LAFCO
San Diego Local Agency Formation Commission

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AGENDA
SPECIAL DISTRICTS ADVISORY COMMITTEE
FRIDAY, NOVEMBER 20, 2009, 9:30 A.M.
LEUCADIA WASTEWATER DISTRICT OFFICE
1960 LA COSTA AVE
CARLSBAD, CA 92009

Agenda Item:		Recommended Action:
1.	**Roll Call**	
2.	**Approval of Minutes of Meeting held August 21, 2009**	**Approve**
3.	**Consultant's Recommended Agenda Revisions**	**Receive**
4.	**Committee Member / Consultant's Announcements**	**Information**
5.	**Public Comment** Opportunity for persons to speak to the Committee on any subject within the Committee's jurisdiction, but not an item on today's agenda. Each speaker's presentation may not exceed 3 minutes.	
6.	**Discussion and input on Water Supply and Reliability Policy and Revised Draft of Policy Guidelines**	**Discussion/ Direction**
7.	**Status Report on Current Projects and Legislation**	**Discussion**
8.	**Adjournment to the December 18, 2009 Meeting Date***	

Note: Map Directions to location is attached.

LOCAL AGENCY FORMATION COMMISSION
SPECIAL DISTRICTS ADVISORY COMMITTEE
AUGUST 21, 2009 MEETING

There being a quorum present, the meeting was convened at 9:01 a.m., by Chairman Tom Pocklington (Bonita-Sunnyside FPD). Attending were: **Committee Members** – Gary Arant (Valley Center MWD), Gary Croucher (Otay Water District), Ron Fuller (Alpine FPD), Judy Hanson (Leucadia WD), Douglas Humphrey (Resource Conservation District of Greater San Diego County), Larry Jackman (San Miguel Consolidated FPD), Margarette Morgan (Vista Fire Protection District); John Pastore (Rancho Santa Fe CSD), Jim Poltl (Vallecitos Water District); Augie Scalzitti (Padre Dam MWD), Dennis Shepard (North County Cemetery District), Terry Thomas (South Bay Irrigation District); Kimberly Thorner (Olivenhain MWD); Richard Williamson (Borrego Water District). **Committee Members** – Absent: Diana Towne (Rincon del Diablo, MWD); Attending **LAFCO Staff** – Executive Officer, Michael D. Ott; LAFCO Consultant, Harry Ehrlich; and Local Governmental Analyst, Robert Barry.

Item
Approval of Minutes of June 19, 2009

Due to the number of members present at the time required for voting, the approval of the minutes for June 19, 2009, was trailed so there would be an adequate number of Committee members present for a consensus.

With Jim Poltl, Terry Thomas, Margarette Morgan and Richard Williamson abstaining, ON MOTION of Kimberly Thorner, and seconded by Larry Jackman, and unanimously approved by the remaining Committee members, the Committee dispensed with reading the June 19, 2009 minutes and approved said minutes.

Item 3
Consultant's Recommended Agenda Revisions

Harry Ehrlich indicated there are revisions to reverse the order of Items 6 and 7. Tom Pocklington indicated that the revision would be added to the agenda.

Item 4
Committee Member/Consultant's Announcements

Harry Ehrlich and Tom Pocklington introduced the three new Committee members: Terry Thomas, South Bay Irrigation District; Richard Williamson, Borrego Water District; and Margarette Morgan, Vista Fire Protection District. Mr. Pocklington asked each new member to give a brief description of their background to the Committee. Mr. Pocklington also asked for introductions from the audience: Lesley Dobalian, San Diego County Water Authority; and Mark Watton, Otay Water District.

Item 4
Committee Member/Consultant's Announcements (Cont.)

Tom Pocklington mentioned the parking restrictions at the County Administration Center site. He said if anyone needs to leave because of time constraints they are authorized to do so.

Mr. Pocklington requested the Committee members to exchange ideas on matters associated with their districts and areas of responsibility.

Item 5
Public Comment

No members of the public requested to speak.

Item 6 (*Originally Item 7*)
Review of Rincon Oaks Estates Reorganization

Harry Ehrlich provided the Committee with a staff presentation. He indicated this is a recent proposal involving important water issues affecting some North County districts.

During the presentation, Michael Ott, Executive Officer, San Diego LAFCO, made a few comments about Items 6 and 7: Rincon Oaks Estate Reorganization and discussion of legislative and regulatory guidelines. He requested input and guidance from the Committee. He asked Robert Barry, Local Governmental Analyst, San Diego LAFCO, to present a description of Item 6 to the Committee and what some of the conclusions were.

