



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

5C

AGENDA REPORT
 Consent | Action

January 6, 2019

TO: Commissioners

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

SUBJECT: **Proposed “Valley Vista Road–Gutierrez Change of Organization” | Annexation to the San Diego County Sanitation District (CO19-25)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by an interested landowner to annex approximately 0.6 acres of unincorporated territory to the San Diego County Sanitation District (SD). The affected territory as submitted includes one parcel with an existing single-family residence in Bonita. The proposal purpose is to extend public wastewater service to the single-family residence and accommodate a planned improvement to build an accessory dwelling unit. Staff recommends approval of the proposal with a modification to include 0.1 acres of adjacent public right-of-way along Valley Vista Road. Standard approval terms are also recommended along with waiving protest proceedings.

BACKGROUND

Applicant Request

San Diego LAFCO has received an application from a landowner – Jose Gutierrez – requesting approval to annex approximately 0.6 acres of unincorporated territory in Bonita to the San Diego County SD. The affected territory as submitted includes one entire parcel already developed with an approximate 2,000 square foot single-family residence at 3623 Valley Vista

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Road in Bonita and within the City of Chula Vista sphere of influence. The existing single-family residence was built in 1955 and is currently dependent on an onsite septic system to collect wastewater. The County of San Diego Assessor identifies the subject parcel as 591-183-07.

Affected Territory

The following map shows the approximate location of the affected territory in context to the Bonita-Chula Vista region. Attachment One shows the affected territory relative to the proposed boundary change involving the lone subject agency (San Diego County SD) and the principal affected agency (City of Chula Vista).



Source: San Diego LAFCO

Subject Agency

The proposed change of organization filed with San Diego LAFCO involves one subject agency: San Diego County SD.¹ A summary of the subject agency in terms of resident population, municipal service functions, and financial standing follows.

- San Diego County SD is a dependent special district governed by the County of San Diego and spans 29,571 acres or 46 square miles. The lone activate municipal service function is wastewater. The jurisdictional boundary is divided between seven distinct service areas with a combined LAFCO estimated resident service population of 149,798. The affected territory lies in the Spring Valley service area. This is the largest service area with an estimated resident service population of 92,717 and an accompanying average annual growth rate of 0.63% since 2010. San Diego County SD utilizes approximately 266 miles of collection lines in the Spring Valley service area to convey flows into the City of San Diego’s adjacent collection system and thereafter to the Point Loma Treatment Facility; the latter operated by the Metro Wastewater Joint

¹ State law defines “subject agency” to mean any district or city for which a change of organization or reorganization is proposed.

Powers Authority with the District as one of the signatories. LAFCO established a sphere of influence for San Diego County SD at the time of its formation in 2011 with a smaller-than-agency designation to exclude 9,141 jurisdictional acres and equals 30.9% of the District boundary. This includes excluding jurisdictional lands in the Spring Valley service area that concurrently lie in the sphere of influence for the City of Chula Vista. San Diego County SD's audited net position is \$118.7 million as of June 30, 2018 and has decreased by (1.3%) over the prior three fiscal years.

Affected Local Agencies

The affected territory lies within the jurisdictional boundaries and/or spheres of influence of nine local agencies directly subject to San Diego LAFCO. These agencies qualify as “affected agencies” relative to the proposed change of organization and listed below.²

- City of Chula Vista (sphere of influence only)
- Bonita-Sunnyside Fire Protection District
- County Service Area No. 135 - Regional Communications
- Greater San Diego Resource Conservation District (sphere of influence only)
- Metropolitan Water District of Southern California
- South Bay Irrigation District
- San Diego County Flood Control District
- San Diego County Street Lighting District
- San Diego County Water Authority

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications – the change of organization proposal to annex the affected territory to the San Diego County SD. The Commission may also consider applying conditions so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion with respect to proposal purpose and Commission focus follows.

Proposal Purpose

The primary purpose of the proposed change of organization before San Diego LAFCO is to facilitate the construction of an accessory dwelling unit for the existing single-family residence comprising the subject parcel by making available public wastewater service. San Diego County SD's wastewater main is located immediately adjacent to the affected territory within the public right-of-way on Valley Vista Road and accessible by a private lateral connection.

