



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

6b

AGENDA REPORT
 Public Hearing

August 5, 2019

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Linda Zambito, Analyst I

**SUBJECT: Sphere of Influence Update |
 San Diego County Sanitation District**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider approving a sphere of influence update for the San Diego County Sanitation District. The update is being presented as part of the Commission’s five-year study requirement under statute to review and – as needed – make changes to spheres in step with designating cities and special districts’ appropriate current and near-term service areas. The update draws on information included in a recently prepared municipal service review and recommends the Commission proceed to affirm the existing sphere without changes and ahead of performing a comprehensive update in the near future with potential study areas identified.

BACKGROUND

Spheres of Influence

LAFCOs establish and maintain spheres for all cities and most special districts to designate the territory it independently believes represents the appropriate and probable boundaries and service areas of the affected agencies. Importantly, all jurisdictional changes, such as annexations and detachments, must be consistent with the spheres of the affected local agencies with limited exceptions. Recent legislation also now requires LAFCOs to review all

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local agencies' spheres every five years and update as appropriate and based on information generated as part of a municipal service review.

Informing Document to Sphere Update | Municipal Service Review on San Diego County Sanitation District

Consistent with the current workplan San Diego LAFCO has prepared a municipal service review on the San Diego County Sanitation District and its public wastewater services provided within seven distinct service areas throughout unincorporated San Diego County. These seven service areas in order of resident size are Spring Valley, Alpine-Lakeside, Winter Gardens, Campo, Julian, Pine Valley, and East Otay Mesa and collectively tally an estimated population of approximately 150,000. A final report on the municipal service review has been separately scheduled for hearing for the August 5th meeting. The final report – among other items – recommends the Commission proceed with affirming the sphere without changes and defer a comprehensive update to the next five-year report period.

DISCUSSION

This item is for San Diego LAFCO to consider approving a sphere update for the San Diego County Sanitation District and make related determinations in designating the agency's appropriate current and near-term boundary and service area under statute. The update represents the first review of the sphere since 2011 when the Commission approved the formation of the San Diego County Sanitation District and follows a recently prepared municipal service review on the District as described in the preceding section. Additional discussion with respect to the current sphere designation and possible changes identified by staff in the course of preparing this update follows.

Current Designation

San Diego County Sanitation District's sphere spans 36,844 acres with the following features.

- More than one-fourth of the sphere – or 9,379 acres – includes non-jurisdictional acres located outside the San Diego County Sanitation District. These non-jurisdictional acres comprise 9,141 parcels with close to nine-tenths already developed with some type of improvement based on Assessor records. Most of these non-jurisdictional acres are adjacent to the Spring Valley service area.
- Slightly less than one-fourth of the sphere – or 2,106 acres – excludes jurisdictional acres inside the San Diego County Sanitation District. These jurisdictional acres comprise 3,534 parcels with over nine-tenths already developed with some type of improvement based on Assessor records. Most of these excluded jurisdictional acres are adjacent to the Spring Valley service area and near the Cities of Chula Vista and National City and includes the Bonita and Lincoln Acres communities.¹

¹ Lincoln Acres is within the National City sphere and Bonita is within the Chula Vista sphere. Both unincorporated communities have been historically opposed to annexation to the respective city. San Diego LAFCO has excluded these communities from the San Diego County Sanitation District sphere – however – in deference to also being within the cities' spheres.

- The sphere includes three existing special study areas. All three study areas lie outside San Diego County Sanitation District's jurisdictional boundary and collectively total 396 acres and adjacent to the Alpine-Lakeside (two) and Pine Valley (one) service areas. The study areas were established in 2011 and reflect a standing policy expectation for LAFCO to perform additional analysis to determine whether it would be appropriate to add the affected territory to the sphere.

Possible Changes

A preliminary review of San Diego County Sanitation District's sphere suggest multiple changes may be merited relative to Commission preferences. Most of the possible changes identified to date involve clean-ups to synch the sphere to nearby parcel lines, roads, and other known and set features that were otherwise missed at the time the sphere was established and without the aid of current mapping technologies. Other possible and more substantive changes include – but not limited to – the following items.

