



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

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AGENDA REPORT
 Consent | Information

August 3, 2020

TO: Commissioners

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

SUBJECT: Protest Hearing Results |
“County Service Area No. 137 Formation” (CO20-06)

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive the results of the protest hearing held for the change of organization proposal involving the formation of County Service Area (CSA) No. 137. The noticed hearing was held by staff on July 2, 2020 and produced limited protest from landowners and registered voters as detailed. Accordingly, the Commission’s approval of the formation proceedings and related authority for the County of San Diego to assume and provide potable water service to the unincorporated community of Live Oak Springs will be ordered once all terms are satisfied.

BACKGROUND

Proposal Request

In March 2020, the County of San Diego filed a proposal with San Diego LAFCO proposing the formation of CSA No.137 to formally assume potable water service responsibility within the unincorporated community of Live Oak Springs. The affected territory spans 151.5 acres and includes 173 assessor parcels primarily developed with low density residential uses. Also in the affected territory is an established groundwater source and related infrastructure owned by a private operator that presently serves 92 residential and two commercial connections.

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Commission Action

On June 1, 2020, San Diego LAFCO held a noticed public hearing to consider the proposal filed by the County of San Diego. The Commission proceeded to approve the change of organization without modifications and standard terms. The Commission also delegated protest hearings to the Executive Officer as allowed under policy.

DISCUSSION

This information item is for San Diego LAFCO to receive the results of the protest hearing delegated to the Executive Officer involving the Commission's earlier approval of the formation of CSA No. 137 as required under policy. The protest hearing was held on July 2, 2020 at the LAFCO office and produced the following results within the two distinct categories – landowners and registered voters – prescribed under statute.

- **Landowner Protests**

There are 173 total legal parcels within the affected territory at the time of the Commission's action on June 1st with a combined assessed land value of \$9.634 million. At the conclusion of the protest hearing, two of these legal parcels' owners representing a cumulative assessed land value of \$0.425 million filed protests subsequently validated by the County Assessor's Office. These validated amounts represent 4.4% of the respective total and are below the 25.0% threshold to require an election and the 50.0% threshold to terminate the proceedings.

- **Registered Voter Protests**

There are 68 total registered voters within the affected territory at the time of the Commission's action on June 1st. At the conclusion of the protest hearing, two of these registered voters filed protests subsequently validated by the County Registrar of Voters' Office. These validated amounts represent 2.9% of the affected territory total and below the 25.0% threshold to require an election and the 50.0% threshold to terminate the proceedings.

With the preceding results in mind, a confirming resolution ordering the change of organization has been executed by the Executive Officer, and the proceedings will become final once the applicant satisfies all remaining terms.

ANALYSIS

The formation of CSA No. 137 has cleared its last substantive threshold. All remaining actions necessary to record and enact the formation are ministerial.¹

¹ San Diego LAFCO policy directs the Executive Officer to proceed and issue an ordering resolution at the conclusion of the protest hearing process so long as the results do not require the proposal to be terminated or confirmed by an election. The Executive Officer is also responsible for informing the Commission of the protest results resulting in an action being ordered at the next regular meeting. [Policy on Conducting Protest Hearings Section 4(h)].

RECOMMENDATION

Receive the item for information purposes only.

