San Diego County
Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

SAN DIEGO COUNTY
LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA
Monday, February 5, 2024

Doors Open: 8:00 A.M.

Meeting Starts: 8:15 A.M.

In-Person Participation
County Administration Center
1600 Pacific Highway, Room 302
San Diego, California

Video-Teleconference Participation
https://www.zoom.us/join
Meeting ID 895 6767 7168
Passcode 508649
(669) 900-9128

Video Viewing Only
YouTube Channel
@sandiegolafco9909

San Diego LAFCO		
Commissioner	**Appointing Authority**	**Affiliation**
Chair Jim Desmond	Board of Supervisors	County of San Diego
Vice Chair Stephen Whitburn	Mayor of the City of San Diego	City of San Diego
Joel Anderson	Board of Supervisors	County of San Diego
Kristi Becker	Cities Selection Committee	City of Solana Beach
Jo MacKenzie	Independent Special Districts	Vista ID
Dane White	Cities Selection Committee	City of Escondido
Barry Willis	Independent Special Districts	Alpine FPD
Vacant	Commission	General Public
Alternate David A. Drake	Independent Special Districts	Rincon del Diablo MWD
Alternate Harry Mathis	Commission	General Public
Alternate John McCann	Mayor of the City of Chula Vista	City of Chula Vista
Alternative Nora Vargas	Board of Supervisors	County of San Diego
Alternate Marni von Wilpert	Mayor of the City of San Diego	City of San Diego

Participation Instructions:

In person attendance by the public is welcomed. LAFCO meets in Room 302 in the County Administration Center (1600 Pacific Highway). Three-hour visitor parking is available using the Ash Street entrance. To provide comments on any item, please turn in a speakers slip to LAFCO staff before the item commences.

Remote participation by video or telephone is welcomed through Zoom by following these instructions.

Comments by Video	Comments by Telephone
1. Click or type the link found at the top of the agenda	1. Dial + 1-669-900-9128
2. Type the Meeting ID identified on the top of this agenda followed by the Passcode	2. Dial the Meeting ID identified at the top of the agenda followed by the Passcode
3. Click the raise hand icon	3. Dial *9 to raise your hand
4. LAFCO will announce your name as it appears when it is your turn to speak	4. LAFCO will call out the last 4 digits of your phone number when it is your turn to speak
5. Click the speaker icon to unmute to speak	5. Dial *6 to unmute yourself

All comments – whether provided in person or remotely (video and telephone) – are limited to three minutes for individuals and five minutes for agencies and community organizations. The Chair may adjust the time allowance as they deem appropriate in managing the Commission's business.

Remote participation by e-mail is also welcomed by sending comments to Commission Clerk Erica Sellen at erica.sellen@sdcounty.ca.gov.

- All e-mails received before 3:00 P.M. one business day before the meeting will be forwarded to the Commission and posted online prior to the start of the meeting. These comments will also be referenced at the meeting.

- All e-mails received after 3:00 P.M. one business day before the meeting and up until the conclusion of the item by the Commission will be noted for the record by LAFCO staff with a good-faith summary and subsequently posted online.

Public Accommodations:

Assistance for the disabled is available by contacting LAFCO staff prior to the meeting. To the extent possible, accommodation requests should be submitted at least 72 hours in advance.

Spanish language translation services are readily available at LAFCO meetings. Translation services covering other languages may be made available upon request at least 72 hours prior to the meeting.

Contact Information:

Erica Sellen
Commission Clerk
2550 Fifth Avenue, Suite 725
San Diego, California 92103
T: 619-321-3380
F: 619-404-6508
E: erica.sellen@sdcounty.ca.gov

1. **8:15 A.M. – CALL TO ORDER BY CHAIR**

   a) **Roll Call of Commissioners Present**

   b) **Pledge of Allegiance**

2. **STATEMENT (JUST CAUSE) AND/OR CONSIDERATION OF A REQUEST TO PARTICIPATE REMOTELY (EMERGENCY CIRCUMSTANCES) BY A COMMISSIONER, IF APPLICABLE.**

3. **AGENDA REVIEW**
   The Executive Officer will summarize the agenda as well as to advise of any requested changes. The Chair will also consider requests from Commissioners.