² State law defines “affected local agency” as any entity that contains, or would contain, or whose sphere contains or would contain, any territory for which a change of organization is proposed or ordered. Notice of the proposal and hearing were provided to the agencies.

Development Potential

The County of San Diego General Plan identifies the affected territory as part of the Sweetwater Community Planning Area. The County designates the affected territory as Village Residential (VR-2) with a zoning standard of Rural Residential (RR). This latter standard prescribes a minimum lot size of 0.5 acres. No further development other than an accessory unit would be feasible due to the size of the subject parcel.

Commission Focus

Three central and sequential policy items underlie the San Diego LAFCO’s consideration of the change of organization. These policy items ultimately take the form of determinations and orient the Commission to consider the stand-alone merits of a (a) sphere of influence amendment, (b) timing of the change of organization itself, and (c) whether discretionary boundary modifications or approval terms are appropriate. The Commission must consider other relevant statutes in and outside of LAFCO law as detailed.

ANALYSIS

San Diego LAFCO’s analysis of the proposed change of organization is divided into two subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section and specifically analyzing the merits of a sphere amendment and the annexation as well as whether modifications and terms are appropriate in further addressing Commission goals and policies. The second subsection considers other germane issues and highlighted by applicability under the California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 |

Sphere of Influence Amendment

State law specifies all jurisdictional changes approved by San Diego LAFCO shall be consistent with the spheres of influence of the subject agencies.³ This statutory threshold – in most instances – would necessitate the Commission consider an amendment to add the affected territory to San Diego County SD’s sphere of influence to accommodate the proposed annexation. The statutory threshold is further prefaced on the Legislature defining spheres of influence to demark the appropriate current and future boundary and service area of the subject agency as determined by the Commission. However, and pertinently, the Commission has established a standing and unique practice specific to San Diego County SD to purposefully exclude jurisdictional lands in Bonita from its sphere of influence that are already in the City of Chula Vista’s sphere of influence. The underlying premise to this practice is to assign deference to the City of Chula Vista as the ultimate future service provider for Bonita when infrastructure and other timing issues materialize.

³ Reference to Government Code Section 56375.5.

Conclusion | Sphere of Influence Amendment

A sphere of influence amendment is not warranted to accommodate the change of organization based on past practices of San Diego LAFCO to avoid overlap with the City of Chula Vista's sphere of influence and the Commission's preference therein to prioritize the City as the ultimate service provider in the subject area.

Item No. 2 | Change of Organization Timing

The timing of the change of organization appears appropriate. This conclusion draws from the analysis of the factors required for consideration under statute anytime jurisdictional changes are proposed along with locally adopted Commission policies. Most of the prescribed factors and applicable policies focus on the impacts of the proposed annexation on the service and financial capacities of the *receiving* agency, San Diego County SD (emphasis added). A summary of key conclusions generated in the review of these factors and applicable local policies follow with a complete analysis in Appendix A.

- Service Needs

Annexation of the affected territory to San Diego County SD would represent a logical and orderly expansion of the District's jurisdictional boundary and wastewater services therein and would not create new service islands or corridors. Additional details on serve needs follow.

- It has been the standing practice of the Commission to phase jurisdictional changes in the Bonita area to allow for annexations to the San Diego County SD to accommodate existing wastewater needs ahead of subsequent annexations to the City of Chula Vista to accommodate and consolidate multiple service needs. Annexation of the affected territory would be consistent with this practice.
- Annexation of the affected territory to San Diego County SD for purpose of accommodating an intensity improvement (accessory dwelling unit) is consistent with the adopted residential land use policies of the County of San Diego. Annexation is also – pertinently – consistent with the land use policies contemplated for the affected territory by the City of Chula Vista; the anticipated future land use authority for the affected territory as determined by the Commission and marked by the subject lands inclusion in the City's sphere.
- The landowner's intention to improve and expand the residential use of the affected territory helps to quantify the timing of the change of organization and annexation to San Diego County SD is appropriate by synching the boundary change with a specific development action.

