



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

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AGENDA REPORT
 Consent | Action

November 2, 2020

TO: Commissioners

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

SUBJECT: **Proposed “Fuerte Ranch Estates Change of Organization” |
 Annexation to the San Diego County Sanitation District (CO20-08)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by an interested landowner to annex approximately 27.9 acres of unincorporated territory to the San Diego County Sanitation District (SD). The affected territory as submitted includes one undeveloped parcel in the unincorporated community of Valle de Oro and already within the San Diego County SD sphere of influence. The proposal purpose is to extend public wastewater service to the subject parcel and facilitate the planned development of a 36-lot single-family residential subdivision titled “Fuerte Ranch Estates.” Staff recommends approval of the proposal without modifications and with standard terms and waiver of the protest hearing.

BACKGROUND

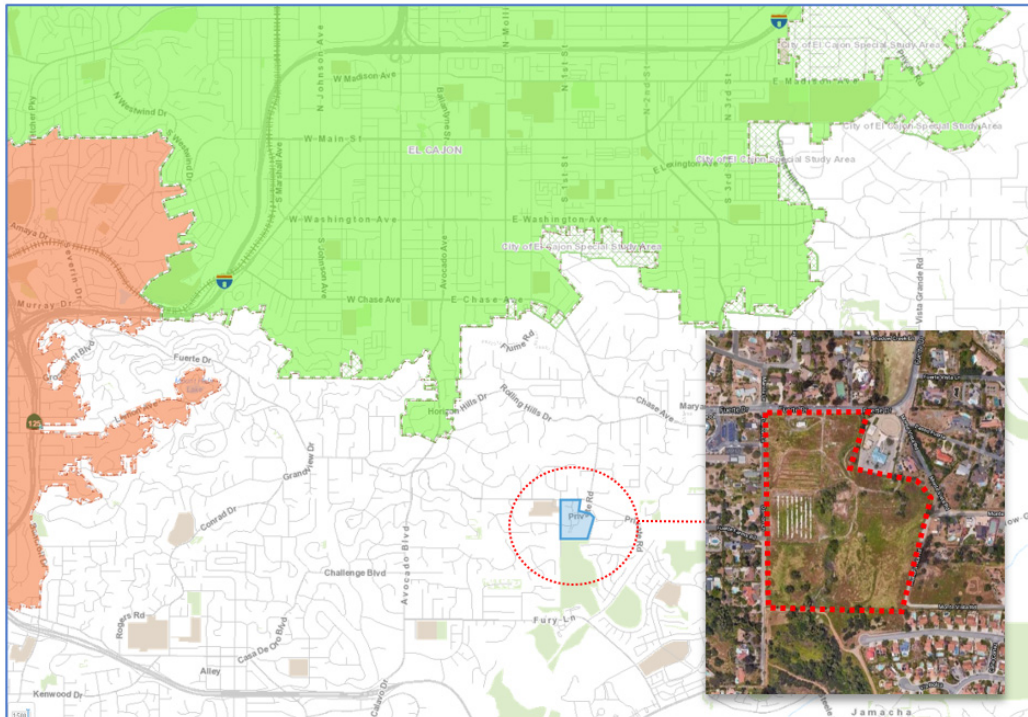
Applicant Request

SD LAFCO has received a petition application from a landowner – Shea Homes – requesting approval to annex 27.9 acres of unincorporated territory in Valle de Oro to the San Diego County SD. The affected territory as submitted involves one unincorporated and undeveloped parcel with a situs of 11739 Fuerte Drive. The subject parcel lies in the District sphere of influence and identified as 498-153-01 by the County of San Diego Assessor’s Office.

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

The affected territory lies within the unincorporated community of Valle de Oro and approximately one mile south of the City of El Cajon. The affected territory lies south of Interstate 8, west of Jamacha Road, north of State Route 94, and east of Avocado Boulevard. An aerial map of the affected territory relative to the Valle de Oro community and neighboring City of El Cajon follows. Attachment One shows the affected territory relative to the proposed boundary change involving the lone subject agency (San Diego County SD).