Mr. Barry presented a summary of Item 6 (Rincon Oaks Estates Reorganization). He also requested direction and discussion from the Committee on important issues that the Commission is required to examine. He described how LAFCO considers water supply and availability. Mr. Barry explained that the availability of water for each of the uses is somewhat different and the restrictions going forward in the drought circumstance are also different for several agencies. He explained this has been an evolving situation with the level 2 drought declaration that became effective in July 2009. Mr. Barry stated that part of LAFCO's responsibility when looking at proposals with jurisdictional changes relates to fifteen required factors covering a number of issues ranging from adequacy of services to land uses, growth, and impacts on adjacent areas. The two key factors for Item 6 are: 1) The integrity of agricultural land; and 2) The timely availability of adequate water supplies sufficient to serve this project. Mr. Barry again, requested the Committee to provide direction on the regional issues to ensure LAFCO is doing what is necessary to comply with State Laws.

Item 6 (*Originally Item 7*)
Review of Rincon Oaks Estates Reorganization (Cont.)

Tom Pocklington opened a round table discussion and asked for the Committee's input on the issues Michael Ott and Robert Barry presented.

Augie Scalzitti inquired about a regional moratorium and if this issue had been presented before. Harry Ehrlich said it had been discussed at a prior meeting and it will need to be returned to the LAFCO Commission for direction.

Douglas Humphrey inquired whether the proposed project can be developed without the annexation process. Mr. Humphrey also asked if the main motivation was because of the density increase contingent on obtaining a sewer connection. Robert Barry said that annexation to the City of Escondido is required because currently the County does not provide sewer service. Michael Ott said the primary purpose is based on development per the City's General Plan to achieve a higher density.

Kimberly Thorner agreed with Augie Scalzitti that the retail agencies providing the service have the expertise on decisions involving water supply. Her concern is that there may be a conflict between LAFCO's determination and the district's knowledge of the future plans and water availability. She suggested relying on the retail agencies information about availability.

In response to a comment from Margarette Morgan in Item 7 regarding contaminants, Robert Barry explained that the CEQA review was completed in advance of the drought circumstance, therefore the drought issues were not a factor at that time. He explained that LAFCO provides comments to the lead agency, in this case, the City of Escondido, who, under CEQA, is required to determine if there is any significant or potential impact.

Gary Arant suggested if a local water agency makes a determination on adequate water supply, annexation, etc., then LAFCO should accept that determination without any questions. He explained some of the reasons why districts make those determinations. He also suggested, instead of LAFCO focusing on some of the "boilerplate" language on PFA's or PFC's, they defer to the district's recommendations.

Mr. Arant then discussed the subject of prime agricultural soils. He said agricultural land is on the way out. He again recommended water related issues to be deferred to the water agencies and to let the districts make recommendations and for LAFCO to accept them because the districts have the expertise.

Mr. Ott responded to Mr. Arant's suggestions. He explained LAFCO's role and responsibility to ask for additional information when there is conflicting information. He said there may be disagreement on some determinations made; however that does not mean that any particular agency or individual has more expertise. He agreed that

responses from retailers need to be more definitive rather than "boilerplate." Mr. Ott stated that LAFCO needs to be able to answer tough questions about water issues in a public setting and cannot totally defer to local agency determinations per the suggestions made by Committee members Arant and Thorner.

Gary Croucher had some questions on the regional communication systems and Deer Springs FPD. Michael Ott informed Mr. Croucher that LAFCO would request a formal response from the agencies regarding these matters.

John Pastore agreed with Mr. Arant that the retail agency has the expertise and knowledge overall. He suggested using a detailed report from retail agencies that would provide the necessary information.

Michael Ott suggested that what is needed is a cooperative effort to receive specific responses to questions from the retail agencies that would allow LAFCO to defend its recommendations and provide accurate information to the public.

Dennis Shepard responded to these comments and agreed that LAFCO needs to provide the public with accurate information.

Tom Pocklington reiterated the importance of the Committee's working relationship with LAFCO's staff and the ability to provide them with essential information.

Kimberly Thorner suggested the possibility of forming a subcommittee to be able to communicate timely and accurate information in a more formal process.

Mr. Ott acknowledged the Committee's expertise but emphasized the need for a proactive effort to request and receive information from agencies.

