

**SAN DIEGO LAFCO  
MINUTES OF THE REGULAR MEETING  
SEPTEMBER 8, 2003**

There being a quorum present, the meeting was convened at 9:03 a.m. by Chairwoman Dianne Jacob. Also present were: Regular Commissioners – Councilmember Donna Frye, Councilmember Jill Greer, Supervisor Bill Horn (who entered at 9:06 a.m.), Bud Pocklington (who left at 11:10 a.m.), Andrew Vanderlaan and Ron Wootton; Alternate Commissioners – Harry Mathis and Andrew Menshek; LAFCO and County Staff – Executive Officer Michael Ott, Chief, Policy Research Shirley Anderson, Chief, Governmental Services Ingrid Hansen, Local Governmental Analyst Robert Barry, and Legal Counsel Bill Smith. Absent were: Commissioner – Councilmember Patty Davis; and Alternate Commissioners – Supervisor Greg Cox and Councilmember Betty Rexford.

**Item 1**

**Approval of Minutes of Meeting Held August 4, 2003**

With Commissioner Greer abstaining, on motion of Commissioner Vanderlaan, seconded by Commissioner Wootton, the commissioners dispensed with reading the minutes of August 4, 2003, and approved said minutes.

**Item 2**

**Executive Officer's Recommended Agenda Revisions**

Michael Ott indicated that speaker slips were submitted in opposition to Items 6A and 6B, which are consent items on the agenda; therefore, these items were taken off the consent portion of the agenda for a staff presentation and public comment.

**Item 3**

**Commissioner/Executive Officer Announcements**

There were no Commissioner/Executive Officer announcements.

**Item 4**

**Public Comment**

No members of the public requested to speak.

**Item 5A**

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

**Item 5B**

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

Mr. Ott indicated that items 6A and 6B involve the Olivenhain Municipal Water District, County Service Area No. 107 – Elfin Forest, and the Rancho Santa Fe Fire Protection District. Mr. Ott introduced Shirley Anderson, who gave the staff presentation.

Chairwoman Jacob introduced Harry Ehrlich, Olivenhain Municipal Water District, and Mike Stevens, representing Sherman and Sons, LLC, both of whom submitted speaker slips in support of these items. Mr. Ehrlich indicated he did not want to speak, but wished to register his support of the items.

Mr. Stevens, Stevens Planning Group, addressed the Commission, indicating his support of this project and said their hope is to move forward with the project.

Everett Delano, representing the Elfin Forest/Harmony Grove Fire Department, addressed the Commission, indicating it would be appropriate for the Commission to support the agreement between the owner/developer and CSA No. 107.

Chief Frank Twohy, Elfin Forest/Harmony Grove Fire Department, addressed the Commission, indicating that CSA No. 107 is asking to have an agreement between the owner/developer and the CSA included in LAFCO's terms and conditions to support the fire department.

Commissioner Horn requested that staff respond to Chief Twohy's comments.

Shirley Anderson said County Service Areas are predominately staffed by unpaid volunteers, and that most of the CSAs, including CSA No. 107, have established non-profit corporations as separate entities. She said the subject agreement is signed between Sherman and Sons, LLC, the owner/developer, and the non-profit corporation, which is essentially a private entity. Ms. Anderson said that LAFCO, as a government agency, should not stipulate terms and conditions for a private corporation. Ms. Anderson said that while staff is recommending the agreement not be included in the terms and conditions of the reorganization, the property owner and the CSA can still pursue the agreement on their own.

Commissioner Horn said he recommends that the Commission approve staff's recommendation.

Chairwoman Jacob asked if the Commission had the authority to include the agreement in the terms and conditions. Mr. Ott said that LAFCO does not have the authority to impose the condition between the property owner and non-profit corporation. Mr. Ott added that there was not a nexus between the amount of money that has been negotiated and the amount of money that will be lost by CSA No. 107. Mr. Ott said that staff asked the CSA to return to LAFCO with a condition that would be based on information showing a tangible linkage between loss of revenue and service impacts. He said that CSA No. 107 did not provide this information to LAFCO. Mr. Ott said this matter has been referred to LAFCO's Task Force on Fire Protection and Emergency Medical Services to look at the issue of how service boundary changes affect fire districts and emergency medical services agencies.