- Service Capacities and Levels

San Diego County SD has available and sufficient capacities to accommodate projected wastewater demands within the affected territory at its potential maximum uses without expansion of any public infrastructure. Additional details on relevant service capacities and levels follow.

- The affected territory seeks to establish a wastewater connection to San Diego County SD. The connection will be facilitated through a lateral to the wastewater main located immediately adjacent to the affected territory within the public right-of-way on Valley Vista Road. No public infrastructure expansion is needed to serve the affected territory.
- San Diego County SD projects the average day wastewater demand generated within the affected territory based on its current development is 240 gallons. This projected amount can be readily accommodated by San Diego County SD and represents 0.006% of its available contract capacity remaining at the assigned treatment facility based on current system demands. Ultimate buildout to include an accessory unit increases the average day wastewater flow to 480 gallons per day or 0.012% of the remaining available capacity.

- Service Funding and Costs

San Diego County SD has the financial resources coupled with administrative controls to provide wastewater to the affected territory in support of its current and planned development without adversely impacting ratepayers. This comment is reflected in the staff analysis of San Diego County SD's recent audited statements which shows – among other items – the District remained profitable in each of the last three audited fiscal years with an average total margin of 5.5%.⁴

Conclusion | Merits of Change of Organization Timing

The timing of the change of organization and annexation of the affected territory to San Diego County SD is warranted. Justification is marked by the preceding analysis and appropriately responds to the need for wastewater service in a developing urban area and reflects available capacities and infrastructure. Additional analysis supporting the conclusion is provided in Appendix A.

⁴ Audited statements cover FY2016, 2017, and 2018.

Item No. 3 | Modifications and Terms

Staff believes one modification to the submitted change of organization proposal is appropriate and it involves San Diego LAFCO adding the adjacent public right-of-way to the centerline of Valley Vista Road. This recommendation expands the annexation by 0.1 acres and captures the wastewater main associated with serving the affected territory. The recommended modification does not have a material effect on the applicant. Applying standard approval terms also appears appropriate. A map of the affected territory with the recommended modification is provided as Attachment One.

Staff relatedly recognizes the affected territory lies in the City of Chula Vista’s sphere of influence and reflects the Commission’s policy expectation the lands ultimately annex to the City. The lack of direct connectivity with Chula Vista coupled with no documented requests or comments otherwise substantively suggests annexation to the City would be premature based on these local conditions.⁵

Conclusion | Modifications and Terms

One modification appears warranted to expand the affected territory to include 0.1 acres of adjacent public right-of-way on Valley Vista Road in providing a more orderly San Diego SD boundary. Standard terms are recommended.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before San Diego LAFCO can consider any jurisdictional change unless an applicable master agreement applies. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts. Staff has confirmed the County Board of Supervisors has adopted a master tax exchange agreement applicable to the proposed change of organization. The application of this master tax exchange agreement will result in no transfer of property taxes to San Diego County SD.

⁵ As part of a broad and regional discussion it would be appropriate for LAFCO, County, and Chula Vista to discuss opportunities to time the annexation of lands within the existing Chula Vista sphere to the City following land use entitlement as part of future municipal service reviews.

Environmental Review

CEQA requires San Diego LAFCO to serve as lead agency and assess whether impacts would result from the proposed change of organization initiated by a landowner. Staff has determined the proposal qualifies as project under CEQA but exempt from further review under State CEQA Guidelines Section 15319(a). This exemption applies given the affected territory contains an existing private structure developed to the density allowed by current zoning and there is no corresponding need for an expansion of public infrastructure.

Protest Proceedings

Protest proceeding for the change of organization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662. The waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law, the subject agency has not filed an objection, and the landowner has consented to the underlying actions as the initiating petitioner.⁶ Applying the recommended modification to include the adjacent public right-of-way on Valley Vista Road to the affected territory also does not trigger protest.