Mr. Pocklington recommended LAFCO staff to send direct e-mail to agencies when questions arise in the future.

Robert Barry requested direction from the Committee in reference to page 12 of Item 7, with the uncertainty on water supply and the boilerplate that is placed in the Facility Availability forms. He asked for clarification on what allows LAFCO to be in conformance with Govt. Code Section 56668 (n). He asked the Committee to provide input of what should be included in the report to the policymakers.

Douglas Humphrey responded by saying an important element in this decision is the need to preserve agricultural land and not to overshadow it with the water use issues.

Item 6 (*Originally Item 7*)
Review of Rincon Oaks Estates Reorganization (Cont.)

Richard Williamson, Margarette Morgan, Gary Croucher and Terry Thomas also made comments and had questions on urban sprawl and the importance of saving agricultural land.

Gary Croucher suggested adding a 4th bullet under LAFCO staff conclusion in order to provide updates.

Tom Pocklington asked for a consensus from the Committee, based on Gary Arant's information, that Valley Center has the allocation to serve the needs of the project. In addition, he mentioned looking at the policy issues with the other Item.

Mr. Pocklington asked for a consensus on the agriculture land issue. After much discussion, the Committee did not come to a consensus.

Michael Ott requested concurrence from the Committee to receive a concise statement from Valley Center Municipal Water District regarding the adequacy of water supply that will allow LAFCO to discharge its responsibility under Govt. Code Section 56668. He said such a statement would be helpful. The Committee by consensus supported Mr. Ott's request.

Kimberly Thorner asked for specifics on what LAFCO's responsibility is related to preserving agricultural land.

Mr. Ott responded, one of LAFCO's original roles was to preserve prime agricultural land and open space. He mentioned San Diego County is one of the top ten income-producing agricultural counties in the Nation. He stressed the importance of that business to our County. He indicated that it was clear that the Committee did not have a consensus on how to address the preservation of agricultural land.

Tom Pocklington concluded the open discussion and gave direction to increase collaboration between LAFCO staff and the Committee members on future water and agricultural issues.

Item 7 (*Originally Item 6)*
Discussion and input on Draft Legislative and Regulatory Guidelines: Water Supply and Availability

Harry Ehrlich provided a brief overview of Attachments A and B to the Committee. He stated once feedback is received from the Committee and Commission, policies will be developed. Currently, the focus is on a two part approach: Part One: Legislative Policy Development; and Part Two: Programmatic or Regulatory Policy Guidelines.

Item 7 (*Originally Item 6)*
Discussion and input on Draft Legislative and Regulatory Guidelines: Water Supply and Availability (Cont.)

Mr. Ehrlich encouraged comments from the Committee on proposed guidelines.

John Pastore asked if the County Water Authority is a special district. Michael Ott stated that it is, however, they are not considered a district for proceedings related to protest hearings.

There were some general comments from Lesley Dobalian, San Diego County Water Authority and Mark Watton, Otay Water District. Mr. Watton mentioned the importance of alternative water supplies. He also suggested more clarification on number 3, of what a "collaborative effort" will entail.

Dennis Shepard commented on needing more clarification of the "level of expertise" from the agencies.

Kim Thorner suggested LAFCO receiving water supply reliability through the line of the retail agency.

John Pastore questioned on what specific information LAFCO needs from special districts.

Michael Ott expressed to the Committee, the importance of the applications submitted to LAFCO and the ability to obtain supplemental information from the subject agency. He explained as more credence is being placed on water issues, the need for certifiable information will be essential.

Gary Croucher commented on the accountability held at the district level. Particularly, on the smaller development projects the agencies' will have when signing the AB221 form. This may generate questions from districts for LAFCO because of legal liabilities involved.

Harry Ehrlich requested any additional comments to be sent to him and he will provide a revised draft of the guidelines to the Committee at the next meeting.

Mr. Ott said that LAFCO staff will consider a change to the wording reference of "collaborative effort" in the next version of the guidelines and will make other technical changes based on comments from the Committee.

Mark Watton requested a water supply update at the next meeting.

Item 8
Adjournment

Tom Pocklington requested volunteers who are willing to host a future meeting to contact staff. Judy Hanson, Leucadia Water District, volunteered to host the next meeting.

There being no further business to come before the Special Districts Advisory Committee, the meeting was adjourned at 10:50 a.m. to the tentatively scheduled meeting on October 23, 2009, if it is to be held.