Responding to a question from Commissioner Wootton, Mr. Ott said within the past two years the Commission approved a proposal involving the City of El Cajon and the East County Fire Protection District, in which the Commission imposed a detachment fee payable to the fire district. Mr. Ott said the fire district prepared a five-year service response history showing that even if the territory was removed from its jurisdictional boundaries and annexed to the City of El Cajon, the fire district would continue to experience a service impact because in many instances it would be a first responder. Mr. Ott said that CSA No. 107 should also quantify the service impact and the dollar figure associated with the impact because there needs to be an association between the service impact and revenue.

Responding to a question from Commissioner Wootton, Mr. Ott explained that County Service Areas are county-dependent entities that are officially administered by the County Board of Supervisors, and that there are advisory boards that consist of citizens within the County Service Areas who make recommendations to the Board of Supervisors. Mr. Ott said that typically non-profit corporations within these organizations handle financial transactions. Mr. Ott said the proposed condition would transfer the \$50,000 to an entity that LAFCO has no jurisdictional authority over (a non-profit corporation), not to the County Service Area.

Alternate Commissioner Mathis asked Mike Stevens if it is the intention of the property owner to renege on the agreement that was signed if it is not a condition of the Commission.

Mr. Stevens indicated that he was not an authorized signatory on the agreement, but his client asked him to convey the message to the Commission that they will “continue and complete their negotiations and agreement with the Elfin Forest Fire Department.”

Commissioner Vanderlaan said that he serves on LAFCO’s Task Force on Fire Protection and Emergency Medical Services and that they are meeting with County staff and other members of the fire service regarding the issue of property tax exchanges for annexations and detachments, as well as reorganization fees. He said that in LAFCO’s resolution regarding formation of CSA No. 107, it was stated that they would cooperate with future detachments. He said that he wanted Chief Twohy to address the issue of how CSA No. 107 will continue to operate with future detachments.

Chief Twohy explained he realizes Rancho Santa Fe Fire Protection District can most practically serve the development in its present configuration. He said that CSA No. 107 is there to provide backup and help to Rancho Santa Fe Fire Protection District. He said he provided to LAFCO staff what he thought was the nexus, which was a detailed presentation on financial planning, land use, etc.

Chairwoman Jacob asked Mike Stevens if the agreement would be honored and if Chief Twohy and CSA No. 107 would actually receive the \$50,000. Mr. Stevens said he fully believes his client will honor the agreement.

Commissioner Frye asked Mr. Stevens if the contract was enforceable. Mr. Stevens said he believes it is a legitimate agreement and that his client will stand behind the agreement. Commissioner Frye asked Mr. Delano if he believes the contract is legitimate, and if the response from Mr. Stevens, representing his client, makes it a valid contract. Mr. Delano said he thinks it is a valid contract. Commissioner Frye said she does not think it is unreasonable to include the agreement as a condition of the Commission, and that she would support the motion if Commissioner Horn would include in his motion that the Commission recognizes that the Elfin Forest Fire Department would continue to be a service responder and to continue to work with staff to provide the nexus that is required in order to ensure the agreement is enforced; otherwise she would oppose the motion.

Commissioner Horn said that the volunteer fire department is supported by a CSA, which is actually the County, and indicated that the County, not LAFCO, should condition the agreement. Commissioner Horn said he does not think it is LAFCO’s responsibility to impose this condition.

Chairwoman Jacob said that staff has indicated that LAFCO does not have the authority to add the agreement, as presented, as a condition of the reorganization. Mr. Ott reiterated that LAFCO does not have the authority to impose the condition as it is presently negotiated between the two parties. He said that LAFCO plans to work with Chief Twohy to develop conditions that could mitigate loss of revenue, but that LAFCO could not impose this particular condition.

Chairwoman Jacob said the Commission is sympathetic to the fire district, but said that LAFCO has a very narrow focus and does not have legal authority to add the agreement as a condition of the reorganization.

Commissioner Pocklington asked if wording could be included in the motion that the Commission expects that the contractual arrangement between the owner/developer and the Elfin Forest Fire Department be pursued and honored. He said that he would support the item if the wording were added. He said the Commission should follow up to make sure the agreement is honored.

Commissioner Horn agreed to add to his motion the wording to “encourage that the contractual agreement between the owner/developer and CSA No. 107 – Elfin Forest Fire Department be pursued and honored.”

Alternate Commissioner Mathis said that he is concerned about setting a precedent, and that the next time a development takes place in the area the fire department will return to LAFCO looking for a detachment fee. He said that he agrees with Commissioner Pocklington that the County should take appropriate action to ensure the agreement is honored.

