphere of Influence  
for the Spring Valley Sanitation District (SA03-11)**

**Item 12B**  
**Proposed “Perdue Water Treatment Plant Annexation”  
to the Spring Valley Sanitation District (DA03-11)**

This was an information item and no action was required.

**Item 13**  
**Proposed “S&H Builders Annexation” to the  
Spring Valley Sanitation District (DA03-12)**

This was an information item and no action was required.

**Item 14**  
**Recommended Final FY 2003-04 LAFCO Budget,  
including FY 2002-03 Third Quarter Budget Update**

Mr. Ott gave a brief staff presentation on the Recommended Final FY 2003-04 LAFCO Budget. Mr. Ott said the County Auditor is preparing a cost apportionment spreadsheet, which will show the cost apportionment division between the cities, districts and County of San Diego. Mr. Ott said the information will be available in June 2003, and as soon as the Auditor has prepared the apportionment schedules, they will be mailed to all agencies.

On motion of Commissioner Vanderlaan, seconded by Commissioner Davis, and carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Adopted the Recommended Final FY 2003-04 Budget and authorized the Executive Officer to implement all related budget recommendations in the Executive Officer's report, including but not limited to:
  - (A) Directed the County Auditor/Chief Financial Officer to request payment from the Board of Supervisors and from each city and independent district no later than July 1, 2003, for the amount owed and the actual administrative costs incurred by the auditor in apportioning costs and requesting payment from each entity (Government Code Section 56381(c).
  - (B) Authorized the Executive Officer and the County's Auditor/Chief Financial Officer to determine an appropriate method of collecting the required payment if payment is not remitted within 60 days. Per State Law, the Executive Officer may request the Auditor to collect an equivalent amount from the property tax or any fee or eligible revenue owed to the County, city, or district. Any expenses incurred by the Commission or Auditor in collecting late payments shall be added to the payment owed the Commission (Government Code Section 56381(c).
  - (C) Authorized the transfer of unspent funds from the FY 2002-03 budget to LAFCO's Contingency Reserve Fund, consistent with LAFCO's Reserve Fund Policy (F-100).
  - (D) Authorized the transfer of approximately \$7,468 from the LAFCO Contingency Reserve Fund to its revenue account in FY 2003-04, so that LAFCO's FY 2003-04 net cost can be frozen at the same level as FY 2002-03 (\$698,930).
  - (E) Authorized the continuation of the performance incentive program for outstanding performance per the workload and staffing projections in the FY 2003-04 budget.
  - (F) Approved the office reorganization and staffing proposals in the FY 2003-04 budget.
  - (G) Authorized the Executive Officer to execute and renew professional services contracts based on the cost-containment provisions in the FY 2003-04 LAFCO Budget.
  - (H) Authorized the preparation and continuation of existing sphere updates and service reviews. Direct the Executive Officer to return with recommendations on how to prepare service reviews and sphere updates affecting water and sewer agencies in South Central San Diego County and cemetery districts in San Diego County.

- (I) Authorized the continued support of the Task Force on Fire Protection, plus major miscellaneous LAFCO activities, including but not limited to CALAFCO support.
- (J) Authorized the Executive Officer to research the expansion of the public outreach program and establish a research cost limit of \$1,000.

**Item 15**

**Quarterly Self-Approved Expense Claim Report**

This was an information item and no action was required.

**Item 16**

**2003-04 Legislative Report**

Mr. Ott discussed AB 1385 (Haynes), which involves the County Water Authority. He indicated the bill would have provided for the detachment of territory from the Water Authority subject to certain capacity rights provisions. Mr. Ott said that regarding the Commission's concerns about the detachment provisions, the seven North County water districts that are sponsoring the bill have worked with Assemblyperson Haynes to amend the bill to address those concerns. Mr. Ott said the Commission should continue to watch the bill.

Commissioner Wootton discussed AB 518 (Salinas) – Regional Housing Needs. He said that the bill involved LAFCOs in the process of apportioning the allocation of regional housing needs between cities and counties. Commissioner Wootton said the CALAFCO Board disagreed with the CALAFCO staff recommended position on this bill. He said the CALAFCO Board discussed municipal service review guidelines, and indicated the Office of Planning and Research has not, as yet, finalized their guidelines. He said this is due to CALAFCO's suggestion that the Environmental Justice Section be excluded from the guidelines. Commissioner Wootton said there would be changes in legislation regarding the healthcare districts reporting standards. Commissioner Wootton said the CALAFCO Board would be sponsoring a retreat to discuss future direction for LAFCOs, and requested input from the Commissioners regarding topics for discussion.

The Commission took no action on this item.

There being no further business to come before the Commission, the meeting adjourned at 10:00 a.m. to the June 2, 2003 meeting, in Rooms 302-303, County Administration Center.

**JAN BRYSON**  
**Executive Assistant**