Ruth Arellano
Administrative Assistant

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San Diego Local Agency Formation Commission

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November 20, 2009

To: Special Districts Advisory Committee

From: Harry Ehrlich, LAFCO Consultant

Subject: San Diego LAFCO Water Supply and Reliability Policy Guidelines Revised Draft Policy Statements

ISSUE

In April 2008, the Commission requested that staff and the Special Districts Advisory Committee review and consider whether San Diego LAFCO should adopt more comprehensive policy positions on water supply availability and reliability for future project review and consideration. At your August 21, 2009 meeting, LAFCO staff presented draft policy guidelines to the committee for discussion and comment. The attached revised draft policy guidelines documents reflect the consideration of input received to date.

DISCUSSION

The policy guidelines are being considered after renewed discussion and direction by the Commission to address concerns regarding availability of water supply and required determinations on this issue per GC 56668 (k). These concerns have become more pronounced due to the current drought and limitations of water supply from outside sources such as the State Water Project and the Colorado River. Many present and future submittals for LAFCO consideration will include impacts upon community services including water supply availability and reliability and how affected agencies will provide those services. The committee and two representatives of water supply agencies (San Diego County Water Authority and Otay Water District) provided verbal comments at the August committee meeting. No written comments have been received since the meeting.

LAFCO staff present the revised draft document for further committee discussion and input prior to probable presentation to the commission in early 2010.

CONCLUSION

This report and revised draft guidelines are provided to the Advisory Committee to continue discussion and input for consideration by the Commission. Copies of the C-K-H Act GC Sections 56668 and GC Section 65352.5 are attached as references for this discussion.

Respectfully submitted,

HARRY EHRLICH
Consultant
Special Districts Advisory Committee

Attachment A - Revised Legislative and Programmatic Guidelines
Attachment B - Revised Regulatory Policy Guidelines
Attachment C - 56668 GC
Attachment D - 65352.5 GC

ATTACHMENT A

San Diego LAFCO
Proposed Legislative and Programmatic Policy Guidelines
For
Water Supply and Reliability (Rev 11022009)

1. Decision-making with regard to water supply and reliability should be kept at the regional and local level through coordinated activities of local water agencies, cities, special districts and the County of San Diego. Legislative efforts should be coordinated to support ~~and collaborate~~ efforts with local agencies wherever possible ~~under~~ in accordance with ~~the goals of~~ the Cortese-Knox-Hertzberg Act of 2000.

2. Water supply development and diversification, reliability, conservation and sustainability are essential principles to ensure an adequate and viable economic environment for present and future residents in San Diego County. Resources should be developed to be diversified where possible yet under local agency control and management.

3. The federal, state and regional agency's role in water supply development should be to provide intra-regional coordination and incentives for supply reliability and to reduce or remove regulatory hurdles and barriers to conjunctive uses by local water agencies. Examples may be desalination, groundwater and reuse programs.

4. Proposed actions by various agencies or entities to manage or control water supply and reliability should not restrict the ability of LAFCO to make required determinations on proposals before them subject to the Cortese-Knox-Hertzberg Act of 2000. Development of program standards and criteria by water supply agencies should be encouraged.

5. Decisions by San Diego LAFCO shall encourage that long range planning for water supply and reliability be integrated within the local water agencies, cities, special districts, County of San Diego, SANDAG and San Diego LAFCO. As defined by state law, San Diego LAFCO's role is to oversee the logical service delivery organizational structure for future services including water supply and reliability.

6. San Diego LAFCO will ~~collaborate~~ coordinate with, monitor and provide input regarding legislative and programmatic proposals to applicable federal, state, regional and local agencies and policy makers on issues impacting water supply and reliability, incorporating the Water Supply Policy Guidelines as adopted by the Commission from time to time.

7. The commission encourages input from the Special Districts Advisory Committee on legislative and programmatic issues and shall consider the input by the committee on matters related to water supply and ~~availability~~ reliability issues. The Executive Officer may refer those items to the committee that he/she believes are relevant for review and input prior to submitting them to the commission for consideration.

ATTACHMENT B (Rev 11022009)

San Diego LAFCO
Proposed Regulatory Policy Guidelines
For
Processing of Proposals Impacting Water Supply and Reliability

1. San Diego LAFCO's role is to oversee the logical service delivery through efficient local governmental organization structure for future services as defined in Cortese-Knox-Hertzberg Act of 2000. The commission shall encourage that long range planning for availability of water supply and reliability should be integrated within the local water agencies, cities, special districts, County of San Diego, SANDAG and San Diego LAFCO.