RECOMMENDATION

Staff recommends approval of the change of organization proposal with modifications as specified along with standard terms. This recommendation is consistent with Alternative One in the proceeding section and generates the following boundary change in San Diego County:

- Annexation of all 0.7 acres of the affected territory as modified to San Diego County SD.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished with a single-motion:

Alternative One (recommended):

Adopt the attached draft resolution approving the change of organization proposal with a modification to include the adjacent public right-of-way on Valley Vista Road along with standard terms.

Alternative Two:

Continue consideration to the next regular meeting.

Alternative Three:

Disapprove the change of organization proposal with direction to staff to return at the next regular meeting with a conforming resolution for adoption.

⁶ LAFCO law defines uninhabited as territory in which 11 or less registered voters reside.

PROCEDURES FOR CONSIDERATION

This item has been placed on San Diego LAFCO’s agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified.

On behalf of the Executive Officer,

A handwritten signature in black ink, appearing to read 'Linda Zambito', written in a cursive style.

Linda Zambito
Analyst I

Appendices:

- A) Analysis of Boundary Change Factors

Attachments:

- 1) Map of the Affected Territory with Recommended Modification
- 2) Draft Resolution of Approval
- 3) Landowner Petition

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APPENDIX A

Government Code Section 56668 Proposal Review Factors

- 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 areas, during the next 10 years.**
-

The affected territory as proposed by the applicant is approximately 0.6 acres in size and includes an unincorporated parcel developed within a single-family residence at 3626 Valley Vista Road in Bonita (591-183-07). Staff independently recommends expanding the affected territory to include 0.1 acres of the adjacent public right-of-way on Valley Vista Road. The application materials identify the subject parcel is currently occupied with four residents. The County of San Diego General Plan identifies the affected territory as part of the Sweetwater Community Planning Area and designated and zoned for residential uses. No significant growth is anticipated in the surrounding area within the next 10-year period. Total assessed value (land and structures) in the affected territory is \$353,234 as of November 2019.

- b) **The need for municipal services; the present cost and adequacy of municipal 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.**
-

The County of San Diego acts as the primary purveyor of general governmental services to the affected territory. This includes community planning, roads, and public safety with the latter including law enforcement via the County Sheriff. Other pertinent service providers include Bonita-Sunnyside Fire Protection District (fire protection and emergency medical) and South Bay Irrigation District (domestic water). This proposal affects wastewater service only and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**

The affected territory and its existing single-family residence is currently dependent on an onsite septic system with no major repairs performed in the last several decades. San Diego County SD projects the average day wastewater demand that would generate within the affected territory based on its current development is 240 gallons per day. This projected amount can be readily accommodated by San Diego County SD and represents 0.006% of its available contract capacity remaining at the Point Loma Facility based on current system demands. Ultimate buildout would include the addition of an accessory dwelling unit and increases the projected average day wastewater flow to 480 gallons per day or 0.012% of the remaining available capacity.

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

Approving the change of organization proposal and annexation to San Diego County SD would explicitly establish economic and social ties between the District and the affected territory. These ties implicitly exist already given the affected territory’s ability to develop to the maximum intensity allowed by the County of San Diego is substantively dependent on establishing wastewater service with San Diego County SD.

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

Approving the proposed change of organization and annexation to San Diego County SD would facilitate the establishment of public wastewater service to facilitate the improvement and expansion of an existing single-family residential use consistent with County of San Diego’s land use policies. Approval would be consistent with the Commission’s adopted policies to sync urban type uses with urban type services. The affected territory does not qualify as “open-space” as defined under LAFCO law and no conflicts exists under G.C. Section 56377. Additional analysis concerning applicability of germane Commission policies follow.

- Policy L-107 requires applicants to disclose and address potential jurisdictional issues associated with their proposals and if applicable require a consultation process with the affected agencies, interested parties, or organizations to help remedy concerns unless waived by the San Diego LAFCO Executive Officer. No jurisdictional disputes or related concerns were disclosed by the applicant or identified by subject and affected agencies in the review of the proposal.

