

2/22/2001

MINUTES

January 25, 2001

Present Commissioners: Robert E. Hird, Chair
Bob Buster, Vice Chair
Marion V. Ashley
Terry Henderson
Robin Lowe
Jack McFadden
John Tavaglione

Present Staff: George J. Spiliotis, Executive Officer
Wayne Fowler, Illustrator/Analyst
Elena G. Medina, Staff Assistant
Joe S. Rank, Legal Counsel

1. **CALL TO ORDER AND SALUTE TO THE FLAG.**

The meeting was called to order at 9:03 a.m.

2a. **APPROVAL OF MINUTES OF December 14, 2000**

The minutes were approved as presented.

b. Selection of Officers for the year 2001.

Moved (McFadden), seconded (Tavaglione) to appoint Commissioner Robert Hird as Chairman.
6/0 (Lowe absent)

Moved (Ashley), seconded (Hird) to appoint Commissioner Bob Buster as Vice Chair.
6/0 (Lowe absent)

Consent:

a. LAFCO 2000-25-3-Annexation 69 to County service area 143.

Moved, (Henderson), seconded (Buster) to approve LAFCO 2000-25-3-Annexation 69 to County service area 143.
6/0 (Lowe absent)

b. LAFCO 2000-31-3-Annexation to Beaumont Cherry Valley Water District.

Moved, (Henderson), seconded (Buster) to approve LAFCO
LAFCO 2000-31-3-Annexation to Beaumont Cherry Valley
Water District.
6/0 (Lowe absent)

Continued:

- c. LAFCO 2000-06-1-Reorganization to include Annexation 94 ANX-6 to the City of Beaumont, and Concurrent Detachments from the Riverside County Waste Resources Management District and County Service Area 152. (**Staff recommends a 6-month continuance**)

Moved (Ashley) seconded (Henderson) to continue LAFCO
2000-06-1-Reorganization to include Annexation 94 ANX-6
to the City of Beaumont, and Concurrent Detachments
from the Riverside County Waste Resources Management
District and County Service Area 152 to July 26, 2001.
6/0 (Lowe absent)

New Items:

- d. LAFCO 2000-28-2-Reorganization to include Annexation 96 to the City of Corona and Concurrent Detachment from the Riverside County Waste Resource Management District. (**Chair has approved a continuance to February 22, 2001**)

The Commission recessed for Executive session at 9:06 a.m.

4. **EXECUTIVE SESSION:**

LITIGATION:

With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION:

Subdivision (a) of Section 54956.9

- a. **City of Lake Elsinore v. LAFCO et al.** (Cleveland Ridge UC/SOI Amendment-Riverside Superior Court Case No. RIC-311942)
- b. **City of Lake Elsinore v. LAFCO et al.**
(Meadowbrook UC/SOI Amendment-Riverside Superior Court Case No. 317305)

Commissioner Lowe arrived at 9:15 a.m.

The Commission reconvened at 9:25 a.m.

Mr. Rank stated that there was nothing to report at this time.

The Commission decided to take Item 6 at this time.

6. **SETTING ASIDE DESIGNATION OF MEADOWBROOK UNINCORPORATED COMMUNITY AND SHPERE OF INFLUENCE AMENDMENT TO THE CITY OF LAKE ELSINORE (LAFCO 94-31-1&5-RESOLUTION NO. 01-01)**

Mr. Spiliotis asked Mr. Rank if there was any background needed.

Mr. Rank stated that this resolution was discussed as a part of the Cleveland Ridge proceeding. He said that the court stated that there was very little to distinguish from the decision made with Cleveland Ridge. He said that if the resolution was set aside there would be an ability for the Commission to determine what the future held when it did its next round of review of the UC-COI designations.

Chair Hird stated that there were a few speakers on this item and called the first speaker.

Mr. G. A. Grant 27068 Jarvis Street, Perris, CA 92570. Mr. Grant expressed concern regarding the Court findings. He said that the action by the Court was unfair and suggested that the County challenge any future EIR.

Norm Gritton, 27245 Highway 74, Perris, CA 92570. Mr. Gritton stated that most of the members of the Community did not want to be residents of the City of Elsinore. He said that the City only wanted to expand its tax base. He also stated that the City was not prepared to provide the needed additional services to the areas they wanted to annex.

Verlin Baumgarth, 28127 Sun City Blvd, Sun City. He urged the Commissioners to take into consideration what the previous speakers said.

