

**SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
November 3, 2003**

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There being a quorum present, the meeting was convened at 9:05 a.m. by Vice Chairwoman Patty Davis. Also present were: Regular Commissioners – Councilmember Donna Frye, Supervisor Bill Horn, Bud Pocklington, Andrew Vanderlaan (who arrived at 9:07 a.m.) and Ron Wootton; Alternate Commissioner – Betty Rexford; LAFCO and County Staff – Executive Officer Michael Ott; Chief, Policy Research Shirley Anderson; Local Governmental Analyst Robert Barry, and LAFCO Counsel William Smith. Absent were: Regular Commissioners - Councilmember Jill Greer, Chairwoman Dianne Jacob; Alternate Commissioners – Supervisor Greg Cox, Harry Mathis, and Andy Menshek.

Item 1
Approval of Minutes
of Meeting Held October 6, 2003

On motion of Commissioner Horn, seconded by Commissioner Pocklington, the commissioners dispensed with reading the minutes of October 6, 2003, and approved said minutes.

Item 2A
Executive Officer's Recommended Agenda Revisions

Michael Ott said that the Commission should consider adding *Item 3B, Fire Protection in San Diego County*, at the request of Supervisor Dianne Jacob. Mr. Ott reported that due to emergency issues within Supervisor Jacob's district, she was unable to attend the meeting. Mr. Ott indicated that Item 3B was placed on the agenda for the Commission to discuss and provide possible direction regarding fire protection and emergency medical services in San Diego County. Mr. Ott said that if the Commission consents to placing Item 3B on the agenda, it would require the Commission taking emergency action. Mr. Ott requested that LAFCO's Legal Counsel explain the voting requirements.

Bill Smith, LAFCO's Legal Counsel, said that the vote requirement is a 2/3 vote of the members present at the meeting or if less than 2/3 of the members were present a unanimous vote would suffice. Mr. Smith indicated that six votes from the Commission are required to place Item 3B on the agenda.

In response to a question from Commissioner Wootton, Mr. Ott said that a brief PowerPoint presentation would be given to the Commission that outlines the jurisdictions that provide fire protection throughout San Diego County.

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

Added New Agenda Item 3B: Fire Protection in San Diego County to the agenda.

Item 2B

New Agenda Item: Fire Protection in San Diego County

Mike Ott gave a PowerPoint presentation of the staff report. A handout was given to the Commission regarding the November 5, 2003 Board of Supervisors Meeting agenda that included *Item 24, Creation of a Regional Fire-fighting Helicopter Fleet*. Mr. Ott said that the Board of Supervisors is recommending that the Chief Administrative Officer and County Counsel analyze the possibility of creating a regional fire protection district under the current fire protection district law or special legislation, that would utilize funds to purchase and operate fire-fighting helicopters. Mr. Ott said to the Commission that caution is important when forming new agencies, especially when existing agencies may be able to provide the same services.

Commissioner Horn indicated that there is unmanaged open space throughout San Diego County that the county has been precluded, through federal law, from cutting new fire breaks and clearing brush. Mr. Horn said that a change in the way open space is managed would need to take place in order to improve the prevention of fire throughout San Diego County. He said that he tried to implement control burns for government-owned land in San Diego County, but was unable to do so because of protest from individuals who believed in preserving wildlife. Mr. Horn indicated that more firefighting equipment would be helpful to San Diego County for fighting fires, but better management of open space also would be effective in preventing fires.

Commissioner Betty Rexford commented on how effective Copter-1 was with assisting in containing the fire in Poway last August. She indicated that since there were no apparatus available for the October fire in Scripps Ranch, many homes and properties were lost. She agreed with Commissioner Horn that there should be more brush clearings, especially in the habitat areas.

Commissioner Horn said that other issues associated with fire protection should be addressed, such as command and control, statewide mutual aid, and communication systems.

Commissioner Rexford suggested that the Commission explore the possibility of utilizing military assistance for emergencies.

