



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

6b

AGENDA REPORT
 Public Hearing

October 5, 2020

TO: Commissioners

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

SUBJECT: **Proposed “SVBF Temple Reorganization” |**
Concurrent Annexations to Rincon del Diablo Municipal Water District, San
Diego County Water Authority, and Metropolitan Water District of Southern
California with Conforming Sphere of Influence Actions (RO20-16 et al.)

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a reorganization proposal filed by resolution from the Rincon del Diablo Municipal Water District (MWD) requesting approval to annex approximately 19.5 unincorporated acres outside its sphere of influence. Concurrent annexations to the San Diego County Water Authority and Metropolitan Water District of Southern California (MET) are also proposed. The affected territory as submitted includes one parcel presently undeveloped and located southeast the City of Escondido in the Bear Valley area. The purpose of the proposal is to extend public water service to the subject parcel and facilitate the development of a proposed religious facility. Staff recommends approval of the reorganization with modifications to expand the affected territory to include adjacent public rights-of-ways totaling 3.8 acres along with adding it to Rincon del Diablo MWD’s Improvement District E (fire protection). Standard approval terms are also recommended along with waiver of protest proceedings.

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BACKGROUND

Applicant Request

Rincon del Diablo MWD has submitted a resolution of application on behalf of an interested landowner (Sringeri Vidya Bharati Foundation) requesting approval to reorganize 19.5 acres of unincorporated territory with the principal action to annex to the District. Concurrent and supporting annexations are also requested to the County Water Authority and MET as required under the respective wholesalers’ administrative codes. The affected territory as submitted includes one assessor parcel that is bifurcated by an approximate 800-foot public right-of-way segment of Old San Pasqual Road. The County of San Diego Assessor’s Office identifies the subject parcel as 241-080-47.

Affected Territory

The following map shows the approximate location of the affected territory in context to the Rincon del Diablo MWD and surrounding Bear Valley area. Attachment One shows the affected territory relative to the proposed concurrent annexations to Rincon del Diablo MWD, San Diego CWA, and MET.



Subject Agencies

The proposed change of organization filed with San Diego LAFCO involves three subject agencies: Rincon del Diablo MWD; County Water Authority; and MET.¹ A summary of the three subject agencies in terms of municipal service functions, resident population, and financial standing follows.

- Rincon del Diablo MWD is an independent special district formed in 1954 and governed by a five-member Board, each representing a geographic area within the MWD. The jurisdictional boundary spans close to 42 square miles and comprises most – but not all – of the City of Escondido and surrounding unincorporated lands and includes portions of Big Bear Valley.² Rincon del Diablo MWD’s principal function is domestic water and supplemented by three other active services: recycled water; wastewater; and fire protection and emergency medical.³ Staff estimates Rincon del Diablo MWD’s resident population currently at 132,076. LAFCO most recently reviewed and affirmed Rincon del Diablo MWD’s sphere in 2007 and it presently includes NUMBER of non-jurisdictional acres. The audited undesignated fund balance of June 30, 2019 totaled \$29.7 million and represents 20+ months of current budgeted operating expenses.
- County Water Authority is a dependent special district formed by special legislation in 1944 to provide wholesale imported water to San Diego County. It is comprised of 24 retail member agencies, including local special districts, cities, and USMC Camp Pendleton. Governance is provided by a 36-member Board, each representing member agencies with weighted votes in relation to the amount of water purchases by the respective agency. The jurisdictional boundary spans approximately 951,000 acres or 1,486 square miles and includes the western developed portion of San Diego County with a total estimated population of 3.3 million. County Water Authority itself is a member agency of MET, which provides wholesale supplies generated from the Colorado River and Sacramento Bay-Delta. The audited undesignated fund balance of June 30, 2018 totaled \$302 million and represents 6+ months of current budgeted operating expenses.
- MET is a dependent special district formed by special legislation in 1928 to provide wholesale imported water to participating members throughout Southern California. It is comprised of 26 member agencies, including cities and special districts – including the County Water Authority, which is the largest wholesale customer. Governance is provided by a 38-member Board, each representing member agencies with weighted votes in relation to the amount of water purchases by the respective agency. The jurisdictional boundary spans approximately 3.3 million acres or 5,200 square miles and includes the western developed territory of Southern California, including significant

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

² “Old Escondido” generally consists of the downtown and historical residential area of the City and lies outside Rincon del Diablo MWD.

³ Rincon del Diablo MWD’s fire protection and emergency medical services are limited to approximately one-third of its jurisdictional boundary with the majority of responsibility tied to its southern perimeter. Wastewater services were activated by LAFCO in 2018 and limited to the Harmony Grove Village development area west of Escondido.

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portions of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties. The estimated total resident population is currently 19 million. The audited undesignated fund balance of July 30, 2019 totaled \$286 million and represents 3+ months of current budgeted operating expenses.

Affected Local Agencies

The affected territory lies within the jurisdictional boundaries and/or spheres of influence of five local agencies directly subject to San Diego LAFCO. These agencies qualify as “affected agencies” relative to the proposed change of organization and listed below.⁴

- City of Escondido (sphere only)
- County Service Area No. 135 (Regional Communications and Fire Protection)
- North County Cemetery District
- Palomar Health Healthcare District
- Resource Conservation District of Greater San Diego County

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications – the reorganization proposal to concurrently annex the affected territory to Rincon del Diablo MWD, County Water Authority, and MET. The Commission may also consider applying conditions so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion with respect to proposal purpose, development opportunities, and Commission focus follows.

Proposal Purpose

The purpose of the proposed reorganization before San Diego LAFCO is to facilitate the development of the affected territory as part of a planned 17,500 square foot religious facility along with ancillary structures and related improvements. Specifically, the extension of public water service by Rincon del Diablo MWD as the local retailer is needed to satisfy a condition of approval for a major use permit by the County of San Diego. Concurrent annexations into the County Water Authority and MET relatedly accommodate the planned development given these agencies directly and indirectly, respectively, wholesale supplies to Rincon del Diablo MWD and further detailed in the accompanying footnote.⁵

⁴ State law defines “affected local agency” as any entity that contains, or would contain, or whose sphere contains or would contain, any territory for which a change of organization is proposed or ordered. Notice of the proposal and hearing were provided to the agencies.

⁵ Rincon del Diablo MWD is a retail water member agency of the wholesale San Diego CWA, which receives its wholesale imported water supply from MET. Rincon del Diablo MWD has consented to the annexation of the affected territory for retail water service and obtained conditional annexation approvals from both San Diego CWA and MET as required under their respective Administrative Codes for annexation to a special district member agency.

Development Potential

The affected territory is entirely unincorporated and designated by the County of San Diego as Semi-Rural Residential 2 (SR-2).⁶ The present zoning designation is A-70, Light Agriculture with a 2-acre minimum lot size. The County has approved a major use permit to develop the subject parcel into a religious facility along with accessory structures and improvements subject to certain conditions – including connecting to a public water system. Specific improvements covered by the major use permit involve main temple building, a detached 5-unit multi-family residence for religious personnel, and an accessory barn for livestock. The project is planned to utilize underground septic disposal systems, which will preclude additional density or intensity on the site without changes to the major use permit and additional environmental review by the County.

Commission Focus

Three central and sequential policy items underlie San Diego LAFCO’s consideration of the proposed reorganization. These policy items take the form of determinations and orient the Commission to consider the interrelated merits of the (a) timing of the reorganization (b) conforming sphere of influence actions, and (c) whether discretionary boundary modifications or approval terms are warranted. The Commission must also consider other relevant statutes as detailed.

ANALYSIS

San Diego LAFCO’s analysis of the proposed reorganization is divided into two distinct subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section and headlined by analyzing the merits of the concurrent annexations to Rincon Del Diablo MWD, County Water Authority, and MET and conforming sphere of influence actions. The second subsection considers other germane issues required for consideration by the Commission in evaluating the proposal and highlighted by environmental review under the California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 | Reorganization Timing

The timing of the proposed reorganization – and specifically the primary action to annex the affected territory to Rincon del Diablo MWD and secondary actions to also annex to County Water Authority, and MET – appears appropriate. This conclusion draws from the analysis of the statutory factors required for consideration of proposed jurisdictional changes along with locally adopted Commission policies. Most of the prescribed factors and applicable policies

⁶ This General Plan designation allows one dwelling unit per 2, 4, or 8 acres.

focus on the impacts of the proposed on the service and financial capacities of the *primary subject* agency, Rincon del Diablo MWD (emphasis added). A summary of key conclusions generated in the review of these proposal factors and applicable local policies follow with a complete analysis provided as Appendix A.

- Service Needs

Reorganization of the affected territory is intended to extend Rincon del Diablo MWD’s retail water service for a planned religious facility and accessory structures. Approval satisfies a major use permit condition by the County of San Diego for the landowner to proceed with the development project and serves as a preferred alternative to drawing on local groundwater supplies. Additional details follow.