Subject Agency

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

- San Diego County SD is a dependent special district governed by the County of San Diego and serves as successor agency to a multi-agency consolidation completed in 2010. The lone active municipal service function is wastewater (collection, treatment, and disposal classes). The jurisdictional boundary spans 46 square miles or 29,571 acres and divided between seven distinct service areas with a combined LAFCO estimated resident service population of 149,798. The affected territory lies in the Spring Valley service area. This is the largest service area with an estimated resident service population of 92,717 and an accompanying average annual growth rate of

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

0.63% since 2010. San Diego County SD utilizes approximately 266 miles of collection lines in the Spring Valley service area to convey flows to the City of San Diego’s adjacent collection system and thereafter to the Point Loma Treatment Facility; the latter operated by the Metro Wastewater Joint Powers Authority with the District as one of the signatories. LAFCO established a sphere of influence for San Diego County SD at the time of its formation in 2011 with a smaller-than-agency designation to exclude 9,141 jurisdictional acres with the majority in the Spring Valley service area that concurrently lying in the sphere for the City of Chula Vista. The most recently prepared audit shows San Diego County SD’s net position at \$120.0 million as of June 30, 2019 and reflects an overall decrease of (1.8%) over the prior three fiscal years.

Affected Local Agencies

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

- County Service Area No. 135 (Regional Communications)
- Grossmont Healthcare District
- Metropolitan Water District of Southern California
- Otay Water District
- Resource Conservation District of Greater San Diego County
- San Diego County Water Authority
- San Miguel Consolidated Fire Protection District

DISCUSSION

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

Proposal Purpose

The purpose of the proposed change of organization before San Diego LAFCO is to extend wastewater service for a County of San Diego conditional approval of a 36-lot single-family residential subdivision (Fuerte Ranch Estates).³ This project was initially filed with the County in 2003 and conditionally approved in May 2010.

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

³ Reference to Tentative Map No. 5343.

Development Potential

The County of San Diego General Plan designates the entire affected territory as Semi-Rural Residential with a corresponding zoning assignment of Rural Residential. This zoning assignment prescribes a minimum lot size of 0.5 acres as well as a maximum of two dwelling units per acre. These allowances, accordingly, provide for a maximum development within the subject parcel to include up to 55 residential parcels or dwelling units. The landowner has received conditional approval from the County to develop the subject parcel into a 36-lot single-family residential subdivision consistent with these land use policies.

Commission Focus

San Diego LAFCO’s adopted sphere of influence designation for San Diego County SD includes the affected territory and can readily accommodate the proposed annexation to the District without amendment. This existing sphere determination narrows the Commission’s consideration of the proposed change of organization to two central and sequential policy items. These policy items ultimately take the form of determinations and orient the Commission to consider the stand-alone merits of the (a) timing of the change of organization and (b) whether discretionary boundary modifications or approval terms are appropriate. The Commission must also consider other relevant statutes as detailed.

ANALYSIS

San Diego LAFCO’s analysis of the proposed change of organization is divided into two subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section regarding the timing of the change of organization relative to the factors mandated for review by the Legislature and local policies as well as whether modifications and terms are appropriate in further addressing Commission goals and policies. The second subsection considers other germane issues and highlighted by environmental review under the California Environmental Quality Act (CEQA) and the disposition of protest proceedings.

Central Policy Items

Item No. 1 | Change of Organization Timing

The timing of the change of organization involving annexation to the San Diego County SD for public wastewater service appears appropriate. This conclusion draws from the analysis of the statutory factors required for consideration of proposed jurisdictional changes along with the proposal’s conformance with locally adopted Commission policies. Most of the prescribed review factors and applicable policies focus on the effects of the proposed annexation on the service and financial capacities of the *receiving* agency, San Diego County SD (emphasis added). These factors help to quantify the annexation of the affected territory to San Diego County SD as appropriate and summarized below.

- Service Needs

Annexation of the affected territory to San Diego County SD would represent a logical and orderly expansion of the District’s jurisdictional boundary and public wastewater services therein and marked by accommodating the County of San Diego’s conditional development approval of a 36-lot residential subdivision. Additional details on relevant service needs follow.