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

The affected territory does not qualify as “prime agricultural land” under LAFCO law. Specifically, the lands are not currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the change of organization proposal and annexation to San Diego County SD would have no effect on maintaining the physical and economic integrity of agricultural lands.

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

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds consistent with the standard of the State Board of Equalization. Approval would be conditioned on a final map and description conforming to the referenced standards and address any modifications required by the Commission. Approval for reorganization of the affected territory would not create service islands or corridors of unincorporated territory.

g) A regional transportation plan adopted pursuant to Section 65080.

The proposed change of organization would facilitate the improvement and expansion of an existing single-family residential use in an established and urbanizing metropolitan area and within close proximity to two major transportation corridors in State Route 54 and Interstate 5. The proposal, accordingly, does not conflict with San Diego Forward, the regional transportation plan prepared by San Diego Association of Governments (SANDAG).

h) Consistency with the city or county general and specific plans.

The County of San Diego General Plan identifies the affected territory as part of the Sweetwater Community Planning Area. The present County General Plan land use designation for the affected territory is Village Residential (VR-2) which allows up to 2.0 dwelling units per acre. The County zoning is Rural Residential (RR) which allows for single-family residential development with a 0.5 acre minimum lot size. These County land use policies prohibit further density (i.e., lot splitting) within the affected territory. It is separately noted the affected territory also lies within the sphere of influence of the City of Chula Vista and signals the Commission’s intention the lands should ultimately transition into the City when the timing is appropriate. The City of Chula Vista similarly designates and prezones the affected territory for residential uses with a maximum of 3.0 dwelling units per acre.

i) The sphere of influence of any local agency affected by the proposal.

The affected territory lies outside the sphere of influence for the San Diego County SD. However, and pertinently, the Commission has established standing and unique practices specific to San Diego County SD to purposefully exclude jurisdictional lands in Bonita from its sphere of influence that are already in the City of Chula Vista’s sphere of influence. The underlying premise to this practice is to assign deference to the City of Chula Vista as the ultimate future service provider for Bonita when infrastructure and other timing issues materialize. The change of organization, accordingly, can proceed without a conforming sphere of influence amendment based on these established Commission practices.

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

Staff provided notice of the change of organization proposal to all subject and affected agencies as required under LAFCO law. No written comments were received ahead of preparing this agenda report for distribution on December 20, 2019.

k) 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.

San Diego County SD has the financial resources coupled with administrative controls to provide wastewater service to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of San Diego County SD's recent audited statements and shows the District remained profitable in each of the last three audited fiscal years with an average total margin of 5.5%.⁷ San Diego County WD's audited net position is \$118.7 million as of June 30, 2018 with the unrestricted portion tallying \$40.7 million. This latter amount represents the equivalent of 16 plus months of normal operating expenses. Should the Commission approve the change of organization the landowner will pay all required fees and service charges commensurate with San Diego County SD's adopted fee ordinance in establishing wastewater service.⁸

l) Timely availability of adequate water supplies for projected needs as specified in G.C. Section 65352.5.

The affected territory is presently located within and receives domestic water service from the South Bay ID (Sweetwater Authority). No change to this service arrangement is associated with the subject proposal. The San Diego County Water Authority serves as the wholesale water provider for the affected territory. The Water Authority's most recently adopted urban water management plan attests it has sufficient water supplies to meet its member agencies needs through the planning horizon of 2035 under normal and single-dry year conditions. Conservation measures, however, would likely be needed during severe and multiple dry-year conditions. To this end, South Bay ID has established a contingency plan to reduce water demands in the event of supply shortages consistent with recommendations from the Water Authority.

(continued)

⁷ Audited statements cover FY2016, 2017, and 2018.

⁸ A master tax agreement also applies and will result in no annual transfer to San Diego County SD.

m) 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.

The proposed change of organization would extend wastewater service to one existing single-family residence and facilitate its expansion to include an accessory dwelling unit. The proposal will not affect any local agencies in achieving their respective fair shares of the regional housing needs. All regional housing needs tied to the lands are assigned to the County of San Diego by the region's council of governments, SANDAG.

n) Any information or comments from the landowners, voters, or residents.

