

CAPISTRANO BAY DISTRICT  
AGENDA REPORT  
October 1 2013

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*New Business*

ITEM K.1

LAFCO Sphere of Influence Map

The Local Agency Formation Commission (LAFCO) is the arm of the State Legislature created to provide oversight to Special Districts. One of their mandates is to conduct a "Municipal Services Review (MSR)" every five years.

Included in the most recent MSR for our District is a "Sphere of Influence" boundary map. Upon review of the report it was found that the accompanying map shows the Poche scour pond as part of our District's jurisdiction.

Since Beach Road terminates at the wooden bulkhead at the south end at 35857, but on the north side of the Poche scour pond, it would seem that LAFCO has made a mapping error. If true, then maybe the District should work with LAFCO to have the map corrected.

Concerns with the map being left as is could amount to the District being held accountable for expenses currently associated with attempts to clean the polluted water in the scour pond. This has the potential to run into the millions of dollars (*see attached email comments from Jack Tarr*).

Conversely, the District could possibly use this map as a political tool to create additional leverage with the County in future decision-making with scour pond cleanup.

At this point some research is needed to determine how legitimate the LAFCO map is. It is known that the two parcels at the south end of Beach Road used to be a part of the larger "BLOCK C" that encompassed all the real estate from 35855 and 35857 and the scour pond and the sandy embankment and beach over to the fence that abuts the Shorecliffs Beach Club. At some point, maybe in the late 70's, a developer took title to the entire parcel, built the wooden bulkhead, created the two buildable lots on the north side of the bulkhead and deeded the scour pond and the beach area on the far side over to the County. This story, of course, is from the memory of neighbors and has not been verified – that would require some title search.

To engage with LAFCO to revise the boundary map is going to cost in the neighborhood of \$5000. A title search to reveal the presumed conveyance documents from the developer to the County could run about \$1500. Obviously, if such documents do exist, then it's clear that not only has LAFCO committed a simple mapping error but the District has no real jurisdiction over the scour pond and the entire issue becomes moot.

The question for the Board is how to proceed with this issue.

## ITEM K.1

### Jack Tarr reply to questions regarding the LAFCO Sphere of Influence Map

Sep 26, 2013

Don,

I do not have any recollection. I will be back in a couple of weeks and will review my Capo Beach file to see if there is any information that might be informative. For my 2 cents worth, I would want to stay COMPLETELY AWAY from ANY one time or recurring costs of the water quality efforts; it's a deep, black, never ending dark hole of financial exposure which would far exceed any potential control benefits we have over the scour pond. I also believe the choices are somewhat limited on the scour pond, none of which are catastrophic to Beach Road but... I have also not kept up with the latest effort so there may be information I am not aware of. The First American Title company can also do a search for you and perhaps even use Roy Minnick's successor group if they are still available after Roy's death?