Marie Taylor, 24041 Harrow Hill Road, Wildomar, CA 92595. She stated that in the early 1990's they were part of the City of Lake Elsinore sphere of influence. She believed that the only thing that the City of Lake Elsinore wanted was the commercial area along I-15. She said that they were successful in having the sphere of influence removed, but the City continued up Railroad Canyon and took over that part for the commercial. She did not understand how can areas become self-sustaining if they allow the cities to

come in and take the commercial area. She further stated that they would like to be a place of their own. She asked the Commission for their help. She said that the commercial was starting to come in and everybody was noticing it.

Commissioner Buster stated that the Wildomar UC designation was in place and it could not be challenged at this point. He said that it would require a considerable process for either city to change that at this point.

Commissioner Lowe asked Commissioner Buster what were the County's plans for development in the Wildomar area.

Commissioner Buster responded that there were medium to small size tracts going on the southwest area. He said that they were attempting to deal with the needed additional services. He said that there were not large developments coming that could set aside large park areas to provide the overall needed amenities. He said that an assessment district had been put in place. He said that there will be some housing, commercial and some industrial growth occurring that will generate a tax base. He said that one of the issues the County was looking at in its general planning efforts was whether the folks of Wildomar and the Temescal Canyon Road area will want to entertain the idea of higher density that would have better amenities.

Moved (Ashley) seconded (Buster) to approve Setting Aside Designation of Meadowbrook Unincorporated Community and Sphere of Influence Amendment to the City of Lake Elsinore (LAFCO 94-31-1&5-Resolution No. 01-01)
7/0

Commissioner Ashley left at 9:40 a.m.

The Commission decided to take items 5, 8, 9 and 10 at this time.

5. REVIEW OF AB 2838.

Mr. Spiliotis presented a summary of AB 2838. He stated that he would answer any questions at the end of his presentation.

Chair Hird appointed Commissioner McFadden and Commissioner Henderson to the Ad Hoc Budget Committee and directed Mr. Spiliotis to set up the first budget meeting.

Commissioner Lowe suggested that the Ad Hoc Budget Committee look at the current staffing needs when they met. She also said that because LAFCO needed to approve its budget in May, perhaps, it would be beneficial to get the determined fair

share information to the cities as soon as possible so that they can start working on those figures.

Mr. Spiliotis agreed with Commissioner Lowe and commented that the final distribution of the cost as determined by the Auditor-Controller may have more impact than the gross amount of the budget.

Commissioner Henderson stated that after hearing the lengthy report by Mr. Spiliotis, it appeared to her that more immediate staffing requirements were in line. She suggested that there be a temporary contract or consultant to assist with the tremendous policies that needed to be formulated.

Mr. Spiliotis stated that the Commission had approved a request for additional appropriations. He said that the additional appropriation will be for clerical help.

Commissioner Tavaglione asked if the request was for a TAP employee. Mr. Spiliotis responded in the affirmative.

Commissioner Tavaglione asked Mr. Spiliotis to send him a copy of the request and he will see that it gets placed on the Board of Supervisors' agenda.

Mr. Spiliotis indicated he felt it would be on the Board Agenda very soon.

7. CEQA DOCUMENTATION FOR UC/SOI REQUESTS. (Continued from December 14, 2000)

Mr. Spiliotis stated that the resolution of this issue will have a huge impact on their program and on the budget. He said that the issue had been raised in the Court cases regarding Cleveland Ridge and Meadowbrook Unincorporated Communities. He said that the court determined that an EIR had to be prepared in this instance. He felt that it was not unreasonable to assume that this could be a requirement anytime they had a city's sphere of influence amendment. He said that when the city was the lead agency, they will probably have to prepare an EIR. He said that when LAFCO is going to be the lead agency on a sphere of influence amendment, the requirement was going to fall on LAFCO to determine how this will be paid for. He said that there had been some options that were brought up, either the Board of Supervisors will pay for it, or it may be incorporated into the County's general plan effort, or it was going to be the responsibility of the applicant to pay for the EIR. He said that the main issue needed to be resolved was who will be responsible for paying for the environmental documentation effort.

Commissioner Lowe commented that she was working on the Integrated Plan and the four corridors they were studying were going to have an EIR at the cost of 2 to 4 million dollars. She said that people needed to understand the cost of retaining their identity. She said that the cities had to pay the cost of an EIR when annexing an area, therefore, many cities did not want to extend their arm of jurisdiction because of the costs attached. She was sure that the cities were not going to agree to pay for a sphere of influence amendment that was not brought up by the city. She said they did not have that kind of revenue.

