Re: LAFCO meeting of November 1, 2021:

File Number: RO21-04

Proposal Name |Affected Agencies:	"Mar Vista Island Reorganization" - City of Vista (Annexation) - Vista Fire Protection District (Detachment) - Buena Sanitation District (Detachment)
Project Manager:	Priscilla Allen, Analyst I
Proposal Summary:	Application submitted in July 2021 by resolution of the City of Vista seeking approval for reorganization of approximately 142 unincorporated acres known as the Mar Vista Island. Reorganization of the affected territory comprised of 108 parcels would involve annexation to the City of Vista and detachment from the Buena Sanitation District and Vista Fire Protection District. The submitted proposal application is incomplete and pending receipt of additional documentation from the applicant to complete staff's analysis.

Comment for LAFCO meeting of November 1, 2021:

We are calling to LAFCO's attention the potential insufficiency of the environmental documents which the City of Vista may yet submit with its proposal to annex the Mar Vista Drive area into the City of Vista.

The Board of Supervisors is aware that litigation was timely filed regarding the County's inadvertent preapproval and thereafter it's delayed final approvals of environmentally encroaching downslope development immediately adjacent our active septic leach field in a manner which remains in violation of CEQA requirements and in violation of several County Codes.

This litigation was dismissed without prejudice, with the court's intent that the County would address the inappropriately deferred environmental mitigation upon the next discretionary action involving the subdivision, as is the lawful requirement.

In an effort to avoid further costly litigation in this matter we have minimize the occupancy of our home and waited patiently for this next discretionary approval to finally trigger resolution to this public nuisance.

This "Mar Vista Island Reorganization" project proposal currently under consideration IS this next discretionary approval.

At issue:

The County-approved development in question exists in direct conflict with the specific Conditions of Subdivision Approval which the County had, after careful consideration, required of future developers. (i.e., all future construction in the subdivision is to on the original contour with no major cuts or fills)

In adopting these Conditions of Approval so as to allow subdivision approval under a Mitigated Negative Declaration, the County made a binding and continuing commitment to enforcement of these mitigation measures or appropriate substitutions of alternative mitigation measures.

The purpose of these measures is to protect ALL downstream tributaries from exposure to effluent.

The two former Directors of the Department of Environmental Health concur on record that if not for our limiting the occupancy of our home, an *active* environmental issue would almost certainly exist.

Obviously limiting the occupancy of a home is not a situation which can be maintained for an unlimited period of time. We discussed with the Directors a worst-case scenario of the home being occupied by family with teenagers who are notorious for taking long showers. The expectation is that under those conditions there would be raw effluent surfacing on the face of the cut slope on the adjacent property.

Our Concern:

Our realistic concern is the possibility that LAFCO will unknowingly approve annexation of our subdivision into the City of Vista in a manner which could relieve the County of San Diego of its inappropriately deferred responsibility to perform a Supplemental EIR and the substitution of appropriate CEQA mitigation measures. This responsibility is remains mandatory after having set aside the conditions of subdivision approval it had earlier adopted in order to approve the subdivision under a Mitigated Negative Declaration.

County Counsel has documented that a boundary adjustment may be the only viable solution to providing adequate sewage disposal to allow for a normal occupancy of our home.

Our concern with the annexation of these properties without consideration of the adverse environmental impacts is that the only remaining feasible substitute mitigation measures will be permanently lost through the authorization of continue development on the adjacent encroaching properties -- as has already been the case with the inappropriate deferral of mitigation measures.

While we understand that the County will remain responsible for septic system approval, we also understand that the City will be taking over responsibility for all other development considerations. These encroaching properties have approved septic systems, so the likelihood is that the County will have "lost its hammer" in deferring environmental mitigation, and the City may very well not take over the responsibility of appropriately addressing the matter.

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