- Annexation to Rincon del Diablo MWD as well as to its wholesalers (County Water Authority and MET) is consistent and facilitates the adopted land use policies of the County of San Diego. The annexations also – pertinently – are consistent and facilitates the land use policies contemplated for the affected territory by the City of Escondido; the anticipated future land use authority for the affected territory as determined by the Commission and marked by the standing inclusion of the land in the City’s sphere.
- The landowner of the affected territory has initiated the proposal in response to a development application with the County of San Diego to construct a religious facility consistent with zoning. These factors help to quantify the annexation of the affected territory to Rincon del Diablo MWD and complimentary annexations to County Water Authority and MET is appropriate by syncing the timing of the boundary change with an expected and known need.

- Service Capacities and Levels

Rincon Del Diablo MWD would directly assume retail water service responsibilities for the affected territory upon reorganization. A review of Rincon del Diablo MWD indicates the District has sufficient capacity and supply resources to readily accommodate demands within the affected territory at its planned uses without expanding any public infrastructure. Additional details follow.

- Rincon Del Diablo MWD projects the proposed reorganization’s water demands at 11.9 acre-feet per year. These water demands have been anticipated and are presently accounted for within the MWD’s Urban Water Management Plan total of 417 acre-feet of excess water supply available to Rincon del Diablo MWD.⁷
- An existing Rincon Del Diablo water main is located adjacent to the affected territory within the San Pasqual Valley Road public-right-of-way. The landowner will finance all required connection costs.

⁷ One acre-foot is about 326,000 gallons, or enough water to cover one acre to a depth of one foot. An acre-foot can supply the average household needs of two four-person families for one year.

- Service Funding and Costs

Rincon del Diablo MWD has the financial resources coupled with administrative controls to provide retail water services to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of Rincon del Diablo MWD’s recent audited statements which shows – among other items – the District remained profitable in each of the last three audited fiscal years with an average total margin of 8.6%.

**CONCLUSION |
MERITS OF CHANGE OF REORGANIZATION TIMING**

The timing of the reorganization involving annexations therein of the affected territory to Rincon del Diablo, County Water Authority, and MET is sufficiently warranted. Justification is marked by the preceding analysis and highlighted by appropriately responding to the need for retail and wholesale water services for the affected territory in support. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 2 |

Conforming Sphere of Influence Amendments

The proposed reorganization necessitates San Diego LAFCO consider three concurrent actions to add the affected to all three subject agencies’ spheres of influence. Consideration of the concurrent sphere actions are premised on the Commission’s statutory responsibility to designate spheres to demark the affected agencies’ appropriate future service areas relative to community needs and – among other features – to conform with proposed changes of organization or reorganization when warranted. To this end, staff believes the proposed sphere of influence actions to include the affected territory are appropriate and would serve to formalize Commission policy determinations that Rincon del Diablo MWD – and by extension County Water Authority and MET – are the appropriate providers of now and going forward of public water service to the affected territory.

**CONCLUSION |
MERITS OF CONFORMING SPHERE OF INFLUENCE AMENDMENTS**

The concurrent amendments to the adopted sphere of influence for the subject agencies to conform with the proposed reorganization is sufficiently warranted. The concurrent sphere amendments will provide consistency with the present and planned jurisdictional boundaries and sphere for the subject agencies following the proposed reorganization of the affected territory and serves to confirm the agencies’ authorized service areas under LAFCO statute.

Item No. 3 | Modifications and Terms

Two discretionary modifications to the proposed reorganization have been identified by staff during the administrative review and merits consideration by San Diego at this time. These recommended modifications are summarized below.

- Modification to Boundary Change Area
It is recommended the Commission modify the affected territory to include the internal Old San Pasqual Valley Road public right-of-way and the adjacent SR-78/San Pasqual Valley Road right-of-way along the northern border of the proposal area. It is relatedly recommended the Commission exclude an approximate 0.10-acre portion of the affected territory presently within the subject agencies. These recommended geographic modifications would add approximately 3.83 acres to the proposed reorganization territory.
- Expansion of Rincon del Diablo MWD ID “E”
It is recommended the Commission modify the reorganization to include an additional jurisdictional change and expand Rincon del Diablo MWD’s Improvement District E involving fire protection and emergency medical service to the affected territory. This modification would sync fire protection coverage for the affected territory consistent with surrounding lands and avoid the creation of an unserved corridor within Rincon del Diablo MWD.⁸

Standard approval terms are also recommended under Government Code Section 57302 along with waiving protest proceedings per Section 56662.

CONCLUSION | MODIFICATIONS AND TERMS

Modifications to the proposed reorganization appear merited as described above and involve the physical adjustment of the affected territory and inclusion within Rincon del Diablo MWD’s Improvement District E. These modifications achieve enhanced jurisdictional boundaries for the subject agencies while also avoiding the creation of a unserved coordination involving fire protection. Standard approval terms are also recommended.

⁸ Rincon del Diablo MWD presently provides fire protection and emergency medical services to portions of its unincorporated service area by contractual agreement with the City of Escondido. This contracted fire service area is designated as Rincon del Diablo MWD through formal inclusion in its Improvement District E.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the County of San Diego to adopt a property tax exchange agreement for the subject proposed change of organization or reorganization prior to San Diego LAFCO issuing a Certificate of Filing and scheduling the proposal for hearing, unless an existing master property tax exchange agreement would govern the proposal’s exchange. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of affected special districts. Staff has confirmed the County Board of Supervisors has adopted a master enterprise district resolution (that will govern the tax exchange for the proposed reorganization. The exchange agreement specifies no transfer of property taxes would occur following the concurrent annexations of the affected territory to Rincon Del Diablo MWD, County Water Authority, and MET.

Environmental Review

CEQA requires San Diego LAFCO to assess whether impacts would result from activities approved under the Commission’s statutory authority. Accordingly, San Diego LAFCO is tasked with making two distinct determinations as responsible and lead agency under CEQA in considering the proposed reorganization. Staff’s analysis and recommendations follow.

- San Diego LAFCO serves as lead agency under CEQA for the conforming sphere of influence actions associated with the reorganization. It is recommended the Commission find these actions are a project under CEQA but exempt from further review under State Guidelines Section 15061(b)(3). This exemption appropriately applies given it can be seen with certainty that spheres are planning policies and any associated actions (establishment, update, or amendment) do not change the environment or authorize any new uses or services.
- County of San Diego serves as lead agency under CEQA for the reorganization proposal in conjunction with taking actions on the underlying development project associated with the affected territory. The County has determined the development and related reorganization to annex the affected territory into Rincon del Diablo MWD, County Water Authority, and MET is a project under CEQA and proceeded to prepare and certify a Mitigated Negative Declaration (MND) as part of a noticed hearing held on June 20, 2018. The MND includes a mitigation monitoring and reporting program intended to reduce any potentially significant impacts to less-than-significant levels.⁹ The Commission is recommended to concur with the County’s environmental review and accordingly file a Notice of Determination as a responsible agency for the proposed reorganization under CEQA.

⁹ The County’s initial study and MND identified potential significant environmental impacts to Biological Resources and Transportation/Traffic.

Protest Proceedings

Protest proceedings for the proposed change of organization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662. The recommended waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law; the subject agency has not filed an objection to the waiver; and all landowners have consented to the underlying action.¹⁰ Approval of the recommended modifications as described in this agenda report would not affect the proposed waiver of protest proceedings.

RECOMMENDATION

Staff recommends San Diego LAFCO approve the proposed reorganization with modifications as specified along with conforming sphere actions and standard terms based on the preceding analysis. This recommendation is consistent with Alternative One outlined in the proceeding section.

ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

Adopt the attached draft resolution conditionally approving the reorganization proposal with recommended modifications and conforming coterminous sphere of influence actions.

Alternative Two:

Continue consideration to a future meeting and provide direction to staff concerning additional information, as needed.

Alternative Three:

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

PROCEDURES FOR CONSIDERATION

This item has been placed on San Diego LAFCO’s agenda for action as part of a noticed public hearing. The following procedures are recommended in the consideration of this item:

- 1) Receive verbal presentation from staff unless waived.
- 2) Initial questions or clarifications from the Commission.

¹⁰ LAFCO law defines uninhabited as territory in which 11 or less registered voters reside.

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- 3) Open the hearing and invite comments in the following order:
 - representatives from the County of San Diego
 - other interested parties and the general public
- 4) Discuss item and consider the staff recommendation.

On behalf of the Executive Officer,

A handwritten signature in black ink, appearing to read 'R. Barry', with a circular flourish at the end.

Robert Barry, AICP
Chief Policy Analyst

Appendices:

- A) Analysis of Boundary Change Factors
- B) Analysis of Sphere of Influence Factors

Attachments:

- 1) Vicinity Map of the Affected Territory
- 2) Draft Resolution of Approval
- 3) Application Materials

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APPENDIX A

Government Code Section 56668 Proposal Review Factors

- a) **Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.**

The affected territory is unincorporated and consists of one undeveloped parcel totaling approximately 19.52 acres subject to a County of San Diego-approved Major Use Permit for development of a religious facility and accessory structures. The present County General Plan designation for the affected territory is Semi-Rural Residential 2 (SR-2), which allows one dwelling unit per 2, 4, or 8 acres. The present County zoning designation is A-70, Light Agriculture, with a 2-acre minimum lot size. The approved Major Use Permit allows the proposed religious facilities and uses on the affected territory, which consists of a main temple building, a detached 5-unit multi-family residence for religious personnel, and an accessory barn for livestock. The project is planned to utilize underground septic disposal systems, which will preclude additional density or intensity on the site without changes to the MUP and additional environmental review by the County of San Diego. The affected territory is located between the incorporated cities of Escondido and San Diego and is presently within the Escondido sphere of influence. The estimated resident population is 0. Total assessed valuation for the subject parcel is \$833,472 (land only). The topography of the affected territory is described as gently to moderately sloping. The affected territory is surrounded by rural residential development and agricultural uses. No significant new development or growth is anticipated within or adjacent to the affected territory within the next 10-year period based on present County General Plan and zoning designations.

