

DRAFT

**SAN DIEGO LAFCO  
MINUTES OF THE REGULAR MEETING  
February 2, 2004**

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There being a quorum present, the meeting was convened at 9:01 a.m. by Chairwoman Patty Davis. Also present were: Regular Commissioners – Councilmember Donna Frye, Supervisor Bill Horn, Supervisor Dianne Jacob (who arrived at 9:05 a.m.), Bud Pocklington, Andrew Vanderlaan, and Ron Wootton; Alternate Commissioners – Harry Mathis, Andy Menshek, and 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 Commissioner - Councilmember Jill Greer; Alternate Commissioner – Supervisor Greg Cox.

**Item 1**

**Approval of Minutes  
of Meeting Held December 1, 2003**

With Commissioner Davis abstaining, on motion of Commissioner Pocklington, seconded by Commissioner Frye, the commissioners dispensed with reading the minutes of December 1, 2003, and approved said minutes.

**Item 2**

**Executive Officer's Recommended Agenda Revisions**

Michael Ott said that Items 8A and 8B involved a number of actions, which included the action to detach the subject territory from the Vista Fire Protection District. He said that action will be retracted from the recommendation and further detail would be provided when the Commission considers the item.

**Item 3**

**Commissioner/Executive Officer Announcement**

Michael Ott said that at the last meeting, the Commission directed him to take an immediate action to request the Board of Supervisors and the City of San Diego to appoint Commissioners Vanderlaan and Menshek to the City/County Task Force on Fire Protection. He reported that the appointments were made within two days of that request. In another announcement, Mr. Ott reported that on behalf of the Commission, he had sent a letter to the Board of Supervisors regarding the City of Vista's annexation moratorium. He indicated that there was a concern about health and safety issues pertaining to small annexations with failing septic systems. Mr. Ott reported that the Board of Supervisors received and heard the Commission's request, then sent a Letter of Communication to the City of Vista asking them to address the small property owners who would be experiencing health and safety issues and in turn need to annex to the City. He indicated that the City of Vista is in the process of responding to the Board of Supervisor's letter.

**Item 4**  
**Public Comment**

No members of the public requested to speak.

**Item 5**  
**Proposed “Henry Annexation” to the Vallecitos Water District (DA03-29)**

On motion of Commissioner Pocklington, seconded by Commissioner Horn, 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 ordered the annexation subject to the following conditions:
  - a. Annexation into Sewer Improvement District's 1, 2, 6, and "A" for sewer service only.
  - b. Payment by property owner of District annexation fees, and State Board of Equalization charges.
  - c. No construction of or connection to any sewer mains will be allowed until completion of LAFCO proceedings, and payment of all current fees and charges.

**Item 6**  
**Proposed “McCune Annexation” to the Spring Valley Sanitation District (DA03-35)**

On motion of Commissioner Pocklington, seconded by Commissioner Horn, and carried unanimously by 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 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 ordered the annexation subject to the following condition:

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

**Item 7A**

**Adoption of an Amendment to the Sphere of Influence for the City of San Marcos (SA03-26)**

**Item 7B**

**Proposed “Poinsettia Avenue Reorganization” (City of San Marcos) (RO03-26)**

Michael Ott said that LAFCO’s GIS system identified a conflict with the subject territory being in the Vista Fire Protection District. He indicated that the conflict pertained to a County Assessor’s Office mapping error, which they will correct. Mr. Ott asked Local Governmental Analyst Robert Barry to give a brief presentation of the proposal.

Chairwoman Davis opened the public hearing.

With no members of the public wishing to speak in support or in opposition of the item, and no discussion from the Commission, Chairwoman Davis closed the public hearing.

On motion of Commissioner Horn, seconded by Commissioner Rexford, 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(a) of the State CEQA Guidelines, the reorganization and sphere amendment are not subject to the environmental impact evaluation process because the proposal area involves annexation of an area containing private structures developed to the density allowed by the current zoning;
- (2) Amended the sphere of influence of the City of San Marcos and adopted the written Statement of Determinations as shown 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(c), and ordered annexation subject to the following condition:

Payment of City annexation fees and State Board of Equalization charges.

**Item 8A**

**Adoption of an Amendment to the Sphere of Influence  
for the Vallecitos Water District (SA03-23)**

**Item 8B**

**Proposed “Marshall / San Marcos Lutheran Church Annexation” to the  
Vallecitos Water District (DA03-23)**

Michael Ott reported that LAFCO staff initiated sphere update discussions with the Vallecitos Water District in January 2004. He said that in 2003, the Commission approved a Municipal Service Review that included the water district, but deferred a sphere update until the District had revised its master plan. Mr. Ott said that the master plan revision process is underway and is expected to be completed within approximately six months. He said that LAFCO staff has urged the water district to address potential sphere and jurisdictional boundary changes as part of its master plan process. Mr. Ott indicated that there is a need to amend the Vallecitos Water District’s sphere of influence prior to a comprehensive sphere update, with respect to the next three items on the agenda. He said that if there are no speaker slips for any of the mentioned items, the Commission could waive all staff reports.

Chairwoman Davis opened the public hearing.

With no members of the public wishing to speak in support or in opposition of the item, and no discussion from the Commission, Chairwoman Davis closed the public hearing.

On motion of Commissioner Horn, seconded by Commissioner Jacob, 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 Sections 15319 (a)(b) of the State CEQA Guidelines, the annexation and sphere amendment are not subject to the environmental impact evaluation process because the proposal area involves: (a) annexation to a special district of an area containing existing private structures developed to the density allowed by the current zoning, and (b) annexation of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures;
- (2) Amended the sphere of influence for the Vallecitos Water District and adopted the written Statement of Determinations as shown in Exhibit A; and
- (3) Adopted the form of resolution approving the minor sphere of influence 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 ordered the annexation subject to the following conditions:
  - a. Annexation into Sewer Improvement District’s 1, 2, 6, and “A” for sewer service only.

