



# San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

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## SPECIAL MEETING AGENDA SPECIAL DISTRICTS ADVISORY COMMITTEE

**Friday, June 19, 2020 9:30 A.M.**  
VIDEOCONFERENCE ATTENDANCE ONLY

Chair Kimberly Thorner  
Vice Chair Julie Nygaard

Consistent with the Governor's Executive Order N-29-20, the June 19, 2020 meeting will occur remotely through videoconferencing. The public may watch the meeting live using the link on our website home page ([www.sdlafco.org](http://www.sdlafco.org)).

The public may submit comments remotely and/or register to speak by:

1. Submitting an eComment at [www.sdlafco.org](http://www.sdlafco.org) prior to 2:00 P.M. on Thursday, June 18, 2020
  - These comments will be distributed and posted online ahead of the meeting
  - This includes the option to request a call-in to directly comment during the meeting
2. Emailing [erica.blom@sdcounty.ca.gov](mailto:erica.blom@sdcounty.ca.gov) during the meeting on Friday, June 19 2020
  - These comments will be read by staff into the record and subject to a three-minute limit

**1. 9:30 AM – CALL TO ORDER BY CHAIR**

**2. ROLL CALL BY SECRETARY**

**3. PUBLIC COMMENT**

**4. EXECUTIVE OFFICER REPORT**

**5. CONSENT ITEMS**

All items calendared as consent are considered ministerial or non-substantive and subject to a single motion approval. Any member of the Committee can request discussion.

**a) Approval of Meeting Minutes | March 20, 2020 (action)**

The Committee will consider draft summary minutes prepared for the last meeting held on March 20, 2020. Staff recommends the Committee approve the summary minutes with any changes or clarifications as needed.

**CONSENT ITEMS CONTINUED...**

**b) Progress Report on 2019-2020 Workplan (information)**

The Committee will receive a progress report on accomplishing specific projects included in the adopted workplan for 2019-2020. Information only.

**c) Update on Current and Pending Proposals (information)**

The Committee will receive a report identifying current proposals on file with the Commission and pending submittals anticipated in the near-term. Information only.

**6. BUSINESS ITEMS**

**a) Adopted FY2020-2021 Workplan (discussion)**

The Committee will review the Commission's adopted workplan for FY2020-2021. The accompanying presentation will highlight high priority projects that have been formally scheduled for the upcoming fiscal year with an opportunity for the Committee to provide related feedback ahead of staff initiating specific activities. Discussion only.

**b) Policy Update Preview | Rule No. 4 & Establishing District Functions and Classes (discussion)**

The Committee will receive a preview on a scheduled policy update involving the Commission's existing policy codified as Rule No. 4 and its provisions to establish service functions and classes for special districts. Feedback will be incorporated into the preparation of a complete draft update for future presentation. Discussion only.

**c) Subcommittee Report | Agricultural and Open Space Lands Preservation Policy (discussion)**

The Committee will receive an update from its appointed subcommittee (Thorner, Bebee, and Kennedy) on its ongoing review of LAFCO's existing Agricultural and Open Space Lands Preservation Policy. Discussion only.

**d) Updates on Active Municipal Service Reviews (discussion)**

The Committee will receive verbal updates from Commission staff on active municipal service reviews involving the Rainbow-Fallbrook region and resource conservation services. Discussion only. (No written report.)

**7. COMMITTEE MEMBER ANNOUNCEMENTS**

**8. ADJOURNMENT**

Attest to Posting:

Erica Blom  
Assistant Clerk to the Committee

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Any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCO office at least three (3) working days prior to the meeting for any requested arraignments or accommodations.

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**San Diego County**  
**Local Agency Formation Commission**  
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**5a**

**AGENDA REPORT**  
 Consent | Action

June 19, 2020

**TO:** Special Districts Advisory Committee  
**FROM:** Erica Blom, Administrative Assistant  
**SUBJECT:** Approval of Meeting Minutes for March 20, 2020

**SUMMARY**

The Special Districts Advisory Committee (“Committee”) will receive action minutes prepared for the last meeting held on Friday, March 20, 2020. The minutes are in draft-form and being presented for formal approval with any desired corrections or clarifications as requested by the Committee.

**BACKGROUND**

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and established standards for the public to attend and participate in meetings of local government bodies. The “Brown Act” requires – and among other items – public agencies to maintain written minutes for qualifying meetings.

**DISCUSSION**

This item is for the Committee to consider approving action minutes prepared by staff for the March 20, 2020 meeting consistent with the Brown Act.

<p><b>Administration</b>          Keene Simonds, Executive Officer          County Operations Center          9335 Hazard Way, Suite 200          San Diego, California 92123          T 858.614.7755 F 858.614.7766          www.sdlafco.org</p>	<p><b>Jim Desmond</b>          County of San Diego  <b>Chair Dianne Jacob</b>          County of San Diego  <b>Greg Cox, Alternate</b>          County of San Diego</p>	<p><b>Mary Casillas Salas</b>          City of Chula Vista  <b>Bill Wells</b>          City of El Cajon  <b>Paul McNamara, Alternate</b>          City of Escondido</p>	<p><b>Mark Kersey</b>          City of San Diego  <b>Chris Cate, Alternate</b>          City of San Diego</p>	<p><b>Jo MacKenzie</b>          Vista Irrigation  <b>Barry Willis</b>          Alpine Fire Protection  <b>Erin Lump, Alternate</b>          Rincon del Diablo MWD</p>	<p><b>Vice Chair Andy Vanderlaan</b>          General Public  <b>Harry Mathis, Alternate</b>          General Public</p>
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## ANALYSIS

The attached action minutes for the March 20, 2020 meeting accurately reflect the Committee's deliberations as recorded by staff. An audio recording of the meeting has also been posted on the Commission's website.

## RECOMMENDATION

It is recommended the Committee approve the draft action minutes prepared for the March 20, 2020 meeting as presented. This recommendation is consistent with Alternative One in the proceeding section.

## ALTERNATIVES FOR ACTION

The following alternatives are available to the Committee through a single motion:

Alternative One (recommended):

Approve the draft action minutes prepared for the March 20, 2020 meeting with any desired corrections or clarifications.

Alternative Two:

Continue to the next regular meeting and provide direction to staff as needed.

## PROCEDURES

This item has been placed on the Committee'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 as provided unless otherwise specified by the Committee.

Respectfully,



Erica Blom  
Administrative Assistant

Attachment: as stated

## DRAFT MINUTES

### SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION SPECIAL DISTRICTS ADVISORY COMMITTEE MARCH 20, 2020 SPECIAL MEETING

#### 1. CALL TO ORDER BY CHAIR

Chair Kimberly Thorner called the meeting to order at 9:31 a.m.

#### 2. ROLL CALL BY SECRETARY

Chair Kimberly Thorner requested a roll call from the Secretary. \*Present by Phone.

##### Committee Members Present:

Chair Kimberly Thorner (Olivenhain MWD); Vice Chair Julie Nygaard (Tri-City HCD)\* (left at 10:29 a.m.); Jack Bebee (Fallbrook PUD)\*; Fred Cox (Rancho Santa Fe FPD)\*; James Gordon (Deer Springs FPD)\*; Tom Kennedy (Rainbow MWD)\*; Sheryl Landrum (RCD of Greater San Diego County)\*; Albert Lau (Santa Fe ID)\*; Hector Martinez (South Bay ID)\*; Mark Robak (Otay WD)\*; Joel Scalzitti (Helix WD)\*; and Mike Sims (Bonita-Sunnyside FPD)\*.

##### Committee Members Absent:

Gary Arant (Valley Center MWD); Bill Haynor (Whispering Palms CSD); Augie Scalzitti (Padre Dam MWD); and Robert Thomas (Pomerado CD).

The following members of LAFCO Staff were present: Executive Officer Keene Simonds; Chief Policy Analyst Robert Barry\*; and Administrative Assistant Erica Blom serving as Secretary.

#### 3. EXECUTIVE OFFICER REPORT

The Chair and the Executive Officer welcomed the Committee members and given current events, thanked everyone for participating over the phone.

#### 4. CONSENT ITEMS

##### **a) Approval of Meeting Minutes | December 20, 2019**

The Committee considered draft summary minutes prepared for the last meeting held on December 20, 2019. Recommendation to approve.

##### **b) Progress Report on 2019-2020 Workplan**

A report was provided to the Committee members regarding the progress on accomplishing specific projects included in LAFCO's adopted workplan for 2019-2020. Information only.

## CONSENT ITEMS CONTINUED...

### c) **Update on Current and Pending Proposals**

A report was provided to the Committee members regarding current and pending proposals on file with LAFCO. Information only.

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On motion of Joel Scalzitti and seconded by Julie Nygaard, the Committee unanimously approved the consent calendar consistent with the recommendations provided in the associated agenda reports. The motion passed 12-0.

## 5. BUSINESS ITEMS

### a) **Proposed 2020-2021 Workplan and Budget**

Item presented to the Committee for discussion and feedback involving the proposed workplan and budget for 2020-2021. Executive Officer Keene Simonds provided the staff presentation and summarized both documents and this includes noting the total expenses are tentatively projected to increase by 1.9%. The Executive Officer also noted all funding agencies have been provided notices on the proposed workplan and budget with the opportunity to submit comments ahead of the Commission considering adoption of final documents on May 4, 2020.