- b) **The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

The County of San Diego acts as the primary purveyor of general governmental services to the affected territory. This includes community planning, roads, and public safety. The affected territory is not located within an authorized fire protection and emergency medical services provider or a public wastewater service provider. This proposal affects water service and is the focus of the succeeding analysis.

- **Public Water Service to Affected Territory**

The affected territory is presently undeveloped and located outside of an authorized public water service provider. The proposed reorganization involves annexation of the affected territory to the Rincon del Diablo Municipal Water District (MWD) for retail water service, with concurrent annexations to the San Diego County Water Authority (CWA) and Metropolitan Water District of Southern California (MET) for provision of wholesale water services. Rincon del Diablo MWD is a retail water member agency of the wholesale San Diego CWA, which receives its wholesale imported water supply from MET. Rincon del Diablo MWD has consented to annexation of the affected territory for retail water service and obtained conditional annexation approvals from both San Diego CWA and MET as required under the respective wholesalers’ Administrative Codes. The County of San Diego has adopted a Major Use Permit for religious uses and approved development plans for the proposed facilities on the affected territory. The project proposes onsite underground wastewater disposal systems for its projected wastewater demands.

Service Needs

Reorganization of the affected territory is intended to extend retail and wholesale imported water service to a planned religious facility and accessory structures and represents a logical and orderly expansion of the subject agencies’ jurisdictional boundaries. Additional details follow.

- The proposed reorganization would extend public water service in response to a County-approved religious facility subject to a Major Use Permit. Approval of the reorganization would synch the timing of proposed jurisdictional changes with documented needs for service in accordance with Commission policies and priorities.

Service Capacities and Levels

The Rincon Del Diablo MWD has indicated that sufficient capacity and supply exists to extend retail and wholesale water service to the affected territory and planned uses without expanding any public infrastructure. Additional details follow.

- The Rincon Del Diablo MWD projects the proposed reorganization’s water demands at 11.9 acre-feet per year. These water demands have been anticipated and are presently accounted for within the MWD’s Urban Water Management Plan total of 417 acre-feet of water supply available to the MWD from CWA and MET wholesale sources.
- An existing Rincon Del Diablo water main is located adjacent to the affected territory within the San Pasqual Valley Road public-right-of-way. The landowner will finance all required connection costs.

Service Funding and Costs

Rincon del Diablo MWD has the financial resources coupled with administrative controls to provide retail water services to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of Rincon del Diablo MWD’s recent audited statements which shows – among other items – the District remained profitable in each of the last three audited fiscal years with an average total margin of 8.6%.

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

Approving the proposed reorganization of retail and wholesale water services would strengthen existing economic and social ties between the County of San Diego and the affected territory. The concurrent annexations of the affected territory to Rincon del Diablo MWD, and the wholesale water suppliers San Diego CWA and MET Formation would expand existing municipal services that support current and future development and in doing so further empower the County and its Board of Supervisors to effectuate and support development in the unincorporated area per the County General Plan.

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

Approving the proposed reorganization of retail and wholesale water services would affirmatively respond to the present need in the affected territory for public water service to support a County of San Diego-approved Major Use Permit and development of religious facilities. The affected territory does not qualify as “open-space” as defined under LAFCO law and no conflicts exists therein under G.C. Section 56377.

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

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

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

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds consistent with the standard of the State Board of Equalization. The County of San Diego Assessor report for the submitted proposal notes the affected territory is bisected by an approximate 1.14 acre segment of the Old San Pasqual Valley Road public right-of-way that is not included in the submitted reorganization’s map and legal description. In addition, the Assessor notes that the adjacent SR-78/San Pasqual Valley Road public right-of-way is presently within the subject agencies but not included in the reorganization area, and a 0.10 acre portion of the affected territory is presently within the Rincon del Diablo MWD service area. The Assessor is recommending inclusion of the affected Old San Pasqual Valley Road right-of-way as well as to extend the existing MWD right-of-way along the northern border of the proposal area within SR-78/San Pasqual Valley Road, totaling approximately 2.79 acres; and exclude an approximate 0.10 acre portion of the affected territory that is presently within Rincon del Diablo MWD. Staff concurs with the Assessor modifications and recommends Commission approval to include approximately 3.83 net acres within the proposed reorganization area. The modifications are recommended to avoid the creation of a corridor of unserved territory within the proposal area and to ensure consistency with existing and proposed jurisdictional and sphere boundaries following the proposed changes of organization. Approval would be conditioned on a final map and description conforming to the referenced standards and addressing any recommended modifications approved by the Commission. Approval for the reorganization of the affected territory, as modified, would not create service islands or corridors of unincorporated territory.

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

The County certified a Mitigated Negative Declaration (MND) for the proposed reorganization that identified potential significant environmental impacts to Transportation/Traffic. The County MND includes mitigation and a Mitigation Monitoring and Reporting Program (MMRP) intended to reduce potential significant impacts to less-than-significant levels. A notice of the proposed reorganization was provided to the San Diego Association of Governments (SANDAG). No comments were received from SANDAG and as such no conflicts have been identified with respect to its regional transportation plan, San Diego Forward.

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

The affected territory consists of one unincorporated parcel totaling approximately 19.52 acres and subject to a County of San Diego-approved Major Use Permit for development of a religious facility and accessory structures. The proposed reorganization of retail and wholesale water services to the proposed facilities is consistent with the County General Plan.

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

See analysis provided as part of Appendix B.

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

Staff provided notice of the change of organization proposal to all subject and affected agencies as required under LAFCO law. No written comments were received ahead of preparing this agenda report for distribution on September 25, 2020. No documented jurisdictional conflicts and/or related concerns from other local agencies, organizations, or members of the general public have been received per Commission Policy L-107.

k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The Rincon del Diablo MWD and its wholesale water suppliers – San Diego CWA and MET have indicated that sufficient capacity and supply exist to extend retail and wholesale water services to the affected territory and the planned religious uses and facilities. Following reorganization, the subject agencies will receive standard service fees and charges sufficient for the provision of water services for anticipated needs.

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

The Rincon del Diablo MWD and its wholesale water suppliers – San Diego CWA and MET have indicated that sufficient capacity and supply exist to extend retail and wholesale water services to the affected territory and the planned religious uses and facilities. The affected agencies have adopted long-range supply planning and capital improvement programs demonstrating the timely availability of adequate water supplies for the affected territory’s projected needs.

m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

The proposed reorganization is intended to facilitate the extension of retail and wholesale water services to a proposed religious facility to be developed on the affected unincorporated territory subject to a County-approved Major Use Permit. The development project includes a detached 5-unit multi-family residence for religious personnel. However, all potential residential units tied to the lands within the affected territory are already assigned to the County of San Diego by the region’s council of governments, SANDAG.

n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The affected territory is undeveloped with 0 registered voters and qualifies as "uninhabited" as defined by LAFCO law (containing 11 registered voters or less). Notice of the proposal and associated public hearing scheduled on October 5th have been provided to all registered voters and landowners with no comments received by the date. No documented jurisdictional conflicts and/or related concerns with other local agencies, organizations, or members of the general public relative to addressing Commission Policy L-107.

o) Any information relating to existing land use designations.

See above analysis for (h).

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

As used in this review factor, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed change of organization does not include locating new public facilities and therefore approval is not anticipated to directly influence the promotion of environmental justice within the affected territory.

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

The County of San Diego General contains a hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory is not located within a very high fire hazard zone or state responsibility area.

APPENDIX B

STATEMENT OF DETERMINATIONS SPHERE OF INFLUENCE FACTORS

(1) The present and planned land uses, including agricultural and open-space lands.

The affected territory consists of one unincorporated parcel totaling approximately 19.52 acres and subject to a County of San Diego-approved Major Use Permit (MUP) for development of a religious facility and accessory structures. The present County General Plan designation for the affected territory is Semi-Rural Residential 2 (SR-2), which allows one dwelling unit per 2, 4, or 8 acres. The present zoning designation is A-70, Light Agriculture, with a 2-acre minimum lot size. The proposed religious facilities and uses are allowed on the affected territory by the approved Major Use Permit, which consists of a main temple building, a detached 5-unit multi-family residence for religious personnel, and an accessory barn for livestock. The project is planned to utilize underground septic disposal systems, which will preclude additional density or intensity on the site without changes to the MUP and additional environmental review by the County of San Diego. The affected territory is not cultivated for agricultural products and not subject to the Williamson Act. The affected territory is also not considered prime agriculture under LAFCO law and does not contain open-space lands. Approval of conforming sphere of influence amendments for the subject agencies to include the affected territory is consistent with present and planned land uses.

(2) The present and probable need for public facilities and services in the area.