On motion of Commissioner Horn, seconded by Commissioner Greer, and carried by the following vote of the commissioners present, the Commission took the following actions:

- (1) Certified pursuant to Section 15091 of the State CEQA Guidelines, that the mitigation measures included in the attached resolution of approval of the County of San Diego for the impacts identified in the attached EIR have been adopted by the County of San Diego, and that the mitigation is within the jurisdiction of the County of San Diego and not LAFCO because the affected resources and services are within the unincorporated area of the County; and
- (2) Adopted the form of resolution approving the expansion of sewer service latent powers for the Olivenhain Municipal Water District, and the reorganization of territory between County Service Area 107 (Elfin Forest) and the Rancho Santa Fe Fire Protection District for the reasons set forth in the Executive Officer’s Report, and delegate to the Executive Officer the responsibility for holding conducting authority proceedings for the reorganization subject to the following conditions:
  - (a) A sewer master plan acceptable to the Olivenhain Municipal Water District (MWD) must be completed. Sherman and Sons, LLC will pay a pro-rate share for this sewer master plan.
  - (b) Sherman and Sons, LLC is required to pay all applicable sewer capacity fees and all other fees and charges of the Olivenhain MWD in accordance with the District’s Rules and Regulations.

- (c) Sherman and Sons, LLC is required to provide all fee sites and easements as required for construction of on-site facilities as required by the Olivenhain MWD, in its sole discretion.
- (d) Sherman and Sons, LLC is required to construct all onsite and offsite sewer facilities as required by the Olivenhain MWD, in its sole discretion.
- (e) Sherman and Sons, LLC will be required to comply with all Local Agency Formation Commission terms and conditions, to pay all Local Agency Formation fees and charges, and to pay the Olivenhain MWD for all staff time, engineer time, attorney’s fees and consulting fees and costs incurred in an effort to obtain this approval.
- (f) Sherman and Sons, LLC must secure an approved Final Map.
- (g) Olivenhain MWD annexation fees must be paid in accordance with Article 24 (as amended) of the District’s Administrative Code.
- (h) Sherman and Sons, LLC will be required to reach a funding agreement with the developers of Rancho Cielo to pay for their proportionate share of the construction of the Rancho Cielo Fire Station.
- (i) Sherman and Sons, LLC will be required to pay annexation fees to the Rancho Santa Fe Fire Protection District (FPD) in accordance with Ordinance 00-01 adopted by the Board of Directors June 14, 2000 as follows:

Each acre or portion there of:	\$500.00
Each dwelling site:	\$160.00
Each commercial/industrial lot	\$200.00

- (3) Encourage Sherman and Sons, LLC, and the Elfin Forest-Harmony Grove Fire Department, Inc. (EF/FGFD) to pursue and honor the agreement regarding payment of detachment fees. The agreement specifies that:

Sherman and Sons, LLC has verified that its offer of \$5,000 per dwelling (\$50,000 total) is commensurate with other similar actions taken by land developers in cooperation with the EF/HGFD, and Sherman and Sons, LLC is prepared to remit this sum in cash to the EF/HGFD at the time detachment and annexation are approved.

AYES: Commissioners Greer, Horn, Jacob, Pocklington, Vanderlaan and Wootton

NOES: Commissioner Frye

ABSTAIN: None

ABSENT: Commissioner Davis

**Item 6**

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

With Commissioner Wootton abstaining, on motion of Commissioner Pocklington, seconded by Commissioner Vanderlaan, and carried by an affirmative vote of the Commissioners present, the Commission took the following actions:

- (1) Certified that the information contained in the Negative Declaration prepared by the County of San Diego has been reviewed and considered; and
- (2) Adopted 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.

**Item 7**

**Proposed “Rilington et al. Annexation”  
to the City of San Marcos (CA03-18)**

Chairwoman Jacob indicated that Jerry Backoff, representing the City of San Marcos, submitted a speaker’s slip in support of the proposed Rilington et al. Annexation. Chairwoman Jacob said that Mr. Backoff wished to register his support, but did not want to speak, unless there were questions from the Commission.

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

- (1) Certified that the information contained in the Mitigated Negative Declaration prepared by the City of San Marcos has been reviewed and considered; and
- (2) Adopted the form of resolution approving this annexation for the reasons set forth in the Executive Officer’s report, consistent with Government Code Section 56375(m), waiving Protest Proceedings according to Government Code § 56663(c) and ordering the annexation.