2. Decision-making with regard to development of water supply and reliability should be focused at the regional and local level through coordinated activities and planning of local water agencies, cities, special districts and the County of San Diego. The commission shall support these efforts where possible to meet legislative and regulatory goals and mandates.

3. The development of alternative water sources, conservation, demand management and demand impact offset programs to mitigate new projects or services by local water agencies and proponents of proposals will be considered in reviewing proposals submitted to the commission. LAFCO will ~~collaborate~~ communicate with agencies on the establishment of offset programs and criteria as they are developed. ~~Linkages with other LAFCO program priorities such as preservation of prime agricultural lands and open space will be included in reviewing proposals and project impacts.~~

4. During its review and processing of proposals, the commission shall place ~~significant~~ substantial weight ~~consideration~~ on the input and recommendations of the local agency responsible for availability of water supply and delivery when a proposal is submitted for consideration that may impact an agencies' service area, sphere of influence or services being provided. Use of resource documents such as Master Plans for Facilities and Urban Water Master Plans will be encouraged as part of the project submittal process. This process is routinely included as part of submittal of "will serve letters" to planning agencies. Where more than one service area or agency is impacted by a proposal, the commission shall seek input from all affected agencies.

5. The commission encourages input from the Special Districts Advisory Committee on policy and service related proposals and shall consider the input by the committee on projects impacted by water supply and availability issues. The Executive Officer may refer those proposals to the committee

that he/she believes are relevant for review and input prior to submitting them to the commission for consideration.

ATTACHMENT C

GOVERNMENT CODE - 56668:

Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

(g) Consistency with city or county general and specific plans.

GOVERNMENT CODE – 56668 (Cont.):

(h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

(i) The comments of any affected local agency or other public agency.

(j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

(k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.

(l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

(m) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

(n) Any information relating to existing land use designations.

(o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

ATTACHMENT D

GOVERNMENT CODE - 65352.5.

a) The Legislature finds and declares that it is vital that there be close coordination and consultation between California's water supply agencies and California's land use approval agencies to ensure that proper water supply planning occurs in order to accommodate projects that will result in increased demands on water supplies.

(b) It is, therefore, the intent of the Legislature to provide a standardized process for determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.

(c) Upon receiving, pursuant to Section 65352, notification of a city's or a county's proposed action to adopt or substantially amend a general plan, a public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, shall provide the planning agency with the following information, as is appropriate and relevant:

(1) The current version of its urban water management plan, adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.

(2) The current version of its capital improvement program or plan, as reported pursuant to Section 31144.73 of the Water Code.

(3) A description of the source or sources of the total water supply currently available to the water supplier by water right or contract, taking into account historical data concerning wet, normal, and dry runoff years.

(4) A description of the quantity of surface water that was purveyed by the water supplier in each of the previous five years.

(5) A description of the quantity of groundwater that was purveyed by the water supplier in each of the previous five years.

(6) A description of all proposed additional sources of water supplies for the water supplier, including the estimated dates by which these additional sources should be available and the quantities of additional water supplies that are being proposed.

GOVERNMENT CODE - 65352.5. (Cont.)

(7) A description of the total number of customers currently served by the water supplier, as identified by the following categories and by the amount of water served to each category:

(A) Agricultural users.
(B) Commercial users.
(C) Industrial users.
(D) Residential users.

(8) Quantification of the expected reduction in total water demand, identified by each customer category set forth in paragraph (7), associated with future implementation of water use reduction measures identified in the water supplier's urban water management plan.

(9) Any additional information that is relevant to determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.