The Rincon del Diablo MWD has submitted a resolution of application requesting approval for a proposed reorganization to extend retail and wholesale imported water service to a planned religious facility and accessory structures to be developed on the approximate 19.52-acre subject unincorporated territory. Rincon del Diablo MWD is a retail water member agency of the wholesale San Diego CWA, which receives its wholesale imported water supply from MET. Rincon del Diablo MWD has consented to annexation of the affected territory for retail water service and obtained conditional annexation approvals from both San Diego CWA and MET as required under the respective wholesalers’ Administrative Codes. The County of San Diego has adopted a Major Use Permit for religious uses and approved development plans for the proposed facilities on the affected territory. The project proposes onsite underground wastewater disposal systems for its projected wastewater demands. The affected territory is not presently located within an authorized fire protection and EMS service provider and the submitted reorganization is recommended to be modified for inclusion within Rincon Del Diablo MWD’s Improvement District “E.” The MWD’s Improvement District “E” territory receives fire protection and EMS services from the City of Escondido by service agreement with the MWD. Modification of the proposed reorganization as recommended would establish fire protection and EMS services consistent with surrounding Rincon Del Diablo MWD territory.

(3) The present capacity of public facilities and adequacy of public services the agency provides or is authorized to provide.

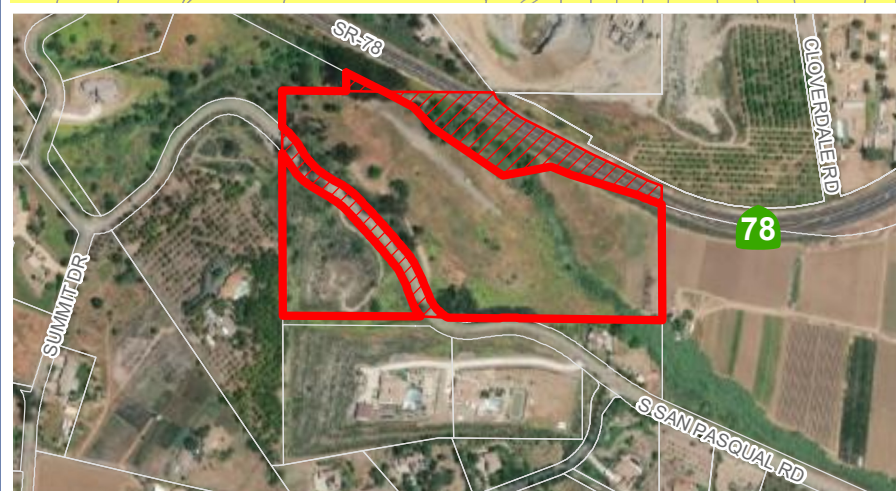
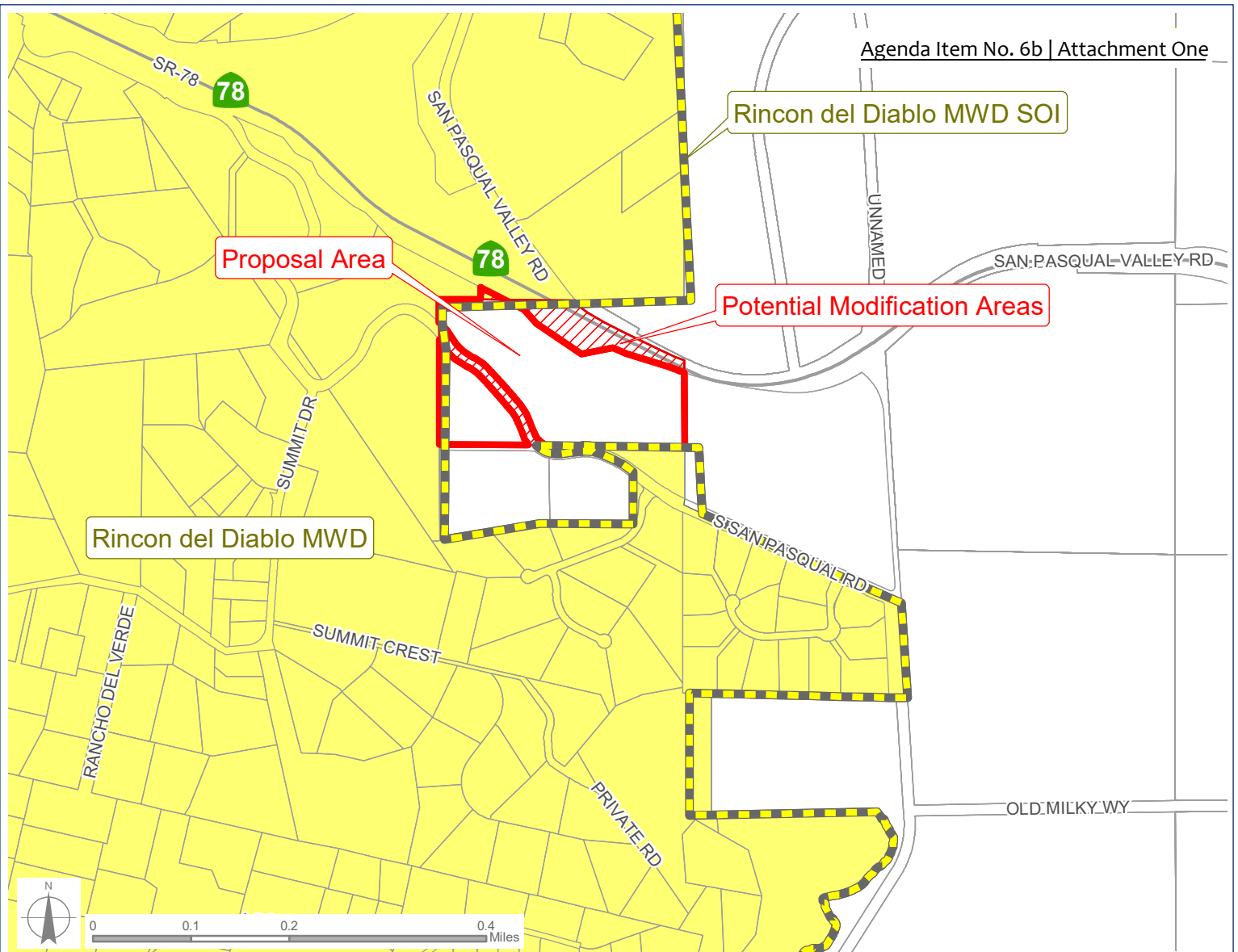
The proposed reorganization involves an extension of retail and wholesale imported water service to a planned religious facility and accessory structures to be developed on the approximate 19.52-acre subject unincorporated territory. Rincon del Diablo MWD is a retail water member agency of the wholesale San Diego CWA, which receives its wholesale imported water supply from MET. An existing Rincon Del Diablo water main is located adjacent to the affected territory within the San Pasqual Valley Road public-right-of-way. The landowner will finance all required connection costs. The Rincon Del Diablo MWD has indicated that sufficient capacity and supply exists to extend retail and wholesale water service to the affected territory and planned uses without significant expansion of public infrastructure. Rincon Del Diablo MWD projects the proposed reorganization’s water demands at 11.9 acre-feet per year. These water demands have been anticipated and are presently accounted for within the MWD’s Urban Water Management Plan total of 417 acre-feet of water supply available to the MWD from CWA and MET wholesale sources. Rincon del Diablo MWD has the financial resources coupled with administrative controls to provide retail water services to the affected territory in support of its planned development without adversely impacting current ratepayers. Rincon del Diablo MWD’s recent audited statements reflect the District remained profitable in each of the last three audited fiscal years with an average total margin of 109%.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.





Approval of the proposed reorganization of retail and wholesale water services and conforming sphere of influence amendments would strengthen existing economic and social ties between the County of San Diego and the affected territory. The concurrent annexations of the affected territory to Rincon del Diablo MWD, and the wholesale water suppliers San Diego CWA and MET Formation would expand existing municipal services that support current and future development and in doing so further empower the County and its Board of Supervisors to effectuate and support development in the unincorporated area per the County General Plan.

(5) The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

The affected territory is not presently located within a census tract qualifying as a disadvantaged unincorporated community under State statute or LAFCO policy. Approval of the proposed reorganization of retail and wholesale water services and conforming sphere of influence amendments would not affect the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing spheres of influence of the subject agencies.



RO20-16 Proposed "SVBF Temple Reorganization" | Concurrent Annexations to Rincon del Diablo MWD, San Diego County Water Authority, and Metropolitan Water District of Southern California with Conforming Sphere of Influence Amendments

-  Proposal Area
-  Potential Modification Areas
-  Rincon del Diablo MWD
-  Rincon del Diablo MWD SOI
- SOI = Sphere of Influence



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

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RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

“SVBF TEMPLE REORGANIZATION”

CONCURRENT ANNEXATIONS TO RINCON DEL DIABLO MUNICIPAL WATER DISTRICT,
SAN DIEGO COUNTY WATER AUTHORITY, AND METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA WITH CONFORMING SPHERE OF INFLUENCE AMENDMENTS
LAFCO FILE NO. CO20-16, et al.