Committee discussion followed with several members noting they would consult with their home-agency on both the proposed workplan and budget and consider making formal comments ahead of the Commission's May 4<sup>th</sup> meeting.

### b) **Draft Municipal Service Review on County Service Area No. 135**

Item presented to the Committee for discussion and feedback involving a draft municipal service review prepared for County Service Area (CSA) No. 135 and its two active service functions: public safety communication and integrated fire protection and emergency medical. Executive Officer Keene Simonds provided the staff presentation and summarized key conclusions in the draft and this includes a recommendation to reorganize and split CSA No. 135 to transition its fire protection and emergency medical function to a new dependent fire protection district. The Executive Officer also noted a final report is expected to be presented to the Commission for formal approval at its May 4, 2020 meeting along with related actions.

Committee discussion followed.

### c) **Update on Agricultural and Open Space Lands Policy**

Item presented to the Committee for initial feedback and discussion regarding an update on Agricultural and Open Space Lands Policy. Executive Officer Keene Simonds and Chief Policy Analyst Robert Barry provided the staff presentation and collectively addressed the current policy and proposed revisions drafted to date to improve implementation given local conditions. This includes staff emphasizing interest to balance the protection of existing agricultural resources while also encouraging – and/or not discouraging – new agricultural businesses in San Diego County.

## **BUSINESS ITEMS CONTINUED...**

### **Continued 5c...**

Committee discussion followed with several members expressing interest to more fully participate drafting process given concerns regarding unintended consequences including staff's suggested expansion of the policy to cover all agricultural land types. Chair Thorner proceeded to establish an ad hoc subcommittee to work with staff as part of the update process and appointed herself and members Bebee and Kennedy.

### **6. PUBLIC COMMENTS**

Chair Thorner invited public comments. None received.

### **7. COMMITTEE MEMBER REPORTS AND ANNOUNCEMENTS**

None.

### **8. ADJOURNMENT TO NEXT REGULAR MEETING**

There being no further business to come before the Committee, the Chair adjourned the meeting at 10:35 a.m.

Attest:

Erica Blom

Administrative Assistant

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**San Diego County**  
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**5b**

**AGENDA REPORT**  
 Consent | Information

June 19, 2020

**TO:** Special Districts Advisory Committee  
**FROM:** Keene Simonds, Executive Officer  
**SUBJECT:** Progress Report on 2019-2020 Workplan

**SUMMARY**

The Special Districts Advisory Committee (“Committee”) will receive a progress report with respect to the Commission accomplishing specific projects included in its adopted workplan for 2019-2020. The report is being presented to the Committee to review with the opportunity to forward specific comments – including suggested project amendments and/or additions – for future consideration by the Commission.

**BACKGROUND**

The Commission’s current fiscal year workplan was adopted at a noticed public hearing held on April 3, 2019. The workplan includes 27 projects and divided into two distinct categories – statutory and administrative – with one of three priority rankings: high; moderate; or low.

**DISCUSSION**

**2019-2020 Workplan**

This item provides the Committee an update on the 27 targeted projects formally established by the Commission for the fiscal year as part of an adopted workplan. This includes staff assigning one of four status categories to projects ranging from pending to complete and

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detailed in Attachment One. The item is being presented for information with the opportunity for the Committee to forward comments and related recommendations to the Commission.

## **ANALYSIS**

The Commission has generally proceeded as planned with respect to allocating resources consistent with the adopted workplan as the fiscal year comes to end. This includes initiating work on 22 of the 27 projects in the adopted workplan, which represents more than four-fifths – or 81% – of the total. Thirteen projects have been completed and marked by four municipal service reviews covering the San Diego County Sanitation District and County Service Area No. 135 as well as the Escondido (Part I) and Valley Center regions. Other notable projects completed include a job class and salary range study and entering into a new support services agreement with the County of San Diego. All remaining projects have been added to the next fiscal year workplan and further addressed as part of separate agenda item.

## **RECOMMENDATION**

This item is presented to the Committee for information only. It is recommended the Committee review the report with the invitation to discuss and ask questions of staff.

## **ALTERNATIVES FOR ACTION**

This item is being presented for information only; no action.

## **PROCEDURES**

This item has been placed on the Committee’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 by the Committee.

Respectfully,



Keene Simonds  
Executive Officer

Attachment:

- 1) 2019-2020 Workplan with Status Notations



# San Diego County Local Agency Formation Commission

## Regional Service Planning | Subdivision of the State of California

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### 2019-2020 Workplan

#### Introduction:

Local Agency Formation Commissions' (LAFCOs) operate under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2001 ("CKH") and are delegated regulatory and planning responsibilities by the Legislature to oversee the formation and subsequent development of local government agencies and their municipal service areas. Common regulatory functions include approving jurisdictional changes and outside service requests. Common planning functions include preparing studies to independently evaluate the availability, performance, and need for urban services and establishing and updating spheres of influence – which are the Legislature's version of urban growth boundaries and gatekeepers to future jurisdictional changes – for all cities and special districts. All regulatory and planning activities undertaken by LAFCOs may be conditioned and must be consistent with policies and procedures.

#### Objective:

This document represents San Diego LAFCO's ("Commission") formal 2019-2020 Workplan. The Workplan draws on the recommendations of the Executive Officer as vetted and approved by the Commission. The Workplan is divided into two distinct categories – statutory and administrative – with one of three priority rankings: high; moderate; or low. The underlying intent of the Workplan is to serve as a management tool to allocate Commission resources in a transparent manner over the 12-month period. Further, while it is a stand-alone document, the Workplan should be reviewed in relationship to the adopted operating budget given the planned goals and activities are facilitated and or limited accordingly. Additionally, and as needed, the Commission reserves discretion to amend the Workplan during the fiscal year to address changes in resources and or priorities and to carry-forward projects into subsequent years.

#### Executive Summary:

The 2019-2020 Workplan continues to guide the Commission to prioritize resources in addressing statutory duties and responsibilities. This includes continuing work on existing projects established – but not yet completed – from earlier fiscal years and marked by completing municipal service reviews for the Vista and San Marcos regions. New priority municipal service reviews involving the Fallbrook region, resource conservation services, and County Service Area No. 135 are also included as well as performing a policy review on outside service extensions. Other high priority projects include working with the County of San Diego to update an existing memorandum of understanding between the two agencies and preparing separate policy reviews on agricultural preservation and outside service extensions.

Priority	Level	Type	Project	Description and Key Issues	Status
Continual	...	Statutory	High Priority Proposals	San Marcos (Highlands), Escondido (Safari Highlands), et al.	Ongoing
Continual	...	Administrative	Targeted LAFCO Presentations	Public outreach; emphasis on informing stakeholders ahead of MSR work	Ongoing
1	High	Statutory	MSR   Fallbrook Region	Fallbrook PUD, Rainbow MWD, San Luis Rey MWD, & North County FPD; address latent power query by Fallbrook PUD	Underway
2	High	Statutory	MSR   Resource Conservation	Mission RCD, Upper San Luis Rey RCD, & Greater San Diego; address 56133 issues and consolidation opportunities	Underway
3	High	Statutory	MSR   CSA No. 135	Agency-specific review; explore governance options given County Charter amendment codifying fire protection services	Completed
4	High	Administrative	MOU with County	Update and expand current MOU from 1974; reflect current agency relationships and needs	Completed
5	High	Statutory	MSR   San Marcos Region	San Marcos, San Marcos FPD, and Vallecitos WD	Underway
6	High	Statutory	MSR   Vista Region	Vista, Vista ID, Vista FPD, and Buena Sanitation	Underway
7	High	Administrative	Policy Review   Outside Services	Update polices involving outside service extensions under 56133; establish local definitions and exemptions	Pending
8	High	Administrative	Cities Advisory Committee	Re-establish dormant Cities Advisory Committee in conjunction with informing Study Schedule and other germane topics	Completed
9	High	Statutory	MSR   Escondido Region	Rincon del Diablo MWD and Deer Springs FPD (Part I) and Escondido (Part II)	Near Completion
10	High	Statutory	MSR   SD County Sanitation District	Multiple community wastewater systems located throughout San Diego County	Completed
11	High	Administrative	Job Class and Salary Review	Specific to non-executive positions; focus on alignment and retention	Completed
12	High	Administrative	Policy Review   Ag Policy	Update existing policies and procedures involving agricultural preservation; incorporate stakeholder outreach	Underway
13	Moderate	Administrative	RFP for Auditing Services	Complete competitive proposal process to select new outside consultant to provide outside auditing services	Completed
14	Moderate	Administrative	2018-2019 Audit	Issue financial statements for 2018-2019; best practice and preceded by RFP (Item No. 13)	Completed
15	Moderate	Statutory	MSR   Pauma Valley	Pauma MWD, Pauma CSD, Yuima MWD, Mootamai MWD, and Rincon Ranch CSD	Underway
16	Moderate	Statutory	MSR   Valley Center Region	Valley Center MWD, Valley Center CSD, and Valley Center FPD	Completed
17	Moderate	Statutory	MSR   Poway Region	Review is agency-specific to Poway	Underway
18	Moderate	Statutory	MSR   Ramona Region	Review is agency-specific to Ramona MWD	Underway
19	Moderate	Administrative	Update Application Procedures	Streamline existing packet to be more user-friendly; address new statutory requirements	Pending
20	Moderate	Administrative	Districts Advisory Committee	Conduct no less than two quarterly meetings and solicit feedback on germane topics	Completed
21	Moderate	Administrative	Video Recording	Establish video recording of Commission meetings and online posting to expand community outreach	Completed
22	Moderate	Administrative	CALAFCO	Participate in CALAFCO through the Board, Leg Committee, and Annual Workshop and Conference	Completed
23	Low	Administrative	Informational Report on SGMA	State Groundwater Management Act (SGMA) implementation in San Diego County relative to LAFCO duties/interests	Pending
24	Low	Administrative	SOI/MSR Annual Report	Prepare annual report to serve as living record of all sphere actions in San Diego County	Completed
25	Low	Administrative	LAFCO Brochure	Branding tool for distribution to State and other local agencies	Completed
26	Low	Administrative	Local Agency Directory	User-friendly publication identifying local governmental agencies under LAFCO oversight in San Diego County	Pending
27	Low	Administrative	Social Media Policies and Protocols	Establish policies and procedures to expand outreach to capture alternate media forums; link with new website	Pending