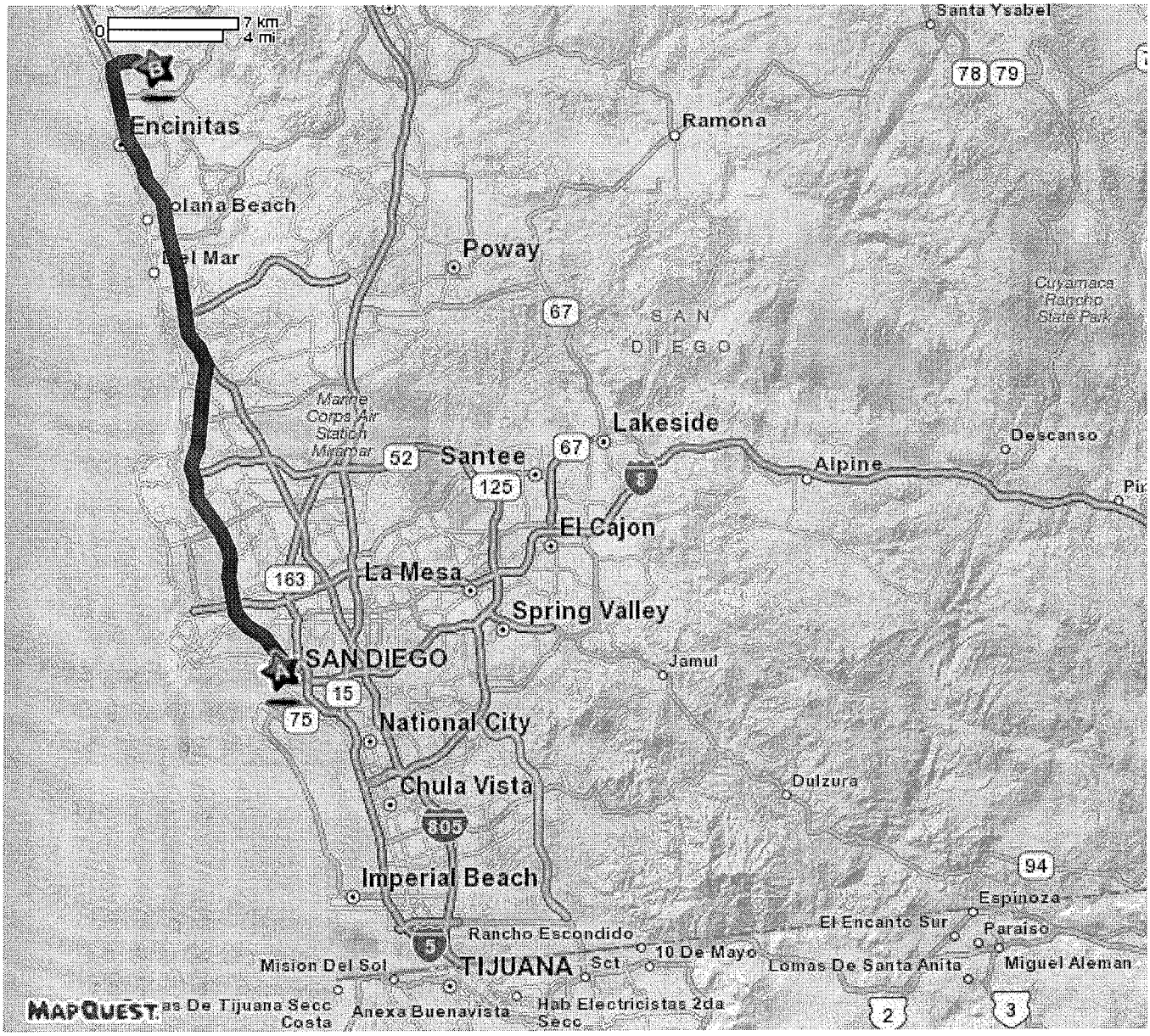
MAPQUEST

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Starting Location
1600 Pacific Hwy
San Diego, CA 92101-2429

Ending Location
1960 la Costa Ave
Carlsbad, CA 92009-6810

Total Travel Estimates: **33 minutes** / **29.81 miles** Fuel Cost: Calculate



1600 Pacific Hwy

San Diego, CA 92101-2429

Directions from A to B:

START	1: Start out going **NORTH** on **PACIFIC HWY** toward **W GRAPE ST**.	0.2 mi

	2: Turn **RIGHT** onto **W GRAPE ST.**	0.4 mi
	3: Turn **LEFT** onto **ALBATROSS ST.**	0.1 mi
	4: Turn **LEFT** onto **W HAWTHORN ST.**	0.1 mi
	5: Merge onto **I-5 N** toward **LOS ANGELES.**	27.0 mi
	6: Take the **LA COSTA AVE** exit, **EXIT 44.**	0.2 mi
	7: Turn **RIGHT** onto **LA COSTA AVE.**	1.9 mi
	8: **1960 LA COSTA AVE** is on the **LEFT.**	0.0 mi



1960 la Costa Ave

Carlsbad, CA 92009-6810

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