WHEREAS, on August 5, 2020, Rincon del Diablo Municipal Water District filed a resolution to initiate proceedings and submitted a proposal application with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application as submitted seeks approval of a proposed reorganization to concurrently annex approximately 19.52 acres of unincorporated territory within the County of San Diego to the Rincon del Diablo Municipal Water District, for retail water service; and the San Diego County Water Authority, and Metropolitan Water District of Southern California, for wholesale water service; and

WHEREAS, the affected territory as proposed includes one undeveloped assessor parcel identified by the County of San Diego Assessor’s Office as 241-080-47 and planned for development with facilities for religious uses subject to a Major Use Permit by the County of San Diego; and

WHEREAS, an applicable master property tax transfer agreement adopted by the San Diego County Board of Supervisors dated December 14, 1982 applies to the proposed reorganization; and

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on October 5, 2020; and

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

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

1. The public meeting was held on the date set therefore, and due notice of said meeting was given in the manner required by law.
2. At the public meeting, the Commission considered the Executive Officer's report.
3. The Commission, acting as a responsible agency, considered the environmental effects of the project as shown in the attached mitigated negative declaration prepared by the County of San Diego. The mitigation is within the jurisdiction of the County and not LAFCO because the affected resources and services are within the unincorporated territory of San Diego County.
4. The Commission APPROVES the reorganization with discretionary modifications as described below and subject to conditions as provided. Approval involves all of the following:
 - a) A modification to the affected territory to include the adjacent unincorporated public rights-of-way of Old San Pasqual Road and San Pasqual Valley Road, totaling 3.93 acres; and to exclude a 0.10 acre portion of the affected territory presently within the subject agencies.
 - b) A modification to the proposal to include a concurrent expansion of Rincon del Diablo Municipal Water District Improvement District "E" to include the affected territory as modified.
 - c) Concurrent amendments to the adopted spheres of influence for the Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California, to include the affected territory as modified and as shown in "Exhibit A-1".
 - d) Concurrent annexation of the affected territory as modified to the Rincon del Diablo Municipal Water District, for retail water service; and the San Diego County Water Authority, and Metropolitan Water District of Southern California, for wholesale water service as shown in "Exhibit A-1" and described in "Exhibit A-2."
5. The Commission CONDITIONS all approvals on the following terms being satisfied by October 5, 2021 unless an extension is requested in writing and approved by the Executive Officer:
 - a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.

- b) Submittal to the Commission of final map and geographic description of the modified affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.
 - c) Submittal to the Commission of the following payments:
 - A check made payable to LAFCO in the amount of \$50.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Determination consistent with the findings in the resolution.
 - A check made payable to LAFCO in the amount of \$457.32 for public hearing notice publication costs.
 - A check made payable to the State Board of Equalization for processing fees in the amount of \$800.00.
 - d) Submittal of confirmation to the Executive Officer from Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California that all respective annexation terms and conditions have been satisfied by the landowner.
6. The Commission assigns the proposal the following short-term designation:
- “SVBF Temple Reorganization”
- 7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.
 - 8. The Commission waives conducting authority proceedings under Government Code Section 56662.
 - 9. The Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California are registered-voter districts.
 - 10. The Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California each utilize the County of San Diego assessment roll.
 - 11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California as provided under Government Section 57328.
 - 12. The affected territory will be subject to the levying or fixing and collection of any previously authorized taxes, benefit assessments, fees, or charges of the subject agencies as provided under Government Section 57330.

13. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.
14. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.
15. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Sections 56880-56882 of the Government Code.
16. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code.

**

PASSED AND ADOPTED by the Commission on October 5, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

EXHIBIT A
MAP OF THE AFFECTED TERRITORY

-Placeholder-

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EXHIBIT B
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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RESOLUTION NO. 20-06

**A RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS OF RINCON DEL DIABLO MUNICIPAL WATER DISTRICT REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TAKE PROCEEDINGS FOR THE PROPOSED CONCURRENT ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO SAID RINCON DEL DIABLO MUNICIPAL WATER DISTRICT AND TO SAID SAN DIEGO COUNTY WATER AUTHORITY AND METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
(SRINGERI VIDYA BHARATI TEMPLE ANNEXATION)**

WHEREAS, the Rincon del Diablo Municipal Water District is a Municipal Water District organized and existing under the Municipal Water District Act of 1911, as amended, and its corporate area has been annexed to the San Diego County Water Authority and Municipal Water District of Southern California; and

WHEREAS, the Board of Directors of the RINCON DEL DIABLO MUNICIPAL WATER DISTRICT (RINCON), San Diego County, State of California, desires to initiate proceedings pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code for the proposed Sringeri Vidya Bharati Temple Annexation; and

WHEREAS, the proposed annexation of the affected territory (APN 241-080-47) to Rincon includes concurrent annexations to the San Diego County Water Authority and Metropolitan Water District of Southern California; and

WHEREAS, the affected territory is not presently within the adopted spheres of influence of Rincon, San Diego County Water Authority, or Metropolitan Water District of Southern California, and therefore conforming amendments to the respective agency spheres would be required concurrently with annexation; and

WHEREAS, the territory subject to the proposed Annexation is uninhabited, and a description of the external boundary of the territory is set forth in Exhibit "A" and a map thereof is set forth in Exhibit "B", both attached hereto and by this reference incorporated herein; and

WHEREAS, the reasons for this proposed Change of Organization are as follows:

1. The County of San Diego has approved development plans for the affected territory proposed for annexation.
2. The landowner of the affected territory desires to utilize Rincon's services.
3. The San Diego County Water Authority and the Metropolitan Water District of Southern California have adopted conditions of approval for the proposed annexation.

WHEREAS, Sringeri Vidya Bharati Foundation shall comply with the provision of the Rincon del Diablo Municipal Water District Administrative Code 1600.

WHEREAS, the proposed Annexation is subject to the terms and conditions of both the Metropolitan Water District of Southern California and the San Diego County Water Authority. Any annexation to the Water Authority shall be in accordance with the County Water Authority Act and applicable provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Section 5600 et. seq). Any annexation to the Water Authority shall not conflict with Division III, Annexations, of the Metropolitan Water District Administration Code.

WHEREAS, LAFCO is authorized to approve this proposed Annexation without notice or hearing and without an election. If no express effective date is indicated, the effective date of the Change of Organization shall be the date of recordation of the Certificate of Completion and Resolution ordering the change of organization by the County Recorder.

NOW THEREFORE, this Resolution of Application is hereby approved and adopted by the Board of Directors of the RINCON DEL DIABLO MUNICIPAL WATER DISTRICT. The Local Agency Formation Commission of San Diego County is hereby requested to take proceedings for the proposed Change of Organization that includes the territory as described in Exhibit "A" and shown in Exhibit "B" according to the terms and conditions stated above and in a manner provided by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.


PASSED, APPROVED, AND ADOPTED this 28th day of July 2020.

AYES: *Drake, Lump, Murtland, Quest, Towse*
NOES:
ABSTAIN:
ABSENT:

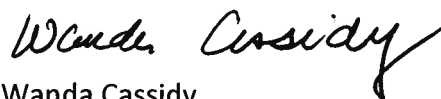
APPROVED:


James B. Murtland, President

ATTEST:


Wanda Cassidy, Board Secretary

I, Wanda Cassidy, Clerk of the Board of Rincon del Diablo Municipal Water District, certify that the vote above is correct and this Resolution No. 20-06 was duly adopted at the meeting of the Board of Directors on the date stated above.

A handwritten signature in black ink that reads "Wanda Cassidy". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Wanda Cassidy
Clerk of the Board

EXHIBIT A

RINCON DEL DIABLO MUNICIPAL WATER DISTRICT

ANNEXATION NO. 18-02.1

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY, SITUATE IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE NORTH 25 ACRES THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 12 SOUTH, RANGE 1 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF; SAID LAND ALSO DESCRIBED IN GRANT DEED RECORDED OCTOBER 22, 2015 AS DOCUMENT NO. 2015-0551921 OF OFFICIAL RECORDS; SAID LAND ALSO SHOWN ON RECORD OF SURVEY MAP NO. 19734, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JUNE 15, 2007, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST SIXTEENTH CORNER OF SAID SECTION 30 AS SHOWN ON SAID RECORD OF SURVEY; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, SOUTH 0°06'02" EAST, 811.27 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 25 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30; THENCE ALONG THE SOUTHERLY LINE OF SAID NORTH 25 ACRES, SOUTH 89°31'41" EAST, 1,318.98 FEET TO THE SOUTHEAST CORNER OF SAID NORTH 25 ACRES; THENCE NORTHERLY ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, NORTH 0°08'32" WEST, 375.28 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF SAN PASQUAL VALLEY ROAD AS SHOWN ON SAID RECORD OF SURVEY; SAID POINT ALSO THE BEGINNING OF A NON-TANGENT, 905.00-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; A RADIAL LINE FROM SAID POINT BEARS NORTH 24°43'26" EAST; THENCE WESTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°44'44", A DISTANCE OF 59.16 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY, THE FOLLOWING COURSES: NORTH 61°43'27" WEST, 291.06 FEET; THENCE SOUTH 28°14'12" WEST 12.79 FEET; THENCE NORTH 66°46'22" WEST, 75.53 FEET; THENCE SOUTH 79°31'55" WEST, 170.91 FEET; THENCE NORTH 55°47'09" WEST, 292.03 FEET; THENCE NORTH 42°28'59" WEST, 101.26 FEET; THENCE NORTH 62°40'03" WEST, 269.01 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, SOUTH 4°22'26" EAST, 69.71 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30; THENCE WESTERLY ALONG SAID LINE, NORTH 89°27'19" WEST 223.15 FEET TO THE **POINT OF BEGINNING.**