**Item 8A**

**Adoption of an Amendment to the Sphere of Influence  
for the Lakeside Sanitation District (SA02-16)**

**Item 8B**

**Proposed “Blossom Valley Middle School Annexation”  
to the Lakeside Sanitation District (DA02-16)**

Chairwoman Jacob opened the continued public hearing. Mr. Ott introduced Ingrid Hansen, who gave the first portion of the presentation, which included a summary of the proposed sphere amendment and the annexation of the Blossom Valley Middle School site to the Lakeside Sanitation District.

Mr. Ott said that in addition to the staff report, the Commissioners received handouts, which included copies of letters of support that were sent to LAFCO. Mr. Ott gave the second portion of the staff presentation, which included a PowerPoint presentation.

Chairwoman Jacob explained that the only issue before the Commission is whether the property should be annexed for sewer service. She said this is not about whether or not this is the proper location for a school, or if there is a need for a middle school.

Chairwoman Jacob indicated that, for the record, the following individuals submitted speaker's slips in support of the proposed "Blossom Valley Middle School Annexation" to the Lakeside Sanitation District: Christina Becker, Rita Otero-Franz, Helen Joy, Janice Cook, Thomas Parr, Barbara Robinson, Marcia Saben, Steven Ross, Lyn Eccker, Jeff Bosvay, April St. Clair, Vicky L. Marshall-Leiter, Julane Kurtz, Robin Johnson, Brenda Kay Roland, Patricia Bosvay, Richard Freeland, Daniel King, Laurel King, Lori Faubel, Donna Manupella, Stan P. Dotts, Sandra Curry, Jane Tam, Jana Nichols, Tamara L. Otero, and Tessa Gallion.

Janice Cook, Superintendent of the Cajon Valley Union School District, addressed the Commission in support of the project. She also thanked Chairwoman Jacob for the direction that she provided to individuals wishing to address the Commission, and for the letter of August 6, 2003, that outlined her questions and concerns so they could be addressed. Ms. Cook also thanked LAFCO and County Department of Public Works staffs for diligently working with the school district to answer questions and concerns that have been brought forward. She said children in the northeastern portion of the district are bussed outside their attendance area to attend an already overcrowded school. She said this project would will relieve school overcrowding within the City of El Cajon. She said the district is in line for \$11 million in State matching funds, but cannot approach the State for the funds until the district takes possession of the property.

The following individuals addressed the Commission, indicating their support of the proposal: Thomas Parr, Barbara Robinson, Julane Kurtz, Robin Johnson, Patricia Bosvay, Marsha Saben, and Stan Dotts.

Chairwoman Jacob indicated that, for the record, the following individuals submitted speaker's slips in opposition of the proposed "Blossom Valley Middle School Annexation" to the Lakeside Sanitation District: Julie Hamilton, Royalyn Hayes, Evelyn Provaznik, Vincent E. Wojdak, and Janet K. Fuller.

Julie Hamilton addressed the Commission as part of an organized presentation in opposition to the project, indicating that she represented the Dunbar Lane Task Force. Ms. Hamilton said the Dunbar Lane Task Force is opposed to this annexation.

Evelyn Provaznik addressed the Commission as part of an organized presentation in opposition to the project, indicating that this project is a "leap frog annexation." She said "leap frog annexation" also leads to "leap frog development." She asked that the Commission "not grant this annexation."

Royalyn Hayes addressed the Commission as part of an organized presentation in opposition to the project.

Chairwoman Jacob asked Mr. Ott and Mr. Smith to address the concerns that were raised during the public comment portion of this item.