Commissioner Ron Wootton indicated that the County already is authorized to perform some of the duties that have been discussed by the Commission without creating a new district or changing an existing district. He said that several years ago, the Commission authorized a questionnaire asking districts how fire services can improve; the response was money. He indicated that districts would agree to a regional organization such as a Joint Powers Authority.

Commissioner Horn said that in regards to mutual aid, there should be a policy that limits the number of apparatus assisting other counties. He agreed with Commissioner Wootton that creating another fire policy and procedure is not necessary, but modifying and reinforcing the current one is necessary.

Commissioner Andy Vanderlaan commented on the good job that Jeff Bowman (City of San Diego's Fire Chief) performed during the fire disaster and acknowledged Steve Rucker who was the firefighter that died while fighting a fire in San Diego County. He also gave praises to all firefighters who assisted with the containment of the fire. He indicated that if there was more fire prevention in San Diego County, elimination of disastrous fires would result. Mr. Vanderlaan indicated that in 1976 fuel management was aggressive and effective, but it was discontinued due to environmental issues and wild life protection laws. He said that there are environmentalists advocating for preservation of wildlife, yet there is no consideration that if a fire burns through these areas, nothing is left – including homes, properties, people and wildlife. In addition, Mr. Vanderlaan said that funding would be important for implementing changes to improve fire protection services and said that maximizing resources available is necessary. He indicated that military resources were ready to assist San Diego County with the October fire, but were unable to help because of bureaucratic policies. Mr. Vanderlaan suggested that the Commission examine the efforts of what is being done by the ad hoc committees and to involve the County Fire Chiefs Association and Special Districts Advisory Committee. He also suggested that after completion of the incident report of the fire in San Diego County, a summit involving cities and districts should be held to discuss the report, and also hire an outside consultant to assist in evaluating the report and provide advice on improving fire protection services.

Commissioner Bud Pocklington suggested to Commissioner Horn that he research the possibility of military assistance for fire protection services and said that coordinated efforts are essential to improving those services.

Commissioner Donna Frye agreed with Commissioner Wootton that there is not a need to add additional bureaucracies. In regards to environmental impact reports, Councilwoman Frye commented that environmental analysis is an important tool that is not being used effectively. She said that environmental impact reports contain minimal information on current impacts, what existing budget issues are, how concerns and issues will be addressed, and emergency preparedness. In addition, Councilwoman Frye expressed her concern regarding rain events. She commented on possibilities of mudslides occurring due to the erosion of burned hillsides, canyons, mountains, and said the important question now is how the erosion issues will be addressed. She encouraged other commissioners to examine those issues.

Vice Chairwoman Patty Davis also commented that a Joint Powers Agreement with the military would be beneficial to San Diego County.

Commissioner Vanderlaan said that before trying to tackle issues, a goal and purpose must be formed first.

Commissioner Horn left at 10:30 a.m.

Item 3
Commissioner/Executive Officer Announcement

There were no Commissioner/Executive Officer announcements to the agenda.

Item 4
Public Comment

No members of the public requested to speak.

Item 5
Proposed “Silva Reorganization”
(Vallecitos Water District) (RO03-21)

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 reorganization 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 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:

Vallecitos Water District

- a) Payment of the following annexation fees to the Vallecitos Water District for inclusion of property in Improvement Districts 5 & 6 for water and sewer service:

Water annexation = \$	299.67	
Sewer annexation =		\$1,140.99
State Board of Equalization fee =		\$ 300.00
Administration fee (credit) =		<u>\$ (300.00)</u>
TOTAL AMOUNT =		\$1,740.66

- b) Connection to district water or sewer mains will be allowed after completion of the annexation to VWD, detachment from VID, final approval from LAFCO, payment of all annexation fees, and payment of all current fees and charges, and Board acceptance of all water and sewer facilities for the project.