CONTAINING AN AREA OF 19.265 ACRES (839,180 SQUARE FEET), MORE OR LESS


ADAM E. EISENBERG, LS 9096 DATE 1-29-2019

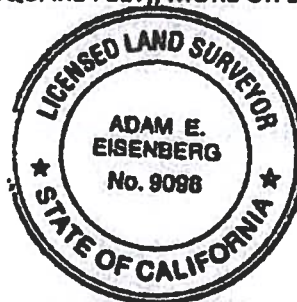
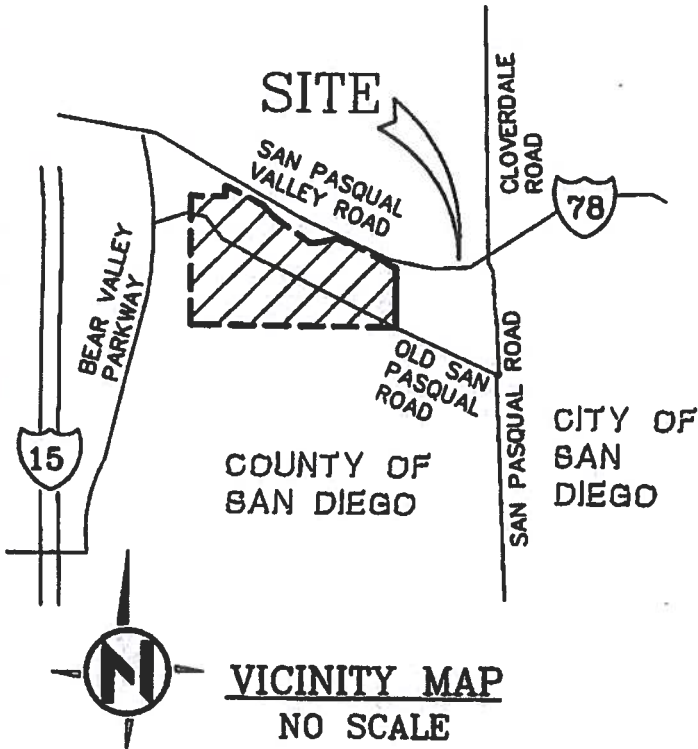






EXHIBIT "B"

SHEET 1 OF 2

THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION



LEGEND

-  INDICATES AREA OF ANNEXATION (TOTAL GROSS AREA = 19.265 ACRES)
-  INDICATES SUB SECTION LINE
-  INDICATES CENTERLINE
-  INDICATES ROAD EASEMENT GRANTED TO THE COUNTY OF SAN DIEGO PER DOCUMENT RECORDED NOVEMBER 1, 1911 IN BOOK NO. 505, PAGE 32 OF OFFICIAL RECORDS.

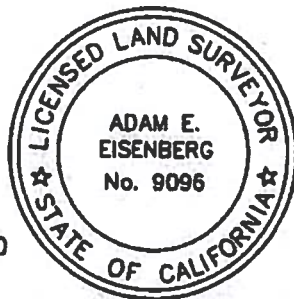
BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SAN DIEGO COUNTY REAL TIME NETWORK USING CALIFORNIA COORDINATE SYSTEM 83, ZONE 6, NAD 83, EPOCH 2011.00, AS DETERMINED LOCALLY BY A LINE BETWEEN CONTINUOUS GLOBAL POSITIONING STATIONS (CGPS) AND/OR CONTINUOUS OPERATING REFERENCE STATIONS (CORS) RAAP AND SIO5 BEING SOUTH 54°44'54" WEST AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC) AND/OR NATIONAL GEODETIC SURVEY (NGS), RESPECTIVELY AND MEETS ALL THE REQUIREMENTS OF THE CALIFORNIA PUBLIC RESOURCES CODE.

PREPARED BY:

BWE

9449 Balboa Avenue, Suite 270
San Diego, CA 92123 (619) 299-5550



RINCON DEL DIABLO MUNICIPAL WATER DISTRICT

ANNEXATION NO. 18-02.1

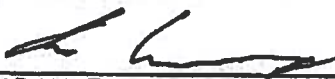
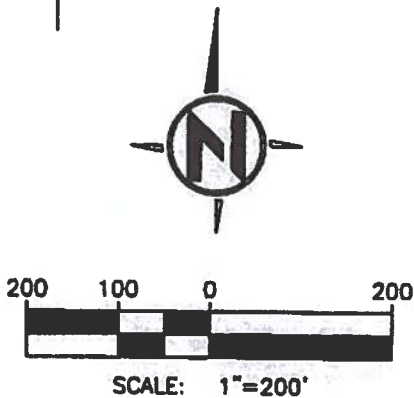
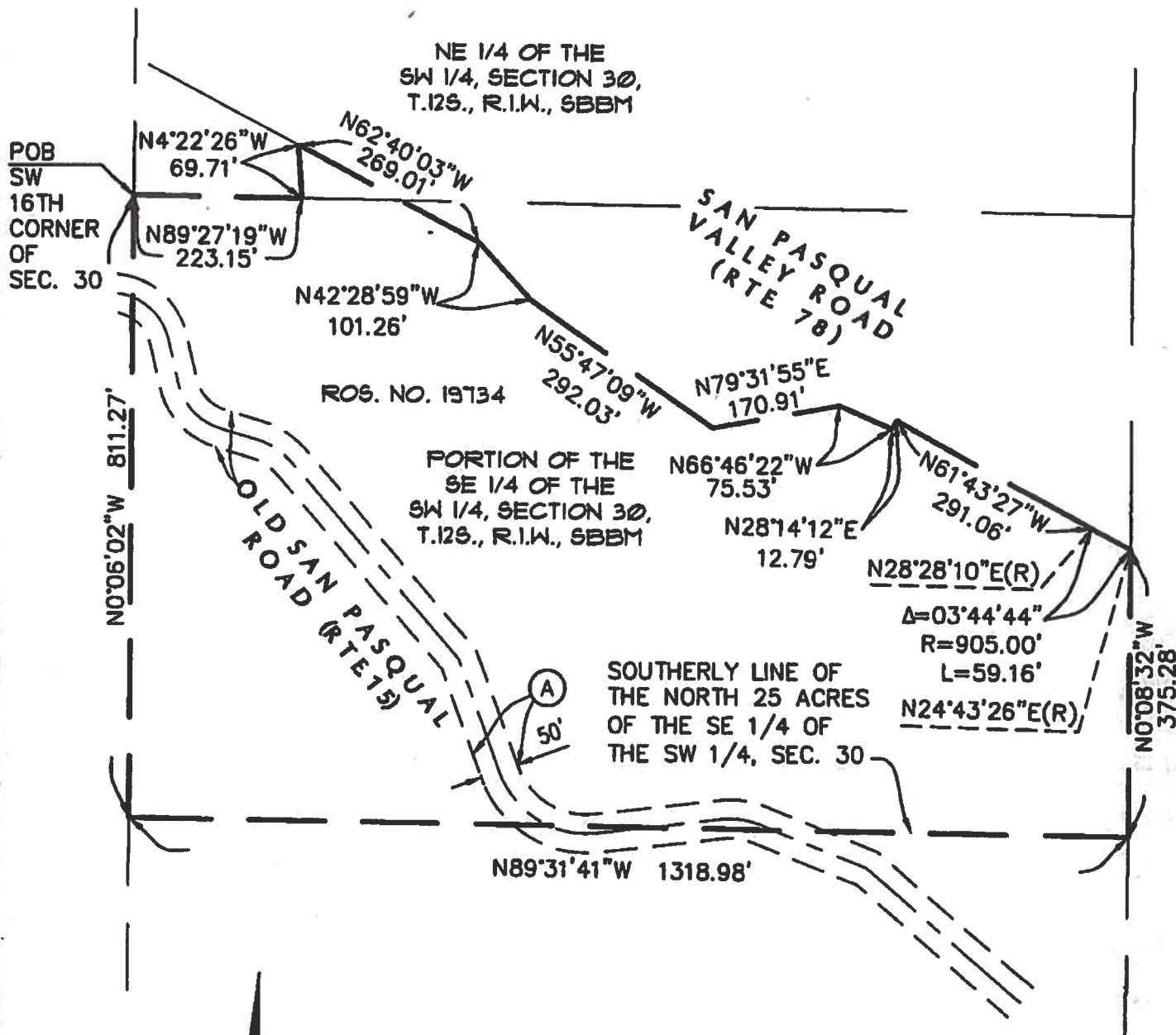
 1-24-2019
ADAM E. EISENBERG LS 9096 DATE

EXHIBIT "B"

SHEET 2 OF 2

THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION



**RINCON DEL DIABLO
MUNICIPAL WATER DISTRICT**

ANNEXATION NO. 18-02.1

RESOLUTION 9263

RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA CONSENTING TO SAN DIEGO COUNTY WATER AUTHORITY'S SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXTION AND FIXING THE TERMS AND CONDITIONS TO THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