ALTERNATIVES FOR ACTION

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

PROCEDURES

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

On behalf of the Executive Officer,

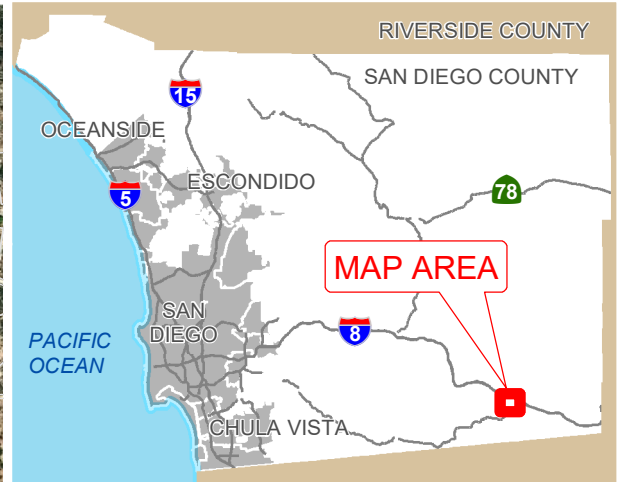
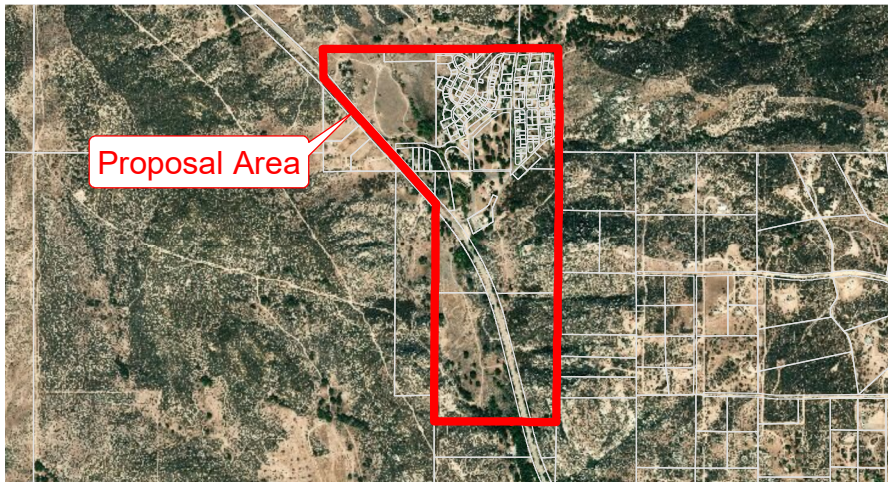
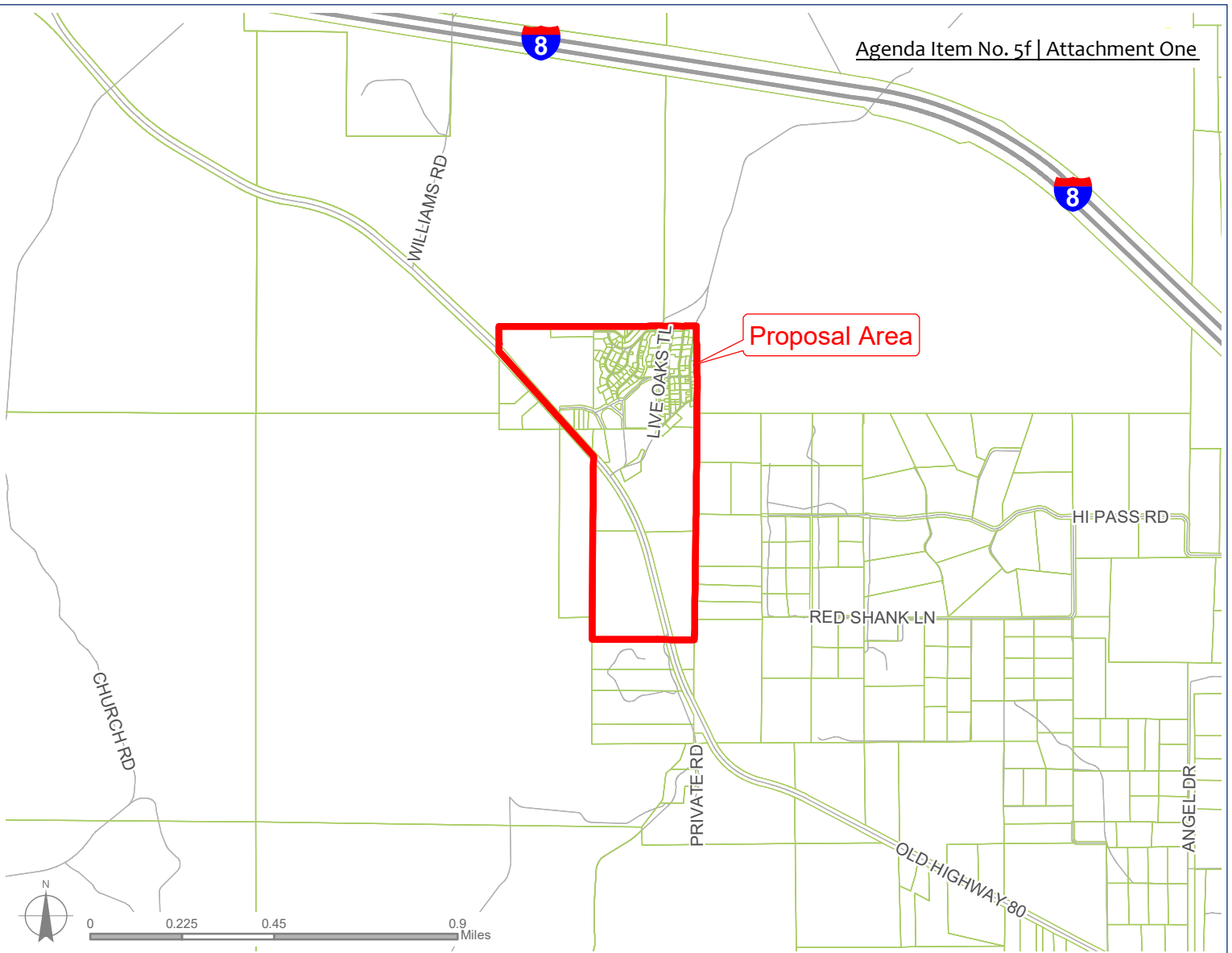


Linda Heckenkamp
Analyst I

Attachment:

- 1) Map of the Affected Territory

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CO20-06 PROPOSED "FORMATION OF COUNTY SERVICE AREA NO. 137 (LIVE OAK SPRINGS)"

 Proposal Area



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