Mr. Ott said that Ms. Hamilton's comments regarding the elimination of islands within the Lakeside Sanitation District and special districts are erroneous. He said County Sanitation District Law allows for discontinuous areas to be annexed to County Sanitation Districts. He said the island provision that Ms. Hamilton referenced applies to the 18 cities in the County of San Diego. Mr. Ott reiterated that the island provisions in State Law apply to municipalities and not special districts. With respect to sphere updates versus sphere amendments, Mr. Ott said that State Law requires spheres of influence to be reviewed and updated every five years, as necessary. Mr. Ott explained that the statewide guidelines are advisory procedures, not requirements. He said that he and Commissioner Wootton served for two years on the statewide task force that prepared the guidelines. Regarding Ms. Hamilton's comment about substantial amendments versus non-substantial amendments to spheres of influence, Mr. Ott said that the staff report and EIR indicates no significant impacts related to the provision of sewer service for this project have been identified. He said that the sphere of influence for the Lakeside Sanitation District would not be negatively impacted as a result of the proposed annexation and sphere of influence amendment. Mr. Ott said that amendments to the Lakeside Sanitation District's sphere of influence have averaged less than one per year for the past 20 years, and that the total accumulated acreage is 158 acres over the 20-year period. Mr. Ott said San Diego LAFCO's adopted local municipal service review guidelines allow for minor (non-substantial) sphere amendments to help address issues such as health, public safety and welfare, etc. He indicated that the proposed sphere amendment and annexation is consistent with this local guideline. Mr. Ott said this is not "leap frog" development since there is sewer infrastructure abutting this property.

Commissioner Wootton asked if the sewer line was located in Dunbar Lane. In response to his question, George Ream, representing the County of San Diego, Department of Public Works/Wastewater Management and the Lakeside Sanitation District, said the sewer line connects Alpine and Lakeside, and runs down Alpine Boulevard, crossing at Dunbar under the Old Highway 80 bridge, and then turns west on Old Highway 80.

Mr. Dotts said that the Alpine Christian Fellowship Church terminated the sewer line north of the 3.5-acre church site, within 10 feet of the southwest corner of the annexation proposal, and that a 10-inch sewer line is available.

Commissioner Jacob asked if the sewer line is adjacent to the property. Mr. Dotts replied that it was. Mr. Ream said that he did not have the engineering drawings with him, but that it is his understanding there is a sewer main reasonably close to the property.

Commissioner Frye asked if the school was included in the facility plan study for build-out of the area. Mr. Ream said the study did not include the school because at the time the study was done, the school was not under active consideration. He said the current general plan use for the property is rural residential. Commissioner Frye asked about the impact for existing property owners in the area to develop their property if the EDUs are used for the school. Mr. Ott said that sufficient capacity would be available for approximately 30 years for the property owners to develop their vacant property.

Commissioner Jacob said she was originally concerned that there would not be enough capacity but, since staff indicated there is a 30-year capacity, her concern regarding this issue has been



alleviated. She said that staff did a good job analyzing the information and responding to the questions regarding this issue. She said she has a lot of sympathy for the Dunbar Lane residents, and realizes they have raised legitimate issues; however, the only issue before LAFCO is whether or not to approve the annexation and to amend the sphere of influence for the Lakeside Sanitation District. She said the Commission has to be careful not to go beyond its scope of responsibility. She said that staff has indicated it is not necessary to do a comprehensive sphere update at this point, so she would support staff's recommendation for the annexation and sphere amendment.

Commissioner Wootton said that he has concerns regarding the sphere amendment as opposed to a comprehensive sphere update and that he would oppose this item.

Commissioner Vanderlaan indicated his support of the annexation and sphere amendment. He complimented staff on their work on this item, indicating this was a difficult and complicated issue.

Commissioner Pocklington complimented staff on bringing the item to the Commission within 30 days, rather than 60 days, and said he would support the item.

Chairwoman Jacob requested input from LAFCO's Legal Counsel Bill Smith, who indicated that staff presented a very good report as to why this is an appropriate action. Mr. Smith commented on the factors to be considered in Government Code Section 56668, indicating the staff report contains the information the Commission should consider under the proposed Government Code Section.

Chairwoman Jacob said that she respects and appreciates Commissioner Wootton's comments, and that the Commission is aware of the issues he has raised regarding minor sphere amendments as opposed to comprehensive sphere updates. She said that staff should be aware that there should not be any more sphere amendments coming forward until staff does a comprehensive sphere update for this area. She said she feels there are legitimate arguments for both sides of this issue. Commissioner Horn indicated that caution should be exercised regarding imposing any moratoriums on annexations.