Commissioner Henderson stated that a reason for communities becoming cities was always for the hometown, local control and protection from the unknown. She said that this was something that communities needed to recognize if they wanted to maintain a certain level of control over their own community, their own growth, they were going to have to share the cost.

The consensus was that the cost of preparation of an EIR for a UC/SOI request would not be borne by LAFCO.

8. MISCELLANEOUS STAFF REPORTS.

Mr. Spiliotis commented that for purposes of budget development, he had been instructed to conduct a workshop for interested community members on future changes to UC guidelines. He said that he had been waiting to hear the Commission's discussion on the EIR issue. He said that it was his understanding that there was no solution on how it will be paid, but it was clear that it was not going to be a Commission expense. He added that the discussion had occurred specifically among the unincorporated communities. He said that at some future time, as they undergo sphere amendment reviews for cities, the Commission may determine that the reduction of a city's sphere was appropriate and at that time, it will have to address the issue of the EIR documentation for that action.

Chair Hird commented that the general review of the sphere of influence will occur every five years.

Mr. Spiliotis stated that under our current policy, in March of each year, they were going to have to make a list of all the spheres of influence that needed to be reviewed. He also stated that there will not be any reviews on the agenda for quite sometime because they had to have the service reviews done before they can do any updates on the spheres of influence. He said that for proposals that came in prior to January 1, they were going to be processed under the old act and will not legally impact them.

9. PUBLIC COMMENTS.

Verlin Baumgarth, 28127 Sun City Blvd, Sun City. He said he would like to know the status of the court case that involved the Unincorporated Communities of Cleaveland Ridge and Meadowbrook. He wanted to know if this was still an open book for possible appeal.

Mr. Rank responded in the negative according to the Commission's wishes. He said that an appeal will not bring a positive decision from the Appellate Court.

Mr. Baumgarth stated that since this was the position of the Commission, then any cities applying for a sphere of influence amendment will have to comply with an EIR.

Commissioner Henderson asked if this was a legal requirement.

Mr. Rank stated that the answer was no. He said that every circumstance for every change of organization or reorganization had to be dealt with on a case by case basis.

Darrell Ruff, 23021 Sweetbay, Wildomar, CA 92595. Mr. Ruff asked if the Unincorporated Community of Wildomar will be required to provide an EIR report.

Mr. Rank replied that the answer was no. He said that the time frame for an actual challenge on whether or not there was sufficient CEQA documentation ran 60 days after it was approved.

Gary Grant, 27068 Jarvis Street, Perris, CA 92570. Mr. Grant discussed the implementation of the spheres of influence prior to the EIR requirements. Mr. Grant stated that they had not been asked the question whether they were prepared to pay for an EIR. He said that it was just an assumption that they couldn't. He felt that there had to be a resolution as to how to do this through the government.

Marie Taylor, 24041 Harrow Hill, Wildomar, CA 92595. Ms. Taylor asked the Commission what was going to happen to her community when it reapplied in five years for the unincorporated community status.

Mr. Rank responded that it would constitute a new approval. He said that a public hearing would have to be scheduled and the CEQA issue was going to have to be addressed at that time.

Ms Taylor commented that the Commission was going to do away with the unincorporated communities because the people in the unincorporated communities had no tax structure. She felt that they were basically being put on the line. She

felt that this was not fair and there should be a review rather than a new application.

Mr. Rank stated that the presumption was that they were supposed to do an evaluation of the various elements that might lead to some form of organization for that community. He said that this was supposed to be taking place during the five years and if it did not occur, then there was suppose to be a re-evaluation of that process.

Ms. Taylor said that in the code it stated that a person, who lived on the border of a city and had so many acres, she thought it was under 20, they could ask to be annexed to the city. She asked if they were going to be required to do an EIR.

Mr. Spiliotis stated that as far as making an application for annexation it did not matter how many people were within the boundaries. He said that if the determination was to whether the proposal was inhabited or uninhabited, the cut-off was 12 or more registered voters. He said that as part of the application process, the city must first prezone the area and by pre zoning the area, the city becomes the lead agency and it was up to the city, at that time, to make the appropriate determination pursuant to CEQA.

9. ADJOURNMENT.

The Commission adjourned at 11:50 a.m.

Respectfully,

George J. Spiliotis
Executive Officer