- The Commission has previously designated San Diego County SD as the appropriate long-term wastewater provider for the affected territory through its standing inclusion within the District’s sphere of influence. Annexation now implements this standing expectation through a public process and accommodates the expressed interest of the affected landowner as evident in their decision to initiate the proposal.
- Annexation of the affected territory to San Diego County SD for purpose of establishing public wastewater services going forward is consistent with the adopted land use policies of the County of San Diego. The County is the current and appropriate long-term land use authority and memorialized – notably – by the Commission’s standing exclusion of the lands from any cities’ spheres of influence.
- The proposal has a demonstrated present need for public wastewater service to accommodate the planned and conditionally-approved residential use within the affected territory given the alternative would be to establish private onsite septic disposal systems. This alternative – among other items – would be counter to the Commission’s interest and practice in discouraging private septic disposal systems in developing urban areas.

- Service Capacities and Levels

San Diego County SD has available and sufficient collection and contracted treatment capacities to accommodate projected service demands within the affected territory at its planned maximum uses without expanding existing public infrastructure. Additional details on relevant service capacities and levels follow.

- An existing San Diego County SD wastewater main is located immediately adjacent to the affected territory on the south within a private residential subdivision and accessible through an existing private easement.
- It is projected the maximum average day wastewater demand generated by the proposed 36-lot residential development within the affected territory is 8,640 gallons. This amount represents 0.0015% of the existing available capacity of San Diego County SD, and as such can be readily accommodated without additional resources or infrastructure planning.
- Ultimate buildout would potentially include an accessory unit per lot and increase the average day wastewater flow to 17,280 gallons per day or 0.003% of the remaining available capacity.

- **Service Funding and Costs**

San Diego County SD has the financial resources coupled with administrative controls to provide wastewater to the affected territory in support of its planned residential use without adversely impacting ratepayers. This comment is reflected in the District operating as an enterprise fund coupled with staff analysis of the agency’s recent audited statements. These statements show – among other items – the District’s net position remained generally constant with a slight decline over the last three audited fiscal years by (3.3%) and finished at \$120.0 million as of June 30, 2019.⁴

**CONCLUSION |
MERITS OF CHANGE OF ORGANIZATION TIMING**

The timing of the change of organization and annexation of the affected territory to San Diego County SD is warranted. Justification is marked by the preceding analysis and highlighted by syncing the timing of the annexation with a known and immediate service need while reflecting available capacities and infrastructure. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 2 |

Modifications and Terms

No modifications to the submitted change of organization proposal are recommended by staff and application of standard Commission approval terms is appropriate. This includes noting annexation of affected territory as proposed would not result in any unserved corridors within San Diego County SD or any otherwise irregularities. A map of the affected territory as submitted is provided as Attachment One.

**CONCLUSION |
MODIFICATIONS AND TERMS**

No modifications to the proposal area as submitted appear appropriate. Standard approval terms are recommended.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before San Diego LAFCO can consider a proposed change of organization involving an annexation unless an applicable master agreement applies. The associated statutes also empower the County of San Diego to make

⁴ Audited statements cover FY2017, 2018, and 2019.

all related property tax exchange determinations on behalf of special districts. Staff has confirmed the County Board of Supervisors has adopted a master tax exchange agreement applicable to the proposed annexation. The application of this master tax exchange agreement will result in no transfer of property taxes to San Diego County SD.

Environmental Review

CEQA requires San Diego LAFCO to assess whether environmental impacts would result from activities approved under the Commission’s statutory authority. As detailed in the accompanying footnote, LAFCO has assumed lead agency role under CEQA and has determined the change of organization qualifies as a project but excluded from additional rule under State Guidelines Section 15320.⁵ Staff believes this categorical exemption appropriately applies given the affected territory is presently located within the Otay WD for wastewater services and the proposed annexation would not change the geographical area where previously existing services are exercised.

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.⁶

RECOMMENDATION

Staff recommends conditional approval of the change of organization proposal without any modifications. This recommendation is consistent with the action listed as Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):

Adopt the attached draft resolution approving the change of organization proposal as submitted and without modification along with standard terms as specified.

Alternative Two:

Continue consideration to the next regular meeting.