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**5C**

**AGENDA REPORT**  
 Consent | Information

June 19, 2020

**TO:** Special Districts Advisory Committee  
**FROM:** Robert Barry, Chief Policy Analyst  
 Linda Heckenkamp, Analyst I  
**SUBJECT:** **Current Proposals and Related Activities**

**SUMMARY**

The Special Districts Advisory Committee (“Committee”) will receive a report identifying all active proposals on file with the Commission as well as expected submittals. The report is being presented for information with the opportunity for the Committee to discuss topics warranting additional attention as part of the proposal review process.

**BACKGROUND**

**LAFCO Processing**

Commission proceedings for consideration of proposed changes of organization or reorganizations – which may include incorporations, formations, annexations, detachments, mergers, consolidations, and service function activations or divestures – are typically initiated by outside applicants (landowners, registered voters, and local agencies). The Commission may also initiate proposals specific to forming, consolidating, or dissolving special districts if consistent with the recommendations of approved municipal service reviews. Following submittal, proposals are reviewed by Commission staff and status letters are sent to applicants within 30 days identifying any additional information requirements. Interagency reviews and property tax exchange negotiations are also initiated. Once these administrative

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processes are complete, proposals are issued a *Certificate of Filing* and scheduled for Commission consideration. Overall, most proposals are processed and forwarded to the Commission for hearing within six months from the date of application submittal.<sup>1</sup>

**DISCUSSION**

This item is being presented to the Committee primarily for information purposes with respect to disclosing all active change of organization or reorganization proposals on file with the Commission along with anticipated filings.<sup>2</sup> The item also provides the Committee the opportunity to advise staff on additional topics meriting attention in the administrative review. A detailing of current and pending proposals is provided as Attachment One.

**ANALYSIS**

San Diego LAFCO remains active in processing nearly two dozen change of organization and reorganization proposals with the majority pending Commission consideration. Most of these proposals are considered non-controversial and involve single residential lots with landowners’ requesting annexation to cities or special districts to accommodate new density and/or intensity uses. More substantive proposals on file and awaiting Commission consideration include an application by the Fallbrook Public Utility District (PUD) to activate its latent powers for parks and recreation services as well as street maintenance service throughout its jurisdictional boundary. Fallbrook PUD and Rainbow Municipal Water District (MWD) have also filed separate applications to detach from the San Diego County Water Authority and annex to Eastern MWD for purposes of transitioning wholesale water supplies. These latter two proposals are being administratively processed concurrently at this time and includes guidance from a 10-member advisory committee established by the Commission in June 2020 given several underlying complex and controversial topics. The advisory committee roster follows and includes Committee Chair Kim Thorner.

Ad Hoc Committee   Fallbrook PUD, Rainbow MWD, & County Water Authority Reorganizations		
	Represented Agency or Organization	Appointee
1	Fallbrook PUD	Jack Bebee, General Manager
2	Rainbow MWD	Tom Kennedy, General Manager
3	San Diego County Water Authority	Sandy Kerl, General Manager
4	Eastern MWD	Nick Kanetis, Deputy General Manager
5	Special Districts Advisory Committee	Kim Thorner, Chair and Olivenhain MWD General Manager
6	Cities Advisory Committee	Lydia Romero, Member and Lemon Grove City Manager
7	SANDAG	Executive Director or Designee
8	County of San Diego	County Administrative Officer or Designee
9	Member Agency of the County Water Authority	TBD (County Water Authority Selection)
10	Member Agency of the County Water Authority	TBD (County Water Authority Selection)

<sup>1</sup> Commission meeting agendas are divided between consent, business, or public hearing items based on proposal noticing requirements. The Executive Officer may also place proposals otherwise meriting consent on the business calendar to solicit additional review and discussion if warranted. Separately, applications involving outside-of-agency service extension requests follow separate proceedings and may be administratively approved by the Executive Officer if addressing documented public health or safety threats.

<sup>2</sup> Staff uses discretion in listing pending proposals and limits notice to only activities to be initiated by a local governmental agency. Pending proposals to be initiated by landowners and/or registered voters are not disclosed until an actual filing is made.

## RECOMMENDATION

This item is presented to the Committee for information only. It is recommended the Committee review the report with the invitation to discuss and ask questions of staff.

## ALTERNATIVES FOR ACTION

This item is being presented for Committee information only; no action is requested.

## PROCEDURES

This item has been placed on the Committee'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 by the Committee.

On behalf of staff,



Linda Heckenkamp  
Analyst I

Attachment:

- 1) Active and Pending Proposals as of June 10, 2020

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File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
<b>ACTIVE PROPOSAL APPLICATIONS   PENDING COMMISSION ACTION</b>			
1	DA08-10 “Avocado Way-Potter Annexation” - Vallecitos WD (Annexation)	Robert Barry	Proposal application submitted in March 2008 for a proposed annexation to Vallecitos WD to obtain sewer service for two existing residences along Avocado Way but deemed incomplete in April 2008 status letter. A new status letter was sent to the applicant in January 2018 stating the proposal will be considered abandoned unless notified otherwise. The current property owner has responded and conveyed their interest to proceed with the annexation. Ongoing discussions with Vallecitos WD as of 2018.
2	RO08-09 “South Mollison Ave-Snyder Reorganization” - City of El Cajon (Annexation)	Robert Barry	Proposal application submitted in May 2008 for a proposed annexation to the City of El Cajon. The annexation area includes approximately 1.25 acres and is subject to a proposed multi-family residential project and was deemed incomplete in June 2008 status letter. A new status letter was sent in January 2018 to the applicant, new property owner, and City stating the proposal will be considered abandoned unless notified otherwise. No response from any of the interested parties to date.
3	RO08-15 SA08-15 “Crestlake Estates Reorganization” - San Diego County SD (Annexation) - Lakeside FPD (Annexation) - CSA 69 (Annexation)	Robert Barry	Proposal application submitted in May 2008 requesting a reorganization to provide sewer services to an approved Tentative Map allowing the development of 60 single-family residences and was deemed incomplete in June 2008 status letter. A new status letter was sent to the applicant in February 2018 stating the proposal will be considered abandoned unless notified otherwise. No response to date.
4	DA12-02 “Lorch Annexation” - Borrego WD (Annexation)	Robert Barry	Proposal application submitted in March 2012 to annex approximately 9.4 acres to the Borrego Water District to provide water service to one parcel. The site is within the adopted sphere. but deemed incomplete in an April 2012 status letter. A new status letter was sent in January 2018 stating the proposal will be considered abandoned unless notified otherwise. Borrego WD responded to the letter and has reinitiated discussions with the landowner regarding possible service terms.
5	RO06-17 “Tobacco Road Reorganization” - City of Escondido (Annexation)	Robert Barry	Proposal application submitted in March 2006 to annex six parcels to the City of El Cajon for wastewater Service. In 2006, LAFCO approved two out of service agreements to allow the City of Escondido to provide sewer service to two residences with failing septic systems located along Tobacco Road. The agreements between the City and landowners required the annexation of the two parcels. The proposal was deemed incomplete in April 2006 status letter. A new status letter was sent in January 2018 stating the proposal will be considered abandoned unless notified otherwise. Two of the affected landowners have responded to the letter and are now working with the City in determining if the other landowners are interested/willing to proceed with the annexation at this time.