Vista Irrigation District

a) Payment of the following detachment fees to the Vista Irrigation District:

VID Administration fee =	\$ 640.00
Detachment fee =	\$ 103.54
Assignment of Water Rights Document =	<u>\$ 65.00</u>
TOTAL AMOUNT =	\$ 808.54

b) Payment by the property owner of San Diego LAFCO processing fees and State Board of Equalization charges.

Item 6
Proposed “Trevino Reorganization”
(City of Escondido) (RO03-24)

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 reorganization 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 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 condition:

Property owners to pay a processing fee, application fee, annexation fee, connection fee and connection costs, and State Board of Equalization fee, to the City of Escondido; and payment of all San Diego LAFCO processing fees.

Item 7A
Adoption of an Amendment to the Sphere of Influence
for the City of San Marcos (SA03-25)

Item 7B
Proposed “San Elijo Ridge Reorganization”
(City of San Marcos) (RO03-25)

Mike Ott said that one speaker slip in support of Items 8A & 8B, from Jim Simmons (representing applicant), was submitted to the Commission. Mr. Ott asked the public if

they would like to submit any other slips (in support or opposition of Items 8A and 8B) to the Commission. Mr. Ott said that since there were none (particularly pink slips in opposition), he recommended that unless there are commissioner comments, the Commission should waive the staff report, open the hearing and approve the items.

Vice Chairwoman Davis opened the public hearing and said that Mr. Simmons is available to answer any questions if necessary.

In response to a question from Commissioner Wootton, Mr. Ott said that if there were any Commission discussion on Items 8A and 8B, a staff report would be provided.

Mr. Wootton disclosed to the Commission that he performed some work near the subject property approximately four years ago and asked LAFCO's Legal Counsel Bill Smith if that would be considered a Conflict of Interest. Mr. Smith said that it would not be considered a Conflict of Interest.

Since discussion on Items 8A and 8B was requested by Commissioner Wootton, Mr. Ott asked Local Governmental Analyst Robert Barry to provide the Commission with a staff report.

Commissioner Wootton asked if there were any additional areas, specifically upstream of the development area, which would potentially want to annex into the sewer system. He asked if any conditions to preclude future annexations to the subject territory have been considered by LAFCO staff.

Mike Ott said that the particular annexation that enables sewer service to be provided to the territory is for a 3-acre portion of the property. Mr. Ott said that when a significant portion of property is already within a sewer service provider, the question of growth inducement or the question of who can tie into the sewer system is usually best addressed through the master and capital facility plan process of the agency.

Commissioner Wootton commented on fire protection services in regards to a physical constraint to providing services within the San Marcos area until such time as the Twin Oaks Valley Road is completed across the mountain, and asked if there was any consideration of timing to provide services to the developable area.

Jim Simmons, representative of applicant, said that the City of San Marcos had recently purchased a piece of property from the San Elijo Hills Project (3 acres) which is on the south side of the ridge and will be connected by a road which is now in construction and will be completed within 5-6 months. He indicated that within two years there would be a new station there before the road is connected over the hill. In the interim, he said that the City of San Marcos stationed a new truck at the old landfill so that there will be fire services available 24 hours a day, as well as emergency medical services. In addition, he said that the City provided CSA 107 with a new engine in order for the district to assist with fire services. Mr. Simmons indicated that development will begin in a year and a half and believes the City is well within the structure of time frame in terms of providing fire and emergency medical services.

In response to another question from Commissioner Wootton, Mr. Simmons indicated that the open space area is southeast of the subject territory and is part of a corridor that has been set up by the U.S. Fish and Wild Life Service. He said that the only development going through the open space is Questhaven Road, which is currently there. He said that the City has complied with State Laws in regards to maintaining brush within 100 foot from the property line. He indicated that the uphill portion of the territory would preclude sewer extension in that direction.