regards,

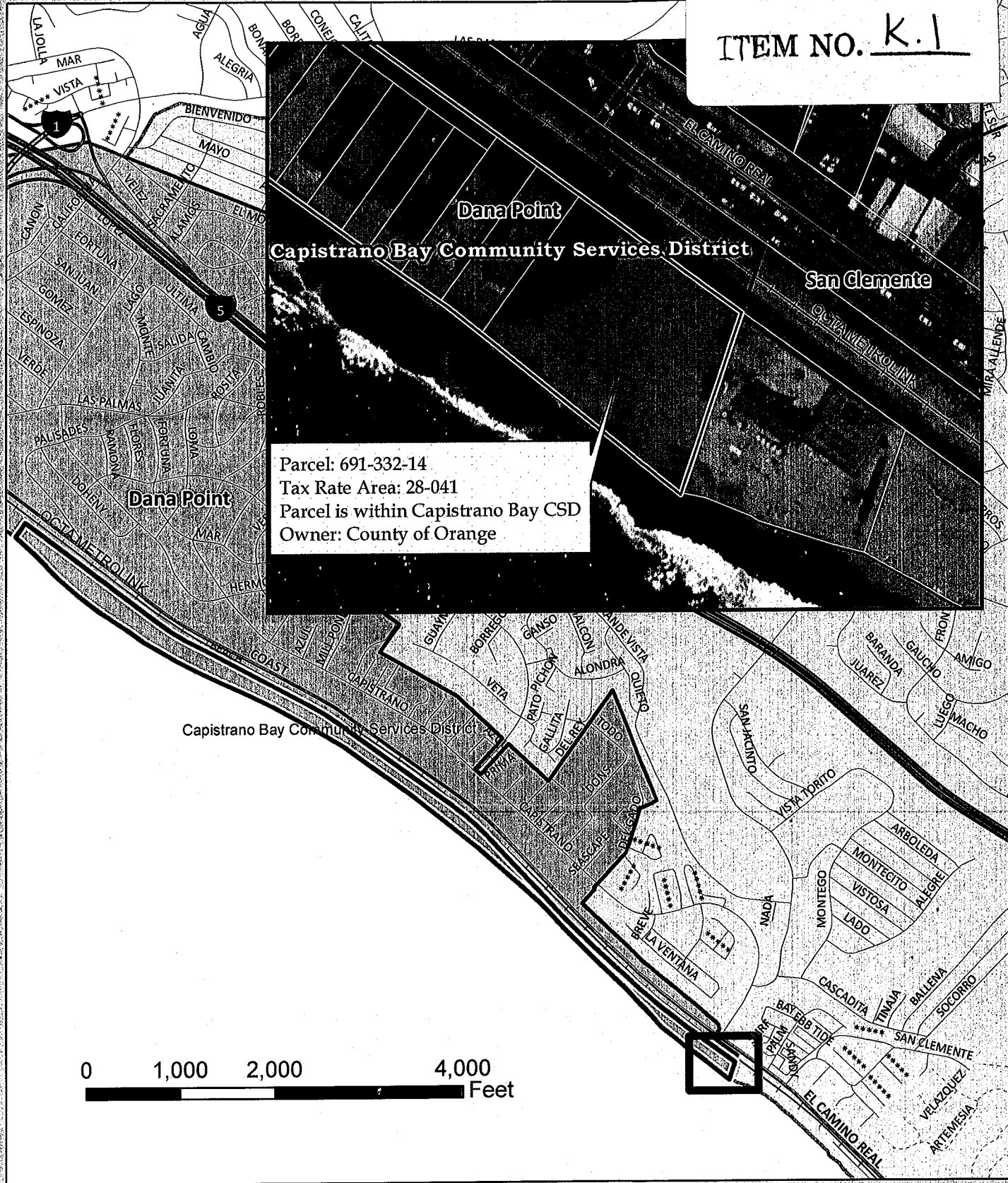
Jack

On Sep 26, 2013, at 2:32 PM, Don Russell <[drussell@capobay.org](mailto:drussell@capobay.org)> wrote:

Hi Jack,

- > I'm wondering if you have any memory of the process
- > that took place maybe in the early 80's when the parcel to the south
- > of your beach house, BLOCK C, was developed from vacant sandy beach
- > into the two parcels occupied now by the Bryans and the Longleys.
- > Right now I'm just looking for what you can recall of the process.
- > According to LAFCO and their most current Sphere of Influence Map, the
- > entirety of BLOCK C is contained within the boundary map for our
- > District. On the upside of this would be having our foot in the door
- > so to speak, in decision-making on the future of the scour pond. The
- > downside might be in having some exposure to liability and/or the
- > possibility of the County requiring us to assist in paying for the water quality improvement efforts.
- >
- > With general dates and some historical information I hope to be able
- > to track down any recorded deeds, conveyances, etc. that might
- > indicate exactly what the District's actual responsibility might be, if any at all.
- > Don

ITEM NO. K.1



**Capistrano Bay CSD**  
**Sphere of Influence Question**  
SOI Originally Adopted: 02/01/1984  
Last Reviewed: 11/12/2008

**Legend**

- Capistrano Bay CSD Boundary
- Dana Point City Boundary
- San Clemente City Boundary