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
6	DA16-10 "CSA 17 Harmony Grove Annexation" - CSA 17 (Annexation)	Linda Heckenkamp	Proposal application submitted in May 2016 to annex approximately 3,600 acres to CSA 17 for ambulance service and done so as a cross-condition of the Rancho Santa Fe Fire Protection District Reorganization: Dissolution of CSA No. 107 (Elfin Forest/Harmony Grove). The proposal was deemed incomplete in June 2016 status letter. The CSA 17 Advisory Committee has opposed the annexation. A negotiated property tax exchange agreement is also necessary. LAFCO staff met with the applicant in August 2019 to provide assistance and continues to discuss opportunities to proceed forward.
7	RO16-11 "Rancho Hills Annexation" - Rancho Santa Fe CSD (Annexation)	Robert Barry	Proposal application submitted in October 2016 to annex a portion of a 37-lot residential subdivision titled "Rancho Hills" to Rancho Santa Fe CSD for wastewater service. A concurrent latent power expansion for Olivenhain MWD is needed to accommodate sewer to the remaining project site. The proposal was deemed incomplete in November 2016 status letter. Applicant has requested the proposal processing be placed on hold. Staff has remained in contact with the applicant and is awaiting their confirmation to proceed.
8	RO19-04 "Ortega – Olde Highway 80 Change of Organization" - San Diego County Sanitation District (Annexation)	Linda Heckenkamp	Proposal application submitted in February 2019 by landowner petition to annex two residential lots totaling approximately 5.07 acres to San Diego County Sanitation District for wastewater service. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis.
9	SA19-26 RO19-26 OAS19-26 "Valiano - Eden Valley Reorganization" - City of Escondido (Sphere Amendment, Contractual Wastewater Service Agreement - San Marcos FPD (Annexation) - Rancho Santa Fe FPD (Sphere Amendment, Detachment)	Robert Barry	Proposal application submitted in November 2019 by landowner petition and the City of Escondido. Involves reorganization of approximately 10.76 acres with annexation to San Marcos Fire Protection District (FPD) and concurrent detachment and sphere exclusion from Rancho Santa Fe FPD; and, amendments to the spheres of influence for the Cities of Escondido (inclusion) and San Marcos (exclusion) for two unincorporated parcels totaling 82.9 acres and subject to a 240.6 acre County of San Diego-approved Specific Plan (TM-5575); and, approval of a contractual wastewater agreement between the landowner of the unincorporated Specific Plan area and the City of Escondido to extend City wastewater service to 326 single-family residences to be constructed within the Escondido sphere. The submitted proposal application is incomplete and pending staff's analysis. (On January 27, 2020, the San Diego Superior Court overturned the County development approvals for the project. The applicant is appealing the Court decision and has requested LAFCO continue to process the reorganization.)

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
10	LP(E)19-27 “Fallbrook Public Utility District Latent Power Expansion Park & Rec et,al.”	Robert Barry	Proposal application submitted in November 2019 by resolution seeking approval to activate Fallbrook PUD’s latent power to exercise park and recreation, street lighting and roads and street functions within its boundaries. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
11	CO20-01 “Anthony Heights - Lupa Change of Organization” - Vallecitos Water District (Annexation)	Robert Barry	Proposal application submitted in February 2020 by landowner petition, involves annexation of one residential lot totaling approximately 1.35 acres for wastewater service. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
12	CO20-03 “Orphan – Eolus Avenue Change of Organization” - Leucadia Wastewater District (Annexation)	Linda Heckenkamp	Proposal application submitted in February 2020 by resolution and involves annexation of approximately 0.56 acres within its boundaries for connection to public wastewater service. The submitted proposal is scheduled for the August 3 <sup>rd</sup> , 2020 Commission hearing.
13	RO20-04 “Rainbow MWD – Eastern MWD Wholesale Water Service Reorganization” – San Diego County Water Authority (detachment) – Eastern Municipal Water District (annexation)	Robert Barry	Proposal application submitted April 2020 by resolution, involves annexation to Eastern Municipal Water District of Riverside County for wholesale water service with concurrent detachment from the San Diego County Water Authority. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
14	RO20-05 “Fallbrook PUD – Eastern MWD Wholesale Water Service Reorganization” – San Diego County Water Authority (detachment) – Eastern Municipal Water District (annexation)	Robert Barry	Proposal application submitted April 2020 by resolution, involves annexation to Eastern Municipal Water District of Riverside County for wholesale water service with concurrent detachment from the San Diego County Water Authority. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
15	CO20-07 “Schirber – Hymettus Avenue Change of Organization” - Leucadia Wastewater District (Annexation)	Linda Heckenkamp	Proposal application submitted in April 2020 by resolution and involves annexation of approximately 1.69 acres for connection to public wastewater service. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
16	CO20-08 "Fuerte Ranch Estates Change of Organization" - San Diego County Sanitation District (Annexation)	Robert Barry	Proposal application submitted in May 2020 by landowner petition and involves annexation of approximately 27.3 acres and the development of 36 single-family homes for wastewater service. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis.
17	SA20-09 OAS20-09 "Mercurio – Grossmont Boulevard Out-of-Agency Wastewater Contractual Service Agreement" - Annexation to City of La Mesa	Robert Barry	Proposal application submitted in June 2020 by landowner petition and involves an out-of-agency contractual wastewater service agreement with the City of La Mesa for one existing single-family residence and one proposed ADU. The unincorporated property totals approximately 0.91 acres, is not contiguous with the City, and is not within the La Mesa sphere of influence. Per Government Code Section 56133, the proposed wastewater OAS agreement requires an amendment for inclusion of the affected territory within the La Mesa sphere in anticipation of a future annexation. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis.

**ACTIVE PROPOSALS | POST COMMISSION ACTION**

18	SA16-20 LP16-20 "CSA 135 Islands Reorganization" - CSA 135 – LP Fire Area (Latent Powers Expansion) - Bonita-Sunnyside FPD (Annexation) - Lakeside FPD (Annexation) - San Miguel FPD (Annexation) - Ramona MWD (Annexation)	Robert Barry	Proposal submitted November 2016 by resolution of the San Diego County Fire Authority. Involved annexation of remaining unserved Islands 2, 3, and 4 via reorganization of local fire service territory among five local agencies: CSA 135; Bonita-Sunnyside FPD; Lakeside FPD; Ramona MWD; and San Miguel FPD. Reorganization involved annexation to the subject agencies and expansion of CSA No. 135's latent powers to provide fire protection and emergency medical services to three unincorporated and unserved island areas totaling approximately 21,048 acres. Conforming amendments to add the affected territory to the subject agencies' spheres of influence were also required. The reorganization proposal was approved February 4, 2018 and is now pending recordation once all terms are satisfied. A noticed protest hearing was held on March 13, 2019 at the LAFCO office. No protest was received by affected registered voters or landowners.
19	SA18-07 OAS18-07 "Carmichael Drive – Wyman Service Agreement" - City of La Mesa (Sphere Amendment, OAS)	Robert Barry	Proposal involves an outside-of-agency contractual wastewater service agreement between the property owner and the City of La Mesa. OAS covers extension of City wastewater sewer service to one existing unincorporated single-family residence located outside of the La Mesa sphere of influence. The purpose of the OAS is to allow the landowner to proceed with an intensity improvement to develop an accessory workshop unit, which exceeds the permitted capacity of the existing onsite septic system. The proposal was approved by the Commission on April 8, 2018 and is now pending recordation once all terms are satisfied.

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
20	CO19-29 "Orpheus Avenue – Gupta Change of Organization" -Leucadia Wastewater District (Annexation)	Linda Heckenkamp	Proposal submitted in December 2019 by Board resolution, involves annexation of approximately 0.995 acre within its boundaries for connection to public wastewater service. The proposal was approved by the Commission on April 2, 2020 and is now pending recordation once all terms are satisfied.
21	RO19-15 OAS19-15 "Hamilton-Felicita Reorganization" - City of Escondido (Annexation) - CSA No. 135 (Detachment) - Rincon del Diablo MWD (ID"E") (Exclusion)	Linda Heckenkamp	Proposal application submitted in August 2019 by landowner petition requesting reorganization with the City of Escondido of two unincorporated parcels totaling approximately 0.63 acres and each developed with one single-family residence. Both residences provided documentation of failing/failed septic systems. Emergency OAS agreements for wastewater were granted to resolve the health and emergency situation in advance of annexation to Escondido. Reorganization with Escondido also required concurrent detachment from CSA No. 135 (Regional Communications) and exclusion from RDDMWD ID"E." The proposal was approved by the Commission on June 1st, 2020 and is now pending recordation once all terms are satisfied.
22	CO20-06 "County Service Area No. 137 - Live Oak Springs Formation" - Formation of County Service Area No.137 (Live Oak Springs Water)	Linda Heckenkamp	Proposal application submitted April 2020 by resolution of the County of San Diego. Involves formation of County Service Area No. 137 to assume retail water service responsibility for a failing private water company located in the unincorporated community of Live Oak Springs in the southeastern portion of unincorporated San Diego County. The affected territory includes approximately 151.5 acres. The proposal was approved by the Commission on June 1st, 2020 and is now pending recordation once all terms are satisfied.
<p><b>PENDING PROPOSAL APPLICATION SUBMITTALS</b> (No project manager; inquiries should be direct to Robert Barry)</p>			
23	Pending "Harvest Hills Reorganization" - City of Escondido		This anticipated reorganization proposal is currently undergoing development and environmental review by the City of Escondido. Submittal to LAFCO anticipated for late 2020-2021. The anticipated proposal involves annexation of approximately 1,098 acres to the City for the primary purpose of developing a 550-lot residential subdivision. All of the affected territory lies outside the adopted Escondido sphere. Due to the scope of the proposal area a comprehensive update of the City's sphere is warranted along with preparing the supporting municipal service review document. These and issues have been communicated to the City and are currently under joint review with other stakeholders. Project was originally titled as "Safari Highlands."