- Spring Valley Service Area | Mt. Helix
The Mt. Helix area is approximately 825 acres in size and part of the unincorporated community of Valle De Oro. The area is bordered by the Cities of La Mesa to the west and El Cajon to the north, but outside their spheres and not located within any public wastewater provider. The Valle De Oro Community Plan discourages annexation to cities to retain its rural residential character; however, local septic system failures have resulted in multiple contractual extensions of city wastewater service into the area over the last 10 years. Adding the area to the San Diego County Sanitation District's sphere would serve to recognize existing wastewater service needs and inform future capital planning in a developing area with the qualification additional information is needed to assess the District's ability to serve in the next 5 to 10 years.
- Winter Gardens Service Area | East Pepper Drive Area
The East Pepper Drive area is approximately 13 acres in size part of the unincorporated community of Winter Gardens. The area is boarded by the Cities of El Cajon to the west and south and Santee to the north, but outside their spheres and not located within a public wastewater provider. Most of the area is residential and dependent on private onsite septic systems. Adding the area to the San Diego County Sanitation District's sphere would inform future capital planning in a developing area with qualification additional information is needed to assess the community's interest and District's ability to serve in the next 5 to 10 years.
- Multiple Service Areas | Disadvantaged Unincorporated Communities
A sizable portion of adjacent lands to the existing San Diego County Sanitation District sphere currently qualifies as disadvantaged unincorporated communities (DUCs) under State statute and local policy. The DUC assignments affect four service areas – Campo, Julian, Alpine-Lakeside, and Spring Valley – and prompt the Commission to explore opportunities to expand the sphere to facilitate the extension of public wastewater services. Additional information is needed to assess both the

communities' interest in receiving public wastewater for purposes of scaling potential services and the District's ability therein to serve in the next 5 to 10 years.

ANALYSIS

A preliminary review indicates a comprehensive update to San Diego County Sanitation District's sphere is merited to consider changes involving several of the service areas. These changes range from performing technical clean-ups to match the sphere to nearby parcel lines and other geographic features wherever possible to more substantive items identified in the preceding section, such as possibly expanding into Mt. Helix and East Pepper Drive. The scale and scope of these potential changes exceeds current resources, however, and – among other considerations – requires considerable coordination with the District to fully inform the analysis. Accordingly, it would be appropriate for the Commission to proceed with an update to affirm the existing sphere without changes now and defer a comprehensive update to the next five-year report period. Proceeding with an update satisfies the Commission's review directive under statute while appropriately telegraphing policy interests to both the District and affected landowners ahead of revisiting the topic. Further, should service needs emerge outside the sphere in the interim, it would be appropriate for applicants to make requests for individual amendments and allow the Commission to consider on a case-by-case basis with information provided in the associated and recently completed municipal service review.

RECOMMENDATION

It is recommended San Diego LAFCO approve an update to affirm without changes the San Diego County Sanitation District sphere. This recommendation is consistent with Alternative One as outlined in the succeeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished through a single-approved motion.

Alternative One (recommended):

Adopt the draft resolution provided as Attachment One approving an update to affirm without changes the current San Diego County Sanitation District sphere.

Alternative Two:

Continue the item and request additional information from staff as needed.

(continued)

PROCEDURES FOR CONSIDERATION

This item has been placed on the agenda for action as part of a noticed public hearing. The following procedures, accordingly, are recommended in the Commission's consideration.

- 1) Receive verbal report from staff unless waived;
- 2) Open the hearing and invite audience comments; and
- 3) Close the hearing, discuss item, and consider action on recommendation.

Respectfully,



Keene Simonds
Executive Officer



Linda Zambito
Analyst I

Attachment:

- 1) Draft Resolution Approving An Update to the San Diego County Sanitation District

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RESOLUTION NO.