On motion of Commissioner Horn, seconded by Commissioner Vanderlaan, and carried by the following vote of the commissioners, the Commission closed the continued public hearing, and took the following actions:

- (1) Concurred with the conclusions in the August 4, 2003 and September 8, 2003 LAFCO staff reports.
- (2) Certified, pursuant to Section 15091 of the State CEQA Guidelines, that the Commission has reviewed and considered the EIR. The mitigation measures included in the resolution of approval of the Cajon Valley Union School District for the impacts identified in the attached EIR have been adopted by the Cajon Valley Union School District, and that the mitigation is within the jurisdiction of the Lakeside Sanitation District and other public agencies because the affected resources and services are within the unincorporated area of the County lying in or near the proposed sphere of influence amendment and annexation area;

- (3) Adopted, pursuant to Section 15096(h) of the State CEQA Guidelines, the Findings of Fact and Statement of Overriding Considerations previously adopted by the Cajon Valley Union School District, as lead agency, that is provided as Exhibit A;
- (4) Amended the sphere of influence for the Lakeside Sanitation District to include the territory as shown on the map and adopt the written Statement of Determinations as proposed in Exhibit B; and
- (5) Adopted the form of resolution approving this sphere amendment and annexation for the reasons set forth in the Executive Officer's Report, including but not limited to the factors enumerated in Government Code Section 56668, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the annexation subject to the following conditions:
  - (a) Payment by the property owner of District annexation fees and State Board of Equalization charges.
  - (b) Recordation of the annexation shall not be executed until either close of escrow or issuance of a judicial Order for Possession of the property to the Cajon Valley School District, whichever first occurs.

AYES: Commissioners Greer, Horn, Jacob, Pocklington, and Vanderlaan

NOES: Commissioners Frye and Wootton

ABSTAIN: None

ABSENT: Commissioner Davis

**Item 9**  
**Proposed "Summerview Detachment"**  
**from the Vista Irrigation District (DD03-17)**

Chairwoman Jacob opened the public hearing. The Commission waived the staff presentation.

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 15320 of the State CEQA Guidelines, the detachment is not subject to the environmental impact evaluation process because the change of organization of the local governmental agency does not change the geographical area in which previously existing powers are exercised;
- (2) Modified the detachment as originally submitted to include the VID portion of APNs 162-342-15, 162-342-16, 162-342-17, and 162-342-20; and

- (3) Adopted the form of resolution approving this detachment for the reasons set forth in the Executive Officer's Report, delegating to the Executive Officer the responsibility for holding conducting authority proceedings subject to the following terms and conditions:
- (a) Payment of the VID detachment fee of \$913.42;
  - (b) Payment of the VID administration fee of \$611;
  - (c) Payment of the VID document preparation fee of \$62 for the Assignment of Water Right document; and
  - (d) Execution of Assignment of Water Rights document.

At 11:10 a.m., Commissioner Pocklington announced that he would be leaving the meeting, and indicated that Alternate Commissioner Menshek would be voting for him on the remaining agenda items.

**Item 10A**  
**Proposed North County Inland**  
**Municipal Service Review (MSR03-14)**

**Item 10B**  
**Proposed Recommended Update to the Spheres of Influence**  
**for the City of Escondido, Valley Center Municipal Water District**  
**and the Rincon del Diablo Municipal Water District (SR03-14)**

Chairwoman Jacob opened the public hearing.

Mr. Ott presented the staff report, which included a PowerPoint presentation.

Mr. Ott introduced Robert Barry, who presented the staff report for the proposed Rancho Vistamonte property, which is included in the City of Escondido's proposed sphere of influence and, therefore, is related to Items 10A and 10B. Mr. Barry indicated that staff has 100 percent consent from the landowners regarding this proposal.

Commissioner Wootton indicated the final result of the municipal service review and sphere of influence report provided by staff is good, and that LAFCO is moving in the right direction on municipal service reviews.

Chairwoman Jacob indicated that, for the record, the following individuals submitted speaker's slips in support of Item(s) 10A and/or 10B: Jonathan Brindle, Joan Van Ingen, Darlene Hansen, Tom Zanic, Kevin Barnard and Gary Arant.

The following individuals addressed the Commission in support of Item(s) 10A and/or 10B: Jonathan Brindle, Joan Van Ingen Darlene Hansen, Tom Zanic, Kevin Barnard (who represented "Citizens for a Rural Harmony Grove," and gave a group presentation in support of Item 10A) and Gary Arant.

Chairwoman Jacob indicated that, for the record, the following individuals submitted speaker's slips in opposition to Items 10A and/or 10B: Everett Delano, Nona Barker, Frank Twohy, Bob Kephart, Nancy Reed, Carolyn Floyd, Kathy DaSilva, Mid Hoppenrath, Jim Depolo, Jane K. Sobol, May Meintjes, Karen Gardner, and Eric Anderson.