	File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
24	Pending	“Rancho Lomas Verde Reorganization” - City of Vista		This anticipated reorganization proposal is currently undergoing development and environmental review by the City of Vista. The anticipated proposal involves annexation of approximately 300 acres to the City of Vista and concurrent detachments from CSA 135 and the Vista FPD to facilitate a 153-lot residential development. Close to three-fourths of the project area lies outside the adopted Vista sphere. Due to the scope of the proposal area a comprehensive update of the City’s sphere is warranted along with preparing the supporting municipal service review document. These and issues have been communicated to the City and are currently under joint review with other stakeholders.
25	Pending	“Sager Ranch Reorganization” - City of Escondido		This anticipated reorganization involves annexation of approximate 1,800 unincorporated acres to the City of Escondido and concurrent detachments from CSA 135 and the Valley Center FPD. The reorganization would facilitate the proposed development of approximately 200 acres to include 203 residential units and a 225-room resort. Portions of the project area lies outside the current City sphere. Due to the scope of the proposal area a comprehensive update of the City’s sphere is warranted along with preparing the supporting municipal service review document. These and issues have been communicated to the City and are currently under joint review with other stakeholders.
26	Pending	Harmony Grove Village South (TM-626)		This anticipated reorganization involves the unincorporated Harmony Grove Village South project and specific to accommodating sewer services (among a variety of options) for the planned development of approximately 111 acres to include 453 residential units. On January 27, the San Diego Superior Court overturned the County development approvals for the project.



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

# 6a

**AGENDA REPORT**  
 Business | Discussion

June 19, 2020

**TO:** Special Districts Advisory Committee  
**FROM:** Keene Simonds, Executive Officer  
**SUBJECT:** **Adopted Commission Workplan for 2020-2021**

**SUMMARY**

The Special Districts Advisory Committee (“Committee”) will review the Commission’s adopted workplan for 2020-2021. The workplan includes 26 projects for the upcoming fiscal year and headlined by continuing municipal service reviews in the north county region as well as several policy updates pertinent to special districts – including revisiting local procedures to establish district service functions and classes under statute. The item is being presented for Committee discussion and an opportunity for members to provide related feedback ahead of staff initiating and/or proceeding with specific projects.

**BACKGROUND**

**Adopted Workplan**

The Commission’s upcoming workplan for 2020-2021 was adopted in May 2020 in conjunction with approving a final operating budget. The workplan identifies 26 specific projects divided between statutory and administrative activities. The projects are also listed in sequence by assigned priority between high, moderate, and low with the former category organized as a “top-ten” and represents the most pertinent Commission activities. A full detailing of all listed workplan projects is provide as part of Attachment One.

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## **DISCUSSION**

This agenda item is for the Committee to review and discuss the Commission’s adopted workplan for 2020-2021. The review will include a summary presentation by staff of key projects to special districts and provides the opportunity to the Committee to provide direct feedback ahead of initiating and/or proceeding with specific activities.

## **ANALYSIS**

The adopted workplan and its 26 projects was developed over a three-month period (February through April) and generally divided into equal halves between statutory (legislative directives) and administrative (discretionary matters) tasks. The workplan incorporates several ongoing projects from the current fiscal year – including municipal service reviews in the north county region – along with a number of new tasks. This latter category is highlighted by updating the Commission’s policies and procedures in establishing special districts service functions and classes as well as recruiting for an additional analyst.

## **RECOMMENDATION**

It is recommended the Committee review and discuss the adopted workplan for 2020-2021 and provide related feedback on specific projects as appropriate.

## **ALTERNATIVES FOR ACTION**

This item is being presented to the Committee for discussion and feedback only.

## **PROCEDURES FOR CONSIDERATION**

This item has been placed on the Committee’s agenda for discussion as part of the business calendar. The following procedures apply.

- 1) Receive verbal report from staff unless waived.
- 2) Initial questions or clarifications from the Committee.
- 3) Discuss item and provide feedback.

Respectfully,



Keene Simonds  
Executive Officer

Attachment: as stated





## San Diego County Local Agency Formation Commission

### Regional Service Planning | Subdivision of the State of California

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#### 2020-2021 Workplan

##### Introduction:

Local Agency Formation Commissions' (LAFCOs) operate under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2001 (“CKH”) and are delegated regulatory and planning responsibilities by the Legislature to oversee the formation and subsequent development of local government agencies and their municipal service areas. Common regulatory functions include approving jurisdictional changes and outside service requests. Common planning functions include preparing studies to independently evaluate the availability, performance, and need for municipal services and establishing and updating spheres of influence – which are the Legislature’s version of urban growth boundaries and gatekeepers to future jurisdictional changes – for all cities and special districts. All regulatory and planning activities undertaken by LAFCOs may be conditioned and must be consistent with policies and procedures.

##### Objective:

This document represents San Diego LAFCO’s (“Commission”) formal 2020-2021 Workplan. The Workplan draws on the recommendations of the Executive Officer as vetted and approved by the Commission. The Workplan is divided into two distinct categories – statutory and administrative – with one of three priority rankings: high; moderate; or low. The underlying intent of the Workplan is to serve as a management tool to allocate Commission resources in a transparent manner over the 12-month period. Further, while it is a stand-alone document, the Workplan should be reviewed in relationship to the adopted operating budget given the planned goals and activities are facilitated and or limited accordingly. Additionally, and as needed, the Commission reserves discretion to amend the Workplan during the fiscal year to address changes in resources and or priorities and to carry-forward projects into subsequent years.

##### Executive Summary:

The 2020-2021 Workplan continues to guide the Commission to prioritize resources in addressing statutory duties and responsibilities. This includes continuing work on existing projects established – but not yet completed – from earlier fiscal years and marked by completing municipal service reviews for the Escondido, Vista, San Marcos, and Fallbrook-Rainbow regions. Several policy updates are also scheduled and include reviewing LAFCO’s existing policies regarding the identification and authorization of special district service functions and classes. Other administrative projects filling the Analyst I/II position and securing a long-term office lease.

Priority	Level	Type	Project	Description and Key Issues
Continual	...	Statutory	Applicant Proposals	LAFCO will prioritize resources to address proposals involving boundary changes and outside service requests and includes the following prominent proposals already on file or expected to be filed in 2020-2021: <ul style="list-style-type: none"> <li>- Fallbrook PUD/Rainbow MWD/County Water Authority</li> <li>- Reorganization of CSA No. 135 into FPD</li> <li>- Fallbrook PUD Latent Powers Activation</li> <li>- Reorganization of Valley Center CSD into CSA</li> <li>- Harvest Hills (Escondido et al)</li> </ul>
Continual	...	Administrative	Targeted LAFCO Presentations	LAFCO will prioritize public outreach; emphasis on informing stakeholders ahead of MSR work
1	High	Statutory	MSR   Fallbrook-Rainbow Region	Reviews of Fallbrook PUD, Rainbow MWD, San Luis Rey MWD, & North County FPD
2	High	Statutory	MSR   Escondido Region Part II	Review of the City of Escondido; follows completion of Part I (Rincon del Diablo MWD and Deer Springs FPD) in 2019-2020
3	High	Statutory	MSR   Resource Conservation Services	Countywide study on RCD services; reviews of Mission RCD, Upper San Luis Rey RCD, & Greater San Diego RCD
4	High	Administrative	Policy Review   Ag and Open Space	Update existing policies and procedures involving ag and open space; incorporate stakeholder outreach (Farm Bureau, etc.)
5	High	Administrative	Policy Review   Rule No. 4	Update Rule No. 4 and its provisions guiding LAFCO's duty to identify and establish special districts' service functions and classes
6	High	Statutory	MSR   Poway Region	Review is specific to the City of Poway
7	High	Statutory	MSR   San Marcos Region	Reviews of the City of San Marcos, San Marcos FPD, & Vallecitos WD
8	High	Statutory	MSR   Vista Region	Reviews of the City of Vista, Vista ID, Vista FPD, & Buena SD
9	High	Administrative	Analyst I/II Position	Perform recruitment and hire of a new Analyst I/II
10	High	Administrative	Office Space	Current lease for office space with County of San Diego expires in August 2020 with no extension options
11	Moderate	Statutory	MSR   Ramona Region	Review is specific to the Ramona MWD
12	Moderate	Statutory	MSR   Pauma Valley Region	Reviews of Pauma MWD, Pauma CSD, Yuima MWD, Mootamai MWD, and Rincon Ranch CSD
13	Moderate	Administrative	Cities Advisory Committee	Staff and maintain feedback with Cities Advisory Committee and hold no less than two formal meetings
14	Moderate	Administrative	Special Districts Advisory Committee	Staff and maintain feedback with Special Districts Advisory Committee and hold no less than three formal meetings
15	Moderate	Administrative	Live-Streaming	Expand LAFCO's real-time accessibility to the general public to include live streaming meetings
16	Moderate	Administrative	2019-2020 Audit	Coordinate outside consultant's review of financial statements for 2019-2020 and identify opportunities to improve accounting system
17	Moderate	Administrative	Policy Review   Study Schedule	Update study schedule calendaring municipal service reviews to reflect current progress and related observations
18	Moderate	Administrative	SANDAG	Re-establish regular participation in SANDAG's Technical Working Group (TWG)
19	Moderate	Administrative	State Groundwater Management Act	Prepare report on State Groundwater Management Act (SGMA) implementation in San Diego County relative to LAFCO duties/interests
20	Moderate	Administrative	CALAFCO	Participate in CALAFCO through the Board, Leg Committee, and Annual Workshop and Conference
21	Low	Administrative	Application Procedures	Streamline existing application packet to be more user-friendly; address new statutory requirements
22	Low	Statutory	MSR   Oceanside and Carlsbad Region	Reviews of the Cities of Oceanside and Carlsbad as well as Carlsbad MWD and Morro Hills
23	Low	Statutory	MSR   Encinitas Region	Reviews of the City of Encinitas and Leucadia WWD, Olivenhain MWD, & San Dieguito WD
24	Low	Administrative	SOI/MSR Annual Report	Prepare annual report to serve as living record of all sphere actions in San Diego County
25	Low	Administrative	Local Agency Directory	Create user-friendly publication identifying and summarizing local governmental agencies subject to LAFCO oversight
26	Low	Administrative	Social Media	Establish policies and procedures to expand outreach to capture alternate media forums



