

**SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
JULY 7, 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 (who entered at 9:05 a.m.), Bud Pocklington, Andrew Vanderlaan and Ron Wootton; Alternate Commissioners – Harry Mathis, Andrew Menshek (who entered at 9:03 a.m.), and Betty Rexford; LAFCO and County Staff – Executive Officer Michael Ott, Chief, Policy Research Shirley Anderson, Chief, Governmental Services Ingrid Hansen, Local Governmental Analyst Robert Barry, and LAFCO Counsel William Smith. Absent were: Regular Commissioner – Councilmember Donna Frye and Alternate Commissioner – Supervisor Greg Cox.

Item 1
Approval of Minutes
of Meeting Held June 2, 2003

On motion of Commissioner Greer, seconded by Commissioner Vanderlaan, the commissioners dispensed with reading the minutes of June 2, 2003, and approved said minutes.

Item 2
Executive Officer's Recommended Agenda Revisions

Michael Ott announced LAFCO's new staff member, Robert Barry, who began June 13 as an Analyst I. Mr. Ott said that Mr. Barry was hired to fill a vacant position due to the retirement of Joe Convery. In addition, Mr. Ott announced that Ingrid Hansen and Tita Jacque Mandapat received a perfect score on a Customer Service Survey conducted by the County of San Diego. Mr. Ott reported that Ms. Hansen and Ms. Mandapat were scored on a phone survey and walk-in visit from several individuals who determine LAFCO's customer service level. Mr. Ott said that six months ago, Jan Bryson also received a perfect score on the Customer Service Survey.

Item 3
Public Comment

No members of the public requested to speak.

Item 4
Proposed "McMaster Annexation" to the
Vallecitos Water District (DA03-08)

On motion of Commissioner Pocklington, seconded by Commissioner Vanderlaan, 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 Conducting Authority proceedings according to Government Code § 56663(c) and ordering the annexation hearing subject to the following conditions:
 - a. Concurrent annexation into Vallecitos WD Improvement Districts 5, 6, and A for sewer service only; and
 - b. Payment of District annexation fees and State Board of Equalization charges.

Item 5

**Proposed "Vande Vegte Reorganization"
(Vallecitos Water District) (RO03-10)**

On motion of Commissioner Pocklington, seconded by Commissioner Vanderlaan, 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 15320 of the State CEQA Guidelines, the reorganization is not subject to the environmental impact evaluation process because the changes of organization of these local governmental agencies do not change the geographical 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 terms and conditions:

Vallecitos Water District:

- a. Annexation into the Vallecitos Water District and Sewer Improvement Districts 5 & 6 for water and sewer service.
- b. Initiate detachment proceedings with Vista Irrigation District (VID) and annexation proceedings with the Local Agency Formation Commission.
- c. Submit a copy of title report with metes and bounds legal description of the subject property to be annexed including tract maps and traverse calculations if applicable.

- d. No construction of or connection to any water and sewer mains will be allowed until completion of the annexation, payment of annexation fees, completion of annexation proceedings with LAFCO, completion of detachment proceedings with VID, and payment of all current fees and charges.
- e. Completion of annexation within one year of initial board approval.

Vista Irrigation District:

- a. Payment of the VID detachment fee of \$177.
- b. Payment of the VID administration fee of \$611.
- c. Payment of the VID document preparation fee of \$62 for the Assignment of Water Rights document.
- d. Execution of Assignment of Water Rights document.

Item 6
Proposed “S & H Builders Annexation” to the
Spring Valley Sanitation District (DA03-12)

On motion of Commissioner Pocklington, seconded by Commissioner Vanderlaan, 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 subject to the following condition:

Payment by the property owner of LAFCO processing fees and State Board of Equalization charges.

Item 7A
Adoption of an Amendment to the Sphere of Influence for the City of La Mesa (SA03-13)

Item 7B
Proposed “Rhea Reorganization”
(City of La Mesa) (RO03-13)

Chairwoman Jacob opened the continued public hearing.

Michael Ott presented the staff report. Mr. Ott said that the Rhea Reorganization was a continued public hearing item from the June 2 LAFCO meeting due to obtaining infrastructure plans and financial information. Mr. Ott indicated that as a result the jurisdictional changes associated with the Rhea Reorganization and property tax agreement, the San Miguel Fire Protection District would lose approximately \$65 in annual property tax revenues. Mr. Ott said that although the County of San Diego would be giving up some of their service responsibilities due to the jurisdictional change, the County’s revenues would increase from \$94 to \$102. In addition, Mr. Ott indicated that although the City of La Mesa will be the responsible party to respond to the property for fire protection services, it is likely the San Miguel Consolidated FPD would be the first responder to the site. Mr. Ott said that this item would be referred to the Task Force on Fire Protection and Emergency Medical Services for their ongoing discussions.