Commissioner Donna Frye commented on a letter from the Department of Planning and Land Use in regards to the Twin Oaks Valley Road's extension that is scheduled for completion by the year 2020. She said the letter states that residents within the area are concerned about the inadequacy of services now, and wonder how adequate services would be available by the year 2020. She asked how those issues would be addressed.

Mike Ott said that the letter pertains to the Environmental Impact Report that was adopted by the City of San Marcos and the opposition to the project was expressed to LAFCO via the referral process. He said that the impacts identified through the EIR process have been mitigated to a level of insignificance. In terms of any road related issues regarding the impact of emergency medical services or fire protection, he indicated there are cooperative arrangements between CSA 107 and the City of San Marcos' fire protection district, which would allow the first responder to serve the area. The property owner of the sight has agreed to fund an excess of \$200,000 monies to CSA 107 so that the district would have sufficient equipment to operate in the event of any emergencies occurring in the area.

Commissioner Frye stated that she does not believe that adequate services are currently being met now and that adding more development to the area would put more pressure on the responsible parties who provide those services.

Commissioner Horn said that the City of San Marcos, developer, Harmony Grove, and the fire departments have worked out all mitigations. He indicated that the proposal involved annexation to the City of San Marcos where eventually the San Marcos Fire Protection District would take over responsibilities. He said that the developer has gone beyond the extra measure to provide a fire engine for CSA 107, the rural fire department. Commissioner Horn said that all parties involved with the San Elijo Ridge project have done their share of making sure all concerns were addressed. Mr. Simmons stated that the mitigations were added after the EIR identified problems.

Commissioner Wootton said that his concerns are toward the level of municipal service reviews and the provision of services in an area, which would be considered a minor amendment to the sphere. He said that some of his concerns were alleviated due to the clarification that there are provisions in place, which included information on the open space area that would preclude extension on the subject area.

Vice Chairwoman Patty Davis commented that the ratio of every acre being built that was associated with the project, 1.23 will be preserved. She said that the letter

pertaining to Commissioner Frye's concerns was dated April 2003, and that a lot of the concerns since then have been mitigated.

Commissioner Frye said that the issues have been addressed, but not adequately. She also said that the project should have had a sphere of influence that was completely updated.

On motion of Commissioner Horn, seconded by Commissioner Wootton, and carried by the commissioners present, with Commissioner Frye voting no, the Commission took the following actions:

- (1) Certified that the information contained in the Final EIR 02-38 prepared by the City of San Marcos has been reviewed and considered; and
- (2) Adopted the form of resolution approving this sphere amendment (non-substantial) and 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. Vallecitos Water District

- (1) No connection to Vallecitos WD facilities will be allowed until completion of annexation, approval from the San Diego LAFCO, payment of State Board of Equalization and annexation fees, and acceptance of all sewer facilities required for the project; and
 - (2) Annexation to the Metropolitan Water District (MET) and the San Diego County Water Authority (CWA) subject to the terms and conditions of both the MET and CWA.
- (3) Encourage the Altmann Living Trust, John C. Altmann Trustee and the Elfin Forest – Harmony Grove Fire Department to pursue and honor the agreement regarding payment of fees of \$260,000 to fully mitigate the financial impacts to the fire department caused by the loss of income from the acreage included in the project that will be annexed to the City of San Marcos.

Item 8

**Administrative Approval of a Contractual Service Agreement:
Vallecitos Water District/Robert Henry (OAS03-29; DA03-29)**

This was an information item and no action was required.

Item 9
FY 2003-04 First Quarter Budget Update

Michael Ott reported that LAFCO is currently operating approximately 10% under budget, and said that will change over the third and fourth quarter as several budgeted staff positions will be filled.

This was an information item and no action was required.

Item 10
Quarterly Self-Approved Expense Claims Report

This was an information item and no action was required.

There being no further business to come before the Commission, the meeting adjourned at 10:34 a.m. to the December 1, 2003 meeting, in Rooms 302-303, County Administration Center.

TITA JACQUE MANDAPAT
Administrative Aide