⁵ The County of San Diego, as lead agency for the proposed residential subdivision and development, evaluated the project’s potential environmental impacts and certified a Mitigated Negative Declaration in accordance with CEQA; however, the County’s environmental review evaluated the extension of Otay WD wastewater service to the project and did not contemplate wastewater service from San Diego County SD or the associated LAFCO annexation action. San Diego LAFCO, accordingly, is tasked with assuming the lead agency role under CEQA with respect to the change of organization.

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

Alternative Three:

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

PROCEDURES FOR CONSIDERATION

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

On behalf of the Executive Officer,

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

Robert Barry, AICP
Chief Policy Analyst

Appendices:

- A) Analysis of Boundary Change Factors

Attachments:

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

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 undeveloped and includes one unincorporated parcel (498-153-01) addressed as 11739 Fuerte Drive within the Valle de Oro unincorporated community south of the City of El Cajon. The planned development of 36 single-family residences is consistent with existing County of San Diego land uses and zoning designations as further detailed. The affected territory is located within the Sweetwater watershed with an elevation of 600 feet above sea-level. Continued growth is anticipated in the surrounding Valle do Oro area within the next 10-year period and consistent with recent trends. Total assessed value (land and no improvements) in the affected territory is \$3,070,564 as of July 2020.

- 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 serves as the primary purveyor of general governmental services to the affected unincorporated territory. These governmental services include community planning, roads, and law enforcement via the County Sheriff. Other pertinent service providers include Otay Water District (potable water) and San Miguel Consolidated Fire Protection District (fire protection and emergency medical services). This proposal affects only wastewater and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**

Annexation of the affected territory to San Diego County SD would represent a logical and orderly expansion of the District’s jurisdictional boundary and public wastewater services therein and marked by the County of San Diego’s conditional development approvals for a proposed 36-lot residential subdivision. An existing San Diego County SD wastewater main is located immediately adjacent to the affected territory on the south within a private residential subdivision and accessible through a private easement. It is projected the maximum average day wastewater demand generated by the proposed 36 units within the affected territory is 8,640 gallons. This amount represents 0.0015% of the existing available capacity of San Diego County SD, and as such can be readily accommodated without additional resources or infrastructure planning. Ultimate buildout would potentially include an accessory unit per lot and

increase the average day wastewater flow to 17,280 gallons per day or 0.003% of the remaining available capacity.

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

Approval of the proposed change of organization and annexation therein to San Diego County SD would recognize and strengthen existing economic and social ties between the District and the affected territory. These ties were initially established in the 1980’s when the Commission included the affected territory and the surrounding region within San Diego County SD’s sphere of influence and signaled the lands would eventually warrant public wastewater service from the District when appropriate.

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 annexation to San Diego County SD would facilitate the extension of public wastewater services to a County-approved subdivision and development of 36 single-family residences in accordance with present land uses and zoning. Approval would be consistent with the Commission’s adopted policies to sync urbanized uses with urbanized services. The affected territory does not contain “open-space” as defined under LAFCO law and no conflicts exists under Government Code Section 56377. Additional analysis concerning conformance with germane Commission policies follow.

- San Diego LAFCO Policy L-107 requires applicants to disclose and address potential jurisdictional issues associated with their proposals and if applicable requires a consultation process with affected agencies, interested parties, or organizations to help discuss and potentially remedy concerns unless waived by the San Diego LAFCO Executive Officer. No jurisdictional disputes or related concerns were identified or disclosed by the applicant or by affected agencies or interested parties in the review of the proposal with additional details footnoted.⁷

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 contain agricultural lands as defined under LAFCO law. Specifically, the affected territory does not contain lands currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the change of organization proposal and annexation to San Diego County SD

⁷ Although not a formal dispute, it is noted the applicant initially approached Otay Water District to receive both water and wastewater service for their development project given the affected territory lies within the District’s boundary. This initial arrangement was contemplated in the associated CEQA document. However, and after discussions between Otay Water District and San Diego County SD, the agencies agreed to redirect the applicant to seek wastewater from San Diego County SD.

would have no effect on maintaining the physical and economic integrity of agriculture.

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 and conforming with lines of assessment. LAFCO approval would be conditioned on submittal of a final map and description conforming to the referenced standards and addressing any proposal area modifications enacted by the Commission. Approval would not create service islands or corridors.