With no members of the public wishing to speak in support or in opposition of the item, on motion of Commissioner Vanderlaan, 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(a) of the State CEQA Guidelines the minor sphere amendment and annexation are not subject to the environmental impact evaluation process because the proposal area contains an existing structure and is developed to the density allowed by the current zoning, and the extension of utility services to the existing facility would have a capacity to serve only the existing facility; and
- (2) Amended the sphere of influence for the City of La Mesa to include the territory shown on the 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 reorganization with modified boundaries for the reasons set forth in the Executive Officer’s Report, waiving the Conducting Authority proceedings in accordance with Government Code Section 56663(c), and ordering the reorganization subject to the following condition:

Payment of Local Agency Formation Commission and State Board of Equalization processing fees and City of La Mesa annexation fees.

Item 8A
Adoption of an Amendment to the Sphere of Influence for the Spring Valley Sanitation District (SA03-11)

Item 8B
Proposed “Perdue Water Treatment Plant Annexation” to the Spring Valley Sanitation District (DA03-11)

Chairwoman Jacob opened the public hearing. Ingrid Hansen provided the staff report.

With no members of the public wishing to speak in support or in opposition of the item, on motion of Commissioner Horn, 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(a) of the State CEQA Guidelines, the minor sphere amendment and annexation are not subject to the environmental impact evaluation process because the proposal area contains existing structures and is developed to the density allowed by the current zoning, and the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities; and
- (2) Amended the sphere of influence for the Spring Valley Sanitation District to include the territory as shown on the 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(c), and ordering the annexation, subject to the following condition:

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

Item 9A
Adoption of an Amendment to the Sphere of Influence for the Vallecitos Water District (SA03-15)

Item 9B
Proposed “Wragg Annexation” to the Vallecitos Water District (DA03-15)

This was an information item and no action was required.

Item 10**Proposed “Gabriel Plamondon Annexation” to the Buena Sanitation District (DA03-16)**

This was an information item and no action was required.

Item 11**Proposal Processing Direction: Commission direction is needed on whether to process the proposed Dzuiban Annexation to the Buena Sanitation District as an annexation to the Buena Sanitation District or City of Vista. The proposal area is contiguous to the City of Vista**

Mike Ott said that the Commission would not be deliberating on whether the Dzuiban Annexation to the Buena Sanitation District should be approved at the meeting; rather, LAFCO staff was requesting direction from the Commission on how to process the annexation. Mr. Ott said that the Commission has become increasingly concerned over the past five years about the usage and impact of the City of Vista’s annexation moratorium.

Ingrid Hansen presented the staff report and stated that LAFCO has not received an application for the Dzuiban Annexation at the present time. Ms. Hansen said that the Dzuiban Annexation is on the agenda so that the Commission may provide direction regarding a potential annexation to the Buena Sanitation District. Ms. Hansen indicated that the property is contiguous to the City of Vista.

Commissioner Wootton disclosed that he represents a property owner to the east of the Dzuiban property, but indicated it does not pertain to any of the issues related to the potential Dzuiban Annexation and that the property will not be involved in any LAFCO actions. Commissioner Wootton said he has several concerns about the proposed Dzuiban Annexation. One concern was the extreme length to which LAFCO was going through in order to accommodate a building permit on the property when the problem is a result of the City of Vista’s moratorium. In addition, Commissioner Wootton said the interconnects between the Buena Sanitation District’s and the City of Vista’s systems are the trunkline that goes to Encina. Commissioner Wootton said that the City of Vista and the Buena Sanitation District have separate sewer systems, and that the pipeline being discussed is a City of Vista pipeline within the City of Vista’s system. Commissioner Wootton indicated that the City of Vista manages the Buena Sanitation District and said the potential Dzuiban Annexation would be a contractual service agreement between the Buena Sanitation District and the City of Vista. He said the parcels were created by a parcel map and approved by the health department with septic tanks as the sewage treatment for buildings. Commissioner Wootton said if the Commission were to approve staff’s recommendation, he would suggest that it would be appropriate to use the same boundaries as shown on the parcel map as a permanent record of the open space easement rather than, in this case, an arbitrary square at the top of a hill since those lines are already a record and would be the developable area of the parcel. Commissioner Wootton said he does not mind if the property is annexed into

the Buena Sanitation District, but indicated he does not want to annex to Buena Sanitation District if the basic issue is a contractual service agreement between the Buena Sanitation District and the City of Vista.

In response to Chairwoman Jacob's question, Commissioner Wootton said that there is a recorded parcel map on the property that was approved for a septic system and not sewer.

Michael Ott said that the applicant is seeking annexation to the Buena Sanitation District at this time due to percolation problems on the property. Mr. Ott said the property would be connected to a public sewer service system whether it is annexed to the City of Vista or to the Buena Sanitation District.