The affected territory is developed with one single-family residence and presently includes one registered voter. The affected territory is considered uninhabited as defined by LAFCO law (containing 11 registered voters or less). The landowner supports the proposed change of organization and has provided their written consent to the proceedings.

o) Any information relating to existing land use designations.

See above analysis for (h).

p) The extent to which the proposal will promote environmental justice.

As used in this review factor, "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. The proposed change of organization does not include locating new public facilities. Approval of the proposed change of organization is not anticipated to influence and/or hinder the promotion of environmental justice in the affected territory.

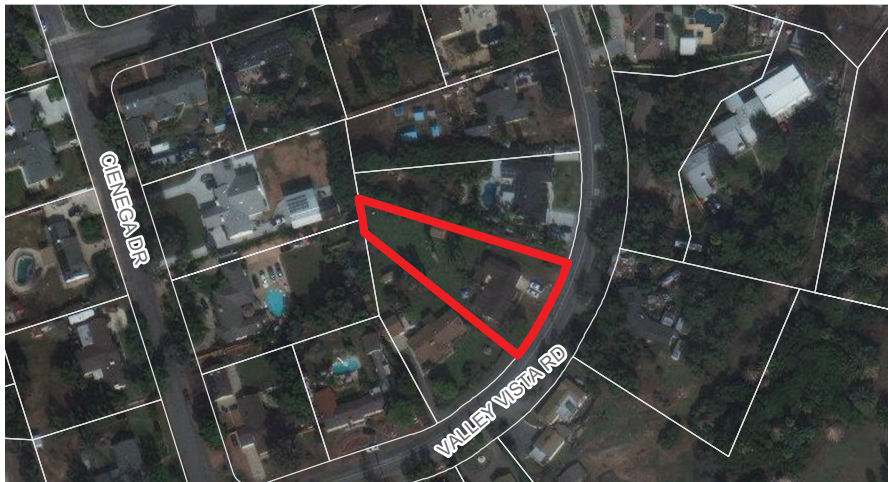
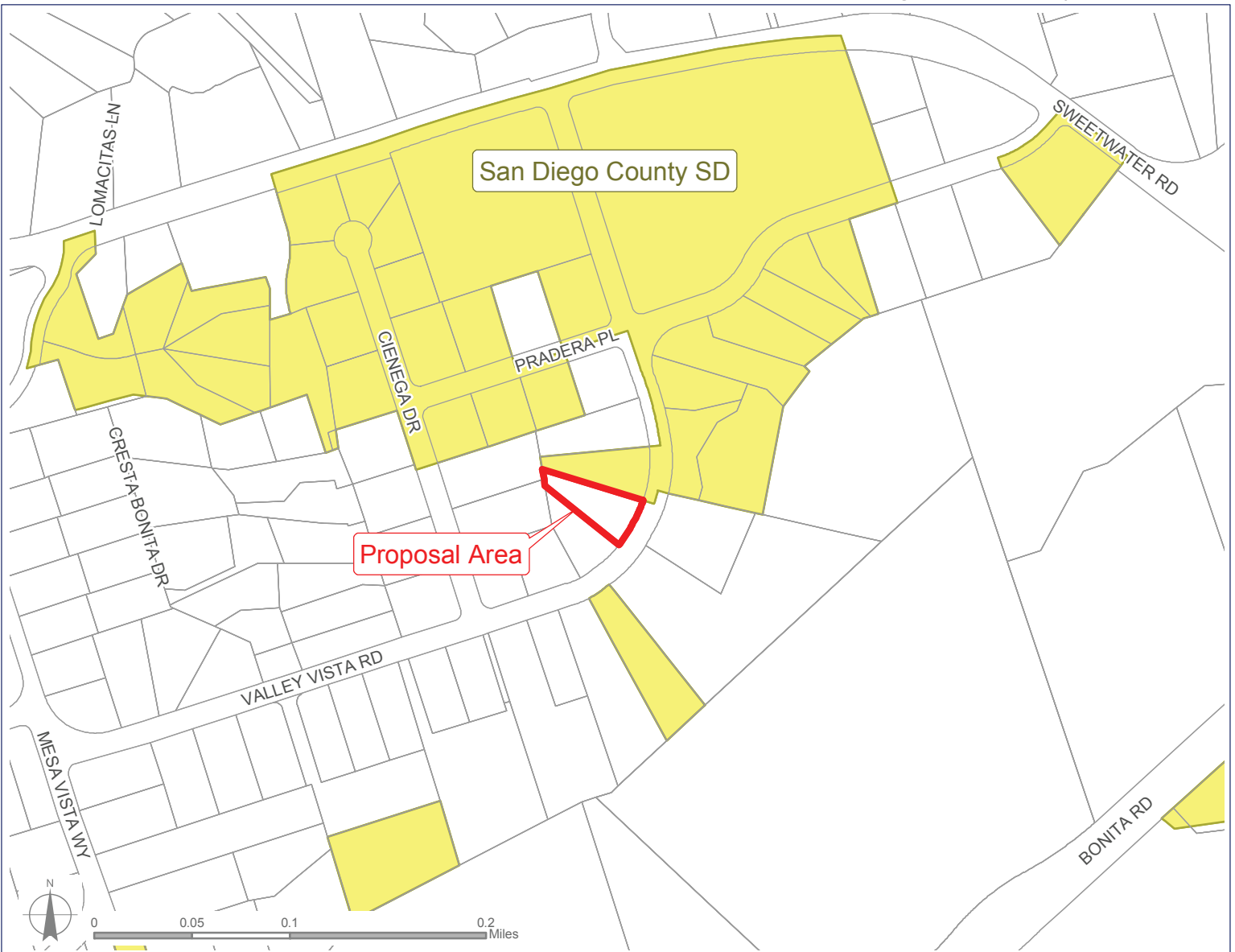
q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information is relevant to the affected territory.