4. **PUBLIC COMMENT AND**
   OPPORTUNITY FOR PUBLIC TO REQUEST DISCUSSION ON CONSENT ITEMS
   Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's growth management duties/interests but not on an item listed on the agenda. Three-minute limit. This is also an opportunity for the public to request the Commission pull an item listed on the consent calendar for discussion.

5. **CONSENT ITEMS**
   All items calendared as consent are considered ministerial and subject to a single motion approval. The Chair will entertain requests by Commissioners to pull any items for discussion.

   a) **Approval of Meeting Minutes for December 4, 2023 (action)**
   The Commission will consider action minutes prepared by the Commission Clerk for the December 4, 2023 meeting. Recommendation to approve as presented. (Pages 7-14)

   b) **Commission Ratification |**
   Recorded Payments for November and December 2023 (action)
   The Commission will review a report identifying all payments made and received for November and December 2023. Recommendation to ratify payments as presented. (Pages 15-24)

   c) **Budget Update for 2023-2024 |**
   2nd Quarter Actuals with Year-End Projections (action)
   The Commission will review a report comparing budgeted and actual transactions through the second quarter of 2023-2024 and related analysis. The report is being presented to the Commission to formally accept and provide direction to staff as needed. (Pages 25-30)

   d) **Proposed "Glen Abbey Memorial Cemetery Park–Bonita Road Change of Organization" | Annexation to San Diego County Sanitation District (CO23-10) (action)**
   The Commission will consider a change of organization proposal initiated by landowner petition to annex approximately 110 unincorporated acres in Bonita to the San Diego County Sanitation District. The affected territory as submitted involves two contiguous legal parcels presently developed and used as the Glenn Abbey Memorial Cemetery Park. The purpose of the proposal is to make public wastewater available to the remainder of the cemetery grounds and in doing so accommodate planned improvements. Staff recommends conditional approval of the proposal with a modification to include 4.0 additional acres comprising of an adjacent legal parcel owned and operated by the applicant as well as frontage along (continued)…

CONSENT ITEMS CONTINUED…

Item 5d Continued

Bonita Road. Staff also recommends waiver of protest proceedings and exemption finding under the California Environmental Quality Act. The affected parcels are identified by the County Assessor's Office as 592-040-03 and 592-040-10. (Pages 31-62)

e) Commission Counsel Services |
Proposed New Agreement with Colantuono, Highsmith & Whatley (action)
The Commission will consider a proposed new agreement for legal services with Colantuono, Highsmith & Whatley. The new agreement resets and extends the term through June 30, 2027 and makes related updates involving billing rates – including establishing a rate distinction for litigation services. The Chair recommends approval of the new agreement. (Pages 63-86)

f) Progress Report on the Adopted Workplan (action)
The Commission will receive a progress report on accomplishing the 30 projects included in the adopted workplan for 2023-2024. The report is being presented to the Commission to receive and file with the opportunity to identify potential amendments for future consideration. (Pages 87-92)

g) Legislative Report (information)
The Commission will receive a report on legislative items of interest to the Commission and its regulatory and planning responsibilities. This includes reviewing items associated with the end of the first year of the 2023-2024 session – including Assembly Bills 1753 and 399 – as well as previewing potential topics heading into the second year. The report is being presented for information and concurrently provides an opportunity for Commissioners to provide general feedback. (Pages 93-96)

h) Report on Active Proposals and Related Activities (information)
The Commission will receive a status report on the 27 active proposals currently on file as well as anticipated filings based on ongoing discussions with proponents. The item is for information and concurrently satisfies LAFCO's reporting requirement involving petition-initiated proposals. (Pages 97-108)