WHEREAS, the Board of Directors of the San Diego County Water Authority (SDCWA), a county water authority situated in the county of San Diego, state of California, pursuant to Resolution No. 2019-01, in accordance with the provisions of the Metropolitan Water District Act (MWD Act), has applied to the Board of Directors of The Metropolitan Water District of Southern California (Metropolitan) for consent to annex thereto certain uninhabited territory situated in the county of San Diego referred to as Sringeri Vidya Bharati Foundation Temple Annexation (Temple annexation), more particularly described in an application to the San Diego County Local Agency Formation Commission (LAFCO), concurrently with Temple annexation thereof to SDCWA, such annexation to Metropolitan to be upon such terms and conditions as may be fixed by the Board of Directors of Metropolitan;

WHEREAS, the owner of San Diego County Assessor Parcel Number 241-080-47-00 (Property) has applied for the Temple annexation into the SDCWA and Metropolitan service areas;

WHEREAS, completion of said Temple annexation shall be contingent upon approval by the LAFCO; conditioning its approval of the Temple annexation upon a requirement that Metropolitan's existing and established taxes, benefit assessments, or property-related fees or charges in place in the service area are levied or fixed and collected on the parcels being annexed to the agency; these taxes, benefit assessments, or property-related fees or charges are identified below;

WHEREAS, Metropolitan has levied and collected ad valorem taxes on parcels within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9258, adopted by Metropolitan's Board on August 20, 2019;

WHEREAS, since fiscal year 1992-93, Metropolitan has levied and collected water standby charges pursuant to Section 134.5 of the MWD Act on parcels within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9253, adopted by Metropolitan's Board on May 14, 2019;

WHEREAS, upon Temple annexation, the parcel will be within Metropolitan's service area, Metropolitan water will be available to such parcels and such parcels will receive the benefit of

the projects provided in part with proceeds of Metropolitan's water standby charges. Upon completion of the annexation, the lands within the Temple annexation will be subject to Metropolitan's ad valorem tax in the current amount of 0.0035 percent of the assessed value of each parcel and Metropolitan's water standby charge in the current amount of \$11.51 per acre, or per a parcel of less than one acre. Approval of Metropolitan's standby charge levied elsewhere within SDCWA's territory is a condition to complete this annexation;

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), the County of San Diego, acting as Lead Agency, adopted the Sringeri Vidya Bharati Foundation Temple Project (Project) Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program (MMRP), and approved the Project on June 20, 2018 for the development of the proposed annexation parcels, and Metropolitan, as Responsible Agency under CEQA, reviewed and considered the information contained in the MND and MMRP prior to approval of the formal terms and conditions for the Sringeri Vidya Bharati Foundation Temple Area Annexation; and

WHEREAS, it appears to this Board of Directors that such application should be granted, subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan, acting as Responsible Agency, reviewed and considered the information in the MND and MMRP prior to approval of the final terms and conditions for the Sringeri Vidya Bharati Foundation Temple Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of SDCWA for consent to annex Sringeri Vidya Bharati Foundation Temple Area Annexation, to Metropolitan and does hereby fix the terms and conditions of such annexation.

BE IT FURTHER RESOLVED that the Board of Directors of Metropolitan, subject to the following terms and conditions, does hereby grant the application of the governing body of SDCWA for consent to Temple annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1. Annexation of said area to SDCWA shall be made concurrently with annexation thereof to Metropolitan, and all necessary certificates, statements, maps, and other documents required to be filed by or on behalf of SDCWA to effectuate Temple annexation shall be filed on or before December 31, 2021.

Section 2. Prior to filing a request for a Certificate of Completion of Temple annexation proceedings with LAFCO, SDCWA shall submit a certified copy of LAFCO's resolution approving Temple annexation to SDCWA, and shall pay to Metropolitan \$115,853.33 for its annexation fee, if annexation is completed by December 31, 2020. If the annexation is completed during the 2021 calendar year, the annexation charge will be calculated based on the then-current rate, in accordance with Metropolitan's Administrative Code Section 3300.

Section 3. a. Metropolitan shall be under no obligation to provide, construct, operate, or maintain feeder pipelines, structures, connections, and other facilities required for the delivery of water to said area from works owned and operated by Metropolitan.

b. SDCWA shall not be entitled to demand that Metropolitan deliver water to SDCWA for use, directly or indirectly, within said area, except for domestic or municipal use therein.

c. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to the water service regulations, including rates and charges promulgated from time to time by Metropolitan.

d. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to the water service regulations, including rates and charges promulgated from time to time by Metropolitan.

e. Except upon the terms and conditions specifically approved by the Board of Directors of Metropolitan, water sold and delivered by Metropolitan shall not be used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Metropolitan, including use of such water outside Metropolitan or use thereof within Metropolitan in substitution for other water outside Metropolitan.

Section 4. LAFCO has conditioned approval of Temple annexation upon a requirement that Metropolitan levy or fix and collect all previously established and collected taxes, benefit assessments, or property-related fees or charges on parcels being annexed to the agency.

Section 5. Such charges include but are not limited to:

a. Metropolitan's ad valorem tax on properties located within the territory of SDCWA in the amount of 0.0035 percent of the assessed value of each parcel. Metropolitan shall levy the ad valorem tax in the amount, at the same time and in the same manner as the ad valorem tax on other properties located within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9258, adopted by Metropolitan's Board on August 20, 2019.

b. Metropolitan's water standby charge on properties located within the territory of SDCWA, in the amount of is \$11.51 per acre of land, or per parcel of land less than an acre. Metropolitan shall levy the water standby charge in the amount, at the same time and in the same manner as water standby charges on other properties located within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9253, adopted by Metropolitan's Board on May 14, 2019.

Section 6. That the General Manager is hereby authorized and directed to take all necessary action to secure the collection of the ad valorem taxes and water standby charges by the appropriate county officials, including payment of the reasonable cost of collection.

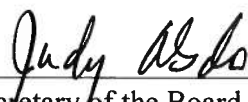
Section 7. That the Board of Directors of Metropolitan, acting as Responsible Agency, reviewed and considered the information in the MND and MMRP prior to approval of the final terms and conditions for the Sringeri Vidya Bharati Foundation Temple Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of SCDWA for consent to annex the Sringeri Vidya Bharati Foundation Temple Area Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation.

Section 8. That the General Manager and General Counsel are hereby authorized to do all things necessary and desirable to accomplish the purposes of this resolution, including, without limitation, the commencement of defense of litigation.

Section 9. That if any provision of this resolution or the application to any member agency, property or person whatsoever is held invalid, that invalidity shall not affect the other provisions or applications of this resolution which can be given effect without the invalid portion or application, and to that end the provisions of this resolution are severable.

BE IT FURTHER RESOLVED that the Board Executive Secretary is directed to transmit forthwith to the governing body of SDCWA a certified copy of this resolution.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California, at its meeting held on January 14, 2020.


Secretary of the Board of Directors
of The Metropolitan Water District
of Southern California

RESOLUTION NO. 2020-04

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN DIEGO COUNTY WATER AUTHORITY
APPROVING THE CONCURRENT ANNEXATION OF
TERRITORY TO SAID AGENCIES
(SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION)**

WHEREAS, pursuant to Section 10(d) of the County Water Authority Act, the Board of Directors of the Rincon del Diablo Municipal Water District adopted Resolution No. 18-02, requesting formal terms and conditions from the San Diego County Water Authority and Metropolitan Water District of Southern California for the concurrent annexation of the lands described in Resolution No. 18-02, and known as the SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION; and

WHEREAS, a copy of Rincon del Diablo Municipal Water District Resolution No. 18-02, is attached (Attachment 1); and

WHEREAS, pursuant to Section 10(d) of the County Water Authority Act, the Board of Directors of the San Diego County Water Authority may grant or deny the application and, in granting the application, may fix terms and conditions upon which the territory may be annexed to the San Diego County Water Authority; and

WHEREAS, the Board of Directors of the San Diego County Water Authority adopted Annexation Policies in February 2006 that provide criteria for the evaluation of potential annexations and conditions that may be applied; and

WHEREAS, the Board of Directors of the San Diego County Water Authority approved procedures for Implementation of the San Diego County Water Authority's Annexation Policy #2: Protection of Member Agency Supply Reliability in April 2010 that provide guidance in determining if approval of a proposed annexation will have an adverse effect on member agency supply reliability, and provide direction on the potential conditions to be imposed; and

WHEREAS, the Board of Directors of the San Diego County Water Authority, in July 2016, amended Water Authority Annexation Policy #4: Annexation Fee, and amended Policy #12: Administrative Costs, to address approved revisions to the annexation fee structure; and

WHEREAS, by Resolution No. 2019-01, adopted January 24, 2019, the Board of Directors of the San Diego County Water Authority granted preliminary informal terms and conditions for the SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION, and requested the Metropolitan Water District of Southern California set formal terms and conditions and grant conditional approval; and

WHEREAS, by Resolution No. 9263, adopted January 14, 2020, the Board of Directors of the Metropolitan Water District of Southern California set formal terms and conditions and granted conditional approval for the SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION; and

WHEREAS, by Resolution No. 20-02, adopted February 25, 2020, the Board of Directors of the Rincon del Diablo Municipal Water District accepted the terms and conditions of the concurrent annexation for the SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION; and

WHEREAS, conditions from the Annexation Policies will need to be satisfied prior to approval of the SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION; and

NOW, THEREFORE, the Board of Directors of the San Diego County Water Authority RESOLVES subject to the following terms and conditions, to grant the application of the governing body of Rincon del Diablo Municipal Water District for consent to annex the SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION to the San Diego County Water Authority and to establish the following conditions of such annexation:

1. WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), the County of San Diego, acting as a Lead Agency, adopted an Extended Initial Study and Mitigated Negative Declaration (MND) in June 2018. The Water Authority, as a Responsible Agency under CEQA, has reviewed the MND per Resolution 2020-____ and determined that no further environmental analysis is required for the action of the Water Authority; and

2. Pursuant to Section 10(d) of the County Water Authority Act, the Board of Directors of the San Diego County Water Authority requires the following:

a. That the property owner acknowledges and agrees to participate in any required Proposition 218 action and will be subject to the imposition of any taxes, fees, charges, and assessments currently applicable to the San Diego County Water Authority service area.