Chairwoman Jacob said that if the County approved the parcel map for a septic system and the property cannot sustain a septic system, it raises a question as to why the County approved the parcel map for septic.

Commissioner Horn said that the property owner should not be held accountable for all the issues that have been discussed since it is only a small portion of the property that is being annexed. Commissioner Horn said the property owner is only building one home, and that he can tie into an existing sewer system, which is 300 feet from the property.

Commissioner Pocklington said that he feels that staff's approach is very reasonable, and said that he is concerned about the lack of communication between the City of Vista and LAFCO staff. Commissioner Pocklington said that he agrees with Commissioner Horn and concurs with staff's recommendation.

Chairwoman Jacob said that there is no application filed to date, but what she is hearing from the Commissioners is that if and when an application is filed, the direction of the Commission will be to annex to the Buena Sanitation District.

Commissioner Betty Rexford requested to hear from Mr. Dzuiban, the owner of the property.

Chairwoman Jacob indicated to Mr. Dzuiban that there are some alternative sewage disposal systems available that have been approved by the County of San Diego's Department of Environmental Health, and that Mr. Dzuiban might want to compare the cost of an alternative system to the cost of annexing to the Buena Sanitation District.

Mr. Dzuiban indicated to the Commission that he is willing to utilize an optional septic system, and questioned if the alternative sewage disposal systems have been approved.

Chairwoman Jacob said they have been approved for some time, and said there are a couple of different designs to choose from and are located in several sites where the traditional, conventional septic systems have failed.

Mr. Dzuiban said that the research of his Engineer indicated that because these were new systems just being tested, the County would not approve such a system for his property. Mr. Dzuiban said since there is a sewer line below his property, he would like to annex to the sewer system. He indicated he would not be subdividing his property and that he just wants to build one house on the property.

Commissioner Davis said that she supports the annexation to the Buena Sewer District, and agreed with Commissioner Horn that Mr. Dzuiban should not be held accountable of all the issues that have been brought up at the Commission meeting. Commissioner Davis recommended the Commission approve staff's recommendation of annexing the property to the Buena Sanitation District because the property is contiguous with the district.

Mr. Dzuiban indicated that he had a "pre-application" meeting with Gail Wright, Environmental Management Specialist from Resource Planning, and provided the Commission a copy of a letter from Ms. Wright that stated requirements and restrictions of the development.

Chairwoman Jacob thanked Mr. Dzuiban, and clarified with the Commission that if the Dzuiban Annexation application is filed with LAFCO, the direction would be to process the annexation to the Buena Sanitation District. Commissioner Wootton indicated that he would concur with the decision.

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

- (1) Agreed to accept this property owner's application to process an annexation to the Buena Sanitation District for the following reasons:
 - (a) The parcel is contiguous to the Buena Sanitation District and the District has indicated that sewer service could be provided.
 - (b) Only a portion of the parcel (less than one acre) is proposed for development, and consequently only that limited area would require service and be annexed to the sanitation district.
 - (c) While adjacent to the City of Vista, the parcel is not in the City's sphere of influence, and the District annexation area is not contiguous to the City's boundary.
 - (d) With the issues related to the City's annexation moratorium unresolved, the property owner would experience delays in acquiring a building permit if annexation to the Buena Sanitation District is not processed at this time.

Mr. Ott indicated he will be meeting with the City of Vista regarding their moratorium later in July, and will provide an update to the Commission and the sub-committee (Commissioners Horn, Vanderlaan and Wootton) and will bring the item to the Commission at a later date.

Item 12
2003-04 Legislative Report

Michael Ott presented the staff report. Mr. Ott reported that within the next several years, the CALAFCO Legislative Committee will bring a legislative proposal to the CALAFCO Executive Board requesting clarification of the participation of alternate LAFCO members in open and closed sessions.

In regards to AB 668 (Cox) – Regional Housing Needs Determination, Michael Ott indicated that there is discussion in Sacramento to get LAFCOs more involved in the Regional Housing Needs Determinations. Mr. Ott said that the CALAFCO Legislative Committee concluded that CALAFCO should be in an observer's role vs. an arbitration role regarding Regional Housing Needs Determinations. Mr. Ott said that regional housing needs should be a factor considered by LAFCOs in its deliberations on jurisdictional changes, but that LAFCOs should not be the parties that would be responsible for setting regional housing needs. Mr. Ott indicated that this item will go before the CALAFCO Executive Board.

Commissioner Horn agreed that LAFCOs should not be the responsible parties for setting regional housing needs.

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

- (1) Opposed AB 668 (Cox) – Regional Housing Needs Determinations.

There being no further business to come before the Commission, the meeting adjourned at 9:38 a.m. to the August 4, 2003 meeting, in Rooms 302-303, County Administration Center.

TITA JACQUE MANDAPAT
Administrative Aide