**RESOLUTION OF THE
SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS**

**SAN DIEGO COUNTY SANITATION DISTRICT
SPHERE OF INFLUENCE UPDATE**

WHEREAS, the San Diego County Local Agency Formation Commission, hereinafter referred to as the “Commission”, is a political subdivision of the State of California with regulatory and planning responsibilities to facilitate orderly growth and development under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the Commission is responsible under Government Code Section 56425 to establish spheres of influence for all local agencies under Commission oversight with the added statutory directive that all jurisdictional changes must be consistent with the affected agencies’ spheres with limited exceptions; and

WHEREAS, the Commission is also responsible under Government Code Section 56425 to review and update all local agencies’ spheres of influence every five years as necessary; and

WHEREAS, the Commission completed an agency-specific municipal service review on the San Diego County Sanitation District and its public wastewater services within its seven distinct service areas in San Diego County consistent with statute; and

WHEREAS, the municipal service review on the San Diego County Sanitation District serves as the informing document for the Commission to proceed with a sphere of influence update; and

WHEREAS, the Executive Officer’s written report and recommendations on a sphere of influence update on the San Diego County Sanitation District was presented to the Commission in a manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting concerning the sphere of influence update on the San Diego County Sanitation District on August 5, 2019;

WHEREAS, as part of the sphere of influence update process, the Commission is required pursuant to Government Code Section 56425(e) to make a statement of written determinations with regards to certain factors.

NOW, THEREFORE, BE IT RESOLVED, the Commission hereby finds, determines, and orders the following:

1. The Commission determines the sphere of influence update for the San Diego County Sanitation District represents a project under the California Environmental Quality Act, but exempt from further review under the “general rule” provided under State Guidelines 15061(b)(3). This exemption appropriately applies given it can be seen with certainty spheres of influence are planning policies and their establishments, amendments, or updates do not make any changes to the environment or authorize any new uses or services.
2. The Commission has considered the Executive Officer’s written report on the sphere of influence update and recommendations therein on the San Diego County Sanitation District.
3. The Commission makes the statements set forth in Exhibit “A” in determining the sphere of influence for the San Diego County Sanitation District.
4. The Commission APPROVES an update to affirm with no changes the existing sphere of influence designation for the San Diego County Sanitation District as shown in Exhibit “B.”
5. The effective date of the approved update to the San Diego County Sanitation District shall be immediate less any subsequent changes made by the Commission and necessitated as part of an approved reconsideration request under Government Code Section 56895.
6. The Executive Officer shall update the Commission’s official records to reflect the update to the San Diego County Sanitation District and provide formal written notice therein to the District.

PASSED AND ADOPTED by the Commission on August 5, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

ATTEST:

TAMARON LUCKETT
Executive Assistant

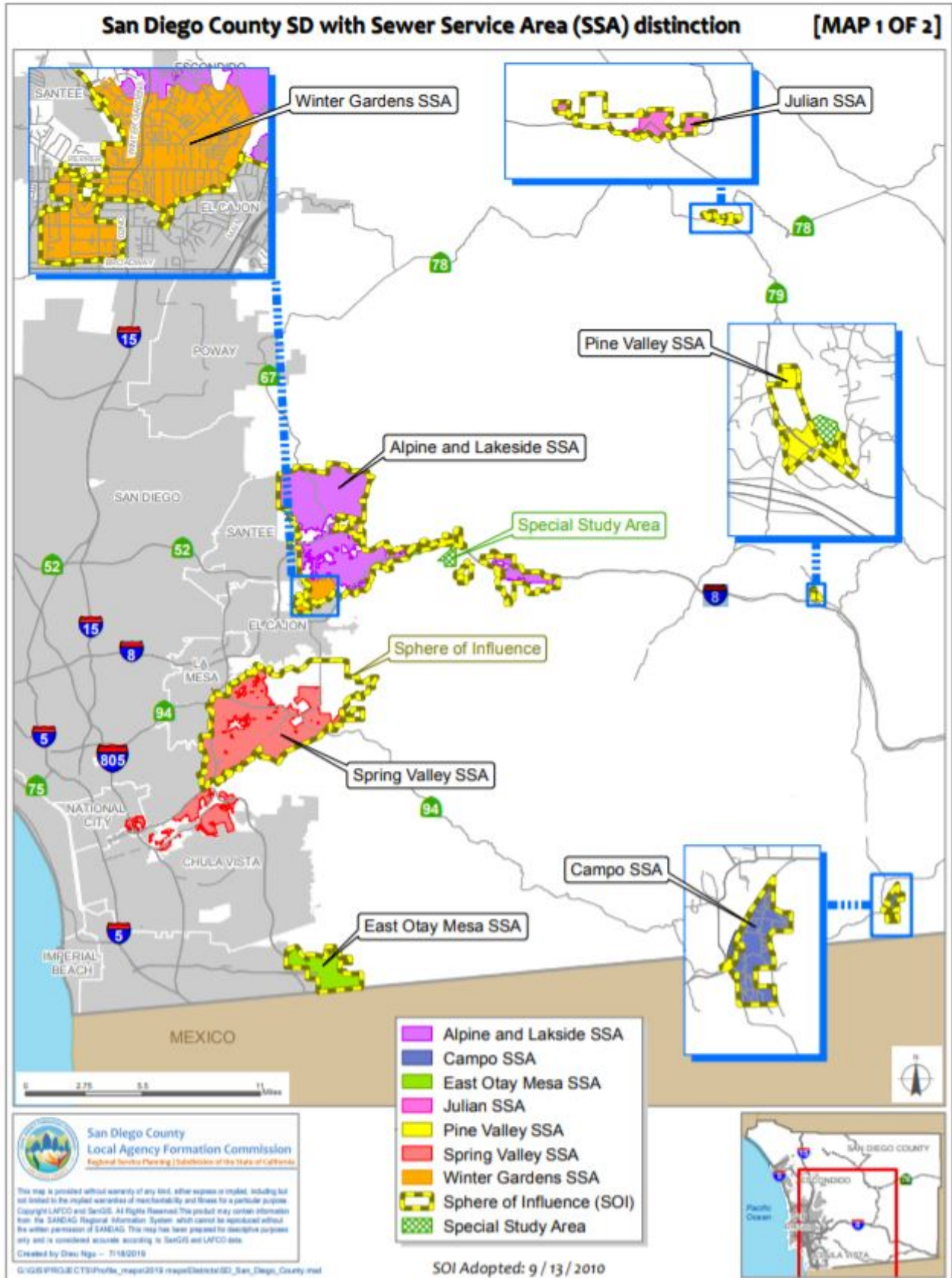
EXHIBIT A

STATEMENT OF DETERMINATIONS GOVERNMENT CODE SECTION 56425

1. With respect to present and planned land uses in the area as required under Section 56425(e)(1), the Commission independently determines the following.
 - a) The affected territory within the proposed update to the San Diego County Sanitation District sphere of influence is entirely unincorporated and under the land use authority of the County of San Diego. The subject lands are largely developed with moderate to low density residential uses and supplemented by a relatively small amount of commercial and industrial uses.
2. With respect to present and probable need for public facilities and services in the area as required under Section 56425(e)(2), the Commission independently determines the following.
 - a) The affected territory within the proposed update to the San Diego County Sanitation District sphere of influence reflects the appropriate current and near-term jurisdictional boundaries as well as service areas of the District as determined by the Commission.
3. With respect to present capacity of public facilities and adequacy of public services the agencies' provide or are authorized to provide as required under Section 56425(e)(3), the Commission independently determines the following.
 - a) A comprehensive evaluation of the San Diego County Sanitation District's public wastewater services and adequacy therein has been separately prepared by the Commission as part of a municipal service review. The Commission relies on the municipal service review in proceeding with the proposed update to the sphere of influence.
4. With respect to the existence of any relevant social or economic community of interest in the area as required under Section 56425(e)(4), the Commission independently determines the following.
 - a) The affected territory within the proposed update to the San Diego County Sanitation District has established social and economic interdependencies with the District through existing or – in limited instances – expected provision of wastewater services. These existing interdependencies have been memorialized by the Commission in past actions to include the subject lands in the sphere of influence.
5. With respect to the present and probable need for public water, sewer, and fire protection services of any disadvantaged unincorporated communities within or adjacent to the sphere as required under Section 56425(e)(5), the Commission independently determines the following.
 - a) A detailing of relevant information concerning lands within or adjacent to the proposed sphere of influence for the San Diego County Sanitation District that qualify as disadvantaged unincorporated communities was provided in the associated municipal service review filed by the Commission on August 5, 2019 and incorporated herein.