**San Diego County**  
**Local Agency Formation Commission**  
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# 6b

**AGENDA REPORT**  
 Business | Discussion

June 19, 2020

**TO:** Special Districts Advisory Committee

**FROM:** Keene Simonds, Executive Officer  
 Robert Barry, Chief Policy Analyst

**SUBJECT: Policy Update Preview |  
 Rule No. 4 and Establishing Special District Service Functions and Classes**

**SUMMARY**

The Special Districts Advisory Committee (“Committee”) will receive a preview on a scheduled policy update set for 2020-2021 involving the Commission’s Rule No. 4 and its provisions in establishing special districts’ service functions and classes. The preview provides the Committee the early opportunity to engage and discuss the scheduled update with Commission staff and provide related feedback on key considerations going forward.

**BACKGROUND**

**Statutory Requirement and Local Policy |  
 Establishing Special Districts’ Service Functions and Classes**

State law requires the Commission to establish service functions and classes for all special districts. The statutory purpose of this provision is to provide certainty regarding the specific types of municipal services provided by special districts under their principal acts in the form of “functions” (i.e. water, wastewater, etc.) and “classes” (i.e. wholesale, retail, collection, etc.). State law also requires special districts to now receive Commission approval to either activate latent powers (function and class) or divest activated powers (function and class).

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The Commission's implementing policy in establishing special districts' service functions and classes largely dates back to 1975 and the adoption of Rule No. 4. The adoption of this policy included the establishment of a matrix table to identify special district service functions with applicable service classes along with associated definitions based on standards at the time. The Commission updated Rule No. 4 following the comprehensive update of LAFCO law in 2001 and enactment of Government Code Section 56824.10; the latter establishing explicit Commission oversight for special districts to provide new or different service functions or classes as well as divestitures. The update also – notably – included additional direction for the Commission to set special district functions and classes to correspond with the cyclical municipal service review and sphere of influence update process.

### **Adopted Workplan | Scheduled Update to Rule No. 4.**

The Commission's upcoming workplan for 2020-2021 was adopted at a noticed hearing held in May 2020 and outlines more than two-dozen project goals for the fiscal year. One of these scheduled projects involves an update to the Commission's Rule No. 4 to address existing ambiguities in the document and reflect current industry practices. The scheduling of the update – notably – is also consistent with an earlier recommendation of the Committee.

### **DISCUSSION**

This item is for the Committee to receive and discuss a preview of a scheduled update to Rule No. 4 and the associated provisions guiding the Commission's duty under statute to regulate the service functions and classes of special districts. The preview will include a staff presentation identifying key issues identified to date and this includes – among other items – addressing the appropriate placement of recycled water as a function or class. Feedback provided by the Committee will help inform staff in proceeding forwarding in the development of a complete draft update for future presentation to the Committee.

A copy of Rule No. 4 is provided as Attachment One.

### **ANALYSIS**

Rule No. 4 appears substantively outdated and merits careful review to update its provisions to ensure internal consistency with both current service practices as well as present Commission duties and responsibilities; the latter of which have measurably expanded since the main components of the policy were established in 1975. This includes – among other examples – addressing the increasingly prominent role of recycled water in supporting current and further growth and development in San Diego County. Clarification and related revisions also appear merited to specify the exact role of the municipal service review in establishing and amending authorized service functions and classes.

## RECOMMENDATION

It is recommended the Committee provide initial feedback on Rule No. 4 and opportunities to improve its implementation as part of a scheduled update in 2020-2021.

## ALTERNATIVES FOR ACTION

This item is being presented to the Committee for discussion and feedback; no action.

## PROCEDURES

This item has been placed on the Committee's agenda for discussion as part of the business calendar. The following procedures, accordingly, apply:

- 1) Receive verbal presentation from staff unless waived.
- 2) Initial questions or clarifications from the Committee.
- 3) Discuss item and provide feedback as requested.

Respectfully,



Keene Simonds  
Executive Officer

Attachment:

- 1) LAFCO Rule No. 4

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**RULES  
SAN DIEGO  
LOCAL AGENCY FORMATION COMMISSION**

**ARTICLE IV  
PROVISION OF NEW OR DIFFERENT  
SPECIAL DISTRICT SERVICES/FUNCTIONS  
(LATENT POWERS)**

- 4.1 Authorization
- 4.2 Definitions
- 4.3 Powers of the Commission
- 4.4 Classification of Functions and Services
- 4.5 Requirements of Special Districts
- 4.6 Commission Determination
- 4.7 Commission Disapproval of Report
- 4.8 Commission Determination of District Functions and/or Services
- 4.9 Restriction of District Functions and/or Services
- 4.10 Provision of Additional Functions and Services
- 4.10a Exception to Requirement for LAFCO Approval of the Provision of Additional Functions and/or Services
- 4.11 Application Materials for Latent Powers
- 4.12 Public Hearing Requirements
- 4.13 Commission Disapproval of Application
- 4.14 Commission Approval
- 4.15 Commission Procedures

**4.1 AUTHORIZATION -**

As provided in Government Code Section 56821, Chapter 761, Statutes 2000; amended by Chapter 667, Statutes 2001 and applicable predecessor statutes, the Commission adopts this Article as its rules and regulations governing the provision of new or different services/functions (latent powers) of special districts and reaffirms the representation upon the Commission of independent special districts.

**4.2 DEFINITIONS -**

The following definitions shall apply under this Article:

1. "Commission" means the San Diego County Local Agency Formation Commission.
2. "District" means an agency of the State as defined by Section 56036 of the Government Code for which the County of San Diego is its principal county as defined by Section 56066 of the Government Code.
3. "Executive Officer" means the executive officer appointed by the Commission or the County officer acting as the executive officer.

4. "Function" means any power granted by law to a local agency or a county to provide designated governmental or proprietary services or facilities for the use, benefit, or protection of persons or property (Government Code Section 56040).
5. "Legislative body" means the legislative body or the governing board of a district as defined in this Article.
6. "Proceedings" means proceedings taken pursuant to this Article.
7. "Proposal" means a request or statement of intention made by a resolution of application of a legislative body proposing proceedings for the provision of additional functions or services.
8. "Service" means a class established within a single local agency function including the public facilities necessary to perform the function. The San Diego LAFCO's adopted service classification system adopted per Government Code Section 56074 is applicable to all local agencies for purposes of defining functions and services.

#### **4.3 POWERS OF THE COMMISSION -**

The Commission may:

1. Require existing districts to file written reports with the Commission specifying the functions or classes of service provided by such districts (Government Code Section 56425 (h) (1)). Commission proceedings for the exercise of new or different functions or classes or services by special districts may be initiated by a special district by a resolution of application, including all of the matters specified for a petition in Government Code Section 56700, and submitted to the Executive Officer with a plan for services prepared pursuant to Section 56653 (Government Code Sections 56824.10, added by Chapter 667, Statutes 2001; and 56824.12).
2. Identify the nature, location, and extent of any functions or classes of service provided by existing districts (Government Code Section 56425 (h) (2)).
3. Determine that, except as otherwise authorized by such rules and regulations, no new or different function or class of service shall be provided by any existing district (Government Code Section 56824.14). The Commission shall review and approve or disapprove with or without amendments, wholly, partially, or conditionally, proposals for the establishment of new or different functions or class of services within the jurisdictional boundaries of a special district after a public hearing is called and held for that purpose. The expansion of latent powers shall not require a public hearing.
4. Modify (expand, increase, decrease, or eliminate) services or functions within the boundaries of an existing special district if requested by resolution of a special district that is subject to the proposed service or function modification.

These rules and regulations shall not apply to the extension or enlargement, within the boundaries of an existing special district, of any function or service that the Commission, pursuant to this Article has determined is currently being provided by such special district. However, if LAFCO has restricted the geographic area of any special district function or



service as a condition of latent powers activation, then LAFCO retains authorization over any extension, expansion, or enlargement, of such function or service within the boundaries of an existing special district.