3. That the terms and conditions as ordered by the Board of Directors of the Metropolitan Water District of Southern California shown in Resolution No. 9263, be a condition of the concurrent annexation to said Metropolitan Water District of Southern California and the San Diego County Water Authority of the properties described in Attachment 1.

4. That the Clerk of the Board is authorized and directed to forward certified copies of this resolution to the Metropolitan Water District of Southern California and the Rincon del Diablo Municipal Water District.

5. That the General Manager of the San Diego County Water Authority be directed to file a Notice of Determination as provided in Section 15096 of the State CEQA Guidelines.

PASSED, APPROVED, AND ADOPTED on this twenty-third day of April 2020.

Ayes: Unless noted below all Directors voted aye.*
Noes: None
Abstain: None
Absent: City of Escondido representative (P), Simpson, and Kennedy.



Jim Madaffer,
Chair

ATTEST:



Christy Guerin,
Secretary

I, Melinda Nelson, Clerk of the Board of the San Diego County Water Authority, certify that the vote above is correct and this Resolution No. 2020-04 was duly adopted at the meeting of the Board of Directors on the date stated above.



Melinda Nelson
Clerk of the Board

*The following Directors were present but vote not recorded: Barnum and Murtland

RESOLUTION 9263

RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA CONSENTING TO SAN DIEGO COUNTY WATER AUTHORITY'S SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXTION AND FIXING THE TERMS AND CONDITIONS TO THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

WHEREAS, the Board of Directors of the San Diego County Water Authority (SDCWA), a county water authority situated in the county of San Diego, state of California, pursuant to Resolution No. 2019-01, in accordance with the provisions of the Metropolitan Water District Act (MWD Act), has applied to the Board of Directors of The Metropolitan Water District of Southern California (Metropolitan) for consent to annex thereto certain uninhabited territory situated in the county of San Diego referred to as Sringeri Vidya Bharati Foundation Temple Annexation (Temple annexation), more particularly described in an application to the San Diego County Local Agency Formation Commission (LAFCO), concurrently with Temple annexation thereof to SDCWA, such annexation to Metropolitan to be upon such terms and conditions as may be fixed by the Board of Directors of Metropolitan;

WHEREAS, the owner of San Diego County Assessor Parcel Number 241-080-47-00 (Property) has applied for the Temple annexation into the SDCWA and Metropolitan service areas;

WHEREAS, completion of said Temple annexation shall be contingent upon approval by the LAFCO; conditioning its approval of the Temple annexation upon a requirement that Metropolitan's existing and established taxes, benefit assessments, or property-related fees or charges in place in the service area are levied or fixed and collected on the parcels being annexed to the agency; these taxes, benefit assessments, or property-related fees or charges are identified below;

WHEREAS, Metropolitan has levied and collected ad valorem taxes on parcels within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9258, adopted by Metropolitan's Board on August 20, 2019;

WHEREAS, since fiscal year 1992-93, Metropolitan has levied and collected water standby charges pursuant to Section 134.5 of the MWD Act on parcels within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9253, adopted by Metropolitan's Board on May 14, 2019;

WHEREAS, upon Temple annexation, the parcel will be within Metropolitan's service area, Metropolitan water will be available to such parcels and such parcels will receive the benefit of

the projects provided in part with proceeds of Metropolitan's water standby charges. Upon completion of the annexation, the lands within the Temple annexation will be subject to Metropolitan's ad valorem tax in the current amount of 0.0035 percent of the assessed value of each parcel and Metropolitan's water standby charge in the current amount of \$11.51 per acre, or per a parcel of less than one acre. Approval of Metropolitan's standby charge levied elsewhere within SDCWA's territory is a condition to complete this annexation;

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), the County of San Diego, acting as Lead Agency, adopted the Sringeri Vidya Bharati Foundation Temple Project (Project) Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program (MMRP), and approved the Project on June 20, 2018 for the development of the proposed annexation parcels, and Metropolitan, as Responsible Agency under CEQA, reviewed and considered the information contained in the MND and MMRP prior to approval of the formal terms and conditions for the Sringeri Vidya Bharati Foundation Temple Area Annexation; and

WHEREAS, it appears to this Board of Directors that such application should be granted, subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan, acting as Responsible Agency, reviewed and considered the information in the MND and MMRP prior to approval of the final terms and conditions for the Sringeri Vidya Bharati Foundation Temple Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of SDCWA for consent to annex Sringeri Vidya Bharati Foundation Temple Area Annexation, to Metropolitan and does hereby fix the terms and conditions of such annexation.

BE IT FURTHER RESOLVED that the Board of Directors of Metropolitan, subject to the following terms and conditions, does hereby grant the application of the governing body of SDCWA for consent to Temple annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1. Annexation of said area to SDCWA shall be made concurrently with annexation thereof to Metropolitan, and all necessary certificates, statements, maps, and other documents required to be filed by or on behalf of SDCWA to effectuate Temple annexation shall be filed on or before December 31, 2021.

Section 2. Prior to filing a request for a Certificate of Completion of Temple annexation proceedings with LAFCO, SDCWA shall submit a certified copy of LAFCO's resolution approving Temple annexation to SDCWA, and shall pay to Metropolitan \$115,853.33 for its annexation fee, if annexation is completed by December 31, 2020. If the annexation is completed during the 2021 calendar year, the annexation charge will be calculated based on the then-current rate, in accordance with Metropolitan's Administrative Code Section 3300.

Section 3. a. Metropolitan shall be under no obligation to provide, construct, operate, or maintain feeder pipelines, structures, connections, and other facilities required for the delivery of water to said area from works owned and operated by Metropolitan.

b. SDCWA shall not be entitled to demand that Metropolitan deliver water to SDCWA for use, directly or indirectly, within said area, except for domestic or municipal use therein.

c. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to the water service regulations, including rates and charges promulgated from time to time by Metropolitan.

d. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to the water service regulations, including rates and charges promulgated from time to time by Metropolitan.

e. Except upon the terms and conditions specifically approved by the Board of Directors of Metropolitan, water sold and delivered by Metropolitan shall not be used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Metropolitan, including use of such water outside Metropolitan or use thereof within Metropolitan in substitution for other water outside Metropolitan.

Section 4. LAFCO has conditioned approval of Temple annexation upon a requirement that Metropolitan levy or fix and collect all previously established and collected taxes, benefit assessments, or property-related fees or charges on parcels being annexed to the agency.

Section 5. Such charges include but are not limited to:

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b. Metropolitan's water standby charge on properties located within the territory of SDCWA, in the amount of is \$11.51 per acre of land, or per parcel of land less than an acre. Metropolitan shall levy the water standby charge in the amount, at the same time and in the same manner as water standby charges on other properties located within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9253, adopted by Metropolitan's Board on May 14, 2019.

Section 6. That the General Manager is hereby authorized and directed to take all necessary action to secure the collection of the ad valorem taxes and water standby charges by the appropriate county officials, including payment of the reasonable cost of collection.

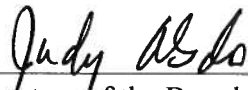
Section 7. That the Board of Directors of Metropolitan, acting as Responsible Agency, reviewed and considered the information in the MND and MMRP prior to approval of the final terms and conditions for the Sringeri Vidya Bharati Foundation Temple Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of SCDWA for consent to annex the Sringeri Vidya Bharati Foundation Temple Area Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation.

Section 8. That the General Manager and General Counsel are hereby authorized to do all things necessary and desirable to accomplish the purposes of this resolution, including, without limitation, the commencement of defense of litigation.

Section 9. That if any provision of this resolution or the application to any member agency, property or person whatsoever is held invalid, that invalidity shall not affect the other provisions or applications of this resolution which can be given effect without the invalid portion or application, and to that end the provisions of this resolution are severable.

BE IT FURTHER RESOLVED that the Board Executive Secretary is directed to transmit forthwith to the governing body of SDCWA a certified copy of this resolution.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California, at its meeting held on January 14, 2020.


Secretary of the Board of Directors
of The Metropolitan Water District
of Southern California

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