The following individuals addressed the Commission, indicating their opposition to Items 10A and/or 10B: Everett Delano, Frank Twohy, Nona Barker, Bob Kephart, Nancy Reed (who distributed information binders regarding Elfin Forest/Harmony Grove to the Commissioners), Mid Hoppenrath, Jim Depolo, Jane K. Sobol, Karen Gardner and Eric Anderson.

Commissioner Horn said he would move approval of staff's recommendation for Items 10A and 10B, with the exception of the removal of the Elfin Forest/Harmony Grove area from the City of Escondido's sphere of influence. Commissioner Wootton indicated he would second the motion.

Alternate Commissioner Mathis said his impression from listening to the speakers is that annexation to the City of Escondido would be against their will, and said that annexations cannot take place unless a majority of the people in the area to be annexed vote in favor of annexation.

Mr. Ott said that before an area can be annexed, LAFCO would also have to approve the annexation. Mr. Ott said if an annexation proposal is submitted to, and approved by LAFCO, then protest proceedings would be held to determine if there is sufficient protest to initiate an election. He said the decision on annexation would be confirmed by an election with a simple majority vote.

Commissioner Frye asked if the Eden Valley area was included in Commissioner Horn's motion. Commissioner Horn indicated that his motion the areas referred to as Sub-area 2 in the staff report. Sub-area 2 includes portions of Eden Valley, as well as the Elfin Forest/Harmony Grove areas.

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) Certified that the information contained in the EIR prepared by the City of Escondido has been reviewed and considered for the sphere update component of the North County Inland Sphere Update; adopted the Environmental Summary included in the LAFCO staff report as required by Section 15091 of the State CEQA EIR Guidelines.
- (2) Found in accordance with the Executive Officer's determination, that pursuant to Section 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 basic data collection and research that will not result in a disturbance to an environmental resource.
- (3) With the exception of Sub-area 2, for the reasons set forth in the North County Inland Municipal Service Review and Sphere of Influence Update Study, adopt the recommended (updated) sphere of influence for the City of Escondido, Valley Center Municipal Water District, and Rincon del Diablo Municipal Water District, and proposed in Exhibits A, C, and D, and adopted the written Statements of Determinations as proposed in Attachment 1 of the North County Inland Municipal Service Review and Sphere of Influence Update.

- (4) For the reasons set forth in the North County Inland Municipal Service Review and Sphere of Influence Update Study, adopted the North County Inland Municipal Service Review Determinations contained in the service review component of the study.

AYES: Commissioners Frye, Greer, Horn, Jacob, Vanderlaan, and Wootton; and Alternate Commissioner Menshek

NOES: None

ABSTAIN: None

ABSENT: Commissioners Davis and Pocklington

**Item 11**  
**Proposed “Rancho Vistamonte Reorganization”**  
**(City of Escondido) (RO03-14)**

Chairwoman Jacob opened the public hearing. Local Governmental Analyst Robert Barry provided the staff presentation for this item during Commission deliberations on Items 10A and 10B.

Chairwoman Jacob indicated that, for the record, the following individuals submitted speaker’s slips in support of this item: Jonathan Brindle, Tom Zanic, Bill Verweire, Sam Abed, and Pat Grant.

The following individuals addressed the Commission in support of Item 11: Jonathan Brindle, Tom Zanic, Bill Verweire, and Pat Grant.

Chairwoman Jacob indicated that, for the record, the following individuals submitted speaker’s slips in opposition to this item: Thure Stedt and Juanita Harwood.

The following individuals addressed the Commission, indicating their opposition to this item: Thure Stedt and Juanita Harwood.

On motion of Commissioner Horn, seconded by Commissioner Vanderlaan, and carried by the following of the commissioners, the Commission closed the public hearing, and took the following actions:

- (1) Certified that the information contained in the EIR prepared by the City of Escondido has been reviewed and considered for the Rancho Vistamonte Reorganization; adopted the Environmental Summary as required by Section 15091 of the State CEQA EIR Guidelines; and
- (2) Adopted the form of resolution approving this reorganization for the reasons set forth in the Executive Officer’s staff report waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the reorganization, subject to the following condition:

Prior to the issuance of a certificate of completion, the City of Escondido will provide to San Diego LAFCO, an original copy of an agreement between the

County, Escondido, United States Fish & Wildlife Service (USFWS), and California Department of Fish & Game (CDFG) regulating the development of the annexed land to proceed in accordance with the conservation goals of the Multiple Species Conservation Program (MSCP). The agreement will be subject to San Diego LAFCO recordation along with the Rancho Vistamonte Reorganization and will set forth the resulting responsibilities pursuant to the MSCP for ongoing maintenance and enforcement of the terms of the County's Implementing Agreement by and between the USFWS and CDFG and the MSCP as it relates to the annexed land.