**4.4 CLASSIFICATION OF FUNCTIONS AND SERVICES -**

The following classifications of functions and services are hereby established:

<u>FUNCTION</u>	<u>SERVICES</u>
Water	Wholesale, Retail, Replenishment, Injection
Sewer	Collection, Transportation, Treatment, Reclamation, Disposal
Public Transportation	Land, Sea, Air
Street Lighting	
Power	Generation, Distribution
Gas	Distribution
Cable Television	
Telephone/Communications	
Police	
Fire	Watershed, Structural
Ambulance	
Rescue/Disaster	
Parks and Recreation	Regional Park Development/Maintenance Local Park Development/Maintenance Recreation
Flood Control	
Cemeteries	
Hospitals	
Solid Waste	
Pest Control	
Vector Control	
Libraries	
Weed Abatement	
Planning	
Soil Conservation	
Roads, Streets and Highways	Improvement/Maintenance
Section 4.14 added: 9/16/74	

#### **4.5 REQUIREMENTS OF SPECIAL DISTRICTS -**

Upon the adoption of this Article, each special district shall, at the request of the Executive Officer, provide, to the satisfaction of the Commission, the following materials within 30 days of such request:

1. A report of which functions and services are currently being provided by that district;
2. A statement as to the legal provisions regarding the rendering of such functions and services;
3. A map, showing the boundaries of the district and the location(s) where functions and services are provided.

For purposes of these rules and regulations a district shall be deemed to be providing a function or service if bonds have been heretofore authorized therefore, if substantial sums have been expended, if substantial financial obligations have been incurred therefore, if property, facilities or equipment have been acquired or constructed for such purpose, or if the district is actually exercising its powers to provide such function or service for the benefit of lands or inhabitants within the district.

#### **4.6 COMMISSION DETERMINATION -**

Following the receipt of such materials from a district as provided for in Section 4.5, the Commission shall determine:

1. To approve with or without amendment, wholly or partially or to disapprove the report on the functions and services currently being provided by the district and the location(s) where such functions or services are being provided;
2. To refer the report back to the district having submitted it and request modification of such report; the Commission shall set a reasonable date for the re-submittal of such modified report.

#### **4.7 COMMISSION DISAPPROVAL OF REPORT -**

In the event the Commission disapproves a report on the functions and services, the Commission may make its own study and report on the functions and services being provided by a district; the Commission shall, at the request of the affected district, consider its report at a public hearing prior to making a final determination on same.

#### **4.8 COMMISSION DETERMINATION OF DISTRICT FUNCTIONS AND/OR SERVICES -**

By approving the report of a special district as provided in Section 4.5 or by making its own report on the functions and services of a district as provided in Section 4.7, the Commission shall thereby identify the nature, location and extent of the functions or services provided by such a district.

#### **4.9 RESTRICTION OF DISTRICT FUNCTIONS AND/OR SERVICES -**

At such time as the Commission has identified the nature, location and extent of the functions and services of any district, such district shall not provide any new or different function or class of service except as authorized by this Article, provided that this rule shall not apply to the extension or enlargement, within the boundaries of an existing special district, of any function or service which the Commission, pursuant to this Article, has determined is currently being provided by such special district. In approving a new or different function or class of service, the San Diego LAFCO may restrict the provision of the new or different function or class of service to a geographically specific area within the district. If the Commission imposes this restriction, any subsequent extension or enlargement of the service area will be subject to LAFCO review.

#### **4.10 PROVISION OF ADDITIONAL FUNCTIONS AND SERVICES -**

Any district making a proposal to provide functions and/or service in addition to those identified by the Commission pursuant to this Article shall file with the Executive Officer a resolution of its governing board making application for the provision of additional functions and/or services.

#### **4.10a EXCEPTION TO REQUIREMENT FOR LAFCO APPROVAL OF THE PROVISION OF ADDITIONAL FUNCTIONS AND/OR SERVICES -**

A district which is authorized by state law to provide for generation and distribution of electric power is not required to make application to nor obtain authorization from the Commission before providing that function, although the district has not provided that function previously (9/14/81).

#### **4.11 APPLICATION MATERIALS FOR THE PROVISION OF NEW OR DIFFERENT SERVICES/FUNCTIONS (LATENT POWERS) -**

A resolution of application shall be in such form as the Commission may prescribe and shall be accompanied by:

1. A statement of the nature of the proposal and the reasons therefore;
2. A legal description of the territory which is the subject of the proposal;
3. A map showing the boundaries of the subject territory;
4. Such additional data and information as may be required by the Executive Officer, pertaining to any of the matters or factors which may be considered by the Commission;
5. The name of the officers or persons, not to exceed three, who are to be given mailed notice of hearing.

#### **4.12 PUBLIC HEARING REQUIREMENTS FOR LATENT POWERS ACTIVATION -**

Upon the filing of a resolution of application, the Executive Officer shall set the matter for hearing by the Commission.

1. The date of the hearing shall not be more than 90 days after such filing.
2. The Executive Officer shall cause notice of hearing to be published in a newspaper of general circulation within the area for which the provision of additional functions and/or services are proposed, as specified in Government Code Section 6061 and 56824.14.
3. The Executive Officer shall also cause notice of such hearing to be mailed at least twenty-one (21) days prior to the date of hearing to:
  - (a) the district adopting the resolution of application;
  - (b) each city or district within three miles of the subject district;
  - (c) each person who is designated in the application to receive notice or any person who has filed a written request for special notice with the Executive Officer.
4. Such hearing may be continued from time to time for a period not to exceed 70 days from the original date of such hearing. The conduct of such hearing shall be governed by the provisions of Section 56666 of the Government Code and by the Rules of the Commission. At any time not later than 35 days after the conclusion of the hearing, the Commission shall adopt a resolution making determinations approving or disapproving the provision of the additional functions and/or services by the District.

#### **4.13 COMMISSION DISAPPROVAL OF APPLICATION -**

If the Commission wholly disapproves any proposal involving the provision of such additional functions and/or services by the subject district, no proceeding shall be taken for the provision of such additional functions and/or services by the subject district for a period of one year after the date of such disapproval unless said period is waived by the Commission.

#### **4.14 COMMISSION APPROVAL -**

If the Commission approves the provision of additional function(s) and/or service(s), the Executive Officer shall, within 30 days of such approval, forward to the subject district a copy of the Commission's resolution.

#### **4.15 COMMISSION PROCEDURES -**

The procedures provided by this Article shall be generally guided by the provisions of Chapter 5 (commencing with Section 56821, Chapter 761, Statutes of 2000; amended by Chapter 667, Statutes 2001) of the Government Code.

Adoption History: Article IV, Sections 4.1 to 4.15

*Adopted June 30, 1975*

*Re-affirmed and adopted December 4, 2000*

*Administratively Revised and Updated May 17, 2005*

*Administratively Revised and Updated August 7, 2006*

*Comprehensively Updated and re-adopted March 3, 2008*

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

**6c**

**AGENDA REPORT**  
 Business | Discussion

June 19, 2020

**TO:** Special Districts Advisory Committee

**FROM:** Keene Simonds, Executive Officer  
 Robert Barry, Chief Policy Analyst

**SUBJECT: Subcommittee Report |  
 Update to the Agricultural and Open Space Lands Policy**

**SUMMARY**

The Special Districts Advisory Committee (“Committee”) will receive a report on work performed to date in updating the Commission’s “Protection of Agricultural and Open Space Lands Policy.” This includes the ongoing work of the Committee’s appointed subcommittee (Thorner, Bebee, and Kennedy) to partner with Commission staff in developing revisions that effectively balance protection and enhancement of agricultural lands. The item is being presented for general discussion and feedback and ahead of the subcommittee presenting a formal draft update to the Committee at a future meeting.

**BACKGROUND**

**Agricultural and Open Space Lands Policy**

The Commission’s Preservation of Open-Space and Agricultural Lands Policy was adopted in November 1978 and most recently amended in May 1998. (Technical updates to the policy to include cross-references were performed by the Executive Officer in 2001 and 2015.) The policy restates germane provisions of statute with respect to tasking the Commission to preserve open-space and agricultural lands and associated procedures. This includes a

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premiering statement to discourage proposals that would convert prime agricultural or open-space lands to other uses unless such an action would promote the planned orderly and efficient development of an area. The policy does not provide local discretionary thresholds in preserving, protecting, and/or otherwise aiding agricultural and open-space resources.

### Scheduled Update to Agricultural and Open Space Lands Policy

The Commission's current 2019-2020 workplan was adopted at a noticed hearing in April 2019 and outlines over two-dozen project goals for the fiscal year. This includes scheduling an update to the Commission's Preservation of Open-Space and Agricultural Lands Policy and – among other considerations – timed in response to the issuance of a topical CALAFCO white paper exploring industry best practices. The Commission subsequently transitioned the update in May 2020 into a two-year project with the expectation of completing in 2020-2021.

### DISCUSSION

This item is for the Committee to receive a report on work performed to date involving the schedule update to the Commission's Protection of Agricultural and Open Space Lands Policy and this includes a report from its designated subcommittee. The report will be accompanied by a presentation from the subcommittee members on their ongoing work and related priorities. The report provides the Committee the opportunity to provide additional input to the subcommittee ahead of receiving a formal draft update at a future meeting. Additional discussion follows.

