



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

**5d**

**AGENDA REPORT**  
 Consent | Action

November 1, 2021

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer  
 Priscilla Allen, Analyst I

**SUBJECT:** **Ratification of an Administrative Approval |  
 “Felicitia Road Outside-of-Agency Service Agreement” -  
 City of Escondido (OAS21-08)**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider ratification of an administrative approval by the Executive Officer for an outside-of-agency wastewater service agreement involving the City of Escondido. The agreement authorizes Escondido to provide wastewater service to an unincorporated single-family residence at 2509 Felicitia Road and was approved by the Executive Officer to abate a public safety threat due to a failing septic system. The affected territory lies entirely within the sphere of influence. The Executive Officer’s approval is limited to existing uses and termed on the applicant submitting a complete annexation proposal; it also expires in one calendar year unless a time extension is authorized. It is recommended the Commission ratify the administrative approval.

**BACKGROUND**

**Outside Service Contracts |  
 Statute and Policy Provisions**

Government Code Section 56133 prohibits cities or special districts from providing new or extended services by contracts outside of their jurisdictional boundaries without prior LAFCO review and approval less certain and limited exemptions. In addition, cities or districts may only provide services by contract outside of their boundaries and within their spheres of

<b>Administration</b> Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego California 92103 T 619.321.3380 www.sdlafco.org	<b>Vice Chair Jim Desmond</b> County of San Diego	<b>Mary Casillas Salas</b> City of Chula Vista	<b>Chris Cate</b> City of San Diego	<b>Jo MacKenzie</b> Vista Irrigation	<b>Chair Andy Vanderlaan</b> General Public
	<b>Nora Vargas</b> County of San Diego	<b>Paul McNamara</b> City of Escondido	<b>Marni von Wilpert, Alt.</b> City of San Diego	<b>Barry Willis</b> Alpine Fire Protection	<b>Harry Mathis, Alt.</b> General Public
	<b>Joel Anderson, Alt.</b> County of San Diego	<b>Kristi Becker, Alt.</b> City of Solana Beach		<b>David A. Drake, Alt.</b> Rincon del Diablo	

influence in anticipation of later annexations. If the affected territory lies outside the subject agencies’ spheres, outside-of-agency services may only be extended in response to documented threats to public health and/or safety as determined by LAFCO.

San Diego LAFCO’s adopted policies authorize the Executive Officer to approve outside-of-agency services in response to documented health, safety, or welfare impacts.<sup>1</sup> These policies also delegate discretion to the Executive Officer in determining whether public health, safety, or welfare threats exists on a case-by-case basis. The Executive Officer is required under policy to inform the Commission of all administrative approvals at the next available meeting.

### Applicant Request and Administrative Approval

San Diego LAFCO received a request from an interested landowner (Benjamin Elliott) in September 2021 for approval to enter into an outside wastewater service contract with the City of Escondido involving an approximate 0.3-acre unincorporated parcel. The subject parcel is developed with a 2,741 square-foot single-family residence, which was built in 1967 with a situs of 2509 Felicita Road (APN 238-360-21). The subject parcel lies immediately adjacent to the existing Escondido boundary and entirely within the City’s sphere of influence. The request is premised on the residence’s existing septic system – which was reportedly repaired with supplemental treatment in 2017 – not performing as expected and no longer functioning.

Upon receipt of the landowner’s request, LAFCO staff coordinated with the City of Escondido and County of San Diego to verify the need and availability of public wastewater service for the affected territory. This included confirmation from the County Environmental Health Department attesting to an existing threat to public safety and recommending connection to a public wastewater system. The Executive Officer proceeded to issue a conditional administrative approval on September 30, 2021, which is provided as Attachment Two.

### DISCUSSION

This item is for San Diego LAFCO to ratify the earlier administrative approval by the Executive Officer involving an outside wastewater service agreement allowing City of Escondido to extend wastewater service to the subject parcel at 2509 Felicita Road. The item also provides the Commission the opportunity to offer related direction in processing these types of requests proceeding forward consistent with membership preferences.