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

The County of San Diego has approved environmental review for the associated development project with mitigation measures designed to avoid any significant impacts to traffic or circulation. Therefore, the proposed change of organization for annexation to the San Diego County SD does not conflict with *San Diego Forward*, the regional transportation plan adopted by the San Diego Association of Governments.

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

The primary purpose of the proposed change of organization before San Diego LAFCO is to extend wastewater service for a County-approved 36-lot single-family residential subdivision on the affected territory (Tentative Map No. 5343). The planned residential uses are consistent with the County of San Diego General Plan and zoning designations as footnoted.⁸

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

The affected territory lies entirely within the sphere of influence designated for the San Diego County SD. Annexation of the affected territory to San Diego County SD for purpose of establishing public wastewater services going forward is consistent with the adopted land use policies of the County of San Diego. The County is the current and appropriate long-term land use authority and marked by the subject land’s standing exclusion from nearby cities’ spheres of influence as determined by Commission.

⁸ The landowner’s annexation request is intended to facilitate a County-approved subdivision and development of 36 single-family residences on the affected territory (1.3 du/ac). The County General Plan designates the affected territory as Semi-Rural Residential (Sr-0.5) (up to 2.0 dwelling units/one acre) with adopted zoning as Rural Residential (0.5-acre minimum lot size, up to 2.0 du/ac).

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

Notice of the change of organization proposal was distributed to all affected, subject, and interested agencies as required under LAFCO law. No written comments on the proposal were received ahead of preparing this agenda report for distribution on October 22, 2020.

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.

Information collected and reviewed as part of this proposal indicates San Diego County SD has sufficient and available financial resources and administrative controls therein relative to providing public wastewater to the affected territory without adversely impacting existing ratepayers. This statement is supported by the staff analysis of San Diego County SD’s recent audited statements which shows – among other items – the District’s net position remained generally constant over recent years and finished the last audited fiscal year (2018-2019) at \$120.0 million; an amount that represents a change of (3.3%) over the corresponding 36 months. San Diego County SD’s average total margin (i.e. bottom line) over the last three-year period was 2.1% with two of the three years finishing with positive end balances.

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

The affected territory is presently within the Otay Water District’s retail domestic water system with wholesale supplies provided by the San Diego County Water Authority. Approval of the proposed change of organization would not affect the timely availability of water supplies to the affected territory for the proposed residential uses.

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

The proposed change of organization would not impact any local agencies in accommodating their regional housing needs. All potential units tied to the lands are already assigned to the County of San Diego by the region’s council of governments. The annexation to the San Diego County SD would not affect this assignment.

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

The affected territory is considered uninhabited as defined by LAFCO law (containing 11 registered voters or less). The landowner supports the proposed change of organization and has provided written consent to the proceedings as the initiating applicant.

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 the proposed provision of public services would be limited to the planned single-family residences. Approval of the proposed change of organization is not anticipated to affect the promotion of environmental justice.