### Revisions Introduced by Commission Staff

Commission staff presented revisions to the Agricultural and Open Space Lands Policy to the Committee for discussion and feedback at its March 2020 meeting. These revisions serve as a baseline in identifying the focus of staff in updating the policy and includes all of the following.

- Distinguish Between Agricultural and Open Space Lands  
Bifurcate the policy to explicitly distinguish between agricultural and open space lands and their distinct societal functions relative to the Commission's duties.
- Use of Open Space as Municipal Greenbelts  
Encourage the County and cities to strategically designate and maintain open space lands as municipal greenbelts and create community separators in San Diego County.
- Address All Agricultural  
Expand the policy provisions from its existing focus on prime agriculture to address all agriculture (i.e., unique farmland, farmland of statewide or local importance, etc.).
- Distinguish Between In-Ground and Above-Ground Agriculture  
Revise the policy to acknowledge above-ground agriculture activities may warrant special and/or separate consideration from in-ground activities.



- Extending Municipal Services to Support Agricultural Uses

Broaden the policy to contemplate instances when the extension of municipal services to agricultural lands through jurisdictional changes and contract arrangements may be appropriate in maintaining economic vitality.

A red-line version of the revisions proposed by staff are provided as Attachment One.

## ANALYSIS

An initial meeting of the subcommittee held on June 12, 2020 suggest there is consensus among the participants that a primary concern regarding the proposed revisions by staff involves expanding the policy provisions from prime agriculture land to agricultural lands. Consensus similarly exists among the participants that broadening the policy to include all agricultural lands without some type of disclaimer, sunset, or otherwise qualifier will discourage landowners from starting new agricultural businesses. It was agreed, accordingly, to focus the subcommittee's work on these specific items and thereafter engage other stakeholders – including San Diego County Farm Bureau and Sierra Club – before returning to the Committee with a complete draft update for consideration.

## RECOMMENDATION

It is recommended the Committee provide feedback to its subcommittee on any related priorities and objectives as it continues to work with Commission staff in preparing a complete draft update to the Agricultural and Open Space Lands Policy.

## ALTERNATIVES FOR ACTION

This item is being presented to the Committee for discussion and feedback; no action.

## PROCEDURES

This item has been placed on the Committee's agenda for discussion as part of the business calendar. The following procedures, accordingly, apply:

- 1) Receive verbal presentation from staff unless waived.
- 2) Initial questions or clarifications from the Committee.
- 3) Discuss item and provide feedback as requested.

Respectfully,



Keene Simonds  
Executive Officer

Attachment:

- 1) Administrative Draft Update to Agricultural and Open Space Lands Policy (track-changes)

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**Subject**

PRESERVATION OF OPEN SPACE AND AGRICULTURAL LANDS

**Purpose**

To further the policies and priorities of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 regarding the preservation and enhancement of open space and ~~prime~~ agricultural lands and provide guidance therein to applicants and other interested parties.

**Background**

The State Legislature has instructed Local Agency Formation Commissions to establish policies that address the preservation of open space and agriculture (Govt. Codes § 56300 and 56377). This includes considering the effects of all spheres of influence and jurisdictional changes on open space and agricultural lands (Govt. Codes § 56425 and 56668). Additional instruction involves prime agricultural lands. LAFCOs are required to consider how spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands. Specifically, Commissions are directed to guide development away from prime agricultural lands – unless that action would not promote the planned, orderly and efficient development of an area – and to encourage development of existing vacant or non-prime agricultural lands within a jurisdiction before approving any proposal that would allow development of open-space lands outside of an agency’s boundary (Govt. Code § 56377). ~~Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands (Govt. Code § 56668).~~

Gov. Code § 56064 contains a definition of “Prime Agricultural Land.” “Prime agricultural land” means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- (b) Land that qualifies for rating 80 through 100 Storie Index Rating.

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SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.
- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- (e) Land that has returned from the production of unprocessed agricultural plan products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

**Policy**

It is the policy of the San Diego Local Agency Formation Commission to:

- 1. Make appropriate distinctions between open space and agriculture and their separate functions and benefits.
- 2. Protect and preserve open space lands against their premature conversion.
  - (a) Discourage proposals that would convert open space to other uses.
  - (b) The Commission reserves discretion to consider proposals involving the conversion of open space based on local conditions and in conjunction with ensuring orderly growth and development.
  - (c) Encourage the County of San Diego and incorporated cities to coordinate the designation and protection of open space lands and associated uses as community greenbelts and separators.
- 3. Protect and support agricultural lands and their uses.
  - (a) Discourage proposals that would convert any agricultural lands – including and of highest priority prime agricultural ~~–or open space~~

~~lands to other uses, unless such an action would not promote the planned, orderly, efficient development of an area or the affected jurisdiction has identified all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve prime agricultural lands for agricultural use;~~

- ~~(b) The Commission reserves discretion to consider proposals involving the conversion of agriculture based on local conditions and in conjunction with ensuring orderly growth and development. This includes considering the economic viability of agricultural uses within the affected territory.~~
- ~~(c) Encourage landowners to establish and/or expand agriculture uses if permissible under zoning. This includes – but not limited to – the Commission considering proposals to extend municipal services in support of maintaining and enhancing agricultural uses.~~
- ~~(d) Recognize the uniqueness of agricultural uses in San Diego County to include above-ground and mobile production, such as nurseries, that merit separate considerations when applying State statutes.~~

~~Require rezoning of territory (city only) to identify areas subject to agricultural/preservation and planned development;~~

- ~~34. Follow San Diego LAFCO's adopted procedures when reviewing proposals that could effect agricultural and open space lands and provided herein as Appendix A. to define agricultural and open space lands and to determine when a proposal may adversely affect such lands.~~

Adopted: November 6, 1978  
Amended: June 4, 1990  
Amended: May 4, 1998  
Technically Updated: January 1, 2001  
Technically Updated: June 16, 2015

~~Cross-reference~~Appendix:

**SAN DIEGO LAFCO PROCEDURES:**  
-Open Space and Agricultural Preservation

**APPENDIX A** |

## Open Space and Agricultural Preservation

The Cortese-Knox-Hertzberg Act requires LAFCOs to consider how adoption of spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands. In determining spheres of influence, LAFCOs are directed to prepare a written statement of determinations with respect to the present and planned land uses including agricultural and open space lands (56425(e)(1)).

In reviewing and approving or disapproving proposals for changes of organization, LAFCOs must consider the effect of the proposal on maintaining the physical and economic integrity of agricultural lands (56668) and guide development away from existing prime agricultural and open space lands and towards areas containing non-prime agricultural lands — unless that action would not promote the planned, orderly, efficient development of an area (56377(a)). LAFCOs are further directed to encourage development of existing vacant or non-prime agricultural lands within a jurisdictional boundary or sphere of influence before approving a proposal that would allow development of open-space lands outside of the jurisdiction (56377(b)).

### Definitions

**Agricultural Lands:** Agricultural land means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program (56016).

**Prime Agricultural Land:** Prime agricultural land means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications (56064):

1. Land that, if irrigated, qualifies for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification

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whether or not the land is actually irrigated, provided that irrigation is feasible;

2. Land that qualifies for rating 80 through 100 Storie Index Rating;
3. Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July 1967, developed pursuant to Public Law 46, December 1935;
4. Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a non-bearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre; or
5. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years;

**Open Space:** Open space is any parcel or area of land or water that is substantially unimproved and devoted to an open-space use and designated on a local, regional or state open space plan as any of the conditions described in Section 65560(b)(1) through (6).

### **Procedure**

The following criteria will be considered when reviewing a proposal that could adversely affect agricultural and open space lands:

1. The use and value of the proposal area and surrounding parcels;
2. Determination as to whether any of the proposal area is designated for agricultural preservation by adopted local plans, including Local Coastal Plans and the County Agricultural Element; and

3. Determination of:
  - A. Whether public facilities would be extended through or adjacent to any other agricultural lands to provide services to the development anticipated on the proposal property;
  - B. Whether the proposal area is adjacent to or surrounded by existing urban or residential development;
  - C. Whether surrounding parcels may be expected to develop to urban uses within the next five years; and
  - D. Whether natural or man-made barriers would serve to buffer the proposal area from existing urban uses.

**Special Annexation Procedures for Williamson Act Territory (51243.5, 56738, 56752)**

The Williamson Act provides that a property owner may enter into a contract with a county or city whereby the assessed property taxes are reduced in return for keeping the property in an agricultural preserve for a minimum of ten years. Except as provided in Government Code Section 51243.5, on and after the effective date of an annexation by a city of any land under contract with the county, the city shall succeed to all rights, duties, and powers of the county under the contract.

A city may refuse to succeed to a Williamson Act contract if either of the following conditions exist:

1. Prior to December 8, 1971 the land being annexed was within one mile of the city boundary when the contract was executed and the city filed a resolution protesting the contract with the board of supervisors;  
or
2. Prior to January 1, 1991: (a) the land being annexed was within one



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mile of the city boundary; (b) the city had filed a resolution protesting the contract with LAFCO; (c) LAFCO held a hearing to consider the protest; (d) LAFCO made a finding of inconsistency with future land use; and (e) LAFCO approved the city's protest.

Please refer to the applicable code sections for specific procedures regarding the annexation of Williamson Act territory.

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