- b. Payment by property owner of District annexation fees, and State Board of Equalization charges totaling \$6,865.95.
- c. No construction of or connection to any sewer mains will be allowed until completion of LAFCO proceedings, payment of reimbursement, and payment of all current fees and charges.

#### **Item 9A**

#### **Adoption of an Amendment to the Sphere of Influence for the Vallecitos Water District (SA03-30)**

#### **Item 9B**

#### **Proposed “Salcedo Annexation” to the Vallecitos Water District (DA03-30)**

Chairwoman Davis opened the public hearing.

With no members of the public wishing to speak in support or in opposition of the item, and no discussion from the Commission, Chairwoman Davis closed the public hearing.

On motion of Commissioner Horn, seconded by Commissioner Pocklington, 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 and sphere amendment are 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;
- (2) Amended the sphere of influence for the Vallecitos Water District and adopted the written Statement of Determinations as shown in Exhibit A; and
- (3) Adopted the form of resolution approving this 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 ordered the annexation subject to the following conditions:
  - a. Annexation into Sewer Improvement District's 1, 2, 6, and "A" for sewer service only.
  - b. Payment by property owner of District annexation fees, and State Board of Equalization charges totaling \$7,064.86.
  - c. No construction of or connection to any sewer mains will be allowed until completion of LAFCO proceedings, payment of all current fees and charges, and proof of recorded easement through parcel -15.

- d. Execution and recordation of “Temporary Offsite” sewer service connection agreement.

**Item 10A**

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

**Item 10B**

**Proposed “Wragg Annexation” to the Vallecitos Water District (DA03-15)**

Chairwoman Davis opened the public hearing.

With no members of the public wishing to speak in support or in opposition of the item, and no discussion from the Commission, Chairwoman Davis closed the public hearing.

On motion of Commissioner Horn, seconded by Commissioner Jacob, 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(a) of the State CEQA Guidelines, this 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 the utility service to the existing facility would have a capacity to serve only the existing facility;
- (2) Amended the sphere of influence for the Vallecitos Water District and adopted the written Statement of Determinations as shown 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 ordered the annexation, subject to the following terms and conditions:
  - a. Payment of an annexation fee to the District of \$1,353.27;
  - b. Payment of the State Board of Equalization fee;
  - c. Annexation into Sewer Improvement Districts 1, 2, 6, & “A” for sewer service only;
  - d. Immediate connection to the proposed sewer main extension will be allowed prior to completion of the annexation upon approval from LAFCO, provided annexation fees and all current fees and charges are paid, and acceptance of all sewer facilities required for the project.

**Item 11**  
**Proposed “Ponderosa Estates Annexation” to the**  
**Alpine Sanitation District (DA03-31)**

This was an information item and no action was required.

**Item 12A**  
**Adoption of an Amendment to the Sphere of Influence**  
**for the Vallecitos Water District (SA03-33)**

**Item 12B**  
**Proposed “Las Ventanas Annexation” to the**  
**Vallecitos Water District (DA03-33)**

This was an information item and no action was required.

**Item 13**  
**Proposed “Taylor-Wake Annexation” to the**  
**Spring Valley Sanitation District (DA03-34)**

This was an information item and no action was required.

**Item 14**  
**Proposed “Scardino-Campbell Reorganization”**  
**(City of Escondido) (RO03-38)**

This was an information item and no action was required.

**Item 15**  
**Alternative LAFCO Cost Apportionment**

Shirley Anderson gave a brief staff report and said that the City of Chula Vista submitted a proposal that proposed a new alternative to allocate LAFCO costs among cities based solely upon general revenues, as reported in the State Controller’s Cities Annual Report. She reported that on behalf of the cities, LAFCO staff is facilitating an election on the new proposal and said that February 20, 2004 is the deadline for the return of city ballots.

This was an information item and no action was required.

**Item 16**  
**Second Quarter Budget Update FY 2003-2004**

Michael Ott gave a brief staff report and recommended to the Commission to allow the Executive Officer to transfer up to \$45,000 from LAFCO's Professional Services (Account 2315) to Salaries and Benefits (Account 1000).

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

- (1) Received the second quarter budget update; and
- (2) Authorized the Executive Officer to transfer up to \$45,000 of undedicated appropriations from Professional Services (Account 2315) to Salaries and Benefits (Account 1000)

**Item 17**  
**Quarterly Self-Approved Expense Claims Report**

This was an information item and no action was required.

**Item 18**  
**Legislative Report**

Michael Ott gave a brief staff report and indicated that he will be traveling to Sacramento on February 27 to attend the CALAFCO Legislative Committee meeting to hear a particular legislative proposal regarding sphere amendments. He indicated that the Chief Consultant to the Senate Local Government Committee proposed a limitation of sphere amendments that LAFCOs would be able to process through certain periods of the calendar year, essentially on a quarterly basis.

This was an information item and no action was required.

**Item 19  
CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION, PURSUANT TO  
SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9**

**CITIZENS FOR RESPONSIBLE SANITATION PLANNING v. SAN DIEGO LOCAL  
AGENCY FORMATION COMMISSION ET. AL. Sup. Ct. No. GIE020483**

The Commission received a litigation update at a scheduled Closed Session.

The Commission reconvened the meeting and there being no further business to come before the Commission, the meeting adjourned at 9:36 a.m. to the February 2, 2004 Special meeting, in Rooms 302-303, County Administration Center.

**TITA JACQUE CAYETANO  
Administrative Assistant**