### ANALYSIS

San Diego LAFCO’s administrative approval allowing the City of Escondido to contractually extend wastewater service beyond its jurisdictional boundary to the subject parcel at 2509 Felicita Road conforms to statute and Commission policies. This includes allowing a temporary extension of service to directly abate an existing public health threat as attested by County Health while also providing a clear path towards annexation as the appropriate long-term solution in memorializing Escondido’s service area. Administrative approval has

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<sup>1</sup> Reference to Rule No. 1.8.

been conditioned on limiting wastewater service to only the existing residence; no additional development can be accommodated. Ratification serves to formalize the approval under statute and clarifies the Commission's interest in the Executive Officer administratively processing future requests similarly.

## RECOMMENDATION

It is recommended San Diego LAFCO formally ratify the Executive Officer's administrative approval authorizing the City of Escondido to extend public wastewater service to the subject parcel at 2509 Felicita Road in Escondido. This recommendation is consistent with Alternative One outlined below.

## ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished through a single-approved motion.

Alternative One (recommended):

Ratify approval of the outside-of-agency wastewater service agreement between City of Escondido and the applicants issued by the Executive Officer on September 30, 2021 and the associated terms as provided in Attachment Two.

Alternative Two:

Continue item to a future meeting.

## 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,



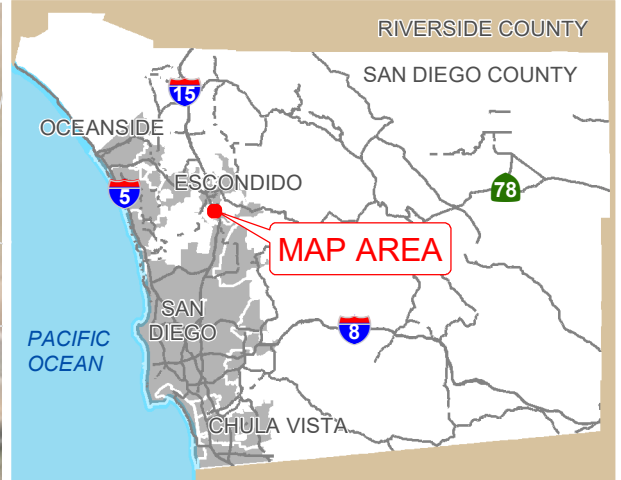
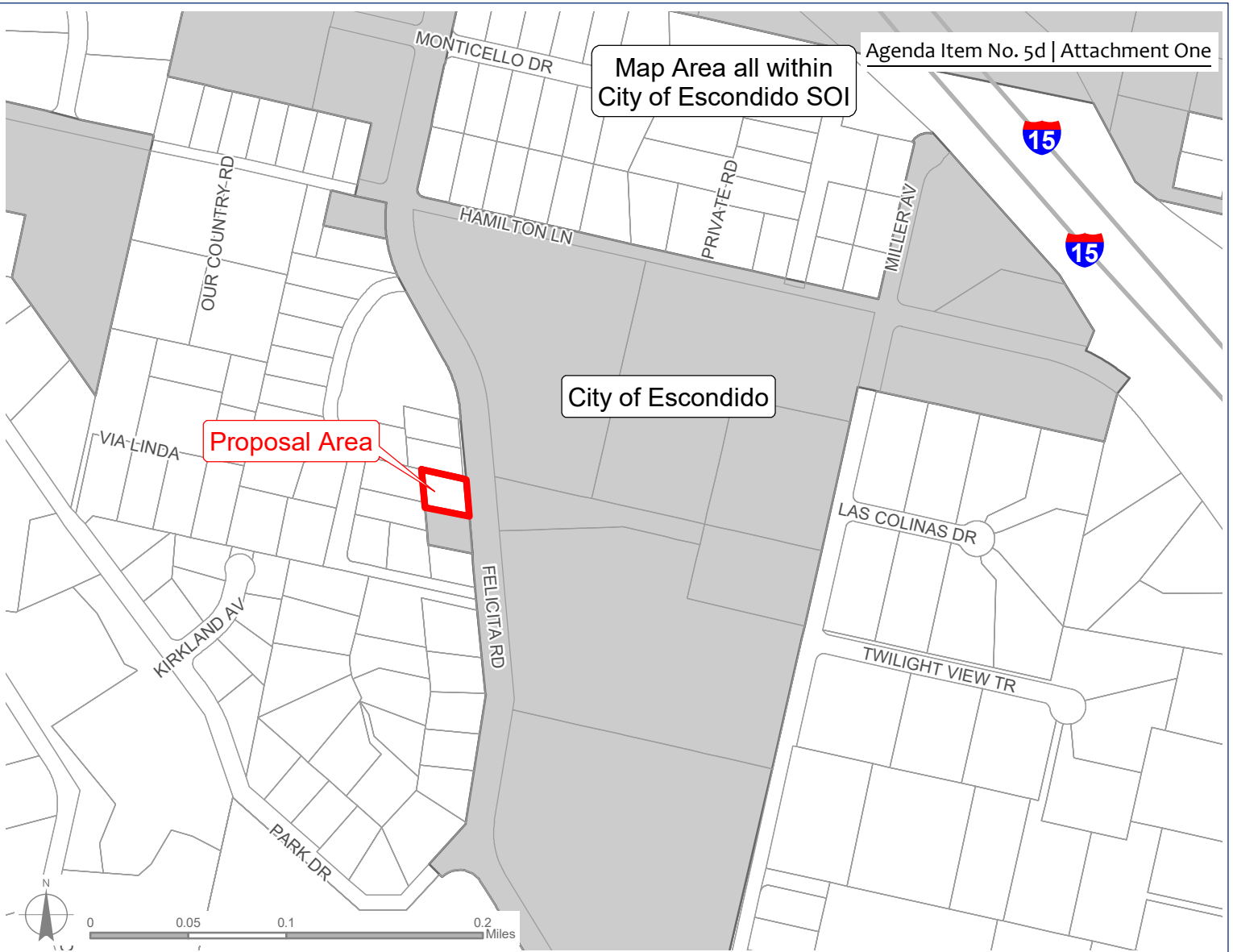
Priscilla Allen  
Analyst I