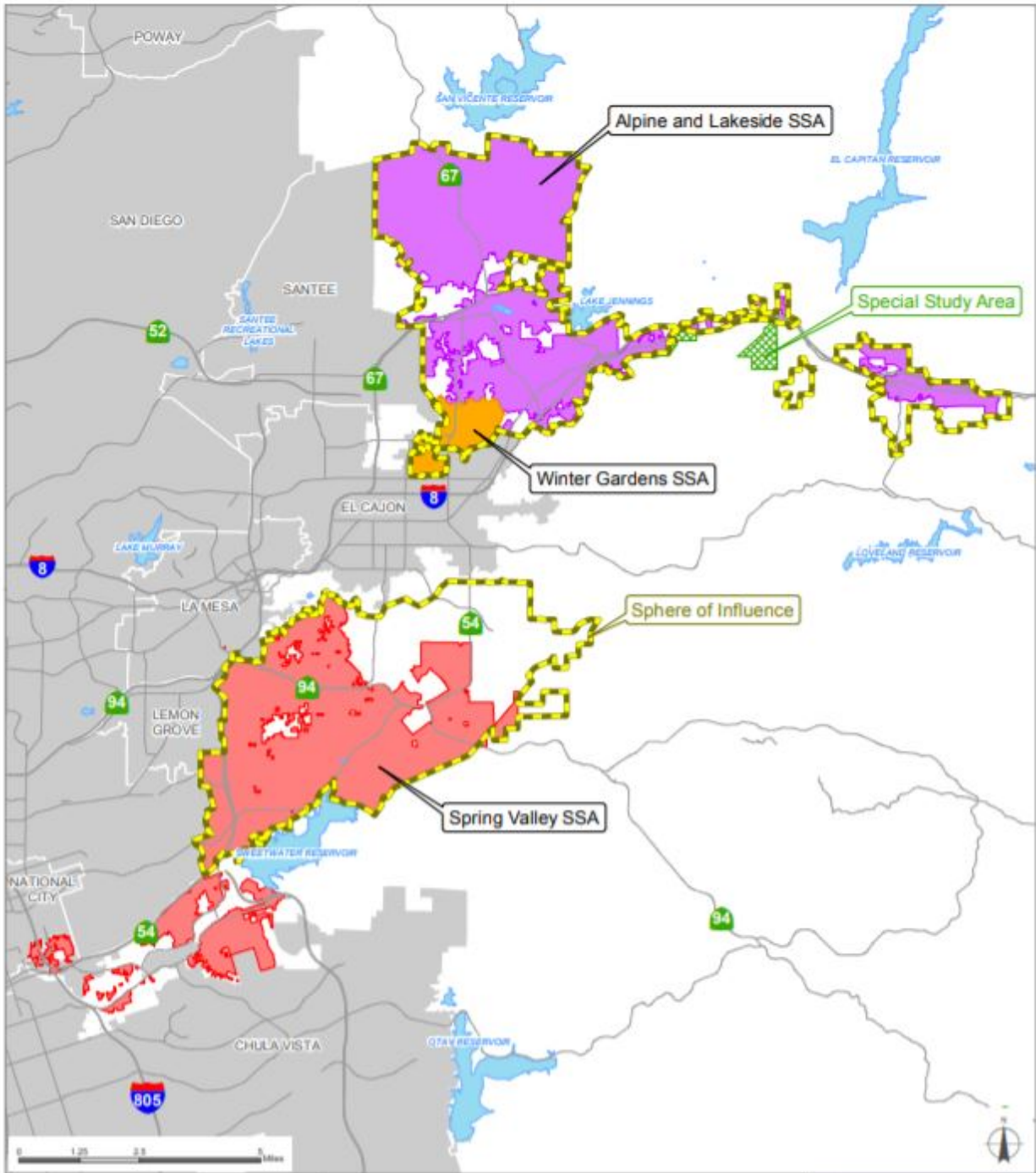
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EXHIBIT B



San Diego County SD with Sewer Service Area (SSA) distinction

[MAP 2 OF 2]



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

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 Created by Chao Ng - 7/18/2018

- Alpine and Lakeside SSA
- Spring Valley SSA
- Winter Gardens SSA
- Sphere of Influence (SOI)
- Special Study Area



SOI Adopted: 9 / 13 / 2010