The affected territory is not located within a designated state responsibility area or in a local fire hazard zone.

Section 56668.3(a)(1) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annex to the district.



Approval of the change of organization proposal would be in the best interest of the current and future landowners and/or residents of the affected territory by providing access to reliable public wastewater service going forward.

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DA19-25

**PROPOSED "VALLEY VISTA ROAD - GUTIERREZ
CHANGE OF ORGANIZATION" |
ANNEXATION TO SAN DIEGO COUNTY SD**

-  Proposal Area
-  San Diego County SD



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

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RESOLUTION NO. _____

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

**“VALLEY VISTA ROAD – GUTIERREZ CHANGE OF ORGANIZATION”
ANNEXATION TO THE SAN DIEGO COUNTY SANITATION DISTRICT
LAFCO FILE NO. CO19-25**

WHEREAS, on October 3, 2019, landowner Jose Gutierrez filed a petition to initiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks approval of a change of organization involving approximately 0.6 acres of unincorporated territory and the annexation to the San Diego County Sanitation District;

WHEREAS, the affected territory as proposed includes one unincorporated parcel developed with a single-family residence and identified by the County of San Diego Assessor’s Office as 591-183-07; and

WHEREAS, an applicable master property tax transfer agreement applies to the proposed change of organization dated December 14, 1982; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposed change of organization and prepared a report with recommendations; and

WHEREAS, the Executive Officer’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on January 6, 2020; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

1. The public meeting was held on the date set therefore, and due notice of said meeting was given in the manner required by law.
2. At the public meeting, the Commission considered the Executive Officer’s report.