Attachments:



- 1) Map of the Affected Territory
- 2) Certificate of Administrative Approval
- 3) Related Request Documents

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Map Area all within City of Escondido SOI



**CONTRACTUAL WASTEWATER SERVICE AGREEMENT FOR  
OAS21-08 THE CITY OF ESCONDIDO TO SERVE 2509 FELICITA ROAD  
(APN 238-360-21)**

-  Proposal Area
-  City of Escondido

SOI = Sphere of Influence



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

September 30, 2021

Delivered Electronically:

Mr. Benjamin Elliott
2509 Felicita Road
Escondido California 92029
bencelliott@gmail.com

SUBJECT: Notice of Conditional Approval:
Contractual Wastewater Service Agreement for the City of Escondido to
Serve 2509 Felicita Road (Assessor Parcel Number 238-360-21)

Mr. Elliott:

This letter serves as formal notice of San Diego County Local Agency Formation Commission (LAFCO)'s conditional approval for the City of Escondido to establish contract wastewater service for your property located at 2509 Felicita Road. This conditional approval is authorized under my powers pursuant to Government Code Section 56133 and adopted LAFCO policy and substantiated based on a review of written documentation showing the existing septic system has failed and poses a threat to public health. The conditional approval extends one calendar year unless extended and follows a written recommendation from the County of San Diego Department of Environmental Health and Quality to immediately transition the property to public wastewater should it be available.

The conditional approval is limited to authorizing the City of Escondido to enter into an outside wastewater service agreement for only the existing residential dwelling unit comprising the affected territory. All approval conditions follow.

- 1. Receipt by San Diego LAFCO of a completed contractual service agreement form along with an application filing fee in the amount of \$480.38. This amount reflects a 75% fee reduction given documentation of a public health threat. The form is available online.

Table with 6 columns: Administration (Keene Simonds), Vice Chair Jim Desmond (County of San Diego), Mary Casillas Salas (City of Chula Vista), Chris Cate (City of San Diego), Jo MacKenzie (Vista Irrigation), Chair Andy Vanderlaan (General Public), Nora Vargas (County of San Diego), Paul McNamara (City of Escondido), Marni von Wilpert, Alt. (City of San Diego), Barry Willis (Alpine Fire Protection), Harry Mathis, Alt. (General Public), Joel Anderson, Alt. (County of San Diego), Kristi Becker, Alt. (City of Solana Beach), David A. Drake, Alt. (Rincon del Diablo)

2. Receipt by San Diego LAFCO of a landowner-petition application to annex the affected territory to the City of Escondido along with a filing fee in the amount of \$2,612.06. This amount includes a related boundary action involving County Service Area No. 135 and reflects a 75% fee reduction given documentation of a public health threat. The form is available online.
3. Receipt by San Diego LAFCO of a signed contractual wastewater service agreement between you as the landowner for the affected territory and the City of Escondido. The agreement must specify service is limited to the existing one dwelling unit.