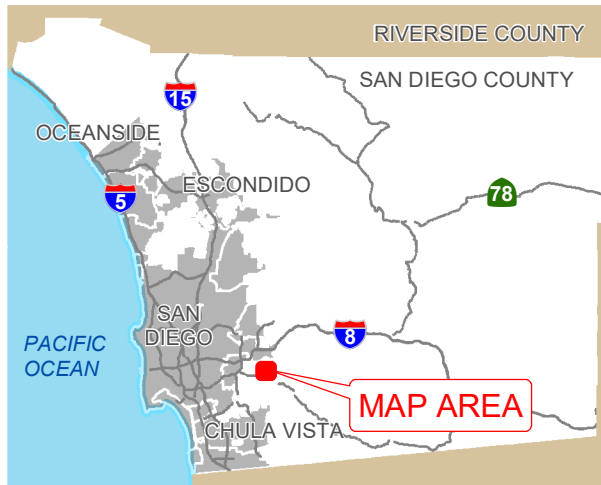
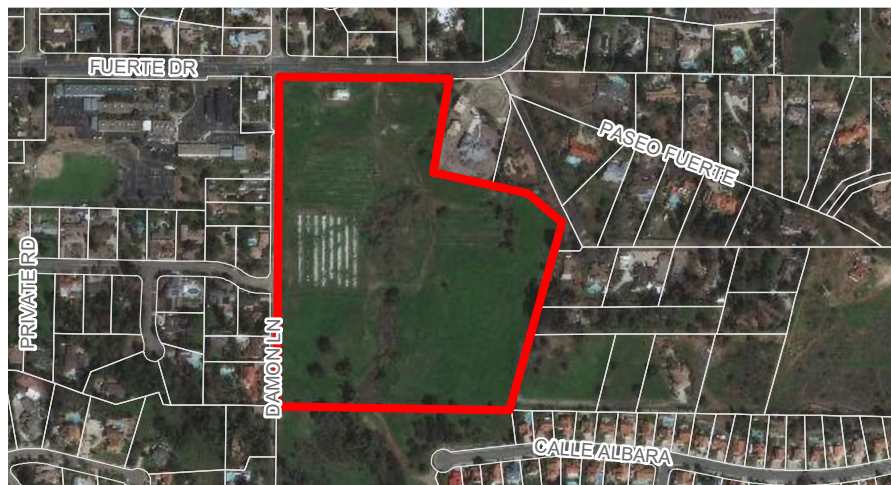
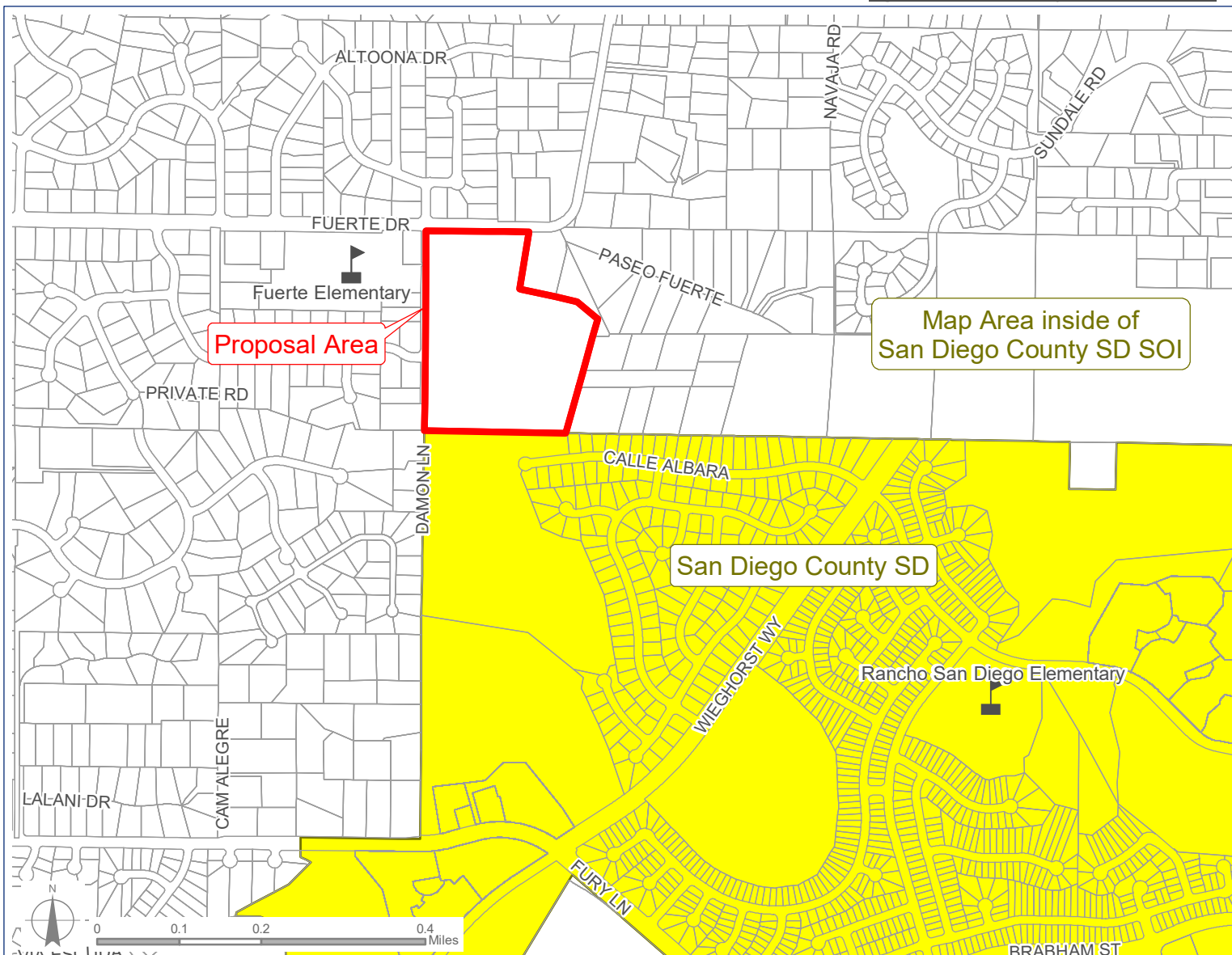
q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information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