3. The Commission serves as lead agency under the California Environmental Quality Act (CEQA) in considering the change of organization proposal. The Commission finds the change of organization a project but exempt from further review under State CEQA Guidelines Section 15319(a). This exemption applies given the affected territory contains an existing private structure developed to the density allowed by current zoning and there is no corresponding need for a s expansion of public infrastructure.
4. The Commission APPROVES the change of organization with a discretionary modification as described below and subject to conditions as provided. Approval involves all of the follow:
 - a) The affected territory is modified to include the adjacent unincorporated public right-of-way to the centerline on Valley Vista Road.
 - b) Annexation of the affected territory as modified to the San Diego County Sanitation District is shown in “Exhibit A-1” and described in “Exhibit A-2.”
5. The Commission CONDITIONS all approvals on the following terms being satisfied by January 6, 2020 unless an extension is requested in writing and approved by the Executive Officer:
 - a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
 - b) Submittal to the Commission of final map and geographic description of the affected territory relative to the approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.
 - c) Submittal to the Commission of the following payments:
 - A check made payable to LAFCO in the amount of \$50.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemption consistent with the findings in the resolution.
 - A check made payable to the State Board of Equalization for processing fees in the amount of \$300.00.
6. The Commission assigns the proposal the following short-term designation:

“Valley Vista Road – Gutierrez Change of Organization”
7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.
8. The Commission waives conducting authority proceedings under Government Code Section 56662.

9. The San Diego County Sanitation District is a registered-voter district.
10. The San Diego County Sanitation District utilizes the County of San Diego assessment roll.
11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the San Diego County Sanitation District as provided under Government Section 57328.
12. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.
13. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.
14. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Sections 56880-56882 of the Government Code.
15. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code.

**

PASSED AND ADOPTED by the Commission on January 6, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

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EXHIBIT A-1

Placeholder for Recordation
Map of Affected Territory
and Annexation to San Diego County Sanitation District

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EXHIBIT A-2

Placeholder for Recordation
Description of Affected Territory
and Annexation to San Diego County Sanitation District

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Part III: PETITION FOR CHANGE OF ORGANIZATION OR REORGANIZATION

This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code, Section 56000 et seq. of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

- (a) The specific change(s) of organization proposed is/are: Annex single family residence to San Diego County Sanitation District
- (b) The boundary of the territory included in the proposal is as described in the attached legal description and map and is by this reference incorporated herein.
- (c) The proposed action(s) will be subject to the following terms and conditions: Waste water and accessory dwelling unit
- (d) The reason(s) for the proposal is/are: _____

- (e) Signers of this petition have signed as (select one): landowner; registered voter.
- (f) The name(s) and mailing address(s) of the chief petitioner(s) (not to exceed three) is/are:

1. JOE A. Gutierrez
 Name of chief proponent (print) mailing address

2. _____
 Name of chief proponent (print) mailing address

3. _____
 Name of chief proponent (print) mailing address

- (g) It is requested that proceedings for this proposal be taken in accordance with Section 56000 et seq. of the Government Code.
- (h) This proposed change of organization (select one) is is not consistent with the sphere-of-influence of any affected city or district.
- (i) The territory included in the proposal is (select one) uninhabited (11 or less registered voters). inhabited (12 or more registered voters).
- (j) If the formation of a new district(s) is included in the proposal:
 - 1. The principal act under which said district(s) is/are proposed to be formed is/are: _____
 - 2. The proposed name(s) of the new district(s) is/are: _____
- 3. The boundary(ies) of the proposed new district(s) is/are described in the attached legal description and map and are by this reference incorporated herein.
- (k) If an incorporation is included in the proposal:
 - 1. The name of the proposed city is: _____
 - 2. Provisions are requested for appointment of: city manager city clerk city treasurer
- (l) If the proposal includes a consolidation of special districts, the proposed name of the consolidated district is: _____

Part IVb: LANDOWNER PETITION

Petitions must meet minimum signature requirements (see Part V). Signatures must be secured within six months of the date on which the first signature was affixed. Petitions must be submitted to the LAFCO Executive Officer within 60 days after the last signature is affixed (Govt. Code § 56705).

Each of the undersigned states:

- I personally signed this petition.
- I am a landowner of the affected territory.
- I personally affixed hereto the date of my signing this petition and the Assessor's Parcel Number(s), or a description sufficient to identify the location of my land.

Name of Signer	Assessor's Parcel Number(s)	Date Signed	Official Use
Sign <u>Jose A. Gutierrez</u> Print <u>Jose A. Gutierrez</u>	591-183-09	Dec-27-19	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			