Given the underlying urgency, I agree to waive the requirement of a map and geographic description of the affected territory being submitted to LAFCO in conjunction with the other terms listed above. These documents, nonetheless, will be required to be submitted before an annexation proposal is presented for consideration by the Commission within the referenced one-year time frame.

Separate written confirmation of the completion of all conditions tied to this approval will be provided as appropriate and serve as official notice of your legal allowance to proceed with the contractual service with the City of Escondido.

Should you have any questions in the interim, please contact LAFCO Analyst Priscilla Allen by telephone or email at [priscilla.allen@sdcounty.ca.gov](mailto:priscilla.allen@sdcounty.ca.gov).

On behalf of the Executive Officer,



Priscilla Allen,  
Analyst I

cc: Angela Morrow, City of Escondido  
Paul Bingham, City of Escondido  
Craig Caes, County of San Diego – DEH  
Keene Simonds, San Diego LAFCO



## CONTRACTUAL SERVICE AGREEMENT APPLICATION FORM

*In addition to the materials required for any change(s) of organization, submit the following items:*

1. One copy of either an approved Resolution of the City Council/District Board of Directors or a letter from the City Manager/District General Manager requesting approval for a contractual service agreement.
2. One copy of the contract or agreement stipulating the terms and conditions of extending service to the property signed by the property owner(s) and the agency that is to provide the service.
3. LAFCO processing fee. Contact the LAFCO office or refer to fee schedule.

Print/Type Name: Benjamin Elliott

Property Address: 2509 Felicita Rd. Escondido, CA 92029

Phone #: 949-633-0560 Date: Sept. 9, 2021

This application is used by LAFCO staff to provide supplemental information for contractual service agreement requests.

1. What type or types of public service(s) will be provided? Waste Water
2. Why is the service needed? If the service agreement is in response to an emergency health and safety situation, such as a failed septic system, provide information documenting the circumstances (e.g., letter from the County Department of Environmental Health).
3. If a jurisdictional change, such as annexation, is not possible at this time, explain the circumstances that prevent annexation and when the jurisdictional change is anticipated. \_\_\_\_\_
4. Are there any jurisdictional issues associated with the  YES  NO proposed contractual service agreement?  
(If yes, please complete the LAFCO [Policy L-107 form](#))

**San Diego Local Agency Formation Commission**  
**9335 Hazard Way, Suite 200**  
**San Diego, CA 92123**  
**(858) 614-7755**



# County of San Diego

**AMY HARBERT**  
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY  
LAND AND WATER QUALITY DIVISION  
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**REBECCA LAFRENIERE, REHS**  
DIRECTOR OF ENVIRONMENTAL HEALTH

April 26, 2021  
Paul Bingham  
Assistant Planner II  
City of Escondido

RE: Public Sewer Connection Urgency

Site Address: 2509 Felicita Rd, Escondido; APN: 238-360-21

Dear Paul Bingham,

The Department of Environmental Health and Quality (DEHQ) received notification from licensed septic contractor, Wayne Officer, of Septic Solutions and licensed PE, Kevin Bresnahan that the onsite wastewater treatment system (OWTS) serving the existing residence at the address referenced above has failed and is in urgent need of replacement.

A repair OWTS with supplemental treatment was installed in 2017, however the system has not performed as expected and is now experiencing failure. All strategies for operation and maintenance have been exhausted without effect and there is no available area remaining on the property that is suitable for a replacement OWTS. The parcel borders the City of Escondido and if a public sewer connection is available, DEHQ requests that connection to the public sewer be completed as soon as possible to remove the potential risk to public health due to the failing OWTS.

If there are any questions, I can be reached at (858) 694-2551 or [craig.caes@sdcounty.ca.gov](mailto:craig.caes@sdcounty.ca.gov)

Sincerely

*Craig Caes*

Craig Caes  
Supervising Environmental Health Specialist  
Land and Water Quality Division  
Department of Environmental Health  
P.O. Box 129261, San Diego, CA 92112-9261  
(858) 694-2551

C: Kevin Bresnahan, PE  
[KBFallbrook@gmail.com](mailto:KBFallbrook@gmail.com)