6. PUBLIC HEARING ITEMS |
COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS
Public hearing items require expanded public notification per provisions in State law or have been voluntarily scheduled by the Executive Officer to ensure opportunity for public input. All public hearing items require verbal disclosures by Commissions regarding any material communications.

a) Proposed "City of Carlsbad Change of Organization" |
Detachment from Leucadia Wastewater District and Concurrent Sphere of Influence Action (CO23-09) (action)
The Commission will consider a change of organization proposal initiated by resolution of the City of Carlsbad to detach approximately 202 acres of incorporated territory from the Leucadia Wastewater District (WD). The affected territory as submitted comprises three non-contiguous area that are largely developed with residential uses and (continued)…

PUBLIC HEARING ITEMS CONTINUED…

Item 6a Continued

connected to Carlsbad's wastewater system. Overall, the affected territory comprises 50 legal parcels that are further defined by ownership into 250 unique assessor parcels. The proposal purpose is to eliminate an existing overlap between Carlsbad and Leucadia WD and in doing so make explicit Carlsbad is the authorized wastewater service provider for the affected territory going forward. Staff recommends conditional approval of the proposal as submitted along with a conforming sphere amendment involving one of the three areas within the affected territory. It is also recommended the Commission delegate protest proceedings to the Executive Officer and make exemption findings under the California Environmental Quality Act (CEQA). (Pages 109-144)

7. BUSINESS CALENDAR

Business items involve regulatory, planning, or other items that do not require a noticed hearing.

a) Proposed "Garcia–Curtis Drive Out-of-Agency Wastewater Services" | City of Vista (OAS23-14) (action)

The Commission will consider a request by the City of Vista to provide new out-of-agency wastewater services to an unincorporated parcel located north of the City and within its sphere of influence. The affected territory and its lone subject parcel is 2.8 acres in size and developed with a single-family residence at 211 Curtis Drive. The purpose of the request is to make available public wastewater to accommodate the construction of an accessory dwelling unit (ADU) that would otherwise be prohibited given the limitations on the existing septic system. Staff recommends conditional approval authorizing service to the existing single-family residence and planned ADU. Staff is relatedly recommending the Commission dispense with the otherwise special condition commonly applied to require the landowner to file an annexation proposal with LAFCO for future processing given local conditions as detailed. A categorical exemption applies. (Pages 145-158)

b) Quarterly Progress Report | Municipal Service Review on Wholesale Water Agencies: County Water Authority and Metropolitan Water District of Southern California (information)

The Commission will receive a verbal presentation as part of a planned quarterly report advising on the progress in preparing the scheduled municipal service review on wholesale water agencies operating in San Diego County. This includes a comprehensive review of the San Diego County Water Authority and a proportional review of the Metropolitan Water District of Southern California. The quarterly report is for information with the opportunity general feedback. (Pages 159-162)

c) Appointment Options for the Regular Public Member Position (action)

The Commission will consider options and preferences therein in filling the vacated term of the regular public member position. The position became vacated in mid-January with the resignation of Andy Vanderlaan. The unexpired term extends through April 2025. Staff requests direction from the Commission in scheduling an appointment at a future meeting with or without an open recruitment process as well as with or without action to create an advisory committee. (Pages 163-168)

PUBLIC HEARING ITEMS CONTINUED…

d) Chair and Vice Chair Appointments (action)
The Commission will consider making officer appointments and select a chair and vice chair consistent with adopted policy. The appointees will serve the balance of 2024 consistent with policy unless otherwise specified. (Pages 169-170)

8. EXECUTIVE OFFICER REPORT

9. COMMISSIONER ANNOUNCEMENTS & REQUESTS FOR FUTURE ITEMS

10. CLOSED SESSION

None

11. ADJOURNMENT

Attest to Posting:

Erica Sellen
Commission Clerk