**Item 12**

**Administrative Approval of a Contractual Service Agreement:  
City of Escondido/Alan DeJong (OAS03-22; RO03-22)**

This was an information item and no action was required.

**Item 13**

**Administrative Approval of a Contractual Service Agreement:  
City of Escondido/Peter and Sharon Trevino (OAS03-24; RO03-24)**

This was an information item and no action was required.

**Item 14**

**Response to 2002-03 Grand Jury Report:  
The Tia Juana Valley County Water District**

The Commission waived the staff report for this item.

Chairwoman Jacob indicated that, for the record, the following individuals submitted speaker's slips in support of Item 14: Howard Frelove, Jose King, Fernando Hui, and Jim Martin. None of these individuals wished to speak on this item.

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

Authorized the LAFCO Chair and Executive Officer to incorporate the proposed draft responses to the Grand Jury Recommendations in a letter and forward it to the Grand Jury.

**Item 15**

**Santaluz Affordable Housing Project**

Mr. Ott gave a brief staff report on the Santaluz Affordable Housing Project.

Chairwoman Jacob indicated that, for the record, the following individuals submitted speaker's slips in support of this item: Harry Ehrlich and David Stearn. Neither of these individuals wished to speak.

Commissioner Frye commented that she was not aware that this was an emergency situation. She said that if not for the fact that the City of San Diego has declared a housing emergency, she would not be supporting this item. She said that she wanted the City of San Diego staff in the audience to note that she does not want to see any more of these types of emergency situations presented to the Commission, or any board, before they are presented to the San Diego City Council.

Commissioner Wootton commented that he also had concerns regarding this proposal. He asked for a price range for the affordable housing project.

Mr. Ott said that 119 apartments will be considered affordable housing, and that renters of the apartments must have incomes that equal 50 percent of the County's median income range. He said the affordable housing project would also include 46 single-family condominium units, which will be sold at market rate (approximately \$400,000).

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

- (1) For the reasons stated in the Executive Officer's report, determined that the provision of water service outside of the boundaries of the Olivenhain MWD to the City of San Diego is exempt from LAFCO purview and is consistent with the exemptions contained in Government Code Section 56133(e).
- (2) For the reasons stated in the Executive Officer's report, determined that the provision of sewer service outside of the boundaries of the Olivenhain MWD to the Santaluz affordable housing project within the City of San Diego is subject to LAFCO purview because of the geographic restriction LAFCO imposed on the sewer service area of the Olivenhain MWD.
- (3) For the reasons stated in the Executive Officer's report, determined that the provision of sewer service by the Olivenhain MWD to the affordable housing project within the City of San Diego will result in the extension of necessary governmental services and housing for persons and families of all incomes in the most efficient manner feasible, and is therefore exempt from the geographic restriction LAFCO imposed on the sewer service area of the Olivenhain MWD.
- (4) For the reasons stated in the Executive Officer's report, determined that there is compelling justification to permit the Olivenhain MWD to extend sewer service to the City of San Diego for the Santaluz affordable housing project in advance of the sphere update and municipal service review for the North County Central Region.

**Item 16**  
**Ratification of Auto Allowance Provision per**  
**San Diego LAFCO Benefits/Compensation Plan**

The Commission waived the staff report on this item.

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

- (1) Ratified the activation of the automobile allowance provision for the Executive Officer position and place the position in a comparable rate allowance category in the County. The comparable rate allowance category in 2003 is category "G" (approximately \$400 per month).
- (2) Directed the Executive Officer to follow similar provisions as required in the County regarding insurance and operation of said vehicle for LAFCO use. The Executive Officer is authorized to implement this Commission directive, and notify the appropriate County officials. The Executive Officer's automobile allowance is effective immediately.

**Item 17**

**2003-04 Legislative Report**

The staff report was not presented for the 2003-04 Legislative Report.

There being no further business to come before the Commission, the meeting adjourned at 12:33 p.m., to the October 6, 2003 meeting, in Rooms 302-303, County Administration Center.

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