The County of San Diego has adopted a multi-jurisdictional hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory lies outside any identified threat designations.

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

Approval of the change of organization would be in the best interest of the current and future landowners and/or residents of the affected territory by providing access to reliable public wastewater service going forward. Approval would also benefit adjacent landowners and/or residents by eliminating the potential operation of one or more private septic systems and the potential therein for failures.

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CO20-08

"FUERTE RANCH ESTATES CHANGE OF ORGANIZATION" | PROPOSED ANNEXATION TO SAN DIEGO COUNTY SANITATION DISTRICT

- Proposal Area
- San Diego County SD

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 CHANGE OF ORGANIZATION

**“FUERTE RANCH ESTATES CHANGE OF ORGANIZATION”
ANNEXATION TO THE SAN DIEGO COUNTY SANITATION DISTRICT
LAFCO FILE NO. CO20-08**

WHEREAS, on May 8, 2020, landowner Shae Homes filed a petition to initiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks approval of a change of organization to annex approximately 27.9 acres of unincorporated territory within the County of San Diego to the San Diego County Sanitation District; and

WHEREAS, the affected territory as proposed includes one undeveloped assessor parcel proposed for development with 36 single-family residences and identified by the County of San Diego Assessor’s Office as 498-153-01; and

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

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on November 2, 2020; and

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

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

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

3. The Commission serves as lead agency for environmental review of the proposed change of organization under the California Environmental Quality Act (CEQA) as detailed in the Executive Officer's report. The Commission's findings follow.
 - a) The Commission finds the proposed change of organization to annex the affected territory as described to the San Diego County Sanitation District qualifies as a project under CEQA but is categorically exempt from further environmental review under State CEQA Guidelines Section 15320. This exemption appropriately applies because the change of organization will not change the geographical area in which previously existing wastewater powers are authorized and exercised.
4. The Commission APPROVES the change of organization without modifications and subject to conditions as provided. Approval involves all of the follow:
 - a) Annexation of the affected territory to the San Diego County Sanitation District is shown in "Exhibit A-1" and described in "Exhibit A-2."
5. The Commission CONDITIONS all approvals on the following terms being satisfied by November 2, 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 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 Exemption consistent with the findings in the resolution.
 - A check made payable to the State Board of Equalization for processing fees in the amount of \$1,200.00.
6. The Commission assigns the proposal the following short-term designation:

"Fuerte Ranch Estates Change of Organization"
7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.

8. The Commission waives conducting authority proceedings under Government Code Section 56662.
9. The San Diego County Sanitation District is a registered-voter district.
10. The San Diego County Sanitation District utilizes the County of San Diego assessment roll.
11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the San Diego County Sanitation District as provided under Government Section 57328.
12. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.
13. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.
14. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Sections 56880-56882 of the Government Code.
15. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code.

**

PASSED AND ADOPTED by the Commission on November 2, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

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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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PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

Part I: NOTICE OF INTENT TO CIRCULATE PETITION

Proponents are required to file a NOTICE OF INTENT TO CIRCULATE PETITION with the Executive Officer of the San Diego Local Agency Formation Commission before a petition to initiate a change of organization or reorganization can be circulated (Govt. Code § 56700.4).

1. Notice is hereby given to circulate a petition proposing to: Annex into the Spring Valley Sanitation District

2. The reason(s) for the proposal are: Otay Water District has declined to provide sewer service to our property as was anticipated

with the tentative map. An annexation into OWD sewer would not be approved.

Sarah Morrell	
Proponent's Name (print)	Signature of proponent or representative
9990 Mesa Rim Road Suite 200	San Diego, CA 92121
Proponent's Address	City, State, Zip

Pursuant to Section 56700.4 of the California Government Code, this NOTICE OF INTENT TO CIRCULATE PETITION was filed with me on _____

Date

Executive Officer (Print and Sign)

PART II: DISCLOSURE REQUIREMENTS

The Political Reform Act prohibits a person appointed to the Local Agency Formation Commission from soliciting or accepting campaign contributions of more than \$250 within the preceding 12 months from parties, participants, or their agents while a proceeding is pending before LAFCO and for three months following the decision. LAFCO commissioners who receive such contributions are required to disqualify themselves from participating in the proceedings. Both commissioners and contributors who are parties to the proceeding are required to disclose the contributions received or made. Names of current LAFCO commissioners and LAFCO disclosure forms are available at [HTTP://WWW.SDLAFCO.ORG](http://www.sdlafco.org) or by calling 858/614-7755.

Pursuant to Government Code Section 56700.1, any person or combination of persons who, for political purposes, directly or indirectly contributes \$1,000 or more, or expend \$1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report to the Commission to the same extent and subject to the same requirements of the Political Reform Act (Title 9 [commencing with Section 81000]) as provided for local initiative measures.

Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 et seq.). Applicable reports must be submitted to the Secretary of State and the appropriate city or county clerk. Copies of the reports must also be filed with the Executive Officer of San Diego LAFCO.

Part III: PETITION FOR CHANGE OF ORGANIZATION OR REORGANIZATION

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

(a) The specific change(s) of organization proposed is/are: Annex into the Spring Valley Sanitation District.

(b) The boundary of the territory included in the proposal is as described in the attached legal description and map and is by this reference incorporated herein.

(c) The proposed action(s) will be subject to the following terms and conditions: Spring Valley Sanitation will provide sewer services to the Fuerte Ranch Estates community by Shea Homes.

(d) The reason(s) for the proposal is/are: Otay Water District refuses to provide sewer services to the project/community Fuerte Ranch Estates.

(e) Signers of this petition have signed as (select one): [x] landowner; [] registered voter.

(f) The name(s) and mailing address(s) of the chief petitioner(s) (not to exceed three) is/are:

1. Sarah Morrell 9990 Mesa Rim Road Suite 200, San Diego, CA 92121
Name of chief proponent (print) mailing address

2.
Name of chief proponent (print) mailing address

3.
Name of chief proponent (print) mailing address

(g) It is requested that proceedings for this proposal be taken in accordance with Section 56000 et seq. of the Government Code.

(h) This proposed change of organization (select one) [x] is [] is not consistent with the sphere-of-influence of any affected city or district.

(i) The territory included in the proposal is (select one) [] inhabited (12 or more registered voters) [x] uninhabited (11 or less registered voters).

(j) If the formation of a new district(s) is included in the proposal:
1. The principal act under which said district(s) is/are proposed to be formed is/are: Provide Sewer
2. The proposed name(s) of the new district(s) is/are: Spring Valley Sanitation District

3. The boundary(ies) of the proposed new district(s) is/are described in the attached legal description and map and are by this reference incorporated herein.

(k) If an incorporation is included in the proposal:
1. The name of the proposed city is: N/A
2. Provisions are requested for appointment of: [] city manager [] city clerk [] city treasurer

(l) If the proposal includes a consolidation of special districts, the proposed name of the consolidated district is: N/A

Part IVb: LANDOWNER PETITION

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

Each of the undersigned states:

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

Name of Signer	Assessor's Parcel Number(s)	Date Signed	Official Use
Sign <u><i>Sarah Morrell</i></u> Print Sarah Morrell	498-153-01	5/8/2020	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

Blank for Photocopying